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To:  
Professor Mick Dodson, AM  
Director, National Centre for Indigenous Studies  
ANU College of Law

Re: **Report on my term at NCIS as visiting scholar**

From 15 October until 07 December, 2007 I had the honour and privilege to be accommodated as a visiting scholar at the NCIS. This is my report to you on the scholarly activities which I performed while at NCIS.

My initial interest in the NCIS was generated when I noticed the objectives of the Centre, particularly 'to be recognised as a leading academic institute for inter-disciplinary research in fields of relevance to Indigenous Australians.' I have been involved in interdisciplinary academic work relating to the interests and rights of indigenous peoples for more than a quarter of a century. My interest has focused not only on the domestic situation in Canada, but also on international and comparative perspectives. Thus, it seemed possible that I may be able to participate in furthering the goals of the Centre as a visiting scholar, and as an indigenous person.

A second attraction for me in the mandate and structures of the NCIS was its close relationship with the College of Law at ANU and also with the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS). I had in previous years had the privilege of meeting some of the present staff of the AIATSIS and knew about the quality and relevance of their work to the promotion of the interests and rights of indigenous peoples.

It was therefore with tremendous gratitude and anticipation that I accepted your invitation to visit the NCIS under its visiting fellow programme. I participated in two primary projects to fulfil my responsibilities while at the NCIS. After describing these projects, I will then describe the other activities in which I became engaged, in so far as these also seem to fall within the objectives of the Centre.

The first activity was to participate in a national conference organised by AIATSIS and held on the ANU campus from 05-08 November. I gave a keynote address on the morning of 08 November. In it I tried to convey a sense of the concept of 'merged

sovereignties' which had been developed by the Royal Commission on Aboriginal Peoples (1996) in its analysis and recommendations on the domestic right of Aboriginal self-government in Canada. The purpose of explaining this concept was to generate reflection on the possibility of that concept to inform positive legal and political developments in Australia relating to the interests and rights of indigenous peoples. The address also gave me an opportunity to comment briefly on the processes of reconciliation between indigenous peoples and others in Canada and in Australia. The address seemed to be well-received and it was mentioned in a public release of AIATSIS and also in an issue of the *Indigenous Times*. The subject of my address was subsequently developed in a 37 page or 12,000 word paper that I have written while at NCIS, and which is appended to this report. I understand that the paper will be considered for publication by AIATSIS. I can state that the research and reflection that I engaged in to write this paper has raised a number of questions that I plan to address in another paper on the same topic. This next paper I expect to publish in a Canadian scholarly journal.

The second primary activity was a staff seminar that I delivered in the ANU College of Law seminar series on Wednesday 28 November. In this presentation I outlined what I view as the key elements that can generate a significant shift in domestic policy relating to the interests and rights of indigenous peoples. My presentation was based upon my experiences in the field, some of which are described earlier in the report. My comments reflect my observation that the development of just and necessary Aboriginal policies by central governments in countries such as Canada and Australia is a tremendously challenging issue. The contents of the seminar presentation included some of the ideas and observations that have been generated by my reflection on these issues for some time and which I plan to make the subject of journal articles in the future. I append my seminar notes to this report.

While visiting NCIS I was impressed by the wide range of initiatives that the Centre was generating and in which it was participating. The NCIS has a unique role which is carried out in a unique way that is invaluable to Australia, to ANU, and particularly to the Indigenous community. It is evident that much of this activity is due to your own official participation in the work of several co-operating institutions, and that is an invaluable asset to the work of the Centre. At the end of the day, worthwhile things happen because people make them happen. An example of this 'cross-fertilization' of institutional functions was the showing of the documentary film "Liyarn Ngarn" at the National Film and Sound Archives at ANU campus on 27 October. This event was co-sponsored by NCIS and

the Lingiari Foundation. This is an exceptionally powerful documentary that ought to play a significant role in promoting dialogue on reconciliation in Australia. I plan to test the possibility of finding the technology to show this documentary to the University of Saskatchewan community. I must not fail to mention the added privilege of meeting Patrick Dodson at a luncheon sponsored by the Centre during his visit with the Lingiari Foundation documentary showing.

I turn now to comment on further scholarly activities that I undertook during my term here as visiting fellow. I was able to get access to published literature to which I had not had access in Canada, and that met my objective of learning more about the immediate circumstances in which law and policy relating to indigenous peoples operate in Australia. In this regard I mention the great assistance rendered to me by the work of the NCIS which effects daily distributions of current events covered by domestic and international news commentary, and which includes copies of speeches, editorial opinions and other materials.

I thank the staff at the ANU law library for their very gracious and generous assistance in teaching me the mysteries of the Australian legal search engines and sources.

The most pleasant aspect of my term's activities was, without doubt, meeting with a number of individuals, some new to me and others whom I had previously met, with whom I share my professional interests. Among those I count not only yourself and Peter Veth, the Assistant-Director of the NCIS, but also Asmi Wood, ANU College of Law, Tim Goodwin, research associate at NCIS, Toni Bauman, AIATSIS, Lisa Strelein, AIATSIS, Steve Larkin, AITSIS, Peter Bailey, ANU College of Law, Peter Hancock, ANU Centre for Dialogue, Peter Pinnington, ANU, Peter Radoll, ANU; Jennifer Clarke, ANU College of Law, with whom I was able to discuss various legal developments. I make special mention of meeting again local Elder and Traditional Owner Matilda House, whom I had previously met at United Nations forums. I also thank especially Lisa Strelein for making arrangements for me to use the library at the AIATSIS to assist my research work. Incidentally, I note the popularity of the name 'Peter' at ANU.

It is evident but worth emphasizing that my stay here at the NCIS has assisted me enormously in promoting my professional research and related interests related to indigenous issues, particularly in respect to the Australian situation. In particular, I shall be able to enrich the advanced seminar that I teach on Indigenous Peoples in

International and Comparative Law with information and insights that I gained here while at NCIS.

I conclude this report by thanking the Centre staff who unfailingly made me feel welcome and provided me with able and timely assistance in various daily matters. In this regard I thank particularly Anna Damiano, the Centre's executive officer, and Donna Maritz, the research and administrative assistant. In my view the morale and collegiality of the Centre is exceptional and exemplary among academic institutions. Finally I offer my humble best personal wishes to all at the NCIS in the continuing pursuit of the goals of the NCIS.

All of which is respectfully submitted,

Paul Chartrand