

Reconciliation at the Crossroads

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Patrick Dodson

Patrick Dodson is a Yawuru man born in Broome in Western Australia who was raised in Katherine in the Northern Territory and educated at Monivae College in Victoria's western districts.

After studying for the Roman Catholic priesthood he was ordained and worked for a number of years with the church in the Northern Territory.

He subsequently left the priesthood to work for the Central Land Council in Alice Springs. In 1989 he was appointed as a Royal Commissioner to investigate the underlying issues relating to the disproportionate numbers of Aboriginal people dying in custody.

At the completion of the Royal Commission he returned to work with land issues as the Director of the Kimberley Land Council before being appointed as the Chairperson of the Council for Aboriginal Reconciliation.

Patrick is married with a son and a daughter and continues to live in Broome where he is involved in issues relating to the maintenance of Yawuru culture and language.

Patrick Dodson, the Chairperson of the Council for Aboriginal Reconciliation, addressed the National Press Club in Canberra on 18 April 1996. In his speech, Mr Dodson outlined the current situation of the reconciliation process, and advanced proposals to put the nation more firmly on the track of reconciliation. The following is the full text of Patrick Dodson's speech.

The National Press Club 18 April 1996

In keeping with Council tradition, I would like to thank the members and elders of the local Indigenous community for their attendance here today. We acknowledge that we are meeting on country for which they and their forbears have been custodians for many centuries and on which Aboriginal people have performed age-old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and unique role in the life of this region.

I'd like to thank the National Press Club and their sponsors, Telstra, for the invitation today. This is not the first time I have been made welcome here, and I record my appreciation to the Press Club for the platform it has given the Indigenous people of Australia over the last two decades.

Through you, we as Indigenous people can talk to all Australians and we welcome that connection, that opportunity to express our views.

One of the great things about this country is that different points of view can still be expressed and listened to.

Sometimes the views expressed hold a message we don't like the sound of, that we don't agree with, that makes the back of the neck crawl.

But in Australia we can hear other views and decide our own opinions. In that sense, our media, our constitution, our courts, our parliaments, our laws, serve most Australians fairly well.

All these national institutions would better serve Indigenous people, and the process of

reconciliation, and the shaping of our nation, if we created more effective channels for their voices to be heard.

There needs to be more talking with, and less talking about, Aboriginal people in all those forums. More sitting down together and less shutting out.

I address this forum at a moment which has been called a crisis point in relations between Indigenous Australians and the wider community - between the Aboriginal and Torres Strait Islander peoples who were the original inhabitants of this vast continent and the people from many lands who have made it their home over the past 208 years.

Whether it is a crisis or not, we are at a crossroads and need to choose the right direction. Together, Indigenous and other Australians are called upon to choose the path we now take. Our choices will determine the future shape of our nation.

Will it be a nation which lives in harmony because it has healed the wounds of its past with generosity of spirit and wisdom of intellect? Or will it be a nation where the wounds created by dispossession and injustice still fester, and where the same old conflicts still linger, because the imperative of reconciliation did not inform crucial decisions?

Let us hope that future generations will agree with our decisions. maybe even praise them as wise, far-sighted and courageous. Let us hope they will not blame or even condemn us for the legacies we bequeath them.

If we are to earn the praise and avoid the blame, we need calm, caution and reason. We also need communication, mediation and negotiation. And we need win-win solutions to the problems before us.

Win-win solutions require firstly goodwill and secondly proposals which address the legitimate concerns of all parties.

It is incumbent on us all to develop such proposals as a basis for meaningful discussions. It is incumbent on us all to find the common ground upon which we can construct agreements where everybody has a place, a home and respect.

In that spirit, I will shortly table in this forum some proposals for a way out of the current turbulence which, I hope, might put us more firmly on the track of reconciliation.

Things my grandfather taught me

But firstly, to achieve results we need to understand where we are all coming from.

Now, for all the importance of this event, I'd rather be fishing. Even though I have the opportunity to collect a very useful necktie, and broadcast over the airwaves, maybe even pop up on the Internet, I would really rather be out where the rivers join the sea, near my home town of Broome, in the country of my grandfather.

These are places to sit and think. Think about people, think about politics, think about the sort of country we are shaping.

Many Australians don't know how to think themselves into the country, the land. They find it hard to think with the land. We Aboriginal people find it hard to think without the land.

A story to draw a picture: my grandfather taught me how to think about relationships by showing me places. He showed me where the creeks and rivers swirl into the sea. The fresh water meets the salt, the different worlds of ocean and river are mixing together. He showed me the foam and the turbulence, pointed to the eddies and swirling mud, the colours intermingling. And he showed me where it was always good to put a line into the water and wait for a feed.

The river is the river and the sea is the sea. Salt water and fresh, two separate domains. Each has

its own complex patterns, origins, stories. Even though they come together they will always exist in their own right.

