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## **2013 ANU RECONCILIATION LECTURE**

### **THE ROAD TO RECONCILIATION: SOME REFLECTIONS ON THE POLITICS AND CHALLENGES OF RECONCILIATION**

**25 November 2013**

**National Film and Sound Archives Canberra**

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#### **Acknowledgements...**

I acknowledge the traditional owners, the Ngambri and Ngunnawal people....

I feel honoured to have been invited back for a second time by the National Centre for Indigenous Studies and ANU to deliver the 10th Anniversary ANU Reconciliation Lecture. I also acknowledge Reconciliation Australia and the National Film and Sound Archives for their support of this event.

Vice Chancellor Professor Ian Young, Professor Stephen Bottomley, Mr Michael Loebenstein, Your Excellencies, Ladies and Gentlemen....

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The road to reconciliation in Australia has been a long, slow and incremental one. It is often bumpy and difficult to navigate. Sometimes we lose our way or get off track and encounter things that challenge our commitment. At one point I think I even described it like being bogged in a sandy spot, and having to engage four wheel drive.

As most are aware, we began the official journey - the formal decade of Reconciliation – in 1991 when the Keating Government legislated to create the Council for Aboriginal Reconciliation.

Our challenge was to ensure the recognition of Indigenous rights, while also encouraging a commitment to overcoming chronic disadvantage through improving health, education and economic conditions for Indigenous people. This was to be done in collaboration with the then peak Indigenous representative body, the Aboriginal and Torres Strait Islander Commission (ATSIC).

The Council was established in part as a means to find agreement on the merits of a document or documents of reconciliation – an objective that grew out of an inability to resolve the issue of Treaty.

At that time, there existed no culture of agreement making with Aboriginal peoples. Relations between Aboriginal people and the government were at an all time low following the failure of national land rights legislation, and then treaty to come to fruition.

Public opposition to the idea of Treaty had been quite vehement at the time. This was more than mere ambivalence, but something deeper – something akin to a pathological indisposition or inability to want to acknowledge the sovereign rights of Indigenous people.

Not so surprisingly some Indigenous people regarded reconciliation with a high degree of skepticism, if not outright suspicion.

On the other side, we had Australians who had never met an Indigenous person and simply were not interested in doing so. They were quite content to remain ensconced in the relative comfort of suburbia, oblivious to both our presence and our plight.

But there were many more Australians, both Aboriginal and non-Aboriginal, who were prepared to open their hearts and minds and engage in the process. It was those people who walked across the

Sydney Harbour Bridge in there tens of thousands nine years later in support of reconciliation.

From the very beginning the Council of Aboriginal Reconciliation recognised that it could not achieve reconciliation alone. The momentum and support for reconciliation had to be built.

Mutual respect, tolerance and understanding had to be generated. Cross cultural awareness had to be raised, entrenched attitudes on both sides had to be shifted and bridges across the divide somehow had to be built. Not everyone embarked upon that journey willingly.

Many great Australians were involved with the work of the Council, they are too many to name. But I do want to acknowledge and pay respect to the work of Dr Evelyn Scott as Chair during the latter term of the Council. Evelyn took on the role at a time when the political winds were blowing against the hope of any meaningful reconciliation.

Over the ten years of the Council, council members worked hard to create partnerships and lay the foundation for change. We worked with the mining and pastoral industries, the media and local governments, as well as with schools and community groups. Local reconciliation action groups and study circles were established, and numerous meetings across the country were held.

The work commenced by the Council has been continued on by Reconciliation Australia, and by state reconciliation committees all around Australia and by NGOs like ANTaR. Reconciliation Australia has done much to engage with the corporate sector and to promote the implementation of reconciliation action plans. The spirit of reconciliation - of relationships based on respect and equality - is reflected in the work of the people's movement – a movement driven by the commitment and dedication of everyday people to a fair and just Australia.

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While the goodwill of everyday Australians is a testament to how far we have travelled as a nation on the road to reconciliation; our governments have struggled to find a political resolution to the unfinished business of reconciliation.

Unfinished business includes those 'unresolved reconciliation issues' identified in the Documents of Reconciliation prepared by the Council at the end of its term. Amongst other things, it included issues such as:

- Constitutional and legislative reform
- Commitment to establish a process to negotiate a Treaty
- Apology and compensation for the Stolen Generations
- A national framework, with set benchmarks to address disadvantage
- Self determination and political participation
- Social justice
- Land, Culture & Heritage issues

Australian Governments have generally not performed well in advancing reconciliation. While there was general bipartisan support for the Council of Aboriginal reconciliation's agenda in its first term, there was a discernible shift in rhetoric and policy following the election of the Howard Coalition Government in 1996.

