1) INTRODUCTION

1.1: Preamble

Indigenous affairs policies in Australia's colonial and "post-colonial" phases have been concentrated mainly around the twin issues of constructing an Australian national identity and maintaining capitalist systems of resource exploitation, rather than addressing issues of Indigenous rights or political equality between Indigenous peoples and Australian governments. For example, commitments made by federal governments to Aboriginal rights in land from the 1960s to the 1980s have been defeated or seriously diminished by political influence from the pastoral and minerals and energy sectors[1]. Throughout, conservative interests have been served by representations of land rights and Indigenous political associations as being a threat to Australian national unity and identity[2].

When the idea of reconciliation became a foundation for Indigenous affairs policy in 1990 it represented an effort to broaden previous policy parameters. One of the major three objectives of the policy, as formulated by its architect Robert Tickner (the Minister for Aboriginal Affairs in the Hawke Labor Government from 1990 to 1996) was to establish whether "any document of reconciliation would benefit the Australian community as a whole" and if so, "to make recommendations to the Minister on its nature and content" (Council for Aboriginal Reconciliation, 1993:12). This was an attempt to move from a narrow legislative framework to a more open-ended process of negotiating frameworks of reference between Indigenous leadership, politicians and other sectors. Another objective—a public education program on Australia's history and social justice issues—was aimed in part, at generating popular inquiry concerning the need for these new processes. Third was the objective to advance Indigenous civil rights and social justice. As Chapter 5 shows, policy agents (including Tickner, 2001:30) widely interpreted these objectives as having potential to produce an agreement or treaty.

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[1] Goodall (1996); Hawke & Gallagher (1989); McCleod (1984); Rowley (1970); Rowse (2000).
[2] Attwood (1996a, 2005); Markus (1996); Nicoll (1998).

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This formulation of policy objectives, however, still evaded the question of Indigenous self-determination and self-governance. And the process of discussion, consultation and response anticipated by the legislation enacted by the Australian Parliament in 1991 avoided any proposition involving a fundamental restructuring of the framework for political relations between Indigenous communities and Australian federal governments. Further, there was nothing in the Council for Aboriginal Reconciliation (CAR) legislation that would deliver authority to Indigenous communities. Rather, the CAR was a peak body whose members were government appointed rather than Indigenous community authorised, and its discourse was firmly referenced to the policy agenda of state and federal levels of government.

With the election of the Howard Liberal-National Party coalition government (1996-2007), there was a shift away from recognition of Indigenous rights, and toward a rejection of conceptions of self-determination as a basic human right of colonised peoples. Reconciliation was redefined narrowly as "practical" reconciliation, which was no more than a recognition of Indigenous disadvantage in the civil rights long enjoyed by other Australians (Huggins, 2001). As Fraser notes, current neo-liberal ideologies draw a radical either/ or dichotomy between recognition of minority groups and redistribution. Indigenous people are given a choice between cultural/political recognition and the attainment of civil rights, which are rendered as mutually exclusive (Fraser, 1997:3). And public discourse was structured by the federal government around what became known as the "new paternalism", or according to some commentators, a return to early C20th assimilation policies (Burney, 2006; Dodson, P, 2004)[3]. Among other casualties of this approach have been: justice for members of the Stolen Generations; the integrity of the Northern Territory land rights legislation; and the hope of Indigenous communities to bring federal and state government into a partnership for reversing the ever-increasing incarceration rates and ever-worsening mortality and morbidity indicators (Burney, 2006; Dodson, P, 2000). Following the submission of the National Reconciliation Documents[4] by the CAR to the federal Parliament in December 2000, its

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[3] However, Rowse (2006a) proposes a marked difference in ideology between the assimilation era and the Howard era. He argues that the premise of assimilation ideology was that Indigenous people had the capacity to participate in mainstream life, while in the Howard Government's redrawing of its relationship with Indigenous people as one of "mutual responsibility", it constructed Indigenous agency as being corrupted, thereby laying the moral basis for absenting itself from the responsibility to provide civil rights.

[4] These consisted of the general statement, known as the "Australian Declaration Towards Reconciliation" and the four "Roadmap for Reconciliation" documents – See Appendix 1.

recommendations—particularly those concerning the support of Indigenous aspirations through the recognition of difference in culture, land relations and economic models[5]—were immediately discarded by the Howard Government (Burney, 2006).

There is no doubting the role of the Howard Government in setting back the agenda of social justice and self-determination for Indigenous peoples[6]. Conversely, the substantial social justice advances of the reconciliation era were Labor Government initiatives. These were the 1997 Bringing Them Home report (Wilson, 1997) and the 1991 Royal Commission into Aboriginal Deaths in Custody (Dodson, P, 1997a), which set new standards for historical evidence collection, policy benchmarking and popular acknowledgement for two of the most pressing (yet largely still unaddressed) injustices in Australian history. And the Labor Prime Minister Keating gave the landmark 1992 Redfern Address (Keating, 1992, Appendix 13), which still remains the clearest public statement by a politician on political and racial relations between black and white Australia. With the election of a new Rudd Labor Government at the end of 2007, there have been some indications of a more conciliatory approach in recognising Indigenous rights. For example on 13th February 2008, the first sitting day of parliament, the new Prime Minister, Kevin Rudd delivered an insightful and well-received apology to the Stolen Generations[7].

Yet beyond questions of how Labor and Liberal Coalition governments differ or cohere in their Indigenous affairs policies is the above-mentioned, more fundamental issue of the structure of political relations between Indigenous communities and Australian federal governments. Questions about the successes and failures of the reconciliation policy in terms of its objectives established under a Labor government, and in the context of the major changes after 1996 are important and have been dealt with in the scholarly literature[8]. These are not the subject of this study. The wider reference point for this study is the structure of political relations and the terms of engagement between Indigenous communities and Australian federal

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[5] "Roadmap" documents 2 & 4: "The National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights"; and "The National Strategy for Economic Independence" – See Appendix 1.
[6] Behrendt (2002); Gunstone (2007); Manne (2003).
[7] However, the Rudd Government has continued some of the most authoritarian aspects of the Northern Territory Intervention established by the Howard Government. For example, it continues to roll out the quarantining of welfare payments (Behrendt, 2008).
[8] For example, Grattan (2000); Gunstone (2007); Pratt (2005); Prentice et al (2003).

governments. This study treats reconciliation as a case study of these dynamics. And the conceptualisations so produced are utilised in Chapter 5 (on policy history), to highlight the structure of political relations in federal government policy since the late 1960s. While each policy employed different structures, processes and methodologies, these policies, which were part of the 'self-determination' era, were generated from the same overall structure of political relations.

In particular, the study examines how reconciliation policy structures and methodologies addressed the issues of Indigenous community diversity (both within and between urban, rural/regional and remote contexts) and specificity. As this thesis will show, these issues are constitutive of Indigenous community authority and governance and so are crucial to the building of a genuine self-determination that is Indigenous community authored and not determined by changing government agendas. Further, this thesis examines how, under present frameworks of political relations, the reconciliation policy process addressed the dissent that arises when the issues of diversity and specificity are not addressed as matters of Indigenous community authority. The underlying question addressed in these inquiries is whether, within present frameworks of political relations, it is possible to build a structure or process of genuine self-determination.

Reconciliation policy is a useful example to explore all these questions for two reasons: 1) it is recent and allowed participants ready access to their experiences of the policy, which is significant for an empirical study based on interview material and 2) from its inception reconciliation was promoted as being a new beginning in relations between federal governments and Indigenous peoples. As members of the high profile CAR committee, individual Indigenous intellectuals literally took a 'seat at the table' with federal politicians and representative of major industry sectors, including mining. But as this thesis will show, even a putatively progressive policy lacked the capacity to achieve fundamental structural change while the bases of political relations remained the same. In this regard, this study of reconciliation policy functions as a case study for how not to do a policy of self-determination—or any Indigenous affairs policy that aims to develop a partnership between government and Indigenous communities—if it maintains existing frameworks of top-down policy intervention. The use of the case study of reconciliation demonstrates that however

progressive a policy appears to be, erasure processes will be inevitable in the absence of a fundamentally different policy premise. This alternative view holds that policy accountability and capacity is contingent upon, indeed *constructed by* the operation of self-authored Indigenous community processes and instruments.

No policy in Australian history has challenged the basic premise of political relations that were established with the occupation of Australia by colonial interests. Instead, each policy phase, including reconciliation, has in different ways, deepened the colonisation process, directing political authority from the top down, thus entrenching the on-going erasure of existing and emerging Indigenous community governances. When study participant Kerry Reed-Gilbert said, "A generation ago we were surviving *and* struggling for our rights; now we are just struggling to survive"[9], she referred to the combined effects on Indigenous communities of neglect by federal and state governments, and a steadily deepening encroachment of these governments on Indigenous community authority during her lifetime, up to and including the policy of reconciliation. Her time frame began in her youth with the Canberra Tent Embassy in 1972, when a new wave of Indigenous activism and a new Whitlam Labor government held the promise of fundamental change. But despite some important reforms such as the Northern Territory land rights legislation (amended but passed by the following Fraser Liberal coalition Government in 1976), this failed to eventuate. Her (and other study participants') experiences of the reconciliation policy highlights the continuing failure of Australian governments to support community development and self-determination based on community authority.

1.2: Researching the scale politics of reconciliation: from the political and the personal to geographical scale

The question of the political relations between Indigenous communities and Australian federal governments is explored through the policy of reconciliation as a phenomenon of scaled politics. These scaled politics are examined through an empirical study of the scaled discourses, institutions, methodologies and practices of

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[9] Pers. com Dec. 2006. Reed-Gilbert (daughter of the late author and activist Kevin Gilbert) is a published poet, cultural educator and research consultant. She is a 'Class 1' interviewee in this study.

reconciliation. The inquiry ends with the year 2000 when the legislative life of the policy ended.

1.2.1: Why politics?

As a study in scale politics, this thesis is not a conventional political study. But the domain of politics underscores it in two ways. First, a basic proposition in the thesis is that the relationship between the First Peoples of Australia and Australian federal governments has a distinct political dimension, which is separate from the legal and social contractual dimensions of the citizen/nation state relationship. When 91% of the Australian electorate passed the 1967 referendum to give the Commonwealth concurrent powers with the states to legislate in relation to Indigenous people (Rowse, 2000:8), Bill Onus of the Federated Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) made the following semi-public remark: "We cannot help but wonder why it has taken the white Australians just under 200 years to recognise us as a race of people" (Attwood, 2003:x). This 1960s statement was one for the future as much as it was of the past; it was an assertion of the status of Indigenous people as "an identifiable people who had a historical claim to a different set of rights because they were the country's aborigines—Aboriginal Rights" (Attwood, 2003:x).

The issue of difference and different rights has remained just as pertinent into the 1990s and early twenty-first century (Attwood, 2003; Reynolds, 1996). The Australian nation has failed to resolve sovereignty and other matters, in particular self-determination. This is unique in so far as other nations with similar British settlement histories—New Zealand, Canada and the US—have committed themselves to various political settlement processes in recognition of the right to self-determination (Dodson, P, 2007:27). These failures underscore the calls by many Indigenous intellectuals for a treaty (for example Langton, 2001) or similar arrangements such as a framework of agreements (Dodson, P, 1999). When these issues are resolved towards genuine, community authorised self-determination, it will not mean that the political nature of the relationship is nullified. Rather, it will be changed; with formal recognition of outstanding issues, there will be a degree of

political equality built into the relationship between Indigenous communities and the federal government. This change in the political status of Indigenous communities will be generated from the politics of pre-existing and developing grass-roots community self-determination, rather than from a national, top-down approach. These unresolved political tensions—and the prospects for their resolution—underscore this thesis. Chapters 6 and 7 will elucidate how the framework of the reconciliation policy left untouched the longstanding political relations, institutions, processes and methodologies of colonialism. This deficiency was born of a set of deeply entrenched, related features of Australia's political landscape—the denial of the role of ongoing colonial relations in perpetuating Indigenous disadvantage; the refusal to address the need for substantial political and structural change in favour of Indigenous interests in land, resources and community governance; and the non recognition of Indigenous community authority.

The second way in which politics underscores this thesis is the more practical politics of how various political and industry interests interact with Indigenous interests, and how these dynamics are refracted through party political interests. As this thesis is not a study of these politics, the following brief overview of the political-social history of the reconciliation and pre-reconciliation policy periods is given in order to sketch out the political obstacles to fundamental change. Chapter 5 will present a more detailed political history of policy in the self-determination era as a study in scaled politics.

The period leading up to the reconciliation policy was an era of change and polarisation of interests in regard to Indigenous affairs. The Whitlam Labor Government (1972-75) initiated the policy era referred to as 'self determination', and prepared federal land rights legislation for the Northern Territory. The next two decades brought state government land rights legislation—the *Aboriginal Land Rights Act (New South Wales) (1983)* and the *Maralinga Tjarutja Land Rights Act (1984) of South Australia*. By the time the next federal Labor government was elected in 1983, interests opposing any return of land and resources to Indigenous communities had become well organised. As Chapter 5 will discuss, these were particularly concentrated in Western Australia in the context of conflict over control of mining and energy resources (McLeod, 1984). Prime Minister Hawke's pre-election promise

of introducing national land rights was undermined by the opposition of Labor Premier Burke of Western Australia, who staked his 1983 re-election campaign on opposition to the proposed reform. Hawke had intended the national land rights strategy to be state driven and in the face of state government opposition, it was abandoned. Then, following Hawke's meeting with Indigenous community representatives from around the nation at the 1988 Northern Territory Barunga Festival, he promised to introduce a treaty between Indigenous and non-Indigenous Australians. This promise also remained unfulfilled in the face of opposition from powerful mining/energy and pastoral interests, who were supported by Howard, then the leader of the Liberal Coalition opposition (Nettheim, 2005:12). In 1991 the Hawke government enacted the policy of reconciliation. Many Indigenous commentators saw this development as a palliative strategy in the absence of fundamental change and as a capitulation to powerful economic interests (for example Foley, 1999; Gilbert, 1993). As Chapters 6 and 7 will show, many participants in this study share these views.

During the reconciliation era, interests opposing change in favour of Indigenous interests in land and resources maintained a virulent campaign, in particular against land rights. Following the election of the Howard Liberal Coalition Government in 1996, these capital interests enjoyed strong government support. Support also came from a small coterie of conservative academics like Windschuttle and Blainey, who upheld the traditional celebratory, redemptive interpretations of frontier history against an anthropological and historical critique. This critique, which exposed the violence, social and institutional racism, and dispossession experienced by Indigenous peoples in the frontier and well into the twentieth century, was initiated with the landmark works of Stanner. In the second of his 1968 Boyer Lectures, he examined the political/ social meaning of the absence of Indigenous experience in Australian written history. It was, he asserted "a structural matter, a view from a window which has been carefully placed to exclude a whole quadrant of the landscape" (1968:24). Rowley (1970, 1971a, 1970b, 1986) was also an important figure in this early re-evaluation of the place of Indigenous people in Australian society. The lineage was continued into the 1980s and the reconciliation era by a new

generation of historians, most prominent of which are Attwood[10], Goodall (1996), Read[11], Reynolds[12] and Rowse[13]. From the 1980s this scholarship was being incorporated into school curricula and university courses across the country. It also reached the public discourse, partly as a result of a series of important political developments—the Royal Commission into Aboriginal Deaths in Custody in 1991, the Bringing Them Home Report in 1997, and the Native Title Act of 1992—which were instituted by the Hawke and Keating Labor governments. Also prominent in public discourse were the High Court Mabo (1992) and Wik (1996) decisions in favour of native title claimants.

These developments were derided by academics like Blainey and Windschuttle, who enjoyed the active patronage of the Howard Government and the conservative press (Moses, 2003:352-3). Blainey dismissed the careful scholarship of the new histories as a "black armband" view of history, a slur adopted enthusiastically by Howard (Attwood, 2005:34,63). Howard also adopted the term "political correctness"[14] to deride the new scholarship and the minority but growing public awareness of Indigenous issues (Attwood, 2005:53-4). This term was borrowed from US new conservatives, who ridiculed human rights issues as a "fashion" (Attwood, 2005:62). During this period, the tenor of public statements by conservative government politicians and journalists left "very little separating [them from] far right figures like Pauline Hanson and her One Nation Party" (Moses, 2003:352). For a time, the stark polarisation of positions assumed the status of "cultural battles" (Manne, 2003:4).

1.2.2: The personal

Howard's active support of these conservative discourses and causes was clear at the 1998 National Reconciliation Convention in Melbourne. In his plenary speech he defended the Native Title Amendments Act of 1998, which severely restricted the already narrow opportunities afforded by the Native Title Act of 1992 to Indigenous

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[10] For example (1992, with John Arnold; 1996c).
[11] For example (1982, 1988, 1998).
[12] For example (1972, 1982, 1987a, 1987b, 1996, 1999).
[13] For example (1992, 1994,1998, 2000).
[14] Manne (2003:3); Moses (2003:51); Nettheim (2005:6).

communities seeking recognition as traditional landholders. He also defended his government's refusal to apologise for previous government policies of child removal. The late 1990s burgeoning of the (overwhelmingly non-Indigenous) national network of local reconciliation groups (LRGs) was largely a response to this combative address. These groups worked in local communities, utilising materials on Australian history and social justice issues, which had been produced by the CAR for community dissemination. When the CAR undertook to consult the Australian community on the content of the National Documents of Reconciliation, the LRG network assisted in organising and hosting a large proportion of their community meetings. Other consultative meetings were organised by the CAR, mostly in remote Indigenous communities. These one-off local community meetings and the LRGs who acted under the auspices of government policy are referred to in the thesis as "constructed policy communities". This refers to their genesis with government policy processes, and their resulting disengagement from the Indigenous local and discursive communities that operate independently of government arrangements.

Responding to the 1998 public debates on native title, I sought to form an Indigenous rights support group in my local area. But given prevailing circumstances, the formation of a LRG was apposite—or opportunistic—in terms of marshalling available social resources and interests. I had misgivings about the project of "reconciliation" and its apparent orientation toward the "good white" identity[15] rather than Indigenous rights. Nevertheless, our LRG was able to utilise our role as part of a government policy process in a number of ways. We organised a well-attended public screening of the film "Cry from the Heart"[16]; also a local public meeting addressed by a principal of an Aboriginal organisation, who was an outspoken critic of the policy. When the National Reconciliation Documents were being finalised through community consultations in 2000, I organised a small group of representatives of Sydney LRGs to deliver feedback to the CAR on the need for clearer statements on land rights and sovereignty. Other projects in our local group were more locally orientated[17].

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[15] For example, Moran (1998); Povinelli (2002); Tatz (1998). See Chapter 3 for others.
[16] Documenting three generations of forced separations in the Edwards family. The presenter, Frank Edwards featured in the film and is a study participant.
[17] Among many other activities, we lobbied for the flying of the Aboriginal flag outside local Council offices and set up ongoing liaison between a representative of Thursday Island's Mayor Pedro Stephen and our Mayor in the former's move for a sister city arrangement. We lobbied the Council repeatedly through Council meetings and other avenues for the establishment of an Aboriginal position of Heritage Manager for our culture-rich bush land

The role of a LRG convenor also provided me with the opportunity for an invaluable education based on engagement. It gave me an (albeit ambiguous) entrée with Koori and other Aboriginal organisations who were attempting to utilize available opportunities for engagement with non-Indigenous rights activists. Consequently, I came to understand that one of the fundamental flaws in the reconciliation policy was its terms of engagement with Indigenous organisations and communities. It was not accountable to Indigenous local and discursive communities, and Indigenous dissent against its ideology and methodology (which I increasingly realised was widespread throughout Indigenous local and discursive communities) was entirely sidestepped by formal policy structures and processes. While the CAR actively utilised the LRG network for practical assistance and to disseminate information through workshops and other downward flows, there was little opportunity within reconciliation structures for debate about such issues as the ideology of reconciliation, the methodology for producing the National Reconciliation Documents, and whose interests were excluded by this methodology. Attwood was later to write that the unitary, nationalist objectives of the policy foreclosed the ventilation of any issues that were seen to counter these, such as those requiring recognition of Indigenous sovereignty (2005b:246).

Nevertheless, members of LRGs created their own opportunities for debate, in association with members of Indigenous organisations. The most memorable in Sydney was a meeting in March 2000. This was co-organised by a peak Aboriginal organisation and another LRG convenor who had also engaged with dissident views. In attendance were representatives of the Aboriginal organisation and representatives (30-40) from most of the (approximately 25) Sydney LRGs. The central question was whether we should continue to support the planned official hand-over of the 'Australian Declaration Towards Reconciliation' by the CAR to the Prime Minister in May; and the preceding "Reconciliation Bridge Walk" across the Sydney Harbour Bridge, which was intended to demonstrate "the people's" endorsement of what was being portrayed as a historic agreement between Indigenous representatives and the Government. The speakers from the Aboriginal organisation had opposed the policy

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area. And we set up a meeting between Tranby Aboriginal College and local Rotary groups in an attempt to establish a business support network for the former. Only the first project came to fruition. The second project was dependent on a highly supportive Mayor, who lost office before finalisation.

since its inception. They called for a boycott or demonstrations highlighting the public silence of the legislation and the CAR on the issues of self-determination, land rights, recognition of sovereignty and the need for a treaty process[18]. If we could precipitate a debate they reasoned, the sympathetic section of the public might not be so easily placated with a false sense of resolution. At least half of the LRG representatives at the meeting voiced support. There were two poorly attended follow-up meetings with the Aboriginal organisation and no other LRG member continued that project for the May bridge walk. So I walked apart from LRGs, carrying a dissenting placard[19]. Perhaps others had contemplated the stress of isolated dissident status (which I had faced in various contexts). Or possibly they had made the (no doubt equally stressful) *realpolitik* choice to persevere with available opportunities to engage with government structures for achievable change (see Chapters 7 & 8 for a treatment of this approach, which historically, has proven constructive within limited contexts). Certainly some groups have persisted into the late 2000s, attempting to inform their communities on history, social justice and the rights of local Indigenous groups to cultural recognition.

1.2.3: Why geography, why scale?

Concurrent with these political activities, I began PhD studies in 1999 centring on racial ideologies, which followed on from my previous post graduate studies in the social history of science. But by 2000 I decided to refocus on the reconciliation policy and changed universities. Having been immersed in the politics of Indigenous dissent against the policy, I was aware of the absences generated by policy processes and discourses, and was eager to explore their political meaning. Why and how was the vigorous dissent in local and discursive Indigenous communities silenced in public and reconciliation policy discourses? And why was it that while these communities (many having a claim to a local status through Indigenous community processes) were silenced, the embedded legitimacy implied with the attributions of "local" and

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[18] The Council for Aboriginal Reconciliation stated in its final report that, "The Council had always promoted reconciliation as an independent process that should be protected from confrontational debate on specific issues" (CAR, 2000:43).

[19] "Reconciliation: trick or treaty?"

"community" status was assigned to the constructed policy communities of the LRGs and the one-off policy processes of "local" consultations?

So I undertook to: 1) further explore Indigenous dissenting discourses 2) register them as central to a scholarly account of the reconciliation policy and 3) explore how the politics of reconciliation were structured, and how that structuring left these dissenting discourses silenced and marginalised. What drew me back to geography (my undergraduate major in the early 1980s) was the question of how two or more communities that occupied the same local area could be treated selectively in government policy processes, one being deemed to exist as a community, while another was deemed to be irrelevant, too radical, or non-existent. Geography offered the opportunity to make an empirical study of how these various communities were constructed in discourse and through practical mechanisms by different interests, including by government.

Further, the exclusionary processes indicated the operation of a system of power. Indeed, in the reconciliation discourses, it seemed that the significance of spatial representations such as "local" was partly in constructing domains that could be ordered into a power structure, which was nominally presided over by the CAR. I was already acquainted with the inquiry of scale as a tool to interrogate power structures and relations through my work as a research assistant in the area of labour studies for my secondary supervisor, Professor Robert Fagan. With this background, the issue of power relations drew me to the area of geographical scale, initially for two related reasons: 1) representations of scale—local, state and national—were the most explicit feature of the reconciliation structures, processes and discourses, and 2) these seemed to provide both the framework and the legitimation by which communities were selectively authorised or excluded.

Certainly in reconciliation policy processes, discursive constructions and attributions of scale seemed to provide an all-too-convenient set of categories into which different interests were placed or excluded—and hence authorised and ordered, or de-authorised. Indeed, reconciliation processes seemed to have been specifically structured around scale processes and structures. There was the "national", putatively Indigenous authority that resided within the CAR, despite objections by Indigenous communities that these "leaders" were not structurally accountable to communities.

These issues of representation and accountability will be explored in Chapter 7. And there were the LRGs that were given "local" and "community" status, which carried a connotation of being outside politics. There were also state reconciliation councils. Together, the scaled bodies and processes that were constructed and authorised in the reconciliation process were represented as being the sum total of Indigenous discourses. But they excluded dissenting voices.

In addition to the questions of scale and power suggested by these reconciliation processes and structures, other factors drew me to geography and in particular, geographical scale. There was a strong geographical literature on Indigenous communities as active agents in asserting existing processes of community self-determination and negotiating these with governments and other sectors. Further, there was an emerging literature on the scales at which self-determination was being realised and might be extended in the future, much of it based on the practical experience of native title negotiations in South Australia[20]. This indicated that further to the exploration of the exclusionary processes of reconciliation as a scaled process, there was another scaling process that was independent of the reconciliation policy. Indeed, this seemed to operate in the opposite direction of reconciliation policy. It included rather than excluded Indigenous community agency and aspirations for self-determination; and it originated at the grass roots level, rather than as a top-down national government generated system. The tension between these two scaling processes offered considerable scope for thought. While the reconciliation policy process appeared to register important Indigenous community discourses as being absent, other scaling processes were actively supporting Indigenous community discourses and methodologies of self-determination, and were institutionalising them within a power structure that enabled those communities to operate as partners with a state government and with other sectors.

Clearly scale constructions and attributions were not a simple matter of a single, politically neutral set of categories and processes that were understood and agreed to by all stakeholders. Rather, these processes were politically charged. In the reconciliation policy process there were at least two different understandings of political scaling, which legitimated markedly divergent sets of interests. As Fagan

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[20] Agius et al (2001); Howitt (1992, 1997, 2005, 2006). Also see Hoeffle (2006) and Silvern (1998).

writes, "Stakeholders can discursively construct *different* scales to represent the same phenomenon in attempting to reconstruct power relations" (2003:3, Fagan's emphasis). As noted above, Indigenous communities were rendered entirely absent in the hierarchically scaled reconciliation structures. Further, these scaled constructions established not only the authorised categories of people and modes of operation for the conduct of policy. They also provided the appearance of democratically structured processes for decision making on such matters as the content of the documents of reconciliation (itself a strictly limited discourse). Overall, there seemed to be a strong structural link between the explicitly scaled construction of reconciliation policy, and the twin processes of authorising government policy and suppressing dissenting local and discursive Indigenous community discourses.

While scale analysis is not proposed as the only valuable analytical scheme, it is a productive tool for interrogating and interpreting some scenarios of contesting politics and claims of power, in this case the conduct of Indigenous affairs by Australian governments. As suggested by the mapping allusion, the term "scale" relates partly to levels of resolution; in human geography this pertains to the levels of resolution at which social phenomena are constructed. In particular, an inquiry into political scale deals with the structures, levels and related processes (whether in formal or civil associations) by which political authority is constructed, employed and ordered; and how contending political authority is de-authorised. An integral component in these processes is the scaled discourse by which the political power thus generated is legitimated. In the case of reconciliation policy, as with formal governance instruments, the designations "local", "state" and "national" connoted a hierarchical power structure. This structure naturalised—and hence constructed— particular power distributions and information flows, thereby ordering and managing social phenomena, including dissent. And this structure excluded the existing and developing scales at which self-determination could be, and already was being realised.

In early discussions with my primary supervisor, it became clear that these scaled politics had been an ongoing structural dynamic underpinning the ongoing denial of self-determination for Indigenous people. So my research question would be an inquiry into the scaled politics of reconciliation and how these political processes

addressed the questions of diversity, specificity and dissent in Indigenous communities. At the more theoretical level was the prospect of contributing to the development of the analytical tool of geographical scale.

1.3: The two central ideas: erasure of scale and Contemporary Indigenous Governances

The two central ideas of Contemporary Indigenous Governances and the erasure of these scales of governance are outlined here and will be explicated in Chapter 4. These ideas arose through the interaction of three elements—existing geographical community studies, the study interview material and the literature on scale. The community studies backgrounded this study. They highlighted locational diversity and specificity as being constitutive of, rather than merely epiphenomenal upon governance processes in Indigenous communities. These studies have fundamentally changed (if only theoretically) the question of how governments should interact with Indigenous communities, from a model of top-down institutional blueprinting to an approach of supporting the development of diverse community authored methodologies for self-determination. Further, the geographical community studies have inscribed the Australian cultural/political/physical landscape—urban as well as remote and regional—as being filled with diverse, overlapping Indigenous presences. This allowed me to see the interview material of Indigenous community participants (mainly associated with urban, rural and discursive communities) in this study as further extending and infilling this political landscape of Indigenous presences.

With its vertical aspect, the conceptual tool of scale then presented two simultaneous relational perspectives for viewing power relations between Indigenous communities and Australian federal governments—an overall view from the outside of these relations and an Indigenous community bottom-up view. The first provided a view of how contending power structures—in this case those of federal government policy and those arising from Indigenous community governance processes—are generated or excluded through discursive and institutional scale constructions. The second allowed me to see the Indigenous discursive and local community bottom-up perspective, from which some participants in this study came. That is, alongside the

formal governance structures produced discursively, legislatively and institutionally with government policy, there was another dimension of governance—community Indigenous governance processes, which, although pervasive and extensive, were largely invisible to the designers of, and participants in government policies like reconciliation.

This second scale perspective provided two views from this bottom-up viewpoint. There was the erasure of Indigenous community governance processes with federal government policies like reconciliation. And there was the largely untried (but see Chapter 4 on the South Australian experience of native title negotiations[21]) prospect for these processes to be scaled up for negotiating Indigenous futures with federal and state governments and with other interests[22]. This would involve the creation of a bottom-up Indigenous community governance structure that was accountable to and authored by communities.

Combined with these geographical insights (recognition of pervasive Indigenous community presence and governance, and the 'bottom up' perspectives permitted by scale inquiry), the analysis of the interview material from Indigenous community members provided two major themes, which then gave rise to the two central ideas of scale erasure and Contemporary Indigenous Governances. The first theme was a cohesive, multi-faceted body of critical commentaries on the reconciliation policy. These participants critiqued the incompatibility of imposed policy processes with existing community decision-making methodologies, and also the ideologies and political relations that underpinned the policy and left unaddressed the issues of substantive self-determination and political relations between Indigenous communities and Australian federal governments. And they reported that to the extent that such views could be represented to government reconciliation forums, they were rendered as "radical" and incoherent, and were dismissed. In rendering this body of views as being absent from legitimate Australian political life, a substantial and cohesive body of long-held Indigenous opinion on a wide range of issues was silenced. The overwhelming empirical evidence was that the scaled structures of reconciliation policy were not accountable to Indigenous communities and did not represent their views. Yet these structures were represented as capable of revealing

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[21] Agius et al (2001); Howitt (1992, 1997, 2005, 2006).
[22] The term 'Indigenous futures' is taken from the title of Rowse (2002).

Indigenous aspirations in multiple areas, including political relations with Australian governments. Further, this silencing process emerged as being an outcome that was both built into, and hence produced by the scaled organisation of these policy structures. This is interpreted in this thesis as being a scaled erasure of Indigenous intellectual and political expression. And because this process also entailed a displacement of the role of Indigenous communities in authoring and controlling their processes of governance and potential political scaling, it was further conceptualised as an **erasure of scale**.

The other major theme emerging in the interviews were the accounts by Indigenous community participants of the community processes they were involved with. These included educating their communities; cultural training for non-Indigenous communities; artistic production; advocacy in land and social justice issues; negotiation with local councils; delivery of services such as health training, life and business skills; and organisation of co-operatives and other associations. These overlapping systems were the same kind of processes referred to in some geographical literatures on remote communities as "governances". Hence in this thesis, these local urban and rural/regional as well as discursive community processes are also interpreted as all being governance processes[23]. This is in recognition of the fact that while they are not formal, recognised governance structures, they nevertheless perform governance functions. This thesis is not about formal governance systems because Indigenous communities have not been able to authorise, legitimate and scale their developing governance activities as formal structures. Nevertheless, all local and discursive Indigenous communities construct participatory structures; produce knowledges, including on political relations; provide social control, services and support; advocate social justice issues; distribute resources and political power; perform gate-keeping functions and are also in contention with other interests regarding land use. And as systems of political and social ordering, these governances are scaling processes within communities. These are capable of (but have generally been prevented from) self-scaling to regional, state and federal levels where

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[23] I owe my openness to the notion of these functions as governances in part to separate conversations with my supervisor Richard Howitt and Terry Widders, an academic with the Macquarie Centre for Indigenous Studies (and a study participant). While not specific about urban or discursive Indigenous community expressions of governance, these conversations introduced me to the idea of "non-territorial sovereignty", signifying that Indigenous sovereignty was not necessarily tied to remote area communities who occupy ancestral land.

they could occupy a negotiating position with Australian governments in determining the political and economic relations under which Indigenous people live.