My hopes for reconciliation are like that.

The reconciliation process

What are we seeking to achieve through the reconciliation process?

Reconciliation can mean many different things. It might be as simple as a handshake with your Aboriginal neighbour, or, more broadly, better relations between Indigenous communities and other Australians in all the places we share across this land: suburbs, towns and remote settlements; farms and stations; the rivers, lakes and seas; the bush, the mountains and the plains.

Above all, it must mean some form of agreement that deals with the legacies of our history, provides justice for all, and takes us forward as a nation. In the words of our council's vision, we should walk together towards:

a united Australia which respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all.

The context

If the nation is to achieve that vision, we must first understand the historical context of our current situation.

The tides of national political debate ebb and flow. The latest tide has brought with it a pressing concern for infrastructure, auditing and accountability.

Fair enough, some may say. But we should also ask: what might have gone out on the last tide? By all means let us have accountability. But let us not also lose sight of justice and rights for Indigenous people and of the need to redress the wrongs of history.

Some commentators and politicians say that today's non-Indigenous Australians should not feel guilty for the sins of the past.

True.

But nor should today's Indigenous Australians continue to suffer the legacies of the past because the nation has not yet found the ways to overcome them.

Let's avoid guilt trips but let's also dump victim blaming.

The track behind us is littered with the relics of policies, programs and projects that failed, that wasted taxpayers' money and failed to deliver real outcomes to those crying out for them. They failed mainly because they did not include Indigenous people in making the decisions.

Let's remember that politicians and bureaucrats set the agendas and made the decisions for decades before ATSIC and other Indigenous organisations were established. It is universally agreed that they signally failed to lift the health standards, to improve the housing, to provide the education and jobs.

They did succeed in one of their programs: cruelly removing children from their parents, leaving us the legacy of the "stolen generation", now the subject of an official inquiry. That cruel policy, whatever its motives, has left behind a legacy of grief for its victims, grief which is intimately connected to many black deaths in custody.

For years before ATSIC was established, it was widely acknowledged that the bureaucracy in the Department of Aboriginal Affairs had failed to get the funds down to the grassroots communities, and to get good value for them.

This historical fact does not excuse any Indigenous organisation for waste or mismanagement, nor any individual for fraud or corruption. But it should be remembered that ATSIC inherited a situation riven with many of the same problems as today's.

Go to any remote settlement and see the burnt-out twisted shells of buildings constructed for the benefit of some forgotten government program, dreamed up in an urban office by some forgotten public servant.

But a sole focus on the waste of money forgets the wasted lives. Go also to the record of the Royal Commission into Aboriginal Deaths in Custody and see the impact of the policies of the past, see how lives were warped by state control and intervention.

To impose policies, to impose programs without participation, without involvement, without concern for self-determination or empowerment, is to return to the bitter mistakes of our past.

There was a time when every decision of every Aboriginal person was ruled and circumscribed by officialdom and legal constraint:

- Which school you could go to
- Which husband you could have
- Which child you could keep
- Which name you could use
- Which house you could live in
- Which time you had to be out of town
- Which boss you were indentured to.

All this was decided by distant officials in my grandfather's day.

Those days are gone, our nation has grown in maturity since then. We will not go back to those times. Any retreat into that dark past will be rightly rejected by the Australian people as unfair, undemocratic and un-Australian.

Yet underlying all past and current problems is the dispossession of our people from the lands they owned and cared for, the lands to which their traditions bound them, the lands so central to their spiritual and cultural beliefs.

The proposals

Against the background of that history and the current context, I put forward the following

proposals.

1. **An urgent national consultation between the Government and Indigenous representatives on all issues of concern, including land, social justice and accountability.**
2. **A summit between the Government and key stakeholders on how the procedures of the Native Title Act can be improved while preserving the essential features of native title rights.**
3. **Support by governments at all levels for processes of regional negotiation and agreement, such as the recent land-use agreement by parties on Cape York.**
4. **A renewed commitment from all governments to the reconciliation process in policy and practice.**
5. **A call for all Australians to support and contribute to the process of reconciling our society and participating in the inaugural National Reconciliation Week in five weeks' time.**

Let me make a few points about each of these proposals.

1. **An urgent national consultation between the Government and Indigenous representatives on all issues of concern, including land, social justice and accountability.**

I have no misplaced faith in the power of meetings to solve complex problems by themselves. I do have faith in the capacity of human beings, when they approach discussions with goodwill and open minds, to clear up misunderstanding and produce constructive agreements and workable solutions.

The principles of communication and agreement would have to underpin any such consultation. The purpose would be to reach an understanding and agreement, not to pointlessly

air differences.

It would provide an opportunity to discuss the whole range of Indigenous issues, rather than reacting to events as they occur and issues which happen to be media flavour of the month, the week, or the day.