Prime Minister Howard signalled early on that he would adopt a more constrained approach to Indigenous Affairs, including reconciliation. This was illustrated by the Coalition Government's approach to the Wik Judgment in 1996, the Bringing Them Home Report and its rejection of the Social Justice Package proposed by the previous Labor Government in response to the Mabo No. 2 Case.

The Howard Coalition Government subsequently ignored the Council's recommendations for a legislative framework to address the unfinished business of reconciliation, choosing instead to focus on addressing Aboriginal disadvantage through practical service delivery measures in areas like Aboriginal health, housing, education and employment.

Addressing disadvantage still remains one of the major on-going challenges of reconciliation, and Indigenous Affairs policy more specifically. Indigenous disadvantage is complex, in the main because it is multi faceted, historical and inter-generational in nature. There are multiple factors associated with the causes of Indigenous disadvantage, many of which interact with each other.

Closing the Gap targets have since been identified to focus effort on improving outcomes in certain areas. Progress has been slow, but there have been some improvements, particularly in the area of Indigenous health. It is important to acknowledge the gains that have been made to date because it is these successes we should learn from and build upon.

It remains though for much more to be done. Certainly, we must all ask whether what we are doing is effective when we have a system that has seen youth suicide increase and incarceration rates of Indigenous people double over the past 20 years.

Two decades ago Indigenous suicide occurred at the same rate for all Australians, but today the incidence of suicide and self harm amongst young Indigenous people, particularly girls, has reached tragic proportions in some areas.<sup>1</sup>

Indigenous people now comprise approximately 26% of the national prisoner population.<sup>2</sup> Given that we make-up only 2.5% of the national population, that arguably makes Indigenous

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<sup>1</sup> HREOC, *Aboriginal Social Justice Report 2012*, p. 148.

<sup>2</sup> Australian Bureau of Statistics, *4517.0 - Prisoners in Australia, 2011*.

Australians one of the most jailed people in the world. Some have likened this to a mass incarceration of a people.

Over the past decade, we saw the dismantling of ATSIC, the mainstreaming of Indigenous Affairs and the staging of the Northern Territory Intervention. All have been disempowering in their effect, and assimilationist in their intent. Rather than partnership and dialogue we have ended up with a 'coercive reconciliation', framed not by consultation and respect for the dignity of Aboriginal people, but by punitive paternalism.

The Northern Territory Emergency Response remains a blight on reconciliation – initiated by Liberal Government and continued by a Labor one. The Intervention must and should be wound back in favour of an agreed approach that is based on the free, prior and informed consent of the affected Aboriginal communities.

If governments are seriously interested in dealing with the crisis that allegedly exists in Aboriginal communities, then surely the better method should be to support and partner with Aboriginal communities in the Northern Territory to find meaningful, long term solutions to the problems they face.

We urgently need a new approach that can accommodate the idea of free, prior and informed consent. But in the absence of genuine dialogue around such matters we tend to get iterations of the same policy – more assimilation masquerading under different slogans like Stronger Futures and Close the Gaps.

Under the prevailing assimilationist framework, social, cultural and economic benchmarks that are determined by Aboriginal people themselves are rarely, if ever, contemplated by Governments. In the process Indigenous concepts of well-being, which includes the health of our Aboriginal languages, cultures, knowledge systems and spirituality (our liyan), tend to get overlooked. Such an approach not only fails to recognise and build on the strengths and resilience of Aboriginal people, but it completely ignores how

Indigenous knowledge systems can enable us to navigate our own paths through modernity.

There is little doubt that welfare dependency is a problem, particularly in communities where there are limited employment opportunities. But any debate on welfare reform, job creation and commercial development concerning Indigenous people must be situated within a frame-work of self determination that engages local Indigenous people in finding sustainable solutions to these issues.

The new architects of Indigenous policy must provide the space for Indigenous people to set their own agenda for development. Lest we forget, economic independence has always been a central component of the Indigenous struggle for land rights and decolonisation. This is why the capacity for Indigenous people to negotiate with governments and resource developers over the use of their lands has been so critical to self-determination.

Unfortunately we have seen the systematic dismantling of self-determination as a framework of policy of the past years. As Sol Bellear noted recently, self-determination appears to have become a dirty word in this country. It seems we can have a right to take individual responsibility, but not a collective right to self-determination. Yet research tells us that self-determination is a key factor in ameliorating poverty and in building long-term prosperity and well-being.