This finding of commonality among discursive communities and local communities from urban to remote warranted further conceptualisation of a super category that could unite these fundamental commonalities. And this had to be commensurate with the authority and social goods that these governances impart in local and discursive Indigenous communities; the import of their erasure from the political landscape; and the authority and significance that they should hold in relation with Australian governments and political life as a whole. The concept of **Contemporary Indigenous Governances** fulfilled these criteria. In particular, the term "Contemporary" serves to subvert what is referred to in this thesis as an "authenticity binary". This is an umbrella concept for several binaries, all constructed to sort and divide the diversity of local and discursive Indigenous ways of living and operating into two main categories—authentic/ traditional and compromised/ urban—with the outcome of subverting and dividing their claims to legitimacy and power within the Australian political landscape. By contrast, the term "Contemporary" unites while recognising the multiplicity of informal Indigenous governances. It produces a discourse of inherent political entitlement that resides in the totality of social, cultural, cosmological, intellectual and political processes across all Indigenous communities, local and discursive, and from remote to urban. And it renders all Indigenous communities as equally legitimate expressions of Indigenous presence because all are contemporary outcomes of geographical and historical processes.

In exploring the scaled politics of how Indigenous discourse and governance has been rendered absent, and in re-inscribing these processes into the Australian political landscape, the concepts of scale erasure and Contemporary Indigenous Governances conceptually counter the scaled discourses and processes of erasure produced by reconciliation and previous policy settings. They render as central what has been rendered as absent—a diversity of Indigenous community governances and the related discourses of dissent against government attempts to de-authorise them; and the entitlement to scale community governances to a level of negotiation with formal governance structures.

1.4: The role of associated issues: self-determination, self-scaling, treaty and colonisation

The concepts of self-determination, self-scaling, treaty and colonisation are used throughout the thesis.

The concept of **self-determination** used in this thesis is expanded from the work of Daes and Jonas. Indigenous self-determination is a complex of tangible and intangible objectives, summarised by Professor Eric-Irene Daes, the former Chair of the United Nations Working Group on Indigenous Populations as follows:

> [S]elf-determination means the freedom for indigenous peoples to live well, to live according to their own values and beliefs, and to be respected by their non-Indigenous neighbours…and to determine what it means to live [well]" (Jonas, 2002a:20).

Jonas adds that the right to self-government is an essential element in the construction of a functional, mutually respectful relationship with existing political structures, and is therefore fundamental to self-determination (Jonas, 2002a:20-21)[24]. The engagements in this study have also highlighted another important aspect of self-determination—that governance processes, and therefore self-determination processes are an everyday reality in Indigenous urban and rural as well as remote communities. The scaled analysis of this study thus locates self-governance as a simultaneous, two-part process: the recognition and support of existing self-authored, self-authorised Indigenous community (discursive as well as local) structures and processes of self-determination; and their **self-scaling** into participatory, representative structures and processes beyond the local and regional community levels. Political authority and capacity is thereby drawn from community level processes and delivered to functional engagement with existing government structures.

The concept of **treaty** is used extensively by Indigenous study participants in Chapters 6 & 7 as the fundamental benchmark for Indigenous advancement and improved relations between black and white Australia. It is conceived as a participatory process, built from the ground up by Indigenous communities. So participants use it as a short-cut concept connoting not only an end product, but also

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[24] The question of separate statehood, as Jonas points out, is often brought up by conservative commentators whose interest is to draw demands for self-determination as an extreme position, against which assimilative policy is rendered as the only alternative (2002a:7&26).

the political process leading to it. This process requires a fundamental change to the terms of engagement, without which, say some participants, it would be no better than the reconciliation policy. It is for this reason that this thesis does not concentrate on the idea of treaty—to the extent that discussions are made around the idea, it signifies a process of self-determination that is a pre-condition for a treaty process. This thesis deals with the prior, more fundamental issue of how Indigenous community participation in, authorisation of, and consent for such a process is to be constructed. This will be crucial in determining its accountability to, and value for Indigenous communities, as opposed to its construction as yet another top-down government policy that is founded on the imperatives to produce an Australian national identity, legitimate the Australian nation state and manage Indigenous dissident politics.

The fundamental issue of self-determination based on community participation and authorisation is at the heart of the scaled analysis in this thesis. It provides the tools to ask the question of any government policy—does it support community authorised self-determination processes and structures or is it scaled to impose government agendas? Only with the former will it be feasible to proceed with a process like treaty. However, a treaty is not the only possible outcome of a process grounded in community participation; another is the establishment of an Indigenous parliament, possibly in conjunction with a treaty. These or other outcomes cannot be foreseen prior to the development of self-scaling structures and processes for participatory decision-making. Writing on the pitfalls of a treaty process that is not accountable to existing and developing community processes and priorities, Eddie Mabo Junior warned against putting "the cart before the horse" and thus entrenching existing injustices. "We have to have self-determination now" he asserts, "if we are to enjoy self-determination in the future" (2006:99).

Colonialism is the description used in this study for contemporary political relations between Indigenous communities and Australian governments. The evidence of this study does not support the idea that Australia is in a post-colonial phase. Self-determination of the kind envisaged by Daes and Jonas has not been achieved. Indigenous participants in Chapters 6 & 7 experience the Australian nation state as having failed to recognise the values, beliefs, community structures and political processes that constitute the plurality of Indigenous ways of living across diverse

contexts. There has been no process of systematic reflection on, and revision of the political relations that were established with the colonial occupation of the Australian continent. To the contrary, the challenges to the existence and authority of Indigenous lands, cosmologies, intellectual and cultural products and social structures have deepened; alongside a cynical utilisation by governments of the resulting social dysfunction to legitimise further encroachment on behalf of various interests. Because this continuing colonialism is iterated through numerous economic, historical, geographic, political and social factors, it will persist in the absence of any active process to overcome it. Chapter 3 will review several literatures that locate colonialism in Australia as an ongoing project. It re-invents itself through various permutations, adapting to and utilising contemporary national and international circumstances, interests, ideologies and discourses. In these processes the political relations of colonialism are disguised and hence perpetuated. This study is an analysis of one of those permutations of re-invention. Understanding and de-naturalising the default mechanisms that automatically *guarantee* the integration of colonial practice and political relations into policy (even one intended to deliver a framework of negotiation) is the first step in overcoming them. This study highlights some of the mechanisms of political scaling by which these default processes occurred in the reconciliation era.

1.5: What this study is not about

As indicated above, this thesis does not address the question of how the stated policy objectives were fulfilled. Nor does it focus on the hostility of the Howard Government toward self-determination and Indigenous rights, or the way these ideologies were expressed by individuals in it. Rather, its focus is with the underlying, ongoing structure of political relations between Indigenous communities and Australian governments. Another area not addressed for the same reason is the role of reconciliation as a social movement. Several positive developments have emerged under the rubric of reconciliation. The flying of the Aboriginal flag outside local council chambers across the nation and the building of a memorial to the victims of the 1838 Myall Creek massacre in central northwest NSW are two of many examples. The latter followed a four-year community dispute in nearby Moree, in which

reconciliation discourses were utilised to great effect. In June 2008, the Rudd Labor Government gave it heritage listing (SMH, 7-8/6/08:7).

Another area not dealt with in this study is reconciliation in other nations. With its wider reference point in the Australian political landscape it is not a study of the phenomenon of the reconciliation process, or how it proceeded in other nations. However there are some comparisons to be made between the Australian and overseas experiences in terms of the political relations of the reconciliation process. The main point made in the literature is Nettheim's (2005) argument regarding the absence of a truth commission in Australia. Numerous nations have employed national official reconciliation and/or truth seeking processes in order to bring antagonistic parties into accord after a conflict and Hayner (2001) and Humphrey (2002) record twenty-two between them (including Australia)[25]. A general point of agreement in the literatures is the value of the official truth commission, aimed at developing a generally agreed set of historical facts. This is a difficult objective to achieve (Hayner, 2001:154) but where it is possible it provides an essential basis from which to build a more just society (Dwyer, 2003:100 and Hayner, 2001:154). And Govier suggests that in the absence of acknowledgment of past wrongs, the ensuing forgetting compounds those wrongs (2003:13). In particular, the outcome of the South African Truth and Reconciliation Commission (TRC) was, says Hayner, a "thoroughly won, generally agreed understanding of… history" (2001:160); it has enabled South Africa to "move forward with a common history" rather than perpetuating the conflict between several conflicting histories (Goldstone, 2003:154). By contrast, the lack of an instrument for developing a generally accepted history in Australia was a fundamental deficiency according to Nettheim, who asks, "Does this signify that there was no need to seek out the truth as to violations of the human rights of Indigenous Australians?" (2005:4). No doubt this denial of the necessity of coming to terms with conflicting historical interpretations has contributed to the lack of a clear resolution of the "cultural battles" referred to above. As Chapter 5 will show, the conflict free representation of the Australian reconciliation process was built into it from its political beginnings.

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[25] Uganda, Bolivia, Argentina, Uruguay, Zimbabwe, Nepal, Chile, Chad, South Africa, Ecuador, Guatemala, Nigeria, Sierra Leone, US, Canada, Australia, Ethiopia, Rwanda, Honduras, Northern Ireland, El Salvador, Bosnia; also the Nuremberg trials of German WWII war criminals.

Other points of comparisons emerge from the findings of this study. Dwyer notes the coercive aspects of overseas reconciliation processes, in which victims have been expected to "bear the burden of undertaking the hard work of reconciliation" (Dwyer, 2003:107). And although generally acclaimed, the South African TRC had coercive elements, with some participants feeling compelled to moderate their responses in keeping with the explicitly enunciated state goal of reconciliation (Hayner, 2002:157; also see Verwoerd, 2003:245-278). In other examples recounted by Hayner the Chilean National Commission on Truth and Reconciliation generated suppression rather than ventilation of disagreements on the past; and in Argentina relatives of the "disappeared" (kidnapped and executed by authorities) found the idea of reconciliation to the recent past to be "profoundly immoral" and a "code word for those [the military and the government] who wanted nothing done" (Hayner, 2001:160). Although not in the context of a truth commission, these processes are not unlike those described in Chapter 7 of this study. Participants report the mechanisms of the consultation process as being suppressive, manipulative and exclusionary; and they considered the incapacity of the process to explore "unspeakable truths"[26] like the possibility of individual culpability in deaths in custody to be a matter of ongoing betrayal of justice.

In general suggests Dwyer, a "happy and harmonious coexistence" is not a realistic objective of a reconciliation process (2003:108). But if it is to have significant outcomes, says Dwyer, they must be framed and conducted in terms that are credible to both parties. Significant outcomes include the development of a common history that is not repressive, evasive or denialist, and the development of health, economic and educational measures. The latter are to be positioned as objectives for the future support and development of aggrieved parties and "not… as compensation for past wrongs" (2003:108). The underdevelopment of Indigenous communities is still starkly relevant for Australia (Calma, 2007; Dodson, P, 2000), as is the denial of history (Manne, 2003); and Nettheim adds a further prerequisite for significant progress, that reconciliation will only be achievable with an agreement between Indigenous and non-Indigenous Australians (2005: 35).

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[26] This phrase comes from Hayner's title (2001).

Racism is another area not addressed in this thesis. While a study of this kind requires calibration with respect to race and whiteness discourses (see next section), this is a scale study of political structure and so it is quite distinct from social analysis. The only section dealing with racism is where, in Chapter 8, it is conceived in terms of an institutional phenomenon, an outcome of the scaling of political institutions. Other broad factors relating to Indigenous affairs—such as economic, social and political trends and interests; also social and political inequality—are also not addressed in relation to reconciliation policy. This study explores scale as one of several structural factors that interact with others and can contribute to explanation in Indigenous affairs. As mentioned above, Chapter 5 gives a political history of policy in the self-determination era (including reconciliation), but this is refracted through the lens of scale.

Further broad areas not addressed in this thesis are state government policies (except where specified in Chapters 4 and 5) and the interactions between state and federal government policies. This is because the study is not about formally scaled institutions of government. Rather, it analyses scale as a discourse and a means of social ordering. It explores how the scaled structures and processes generated with the reconciliation policy perpetuated colonial political relations. While the policy's hierarchical organisation extended from the federal body of the CAR to state councils (hosted by state governments), and down to the LRGs (which were co-ordinated by the upper levels), it was structured toward an ultimate, strongly centralised federal policy outcome, namely the production of the documents of reconciliation. Indeed these inclusions played an essential role in legitimising the policy. Although the hierarchical local-state-national structuring provided the appearance of a democratically organised structure, this thesis will show that it was precisely this scaled structuring that provided the means for the imposition of top-down federal policy agendas into Indigenous communities. While the scaled discourses of the reconciliation policy mimicked democratic representation, the interface between government and community was not a pluralist, responsive and accountable one. Instead, as Chapter 7 will show, it was a strictly circumscribed, one-way interface between Indigenous communities and government.

As noted above, the idea of Contemporary Indigenous Governances entails the prospect of scaling these governances so that community authority can be delivered to state and federal government levels of negotiation. However, this thesis does not try to set out the arrangements that would make this possible. The South Australian example to be explored in Chapter 4 has demonstrated the efficacy of a system based on Indigenous community authority in a limited (albeit state-wide) context. But the legislative, institutional and administrative foundations for establishing such a system with a broader scope and a broader agenda for self-determination are not explored. Neither does this thesis explore the Indigenous community level arrangements for such a venture.

Both domains are left unaddressed for two reasons. The first is that genuine self-determination implies that Indigenous community arrangements are entirely the prerogative of the communities concerned; and further, that the design of broader arrangements (including legislation) should have substantial Indigenous community input. Rowse (1992) surveys the complex conceptual and political issues faced by federal governments of the self-determination era in navigating the territory of Aboriginal associations, their representation and their administrative environments. For example, in Rowse's assessment of the final report of the House of Representatives Standing Committee on Aboriginal Affairs *Our Future Our Selves* (August 1990), he supports its authors in favouring "Aboriginal organisations which emerge from Aborigines' 'aspirations and priorities'" over those "which 'are imposed from above'" (1992:92), in their prospects for more effective representation and community planning. Further, the authors countered the ideological position that pits Aboriginal "factions" as an argument against self-determination, by arguing for a "non-dogmatic approach to the fostering of any organisations that are intended to represent Aborigines' interests" (Rowse, 1992:97). Rowse is also sympathetic to the authors' response to Aboriginal submissions on the incoherencies and unreasonable demands of government consultation methodologies. This was to argue instead for negotiation between Aboriginal associations and government agencies. But, argues Rowse, the authors nevertheless failed to address "the increase in Aboriginal power" (1992:93) implied by this finding, and how it might be constituted. So, although the report authors made a distinction between the objective of self-determination and the reality of its implementation—arguing that it deteriorated into a system of self-

management and obligatory unification, orientated toward compliance with government imposed structures—the authors' failure to address the power issue meant that they tended in subtle ways, to revert to the self-management ideology they were critiquing (Rowse, 1992:93,95-97). This issue of power sharing between Indigenous communities[27] and state and federal governments is fundamental to the concept of Contemporary Indigenous Governances and their political scaling.

This problem of orientation of Indigenous groupings toward government policy brings another perspective to the above mentioned question of prerogative. For community prerogative is not only a question of *how*, but also *if* Indigenous groupings choose to form associations for negotiation with state or federal governments. Rowse argues that there might be many reasons for deciding not to, including "the fact that both Aboriginal and non-Aboriginal people behave politically according to a logic of relatively small, defensive, consociate units" (1992:97). An associated point is the above discussion by Rowse concerning the unreasonable resource burdens and distortions of community processes entailed in self-management for compliance with structural demands (such as government policy) (1992:91-8). While this issue of community arrangements is left unaddressed in this thesis, it is suggested that the central concern in the concept of self-determination through the political scaling of Contemporary Indigenous Governances is to locate power with Indigenous associations and communities. Indeed, in one sense this idea is an empirically grounded exercise in conceptualising Indigenous power and sovereignty, and an extended entitlement to self-determination. And the suggested purpose of scaling from the bottom up is that Indigenous associations and communities, not governments are the entities that authorise that process.

The second reason why community and broader arrangements for establishing a system of scaled Contemporary Indigenous Governances are not addressed in the thesis is that these matters are not within the scope of the study. In taking up the questions of how the policy of reconciliation addressed the issues of Indigenous community specificity, diversity and dissent, this study focuses on the more specific dynamics of the scaled mechanisms of ordering through management and exclusion. And arising from this inquiry is the above mentioned conceptualisation of an extended

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[27] Chapter 2 will discuss the use of the term 'community'. Rowse argues that this term is itself indicative of changes in patterns of Indigenous association, in response to the imposition of government structures (Rowse, 1992:96).

entitlement to self-determination. It does not tackle the more difficult question of the political, legislative or constitutional environments that might advance this entitlement.

Last is a note on the use of the term 'government, which is used throughout the thesis in two broad ways. First, there are specific meanings relating to existing policies. The term 'government(s)' generally relates to federal government because the policy under study is federal. (This is often signified by the phrase 'federal government(s)"). And there are two specific discussions on state policies—in the Chapter 4 discussion of the scaled, community based process hosted by the South Australian Government for the negotiation of native title; and in Chapter 5, which discusses some interactions of state and federal government policy on land rights policy. The second broad usage of the term 'government(s)' relates to future possibilities and tends to be general. This is because the possibilities for scaling of Indigenous governances might pertain to both state and federal governments. (Often this is signified by the phrase 'state and federal governments'.)

1.6: Positionality

Although my family history includes a tenuously drawn lineage of Koori or Murri ancestry, my identity is as a non-Indigenous person. My political consciousness began with my upbringing in a lower middle class (hence relatively privileged) dissident family in the 1950s and 1960s. Nevertheless, my acquaintance with Indigenous political issues did not come until 1982 when I studied a Macquarie University undergraduate course entitled "Aboriginal Australian History"[28], given by Indigenous academics (including Terry Widders, see footnote 23). Like some other non-Indigenous supporters of Indigenous rights, I had the naïve belief that with the election of the Hawke Labor federal government in 1983, the conduct of Indigenous affairs would change substantially. Apart from attending demonstrations, including the historic 1988 'Survival Day' march, I remained uninvolved until the Howard Government was elected in 1996.

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[28] It was after this that I became aware of the possibility of Aboriginal ancestry.

For a non-Indigenous person, the obvious question arises concerning entitlement to make a study on Indigenous issues. An entirely laudable challenge that I was "studying Indigenous people" was put to me by the LRG convenor who co-organised the March 2000 meeting described above. My answer was, and still is that I was not (am not) studying Indigenous people; rather, the Australian nation state and its exercise of power over Indigenous communities is my subject of study. This is in keeping with Moreton-Robinson's call for non-Indigenous researchers to relinquish their unchallenging and self-reflecting gaze upon Indigenous culture, religion and society; and to eschew the sense of entitlement to understand Indigenous society, together with the pursuit of racism studies that objectify Indigenous identities (Moreton-Robinson, 2000). Instead, says Moreton-Robinson, non-Indigenous researchers have a responsibility to penetrate to the foundations of racism by interrogating the relationships between privilege and the construction of whiteness, in which they themselves are embedded. This study is not on whiteness as such. But Moreton-Robinson's call warrants a wider interpretation. Put in more general terms it is a call for non-Indigenous researchers to examine the relationship between ongoing colonialism and Indigenous disadvantage, or more precisely, how the former has impeded the political and economic development of Indigenous communities. This more general theme underscores this study, pursued as an inquiry into the scaled mechanisms by which the Australian nation state maintains its privileged position with respect to Indigenous peoples, denying them the right to self-determination and economic independence.

Through political engagement I was well positioned to be reflexive on these questions. I had become involved in a project constructed under Australian government auspices for the constitution of a synthetic, united Indigenous/ non-Indigenous Australian national identity (Moran, 1998; de Costa, 2000; Povinelli, 2002). And I had stumbled in the exposed and (for me at the time) unexpectedly treacherous crossroads between several dynamics: government policy instruments and mechanics; the predominantly compliant position of LRG members with that policy; and Indigenous dissent. Seen from this position, with the lines drawn so clearly, there was no ambiguity regarding my responsibilities. These were to examine the structure of the policy process: how it supported and re-constructed white privilege through ongoing colonialism; and how it was received and negotiated by Indigenous local and

discursive communities. My legitimacy as a non-Indigenous person was not in having no voice. Rather, it was in fulfilling a responsibility to utilise my relative privilege to examine the structure of colonialism as it was manifested through the government policy that I had engaged with. Through this exercise I hope for three outcomes:

1) To contribute to the analysis of contemporary Australian colonial relations.

2) To open debate on the findings of the study. These de-centre the orthodoxy of Indigenous community deficit, constructed to legitimise continuing government encroachment on Indigenous governance, land and culture. They highlight instead, Indigenous community authority and its potential to extend existing scales of Indigenous community governance.

3) To provide non-Indigenous supporters of Indigenous rights with the analytical tools to penetrate the appearances of benign government policy by asking the fundamental question—does it support or undermine the authority of Contemporary Indigenous Governances?

A valuable comment on the concept of Contemporary Indigenous Governances was made by an Indigenous academic associate. He noted that there was some impertinence in naming and objectifying what people have been doing for a very long time without the assistance of a label. This was made in the context of general agreement on its value as a statement of the unrecognised import of these activities and processes as an essential element in any legitimate equation of political relations. We are in agreement on this criticism. When statements or descriptions are produced to contest the status quo of political relations, they inevitably, to some degree, reflect the ideology and language of those relations. Given this, I believe that the best one can do in operating from the given time, place and circumstances that are one's allotment, is to begin steps toward a rigorous and reflexive analysis of the dynamics that have produced that allotment—and in my case, its privilege. In that spirit, associated problems must be recognised and interrogated through engagement with criticism. But they are less a failure than an unavoidable part of the first, necessarily uncertain steps in change. The inevitability of the intrusion of cultural/ ideological baggage in the process should not be a reason for not proceeding. Indeed the greater arrogance is in assuming that it is possible to operate independently of the cultural conditioning that has been part of one's development, and to fail to act for fear of personal exposure, hence remaining unengaged and untested. The purpose is

not personal vindication or the launch of a discreet intellectual product that will remain unsullied by the test of time. To the contrary, the responsibility is, through a considered methodology, to introduce a debate that challenges existing power relations, and also hopefully serves as a tool for Indigenous activists and other community members. And if they do find value in it, it will become barely recognisable as the original concept, which will inevitably be found to be embryonic and ill matched to specific circumstances.

Another issue arising from this kind of study is that I have used Indigenous voices to arrive at an (albeit transient) intellectual product for which I claim authorship. As Chapter 2 will show, I have made practical efforts to ensure that my presentation of these voices is as they intended. These voices have been integrated into a comprehensive body of knowledge, which is presented in Chapters 6 & 7. This stands as a virtual conversation among those participants; and as such, I believe it is a valuable treatise on contemporary political relations between Indigenous communities (local and discursive) and Australian governments. This, and their separate commentaries stand as their combined and separate products and not mine. What stands as my knowledge product is my use of scale analysis to complement and extend this body of knowledge, which then produced the concept of Contemporary Indigenous Governances. So my voice and the participant's voices are in important respects, distinct from one another. Each of us has produced combined and singular bodies of knowledge. And while my distinctive authorship serves a purpose during the productive process, it is nevertheless ultimately an ephemeral thing. As noted above, its success will be judged in its capacity to contribute and yield to changing conditions and requirements, rather than its survival as a product.

1.7: Thesis structure – summary of the argument and the evidence

Chapter 2, the methodology chapter discusses project design and recruitment; the interview process; and consent processes and other ethical considerations. It also describes how the body of evidence, interacting with the analytical method, generated the concept of Contemporary Indigenous Governances and their erasure through government policy processes.

Chapters 3 to 5 are foundational chapters. Chapter 3, the literature review deals with three categories of literature: 1) non-geographical critiques of reconciliation policy; 2) geographical studies with Indigenous communities; and 3) the small body of literature on scale and Indigenous communities. A fourth literature on geographical scale is reviewed in the theory chapter, Chapter 4. As explained above, the second literature provided the background for this thesis' rendering of participant roles in their communities as governance processes, thus providing the first enabling steps toward the two central ideas of the thesis—Contemporary Indigenous Governances and the erasure of the scales at which these governances operate. The third and fourth categories of literatures contributed to the substantial development of these conceptualisations.

The second, third and fourth literatures also provide the basis for a supporting argument in the thesis. This concerns the contribution of a scaled analytical approach to Indigenous affairs policy. The first category of literatures, the non-geographical critiques provide essential political and social insights on the reconciliation policy. But they do not provide the full explanation for the failures of reconciliation policy as it was conceived in 1990. As noted previously, the bottom-up geographic perspectives of community studies and scale politics have provided a systematic conceptual framework and practical methodology for elucidating the processes and mechanisms of the reconciliation policy; and how these operated in practice to exclude Indigenous community political expression and to erase their governance processes for the purposes of representation in government policy. This explanatory system goes to the roots of how a policy that appeared to be pro-Indigenous rights actually performed as a colonial imposition upon Indigenous communities and offered no challenge to existing political relations. Indeed, it recast these relations under a liberal democratic framework. As Chapter 3 will show, while it is possible to deduce at a theoretical level that a project like reconciliation can be assimilatory, colonial and nationalist[29], it is also necessary to explore the empirical evidence from the Indigenous community perspective. In doing so, this perspective introduces an extensive new dimension, which is not available at the level of theoretical deduction, to the understanding of

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[29] For example de Costa (2000, 2002); Gunstone (2007); Moran, A (1998); Moran, S (2003); Povinelli (2002); Pratt (1998); Prentice et al (2003); Schaap (2007); Short (2003, 2005).

how colonial policy settings lead inevitably to the erasure of the prospects for scaling up Indigenous community self-determination processes.

Chapter 5 traces Indigenous affairs policies from the early 1970s. The perspective of erasure of Indigenous scales of governance is critical to this inquiry; it provides the reference point from which policy history, including that of reconciliation is assessed. Reconciliation policy is traced as part of a lineage of policies of continuing colonisation and erasure.

The empirical data from the twenty-nine study participants are presented and analysed in Chapters 6 to 8. The scaled structures and mechanisms of reconciliation policy, which constructed and naturalised a hierarchical, top-down power structure, are analysed from two divergent viewpoints: members of Indigenous local and discursive communities; and CAR members and political associates. Chapter 6 forms the critical commentaries of the former into a body of knowledge on the founding ideologies of the policy. It further sets out the bases from which these participants are able to form these opinions—the Contemporary Indigenous Governance processes with which they are involved. Chapter 7 explores their experiences of reconciliation policy processes. It analyses these in terms of a system of scaled mechanisms that facilitated the authorisation and entrenchment of Australian government authority over Indigenous communities; and the ordering of political phenomena, including dissent. It also explores the scaled relations of suppression that facilitate the construction of Indigenous leadership by the white media and politicians, and the impacts of these processes on public and Indigenous community discourses. Chapter 8 examines how members of the second group, CAR members and other policy agents negotiated their structural roles of *realpolitik* engagement with government policy; and how their modes of thinking and operation were restricted by their scaled disengagement from Indigenous community thinking.

Chapter 9, the concluding chapter provides a summary of the thesis argument. It discusses the implications of these scaled analyses for Indigenous studies, including an Indigenous affairs policy that takes seriously a conception of self-determination that is based in and on community authority. It further discusses the contribution of the thesis to the inquiry of scale in human geography. And it reflects on the

limitations of the thesis and what has been learned during the study. Finally, it discusses possible future study directions.

2) METHODOLOGY

2.1: Introduction

The political engagement that gave rise to this study determined the research methodology. In seeking both to build upon and distance myself from my personal involvement in a LRG, I undertook a series of in-depth interviews to produce a body of testimony from different locations within and outside the reconciliation discourses. I could then explore how local and discursive Indigenous communities received the scaling processes of reconciliation policy; and how participants negotiated their different structural and political interests with respect to reconciliation discourses. This would be done through an investigation into the scaled political relations underpinning these phenomena. The study finishes at December 2000, when the policy was formally concluded. The interview period was from second half 2001 to the beginning of 2003.

Through all stages—interviewing and data analysis, and an iterative consent process—the methods used were participant centred to enhance accountability to participants and to privilege Indigenous knowledges. This approach met not only an ethical objective, but also the analytical objective of ensuring that the study was empirically driven and not screened through received theoretical frameworks. Ultimately, it also led to the specific conceptual outcomes of the thesis.

2.2: Terminology, categories and referencing

Throughout the thesis I refer to two categories of participants as 'Class 1 interviewees' and 'Class 2 interviewees' (see Appendices 9 & 10). Class 1 interviewees were approached on the basis of their *absence* of CAR allegiance and their activist/professional engagement with a range of Indigenous local and discursive communities. They included Local Aboriginal Corporation principals (and one staff member); principals from Local Aboriginal Land Councils and organisations dealing with rights issues such as deaths in custody and the Stolen Generations; also

academics; an independent consultant researcher; cultural workers; a member of the Aboriginal Education Consultative Group; members of the Tent Embassy in Canberra; principal members of Indigenous units in local, state and federal government organisations and principals of independent Indigenous organisations aimed at building services and community networks. There were seventeen Class 1 participants and all but one were Indigenous. The exception was a principal of ANTaR (Australians for Native Title and Reconciliation). The twelve Class 2 participants were approached and classed on the basis that they were policy agents— CAR members (also one consultant to the CAR); and politicians with ministry or shadow ministry responsibility for Indigenous affairs policy.

These categories are not meant to indicate a fundamental opposition, nor do they determine the analysis. Rather, the two categories and their criteria are set by a received distinction between Indigenous affairs interested parties who either were or were not structurally associated with the CAR. Clearly the Indigenous Class 2 interviewees have been as engaged with Indigenous communities as are Class 1 interviewees. But the inquiry of this thesis is how politically scaled structural positioning has determined the frames of reference in which people can think and act. On the one hand, Class 1 testimony, discussed in Chapters 6 & 7, was remarkably consistent in its critique of reconciliation policy, that it was not responsive to Indigenous community interests and processes. On the other hand, Class 2 interviewees, as discussed in Chapter 8, had widely disparate views. While a minority were distrustful of the idea of collective self-determination for Indigenous peoples, and many were comfortable with the Australian government's authority over Indigenous communities in determining Indigenous affairs policy, others were close to various facets of Class 1 opinion, in that they valued the political significance of Indigenous communities and dissent. But also shown in Chapter 8 is how individual political insight is subject to the constraints of institutional structuring, which is legitimised through political scaling. This generates an *absence* of institutional capacity to explore, exchange and operationalise those insights. While the views of Class 1 interviewees were marginalised and their aspirations were truncated by the top-down policy process, similar Class 2 opinion was also truncated under the policy demands they worked to. So while there is a diversity of opinion that intersects this structurally imposed polarity; this structuring nevertheless enforces institutional absences that become the foundation of colonial modes of action and abridged thought.

Throughout the thesis, the term 'Indigenous' is used because it is more inclusive than the term 'Aboriginal'. Another term used is Indigenous 'community' or 'communities'. This does not refer to fixed, discrete locales. Rather, local community is viewed with the meaning used by geographers Young and Doohan[30] (1989), who conceptualise communities in northern Australia in terms of their flexible, interchanging lines of association and movement. Rowse (1992) provides a further understanding of 'community', where the very existence of the concept is itself indicative of change. The resource and management demands made upon Indigenous groups by government funding/ administrative arrangements have precipitated the development of strategic but enduring non-traditional lines of association—which are communities. Drawing on a survey of anthropological literature, Rowse suggests that these communities "start to displace 'family' (or 'mob') as the social unit to which one refers in thinking of oneself and of others as social beings" (1992:96). Rowse makes no value judgement on these developments. He allows for both contestation (1992:96) and complementarity (1992:97) between these "traditional and modern sources of power and between older and newer senses of solidarity and mutual obligation" (1992:96). And in discussing the inconsistent meanings given to the concept 'community' in the House of Representatives Standing Committee on Aboriginal Affairs *Our Future Our Selves* (August, 1990), he suggests that an appropriate resolution might be "to see community as an emergent property of all Aboriginal aggregations" (1992:96). The concept of 'community' used in this thesis is congruent with these flexible, accommodating meanings provided by Rowse (1992) and Young and Doohan (1989). In this thesis, these meanings are also extended to rural and urban communities. In these also, structural responses to government administration, as well as interconnections and movement between associations of land, kin and other aspects of social life (for instance sport and arts) are also important constituents of community. The concept of community is also used extensively in this thesis in relation to Indigenous discursive communities.