It could also map out ways to proceed with ongoing communication and to identify interest groups who should be consulted on various issues.

All parties have an interest in such a consultation.

It would give the Government the opportunity to explain its Indigenous affairs policies and priorities, and set a framework for how they might best be achieved.

For our part, Indigenous people desire a number of things.

Firstly, a meaningful process of reconciliation, underpinned by clear principles. High on the list is respect - respect for difference, respect for cultures, respect for land, respect for our basic integrity as fellow human beings.

We also want - and in far too many places desperately need - good houses, good water, good schools, good health services, good legal services, and a good understanding of a 'duty of care' among those who serve us in many ways.

By good, I mean both efficient and effective. Efficient in terms of value for the taxpayers' dollar; and effective in terms of delivering to the people who need them, in communities wherever they may be.

To be both efficient and effective they *must* be designed, developed and delivered with the integral participation of those Indigenous communities.

2. A summit between the Government and key stakeholders on how the procedures of the Native Title Act can be improved while

preserving the essential features of native title rights.

The nation's record on native title will be crucial to its record on reconciliation. I cannot stress too strongly the symbolic and practical significance of this issue for Aboriginal and Torres Strait Islander peoples.

The High Court's 1992 *Mabo* decision and the 1993 Native Title legislation fundamentally changed Australia. The court found that native title to this continent was part of the common law of Australia and, while it may have been extinguished over most parts of the continent by actions of successive governments, it may still survive under particular circumstances on other non-freehold categories of land.

There is no going back. *Mabo* has changed forever the notion that Indigenous people now should be given land out of our sense of largesse or welfare. The legislation as a special measure contains principles about consent, and left open the processes of the tribunal to enable negotiation and agreements over economic, cultural and coexistence options to be worked through.

Any process to amend the Native Title Act must actively engage Indigenous people at all stages. It must also recognise how the rights shaped in the Act to achieve the special measures test should not be tampered with in abstraction from the history of the parcel-by-parcel process that has led to existing dispossession. The process cannot be determined in Public Service meeting rooms behind doors closed to our people - nor by rushed timetables imposed by vested interest groups and their supporters in State governments.

The current haste by State governments and industry groups to urge sweeping changes, particularly on the issue of whether pastoral leases extinguish native title, should be resisted by all fair-minded Australians. It denies the option of coexistence so necessary to national healing and reconciliation.

This country needs time to understand the implications of *Mabo* and the special relationship of Indigenous people to the land.

Western legal instruments and institutions have historically sought to deny this relationship and ownership. But *Mabo* was a watershed, allowing us as Australians to restate our relationship on the most fundamental question of the Aboriginal people's existence as full beneficiary members of the nation which has appropriated much from us without justice or apology.

It is clear, from some of the proposals touted at present, that many people in this country still view the land as a piece of real estate, or as inert. This mindset justified appalling practices in the past; this mindset must be consigned to the past so that we can all go forward.

Mabo put Indigenous people back into the picture that for too long we were painted out of. Today there is no need to repeat the original mistake.

Seeking to prematurely foreclose on that tiny portion of land left open to native title claim after the High Court's decision without any regard for, or appreciation of, the umbilical link of Aboriginal people to the land, would be nothing but national madness and tantamount to sanctifying greed. If we sever that link, we will generate more of the social dislocation we are trying to mend. We would be opening up a new sore before the old one has scarcely had a chance to heal.

The current push to seek a ruling that pastoral leases extinguish native title merely continues the incremental process of dispossession; it extends the continuum and implicates us all in a tragedy we do not need.

Reconciliation means respecting each other's cultures. You can't claim to support reconciliation and respect Indigenous cultures, if you seek to ignore our rights to land.

Short of the Government taking the option of coexistence seriously and by legislating, we need

a breathing space. We need time as a nation to focus on this question before rushing in to rule that the granting of a pastoral lease to run cattle 100 years ago has irrevocably severed the relationship of the local Indigenous people to the land.

Or are we saying that cattle and bulldozers are more important than the rights of the Indigenous people who belong to the oldest living continuous culture on earth? We as Australians are custodians of such sensitive matters.

We need time to think through ways to accommodate the rights of Indigenous people in Australian law and to make the conceptual link required to change the way decisions are made and business is done.

A national summit involving all key stakeholders and the Government can get the issues on the table and provide a forum for calm discussion and informed decision making.

Mabo is an opportunity this nation cannot afford to waste.

3. Support by governments at all levels for processes of regional negotiation and agreement, such as the recent land-use agreement by parties on Cape York.

For reconciliation to succeed, we have to find new ways of doing things. Regional agreements will be crucial to this, because they are agreements made on the ground by the people who have to live with their results.

On Cape York, pastoralists, Aboriginal people and environmentalists sat down together and negotiated an agreement from which everyone benefited.