The Harvard Project on American Indian Economic Development, for example, has shown that the Native American communities most successful in addressing poverty over the long term are those that have focused on nation-building that involves building good governance and finding the right cultural match in the design of their institutions. At the core of this is self-determination.

While we can and should demand that governments do better than they have in the past, as Indigenous people we must also look to

what we ourselves can do to make the future a better place. Those communities that have made the most progress are those with strong leadership at the local level. Increasingly women have been at the forefront of leadership in the community, and they should be applauded and supported in the work that they do. But there is also a need for our young people to become more involved in driving change. It is crucial for a diversity of voices to be heard, and for the next generation of Indigenous leaders to engage in the debate about the direction of Indigenous Affairs in this country.

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Reconciliation cannot be taken for granted. It is not a feel-good word that can be bandied around lightly, or be co-opted to obscure the need for restorative justice.

Too frequently the word reconciliation is used to gloss over the sense of alienation, marginalisation and anger that many Aboriginal people still feel about the unjust way that Australia was settled.

One of the great challenges of reconciliation is that we seem unable to co-author a shared narrative of a modern Australian nation-state – one that justly recognises the co-existence of Aboriginal people as sovereign peoples of this land.

There appears to be no political will to deal with the question of sovereignty and Treaty, which have been raised by Indigenous advocates for many years. The Courts have made it clear they cannot deal with the question of sovereignty, but this does not mean that we cannot negotiate politically to resolve these matters or enter into treaties with Indigenous people. The only impediment here is the lack of political will to do so.

Five years ago we did have a major act of reconciliation occur. I refer to the national apology delivered by Prime Minister Rudd in

February 2008. The apology was historic and restorative, illustrating the potential for symbolism to be cathartic in its effect. Compensation however has not been forthcoming, even though it was a recommendation of the Bringing Them Home Report.

When Prime Minister Rudd made his apology to members of the Stolen Generation, he also put constitutional reform back on the agenda. This issue was not pursued further until Prime Minister Gillard announced the establishment of an Expert Panel to inquire into options for the Constitutional Recognition of Indigenous Australians. The Panel handed its report to Prime Minister Gillard in January 2012.

I am not going to discuss in detail the Expert Panel's recommendations, suffice to say that the Panel has highlighted the need for race to be eliminated from the Constitution as a basis for recognising Aboriginal and Torres Strait Islanders, and as a basis for law making in this country more generally.

There is multi-partisan support for recognition, as we saw earlier this year with the passing of the Act of Recognition in both Houses of the Commonwealth Parliament. We are now awaiting the question that will be put to the voters. This is a matter for the parliament; however, the final proposition should be referred back for consultation with Indigenous people.

It was made apparent in the submissions and consultations conducted by the Expert Panel that Indigenous people would not be satisfied with token recognition. Recognition of Indigenous people in the Constitution has to be substantive, meaningful and commensurate with our unique identity as the First Peoples of Australia.

Recognition of Indigenous people in our Constitution will be a major test for reconciliation in this country. A successful referendum will require a double majority, which means a Yes vote

from the majority of all national electors, and a Yes majority in at least four out of the six states. This is a very high bar.

The magnitude of the challenge is apparent. However, we cannot diminish the prospect for reconciliation by accepting less of a proposition. For constitutional recognition to be an act of true reconciliation it will require the best in all of us, not the least.

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The past is not going to be forgotten or forgiven. Its reconciliation will come when governments stop trying to make us the same as everyone else. When they desist from constantly demanding we conform to every facet of mainstream society that wants to break down or deny who we are, especially with regards to our unique relationship to our land and community.

There has to be acceptance that we are a collection of diverse peoples with our own uniqueness and we are entitled to be as such. This is what has been taken from us, along with our lands, our spirituality and unique societal framework. These matters have never been acknowledged or honestly faced up to so that justice might result.

Whatever differences we have between us as societies we need today to find the collective courage to negotiate our way through them, to mutually agreed outcomes. True justice may never be arrived at, but what we may achieve might give us peace and mutual respect.

After more than 200 years, we Aboriginal people are due at least that respect and courtesy. It does not seem much to ask.

If such a path could be conceived and embarked upon, out of it much good could come. And a better nation we would be for having found the courage.

We might then perhaps be closer to arriving at our destination of being a reconciled nation.

I hope that we are up to the challenge.

Thank you

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