Throughout Chapters 6, 7 & 8, ellipses are used in participant quotes to denote skipped dialogue. Hesitation was negligible throughout all interviews and is not registered.

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[30] Doohan was an anthropologist before completing her PhD in Geography at Macquarie University in 2007.

Referencing follows the Harvard system, including that for participant quotes. These read as in the following examples from Chapter 6:

1. (Simms:3)
2. **Simms**… also regards reconciliation and the Stolen Generations as "two separate entities" (7).

Interviewees generally gave one interview, with the exception of two Class 1 participants. Their quotes are referenced according to interview number, as follows:

Edwards and his Sorry Day Committee team found that… people wanted a "departure from the broader reconciliation movement on this particular issue, the Stolen Generations" (int.1:2).

2.3: The research challenge

As discussed in Chapter 1, this thesis arose from an engagement with Indigenous local and discursive communities and their experiences of reconciliation policy processes. This gave rise to the research question at the core of this thesis— "How did the particular institutional form of Australia's reconciliation project address Indigenous diversity, specificity and dissent?". This required a bifocal method, which allowed both a careful consideration of the principles and purposes of the reconciliation process from the viewpoint of CAR members and politicians, and an in-depth engagement with the critical commentaries and analyses of a disparate group of Indigenous critics of that process.

In terms of method, this approach was pursued through a series of open-ended, participant driven interviews. Converting interviews into "evidence" was a methodological challenge as sample transcription (the sampling of some views to represent others) was not ethically appropriate. Instead, an ethical engagement required a demanding and iterative consent process by which each participant could decide how and if their material was used and rendered individually, and in what context. The analytical approach was also participant centred and iterative. It was aimed specifically at ensuring as far as possible that empirical data and conceptual developments arose directly from participant material, and not from a pre-conceived system for interrogating the material, or from a received theoretical framework.

Chapter 1 also records that my own experience with the top-down structure of the process suggested the efficacy of an analysis using geographical scale, and that this was consistent with geographical literatures. In particular, recent studies around the scales at which Indigenous self-determination might be realised drew the study more surely towards a critical application of scaled analysis of the Australian reconciliation process.

2.4: Project design

Within the overall objective of exploring the differences of approach to the reconciliation policy according to structural positioning with respect to it, the design of the study changed over time in response to ongoing developments. Originally the project was envisaged as encompassing a broader range of experience in the reconciliation process. Because my initial involvement was with LRGs, I originally intended to explore also the experiences and purposes of local reconciliation groups; also other non-Indigenous social justice groups. This would involve both urban and rural locations, and also interactions with local government—with the possibility of exploring a spatial aspect of the reconciliation process and how this might be integrated with a scale analysis. However, a distinctive and cohesive discourse of Indigenous dissent emerged as the focus of the project. This critiqued the reconciliation process and its marginalising and silencing of Indigenous community discourses, practices and values of self-determination. Proper attention to this discourse required that the study be narrowed to the two above mentioned groups— Class 1 participants, or members of Indigenous local and discursive communities, and Class 2 participants, or CAR members and other policy actors.

An important aspect of this study has been the involvement of my good friend Barbara Nicholson as Indigenous 'Associate Field Supervisor'. She has a strong history of activism in Stolen Generations and deaths in custody organisations, and in generating social support for her local and discursive communities. She is also a published poet (2000; 2008). We met first at an academic conference in 1999 and then later that year at a reconciliation conference. She was conducting an Aboriginal Studies course at the University of Wollongong and had been invited by the local state member of parliament. Over the following months we exchanged dissident views on

reconciliation policy. These were highly contentious at the time and it is not an overstatement to say that dissidents in the reconciliation movement came under considerable pressure, often perceived as radical or, perversely as being anti-Aboriginal rights. Therefore, Barbara's preparedness to discuss such views and to introduce me to a body of opinion that was more broad and developed than my own relatively disorganised dissenting understandings was crucial in giving me the confidence to make the policy a subject of study[31]. I was subsequently introduced to some of Barbara's friends, four of whom became participants in the study, one a CAR member. Barbara also agreed to become part of the study. During the design stage, I sought formal recognition of Barbara's existing contributions in the exchange of ideas and in networking. My academic supervisors gave active and formal support for this. In her role of Associate Supervisor, Barbara went on to give guidance and feedback regarding my field engagements. And on the one occasion when the task seemed too overwhelming, she complemented the ongoing role of my main supervisor, Richard Howitt in giving strong and clear counsel. This was pivotal in my resolve to carry on.

The participant population was drawn first from existing links with Indigenous organisations and reconciliation structures, and subsequently expanded. In order to effectively engage the substantial experience and insights of these people, I aimed for an approach that would pass control of the interview to them. This could not be achieved with a quantitative method employing a large number of highly structured interviews. While a statistical methodology can reveal the *existence* of relationships between components in a system, it does not illuminate the *nature* of those relationships. In fact in this study, there were no structural relationships between the CAR and its critics. So my objective was not to statistically investigate the existence—or non-existence—of a relationship between Indigenous local/ discursive communities and policy processes. Rather it would explore the nature of what was already widely known in grass roots Indigenous politics to be an *absence* of relationship. So, interviews were designed as open-ended invitations of exploration to people whose bodies of knowledge could not be anticipated by the researcher or captured by a given set of questions that was aimed at producing a reductive body of consistent data with a pre-determined structure. Data production in this study was a

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[31] Around this time in November 1999, I attended a talk by historian Tim Rowse. In conversation he advised me to make a study of the policy. This was also pivotal in my decision to embark upon the present study.

dynamic process, in which the participants explored and built on their knowledges, rather than reducing them to fit a pre-conceived template. The discursive realities I needed to access were only available through iterative discussion by the practitioners of the discourses.

Hence, participant control of the interview was not only an ethical position in keeping with the principles of 'respect' and 'equality' (NHMRC, 2002:16); and the principle of 'survival and protection' (Taylor, Walker and Ballard, 2001:9-10), in which researchers are to counter colonising and marginalising processes such as making participants into an "Indigenous problem" or otherwise rendering them as the objects of study (NHMRC, 2002:17). It was also a methodological imperative that excluded a reductive, quantitative method. In fact, it was this combined ethical-analytical imperative of qualitative methodology, that allowed important unanticipated materials to emerge. This facilitated the participants' production of intellectual artefacts, which in turn, became constitutive of the new conceptualisations put forward in this thesis.

2.5: Ethical engagement

In this study, the nature of the research question, involving the representation of dissent, accentuates the value of developing a clear basis for ethical engagement. From project design to field engagement, through to final consent and planned post-study partnerships, the employment of ethical principles and protocols has required a process of reflexivity, tempered by clarity in research goals.

2.5.1 Formal ethics approval process

At Macquarie University, research involving human subjects is assessed and monitored at project design stage and during participant engagement stages by its Ethical Review Committee. The primary resource provided by the committee at the time of my field engagement was the NHMRC's draft guidelines in research involving Aboriginal and Torres Strait Islander Australians (NHMRC, 2002). An Initial Application is followed by renewal applications at twelve-month intervals, then a Final

Report. Project design was approved in August 2001. Arrangements for operationalising principles underpinning social research projects fell under the following two headings: Informed Consent and Safety; and Agreed Standards for the Storage and Disposal of Data.

Informed consent and safety

The protocols set out in the Participant Information sheet (Appendix 2) ensured voluntary consent based on a clear statement of the methods and purposes of research, and of its products. It contained an assurance of confidentiality in the case of non-participation or withdrawal, as well as for participants. It also set out participant options for identification or de-identification in the thesis write-up and future publications, and scheduled the participant's opportunity to revise his/her material before it became data. The covering letters (Appendix 5) set out the conditions for interviews, and the signing of the Consent Form (Appendix 4) by interviewee and interviewer signalled agreement with those conditions. As there was no research development at the activist stage, there was no consent for encounters during that time to be rendered as data. However, my critical reflections on that experience were a factor in my interpretation of the interviews and at certain points it was appropriate to record selected experiences. For these instances, I use a de-identified account of events and discussions, distinguishing them in first person. One appears in this chapter and two in Chapter 7.

Agreed standards for the storage and disposal of data

Appendix 2 of the Macquarie University ethics application requires researchers to set out further conditions agreed to by both parties with the signing of the Consent Form, to protect participants' material against access by unauthorized persons for a limited duration before destruction.

2.5.2 Values and ethics in Aboriginal and Torres Strait Islander research

As the NHMRC points out, all social research should be designed and operationalised with regard for "the welfare, rights, beliefs, perceptions, customs and

cultural heritage, both individual and collective, of persons involved in research" (NHMRC, 2002:15). For research pertaining to Aboriginal and Torres Strait Islander (ATSI) peoples, the NHMRC (2002) introduces further ethical considerations, set out as:

Reciprocity – the requirement "to provide an equitable return (or benefit) to the community that is valued by the community". This is in response to "existing or emerging needs" and should "contributes to cohesion and survival" (NHMRC, 2002:12).

Respect – the objective of eliminating "difference blindness" is at the basis of respect for Indigenous community values and cohesion (2002:16).

Equality – researchers should actively seek to "advance the elimination of inequalities" (2002:16).

Responsibility – apart from the undertaking "to do no harm" to individuals and communities, or to things of importance in social or cultural life, the researcher should "demonstrate agreed responsibilities" (2002:17).

Survival and Protection – Indigenous peoples must be assisted rather than undermined in their attempts "to protect their cultures and identity from colonization and marginalisation" (2002:21-22).

Overall, the NHMRC requires that research with ATSI communities should have the benefit of these communities as a primary objective and should be "based on trust, recognition and values" (NHMRC, 2002:6-7). This is partly in recognition of the history of uneven power relationships with institutions and authorities. Similarly, in their Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) guidelines Taylor et al call for research with Indigenous communities to "prioritise Indigenous knowledge and experience" (Taylor, Walker and Ballard, 2001, appendix 2 "action principles"). Such principles are referred to in previous and following sections to show how they have informed not only the design and operationalisation of research protocols, but also theoretical developments. Indigenous commentary and experience has provided the central perspective, against which other perspectives are assessed. And the principle of assisting Indigenous communities in their efforts to counter the impacts of colonisation (NHMRC, 2002:21) and advance the prospects for self-determination (Taylor, Walker and Ballard, 2001:11) is a primary underlying theme of the study.

2.5.3: Gate keeping

Throughout its draft paper the NHMRC (2002) raises the issue of "respect for Indigenous society". A research project should assist rather than undermine Indigenous efforts to sustain and nourish distinct values and culture. Therefore, recruitment of Indigenous participants should be subject to organisational decision-making structures. In keeping with the principal of working within a framework of organisational decision making, my approaches to organisations were made in advance to the principal, in writing. In this category were the Class 1 participants T. French, Gibson, Jackson, Mundine and Simms.

There were three exceptions to the practice of making written organisational contact in advance. Two were Buzzacott and Eatock, who were members of the Canberra Tent Embassy. Before my Canberra field trip I had attempted to make written contact with the Embassy, to no avail. So on the field trip I visited the Embassy and introduced the study and the participant documents (discussed in 2.5.1) to the group who were resident at the time, intending to allow a few days for decision making. Buzzacott, whom I understood to be the Embassy's senior elder at the time, agreed to be interviewed immediately, and Eatock agreed when I returned. The other exception was Anon, whose interview followed one with the organisational principal with whom she worked. The latter invited her to participate. In these three cases, decision making was less formal than that facilitated by an advance written approach. This was dictated by the informality of circumstances that could not be pre-planned.

Other Indigenous interviewees operated as individual professionals in areas such as education, politics, arts, research and public service administration. These were contacted independently in writing first and included all Indigenous CAR members (Ridgeway being the only identified CAR member), together with Class 1 participants Edwards, D. French, Heiss, Katona, Nicholson, Pattison, Reed-Gilbert and Widders.

The contingencies of the gate keeping issue were highlighted when I asked the chairperson of an Indigenous organisation for the address of the previous chairperson,

who no longer worked for the organisation. The latter was an interviewee and I needed to send him some materials for the consent process. The current chairperson challenged my entitlement to seek individual consent regarding association business. He chose to accept my reasoning that the participant had been approached in advance as the principal of the organisation at that time, that the latter had been asked only for individual experiences and views, that he had not spoken about, or on behalf of the organisation. Interestingly, when, on the current chairperson's request, I discussed the findings of the study, he wholeheartedly approved and requested a copy of the finished thesis. Nevertheless his broader point—that researchers should be accountable to Indigenous organisations rather than individuals—still stands as an important issue for this and similar studies.

I had reflected on problems such as variable circumstances of consent before field engagement. For all participants, including organisational contacts, I gave a written assurance (Appendix 5) that participant involvement was on an individual basis. So participants were not asked to represent their organisations, but to discuss their personal experiences and views of the reconciliation policy process. At the same time, their organisational and community experience meant that their opinions, while personal, might be reflective of community opinion. As will be shown in Chapters 6 & 7, several participants gave unsolicited reports of prevalent community views. In blurring the line between personal and community views, this approach was ambiguous and arguably opportunistic. To some extent, this dilemma reflects the fact that negotiating the contradictions generated within the context of existing power relations necessarily involves their reflection to some degree. Researchers and Indigenous communities lack the political context or the institutional means to construct robust representative/consensual modes of participation. These issues feed into the central theme in this thesis, the colonial power relations between Australian governments and Indigenous communities. As noted above, at the practical level of addressing issues of equality within a research study, this study has built in specific methodologies for accountability to participants and for prioritising Indigenous knowledge and experience, as discussed above and elsewhere in this chapter.

2.5.4: Specific ethical reflections

The only operational issue with a potential to raise questions about the ethical engagement developed in this research was that having been an active participant in the discourses, I had knowledge of different discourses and had formed personal views. This is not an ethical problem in itself because the involvement that led to this study necessarily entails such personal engagement. A problem arises only if personal views restrict the participants' representation of their own views and experiences; or if the researcher's ability to produce a robust analysis is compromised. So it became crucial that the interview method was not a vehicle for expression of researcher views, but an open invitation for the expression of participant views. This determined my approach in the invitation letter. In the few cases where I knew of a prospective participant's opinions, I signalled my acknowledgement of them. In the highly contested field of reconciliation politics, this was necessary so as not to misrepresent the study as not taking such views seriously. According to the NHMRC, research involving Aboriginal and Torres Strait Islander participants should be underpinned by a responsiveness to their worldviews (2002:22), which, I would add, extends to their political interests and contexts. Examples of various covering letters sent to Class 1 and Class 2 participants are given in Appendix 5. Corresponding moderations in interview styles will be discussed in Section 2.6.1.

A few ethical considerations have arisen. One was the above-mentioned situation, when I sought a participant's contact details from his successor as chairperson of the organisation. This meant revealing a person's participation in the study to a third person. When I told the participant of this he had no concerns; nevertheless it was a breach of a commitment made in the Participant Information sheet (Appendix 2). In hindsight it is clear that discretionary disclosure of involvement is sometimes necessary and this possibility should be built into participant expectations with the Information Sheet. The second consideration is my presentation of political critiques of individual prominent Indigenous figures by Class 1 participants. As these are not personal in nature, they have a place in an analysis of this kind, each accumulating to a structural argument. To move away from this kind

of contention would be to abrogate my intellectual responsibility. A note in the final consent letter to Class 1 participants (Appendix 6c) briefly surveys this issue and offers participants the option of de-identifying these figures in their quotes. Only one opted for this de-identification.

2.6: Recruitment: how and whom; response rates

The majority of interviewees were initially sent a covering letter and three documents: the Participant Information sheet, the Consent Form and one of three Interview Schedules (Appendix 3). The latter were all slightly different in presenting substantially the same discussion points according to different structural positions. Three Class 1 interviewees were approached in the field in informal circumstances (as explained in 2.5.3) and were provided with the three documents.

Of the 110 people approached, 53 were interviewed. Appendix 7 shows response rates. As Appendix 9 shows, of the seventeen Class 1 participants, all but one (Arabanna country, South Australia) live in NSW and the ACT. Several live in the geographic area of their country[32] affiliation around Moree, Wollongong and Nowra. The balance were based throughout Sydney areas, many having country affiliations elsewhere. They were contacted through various routes. I had previously met two through political engagement and two through educational contacts. As noted above, Barbara Nicholson referred another three and my supervisor referred one.

Being involved in nationally based organisations (CAR, political parties), Class 2 participants came from locations throughout Australia and were interviewed in Sydney, Melbourne and Canberra. I wrote to twenty-six CAR members. Of the nine who agreed to be interviewed (see Appendix 7 for response rates), eight became Class 2 participants. The other was eliminated with the final revision of the thesis structure, which jettisoned a study of rural reconciliation dynamics. Seventeen did not reply or could not follow through initial agreement due to time constraints. I wrote to seven politicians with portfolio and shadow portfolio responsibility for the policy (some of

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[32] The term 'Country' denotes the complex of collective and individual cultural, social, cosmological and land care responsibilities and rights that inhere in and are embodied through association with a given territory and/ or language group.

whom were on the CAR) during its lifetime; also for the two years following December 2000 because for these years portfolios continued to include the term "reconciliation". All were interviewed except two. One (Labor) agreed to an interview but withdrew before scheduling; another (Liberal) scheduled an interview and withdrew at the time of interview[33]. Three prime ministers during the reconciliation period were approached and declined. A further leader of a minor party did not respond.

2.7: Interview and follow-up

The participant centred approach pursued in interviews was extended to the iterative consent process. This provided an opportunity for participants to consider their ongoing participation and to give feedback on the use of their material in the write-up. Hence, participants vetted the opinion that is attributed them. In the case of local and discursive community Indigenous members, this meant that they co-produced a new body of Indigenous opinion on reconciliation policy processes.

2.7.1: The interview

All participants were interviewed individually. Recording equipment was turned on and off by agreement, signalling participant consent for the interview to start and finish. Before the interview, identification/de-identification decisions were invited for both the thesis write-up and future publications; and further conditions or requests were negotiated. Many Class 1 participants opted to withhold their final consent for use of their interview material, and/or their identification decision, until they viewed the write-up. These options helped to operationalise my commitments to build in accountability and to ensure that participants were informed co-producers of the study artefacts. Most Class 2 participants, being public figures, considered their statements to be on the public record; they chose identification and did not opt for further consent processes.

There were fifty-three interviews (Appendix 7). Class 1 interviews were generally longer than Class 2 interviews (Appendices 9 & 10); the average for the

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[33] This was on the basis that one of my supervisors had been an activist.

former was 87 minutes, the latter, 53 minutes. Most interviewees chose to follow the Schedule; a minority entirely set their own agendas. The dot point format was intended to facilitate exploration of each participant's perspective. Despite this attempt at value-free presentation of discussion points, one Class 1 participant took the last dot-point in Section B[34] as being an invitation for others to scrutinise Indigenous critics of the policy. It was meant to open discussion on how Indigenous community members assessed the CAR's level of engagement with Indigenous community criticism.

The loosely structured and timed interview format facilitated the interviewee in producing an artefact of value to them as well as to the study. With the freedom to explore threads of experience and knowledge, participants were able to produce a new narrative, a qualitatively different outcome to one produced under demands of efficiency. The Class 1 participants utilized the interview process with an energetic determination to voice their experiences, knowledge and concerns. Several stated that this was the first time anyone outside their discursive communities had sought their analyses on reconciliation policy (despite their status as professional and community figures).

After feedback from the first interviewee, I consciously developed and refined a non-intrusive interview style. While keeping questions to a minimum, I sometimes drew participants to certain discussion points. Testimony on community opinion was not asked for, but was often given. I had prior acquaintance with the dissenting views of three, so this could not be disregarded and I signalled an understanding of these issues. The majority of participants' views were unknown, and a more neutral position was adopted. An interesting example of the line between signalling openness to dissenting opinions and not co-producing them in the interview arose in a post interview conversation. Responding to a Class 1 participant's recollections of disquiet with the policy process, I recalled my own similar reactions. The participant then said, "If I had known your views, I would have given a different interview". After this there was a second interview. This instance indicated that a neutral position does not always achieve the objective of facilitating free expression, especially when a person might feel constrained in a highly politically charged field such as reconciliation policy discourse.

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[34] This point asks for comment on "The response of the CAR (and the SRC) to criticism from Indigenous rights interests, who questioned the idea of reconciliation; and/or favoured more explicit statements on the issues of distinct rights, sovereignty and treaty."

However, in general, participants did not seem deterred from speaking their minds, as indicated by the abundance of critical testimony in Chapters 6 & 7.

2.7.2: Final consent

The consent process was a follow-up to the interview method of passing control to the participant. As noted above, the analytical/ ethical method chosen required word-for-word transcription of all interviews to be used. Forty-eight participants received these transcriptions with an interview tape copy. A covering letter invited feedback within six-weeks, after which a non-response would signal approval. None queried their transcriptions; two supplied minor revisions of their statements. The five participants whose interviews were not transcribed received interview tape copies with letters explaining that they would be contacted if their materials were to be used; no objections have been raised.

The final consent stage was when the chapters containing participants' materials were submitted for feedback. Following write-up of the three empirical chapters, the twenty-four participants who opted to reserve their consent/identification decisions on reading of the write-up were sent copies of the chapters containing their quotes. The covering letters (Appendices 6a & 6b) were accompanied by a synopsis of thesis findings (Appendix 6d). In each case, all participants but the interviewee were de-identified, along with any identifying material; and the interviewee's name, quotes and other relevant material were highlighted. They were asked to confirm that the accuracy of their quotes was maintained in the context of the text, and to decide their identification preference for both the examination process and future publications. These protocols meant that the empirical chapters became a participant driven and reviewed body of knowledge, and it also ensured that claims made concerning participant voices were verified.

2.7.3: Identification/ de-identification

A code profile was constructed for all interviewees. Appendix 8 lists the codes used to make up individual code profiles and Appendices 9 and 10 set out the codes and interview details for Class 1 and Class 2 participants respectively.

Where participants opted to be identified, their name is used. All Class 1 participants opted to be identified, except one, who is referred to as "Anon" in Chapters 6 and 7. Class 2 participant materials are presented in Chapter 8. Most Class 2 interviewees also originally opted for identification. However, when a few signalled a likely preference for de-identification, I decided to apply blanket de-identification because Class 2 participants were from a small pool containing smaller sub-sets, all public figures. This meant that identification of some could mean inadvertent identification for others. As de-identification was, in most cases, a change to the conditions agreed to at the interview, I sought permission. Only one opted to maintain identification, which fortunately in his case, did not present the possibility of inadvertent identification for others. So for all other Class 2 participants, codes are substituted for names and pronouns are de-gendered—s/he, his/her, him/her. Where names are used (in Chapters 6,7 & 8), the code is used in conjunction with the first name appearance in a chapter. In Chapters 6 and 7 the code is used for first use of the "Anon" reference.

Of the twelve Class 2 participants, seven were politicians. (Four of these were also CAR members.) These seven were identified as P.A to P.G. The other five were non-politicians. (Four were CAR members and the other was a CAR consultant who participated in the CAR's discussions.) These five are identified as C.A to C.E. Of the twelve Class 2 participants, four were Indigenous, all high profile figures. While the codes for Class 1 participants are indicative of the specific roles played by each within his or her local and discursive communities, this level of community contextualisation was unfortunately not possible for Class 2 participants, except for the one who opted for identification. The simplified "P" and "C" codes are used because of the de-identification decision.

Published documents and statements of past CAR members and policy associates, such as Linda Burney, Patrick Dodson, Mick Dodson, Jackie Huggins, Marcia Langton, Lowitja O'Donoghue and Robert Tickner have been used in Chapters

4 and 5. All of the above were approached; some became participants in the study, some not. No distinction is made in the thesis.

2.8: Analytical method

As with the interview and consent processes, the analytical method was part of the participant centred approach. That is, the interview material was utilised so that major empirical and conceptual themes for the thesis could be drawn from it as directly as possible. As noted above, interviews did not involve structured questioning. The participant driven interviews produced a rich body of extensive, complex and subtle analytical commentaries, which were often refracted in multifaceted ways through personal experience of both reconciliation policy processes and diverse Indigenous community processes. Consequently, identifying major themes with software programs or other search techniques involving key terms/ phrases was not appropriate ethically or analytically. Such systems could not identify the full range and implications of participant commentaries. Certainly the concept of Indigenous governance, which ultimately underscored the concept of Contemporary Indigenous Governances, was not primary at the design stage and would not necessarily have arisen with a system of pre-set conceptual limits.

Instead, themes were gleaned by reading and re-reading the interviews several times. This iterative process allowed repeated strong themes and sub-variants to emerge and be verified iteratively across a multiplicity of interview discourses. These were then coded into a data base document (of just over 106,000 words), as headings and sub-headings, under which relevant interview passages were inserted. These then provided the structure for the empirical chapters, which ultimately determined the conceptual outcomes of the thesis.

2.9: Forming the body of evidence

As noted in Section 2.4, out of the original groups interviewed, two emerged as the focus of the study—the previously mentioned Class 1 and Class 2 groups. This was the result of two strong features arising in the data analysis stage. The first was the abundant and compelling material delivered by all Class 1 participants concerning

their engagements with, and co-construction of their local and discursive communities. At the final stages of data analysis, this material gave rise to the concepts of Contemporary Indigenous Governances and the erasure of the scales at which these governances operate. However initially, in a study on the impacts of reconciliation processes on Indigenous communities, I was not sure what to do with this evidence. It was not anticipated at the design stage, when I lacked a clear understanding of Indigenous governance and had no knowledge of such governance in urban contexts. But its strength and repetition throughout interviews indicated that it was a highly significant phenomenon.

The second factor was the consistency of dissent against reconciliation policy and processes among Class 1 participants. This was often refracted through commentaries on various aspects of political relations between Indigenous peoples and communities, and Australian governments. I had encountered such views in my political engagement and one study objective was to investigate how reconciliation policy processes addressed dissent, and how it was mediated in contemporary mainstream Australian society. But I did not know how widespread these dissenting discourses would be in the study; nor had I encountered their many iterations and permutations, as refracted through participant community experience. Together, these two features of Class 1 interviews gained increasing significance as the study proceeded. Indeed, as noted above, through the consent processes they became a participant driven and reviewed body of knowledge on urban and rural/regional Indigenous community processes, and how the reconciliation policy engaged with them.

So the extent, strength, consistency and interrelatedness of these two factors of Class 1 testimony cohered over time into a complex of such significance that they demanded central place in the thesis. And Class 2 commentaries emerged as the second essential structural element because these participants represented the policy and processes against which dissent was directed. Class 1 testimony now formed the central plank of the empirical chapters and the conceptual outcomes. This was the central perspective from which the scaled policy processes of reconciliation have been assessed.

2.10: Partnerships

The NHMRC guidelines for working with Indigenous communities call for researchers to form partnerships with participating communities, to acknowledge their contributions, and to address existing or emerging community issues. Similarly, in the AIATSIS guidelines for research, Taylor et al call for researchers to "attempt to meet Indigenous Australians' community aspirations" (2001:28), as determined by communities. As indicated before, the thesis is in part an exercise in co-producing with Indigenous community members, a body of knowledge about political relations between Australian governments and Indigenous peoples. This will be available for utilisation by participants and their communities. As and if Indigenous community members see fit, these might contribute to existing and emerging Indigenous discourses on self-determination and governance.

A number of projects are envisaged at the post-doctoral stage. The first will follow up on a suggestion put by a number of Class 1 participants, to have a social gathering/ workshop for the exchange of ideas generated in interviews. This will also provide for the dissemination of research results to communities (as called for by Taylor, Russell and Ward, 2001:20; Taylor, Walker and Ballard:10; NHMRC, 2002:19). As many participants have asked for thesis copies, these will be pre-distributed in CD form, along with an executive summary/ paper. It is envisaged that from this workshop, we might plan further projects. A later workshop might disseminate ideas in a more open forum, with members of non-Indigenous social justice organisations. This two-step workshop process is in keeping with a pluralistic conception of equality. It would counter "difference blindness"(NHMRC, 2002:6) of the kind that, in reconciliation discourses, saw homogenised Indigenous/ non-Indigenous consultative meetings. But ultimately, the study participants will make these decisions on strategy and content. These processes of dissemination and exchange might be expanded through further Indigenous communities.

A further project could be a complementary volume to a proposed published version of this thesis. This would be a compilation of essays written by a number of Indigenous participants, two of whom have been approached to be editors. Again, this would advance the objective advocated by Taylor et al (2001:20), to privilege Indigenous voices. Overall, these projects would fulfil the call to employ principles of equitable returns and accountability to agreed responsibilities.

During the interview stage, I invited suggestions on what participants wanted from the research process. Some wanted academic papers, information about Macquarie University study, exchange of ideas and feedback on projects; some wanted progress updates on the study or a copy of it on completion. Others invited me to a conference or cultural event. Not all of these opportunities could be followed up, mainly due to time constraints. One suggestion acted upon already has been to become involved with a local western Sydney Koori adult education and community services organisation. Presently this is an episodic involvement but it will be regular in the postdoctoral stage.

Of particular interest was the suggestion by an Aboriginal Education Consultative Group member, who organises Sydney study programs for female secondary students from rural NSW Aboriginal communities. She wanted an-ongoing institutional relationship enabling her students to be introduced to a tertiary education environment. Unfortunately, supporting such important initiatives is beyond the capacity of a single junior researcher. In a submission to the NHMRC on guidelines for Aboriginal and Torres Strait Islander Health Research, Howitt suggests that "the opportunity for Indigenous groups to explore the range of meaningful benefits that might derive from a research relationship is often limited" (2003a: note 16) by a lack of institutional backing. He calls for university-based programs to "generate improved access to educational services, delivery of targeted workshops etc to local communities as part of a more widely-contextualised ethical research relationship" (2003a: note 16). In this thesis, a participant centred approach to research has been truncated at this point of delivering such ongoing relationships. It is incumbent upon the research community to construct genuinely accountable relationships with Indigenous communities, in which the latter gain real support in their efforts to develop self-determination. For this we need institutional support. The development

of programs such as those suggested by Howitt should be an essential and crucial part of future research involving Indigenous communities.

2.11: Conclusion

At the heart of the methodology of this study is a dynamic relationship between several factors. The foundational factors were a commitment to empirical inquiry and a commitment to place participants from Indigenous communities as central to the study—and the methodologies resulting from these commitments, including iterative methods of consent and data analysis. These enabled the production of a new body of Indigenous knowledges by Class 1 participants (in Chapters 6 & 7); and the conceptual outcomes of Contemporary Indigenous Governances and the political relations of their erasure, as developed in the theory chapter, Chapter 4. These conceptual standpoints have, in turn provided the perspective from which Chapter 5, the policy history has been written.

Having its genesis in activist work with the reconciliation process, the study is responsible to discursive as well as academic communities. A range of postdoctoral outcomes is envisaged in interaction with these communities.

3) LITERATURE REVIEW

3.1 Introduction and overview

As stated in Chapter 1, this study is about contemporary political relations between Indigenous peoples and Australian federal governments. It explores these through an empirical inquiry into reconciliation policy processes from the viewpoint of local and discursive Indigenous communities. Chapter 1 also foreshadows the idea of scale (explicated in Chapter 4) as conceptualising both the potential of Indigenous communities to project their self-determination practices as a systematic intervention into the domain of formal governance structures; and the processes and structures (including those in the reconciliation era) propagated by federal governments, which have overridden and erased these potentials. Further in Chapter 1, the idea of Contemporary Indigenous Governances (also explicated in Chapter 4) is foreshadowed. This extends the notional landscape from which self-determination can be built to include all Indigenous communities, from remote to urban and discursive as well.