Pastoralists have recognised Indigenous people's prior ownership of land and respected their cultural connection to it. Pastoralists also have a way of life they want to maintain and Aboriginal people have accepted and understood this. Environmentalists gain protection for land

with high conservation value.

The Cape York Heads of Agreement on land use shows that reconciliation is a workable option. It shows that the principles of negotiation, coexistence and respect for each other's culture *are* workable and that regional agreements *can* be nipped out. It's a potential model for other regions.

You might wonder how any fair-minded person could reject this agreement. Yet the Queensland Government has done just that. In rejecting this agreement, they are rejecting some fundamental principles of reconciliation. Australians should be outraged that their elected representatives are behaving this way.

Regional agreements like this are seeking workable solutions at the grass roots level. In the final analysis, people have to live with each other on the ground. The Cape York agreement shows that we can. It's an important model which governments should support and seek to facilitate elsewhere.

Regional agreements can cover a range of issues, including service delivery. This can be negotiated and agreed between the clients (us mob) and the service providers (that mob). We know what programs work and which need more effort. We know where there is waste and duplication.

We know we can work together with governments and service providers, as well as private enterprise and community organisations, to define how best to meet the needs of our communities. We know that by agreements, we can get better value for the dollar.

4. A renewed commitment from all governments to the reconciliation process in policy and practice.

A commitment to reconciliation should be reflected in Government policies. Policies should be drafted and implemented with the council's vision for reconciliation in mind.

When we formulate strategies to address Indigenous disadvantage, we should remember the lessons of history and build participation, empowerment and agreement into policy making processes.

For example, the most efficient and effective policing operations in rural towns are carried out with the close cooperation of Aboriginal community leaders and the young.

The Government needs to take on board the key principles of reconciliation as it determines its policy agenda. It should not pander to lowest common denominator opinion, to those who peddle policies based on prejudice and ignorance. This country needs integrity; it needs reconciliation and healing. I hope the new Howard Government will not shy away from the challenge.

The concept of agreements can be extended to the national level. The Council has sought for some time a process for negotiating with the governments of Australia on a major mandate given to our Council by Federal Parliament: whether the process of reconciliation would be advanced by a document or documents of reconciliation.

The National Reconciliation Convention in May 1997 will focus on this important issue. We invite the active participation of Australian governments to contribute to this process.

I also invite the Government to present its response to the Council's social justice statement before this Convention.

Getting together around the national table requires an agreed process, a timetable that works towards 2001. I invite the Federal Government to outline their own timetable on these issues to the May 1997 Convention.

5. A call for all Australians to support and take part in National Reconciliation Week in five weeks' time.

I call on all Australians of goodwill to

contribute to reconciliation at this important moment and to request their political representatives to commit themselves.

Australians who support our national ethos of a fair go for all now have to respond to the challenge and not let slip from our grasp the leadership required to achieve better outcomes that enhance local and regional community life. Political responsiveness to your aspirations for a better, more inclusive society will only come when the locals stand together against those useless things that divide us now for no good reason and cause such waste of time and waste of life.

At its recent meeting in Perth, the Council decided to declare a National Reconciliation Week, to be held from 27 May to 3 June each year for at least the next five years. The inaugural week in just a few weeks time is an opportunity for all Australians to contribute to shaping our nation's future.

The week is framed by two watershed dates which symbolise reconciliation. 27 May is the anniversary of the 1967 Referendum in which over 90 per cent of Australians voted to give the Commonwealth Government power to make laws for Aboriginal people. 3 June is the anniversary of the High Court's Mabo decision.

On these dates Australians stood up for justice and reconciliation. We can all be justifiably proud of those moments in our history. Reconciliation week provides an opportunity for Australians now to honour those achievements and take the reconciliation process further.

Conclusion

The Council for Aboriginal Reconciliation is charged with advising the Government on the process of reconciliation. We support any efforts that will address Indigenous disadvantage and we want those efforts to be efficient and effective.

We know that those efforts will fail if decision-making excludes Indigenous people, precludes

negotiation, ignores Indigenous cultural concerns and revives the value systems of our past.

Reconciliation, to be effective and lasting, has to take on board the lessons of history and tackle a broad agenda. We can't pick and choose which aspects we'll accept and which we won't.

If we support reconciliation, if we respect Indigenous culture, then we must respect also their relationship to land, from which every element of pride flows to us.

The land and everything else within it is created within Aboriginal lore. This cannot be denied, however many attempts there might be to have Western legal and political institutions decide otherwise.

In memory of a local non-Aboriginal hero, Jack Clancy, who is being buried in Alice Springs today, I'd like to close with the words written on my grandfather's tombstone in Broome:

The sun rises, wind blows, grass grows, the tide comes and goes. None can ever take your land.

Paddy Djiagween