This idea of a multi-contextual potential for the scaling of self-determination processes could not have been formulated without a profoundly coherent set of geographical lineages. These start with the critical geographies of emplaced social justice, which contributed to Australian geographers' understanding of Indigenous communities as constituting a significant and extensive (though little recognised) cultural landscape across the Australian continent. Indigenous presences were no longer portrayed as isolated and compromised remnants of a static past. Rather, whether remote, rural or urban, they were rendered as ongoing community processes, forming an extensive series of diverse, active, contemporary presences. These geographies inscribe Indigenous presences through lived and continuing bodies of knowledge and practice, community processes and ideological formations[35]. Just as

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[35] Agius et al (2001, 2002, 2007); Agius & Howitt, (2003); Anderson & Jacobs (1997); Baker (1996, 1999); Baker et al (2001a, 2001b, 2001c, 2001d); Davies & Young (1998); Ellemor (2003); Gale (1972,1983); Howitt (1995, 1998a, 2001a, 2006, 2007); Howitt et al (1990); Howitt & Jackson (1998); Jackson (1995), (1998); Jacobs (1997, 1998, 2002); Langton (1998); Lowe & Davies (2001); Monk (1972, 1974); Robinson & Mercer (2000); Robinson and Munungguritj (2001); Suchet (1996, 2001, 2002); Young (1992, 1995, 1996, 1999); Young and Fisk (1982).

the Indigenous knowledges conventionally regarded as traditional have been maintained and adapted through lived experience, so are the knowledges of contemporary Indigenous communities—from remote to urban and discursive contexts—being formed on an ongoing basis. The geographies portraying these presences speak of the social, environmental and political engagements and conditions of Indigenous lives in contemporary contexts. They are neither past nor remote; whether urban, rural or remote, they are all here, now and among us. Some more recent geographical lineages have moved to the understanding of remote and rural community processes as governances—in recognition of their roles in social and environmental care; and political negotiation with other communities and with government and other interests. The lineage that has moved to the concept of Indigenous scales of governance, whereby self-determination processes can be operationalised, will be taken up in Chapter 4.

These geographies and the contemporary, active voices embodied in them have unsettled dominant conceptions of political authority, which are constructed from the viewpoint of national scale governance and ideologies. They have provided this study with the framework for considering the political and social knowledges conveyed by participants as active Indigenous community processes—or Contemporary Indigenous Governances—rather than residing in an abstract domain of ideology formation that is free-floating and removed from communities. They have further made possible the conceptualisation of the imposition of government policy processes on these communities as a process of erasure for the purposes of representation in policy settings.

The key feature to be found in all these geographical studies with Indigenous communities will be that they are constituted at the level of communities; and the resulting key collective insight centres on the issue of self-determination and the role played by diversity and specificity. In Indigenous geographies, self-determination resides in an existing, ongoing domain of diverse, overlapping, contemporary Indigenous community generated processes, often involving contention within and between communities, and with government and other non-Indigenous interests. Self-determination is not to be created or granted by a sympathetic federal government as an abstract top-down blueprint; nor is it a hopeful future for a minority of optimists, to

be constructed abstractly according to beneficial legal parameters, or anthropologically or historically constructed residues of past Indigenous governance. As Jonas[36] asserts, "You cannot be given self-determination—you must claim it, define and exercise it" (2002b:5/6). Notwithstanding the advances brought by some developments like Mabo, native title and land rights legislation, these are all at the most fundamental level, colonial ideological formations because they reserve for colonial governments, society and institutions the right to define—and hence to restrict—self-determination and other Indigenous rights.

A logical progression from these geographical literatures is the understanding that what is missing for the construction of a national system of self-determination is not the on-the-ground community processes of self-determination. Rather, the missing element is institutional, political, financial and practical resources for the support, development and scaling of these existing processes to the level of negotiation with formal governance structures. The practical example of how this has worked for Indigenous self-determination comes from the geographical literatures on the South Australia model of native title negotiations, to be considered in Chapter 4 as a contribution to the conceptual outcomes of the thesis.

The published geography literature on reconciliation (to be reviewed last, in 3.3.3) is minor within the discipline, mainly because reconciliation was a national scale policy, ideology and methodology, whereas Indigenous geography is generally concerned with empirical community studies. Until the present empirically based study, geography has not produced a structural critique of the colonial political relations underlying the reconciliation policy.

But at this stage, almost eight years on from the legislative closure of the policy, other disciplines have developed a strong and insightful literature critiquing the policy. An important strand of this highlights the failures of reconciliation policy in not addressing the issues of sovereignty and a treaty. But these do not address the community domain at which self-determination is constructed. The importance of the community perspective for the issues of sovereignty and a treaty will be explored in 3.2.1 by contrasting the standpoints of some primary authorities on Indigenous issues.

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[36] Dr Jonas lectured in geography at Newcastle University and was the Aboriginal and Torres Strait Islander Commissioner with the Human Rights and Equal Opportunity Commission from 1999 to 2004.

This highlights the importance of a scaled, community perspective reading of the existing reconciliation policy critique literatures in 3.2.2—although these are insightful, confining analysis to the national scale misses out the scales at which self-determination is constituted and therefore erased. Continuing this discussion and skipping for the moment to the next section—the review of geography literatures (3.3 to 3.3.2) will illustrate their strongly empirical contribution in inscribing to the academy, the vital importance of these community scale processes of governance and sovereignty. As noted above, these literatures have provided the framework for the conceptualisation of Contemporary Indigenous Governances and their erasure. They have further provided this study with the conceptual methodology for evaluating reconciliation policy based on its performance with respect to this community perspective.

The missed section is 3.2.3. As above stated, the reconciliation critique literature is valuable. Another of its major criticisms is that the reconciliation policy process suppressed Indigenous political expression. This section explores some examples of the normative function of the reconciliation discourses. This is particularly pertinent to this study, which gives an empirical account in Chapter 7, of the suppression and marginalisation of Indigenous community dissent as a process of scale erasure.

3.2: Reconciliation literature

As noted above, the reconciliation critiques in other disciplines (3.2.2-3) form a comprehensive set of extremely valuable political and social insights, which are crucial to a study of this kind. Indeed they coincide with some (but do not represent all) of the critical commentaries on reconciliation provided by Class 1 participants in Chapters 6 and 7, addressing fundamental issues such as the political relations between Indigenous peoples and Australian federal governments. But with few exceptions, they remain at the same scale as the policy and ideology formations they are critiquing. The reconciliation policy was positioned as a national scale resolution to Indigenous rights issues, and the alternative solutions proffered in these critiques also remain as national scale theoretical interventions. They tend to reflect and co-construct Indigenous rights and self-determination as separate singularities, to be

resolved at the national scale of federal government policy, rather than as an integrated domain of diverse community processes and capacities to be supported, developed and built in from the ground up. Consequently, the shortcomings of reconciliation policy tend to be seen in terms of its failure to reform political relations at a national level, for example through a treaty and/or advancing separate rights[37]; or as an outcome of the Howard government's defining reconciliation in conservative terms of "practical reconciliation" and "mutual responsibility", which coerce Indigenous communities to give up sovereignty and cultural rights in return for civil rights.

A critique of the reconciliation policy for its failure to address the issues of sovereignty and a treaty without reference to the fundamental importance of community scale processes is a truncated critique. The following brief review of the literature on the issues of treaty and sovereignty will highlight some pitfalls of an abstract, top-down approach, and the need to deal with these from the community scale.

3.2.1: Is the community scale perspective important for assessing reconciliation policy?

The failings of reconciliation policy have more fundamental foundations than its failure to establish a set of policy instruments around the issues of rights and a treaty. They are underpinned by the ongoing ideological and methodological incapacity of national scale policies to engage with diversity, specificity and agency in, and dissent arising from Indigenous local and discursive communities—all of which are identified empirically in this thesis as ongoing assertions of self-determination and community governance processes, or Contemporary Indigenous Governances. These processes cannot be discerned at an abstract, national level, where policy and its critiquing ultimately form a mutually constitutive, truncated discourse that leaves the scaled structure and methodologies of dominant hegemonies unchallenged. This discourse ignores the essential reality that an effective treaty cannot be achieved without taking seriously the community scales at which Indigenous

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37 For example Gunstone (2007); Schaap (2007); also see others in 3.2.2.

participation and self-determination are constituted, and at which rights to land, resources and self-governance must be located. Only when these processes and structures are recognised, supported and further built from the community level up, will national scale policy have the capacity and authority for a meaningful engagement with the Indigenous polity on important issues such as treaty and service delivery.

While these questions of scale—that is community authority and methodology, and the erasure of these by government policy processes—are fundamental to the failure of the reconciliation policy to address the issues of treaty, self-determination and Indigenous rights. While these are ignored (or more precisely, not seen), a treaty or agreement process will only serve to entrench government priorities and erasure processes. As noted by Agius et al, concepts of treaty that do not build in processes for community participation and consent tend to be "largely abstract, chaotic and legalistic, and… lacking in accountability to country" (2001:12). For example Reynolds (1996) usefully separates the concepts of 'nation' and 'state' and postulates that the single Australian state can accommodate the different nations of Aboriginal and Torres Strait Islander and non-Indigenous, thus forming the basis or outcome of a treaty. However, in supporting his argument, Reynolds makes no reference to the existing strong and persistent regional and local level assertions of contemporary sovereignty and self-determination, which are identified in the geography literature (below). Rather, Reynolds tries to find evidence of remnant sovereignty and much of his argument is in answer to his question "Does [the sovereignty exercised by Aborigines and Torres Strait Islanders… before the arrival of the British] survive in some form?" (1996:59). This is not very different from traditional anthropological discourses that privileged abstract social models located in the past, against which almost all contemporary Indigenous communities were found wanting. (These 1950s-60s discourses are compared below to contemporaneous geographical interventions). Indeed, this assertion of abstract, theoretical epistemology excludes and marginalises the authority of Contemporary Indigenous Governances, which is the firmest foundation for contemporary Indigenous sovereignty. And even while Reynolds briefly discusses Coombs' location of Indigenous community governance at local and regional levels (to be explicated in Chapter 5), he prioritises an abstract, pre-determined prescription of "principles and objectives" (1996:148) over Coombs'

careful focus on the primacy of community authority and mechanisms in constructing the principles of engagement as an iterative, *ongoing* process.

Nettheim's (2001, 2006) treatment of treaty and related issues is also a top-down, legalistic perspective. Beginning with a review of treaty arrangements in other nation states, he settles at the Australian national scale with a survey of possible legislative arrangements. He sanctions the CAR's December 2000 recommendation 6, which constructs "unfinished business" as a series of issues—of "negotiating how unresolved issues might be identified and resolved" (2006:153)—rather than a fundamental structural problem. Like Reynolds, Nettheim demonstrates the danger of the national scale approach in marginalising precisely the domain that is the foundation of Indigenous authority. He identifies the "foundational issue" of "constituting the nation with the 'consent' of the Indigenous peoples" (2001:7/8) and makes the point that self-determination is "the right of 'a people' to decide its political status" (2006:152). But without a community scale engagement he is unable to consider how contemporary Indigenous community participation in this venture might be realised. Indeed his understanding of the possibilities is confined to "some instances of effective self-government on particular matters" which could reflect "an original 'sovereignty'" (2006:152).

These national scale constructions of the issues of sovereignty and treaty, around which many reconciliation critiques turn, are chosen through a preference for the instrumentalism of overriding federal government authority (a point made by Rowse in relation to the 1979 Aboriginal Treaty Committee[38], 2006b:80) and/or a lack of engagement with community perspectives. In ignoring Indigenous scales of governance, they involve considerable risk. Jonas highlights the danger of asserting "non-Indigenous understandings" of a treaty. "There has been an illegitimate and quite wrongful assumption made by Government" he asserts, "that it has the prime role in defining what Aboriginal sovereignty is", which "is a way of guaranteeing its fragility and ultimate demise" (Jonas, 2002b:2/6). Mick Dodson[39] has also rejected the assumption that a treaty process can be determined by restrictive, legalistic western conceptions. "The term 'treaty'" he suggests, "must be viewed in the broadest possible

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[38] Chapter 5 gives a brief account of the Aboriginal Treaty Committee.
[39] Director of the Institute of Indigenous Studies at the Australian National University (previously Director of the Australian Institute for Aboriginal and Torres Strait Islander Studies).

sense … What really is required is innovative thinking … a Eurocentric historiography of treaties must be put to rest if we are to progress to new treaty-making" (quoted by Chaney, 2002:2).

The wrongful assumption that governments can define Indigenous sovereignty is challenged throughout Moreton-Robinson's edited volume (2007), in which she and her contributors survey across several domains, the concrete presences of contemporary Indigenous sovereignties—and the ongoing challenges to these from government, academic and social discourses. This process of "existence and refusal within the everyday" she writes "demonstat[es] that colonisation is a living process" (2007:2), which has rendered "Australian judicial and political systems" incapable of "treat[ing] Indigenous sovereignty as a serious issue with which the Australian nation has to contend" (2007:4). Similarly, in Behrendt's (1995) account of the potentials, methodologies and capacities of diverse remote, rural and urban communities to conduct their affairs and resolve conflict in accordance with cultural values, these are concrete presences of contemporary Indigenous sovereignty (1995:73-105) and constitutive of self-determination (1995: 103,109). One of the major challenges identified by Behrendt for a treaty process is that of the Indigenous mandate—"who is going to have the authority to represent, negotiate on behalf of and sign for Indigenous parities" (2003a:24) and how these representatives will be facilitated to remain responsive to community sovereignties through "flexible processes [that] will allow greatest fidelity to self-determination" (2003a:27).

These issues identified by Moreton-Robinson and Behrendt—the need for support of existing community self-determination processes—are, with few exceptions, not discussed in the reconciliation critique literatures in the following section. Yet a perspective on these community processes and their erasure with continuing colonial policy settings is fundamental to an understanding of the underlying dynamics and mechanisms of the colonial political relations problems, which are identified in those literatures, but only at the nation scale level. As Chapters 6 and 7 will show, erasure of these community processes was basic to the incapacity of the reconciliation policy process to address the question of political equality, which is constituted substantially at the community level. Without reference to these

community processes issues, a treaty process would continue the colonial erasure of community governance processes.

3.2.2: Critiques of reconciliation policy

The first approach to reconciliation to be reviewed in the non-geography literature is a critique of the Howard Government's re-modelling of reconciliation as "practical reconciliation". While not relating to the focus of this thesis on the fundamental assumptions and methodologies of the policy as it was first instituted, these are important reconciliation commentaries, to be reviewed here briefly. These writers explain the Howard approach as a paternalistic turn that fails to treat Indigenous peoples as equals[40]. This set of literatures includes the few exceptions to the rule that reconciliation critiques focussed only on the national policy level. Despite the Howard Government's rhetoric about "practical" service delivery, there were few outcomes, says Behrendt (2002) that were not initiated by Indigenous communities, independently of government. And Altman[41] and Hunter (2003) point to the lack of statistical evidence that that the Howard government's "practical reconciliation" was more successful than its predecessors in delivering outcomes. Behrendt (2002) argues that this failure invites scrutiny of the fundamental goals of the Howard Government, and that rather than community development, these were assimilation and the dismantling of ATSIC because it had a degree of institutional capacity for decision-making. As Chapter 5 will show, some past Indigenous members of the CAR have also stressed the importance of community processes in relation to the failures of the reconciliation policy to the Howard Government[42].

The other major strand of non-geography scholarly literatures on reconciliation forms a critique of the fundamental ideological assumptions and political relations of reconciliation. Therefore, while it does not address the community level at which participation and self-determination is constructed, it relates directly to the central focus of this thesis. That is, it gives crucial support at the national scale of political

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[40] For example, Altman and Hinkson (2007); Burney (2006); Burrows (2004); Byrne (2005); Dodson, P (2004); Huggins (2001); Jull (2005); McCausland (2005).
[41] A prominent policy analyst with the Australian National University's Centre for Aboriginal Economic Policy Research.
[42] For example, Burney (2006); Dodson, P (1999); Langton (2002).

theory, to this study's finding that the policy undermined the community scales of governance from which participation in a national self-determination endeavour could be constructed. This commentary comes from a broad range of humanities disciplines, including some of the major authorities on Indigenous issues, such as Attwood, Reynolds and Rowse[43]. While these commentaries on reconciliation do not address the scale of community processes, this is not to say that some authors have not treated this scale seriously in other contexts. For example, two decades ago Rowse made a study of the impact of the Australian "colonial state" (1988:50) in its endeavours to reproduce non-Aboriginal interests and social order at the community level of housing usage. He continues to address self-determination at the community and organisational levels[44].

The goals were ill-defined, allowing dominant agendas like nationalism and assimilation to predominate

One of the central criticisms in this literature is that the objectives of reconciliation were ill defined. While one CAR participant in this study reasoned that this provided an enabling politics in a divided society[45], the counter claim—that it enabled confusion, obscuration and paralysis—is supported by Pratt's content analysis of over 650 parliamentary speeches over the period 1991 – 2000. Pratt shows that while discursive support was given to the idea of 'reconciliation' by all major parties, the meanings attributed to it were often "vastly different"—particularly along the lines demarcated by Liberal Coalition versus Labor, Greens and Democrat (2005:151-3). Further, there was a high percentage of "ambiguous, undefinable or unclear" usages (2005:153). Given these difficulties, Pratt asks: "how consequential is it to speak of shared support for reconciliation if there is little or no meaningful shared understanding of what 'reconciliation' means?" (2005:153). This lack of definition, says Behrendt, "has created a set of difficulties for the process" (quoted in Senate Committee Report, 2003: 14). Similarly, Rowse (1994) and Attwood (2005a) assert that it obscured the goals of reconciliation, particularly with respect to Indigenous rights. By the time of the CAR's May 2000 Corroboree recommendations to Prime

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[43] Read is not represented. His book *Belonging* (2000) deals with Indigenous and non-Indigenous constructions of belonging in the Australian landscape. The concept of reconciliation is treated briefly through contesting Indigenous and non-Indigenous representations of reconciliation in song and poetry (Read, 2000:129,135).

[44] For example, Rowse (1992, 2002); also McCleod (1984) on the history and struggles of Western Australian communities to resist the encroachment of capital interests.

[45] See CAR member C.B in Chapter 8.

Minister Howard, its rhetoric for accommodating Howard's "practical reconciliation" rubric for reconciliation and evading Geoff Clarke's (ATSIC chairperson) call for a treaty had become a "fog of… psychobabble" (Rowse, 2006b:86). De Costa suggests that coupled with the reconciliation objective of educating the Australian population through community level engagements, the definitional lacuna meant that philosophical leadership (by government and prominent Indigenous figures) was subordinated to a powerful sense of community, in which nothing was demanded of non-Indigenous communities beyond what "those who wished to participate [could] bear" (de Costa, 2002:411).

According to some authors, this definitional problem was associated with the genesis of the policy as a series of compromises between the major parliamentary parties. Most important says Rowse (1994), was the rejection by Coalition parties of a linkage between reconciliation and validation of native title. And Fesl notes the demand of those parties that the CAR should not have an instrument of reconciliation as a stated or an implied intent (Fesl, 1993). According to many Indigenous commentators, including Foley (1999), the late Kevin Gilbert (1993), Mudrooroo (1995), and past ATSIC chairperson Geoff Clarke (2000)[46], reconciliation was a retreat from alternative political solutions such as a treaty process. With these business-as-usual beginnings, the eventual exchange of documents would do no more than obscure the absence of substantial change—a structural approach to self-determination, national land rights, political representation and the development of a treaty process[47]. And the "over-ambitious" ten-year time frame for the process, according to Sanders, meant that the inconclusive outcomes were predictable, no matter which government was in power (2002).

At the basis of these problems was a further set of problems with the basic ideology of reconciliation policy in Australia. Many authors[48] identify reconciliation as a fundamentally nationalist venture associated with the adaptation and legitimation of existing colonial relations, which undermined the stated objective of advancing Indigenous rights. "Official Reconciliation" writes Moran, was a new phase of the C19th nationalist preoccupation with "the status of the Australian nation" (Moran, A,

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[46] Also see Povinelli (2000); Pratt (1998); Schaap (2007).
[47] Fesl (1998); Foley (1999); Gilbert, Kerry (1994); Holt (2000); Lucashenko (2000); Mudrooroo (1995).
[48] De Costa (2000, 2002); Luker (2005); Moran, A (1998); Moran, S (2003); Povinelli (2002); Pratt (1998); Schaap (2007); Short (2003, 2005).

1998:102). And while reconciliation provided "an index and requirement [for] a new abstracted national membership" (Povinelli, 2000:29), this "emphasis on positive nationalism" undermined "the possibility that reconciliation could be a process of justice" for Indigenous people (de Costa, 2000:287). As Attwood writes, this ideological framework "refused to countenance any Aboriginal demands that could not be accommodated by the unitary state, such as those requiring recognition of Aboriginal sovereignty" (2005b:246). In a similar vein, Reynolds asks whether reconciliation meant that Indigenous people were to be "reconciled to loss of land and sovereignty" (1996:183). And Gunstone attributes the failure of the rights agenda of the policy to its nationalist genesis, which marginalised non-nationalist issues such as sovereignty and a treaty (2007:146-159). Rather than promoting the importance and legitimacy of specific Indigenous rights, these were conflated with citizenship rights. Schaap suggests that this "de-politicised" the fundamentally political "terms of association" between "the Australian state" and "Indigenous people [who] have never formally consented" to be its members (2007:496). While reconciliation ideology assumed the membership of Indigenous people, it is indeed, "their status as citizens of the colonial state [that] is precisely what is at stake" (Schaap, 2007:496). Hence, at the basis of this "unitary ethical space" of reconciliation nationalism was, "an assumption that is both false and repressive" (Short, 2003:291).

A related critique of reconciliation is that this repressive project of national identity building, coupled with the absence of a clearly defined agenda of building Indigenous rights generated, and was facilitated by an updated ideology of assimilation. This "latest phase in the colonial project" suggests Short "exhibited a… pervasive assimilationist agenda" (2003:291). And Schaap argues that:

> Reconciliation becomes assimilative when it is invoked to deal with a state's cause of legitimacy by incorporating the colonised into the political community as free and equal citizens. The fact that reconciliation was supposed to be achieved to coincide with the centenary of Australian Federation in 2001 points to the close connection between reconciliation and nation building in the 1990s (2007:496).

Similarly, Moran suggests that the 'united Australia' and 'one nation' catch-cries of government reconciliation documents and media commentaries were indicative of its assimilative basis (Moran, A, 1998:102). Echoing the early assessments of some participants in Chapters 6 & 7 of this study, independent

Indigenous authors (those standing outside the reconciliation process) were the first to form this critique of reconciliation. In the early 1990s Queensland Murrie academic Fesl referred to the assimilatory aspect of the policy (1993:194). By 1994 Pearson was "troubled about the notion of reconciliation". He continues, "It's an idea that's being sold in East Timor too[49]—that the people of East Timor ought to be reconciled to their condition. It's a bit sinister that Australia and Indonesia are pursuing such similar agendas." (1994:183). And mid decade, Mudrooroo observed that the policy had been imposed on Indigenous people by the Australian government and left "no other option but for Indigenous people to be assimilated into … multicultural Australia as good citizens" (1995:232). More recently, Lucashenko described the 'united Australia' CAR rhetoric as "assimilationist" (2000:114). Non-Indigenous criticism concerning assimilation first appeared in the late 1990s (for example Moran, A, 1998; Pratt, 1998).

Liberal multiculturalism

Povinelli and others have interpreted the marginalisation of Indigenous interests by the reconciliation/nationalism nexus as part of a wider "ideology and practice of governance" associated with "liberal multiculturalism" (Povinelli, 2002:7), in which cultural identities are recognised, endorsed, and organised by the dominant culture. Forming a mutually supportive framework with multiculturalism, reconciliation rendered competing claims about nationhood as non-threatening (Prentice, 2003). They were rendered as merely "the politics of cultural difference" and absorbed "as positivities into a teleological project of recuperated nationhood" (Prentice, 2003:168). This liberal incorporation within the Australian nation is exemplified, argues Short (2005) in the official CAR declarations that "indigenous peoples are central and integral to the cultural fabric of this nation. Their place is one of right, not privilege or patronage" and "the government should acknowledge the true place of indigenous peoples *within the nation*" (quoted by Short with his emphasis, from CAR Annual Report, 1994-5). This is a fundamentally coercive proposition, suggests Short, in which Indigenous peoples are given "a right to be incorporated into the Australian nation but not a right to *refuse*" (Short's emphasis, 2005:274). In this synthetic formation of inclusions, observes Povinelli, "certain

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[49] Before East Timor achieved independence from Indonesia in 2002.

violences appear accidental to a social system rather than generated by it" (2002:7). Rights issues such as the Stolen Generations are "refigured as a series of personal traumas suffered by innocent indigenous citizens" (Povinelli, 2000:53). This forecloses the need for systematic remedial options such as compensation. Instead, Aboriginal people are given recognition, which "simply meant 'acknowledging'…'appreciating' Aboriginal Australians" and providing a "*measure of justice*" (2000:171, Povinelli's emphasis). Hence, the judgements in the Mabo case could invoke reconciliation as a redemptive project of repairing "the torn images and institutions of Anglo-Celtic Australians" and yet still, "discrimination was not exiled from the law" (Povinelli, 2000:163). Indeed, says Luker, the law could not even dispense justice to members of the Stolen Generations. In her review of the unsuccessful Cubillo and Gunner cases, the only two brought by members of the Stolen Generation against the Commonwealth, the law revealed itself as a "site… of forgetting" (2005:68). This was, says Luker, in keeping with the politics of reconciliation, whose nation-building project relied on a rhetoric of transformative Indigenous and non-Indigenous relations, while "re-inscrib[ing] the violence of the colonialism" (2005:70). In this rendering of Indigenous claims as being entirely within the purview of the Australian state, the project of reconciliation failed, says Moran, to deal with the fundamental issue of the political relations between Indigenous peoples. Hence its outcome, he suggests was in "actually deepening and disguising the fact" of the "colonial legacy" (Moran, S, 2003:183).

These politics of recognition and undemanding cultural difference were, argues Holt (2000), fundamental to the failure of the central reconciliation objective of education. Aimed at the non-Indigenous under the "sharing history" rubric—and paid for with $40 million of Indigenous allocations over a ten-year period (Fesl, 1993)—this project avoided issues perceived as challenging for mainstream communities. It failed to explain even the fundamental principle underpinning increased Indigenous funding, which was the "Aristotelian" precept that "the equal treatment of unequals is the most unequal treatment of all" (Holt, 2000:148). Instead, the official project was undertaken as an exercise in "understanding culture", while the difficult education task was left to Indigenous people, who had to explain the politics and economics of disadvantage "to curious, well-meaning, ignorant

mainstream Aussies" (2000:148)[50]. This failure in public education, says Holt, was central to the 'backlash' against spending on Indigenous services.

Associated with the politics of undemanding multiculturalism was the project of "sharing history", which Attwood critiques as "naïve" (2005b:185). He argues that the assumption that a common history about the past was possible ignored the importance that group identity plays in determining historical allegiances. Where interpretations of history are so oppositional, he says, "Histories cannot be reconciled without considerable epistemic violence to one or the other" (2005b:255). The term 'reconciliation' was suggestive, says Attwood of intolerance to difference and of a "final (re)solution" that could satisfy neither Aborigines nor settlers (2005b:194). More appropriate than the false assumption of unification implied in the concept of "reconciling histories", would have been the concepts of "accommodation" and "compromise", which "legitimise the existence of continuing conflicting values and interests" (Attwood, 2005b:255-6).

The benefits were mainly for the non-Indigenous

In this new incorporative nationalism new stories were produced for new non-Indigenous identities as stages within an orderly, easily intelligible progression, ending with a pre-determined point of completion and resolution at the end of 2000. National identity rebuilding begins, says Povinelli, with "the performance of shame … a requisite to collective pride", progressing reliably to "redemption", whereby "a public purging of the past" is rewarded with "liberation into good feelings" (Povinelli:29, 116, 118 & 161: also Moran, A, 1998:116). Reflecting the complex, ill-defined drives of the 'people's movement', bridge walkers called for an apology, hence recognising the continuing violence of history, but sought simultaneously to relegate it to past history—"to feel better about the position they occupy in what is allegedly a 'post-colonial' nation" (Lucashenko, 2000:115).

While the benefits of reconciliation were delivered as national identity building for the non-Indigenous, Indigenous identities and histories were subject to

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[50] A somewhat idiosyncratic offering in the scholarly literature is that of Leigh, who, unaware of Indigenous criticism of demands for their compliance with and responsibility for 'reconciliation', counsels that "For Aboriginal people, much of the work of reconciliation lies in affecting white attitudes" (2002:144).

"various degrees of coercion" (Moran, A, 1998:116; also see Gunstone, 2007:150). For within the redemptive progressions of new national identity making, Indigenous histories, together with the demands they were allowed to make on the non-Indigenous imagination, were truncated by the demands of reconciliation-as-resolution. Non-Indigenous supporters of reconciliation generally made little effort to understand the substantive issues that undermine Indigenous physical, social and mental health, including the "post-traumatic stress" associated with severe disadvantage, land dispossession, custodial experience and deaths, child stealing and past destructive government policies (Foley, 1999:3/5). Reconciliation, says Lucashenko, "allowed non-Aboriginal Australians to mentally put behind them what isn't in the past. Dispossession is not in the past. Racism isn't in the past. And white privilege arising from those two processes … that's not in the past either." (2000:114).

Part of this redemptive complex, says Tatz, is an arrogantly assumed, coercively simultaneous transaction of "forgiving and forgetting", which "comes at great cost to the victims. It is they who must forgo … retributive justice" (Tatz, 1998:2). But, writes Holt, "[k]issing and making up doesn't really matter unless you deal with what you came to fisticuffs over in the first place" (2000:151). This simultaneity merged easily with the maintenance of the culture of forgetting of Indigenous history, as promulgated by authors such as Windschuttle (2000). And the lack of definition in the reconciliation process brought little recognition of the more controversial aspects of Indigenous disadvantage, such as the fact that non-Indigenous privilege was founded on the losses of Indigenous people. Conversely, there is no recognition of the disproportionate concessions made by Indigenous people, who, says Mundine "have realistically never wanted … all [their land] back, nor wanted to force common people out of their homes; however this is never seen as a gesture of reconciliation" (2000:194).

Further in the bundle of national identity building, non-Indigenous benefits provided by reconciliation is the resolution of the problem "of the colonial legacy of 'shallow history'"; this is effected with "the full incorporation of indigenous people", which "enabl[es] [the nation] to tap into sources of connection with the continent" (Moran, A, 1998:109). Prentice describes the process as "indigenisation", whereby the

origins of the Australian nation are backdated "to incorporate thousands of years of Aboriginal heritage" (2003:174). This non-Indigenous good was explicitly evoked by the CAR in its document, *Key Issue Discussion Paper, Sharing History*, which states:

> The Reconciliation process seeks to encourage non-indigenous Australians to deepen and enrich their association with this country by identifying with the ancient Aboriginal and Torres Strait Islander presence in Australia … It is only through indigenous Australians that non-indigenous Australians can claim a long-standing relationship and a deeper understanding of Australia's land and seas, in a way possible to other nations who have occupied their native soil for thousands of years (Clarke, 1994, quoted in Moran, A, 1998:110).

Again, it is "Aboriginal people [who] have been given the task …of carrying through the ideological work of constructing a viable and legitimate single national identity out of both settler and Aboriginal cultures" (Moran, A, 1998:107). This incorporation of Indigenous peoples under the category 'Australian' holds the danger, according to Moran, of engendering in the public imagination, a symbolic removal for "the settler nation [of] an alternative and competing claim to the national landscape" (Moran, A, 1998:109). In this process of "coercion of Aboriginal identities … by the state" (Moran, A, 1998:116), the utilisation of "traditional" or "ancient" Aboriginal images re-invokes the destructive authentic/ corrupted binary (Moran, A, 1998:116; Povinelli, 2000:51-2). Indigenous artist Jon Mundine charts a similar process under the rubric of reconciliation, of stereotyping, commodification and appropriation in the art world (2000).

Overall, reconciliation was a non-Indigenous concept

Reconciliation was then, an essentially non-Aboriginal concept (Foley, 1999: 1999:1/5; Tatz, 1998). "Widespread negotiation with Indigenous people" was absent (Moran, A, 1998:102) and so the agenda was not set by Indigenous communities (Foley, 1999: Lucashenko, 2000). Rather, it was a white government process with CAR members appointed by government (Clarke, 2000), dependent on it (Behrendt, 2001:81) and accountable, via a few administrative steps, to the Prime Minister (Foley, 1999:4/5). Pratt (1998) and Manne (2000) note the unequal power relations within the CAR, with its 50% membership from the most powerful non-Indigenous interests in the nation, and Foley questions how such a government appointed council could have "the authority to be negotiating anything on behalf of all indigenous

groups in Australia" (1999: 2/5). And where there was a community process, it was dominated by non-Indigenous supporters of reconciliation. Clarke reflects on the mainly non-Indigenous attendance at LRG meetings, commenting that it was "mainly …the white man's concern", (2000:229), and even then, was restricted to the already "converted" (2000:231). The large-scale Indigenous disengagement from the policy is exemplified by the comments made repeatedly to Noel Pearson, that "Aboriginal people don't need to reconcile to anything" (Pearson, 1994:182). Similarly, Behrendt notes the off-repeated question posed within Indigenous communities, "what have we got to reconcile for?" (2001:79). As Chapters 6 & 7 will show, these questions (and many more) were widespread among Class 1 participants in this study. Nicholson (2000) summarises many of these points of Indigenous community scepticism in the following two excerpts from her poem "It Doesn't Really Matter…", in which she assesses the policy as a continuation, rather a reform of old policy settings:

> What they do now, they've done everything anyway,
> there isn't anything new for them to try.
> All they can do is more of the same so it doesn't really matter…
> …what new words they use for old tricks,
> we know it's for them, not us.
>
> Now they talk reconciliation, and it really doesn't matter
> what they say about it because, you see,
> we don't believe them.
> And we call it *gamun*[51] (2000:34)

3.2.3: The normative function of reconciliation discourses

While reconciliation was a non-Indigenous concern, it nevertheless had serious implications for Indigenous political discourse. Moran asserts that the unitary nationalism at the centre of the policy suppressed Indigenous political expression (Moran, S, 2003). Despite a coherent body of Indigenous community dissent in since the early 1990s (as demonstrated by the above authors[52] and participants in Chapters 6 & 7) stressing the issues of sovereignty, self-governance and treaty, this was eclipsed in the public domain by reconciliation discourses. Further, as Chapter 7 will show, the exclusion and suppression of Indigenous opinion that challenged the

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[51] Gamun – lying.
[52] Gilbert, Kerry (1994); Fesl (1993); Foley (1999); Mudrooroo (1995); Holt (2000); Mundine (2000); Lucashenko (2000).

precepts of reconciliation was a structural characteristic of the policy consultations processes.

Within the exclusionary boundaries of public debate, reconciliation discourses did afford some public discursive space to Indigenous opinion (Pratt, 1998). Pearson noted in 1994 that although "There is some cynicism amongst our people … [s]ome adopt a utilitarian view of reconciliation, seeing it as a tool" (1994:182). And Clarke and others saw it partly "as a precursor … a smokescreen behind which we could gather overwhelming support for a treaty" (2000:231). These interventions were a dynamic manipulation of available discursive opportunities as resources for a broader struggle. However they still arose from reactive positions assigned by the reconciliation discourses; this was not a process in which positions on matters of political equality developed through self-authorising Indigenous community processes could be ventilated in public. Further, the demand to engage discursively with reconciliation policy diverted political effort from more fundamental matters. As Foley writes, "The energy that Koori activists might have put into challenging and exposing the Hawke government's hypocrisy [concerning its reneging on its promises of national land rights and a treaty] was dissipated by irrelevant debate about reconciliation" (1999:2/5).

Underpinning the suppression of Indigenous political discourse was a severely constrained public discourse. While reconciliation discourses generated some popular awareness of Indigenous rights issues, they did not challenge the fundamental inequality of political relations. Rather, the parameters of acceptable public discourse constructed Indigenous affairs as a pro- or anti-reconciliation binary; and longstanding Indigenous discourses on sovereignty and self-governance—which were recently largely endorsed under U.N. international covenants—were characterised as "radical", outside the parameters and hence, invisible. Perversely, the resulting shape of public discourse *included* radical right-wing opinion-makers, who rejected the modest objectives of the CAR. For example, Brunton, the anthropologist who portrayed Indigenous rights discourses as "Aboriginal separatism" (1999:21), enjoyed substantial public exposure; as did journalists McGuinness (2000) and Christopher Pearson (2000). As Tatz writes, "the 'good' people" are distinguished from the McGuinness camp because they "preach reconciliation" (2000:5). Equally perverse,

acceptable parameters of public debate also included claims by Coalition politicians and pastoral leaseholders that Indigenous rights advocates jeopardised reconciliation (Nicoll, 1998). And while the position allocated at the opposite end of the McGuinness/Brunton camp, was staunchly pro-Indigenous rights, commentators advancing this approach, suggests Moran (1998) were keenly aware that the boundary of public discourse fell short of discussion on issues like sovereignty and self-government. So without the full range of available discussion, public statements concerning rights did not extend to wider issues; instead they were folded into the truncated "bundle of rights" approach identified by Jonas (2003) and Pearson (1994) in their critiques of native title. As an example of the moderating public statements of those associated with strong support of Indigenous rights, Moran (1998:12) cites the 1996 official National Reconciliation Week message given by the Governor-General Sir William Dean, in which he counselled that it "is important to remember that reconciliation is a two-way process … Aboriginal people must … accept that we now all constitute one Australian people" (CAR, 1996:9).

The compilation by Grattan (2000) of essays by academics and public opinion makers in many ways exemplifies the normative force of the constructed parameters of reconciliation discourses. This volume attempts to be even-handed by drawing from a wide range of views, but it permits no critical commentary on the fundamental politics of reconciliation. At one end of the spectrum are the contributions of McGuinness and Christopher Pearson, who criticised even the minor concessions to Indigenous rights espoused by the CAR. At the other end are Manne (2000), Castan (2000) and Attwood (2000), who adroitly utilised the normative function of reconciliation to extend its ill-defined discursive rubric into a more instrumentalist concept, capable of embracing and advancing a range of issues, including reparations for the Stolen Generations, and legal solutions such as constitutional change, a bill of rights and a treaty process. Yet within this volume, these and other contributors draw back from interrogating the political relations at the foundations of reconciliation policy. Reynolds (2000) and Farley (2000) admit to doubts about the policy (either their own or those of Indigenous people), but then dismiss them as unimportant. Interestingly, in her contribution to Grattan's book, Inga Glendinnen (2000) excluded the word 'reconciliation' altogether. Her stand-alone call that "Aboriginal communities, whether remote or rural or urban, must handcraft their own solutions

because … only they can do it" (2000:251) is supported with accounts of regional and national Aboriginal organisations constructing and maintaining communities. Although Glendinnen makes no criticism of reconciliation, this locality-focused *and* structural/political understanding of community self-determination processes stands as (an albeit implied) challenge to reconciliation rhetoric about constructing local partnerships. In such arrangements, asserts Glendinnen, the place of non-Indigenous effort should be in giving "unstinting support" to Indigenous community initiatives and efforts.

The only critical assessments included in Grattan's volume are the Indigenous commentators Holt, Clarke and Mundine. But these are glossed over in the introduction, where she writes, "The essays in this collection span a wide range of views of the reconciliation process, from those who doubt its efficacy through to passionate advocates and most positions in between" (Grattan, 2000:8). She notes briefly the existence of a small number of "black sceptics", who were not included in the volume, and dismisses their "all-or-nothing approach" (2000:5). Congratulations go to the middle ground of "Aboriginal and non-Aboriginal pragmatists and idealists" who "accept this as a journey of nearly endless length" (2000:5). Interestingly, Grattan makes a criticism present in the above reviewed critiques, writing that, "the formal reconciliation policy … arose out of [an earlier] failure [where] talk of 'compact' or even treaty had floundered. The council … was a fall-back, with judgement day … at the end of 2000—a long way off" (2000:6-7). But she fails to recognise that this point was part of a much more comprehensive, cohesive body of Indigenous thought on the foundational politics of reconciliation. Hence, the long-standing Indigenous critique of reconciliation is either diluted and normalised, or marginalised as being "radical" and dismissed. These interventions were not intentionally coercive; indeed the normalising force of the reconciliation discourse depended on its participants being unaware of these widespread Indigenous community discourses and of the fact of their suppression. But it is indicative of how, in the absence of active engagement with the plurality of Indigenous community discourses, Indigenous political analysis can be ignored, distorted and diminished. These processes are addressed at length in Chapter 7.

In the normal reach of popular reconciliation discourses, a range of discourses were authorised, from radical right to a strategic advocacy for Indigenous rights that was detached from issues of sovereignty and self-determination as self-governance. Hence, the requirements of a liberal, inclusionary process were apparently fulfilled, while at the same time, dissenting opinion, challenging the basis of non-Indigenous governance of Indigenous peoples, was excluded or managed. Indeed, the shape of discourse was so apparently inclusive that it held a place for popular writings at the fringes (see Habel and Tacey in 3.3.3). But in this fringe position, dissenting political analysis was displaced by idiosyncratic romantic writers, whose radical divergence was away from, rather than into, political dissent. Hence, at no point did public reconciliation discourses provide a serious challenge to dominant interests.

3.3: From critical geographies to geographies of Indigenous governance

As noted above, the geographical literatures in this section are the framework for the present study. The geographical perspective in this section provides an empirical manifestation of the community scales at which self-determination is generated, and on which questions of treaty and sovereignty must be founded. And it counters nation scale policy settings and ideologies that construct the Indigenous domain as a fragmented array of isolated communities, interests and individuals that are inconsequential to issues of self governance.

This review traces a trajectory from the fundamental importance that geography gives to the relationship between place and social justice issues, to Indigenous community studies in Australia. This "bottom up" view constructs a different "bottom" from that which is seen from, and reproduced by top down conceptual positions, such as in government policy ideologies. The "bottom" in geographical studies is a complex, on-the-ground domain of multiple and shifting relationships between and within communities, between communities and wider political/social/economic forces—and between all of these and place, whether urban, rural/regional or remote. Without the administrative and theoretical homogenisation of government policy and other nation scale epistemologies, diverse and community

specific processes and structures are seen as being the central constitutive forces of self-determination. This "bottom-up" geographical view constructs a substantially different view of what constitutes self-determination, how Indigenous community participation in self-determination processes is constructed, and how those self-determination processes are to be extended from the ground up as a national scaled endeavour capable of altering the political relations between Indigenous communities and Australian state and federal governments.

As Chapters 6 and 7 will show, it is not just the outcomes of community processes, and whether communities are successful in advancing Indigenous interests, that is important for how self-determination is "seen". The ground-up geographical view "sees" a complex of nascent and amorphous processes as being constitutive of self-determination—not just those having successful outcomes (such as a land title or a local government commitment to recognition of urban Indigenous presences and needs) that can be "seen" by government nation scale positions. Equally important as outcomes are the *processes* of contention and negotiation within and between Indigenous communities, and between these communities and government, and other non-Indigenous interests. The commitments in intellectual, emotional, cultural, material and practical resources demanded of communities and individuals in these endeavours are not only dangerously draining. They also become invisible, particularly when they do not bring successful outcomes. But whether having identifiable outcomes or not, they are all manifestations of community governance processes. While geography is not the only way to engage with community processes, the geographical approach of "taking all comers" at ground level, without reference to abstract theoretical models of Indigeneity, has been foundational for this study. It has enabled the conceptualisation of all these community processes as inhering in, and constructing a diverse, multi-contextual domain of governances; and the evaluation of the reconciliation policy in terms of its accountability to these potentials.

A highly truncated definition of human geography, but adequate for present purposes, is that it studies the spatialisation processes of social phenomena (Massey, 2004). Central to the discipline has been the recognition that social, economic, political and historical forces have substantially different manifestations across space; and that these differences cannot be explained with reference only to the generality of

these forces. For Australian geographers interested in Indigenous issues, these understandings have become part of a distinctive "Australian approach" (Howitt, 2008a), in which the project of inscribing Indigenous presences has become central. This has assisted in countering prevailing understandings arising from negative inscription—the rendering of absences of Indigenous communities from political and physical landscapes. Howitt and Jackson's (1998) review traces what continues to be an ever strengthening strand of geography, in which researchers have actively assisted the economic and land justice goals of Australian Indigenous communities in diverse ways. This development gained Institute of Australian Geographers authorisation in 1997, with a motion that committed the Institute to supporting Indigenous peoples' efforts in gaining recognition of their rights (Howitt and Jackson, 1998). The motion further established a special interest group within the Institute to foster development of scholarship in this area. To be noted in passing here are the opposing strands of past geography (some of which still persist in attenuated forms) also recorded by Howitt and Jackson (1998) and Howitt (2001b). These employed environmental determinism to explain differences among human communities across the globe and constructed economic "frontiers", which nullified Indigenous presences.

3.3.1: Trans-Atlantic debates

The importance of locality for understanding the impacts of broader forces—*and* the active construction of, and responses to those forces—has, in the last few decades, given rise to a series of trans Atlantic debates among geographers concerned with developing a critical geography capable of addressing social justice issues.

These debates have turned partly on the perceived risk of parochialism and romanticising place uniqueness. In his 1984 'historical materialist manifesto' paper, Harvey noted that while other disciplines trivialise the important role of space in explaining social phenomena, this lacuna has nevertheless contributed to their capacity to produce general theories, thus facilitating public and government understandings of their contributions to political controversies. He cautioned geographers against a "naïve empiricism" that "retreats into the supposed particularities of place and moment" (Harvey, 1984:8) and called for a unified geographical approach to social justice issues. Underpinned by theory, the resulting

'people's geography' would rescue the discipline from parochialism. More recently, Harvey has continued this call for a project of theory capable of accommodating geographical particularity. "Reclaiming the terrain of justice and of rights for progressive political purposes", he says, "appears as an urgent theoretical task" (1996:361), in which "universality must be construed in dialectical relation with particularity" (1996:362). Furthermore, says Harvey, because "universality must be construed as a differentiated construction embedded in processes operating at quite different spatio-temporal scales", and because this process "internalis[es] contradictions between these scales… there can never be some irreducible principle" (1996:362). Reflecting on the problem of how to deal with particularity in a way that does not form politically non-literate identity-based moral equivalences (between for example, the community-political actions of workers laid off with factory closures and the residents of a wealthy gated community in a neighbouring US state) he proposes an interactive "epistemology that can tell the difference between significant and insignificant differences or 'othernesses' [that can] understand the social processes of construction, situatedness, places, otherness, difference, political identity and the like" (1996:363).

From the other side of the Atlantic, Massey (1993) maintained that locality studies examining the linkages and interdependencies by which imperialism and capitalist transformations are inscribed into a locality—even one ostensibly removed from their negative effects—are anything but parochial. She asserts that local phenomena are as demanding of theorisation as are national and international phenomena because they map specific and important social, political and economic articulations of the relationships of exploitation between privileged and third world localities. Indeed, locality studies are the basis of a 'peoples' geography' because in charting locality-based spatial phenomena as an important aspect of the operation of economic and political power, they also chart "geographies of responsibility" (Massey, 2004) between localities that are interdependent through advantage and disadvantage. Integral to this geography, says Massey, is the temporal dimension in which localities are also constituted, making them "always provisional, always in the process of being made, always contested" (1993:149).

These understandings by Massey, Harvey and others that imperialism is a matter of continually adapting spatially organised and reproduced relations that involve all of us—that these are not past processes to be relegated to a settled history—have been some of the most powerful insights of geographers concerned with social justice. Understanding imperialism—and colonialism—demands an analysis of how their spatially organised costs and benefits are continually re-inscribed into the lives of a large majority of the world's citizens, at the most mundane levels. And for the nations and social groups that have been advantaged by imperialism and colonialism, this process is one of negative inscription. This concealment is an active imperial/ colonial process, of hiding the processes of expulsion, annihilation and exploitation. As Massey argues, the removal in space of the negative consequences of privilege is essential to the perpetuation of privilege (2004:9). And discussing the constructed ignorance of wealthy nation citizens about the connections between their advantage and third world poverty, Abbott quotes Salmed Rushdie—"The trouble with the English is their history happened overseas, so they don't know what it means" (2006:338). In Australia the removal of Indigenous authority over Indigenous lands and the associated processes of capital accumulation are ongoing, but have been removed in both time and space from the metropolitan imagination (Howitt, 1993a). And successive Indigenous affairs policy settings, including that of reconciliation, have protected these processes of accumulation by silencing dissent.

3.3.2: Australian perspectives

These insights on the spatialised processes, construction and consequences of colonialism are shared by Australian geographers, but refracted differently from British understandings, partly because the colonised and those advantaged by colonisation are within the same nation. Anderson and Jacobs' assertion that "imperialism has always been a fundamentally spatial project" (1997:18) arises from their reflections that the limited and distorted white Australian consciousness of Indigenous presences is confined to those of remote areas. Concomitantly, say Anderson and Jacobs, Australian cities fail to register urban Indigenous presences. The insistence by Australian geographers on actively inscribing Indigenous presences throughout Australia, in city, regional and rural contexts, goes back to the early

1970s[53]. As noted in Chapter 1, this has been foundational for this thesis, which presents the voices of Indigenous people as governance processes in urban and regional/rural contexts.

Another strong theme in Australian Indigenous geographies (and in this study) has been to subvert pervasive and persistent stereotypes of Indigenous peoples that place them in one of two categories, both disempowering because neither admits individual or community agency. These are the interrelated stereotypes of the "real" Aborigines living in remote northern regions, as opposed to those whose claim to Aboriginality has putatively been compromised by their migration to cities. Throughout the reviews in this chapter, geographers make criticisms of a related anthropological discourse, which seeks to salvage past ideals of Indigenous social organisation. Williams, herself an anthropologist, asserted that up to and into the 1980s, her discipline still held Indigenous communities to comparison with "models that exist only as ideals for [western] society" (1986:4), thus judging the majority to be compromised. Indeed Moreton-Robinson's discussion of the focus of "the traditionalist stream of Australian Aboriginal anthropology" on "Indigenous pathology" (2006:219-20) indicates that it has persisted to at least the recent past. Also in this strand of discipline self-criticism are Marcus and Fischer (1986) and Rose (who has worked extensively with geographers) whose ethic engagement with Indigenous communities seeks to "avoid the nihilism of violent erasures" (1999:177). Yet still, the domination of the native title claims process by legal and anthropological experts, who are accountable to highly reductive constructions of Indigenous interests in land undermines Indigenous community capacity to manage the political processes of intra- and inter-community decisions (Agius and Howitt, 2003:3; also see Moreton-Robinson, 2006:219). As noted above for geography (Jackson and Howitt, 1998; Howitt, 2001b), all humanities disciplines have an ongoing history of diverse and oppositional strands, producing and refracting a range ideological approaches, including those of government policy.

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[53] See footnote 1.

Foundational Australian writings

Three figures provide an appropriate starting point for a critical historiography of Australian geography's engagement with Indigenous people—Gale, Monk and Young. In different ways, all three highlighted the fact that Indigenous communities are characterised primarily by diversity, both across and within urban, rural and remote contexts; they cannot be explained with reference to fixed, Indigenous specific theoretical frameworks. In these insights, they posed a fundamental challenge to orthodoxies of the time, which generalised and homogenised the Indigenous experience and sought to explain it according to endogenous, cultural factors.

Working at the University of Adelaide, Gale[54] was at the beginning of the lineage of what are now called 'Indigenous geographies'. Gale's 1972 book *Urban Aborigines* was the first documentation of the presence of city-based Aboriginal communities and her earlier PhD (1960) work on the subject was heavily drawn upon by Rowley (1971a) in his chapter on urbanising Aboriginal communities (Anderson and Jacobs, 1997:15). Gale's book charted the spatial and demographic patterns of post WWII Indigenous migration to the city of Adelaide, and highlighted the important role of the discrimination experienced by Indigenous people in the city. In particular, Gale explored the additional discrimination against people of mixed ancestry, whose Aboriginality was denied. Many of these people were longstanding friends from her childhood in a missionary family. In her view this kind of investigation exemplified the difference between geography and anthropology. Where anthropologists were "doing… 'traditional people'" (Anderson, 1998:366), and "wanted to go as far bush as they could…" (Anderson, 1998:368), "geographers were more interested in social change and the people/place relationships" (Anderson, 1998:366). The fundamental geographical concern, says Gale, is for the "interaction between culture and environment" (Anderson, 1998:368), rather than the construction of fixed cultural ideals, against which change is measured as compromise.

Gale departed from orthodox methodologies in applying the same explanatory approach as she would to non-Indigenous communities, entailing both endogenous and exogenous factors. And when considering the role of internal cultural factors such

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[54] Gale died in early 2008.

as kinship, Gale's approach differed markedly from that of anthropology. She stressed that hers was "not… an examination of the nature of kinship in the urban environment such as an anthropologist would make"; rather, it was "a description of the function of kinship in the migration process" (Gale, 1972:256). She found that despite the attempts of "European authorities… to break up the Aboriginal family and to weaken the influence of kinship networks and obligations… [these structures] have persisted" (Gale, 1972:260) and were important in shaping urban migration and maintaining social support and cohesion. Indeed she lamented that this community strength had been so misjudged and abused by government authorities, and asked:

> Why is it that [kinship structures] are not recognised and their positive values used in the development of group-centred welfare programs? Since European individualism, embedded in our welfare approach, has failed so dismally, has not the time come when we should explore, with Aborigines, the practicality of using and developing their existing systems of kinship networks in mounting a more realistic welfare program? (Gale, 1972:260).

Gale's reasoning that the maintenance of Aboriginal identities and the formation of new urban Aboriginal associations was a source of community strength was a strong point of divergence from orthodox academic and government thinking. One of her main conclusions—that the essential basis for economic integration within urban contexts was the recognition of distinct cultural history, rather than absorption into the wider community—was received in the academy with considerable opprobrium. Gale maintained this approach of challenging orthodox conceptions of Indigenous cultural boundaries. Her work with an Indigenous women's association (Gale, 1983) highlighted the unity of purpose shared by women of diverse urban, rural and remote situations and across boundaries of culture, language, geography and history.

Another seminal study at the beginning of the "Indigenous geographies" lineage was Monk's PhD research on the differences in living conditions across several Indigenous communities in rural NSW (Monk, 1972). Monk was contemporaneous with Gale but worked from the University of Illinois; for both, there was no precedent for their new approaches, in geography or any other discipline (Howitt, 2007). Monk's study highlights some important and still developing aspects of the Australian geographical approach to studies with Indigenous communities,

from urban to remote—including inscription of presence in a diversity of contexts; subversion of prevailing stereotypes that deny Indigenous community agency; and the rejection of cultural explanations for the inadequate living standards and life opportunities of Indigenous communities. These are made possible through a geographical approach that observes a given locality as a particular "on the ground", interrelated and changing system of historical givens and contemporary economic, political, institutional, cultural, environmental and social factors. These factors inscribe linkages to other localities, each a different but interconnected nodal point in a field of interplaying forces, which are manifested differently, in varying combinations and with diverse consequences at each locality. These complexities and the fact that contingency often plays a significant role, mean that no one factor or specified subset of factors is adequate to explain diverse community profiles, community political actions and other forms of agency.

Monk's paper from her study (Monk, 1974), published in a compilation from a 1973 international geographical congress, was a groundbreaking advance in academic thinking about Indigenous rural communities. Nevertheless it received little attention in the academy, perhaps because it contradicted assimilative orthodoxies and associated systems of explanation. These focused on cultural factors as being impediments to government assimilation policies and the cause of Indigenous disadvantage. As Monk noted in her interview with Howitt, anthropology at the time consisted of just two related approaches, identifying what had been "lost" and modelling community pathology and breakdown (Howitt, 2007:52).

Though groundbreaking, the importance of Monk's explanations for the differences between the Indigenous rural communities lay precisely in the fact that they were both complex and fundamentally mundane. Like Gale, Monk departed from orthodox methodologies, which concentrated explanation in Indigenous community studies with internal cultural factors. Instead, she applied the same explanatory approach as she would to non-Indigenous communities and because this system of explanation accounted for exogenous as well as endogenous factors, Monk referred to it as an "ecological perspective" on communities. Monk found that negative social markers, such as low income, low educational attainment, poor health and unemployment were due to factors, which—as in other communities—were often

exogenously generated and differed across space. These included the decline of rural industries and distance from employment and services. One of Monk's main conclusions was that disadvantage was largely a matter of distribution of, and access to resources, employment and services. Cultural factors also interacted, but, like Gale, Monk saw them as strengths that provided mitigation in the face of external pressures. For example, group persistence and the maintenance of links to traditional lands helped to counter the pressures of assimilation and declining rural economies. These were surprising findings in the early 1970s; such was the entrenchment of institutional and academic prejudice at that time. To this day, explanations for Indigenous disadvantage that centre on cultural attributes (often judged as negative[55]) have sway in some popular, political and institutional domains.

Even more disturbing for orthodox thinking of the day, Monk's conclusions went further. Not only was disadvantage explained by the same kind of external factors that explained disadvantage in non-Indigenous communities—for Indigenous communities there were added external impediments to community development. For example, communities that had lived on government reserves were provided with severely sub-standard educational services. Similarly, the effects of dislocation from traditional lands and segregation imposed extra pressures. And in one rural Indigenous community, restriction of employment opportunities for women meant distant employment and residence, leading to low home formation and fertility rates. So these added external factors had a different genesis from those applying in non-Indigenous communities. They were mediated through selective institutional and social factors and brought disproportionate family and social pressures to Indigenous sections of rural communities in general decline. We would now refer to these factors as social and institutional racisms.

Conversely, where external factors were favourable and selective external impositions were absent, the results were markedly different. The Indigenous community of Fingal Point in the NSW north coast figured well in educational attainment, housing and employment patterns; also in lower social distance between Aboriginal and white residents. Monk attributed this to the fact that Fingal Point had

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[55] For example, a discourse promulgated by the Howard Government (1996-2007) was that Indigenous disadvantage was at least in part due to a culturally entrenched preference for "collectivism". Its replacement with market economics would, so the argument went, improve Indigenous well being.

been a long-standing independent Aboriginal community before non-Indigenous migration following WWII. Community members had not experienced reserve life with its special laws, paternalism and substandard education; they had attended a regular public school with qualified teachers. So Monk's overall conclusion was that the Indigenous specific factors causing additional disadvantage were not cultural; they were external factors—institutional and social impositions. Her application of the same general system of explanation for Indigenous and non-Indigenous communities had highlighted some of the specific institutional factors that selectively impeded Indigenous community progress.

One of the greatest strengths of Monk's "ecological perspective", for now as well as then, is in its subversion of the then dominant (and still persistent) systems of explanation that centred on generalised, Indigenous specific internal characteristics for explaining social dysfunction and disadvantage in Indigenous communities. In reviewing the then current anthropological and sociological explanations for Indigenous rural community living conditions, Monk noted their failure to account for the important spatial community differences that she observed in her analysis (1974:157). And she showed how this trivialisation of spatiality permitted a seriously distorted and simplistic conceptualisation of Indigenous communities (1974:157-8). Where other communities were attributed with agency in responding to prevailing external factors like employment opportunities, Indigenous communities were held to be passively dominated by just a few Indigenous specific internal factors. In the historical-cultural mode of explanation that was common in anthropology in the 1960s and 1970s, differences between Indigenous communities recorded little more, according to Elkin (1951) and Berndt & Berndt (1951), than their different positions along a temporal gradient from traditional to assimilated life style. In a similar mode, the dominant sociological theory of the day asserted that differences between Indigenous communities were determined by the residential setting of its members, whether government reserve, town or fringe camp and so on[56]. Monk found that these models could not account for the differences she found from one reserve to another, and between towns. In today's terms, these different standards of explanation used for Indigenous and non-Indigenous communities were indicative of a fundamentally

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[56] Fink (1955, 1960); Reay (1957); Beckett (1963); Bell (1964).

racialised methodology that posited cultural attributes (of a quasi ontological nature) as explanations for disadvantage.

It is interesting to note that sociological "solutions" for Indigenous community advancement can still turn on the trivialisation of inter-community difference. In summarising the findings of his Australian study (the Indigenous Community Governance Project), Stephen Cornell[57] suggests that "genuine Indigenous-generated successes … [in] solving the problems of Aboriginal communities by organising in their own ways to deal with those problems… share some key features" (2007:15). "Quite aside from the specifics" he continues, "it is the commonality of certain features across cases that is important… This means that success can be replicated" (2007:15). This approach purports to theorise a transferable, repeatable operating scheme for successful Indigenous community decision making.

No doubt there are common features and it might be possible to transfer such a scheme across Indigenous communities; many policy processes that purport to be community based have made similar impositions. But as a stand-alone approach, this would not be self-determination, which simultaneously issues from, and supports a multiplicity of existing community specific processes. As this review proceeds, it will show that these processes are not only diverse; they are often substantially different from each other. These specific community/ place generated processes, structures, alliances and negotiative strategies need to be recognised as being constitutive of, rather than epiphenomenal to Indigenous self-determination processes. And it is, in part, the essentially political, continually negotiated nature of these self-determination processes that enhance community empowerment (Behrendt, 1995:109). These constitutive, political processes would be elided and erased by attempts to distil and standardise community processes into a theoretical realm of optimal Indigenous decision-making. Implementation of such a model holds the risk of replacing existing self-determination processes with a technological solution. This would advance government agendas in legitimating the imposition of top-down government policy settings on Indigenous communities, which function to perpetuate colonial political relations. In privileging the role of theory in constructing an operating scheme for Indigenous community conflict resolution, such a scheme would actually undermine

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[57] Professor of Sociology and Public Policy at the University of Arizona.

the ground-level processes that constitute self-determination and support social sustainability.

The works of Gale and Monk are pertinent in regard to these continuing efforts to apply technological solutions to the political challenge of self-determination. They were the first geographers to work on Indigenous social justice issues in urban and rural Australia (Howitt, 2007) and their pioneering work in developing Australian methodologies for Indigenous geographies represented a radical departure from the methodologies of other humanities disciplines of the day. Not persuaded by the putative predictive value (and associated putative management potential) of reductive theory making, they observed the 'on the ground' complexity of factors that produced patterns of disadvantage or strength, and developed non-predictive, open-ended conceptual frameworks. For Monk and Gale, the factors producing social change were, at a general level, common to any social group. However the details, combinations and contingencies by which these factors played out were substantially different according to locality, in ways that defied general theorising. Hence, culture or other internal factors were not given disproportionate roles in explaining social phenomena in Indigenous communities; as with other communities, culture was one of many factors. But it was far from unimportant. At the same time, the importance they saw for culture in Indigenous communities was very different from the meaning that anthropologists gave it. While the latter attempted to bring culture into compliance for use as social explanation (particularly for disadvantage), Gale and Monk saw culture as being important in its own right. So for Gale, kinship in the city was not a subject of study as a compromised relict of traditional modes of living. To the contrary, it was a vital part of a living, diverse and changing culture, and the basis of newly emerging social structures; hence it was a means of recognising and strengthening Indigenous presences in the city.

Another geographer pioneering this approach to Indigenous communities was Young[58], who came from Scotland to Papua New Guinea where she did her PhD, and then on to Australia, where she saw parallels in the Scottish enclosure acts and the dispossession of Aboriginal people from their land (Howitt and Ward, 2002). In her book with the economist Fisk (1982), she provided, in her words, "a brief analysis of

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[58] Young died in 2002.

the socio-economic characteristics of Aboriginal families living in New South Wales towns in 1980" (Young and Fisk, 1982:25), in which she came to the same broad conclusion as had Gale and Monk. That is, the factors contributing to Indigenous community poverty were the same as those for other social groups, except that the pressures were more extreme for Indigenous communities; and there were added pressures, including discrimination and the neglect of governments in accommodating cultural aspects of life. As did Gale and Monk, Young also saw cultural factors as a source of strength in non-remote Indigenous communities. She insisted that residence in non-traditional contexts did not nullify the right or the need for the recognition and accommodation of Aboriginal custom and learning throughout multiple components of life, including in the education of children (Young and Fisk, 1982:27).

Transcending the demands of theorisation to simplify and submit complexity to generalising abstraction, the commitment of Gale, Monk and Young was to a non-reductive, empirical engagement with broad and local dynamics of change and diversity in Indigenous communities. Contrary to the orthodoxies of their day, one of their primary shared perspectives was that, far from being impediments to progress, culture and difference were sources of community strength; indeed, the attempts of government authorities to nullify difference were, they found, one of the main causes of stress in Indigenous communities. Further, it was not the domain of non-Indigenous academics to define and measure Aboriginality through linear gradation or either/or tests; rather, Aboriginality was a matter of Indigenous community organisation and dynamics, entailing change and diversity across urban, rural and remote contexts. This empirical commitment to diversity, as established by Gale, Monk and Young, has underpinned what is referred to here and by Howitt (2006) as the 'Australian approach' to Indigenous geographies. Spatial and temporal processes of change and persistence are inscribed to the academy as continuing, changing *and untheorised* Indigenous presences across urban, rural and remote contexts.

Inscribing Indigenous community presences

In more recent years, this Australian approach has continued to reflect back new perspectives for critical geography on what constitutes a 'peoples' geography'. In their useful international review, Shaw et al place geography's engagement with

Indigenous political issues in the late 1990s (2006:271). However, this commitment in Australia predated that time. The Howitt, Pritchard and Crough (1990) research project was commissioned by an Aboriginal organisation. According to Baker, Davies and Young (2001c) it was the first social impact assessment process on the role of Aboriginal people in the Alice Springs regional economy that was not dominated by academics. Its agenda and methodology was explicitly political. On the basis that knowledge production is a political, not neutral process, the research was designed in collaboration with Indigenous organisations. Its results were delivered simultaneously as both research and training through classes at the Institute for Aboriginal Development in a workshop, which produced transactions and much debate. This assisted the participating Indigenous communities in advocating their substantial contribution to the economy, and in their strategic bargaining for community benefits.

Based on this and other research experiences, Howitt contributed to the emergent Australian approach to Indigenous geographies with a strongly engaged approach to "applied peoples' geography" (1993a) and an early suggestion that the politics of colonisation of Indigenous peoples is always a scaled discourse. He argued (1992) that while the strong and continuing local land-based traditions of remote Indigenous communities make their situations ideal for locality research, the discursive privileging of the local scale in an absence of political analysis would simply reproduce their marginalisation. Rather, an 'applied peoples' geography' involves the contextualisation of remote communities within the broader scales at which their political and economic marginalisation is constructed. However, the focus of this contextualised explanation must not shift from the local because the spatial and temporal complexity of interactions between broad and local factors is embedded at the local scale. And crucially, so too are the mechanisms of marginalisation differently constructed, reproduced, refracted and embedded through different local contexts. It is for these reasons as well as the significance of local land relations, that a grounded empowerment of remote communities must start at the local scale. Empowerment, Howitt argues (1995, 1997, 2006), is a local process of building collective, collaborative community strengths while navigating the local intersections of broader factors of disempowerment. It is not a general strategy that is reproducible as a blueprint across localities. General theorisation risks not only the loss of essential

levels and lines of explanation; it also jeopardises the prospects for grounded political empowerment of Indigenous communities.

Howitt extended this analysis to place the struggles of marginalised Indigenous peoples at the centre of capitalist processes of accumulation. Because the processes of appropriation of Indigenous lands and resources are central to industrialised economies, says Howitt (1993a), a 'peoples' geography' demands that we decentre our traditional view of the struggles entailed in capitalist processes, in order that we might decipher the mechanisms of disempowerment and marginalisation, which are embedded in the local scale. In a similar analysis of Indigenous disadvantage as a process at the centre of contemporary capitalist accumulation, Young (1995) called for an empirically engaged geography, centred not on theory making but on "breaking the nexus exerted by rich, developed nations/groups over poorer nations and sectors within society" (1995:8).

Since the mid 1990s other Australian geographers working with Indigenous communities have observed the implications and outcomes of legislative frameworks for the transfer of traditional lands or title rights to Indigenous communities[59]. While the Northern Territory Land Rights Act (1976) and the federal Native Title Act (1993) have provided some legislative space for recognition, they have at the same time, promulgated highly reductive conceptions of Indigenous interests in, and rights to land and resources. These have facilitated the exclusion of numerous Indigenous groups from the land they claim entitlement to, and/or have cared for. Geographers have identified a cascade of procedural, legislative and institutional problems, undermining the prospects of self-determination. The domination of negotiations by experts renders as a technical procedure, what should be a political process of building relationships among groups and reflecting their concerns. This undermines the prospect of building of self-authorising structures capable of developing negotiating relationships of coexistence with government and business sectors (Agius & Howitt et al, 2003). The problem is exacerbated by the lack of institutional support for equal participation (Robinson and Mercer, 2000), without which effective co-existence is impossible. Legislative problems include constraining recognition of

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[59] Agius et al (2001, 2003, 2007); Agius & Howitt (2003); Baker, Davies and Young (2001c); Davies and Young (1998); Howitt (1995, 2003c, 2006); Jackson (1995, 1998a, 1998b); Jacobs (1998); Lowe and Davies (2001); Muller (2008b); Suchet (1996), (2002).

rights to a narrow spectrum of Aboriginal experience deemed to be "traditional" (Davies 2001; Jacobs, 2002); the absence of a right to determine the activities that require authorisation by native title holders (Davies 2001); and the inability to withhold land from development (Howitt, 1995). For sea title rights, the setting of spatial and vertical boundaries does not accord with traditional estates (Robinson and Mercer, 2000; Jackson, 1995). And even successful claimants for native title rights find that these rights often fall far short of entitlements anticipated in accordance with "ancient jurisdictions" (Agius & Howitt et al, 2003). Similarly, a survey among South Australian land rights organisations, Jacobs (1998) has found that although Indigenous groups living in towns outside their traditional lands maintain a strong sense of responsibility to the land over which they retain customary rights, they cannot gain legislative recognition because they cannot fit specific requirements of the relevant acts, the *Aboriginal Land Rights (Northern Territory) Act (1976)* and the *Pitjantjatjara Land Rights Act (1981).* Instead, says Jacobs, they are forced to seek recognition through a series of piecemeal, inadequate options, in which overlapping domains of sanctity are segmented into spatially discreet sites that conform to outsider conceptions of what constitutes an Aboriginal interest in land (1998:256-7).

The fundamental problem with the native title legislation, says Jonas, is a highly restricted notion of entitlement that recognises a limited "bundle of rights" (2003:5), but not the traditional laws and customs from which they are generated. And, says Howitt, it fails to recognise the associated structures of governance of successful claimants (Howitt, 2008b). Instead, the authority of native title is constructed to issue from, and represent "whitefella law", rather than Indigenous governance or the "ancient jurisdictions" of the Dreaming (Agius & Howitt, et al, 2003:7; also Davies, 2001). The anthropologist Rose refers to this as a process of "deep colonizing" (1999:182), whereby the institutions intended to advance decolonisation retain their embedded colonising practices, with the outcome that colonisation is further naturalised and entrenched in institutional and legal processes, and long-standing marginalisation processes are reproduced in more palatable forms. The procedural processes of native title—which employ historians and anthropologists to discover past, extinguishing events; or to salvage (or deem absent) traditional essences of Indigenous culture—set unrealistic, abstract standards of

traditional "purity" on claimants[60]. These reductive processes, say Robinson and Munungguritj, fail to acknowledge the ongoing "unique physical and cultural components of Indigenous land and seascapes" (2001:92) and are weighted towards the exclusion of people from their land. As Howitt says, they operate continuously to "reinscribe emptiness onto Indigenous landscapes" (1998:30).

Contemporary geographical research has opposite implications, showing how Indigenous communities have asserted their interests in lands, despite in many cases, their inability to meet the criteria for establishing legal rights in land. As the earlier studies of Gale, Monk and Young recorded for urban and rural contexts, the local intersections of multiple factors of strength and marginalisation—contemporary studies are doing the same for remote as well as other Indigenous communities. Gale's primary question of "how Aborigines live in the contemporary moment" (Anderson and Jacobs, 1997:15) remains the fundamental challenge and wellspring for Australian geographers working with Indigenous communities. These empirical questions of how people continue to conduct their land care, economic, social and cosmological relationships decentre legal questions of compliance with narrowly conceived, fixed notions of land ownership. This Australian approach in Indigenous geographies has shown that the maintenance of the land care, economic and social structures of a people is fundamentally a process of change. It is always contemporary; it does not reside in the preservation of, and conformity with narrow legal or anthropologically defined absolutes. As Young says, Indigenous land relations are not "static embodiments of some timeless essence" (1992:262). Hence, Indigenous community engagement through a wide range of relationships across local, regional and national scales; with Indigenous communities in different circumstances; and with government agencies and NGOs, does not compromise the integrity of land relations and social structures. To the contrary, it is precisely the capacity to respond to changing circumstances and incorporate emerging opportunities, alliances, resources and technologies—and to integrate old strategies with these new circumstances—that sustains the ongoing Indigenous values of people and place. In highlighting these self-determination processes of change, agency and

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[60] Rowse (1986) makes the point that the traditional anthropological project of measuring contemporary Indigenous societies against past models of social structure lacks foundation because there is no empirical evidence of the nature of these past situations.

persistence in Indigenous communities, geographers are reinscribing contemporary Indigenous presences in diverse contexts throughout the Australian landscape.

A central and empirically founded theme throughout these contemporary geographical engagements with Indigenous presences is that in the lived reality of Indigenous communities, the continuity and assertion of these multifaceted land relations persist independently of non-Indigenous constructed frameworks of land title. The entitlements asserted by communities occupy a far broader domain and are not eclipsed with physical distance from traditional lands, or by the intrusion of non-Indigenous interests into them. As noted by Agius & Davies et al (2001), "Many Aboriginal people have not felt dispossessed—their law makes it quite clear that they own their country" (2001:1). This state of perpetuity in land is articulated, Young (1992) observes, across numerous combinations and levels of connection, and ways of negotiating the changed circumstances of historical and contemporary intrusions by governments and other non-Indigenous interests.

The rest of this sub-section will survey geographical literatures that demonstrate these ongoing connections with land and assertions of self-determination processes across a diversity of contexts, including urban situations. In these instances, some communities have been able to maintain physical continuity with land, but even those with legal rights in land still actively negotiate difficulties in maintaining authority over it. Others have had to maintain knowledge at distance, often where pastoralists have excluded them from making camps. Others still have regained knowledge of ancestral lands after their ancestors were moved off it. Davies' PhD thesis (1995) (supervised by Young) shows how the diverse experiences of numerous Indigenous communities in negotiating change are testament to the fact that the achievement of self-determination outcomes—whether in legal status or otherwise—has always been an active process of assertion across a diversity of situations, rather than one of passive acceptance of imposed standards and frames of reference, as implied by legal frameworks.

Where remote and rural communities have been able to resettle their land, they have reasserted custodial rights and resumed ceremonial and ecological care obligations. Using Aboriginal English terms, Young observes that often one of the

first operations upon obtaining legal tenure in northern Australia, is to "burn the country", which in the absence of traditional mosaic burning, becomes overgrown "rubbish land", inadequate for economic sustenance (1992:260; also see Robinson and Munungguritj, 2001; Rose, 1996). Continuing occupation and resettlement both involve many ways of utilising land. Because land relations have always had a strong economic as well as cultural, social and spiritual dimension, people have adapted land management practices to include contemporary lines of income. Young (1992) describes a diversity of ways in which traditional responsibilities and subsistence hunting and foraging have been combined with commercial practices, including pastoral management (intensive and non-intensive), arts and crafts, also tree and crop cultivation (also see Langton, 1998 for a different mix of land management practices, including crocodile harvesting). In addition to traditional ecological management practices, there are also newly learned practices of ecological care. These dispersed, diverse models of land management are, concludes Young, more ecologically sustainable than single-outcome intensive forms of management.

As noted above, where there has been a native title or land rights determination, traditional owners can still face difficulties in maintaining traditional obligations to land because of the restrictive parameters of legal frameworks, which allow them minimal control over land. In Suchet's Napranum study (1996), land owning families continue to "nurture their culture" (1996:213), both in continuity with traditional practices, and in active response to numerous obstacles. When the Yolngu of northeast Arnhem Land were granted tenure of the land surrounding the Nabalco bauxite mining lease, they faced coastal land degradation problems associated with the mining operations. A joint study between the geographer Robinson and Munungguritj, a Yolngu community member (2001), records the efforts of the Yolngu in asserting their authority over land management decision-making. They established the Dhimurru Land Management Aboriginal Corporation, which enabled Yolngu experts in traditional knowledge to call in the collaboration of Balanda (non-Indigenous) experts in the planning of a series of ecological rehabilitation programs, as well as visitor management procedures, all conducted by Yolngu rangers. They also set up commercial ventures, employment and training programs, and structures for mediation between community and government agencies, including support for scientific research. Muller also records the obstacles and

contingencies negotiated by Yolngu communities in regaining control of their land—in establishing community management of saltwater country (Muller, 2008a) and in asserting their perspectives of accountability in working with non-Indigenous agencies (2008b).

Even while the difficulties of meeting legal criteria for land title can mean failure to achieve recognition, Indigenous communities have yet established some authority over land in the process of the struggle. In a collaborative piece Davies and Lowe[61] (2001) record the sustained, decade long efforts of the Jerrinja people to gain a determination under the Native Title Act, 1993 or the New South Wales Aboriginal Land Rights Act, 1983. They were traditional owners of Bundarwa, or Beecroft Peninsula and other areas around Jervis Bay on Australia's southeast coast, and had had continuous occupation of some areas. By establishing alliances with the conservation movement, Lowe and other Jerrinja community members were able to halt Commonwealth Government plans to extend the operations of the Navy in the area, thus saving a large portion of their traditional land from extensive industrial-style development. Ultimately though, their application under the *Aboriginal Land Rights Act, 1983 NSW* was unsuccessful. That act was intended to facilitate the claims of Koori communities by not requiring proof of traditional ownership. But in fact, this hampered the capacity of the government to make consideration of continuous occupation by communities such as the Jerrinja. Lowe argues that after decades of assimilation policies the state government was still unable to envisage that traditional ownership could still be relevant for the pursuit of land claims.

Other geographical studies record the active efforts of Indigenous communities in asserting their interests in land and regaining authority over it, despite their inability to meet legal criteria for land title. The study by Davies and Young (1998) illustrates the efforts of the Irrwanyere people of South Australia, who founded the Irrwanyere Aboriginal Corporation (IAC) in 1989 in order to gain political bargaining power in the face of ongoing exclusion from decisions regarding their ancestral lands. The IAC was an alliance of people with dispersed kin linkages extending throughout urban and regional centres as well as more remote settlements in the Witjira National Park and adjoining the Simpson Desert. This diversity

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[61] Lowe is a prominent Jerrinja community leader, and has had office with a number of state and national organisations (Davies and Lowe, 200).

contributed to the political capacity of the Irrwanyere for regional strategising (1998:162, 169-170). But the involvement of urban based people also gave hostile interests an opportunity to question their legitimacy in claiming authority over land. Those members living in Port Augusta and Adelaide and "by implication the group as a whole" were "marginalised… because they [didn't] conform to the stereotype of the 'real Aborigines'" (1998:159). Despite these apparent discontinuities of occupation and context the Irrwanyere made considerable gains in self-determination. This was achieved through collaboration across these different communities and across local and regional scales. The crucial point in their struggles was when the government licensed a former pastoral homestead to sell alcohol as part of a tourism operation. In response to this and other problems, the IAC undertook a "groundbreaking strategy for redressing marginalisation" (Davies and Young, 1998:159) of asserting the right to prepare the management plan for Witjira National Park. Although they had no resources or administrative base, they had the active support of other Aboriginal organisations and some government officers, who assisted with fieldwork and in writing the plan. This plan managed to reconcile the seemingly incommensurate interests of traditional owners and government park managers by reconstructing the meanings of national park management. With no legislative framework for freehold title, they requested a 99-year lease and set down its draft terms and conditions for the state government Minister. After four years of negotiation and a public exhibition of the plan, entailing no challenge to Irrwanyere interests, they were granted the lease.

Young and Davies also consider the experience of the Ngarinyin people of the northern Kimberley in Western Australia. For several decades pastoral leases have eroded Ngarinyin control over the land and resources of their country. More recently two of these have been obtained by Aboriginal organisations, Ngallangunda and Kupingarri, who have attempted to commercialise diversified land uses. But other Ngarinyin communities such as the Dodnum and Immintji people are located on small areas of land within non-Aboriginal leases. The ensuing disadvantages, including episodic employment in just one industry, with low levels of skills and education—together with socially generated disadvantages of remoteness and inaccessibility, such as isolation and poor services (1998:165-166)—contributed to the "inhibited social and political integration" of Ngarinyin groups with each other and other possible supporters, which "hindered their ability to speak with one voice" (1998:166). When,

in the early 1990s, the Western Australian government acquired the Mt Hart pastoral lease (in Ngarinyin country) for a national park, Ngarinyin groups made an unsuccessful bid to purchase the property. Also unsuccessful were Ngarinyin attempts to negotiate with the state government for a role in conservation and tourism management for the park, and for associated skilled employment programs (1998:168). Young and Davies compare the experiences of the diversely positioned Irrwanyere and the more traditional Ngarinyin. They attribute Irrwanyere success to a number of locational/ circumstantial factors. But equally important was the factor of political strength. Overall, conclude Davies and Young, the extent of dispossession from land and traditional knowledge are less critical factors in asserting Indigenous interests than the planning and negotiating strategies of a particular association, and the resulting involvement of local, regional and state scale support networks (1998:169-170).

Young (1996) identifies the spatial and temporal extensions of land care obligations as being part of a fundamental ethic shared across communities. Based on her work with central Australian communities, she found that among "all… Aborigines… caring for country is "the first and foremost spiritual affair" (1996:239). This ethic extends to strategic cross-community transference of land care obligations. Young (1996) gives the example of members of a central Australian Anmatyerre community, who had been moved to Alice Springs and retained some of their customary law. They were later re-united with the primary knowledge of their country by a member of another Anmatyerre community who had retained substantial knowledge of both countries. In another example, women from Warlpiri and Anmatyerre groups, who were residing on pastoral leases outside their ancestral lands, learned the ceremonies of that country from their husbands. The women maintained the knowledge and then transmitted it back to the women who were the traditional owners, assisting the latter in their successful land rights claim. However, although the traditional owners wanted recognition for the keepers of their knowledge, the latter could not meet the simplistic tests of these legal processes. In describing these multiple interrelationships, Young used the term 'caring for country' in recognition of how the continuities of multiple land relations have been sustained despite the apparent discontinuities of separation. These land care systems invoked by the term 'caring for country' are both traditional and changing; and they are shared across

communities as well as being locality specific. They are sustained through rights and obligations of ceremonial and ecological guardianship; and they are intrinsically interrelated with the maintenance of social, economic and cosmological support structures for the community associated with that locality. Young used this eloquent Aboriginal English term in her first paper on the Anmatyerre (1987); in this, she was among the first to champion its mainstream use (Howitt and Ward, 2002).

Comparing the above processes of active Indigenous community decolonisation and re-establishment of authority over traditional lands with earlier processes of migration away from traditional lands, it is interesting to note that these are not oppositional positions. Baker (1996) argues that the migration process was more complex than suggested by anthropologists, who theorised it as a matter of Indigenous choice, or the result of inducement or force by authorities. His empirical findings for the Yanyuwa of South Australia, was that movement off lands was contiguous with attempts to assert custodial authority over it. Further, says Baker, European occupation initially came to Yanyuwa lands rather than the reverse, as was previously thought, and the Yanyuwa initially incorporated that situation into their existing occupation patterns. It was only over time, during which they sought to shape the patterns of colonial engagement in their lands, that they were forced to relinquish them. Even so, this process was not complete, as the Yanyuwa managed to maintain control over some of their land. This involved the maintenance of traditional knowledge together with the incorporation of new technologies, concepts and institutions within cultural frameworks (Baker, 1999). Baker's work with the Yanyuwa began with his PhD study (1989), which was supervised by Gale, one of the above founders of the Australian approach.

The above examples, ranging across urban/rural and remote contexts, and through diverse circumstances of land occupancy and/or separation from land, all share the same feature—that in some important respects, the authority of traditional custodianship over land has been re-established or further asserted, despite the inadequacies of legal frameworks of recognition. They show that Indigenous geographies are dispersed and not bounded by urban-rural-remote distinctions; communities have formed alliances, and operated across these boundaries in establishing authority over traditional lands. This has been a process of active

intrusion on the part of traditional owners into the institutions of government and other sectors. And in these struggles, alliances with other communities and associations, and with government agencies have played significant roles. These examples illustrate the value of the geographical methodology pioneered by Gale, Monk and Young and developed by Howitt, Davies, Baker, Robinson and others, of inscribing to the academy the circumstances and struggles of Indigenous communities. The crucial feature of the methodologies used by these researchers is the same as for any geographical study; it is a matter of ascertaining the multiple local and non-local factors of struggle that are embedded in different combinations, in different localities. This Australian approach is as challenging for dominant interests now as it was in the early 1970s. Where the findings of Gale, Monk and Young conflicted with orthodox anthropological theories that legitimated assimilation policies, today's Indigenous geographies render inappropriate—and discriminatory— the reductive methodologies of discovery associated with legal processes, which construct selective and narrow conceptions of Indigenous interests.

While some urban communities have been able to re-establish connections with and authority over the land of their ancestors in association with non-urban communities with more continuous connections, for many urban communities however, such associations are not available. As argued by Baker, Davies and Young (2001a), the impacts of colonial history are widely dispersed throughout remote, rural and urban contexts; and across all these there is also a diversity of ways in which culture and ties with land have been retained, regenerated and renegotiated. Indigenous geographies have shown that the stereotype of the "real", remote area Aborigines, whose interests in land are only sustainable, if they have remained almost entirely unaffected by colonisation, is not empirically supportable. Conversely, the other side of this binary stereotype, which constructs urban Indigenous communities as being assimilated and therefore having no interests in land, culture or the connection between them, is equally unsupportable. Jackson's PhD (1998a) on the decolonisation of planning in northern Australia (supervised by Howitt), and her study of "town country" (1998b:90) in Broome and Darwin attest to the persistence of active Indigenous interests in lands that are urbanised within traditional lands, and the difficulties people face in asserting their land and sea rights in these situations.

Most of the above studies concern communities whose boundary crossings are directed toward the resettling of traditional lands and/or the assertion of authority over land management decisions. But a more recently emerging engagement in Indigenous geographies has been with boundary crossings that are explicitly political in intent. These are part metaphorical, but are nevertheless grounded in people/place relations. Jacobs (2002) describes some of these instances, where Indigenous community authority is asserted over sites assumed to be wholly under colonial authority, such as in cities, sites of political authority or areas designated as 'natural heritage'. In one, Aboriginal consultants to the J.C. Slaughter Falls public art project in Brisbane city utilise the motifs of relatives outside the urban area, inscribing it as a representation of traditional *and* contemporary connection with land. In another instance, Michael Nelson Tjakamarra removed the central stone of his Parliament House mosaic, imprinting his cultural authority on the seat of colonial authority by re-inscribing it as a site of protest against the Howard government's land rights policies. In yet another assertion of authority, a Ngarinyin community re-painted over a Wadjina art site, establishing their responsibility for country as an ongoing, contemporary process and transgressing its colonial designation as 'natural heritage'.

The point of these actions, argues Jacobs, is not necessarily to effect tangible change. Rather, they "begin the necessary task of reminding non-Aboriginal Australians, albeit temporarily, that they are strangers in their own land" (2002:154). In undermining "adjudications of what are valid expressions of Aboriginality and the … hold of non-Aboriginal authority over such expressions" (2002:147), these actors render "place-making" projects employing Aboriginal symbolism as "unstable, no longer secure in the hold of colonial arrangements of knowledge and power" (2002:147). These metaphorical actions, together with the previous examples involving manifest changes in authority over land, show us that the assertion of cultural authority is an ongoing process, which traverses multiple situations of recognition or non-recognition of rights in land. Urban, rural and remote communities all emerge as pursuing a variety of strategies and utilise cultural authority, not only to fulfil traditional responsibilities, but also to form political commentaries. In nullifying distinctions between legal status and the boundaries between remote and urban situations, these actions—and the geographies that record them—invalidate the

stereotypes that assert radical binary differences diverse Indigenous communities, and thus control over them.

Indigenous Governances

In the process of inscribing these acts of management in land relations and cultural/political representation to the academy, geographers have been influenced by the convictions of Indigenous communities that these are processes of governance. For example, in their account of the Kowanyama Land and Natural Resource Office on Cape York Peninsula west, Baker Davies and Young (2001b) record that it was set up with the express goal of self-government in resource management. And geographers are now scrutinising non-Indigenous political and institutional frameworks for their capacity to perform adequately in interaction with local Indigenous management strategies. In their above-mentioned study, Robinson and Munungguritj (2001) raise such questions, asking whether partnerships with government agencies reflect Indigenous priorities. Integral to this emerging inquiry around governance, geographers are also stressing the necessity for government and other institutions to be informed and guided by the roles of Indigenous knowledges in land management. Robinson and Munungguritj (2001) echo Yolngu insistence that understandings of land management should be "decolonised and localised" (2001:105), and Suchet-Pearson (2001) shows how recognition of, and engagement with local ways of seeing a culturally embodied landscape has a practical bearing on how land management is conceived. In a similar vein, Baker, Davies and Young (2001d) note that Anangu concepts of work embrace more than the goal-orientated, physical dimensions registered in western meanings. Anangu caring for country practices include a network of ceremonial obligations and contemplative practices, which involve the social, cultural, economic and cosmological aspects of community, as well as land management.

For geographers in this field, the recognition of these processes as governance processes demands their further structural recognition. In her 1995 book Young called for self-determination based on Indigenous community self-government. This process of practical decolonisation would locate control of land and resources with the "grass roots" (1995:8) level of Indigenous communities, rather than with "top-down"

(1995:247) government arrangements (also see Howitt, Connell and Hirsch, 1998). It would provide the basis for a "holistic socio-economic" (Young, 1995:4) framework of development that would advance multiple social and ecological as well as economic goals. These development processes build on traditional and developing capacities for coexistence. And since they are underpinned by negotiation across diverse Indigenous communities and interests, as well as with non-Indigenous economic, government and scientific interests, there is a crucial need, argue Davies and Young (1998) and Baker, Davies and Young (2001c), for government support and funding.

As noted above, further geographical developments in the area of Indigenous governance processes conceive these as constituting scales of governance, which can have—and have already had—profound impacts for the prospects of Indigenous self-determination. These will be reviewed in Chapter 4 as part of the conceptualisation of Contemporary Indigenous Governances.

3.3.3: Geographical writings on reconciliation

Geography writings on reconciliation have been a minor strand within the discipline. This is because the contribution of human geography to Indigenous studies has been in empirical studies at the community level. The emphasis has been on Indigenous community agency (and the impediments to that agency), in negotiating government and capital interests to maintain authority over resource utilisation and governance mechanisms. The attention to emplaced complexity, diversity and specificity that these investigations demand maintains the geographer's attention at the community scale, precluding national scale theorisation. Hence, geographical contributions regarding reconciliation have explored its usefulness as a concept at a community level of negotiation with non-Indigenous parties. One approach has been to utilise the normative power of reconciliation discourse to advance the cause of community self-determination and structural equality, in a similarly strategic use as that by rights advocates in Grattan's book. For example, in exploring the issue of sea country rights, Robinson and Mercer (2000) propose that a suitable test for the success of local co-management agreements made under the policy of reconciliation

would be in ascertaining the level of structural equality afforded to Indigenous communities. Similarly, Howitt (1998a) draws upon empirical research in a strategic equation of the prospects of reconciliation with the achievement of broader structural advances in decolonisation. Another contribution to thinking on reconciliation has been in focussing on an entirely different concept, that of co-existence. This is a more effective and enduring concept, which derives directly from the empirical, locally engaged nature of geographical studies. It connotes structural equality and a relationship of engagement and respect—unlike that of reconciliation, which as the previously reviewed commentators have argued, is a unitary, homogenising concept[62]. Howitt has explored the idea of co-existence at the local level both separately from, and in conjunction with that of reconciliation (Howitt, 1998a; 2006).

Jacobs has taken a different approach to the idea of reconciliation. Where in her other above writings, she employs a methodology of community inquiry, her methodology for reconciliation is to meet a national scale ideology at the abstract theoretical level. The result has been a diversion from the community grounded, empirical focus that has made geographical contributions so important in building up a picture of how community authority based self-determination is built up from the ground, in all its diversity. Her review of the reconciliation project 'Another View Walking Track' (commissioned by the city of Melbourne) begins with an empirical observation of a censoring process, in which Aboriginal artistic challenges to conservative icons like the court were excluded. She reflects that "reconciliation may not dispense with resistance but it does prefer it in certain forms" (1997:216), and wonders if Aboriginal people were expected to reconcile to colonisation. Nevertheless, these pertinent questions do not mitigate her overall somewhat eulogistic assessment, in which reconciliation is pictured as "an overarching container for a variety of processes and events which are attempting to make amends for the past" (1997:207). Reconciliation, says Jacobs, offers the potential for a "restructuring of national narratives and material rights" (1997:208). These claims precisely reflect the lack of definition and associated over-ambitious expectation—stretching well beyond the structural capacity with which the policy process was set up—which are criticised by the above commentators.

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[62] de Costa (2000); Gilbert, Kevin (1993); Povinelli (2002); Moran, A (1998); Short (2003, 2005).

Similar claims made about reconciliation by Gelder and Jacobs (1998) have been criticised by Luker (2005) and Moran (2003). Luker finds useful Gelder and Jacobs's formulation of the concept of the 'uncanny'—the simultaneous condition of being "innocent" ('out of place') and guilty ('in place')" (Gelder and Jacobs 1998:24)—as a condition of contemporary settler responses to Indigenous claims on Australia. But associated with this formulation, Jacobs and Gelder discern a "ceaseless movement… between two positions… reconciliation at one moment, and division at another" and describe this as being a "precisely postcolonial" (Gelder and Jacobs, 1998:22). Luker argues that their "proposal for the use of the concept of postcolonial in relation to reconciliation is a subject position occupied by white settler subjects" (2005:72). And when Jacobs and Gelder suggest that "Australia has become postcolonial because the claims Aboriginal people make on Australia work themselves out first and foremost in the political sphere" (1998:13), Luker argues that while this "may be true" of "some claims made by Aboriginal people… this has not resulted in their occupation of a space which can be described as 'postcolonial'" (2005:72). Moran (2003) makes a similar criticism of these claims by Jacobs.

In a more recent collaborative work, Jacobs critiques some popular ideologies surrounding reconciliation (Gooder and Jacobs, 2000). The reconciliation period, they say, "has not expanded the material recognition of Indigenous needs" (2000:6). However it is unclear whom or what they hold responsible for this failure. Certainly they are not making the structural/ political criticisms made by the above critics of reconciliation policy. They do not interrogate the fundamental structural and ideological incapacity of the policy to shift the political relations between Indigenous peoples and Australian governments. Rather, Gooder and Jacobs' approach is akin to social psychology, and they imply that the problem is one of mass psychosis rather than a structural/ political one. As the authors say, their subject is "the mass performative of saying sorry in a postcolonizing Australia" (2000:4). This social movement arose, they say, from "settler melancholia" (2000:4). The "sorry people" are generalised as having an expectation that Indigenous people should reciprocate with forgiveness, which is indicative of a "narcissistic will… [and] resistance to the new state of the social world created by post-colonizing events" (2000:16). It is no doubt true that some of those who signed 'sorry books' had this expectation. And certainly the power so vested in Indigenous Australia to "forgive… was an utter

inversion of the circuit of power by which settlers were… accredited legitimate status in the nation" (2000:16).

But the problem with generalisations that are not founded on empirical evidence is that they produce singular speculative narratives, which surely do not capture the multiple motivations intersecting any such social movement. These weaknesses are fully realised when the authors ask why public participation in the movement dropped when there was a change of name from 'Sorry Day' to 'Journey of Healing'. Bypassing the requirement for empirical investigation of, or even informed speculation around the multiplicity of possibilities (both mundane and ideological), they move directly to the most "unsayable" (title) proposition. They ask "was it simply that the transition to 'healing' was not what the settler psyche really required from the giving of an apology?" (Gooder and Jacobs, 2000:15). A further problem is that such speculative generalisations are open to challenge from empirical evidence, such as that collected for this study from LRG members[63]. Many signed 'sorry books' from a position of considered understanding of contemporary settler complicity in structural inequality. And at several community and regional meetings held to discuss the Declaration Towards Reconciliation draft, there was much apprehension about the assumption contained in this CAR document, that Indigenous people would or should forgive.

But the more fundamental criticism to be made of Gooder and Jacobs (2000) is that these generalisations do not suffice as an explanation for the lack of progress in breaking down structural and political inequality during the reconciliation period. The problem of reconciliation addressing settler need rather than Indigenous claims on the nation is addressed more systematically by the non-geographers reviewed above[64], who are concerned with the structural/ institutional causes of this phenomenon, such as the lack of definition in the policy process, and its *foundation as* a national identity project. For these authors, the utilisation of reconciliation as a national white identity formation is a *consequence* of how the policy was conceived and propagated to the public; it is not the *cause* of its ineffectiveness.

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[63] As explained in Chapter 2, this was not used for the write-up.
[64] Behrendt (2001); de Costa (2000, 2002); Fesl (1993); Gilbert, Kevin (1993); Holt (2000); Lucashenko (2000); Moran, A (1998); Moran, S (2003); Mudrooroo (1995); Mundine (2000); Povinelli (2002); Pratt (1998); Prentice (2003); Short (2003, 2005); Tatz (1998).

Gooder and Jacobs' paper raises a question for geography. The project of interrogating whiteness is an important one, which deserves more than a speculative approach, and it should be pursued across several disciplines. Given the structural/ political/ institutional orientation of geography regarding Indigenous issues, geographers are best equipped to pursue that project through interrogating white structural/political relations and institutional methodologies, and how these factors interact with Indigenous community authority, and political and other aspirations. What place does geography give to an inquiry that instead offers unsupported generalisation as explanation and lacks the discipline of empirical investigation of multiple factors, as established in the careful work of Massey, Harvey, Monk, Gale, Young, Howitt and others?

A paper by Williams (2001), which appeared in a geography journal, is also speculative; hence it raises similar questions about the role of a geographer. But its speculation is from an entirely different angle. Williams embraces the quest of finding a legitimating identity for reconcilers. In this and her recurring concern with the reconciliation discourse of "healing", along with the absence of any discussion on rights or self-determination, Williams is in company with 'new age' popular writers like Tacey (2000), who characterises reconciliation in redemptive unitary terms. She refers approvingly to Habel, who dreams of "a united Australia" in which "all peoples would unite in worshipping God" (1999:vi). This abstract and prescriptive approach is not consistent with the careful empirical approaches of geographers working with Indigenous communities[65].

3.4: Conclusion

From the early 1990s to the late 2000s non-geographical scholarship has developed an indispensable and insightful critique of the reconciliation policy as a primarily nationalist and assimilative ideology, which promoted colonial authority and legitimacy, rather than Indigenous self-determination. However, these critiques

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[65] Agius et al (2001, 2003, 2007); Agius and Howitt (2003); Anderson and Jacobs (1997); Baker (1996, 1999); Baker et al (2001a, 2001b), 2001c, 2001d); Davies (1995, 2001); Davies and Young (1998); Gale (1972, 1983); Howitt (1992, 1993a, 1993b, 1995, 1997, 1998a, 1998b, 2001a, 2003c, 2006, 2007); Howitt et al (1990); Howitt and Jackson (1998); Jackson (1995, 1998); Jacobs (1997, 1998, 2002); Lowe et al (2001); Suchet (1996, 2001, 2002); Young and Fisk (1982); Young (1992, 1995, 1996, 1999).

have remained at the national level of engagement with federal government policy settings. Consequently, the envisaged alternatives to reconciliation, such as a more effective self-determination policy and a treaty, remain as national scale approaches. In ignoring the crucial importance of community self-determination processes, this approach would repeat the mistakes of previous policy settings, deepening colonial impositions on Indigenous Australia. In some cases this national scale approach is a preferred instrumentalist position. In others it has been a default position because the issue of how to ensure that community participation and consent are built in as the constitutive foundations for self-determination and a treaty process have not been understood as the central matter that it is.

Geographers on the other hand, have tended to engage with Indigenous issues at the level of accountability to community rather than to the national scale, and so the reconciliation policy has generally not been on their radar. Yet geographers have much to contribute to the evaluation of reconciliation policy—and that of any top-down government policy that ignores community scale authority. The empirically driven geographical approach, encapsulated in Gale's central question of "how Aborigines live in the contemporary moment" (Anderson and Jacobs, 1997:15) has generated an understanding of communities as constituting an extensive and diverse domain of Indigenous community presence, agency and governance. It places community participation and authority as being the essential structural foundations for self-determination and recognition of sovereignty, and hence for a treaty process. These understandings project a substantially different view of the possible alternatives to previous policy settings. In this perspective Indigenous self-determination is not a hopeful, abstract aspiration for the future, with the possibility that it will never eventuate. Rather, self-determination processes already have an ongoing existence, independent of colonial constructions. With this recognition, the issue of self-determination and the need for active government support for these community accountable processes becomes a more urgent policy issue.

In the next chapter, the new inquiry of scale in geography provides the basis for a conceptual framework that extends these existing self-determination processes as an intervention into formal government processes and structures. Through the concept of Contemporary Indigenous Governances, Chapter 4 conceptualises the broad

entitlement of all Indigenous communities, local and discursive, to a place in this notional domain of existing, ongoing, diverse and community specific processes of governances and self-determination. From this basis, colonial policy settings such as reconciliation are theorised as an erasure of existing community self-determination processes and of the entitlements and possibilities for their scaling to the level of negotiating Indigenous futures with federal governments.

4) CONCEPTUAL FRAMEWORK: SCALE, SCALE ERASURE AND CONTEMPORARY INDIGENOUS GOVERNANCES

4.1: Introduction

Social phenomena and place are related at a fundamental level. Not only are economic, political and social phenomena embedded within localities, they also intersect differently and unequally across localities. Hence, uneven spatialities are not a function of isolated development; rather, they are integral to general patterns of development and are interrelated through "geographies of responsibility" (Massey, 2004). From the early 1970s analysis of spatial differences through elucidating mundane social phenomena has informed Australian geographical empirical studies with Indigenous communities, pointing to the commonalities between the dynamics of change in Indigenous and non-Indigenous communities. Further, geographers have traced empirical linkages between social problems in Indigenous communities and the extra burden of factors relating to capitalist development phases and their impact on Indigenous lands, resources and communities; the impositions of government policy; and social and institutional racism[66].

At the same time, this focus on uneven spatiality and community level phenomena has enabled geographers to engage with the diversity and agency of Indigenous communities. Difference is seen as a routine commonality of human existence, indeed partially constitutive of it, rather than a peculiar and problematic Indigenous condition. Indigenous culture and identity are seen as vital ingredients of community well being rather than a social ephiphenomenon, or an explanation for social deficit. From these perspectives Australian geographers have been able to inscribe into the academy, diverse Indigenous presences of social, political, economic and environmental organisation. This work has contributed to Indigenous efforts to overcome historical legacies that have systematically rendered them absent from contemporary mainstream government and social frameworks.

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[66] For example Gale (1972, 1983); Monk (1972, 1974); Davies & Young (1988); Howitt (1993a).

Of increasing importance for geography in the last two decades has been the concept of scale; as Howitt says "Social relationships are always placed and scaled" (Howitt, 2003b:145). This relatively new inquiry has changed the way geographers are conceptualising the mechanisms of power relations in post-industrial and other economies. In Australia (and elsewhere) it is also making major contributions to the conceptualisation of Indigenous geographies. Building on previous and continuing geographies of Indigenous presences, recent work utilising scale analysis has allowed new insights into the world of Indigenous governances throughout Australia. But before these contributions are explored later in this chapter, a brief review of the concept of scale in the geographical literature will show how scale has come to this point of contributing to an optimistic, engaged geography capable of elucidating and advancing the prospects for social justice.

4.2: Foundational principles of scale

For the purpose of this background review, the two major conceptual principles in the inquiry of scale are that representations of scale are social constructions and are relational. The first is now generally accepted, while the second is yet to be understood as a founding principle of scale analysis. It is argued here that scale analysis makes an important contribution in elucidating prevailing political relations, whereby dominant interests are reinforced and colonised communities are dominated. In this study, this analysis has contributed to the recognition of Indigenous governances.

4.2.1: Scale is socially constructed

The idea that "scale is socially constructed" was debated during the early phases of the inquiry, but by 2005 it was advanced by Brown and Purcell (2005:609) as the first established theoretical principle in the literature on geographical scale. Drawing on his and others' work on the interplay of local, national and international processes in creating geographies of Aboriginal experience, Howitt (1993b) had been among the first to offer the then unsettling insight that categories like 'local' and

'national' are not, as had been assumed in the literature, ontological givens. Rather, they are constructs and their naturalisation and embedding in institutions and social processes is a process of social ordering that contributes to the reproduction of dominant interests. Hence scale is a *political process*, whereby scale signification is produced in relation to a particular institution or body of institutions, or a policy or other process. Indeed, scale is a function of political context, is constituted by the political context; it does not exist independently of politics and changes with political conditions and struggles. As Swyngedouw has argued, "the theoretical and political priority" in scale research "never resides in particular geographical scale, but rather in the processes through which particular scales become (re)constituted" (1997:169).

Some important epistemological questions arise from these insights, such as— what kind of social process is scale? This question can be approached with the observation that scale processes have practical political outcomes. While these processes do not have causative power (Howitt, 2003b; Brown and Purcell, 2005), they do facilitate political ordering. As Jones puts it, scale is a process of "selection and simplification", which "has effects" because it "both enables and limits the questions that can be asked" (1998:27). This points to the importance of discourse in scale processes. Indeed, the mechanisms that translate the process of scale construction into material outcomes are best understood as discourse, by which certain agendas are legitimated, while others are rendered invisible or unimportant. So scale construction can be conceptualised as a process of scaled discourse and the outcome is scaled institutions (or other, less formal scaled entities), which have or are the material outcomes. These scale processes of framing the parameters of discourse are evident in academic as well as political and institutional discourses, often rendering opaque to analysis (albeit temporarily and not universally), the political relations of emerging political/ economic/ social discourses.

The interrelated elements of construction, discourse and outcome are highlighted by Fagan's research (1995) on the early 1990s reconstruction of economic power relations in the Australian and Asia-Pacific regions. At a time when 'globalism' was becoming a primary discourse in political, institutional, economic and academic circles, Fagan criticised some geographers for misunderstanding 'globalism'—which he understood as a politically scaled discourse—as an academic

inquiry that provided a system of explanation. This, Fagan argued, had serious implications for the idea of resistance to the political and economic processes that were advantaged by the idea that 'globalism' was tantamount to an irresistible, international force. Fagan's research showed that the processes that were being constructed as fundamentally global processes were in fact, mediated at local and national levels in ways that were fundamental to the strategies of local and national formations of capital (1995:7). This understanding, argued Fagan, entailed entirely different implications for political response and for the economic sovereignty of national governments. Similarly, Fagan's (1998) research on the Australian labour market recast the "global-local" debates on the labour market as a discourse that was embedded in and legitimated labour market power relations set up by successive Australian governments—a process much accelerated with the election of the Howard Government in 1996. Rather than providing explanation, argued Fagan, these debates were utilised as rhetorical resources by domestic capital interests in the production and operationalisation of preferred conceptions of scale, and hence the power relations they encoded. The binary nature of the 'global-local' discourse allowed economic/ labour market reforms that were multifaceted and predominantly domestic in genesis, to be represented as being part of a monolithic, extra-national economic force, which could not be institutionally mediated by or within a domestic economy or sovereign state. As Fagan later stated, "Scales are purposely constructed starting points for narratives about social change" (2003:3).

At the same time that scales "take concrete form institutionally, legislatively… and ideologically" (Fagan, 2003:3), these processes are under continual contestation as various interests seek to define and redefine the parameters of political discourse. And while scale processes are built on existing political/ structural conditions, contingent processes are also constitutive of these processes (Fagan, 2003). Social, cultural, political and also ontological resources are utilised as they become available, given the time, place and accumulated history in which the scaled discourse is situated. Interacting with these contingencies is the fact that the capacity to draw upon these resources is mediated by structural inequality among players.

The apparent paradox of concreteness, together with flux and multi variance, is advanced by Brown and Purcell (2005) as the second theoretical principle

established in the scale literature. Scale processes, they say, are "both fluid and fixed" (2005:609). While "scalar arrangements are… fluid and processual… they can also be routinized into relatively enduring and hegemonic structures for certain periods of time", and these "can have real and important effects on the exercise of political power" (2005:610).

There is another domain at which scale operates. The elucidation of scale as a process of social construction that has real-world effects entails it also as an analytical process. As Fagan's research (1995) shows, the understanding that scale processes can be an inherent element in the changing parameters of political, social and economic ordering entails a different analytical task from a study that takes the ontological existence of scale as a starting point—or indeed, an independent basis of explanation that is presented as being neutral, but in fact masks the ideological underpinnings of explanation. For example, in Australian in the early 1980s the ideology and discourse of globalisation "became the rationale for complex processes which underlie major shifts away from regulation strategies implemented by the state during Australia's long boom" (Fagan, 1995:2). In a similar vein, Brown and Purcell refer to the problem of treating scale "as a latent variable instead of an active object of inquiry" (2005:609-10). So aside from scale as a social process of construction and outcome—in which certain political relations are discursively legitimised and institutionalised, while other political perspectives are rendered marginal or invisible—scale is also a tool of analysis, yielding different perspectives from a research position that does not question the ontological existence of scale.

4.2.1: Scale is relational

At the basis of the constructive view of scale is the fundamental characteristic of relationality (Fagan, 2003; Howitt, 1998, 2003; Purcell and Brown, 2005). The process of construction and reconstruction is one of continuous contestation as various interests seek to define and redefine the parameters of political discourse (Fagan, 2003; Howitt, 2003b). In this process of simultaneous co-construction, players do not move independently 'up' or 'down' among fixed scales, relocating or utilising the dynamics and social resources or identities of a 'lower' level. Rather,

scales are constructed as players (re)position themselves in relation to others. In this process unequal power relations are maintained or repositioned simultaneously by all players, who "construct quantitatively different spaces through continuous struggles over scaling and rescaling" (Fagan, 2003:2). As indicated in Swyngedouw's above quote, scale analysis does not treat scale processes as consisting of separate levels or scales that related to each other as fixed entities. Rather, it examines scale processes as a series of dynamic relationships that exist within a given time, place and set of circumstances; and how these reflect, construct and interact with the changing, merging and conflictual political, economic and social articulations of a socio-economic system (Howitt, 1998b). In expressing the relationality and interdependence of these often oppositional scale dynamics, a particularly useful point of reference is Ollman's (1991) interpretation of Marxian dialectics, wherein apparently contradictory social phenomena are in fact, expressions of inter-dependent factors that make up a socio-economic system.

The practical importance of seeing scale as a relational process that reflects the socio-economic system in which scale politics are situated—and not as a series of fixed categories with inherent value—is highlighted by recent contributions in the scale literature debate within human geography. Some authors (eg Batterbury and Fernando, 2006; Purcell & Brown, 2005; Wood, 2006) have reviewed contemporary political and institutional discourses that privilege one or another scale of operation as the most effective in delivering solutions for environmental or social justice struggles, or for governance reforms. They conclude that these discourses are found to lack an analysis of how scales are constructed within the context of wider political dynamics. For example, Batterbury and Fernando critique the "good governance" (2006:1851) claims associated with reforms that decentralise the scales of operation for government or privatising service delivery; and Wood considers the "scalar trap" (2006:201) of attributing relative significance to particular scales in the dynamics of US urban politics. In their case study of bee keeping in the Brazilian Amazon, Purcell and Brown (2005) find that localised decision-making can have both positive and negative effects on social well being and ecological sustainability. They assert that "there is nothing inherent about any scale or scalar arrangement" (2005:279) in terms of the delivery of environmental or social justice. These authors reiterate the need to conceptualise scale as an expression of broad socio/ economic/ political power

relations and the role of scale analysis as a tool in elucidating the role of these scale politics in reflecting, entrenching, negotiating and legitimating these relations.

Related epistemological problems have also emerged in geographical discourses. A debate introduced by Marston et al (2005) further highlights the importance of relationality for scale theorisation, and its relevance for social justice struggles. Initially Marston (2000) strongly advocated the inquiry of scale for exploring the social construction of the household as a site of consumption and reproduction of capitalist processes. However, more recently Marston et al proposed to "eliminate scale as a concept in human geography" (2005:416). They reasoned that throughout its various permutations, the scale literature demonstrates no scope beyond recording and thus reproducing hierarchically scaled power relations. Therefore, they assert, scale has no explanatory value and fails to challenge dominant power relations. They propose instead a "flat ontology", which, they say, generates multiple entry points for actants in bringing social change, replacing the oppressive "verticality" of a hierarchical model. With this, Marston et al dismiss the crucial role of relationality in scale conceptualisation. Rather than passively reproducing dominant political discourses, a scale analysis does precisely the opposite; it deconstructs the putative ontological fixity by which dominant, hierarchically scaled institutional arrangements are legitimated. And it deconstructs associated discourses, for example the value attributions for different scales—embodiment, meaning, identity and "authenticity" for the "local"; reason and executive political authority for the "national—that were prominent in reconciliation policy discourses. These discourses and structures are interrogated in this thesis as a function of wider political, social and economic power relations and social ordering processes, and the mutable processes by which these are reproduced and legitimised.

For the present purposes of exploring the principle of relationality in scale and how this relates to the concept of scaling Indigenous governances (to be explored later in this chapter), it will be helpful to clarify two flaws in the Marston et al (2005) argument[67]. These are a conflation of ontological and social realms, and the attribution of value to scale.

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[67] For addressing other flaws see Leitner and Miller (2006) and Hoefle (2006).

At the basis of the authors' epistemological dilemma is the conflation of ontological non-existence with social non-existence. When scale geographers claim that there is no ontological existence to scale, Marston et al find it "difficult to discern what if anything takes the place of these negated abstract objects" (2005:423). However, to say that scale has no ontological existence as a discreet entity is not the same as saying that it has no social existence and that therefore a scale analysis is not capable of generating alternative political perceptions and relations. Scale does not need replacing. Indeed, scale theorists[68] are clear that while scale has no ontological existence, its social existence is real to the point of having manifest outcomes. (And a central theme of this thesis is the outcomes of the scaled reconciliation policy discourses for Indigenous communities). The conceptual cohesion of ontological non-existence and social existence is partly a matter of understanding scale as being a set of mutually co-constructive processes—which also move through time (Howitt, 1998b). This is in part, what Brown and Purcell mean when they say that scale is both "fluid and fixed" (2005:609)—it is a fluid process of contestation and mutual repositioning; but it then becomes socially concretised through, and as institutional arrangements and practices.

As noted above, the notion that scale can only be hierarchical and is therefore necessarily negative is fundamental to the jettisoning proposal of Marston et al (2005). The important point here is that scale has no inherent value; as both a social process and a tool of analysis, it can be neither "good" nor "bad". Rather, as Hoefle (2006) and Leitner and Miller (2006) point out, scale analysis enables us to understand the socially constructed scale processes that produce and legitimate the structures of institutionalised political relations. The "recognition of scalar orders and existing power asymmetries" say Leitner and Miller, "is crucial to a progressive politics, both in terms of the development of alternative political spaces and the deployment of socio-spatial strategies of resistance" (2006:121).

It is posited here that given that 1) scale is has no value but is an important tool for analysing how broad power relations are operationalised in specific contexts and 2) scale both does and does not exist—a major question for each scale study will be how the domain of the imaginary and the fluid is translated to that of the concrete,

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[68] For example Fagan, 1998; Jones, 1998; Howitt, 2003b.

where it takes institutional form and has social outcomes. Such an inquiry deciphers the mechanics—the discourses and practices—by which scale politics and associated hierarchical representations of authority are entrenched and legitimated, in order that we might replace oppressive scale relations with socially just scale relations. This is the challenge of the present study, which is an empirical exploration of the mechanisms and articulations of discourse and practice by which the reconciliation policy process legitimated a hierarchical structure as being consultative and responsive, while it functioned to entrench the ideology of government authority over Indigenous communities. As Leitner and Miller write in their discussion on scale, "the challenge ahead is in understanding the articulations of diverse spatialities and, in turn, what this means for more effective emancipatory politics" (2006:121).

Given the social constuctedness and relationality (fluidity and fixedness) in scale processes over time—as they move through processes of contestation and across multiple interests, from the domains of discourse, the imaginary and un-formalised practices, through to institutionalisation, formalised practices and formal authority—the specific articulations and mechanisms are quite different for each case of scale politics and struggle. These characteristics are not conducive to an abstract standardisation of a reliable framework or set of principles by which scale processes can be found to operate. For this reason Howitt (2003b) and Swyngedouw (1997) have argued that scale inquiry is not productive as a disengaged theoretical study. Howitt (1993) has explicitly argued against the development of any separate "theory of scale". Leitner and Miller also suggest that the inquiry of scale should not rest on "abstract ontological debate"; rather, it is "more productive to ground conceptual arguments… in the study of practices and power relations" (2006:122).

4.3: New directions in scale

The understanding of scale construction as a fundamentally fluid social process wherein the maintenance of scaled power relations depends on active, ongoing contestation—rather than being secured as an ontological fixity—allows us to see these relations as being susceptible, not only to analysis but also engagement and change. Where scale is the operationalisation of political power relations, and where that scale is socially constructed, the construction of alternative scale politics is

a real possibility. Indeed for Fagan and Howitt (2006), the permeability and fluidity of scale construction compels us to decide between the alternatives of passive, abstract theorising and the possibility of active engagement. The flip side to the "ineffective politics", which are entailed with a denial of political scaling as a crucial process of power construction, is the utilisation and transformation of those processes to advance social justice. As Howitt writes, "Scale-literate social analysis and political action" provide new opportunities "for a rethinking of Indigenous peoples' circumstances and futures" (Howitt, 2008b).

4.3.1: Scale erasure

Because scale processes reflect, legitimate and reproduce broad complexes of dominant political power, they actively produce the absences as well as the presences that are fundamental to these complexes. The absences that are constructed through political scaling in a socio/ economic/ political system have equal importance with the presences in reflecting and settling which interests are to be represented and which are to be actively excluded; and in legitimating and institutionalising these patterns of dominant power relations. Absences, such as those constructed for Indigenous presence and governance, are discursive constructions, which have been naturalised within political and administrative contexts. But as Howitt argues, despite these "pervasive myths of 'dispossession'… Indigenous Australians" and their governance processes "have *never* been absent from the cultural landscapes of Australia" (Howitt, 2006:51, his emphasis). In this thesis a scaled analysis has provided the means of seeing beyond the absences constructed for Indigenous governances, and recognising the active agencies that are constitutive of Indigenous community processes.

The process by which absences were constructed with the reconciliation policy process—as part of its reproduction of colonial relations between Australian governments and Indigenous peoples—is identified here as "erasure of scale"[69]. Chapter 7 will explicate how this operated in practice through processes of

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[69] This concept was arrived at co-operatively through conversations with my primary supervisory Richard Howitt. Discussion centred on various concepts and terms to describe the process that was emerging in my research, in which various Indigenous persons, associations, interests, political perspectives and dissenting opinions had been excluded from reconciliation processes—together with their opportunities for self-scaling. Howitt introduced the concept of scale erasure.

marginalisation, exclusion and suppression. Geographers have considered scale deficits in other contexts. Judd (1998) discusses the undermining of regional scales of governance in the USA, interacting with a deficit in national policy implementation. He refers to these as "missing" scales. And in Silvern's account of how Indigenous interests (as established in 1788 with the US treaty system) have been undermined by the US state and judicial systems, he writes, "a tribal political scale had been eliminated" (1999:653). But these studies do not adequately account for the scale erasure process discussed in this study. In both these US cases, the scales discussed by the authors as being under attack relate to pre-existing scales of governance that had been constructed by the state. By contrast, the scale erasure referred to here relates to an ongoing process whereby the potential construction of scaled governance by Indigenous communities and interests has been foreclosed throughout the history of relations between Indigenous peoples and the Australian nation state.

This history began with the colonial legal doctrine of *terra nullius*, which postulated a continent empty of useful utilisation of land and therefore available for European acquisition (Reynolds, 1987b:167) as the foundation for Australian property rights and political relations between Indigenous peoples and Australian governments. And while this doctrine was a matter of contention even during its formative phase in the 1830s (Reynolds, 1987b:71-74), dominant interests prevailed, such that "systems for governing space within Australian colonies and in the post-Federation nation evolved as if [Indigenous] people were absent from those spaces" (Howitt, 2006:54). The 1992 High Court *Mabo v. Queensland* (no. 2) (*'Mabo')* decision was widely believed to have overcome the *terra nullius* doctrine. But while that decision and the ensuing Native Title Act (1993) recognised Indigenous property rights in land, albeit under highly circumscribed conditions and legal interpretations (Howitt, 2006; Agius, Davies et al, 2001), the political and administrative elements of the doctrine—which rendered pre-colonial Australia as being empty of governance—remained largely untouched. This has serious implications for prospects of co-existence. Ellemor's (2003) examination of the 1998 *Members of the Yorta Yorta Community v. The State of Victoria and Others ('Yorta Yorta')* Native Title case (in which Indigenous rights in long-held land yielded to non-Indigenous ownership because traditional owners had adapted to new modes of living) concluded that the legislation was not constructed to provide institutional space for co-existence between two or more "continuous

(although adapted) associations with place" (Ellemor, 2003:248). "To a considerable extent" write Agius, Jenkin et al, "political opportunities for negotiated coexistence have given way to political and judicial protection of non-Indigenous rights through extinguishments and weakening of Native title" (2007:196).

Since colonisation began, this process of erasure—in which Indigenous agency, decision making processes and domains of interest have been rendered "absent, archaic or insignificant" (Agius, Jenkin et al, 2007:195)—has been actively built into the structure of the Australian state. Indeed it "has been a policy target for most Australian governments over the totality of Australian settlement history" (Howitt, 2006:57). It has foreclosed Indigenous opportunities for determining Indigenous futures from a position of political equality with state and federal governments through the scaling and institutionalisation of self-authorised and self-governing organisations and decision-making processes. And it "continues to be an *active* erasure… a crucial element in the scale politics of Indigenous rights in Australia" (Howitt, 2006:57, his emphasis), which permits the continuing and deepening colonisation of Indigenous lands, resources and other interests.

4.3.2: Scaling Indigenous governance

One of the most pertinent examples of how this updated doctrine of *terra nullius* of Indigenous governance is continuously integrated into Australian political and administrative systems is that which, in theory, was intended to generate self-determination. In 1986 the Northern Territory (NT) government included in its *Local Government Amendment Act 1986* a provision for 'Community Government' (Rowse, 1992:60). Yet Rowse (1992) identifies many factors that distorted the idea of community government. These included the politics of competition and cost shifting between federal and territory governments; Aboriginal community dependence on, and accountability to the NT government for expenditures; the demand on communities to deal with multiple government departments and agencies and the mismatch between western and Aboriginal notions of property, community and lines of obligation. There was also distrust on the part of Aboriginal organisations toward the NT government, based on the latter's contradiction in practice of the 'Community

Government' legislation, including its 1987 'mainstreaming' of all services to Aboriginal communities to counter the development of a voice in government for an Aboriginal constituency (Rowse, 1992:62-71).

However, recent developments in Indigenous scale politics in South Australia have shown that there are more effective avenues for the development and representation of the dimension (or "Aboriginal domain"[70]) of previously unrecognised and unscaled Indigenous governances.

In the South Australian experience Indigenous agency and interests have become an integral structural component of a restructured formal system of governance. This project takes account of the community and regional scales at which Indigenous governances operate and it has extended them for representation at the state level of government. It was instigated by a South Australian Indigenous organisation, the Aboriginal Legal Rights Movement (ALRM) and operationalised through a structure of Native Title Management Committees (NTMC). "Despite the inadequacies of the emerging Native title system" write ALRM members, its negotiation and agreement making procedures provided "an alternative pathway" (Agius, Jenkin et al, 2007:196), for forging a substantially different structure to that envisaged with the legislation. Following a call by the South Australian government in 1999 for interested parties in the Native Title process to come to a Statewide Indigenous Land Use Agreement, representatives from the mining and energy and farming sectors met with the ALRM and committed to a statewide Native title strategy. This initiative became known as the "Main Table". Since its inception, the Local Government Association and the fishing sector have joined, with the National Native Title Tribunal having observer status.

As South Australia's Native Title Representative Body, the ALRM was responsible for protecting the interests of native title holders and claimants. Its central working goal for the emerging statewide "Main Table" was to build into its working fabric, the diversely structured decision-making methodologies and interests of numerous local Indigenous claimant communities. The ALRM sought to avoid operating as a top-down "peak body" that assumed an entitlement to pursue

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[70] A term coined by Rowse to denote "a structure of political relations, of honour and indebtedness" (1992:100).

negotiations at statewide level on behalf of communities without their authority. Through the Native Title Unit within the ALRM (ALRM NTU), the NTMCs across South Australia were formed into the Congress. This new Indigenous, multi-scaled body enabled the NTMCs to draw authority and resolutions from local community and regional associations, and to bring these interests to the 'Main Table', the statewide forum shared with the non-Indigenous parties. Over time, the other parties came to understand that this development offered the prospect of avoiding litigation and addressing uncertainty (Agius, Jenkin et al, 2007). As Tom Calma[71] points out, the costs and pressures involved in Native Title negotiations have caused long delays and rendered native title "moribund in some states" (Calma, 2006:113). But, says Calma, the South Australian statewide process has streamlined ILUA processes, providing substantial savings in financial and other costs. It has also initiated legislative changes, such as amendments to the National Parks and Wildlife Act, 1972 to make provision for Indigenous and State Government co-management of national parks and conservation areas (Calma, 2006:121,123).

A thorough exploration of the principles, objectives, procedures and outcomes of the Congress can be found in the commentaries written by participants and commentators[72]. For the present broad view of the scaling of political authority in the Congress, it is pertinent to start with a brief revisiting of the relationality discussion above. The criticism by Marston et al (2005) that scale literature consists entirely of hierarchical models of scale politics cites Howitt's account (2003b) of the South Australian development. This is untrue. More than simply reversing the one way "top-down" model of control into a still one-way "bottom-up" model, the Congress employs an iterative, bottom-up-down-up methodology of accountability to community authority. What is scaled is community authority; this is not a linear bottom-up system that is vulnerable to a shift of control to a top-down model. Throughout these multi-scaling methodologies of building new, relational scales across multiple Indigenous associations throughout the state, its internal development has been an ongoing, robust process of variance and response, in which community management tools, negotiating skills and political capital—in short, governance skills—are in a constant state of growth. This is an ongoing self-determination

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[71] The present Aboriginal and Torres Strait Islander Social Justice Commissioner.
[72] Agius, Davies et al (2001); Agius & Howitt (2003); Agius, Howitt et al (2003); Agius, Jenkin et al (2007); Calma (2006).

process. The objective was that by the time community authorised decisions were taken to state government level to be ratified with non-Indigenous parties, diverse configurations of community autonomy, decision-making methodologies, networks and interests were strengthened, extended, integrated and formalised into a new statewide Indigenous organisation—rather than distorted, factionalised or destroyed by imposition from a top-down, government authorised, hierarchical structure. Hence, rather than "imposing accountability to governments" (Howitt, 2006:62), this new Indigenous governance structure remains accountable to custodial law while also engaging at state government level with non-Indigenous scaled politics (Agius, Jenkin et al, 2007:199). In building on existing Indigenous structures and linking them to wider scales of influence and participation, "new spaces for Indigenous agency [have been built into] the politics of place in South Australia" (Agius, Jenkin et al, 2007:200).

While the participants in the S.A. process were not consciously applying a concept of geographical scale[73], this experience illustrates the value of a scale analysis for illuminating the prospects for a non-hierarchical scaled politics of social justice. The scaling of Indigenous local and regional politics and methodologies to the state government level, where Indigenous interests and aspirations can be negotiated equally with government and major industry interests, has been a significant social justice development. The ALRM achieved its founding objective of rebuilding the S.A state "with Native title built in" (Agius, Jenkin et al, 2007:197). It transformed Indigenous interests in S.A. from being piecemeal and marginal, with unsustainable pressures imposed on under-resourced claimants, to being central to state government interests and processes. It utilised the existing NTMC structure to build a new multi-scaled, iterative and community accountable structure of Indigenous governance across the South Australian state. This body was able to reflect wider community interests and aspirations than envisaged for the NTMCs, including the development of new, multi-sector economic and land care partnerships to sustain Indigenous communities.

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[73] Howitt explains that although his presence "influenced the thinking in the native title groups [he] worked with", his conceptual framework of scale "was not discussed explicitly in presentations about the practicalities of negotiations" (2006:62, footnote 42).

If only in one crucially important context within the South Australian state, political equality for Indigenous peoples has been achieved through an active politics of self-authorised scaling. Hoefle (2006) makes a similar scaled analysis of the multi-scalar operations of a consortium of native organisations in the Amazon, which achieved status in government decision-making processes for the creation of reserves for social development. Such models are capable of being extended as a self-determination process for the wider negotiation of Indigenous futures. Behrendt's (2003b) call for the recognition of Indigenous urban, rural and remote community based procedural methodologies and structures has similar implications to the achievements of the Congress in South Australia. In addressing Indigenous community calls for the recognition of local and regionally based self-determination processes, Behrendt envisages small, community based political units as the basis for this model. These would "generate a feeling of consensus and inclusiveness that membership of large political parties and systems are unable to provide" (2003b:159) and be "responsive to communities through flexible processes" (2003a:27-8). Such effective participation, suggests Behrendt, would have "the dual goals of promoting group association and addressing underlying social disadvantage through involvement in decision-making processes" (2003b:127). These twin goals are fundamental self-determination processes (Behrendt, 1995:109), which must precede a treaty process, or any process with a stated objective of advancing self-determination. As Eddie Mabo Junior writes, "I am of the opinion that the means by which a treaty is currently being explored is flawed if we do not invest in exploring how we can develop our own jurisdictions and have them recognised first" (2006:100).

In Behrendt's "bottom up" model, the community based political units would be aggregated into bodies of regional autonomy and then into a state-wide body (2003b:159-61). While surveying the possible legislative instruments that could facilitate these developments, Behrendt cautions against the "mirroring" of inappropriate European models of governance, and their implantation into Indigenous communities of (2003b:164-6). This is a crucially important point. And it is fundamental to the concept of scale, which posits that the methodologies, processes, priorities, structures and values utilised in a scaling process all reflect, endorse and co-produce a preferred set of political relations. If a scaled governance structure is to reflect, sustain and develop the self-determination processes at community level, it

might be responsive to formal government structures, but it cannot be accountable and functionally fixed to the operations of a structure that has been scaled to produce an absence of Indigenous governance. The authority of Indigenous local and discursive communities can only be sustained through their maintaining control of the scaling processes that constitute them into a governance structure. This is how the Congress in South Australia developed its multi-directional, iteratively scaled structure of Indigenous governance and maintained a position of equality with business sectors and the state government in negotiating native title and a range of development partnerships between Indigenous communities and non-Indigenous government and business agencies.

4.3.3: Contemporary Indigenous Governances

The processes of scale erasure deny the existence of the persistent and changing structures, processes, relationships and practices of governance that are integral to Indigenous communities. In the cultural and political landscapes constructed through the reconciliation policy process these governances were excluded through the mechanisms of scale erasure. The idea of **Contemporary Indigenous Governances** initially arose directly from the information given in interviews by members of contemporary Indigenous communities on their involvements with diverse operations of caring for community and country. Because these were members of both local and discursive communities the idea was extended to relate conceptually to all Indigenous communities—discursive as well as urban, rural and remote. In discursively encompassing all these contexts, the concept of Contemporary Indigenous Governances advances the Indigenous geographies of presence reviewed in Chapter 3 by deepening geography's representation of the contemporary lived realities and presences of Indigenous communities throughout the Australian landscape and society. It is a twin concept to that of erasure of scale, because it is these scales of Indigenous governance whose potential to be scaled has been erased by reconciliation and other policy processes.

Why Governances?

In the interviews, mainly with members of urban, rural and discursive communities, participants conveyed a wide range of community processes and operations (to be explored in Chapter 6). These are envisaged here as dispersed and informal governances because they perform many of the functions fulfilled by formal governance structures. Within the limitations imposed by governments and other sectors they sustain, mediate and extend land/people relations, both within and between communities; they provide social control and support, distribute social and material resources and political power, and perform gate-keeping functions. They also produce new knowledges and maintain and develop existing knowledges across a broad range of social, political, artistic, environmental and cosmological domains. Many of these functions are involved in advocacy processes such as preparing land claims. And these interrelated complexes of discourse, practice, organisation and ideology (including aspirations that are not realisable within present political frameworks) operate throughout urban, rural, remote and discursive communities.

Yet, even though the Indigenous community as a whole has claims on the Australian nation state that are unique among other 'minority' groups—the historical and geographical claims of prior ownership—Australian federal governments have refused to accept that these governances warrant institutionalisation as a set of structures extending from community to national level. With the exception of the South Australian initiative, where the political process has addressed and institutionalised the scale at which Indigenous governances operate, Contemporary Indigenous Governances carry little effective agency beyond the local and regional domains of local and discursive communities. In the absence of any systematic, institutionalised recognition as elements of an integrated system of governance, their capacity for determining Indigenous futures is severely circumscribed. In the era of reconciliation policy, the continuing erasure of these scales of informal Indigenous governance meant that the possibility of a co-existence of equals—a prospect that was idealised by the reconciliation movement at its most optimistic—was actually neutralised. The political scaling of reconciliation as a process that denied, marginalised and annihilated Indigenous governances was at the core of its political impotence.

The concept of governance in reference to these cooperative and dynamic Indigenous local and discursive community processes is a means of conceptualising the potential and political entitlement of these communities for self-scaling, along the lines of, but not limited to the South Australian model. Founded on the empirical engagement in this study, it is also partly an imaginary exercise that extends the Indigenous geographies project of deepening the representation of Indigenous presences across the Australian landscape. It is a discursive tool that conceptually foregrounds contemporary Indigenous community processes of social and intellectual capital, community authority, accountability and resistance across diverse local and discursive settings—as being crucial to the nation's political life, rather than absent from it. Such a concept of governance and scaling runs counter to orthodox institutional and legal understandings of governance distribution in Australia. And while it has an imaginative aspect, it is only imaginary only in so far as the continuing "myth of dispossession" (Howitt, 2006:51) and absence—which continues to support the political foundations of the *terra nullius* doctrine—is also an exercise of imagination, albeit one that is supported by institutional structures.

Why Contemporary?

The concept of contemporaneity is crucial to an understanding of Indigenous rights. All Indigenous communities, discursive and local, from remote to urban, are contemporary communities with contemporary needs, aspirations and interests, some of which are culturally and geographically specific. They are all contemporary outcomes of Indigenous geographies and Indigenous histories, all shaped by the persistence within change of a diversity of Indigenous governance processes; ongoing and diverse experiences of colonialism; and the interactions between the two. The concept of contemporaneity is interrelated with that of shared humanity. Our shared humanity is not mutually exclusive with, or nullified by cultural difference. Rather, our shared aspirations are mutually constituted with, and are refracted through our cultural differences. Indeed, diversity is a basic constituent of the human condition. And the recognition of universal contemporaneity is crucial to the recognition of diversity in shared humanity. For example, the late 1990s 'One Nation' advocates insisted that there were no Indigenous rights, only individual rights, which were

contingent upon relinquishing culturally based claims (such as land claims) and assimilating into a specific Anglo Saxon identity and market model of individualism. By contrast the concept of contemporaneity upholds a universal right to claim a shared and equal humanity across cultural diversity[74]. The concept of contemporaneity counters the construction of shared humanity and cultural differences as being oppositional. It renders them as being co-existent and interactive, and as essential, mutually constitutive elements of the human condition.

In Australia the denial of Indigenous contemporaneity—the denial of the contemporaneity as well as difference of all Indigenous communities; of the contemporary status of Indigenous lands and resources, and of Indigenous claims to these; and the contemporaneity of Indigenous claims on Australian governments—is an important factor in the ongoing denial of Indigenous rights. And the basis of this denial of contemporaneity are the time-space stereotypes that nullify Indigenous presences and governances. These construct Indigeneity as residing in abstract past social models, or in remote area communities—to the extent that the latter conform with the former. Urban living people are constructed as being "not real Aborigines" or having "somehow lost their cultural values" (Behrendt: 1995:96). This reification of the Aboriginal "ancient past", suggests Attwood, serves to deny contemporary Indigenous claims on the Australian nation while providing a "sense of depth which is perceived to be lacking" in non-Aboriginal society (1996b:xxvii). As Cowlishaw puts it "'They' belong to the past; the present is 'ours'" (1995:56). In Mick Dodson's historical survey of the identities given to Indigenous people—from "prehistoric beast" to the "noble savage", or the "pristine, exotic… pure-blooded traditional Aborigine" who is "a relic of an ancient past"—he poses the question: why does the white institutional practice of constructing Indigenous identities persist when they are so clearly without objective foundation? (1994:2-3). As Rowse writes "The approved 'authentic' Aborigine is a fantastic entity, a Loch Ness monster much discussed but hardly ever sighted with certainty" (1986:174). Dodson answers his question:

> [These] definitions have served to meet the various and changing interests
> and aspirations of those who constructed them, the colonising or 'modern'
> state. Where there was a need to create a boundary between 'primitive' and
> 'modern man' to legitimise 'progress', to justify particular economic and

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74 For discussions on the equality of peoples, as opposed to the equality of individuals, as the basis for recognition of collective cultural rights, see Tully (1995).

political developments, to promote a national identity for the colonial nation, or more specifically to control, manage or assimilate Indigenous cultures, Aboriginality has been made to fit the bill. In other words, Aboriginality became part of the ideology that legitimised and supported the policies and practices of the state (1994:7).

Although a set of discursive constructions, the impact of this "hegemony over [Indigenous] representations" (Dodson, M, 1994:6) on Indigenous aspirations is multifaceted and harsh. For example, it severely circumscribes political expression. As Rowse writes:

Controlling the definition of what was essentially characteristic of the subjugated culture, the colonisers reserve the power to distinguish authentic and inauthentic aspects of the living traditions of the colonised. If the colonised argue political demands by reference to their culture, the colonisers are quick to adjudicate what is genuine in such claims (1988:174).

Authenticity constructions have been used over many years in government circles to render the political claims of Indigenous activists as illegitimate. When Howson (the McMahon Government's minister for Aboriginal Affairs) declared his intention to "build up a leadership among a few Aborigines who can then speak for their own people" he imagined a compliant constituency, against whom the claims of vocal activists could be portrayed as the unrepresentative manipulations of "part-Aborigines" (Rowse, 2000:87). And while distinctions between "full-blood" and "half-caste", and those who had retained culture and those who putatively had not, were more common in the language of academics, politicians and policy intellectuals around the late 1960s than now (Rowse, 2000:87), they still persist in some political circles. In 1997 Heron (the Howard Government's Minister for Aboriginal and Torres Strait Islander Affairs 1996-2001) was reported as often "comparing inhabitants of remote communities favourably to Aboriginal fringe dwellers" and as commenting that it was "nice it was to be with real Aborigines" (Wynhausen, 1997). This carried the same implication of the illegitimacy of urban activists as did earlier "full-blood"/ "half-caste" constructions.

Authenticity constructions also persist as an ever-present challenge to the legitimacy of land rights claims. Rowse reviews a 1985 Australian National Opinion Polls finding that Australians made strict distinctions between "traditional" remote dwelling Indigenous communities, whom they believed to be deserving of land rights,

and more urbanised communities, who were seen as undeserving (1988:174). These popular misconceptions still permeate legislative settings. For example, Ellemor (2003) records that the failure of the *Yorta Yorta* native title case rested partly on constructions of inauthenticity, defined through trivial questions such as the adoption of western dress in the late 19th Century. Similarly, Jacobs (1998) records that institutional attitudes and modes of evidence taking have meant failure for many claimants under the *Aboriginal Land Rights (Northern Territory) Act (1976)* and the *Pitjantjatjara Land Rights Act (1981)*, despite their continuing "interest in and sense of responsibility towards land over which they hold customary rights"—because they do not display the "accepted… hallmarks of a tradition-oriented lifestyle" (1998:250-51). And Rose notes that over many years of hearings under the Northern Territory act, successful claimants "have many similarities of history, modes of land tenure, systems of knowledge and proof" (1996:52). She argues that this presents a potential "form of terror" (1996:53) for Indigenous people in other regions of Australia, if they are constrained to meet this emerging "canon of authenticity for proof of land tenure" (1996:52).

In these authenticity constructions the majority of Indigenous populations, who have been displaced from ancestral lands, are relegated to a category of compromised or negated Indigenous identity. They are constructed as having no contemporary collective historical, geographical, political or moral claims on the Australian state. These stereotypes of truncated Indigeneity and consequent loss of standing in land ownership have a direct lineage back to the doctrine of *terra nullius*. Indeed they are its contemporary version and perform the same function. The purpose of the imaginary postulate that no one inhabited the land—or more precisely, that Indigenous people did not exist for the purposes of useful utilisation of land and resources—was to support the legal doctrine that there were no prior Indigenous property rights in land. With the (partial) demise of this postulate in legal and popular understandings, it has been replaced with stereotypes of diminished Indigeneity. The modern postulate is that while people *did* exist and inhabit Australia, they no longer (except as an imagined small minority) exist as "real" Indigenous people. The reasoning parallels the *terra nullius* logic—Indigenous people do not exist, except in circumstances defined under severely limited legal constructions such as Native Title. Therefore, the Australian nation state remains free to assert ownership over land.

These time-place stereotypes of truncated Indigeneity and null or highly circumscribed rights to land operate through a system of interrelated, imaginary either/or authenticity binaries. These binaries all fold into and augment each other; and they all gain false credence by attachment to the partially valid distinction between 'remote' and 'urban' communities (itself a simplification of the varied combinations of living patterns of Indigenous communities and people). Some of these binaries are as follows:

- holding traditional land (remote)/ dispossessed of land[75];
- holding ancient wisdom and authority (remote)/ lacking traditional knowledge, no claim to authority;
- having culture and Aboriginal identity (remote)/ having compromised culture and identity.

In another of these influential popular discourses, the contexts in which Indigenous community political authority can be asserted are restricted through a politically scaled binary. It represents "authentic" Indigenous political activity as being fixed at the local community or family level, while engagement with state, national or regional scaled politics is deemed to be inauthentic. For example Senator Ellison's[76] statement that "We do not want these representative and advisory bodies to prevent us from dealing directly with local families and communities" (quoted in Rowse, 2006a:174) portrayed regional and state-wide Indigenous associations as obstructing what the Howard government regarded to be the primary relationship between government and Indigenous people—which it resolved to a level that it constructed as being devoid of political authority or agency.

In this stereotype, local community politics are constructed as being intrinsically Indigenous, and therefore indecipherable and irrelevant to nation-scale decision making structures. Concomitantly, Indigenous community (remote, rural, urban or discursive) challenges that could be understood in national scale contexts— for example against the sovereignty and territorial claims of the Australian nation state—are represented as having no authentic provenance and as being treacherous

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[75] As Chapter 3 shows, this is countered by the many instances where Indigenous communities have assumed caring for Country responsibilities outside their traditional land.
[76] Senator Ellison is a Liberal Senator for Western Australian.

with regard to the nation state. Further, they are characterised as exogenous and aberrant with regard to Indigenous community processes—rather than arising from them. The outcome is that organised Indigenous political interests are severely circumscribed in their effective access to institutional or political space for the advocacy of Indigenous interests in land, service delivery for communities, or other rights. This scaled binary is reinforced by another binary, which constructs for Indigenous society a radical disconnection between the domains of politics and culture. These related binaries locate Indigenous identity as an intrinsically cultural formation that, again, is fixed at a local scale. Indigenous identity is not permitted a national component; instead it is confined to localised cultural expressions and excluded from nation scale political engagement. This is in striking contrast to the assumptions made for the dominant society, wherein political and legal authority is held to reside in the coherence of social, cultural and political domains, and in the right to political expression and representation at all scales, from local to national.

These stereotypes bear no resemblance to the complex, diverse lived experience and interests of Indigenous local and discursive communities and the alliances drawn by them. Nevertheless, as noted above, these discourses have tangible effects, influencing how, and if Indigenous communities and interests achieve social, institutional and legal recognition. Together or individually, they augment and legitimate the *terra nullius* stereotypes of time (past) and space (remote), ordering and minimising Indigenous claims on the Australian continent and nation state. They render Indigenous communities, identities and individuals as being knowable, able to be categorised and therefore managed, and restricted in entitlements and domains of action. This is the imaginative basis on which large sections of Indigenous society are excluded from Australian geography and political life.

Conversely, the concept that all Indigenous communities are contemporary— with contemporary aspirations and contemporary claims on Indigenous lands and the Australian state—goes part of the way to countering these stereotypes. The concept of universal contemporaneity counters at a discursive level the time-space stereotypes that nullify Indigenous presences and governances by constructing Indigeneity as residing in abstract past social models, or in remote area communities. This concept discursively breaches the arbitrary, simplistic and fragmenting distinctions drawn

between predominantly traditional living systems and those that have been more substantially altered. And it dissolves the distinction between local and discursive communities, which are connected through complex overlappings. It renders all Indigenous communities, whether "traditional" or "modern", local or discursive, as having entitlement to recognition of their governance functions, and hence, to the realisation of their potential for self-scaling. And in countering the culture/ politics dichotomy, comes the reintegration of the social, cultural, cosmological and political domains. Hence, each of these domains is strengthened by all the other sources of authority.

Why Contemporary Indigenous Governances?

As will be shown in Chapters 6 & 7, the concept of Contemporary Indigenous Governances is empirically founded in, and highlights the diversity of Indigenous lived experience. But this plurality is not diminished by the use of the singular concept. Rather, this concept underscores the political import that these diverse interests and methodologies warrant, both singly and in unison, within Australian political life.

In identifying Indigenous community processes of social support, rights advocacy, knowledges formation/ maintenance, and other operations as having community governance functions—and in uniting them all as being contemporary expressions of Indigenous presence—the concept of Contemporary Indigenous Governances produces a discourse of universal, inherent political entitlement. All Indigenous communities, rural, urban, remote and discursive, are recognised as having a multiplicity of interests, and the right to advance them through political engagement with state and national scale political and institutional structures.

Further, the combination of the ideas of governance and contemporaneity is the basis for recognising that all local and discursive Indigenous communities have both the right and the potential to be self-scaled for the exercise of self-determination on national and state, as well as local scales. It offers a prospect of advancing the multi-scaling potential shown by the South Australian Congress. Many of the principles entailed in the concept of Contemporary Indigenous Governances have been employed in the South Australian experience—including the recognition that

Indigenous interests are not confined to traditional interests. As Agius et al note, the participants "recognised, respected and supported Indigenous jurisdictions—old, new and emerging" (2007:198). Where the South Australian Congress orchestrated local Indigenous communities across SA and used Native title as a starting point to extend to further interests, the concept of Contemporary Indigenous Governances provides an expanded foundational platform. Whether starting with NTMCs or other existing or new structures, it encompasses the community interests of all local and discursive Indigenous communities throughout Australia as an integrated domain of Indigenous governance, which is capable of forming self-authorised, self-scaled governance structures and negotiating on an equal footing with state and federal governments through an iterative, community accountable, developmental self-determination process.

4.4: Conclusion

The conceptual framework of this thesis draws upon a relationally based scale analysis, which views dominant power relations as being maintained and/or repositioned through an active, ongoing process of contestation. Although socially constructed, these power relativities are represented as being ontologically scaled in relation to each other. These discursive processes of construction and representation play a crucial role in the legitimation, reproduction and ordering of these power relations.

This inquiry into socially constructed scaling processes has opened up a further layer of analysis. While the scale literature argues that contesting interests within relative power configurations are ordered through their scaled representations, this study has identified an additional process of political scaling, that of scale erasure. The production and legitimating processes of scaling produce absences as well as presences, reflecting the dominant political landscape of interests that are authorised or de-authorised for political representation. This exclusion of certain interests from the legitimation process of scale representations is an active process of producing absences of scale—or scale erasure.

Chapters 6 & 7 will give an empirical account of how these scaled erasure processes operated in the reconciliation era. The reconciliation policy processes, discourses and structures rendered Indigenous interests as abstract singularities capable of being represented entirely—and only—within a top-down government scaled structure, outside which Indigenous community voices could be rendered as irrelevant to or absent from the political landscape. The scaling of reconciliation policy processes into a structure of local, state and federal bodies both legitimated government authority over Indigenous communities, and silenced Indigenous dissent against this process. It encouraged a public perception that the policy process was implemented through a democratic structure, which was capable of representing the entire range of Indigenous community opinions and aspirations, and delivering them to the federal government. But in reality, as Chapter 7 will show, Indigenous community interests and their capacity to provide critical evaluation of the policy were excluded from, and replaced by this structure. And when these voices insisted on being heard on issues such as the methodology and ideology of policy processes, they were rendered as being outside the policy structure, and hence irrelevant, incoherent and radical. This disempowerment of Indigenous community governances has been achieved through successive policy settings by their representation as having no capacity for scaled institutional engagement with state and national scale government processes. Indigenous local and discursive communities have been rendered as absent—erased—from representations of scale and governance in the Australian political landscape.

The insights permitted by scale analysis—that scaled representations of political relations in Australia have excluded Indigenous interests from the political landscape—are supported by the South Australian Congress project. In this experience, these erasure processes have been verified through the process of overcoming them. Diverse Indigenous interests previously registered as having no governance capable of political representation were rendered present, active and contemporary. This process is an active assertion of a scaled politics, which counters dominant representations and understandings of scaled governance. A complex of conscious strategies and iterative mechanisms are employed to draw self-authored Indigenous community authority from local communities through to a state government level. This has not only rendered these communities as being present

within the state government apparatus, where before they were completely absent. It has built them in, or scaled them, as an essential component of a state institution that holds responsibility for decision-making regarding their lands, resources and other community interests.

The concept of Contemporary Indigenous Governances extends the insights brought by a scaled analysis. It expands institutional and popular conceptions of what constitutes an Indigenous community and their bases of entitlement to political authority, to match the grass-roots realities of community processes. Assigning a term such as 'Contemporary Indigenous Governance' does entail an element of simplification, if only because there is always simplification in representation. On the other hand, the discursive concretisation of these realities into a semi-formal conception serves to assign them the political authority that they warrant. This renders these community processes as constituting and linking into a broad framework of political authority. It invites the prospect of extending the example of the South Australian Congress beyond the scope of Native title, and building the basis for a self-scaled framework of regional, state and federal organisations with the capacity to negotiate Indigenous futures with state and federal governments.

Howitt writes that the "erasure of the scales at which Indigenous governance is institutionalised within self-governing Indigenous polities has been a policy target for most Australian governments over the totality of Australian settlement history. This… continues to be an active erasure" (2006:57). He further suggests that although this process "has not been subject to explicitly consideration in academic commentary… once this issue is identified, it quickly becomes both obvious and powerful in terms of its relevance to strategic thinking about Indigenous rights" (2006:57). The consideration of scale erasure processes also has obvious relevance for re-thinking the history of Indigenous affairs policy. Preceding the empirical evidence presented in Chapters 6 to 8, (which underpins the concepts of 'Contemporary Indigenous Governances' and their erasure with the scaled mechanisms of reconciliation policy) the next chapter will present a scaled interpretation of Indigenous affairs history in the last four decades.

5) INDIGENOUS AFFAIRS POLICY 1972 – 2000: A SCALED ANALYSIS

5.1: Preamble

Scale is a socially constructed system of relationships, representations and discourses that facilitates and orders the re/production of power relations. In particular, governance systems are ordered and authorised through active processes of scale construction. The important question is whose relationships of governance and power—and thus whose interests—are being represented and entrenched by the particular institutional and behavioural norms being constructed in a particular place. In viewing Australian Indigenous affairs policy during the self-determination era (1972-1996), which overlaps with the reconciliation era (1991-2000), through a scaled analysis, dominant assumptions of legitimacy in governance are opened up for scrutiny. This chapter scrutinises the scaled ordering through which colonial governance has been legitimated and Indigenous community governance de-authorised and suppressed. It addresses two divergent conceptions of governance—the top-down scaling of colonial governance and the independent, predominantly community scaling of Indigenous governance—as contending scaled constructions of governance. This bifocal approach avoids the assumption that the former is the naturally legitimate system of governance. It also challenges the proposition embedded in colonial governance practices, that Indigenous dissent is beyond the margins of legitimacy and governance. In this scaled analysis, Indigenous dissent in Australian history is read as a manifestation of Contemporary Indigenous Governances, which have been erased by colonising discourses of governances for the purposes of scaling up to state and national government levels, but still operate at the community level to challenge the governance imposed by national governments. The analysis thus decentres the dominant perspective of national level governance and its colonising legacies, while highlighting the important structural role of Indigenous community dissent in the history of Indigenous affairs in Australia.

Legislative changes initiated by the Whitlam administration (1972-5), including the Aboriginal Land Rights (Northern Territory) Act of 1976, marked a

formal change in national Indigenous affairs policy—from policies of protection, assimilation and segregation[77], to a period marked by a rhetoric of self-determination, which lasted until the 1996 election of the Howard Liberal Coalition Government. Particularly prior to the 1991 establishment of the Council for Aboriginal Reconciliation (CAR), this period was also one of strong Indigenous dissent. This was a response to the dissonance between Indigenous community conceptions of participation and autonomy, and federal government attempts to deliver limited versions of self-determination and land rights—which were mediated by opposition from powerful conservative interests (in and outside government) to any extension of self-determination or separate rights for Indigenous Australians[78].

During the self-determination period, the dynamics of federal government reform, incorporation and Indigenous community dissent were interwoven with a conflict between two constructions of scale regarding Indigenous governance. As previously suggested these came from the different perspectives of federal governments on the one hand, and Indigenous local and discursive communities on the other. Attempts by federal governments to establish Indigenous rights in land and other areas were advanced through national institutions that imposed government authorised constructions of Indigenous governance. In short, these were government-scaled, top-down, national organisations. These developments found cooperation among some Indigenous interests, who sought to employ models of national leadership and direction to maximise the rights that were achievable. Over the period 1972-1996, federal governments established four top-down national institutions that were represented as being Indigenous—the National Aboriginal Council (NAC), the National Aboriginal Consultative Council (NACC) and the Aboriginal and Torres Strait Islander Commission (ATSIC) and the CAR. However, they were not grounded in Indigenous governances arising from self-authored community organisations and representative processes, and they did not empower representatives to reflect Indigenous community interests and methodologies of decision-making. Further, they were subject to discretionary ministerial intervention.

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[77] For example, Curthoys (2002); Horner (2004); Rowley (1970, 1971a, 1971b).
[78] For example, see Libby (1989) on the role of the mining industry in undermining government policy on land rights.

The power of federal governments to conduct relations with Indigenous communities through these top-down frameworks was challenged by dissenting Indigenous interests who asserted a fundamentally different construction of scale in the governance of Indigenous affairs. This upheld the authority of Indigenous local and discursive community processes and structures, and their independence of government structures. These interests asserted an entitlement of independently framed Indigenous authorities to negotiate rights and power sharing directly and equally with government authorities, unmediated by "Indigenous" federal government structures. As will be shown, federal governments have responded to these dissenting interests with efforts to defuse, exclude or incorporate them and these processes have been facilitated by bureaucratic expedience and the imposition of limited timeframes. The one exception (discussed in Chapter 4) is the model of iteratively scaled Indigenous community participation and representation, initiated by the ALRM and the South Australian government in 1991.

This review of policy literatures covering the self-determination era reveals a fundamental structural congruence between the policy of reconciliation and its predecessors in how political relations were reproduced and Indigenous dissent marginalised. The representative models of the self-determination era were imposed scaled constructions, which overrode existing and emerging Indigenous governance structures of accountability and participatory decision-making, and entrenched non-Indigenous interests and federal government priorities. Their representation as being "national" as well as "Indigenous" engendered specific scaled relationships between these organisations and the communities they were meant to represent. Rather than being a politics of participation and representation, these scaled relationships installed a politics and a framework for controlling both the demands made upon federal governments by Indigenous local and discursive communities—through the impositions of institutional limitations and restrictive funding regimes—and for managing the dissent that arose when these demands for civil and separate rights were not met. And while these federal government "Indigenous" institutions afforded some Indigenous interests a role in advancing a government framework of Indigenous rights, this was also a process for their co-option by governments. Further, when these institutions attempted to assert the concerns of community constituencies, they too became subject to federal government interventions to manage dissent. Through

successive policy settings, the potential for the scaling up of Indigenous governances to the national scale—to a position of equal representation with federal government and other major sectors—has been erased.

This chapter traces how the processes of erasure through the suppression of Indigenous community interests and the management of dissent continued to be an important policy process into the reconciliation era, 1991-2000. It argues that the establishment of the CAR represented a continuation of these top-down impositions of scale erasure. On the one hand, for the first time, Indigenous peoples were to have a role in negotiating their position in relation to the Australian federal government. Further, these representations of Indigenous participation in nationhood construction were intended to facilitate the role of prominent Indigenous intellectuals in a new national leadership for both Indigenous and non-Indigenous Australia. On the other hand, the representation of the CAR as a national body that could represent the interests and aspirations of Indigenous communities across the nation had no structural reality. As with previous policies, there was no capacity for developing an ongoing, genuinely participatory structure of organisations that could deliver Indigenous community authority and interests to national level government, despite the earlier advice of authorities such as Coombs (1978, 1994) and Rowley (1986). More recently several other authorities on Indigenous governance have made similar calls[79].

5.2: Government scaling and resistance in the era of self determination, 1972 to 1991

5.2.1: Early years

Rowley described the history of relations between black and white Australia as "typical of industrial colonialism", wherein the economic benefits of resource exploitation are maintained with the exclusion of the colonised minority from participation on equal terms (1972a:1,5). He asserted that dissent by the colonised, aimed at retaining their rights to land and resources, was a universal response, one that warranted negotiation on equal terms. For Rowley the problems arising with

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[79] For example, Burney (2006); Behrendt (2001); Chaney (2004); Dodson, P (2000); Howitt (2001a, 2006, 2007).

colonialism were of a universal political nature and could not be accounted for with explanations of cultural specificity. He wrote:

> The intransigence of the Aborigines … in the southern regions, in [regional and remote areas], and … in the central areas of the metropolitan cities, has a direct relationship to the intransigence of the colonial rebel. And it may be more profitable for inquiry to be concerned with what is common to all mankind rather than with cultural differences (Rowley, 1971a:5).

The history of Aboriginal protest concerning land rights and civil rights has always involved attempts by local and discursive Indigenous communities, both separately and in combination, at representing their interests directly to state and federal governments. This history is at least as old as 1930 when William Cooper prepared a petition to the King for Aboriginal representation in the Federal Lower House. Goodall (1996) discusses several important developments, including the Aborigines Progressive Association (APA), whose founders William Ferguson and Jack Patten (previously active in rural Aboriginal strikes) hired Australia Hall in Sydney for Australia Day 1939. Marking a Day of Mourning, 150 years since white settlement, the meeting issued a manifesto for presentation to the federal government, entitled "Aborigines Claim Citizenship Rights". In one of the APA's monthly newsletters is recorded its preparations for a set of claims on the NSW Government, including a statewide land program. They called for a "Special Land Settlement Plan for Aborigines… on similar principles to Soldier Settlers… Schemes" (Patten, 1938:1).

And so continued the history of the political strategies of Indigenous communities, as they brought demands for civil rights and land justice for the support of communities directly to state and national scales of government, as well as to the business interests that controlled their lives. The first Aboriginal labour strike was in 1946. Advised by Don McLeod, a non-Aboriginal mining prospector, around 800 Aboriginal stockmen walked off a Pilbara sheep station, demanding weekly pay in the amount of thirty shillings and better working conditions. Their vision also entailed the development of self-supporting 'tribal' Aboriginal co-operatives. By 1948 they had formed a co-operative company, Northern Development and Mining Pty Ltd, which bought two deserted sheep properties in 1950 (Horner, 2004:25-7; Stuart, 1959). They paid 10,000 and 5,000 pounds for another two properties and set up buildings and a

school, while restoring the carrying capacity of the land after years of over-grazing. However, these assets and improvements were negated when a hostile Western Australian government conspired (McLeod, 1984:98) to liquidate the holdings (McLeod, 1984:104-5).

The assertion of Indigenous authority over land and resources, community development and decision making processes has continued throughout numerous disputes. In 1963 the Yolngu people of Yirrkala on the Gove Peninsula responded to the federal government's issuing of mining leases permitting bauxite mining on their traditional land with a bark petition to Parliament, demanding a special committee of inquiry to hear their views into before a decision could be made on a proposed excision of land on the peninsula (Lippmann, 1996:37; Williams, 1986). And control of traditional land was also central to the 1966 Wave Hill wages strike and walk-off by Gurindji cattle hands. They camped on Daguragu land, and in doing so, wrote Yunupingu, "they broke European law but obeyed their own" (1996:5). Led by Vincent Lingiari and assisted by unionist and activist Frank Hardy, the Gurindji sent a petition to the federal Governor-General, which stated, "we feel that morally the land is ours… Our people have lived here from time immemorial and our culture, myths, Dreaming and sacred places have evolved from this land" (Hardy, 1968:210).

5.2.2: The Council for Aboriginal Affairs, the Tent Embassy, the Department of Aboriginal Affairs and the National Aboriginal Consultative Council

These last two events contributed to a groundswell of national awareness concerning Aboriginal affairs and a 90% 'yes' vote in the McMahon Government 1967 Referendum, giving the Federal Government the power to make special laws for Aboriginal people and to overrule state government legislation in Aboriginal affairs. Propelled by this result, McMahon established an advisory Council for Aboriginal Affairs (CAA) chaired by H. C. ('Nugget') Coombs (Rowse, 2000:3). Other members were Charles Rowley and the anthropologist W.E.H Stanner. During this period, Coombs became a supporter of what had then recently become known as

"outstations"[80]. These were Indigenous groups who were splitting from the aggregated mission and state and territory government settlements—which were administratively convenient but from Indigenous community viewpoints, culturally alien (Coombs, 1978:133)—to form smaller communities in their traditional lands. In discussions with various community groups intending to establish settlements in the Northern Territory[81] Coombs ascertained the fundamental aim as being "to re-establish an authentically Aboriginal society which will assimilate chosen European elements but will not necessitate a continuous white presence or the maintenance of a 'worker-boss' relationship between black and white" (1978:150). They placed great value on "being 'in one's own country'" and on "a return to a situation within which the traditional social disciplines of Aboriginal society [could] again become effective" (1978:151-152). These disciplines, Coombs suggested, had been eroded in "multi-clan and language concentrations dominated by or in close proximity to a largely non-Aboriginal administrative group", undermining community effectiveness in dealing with a range of social problems (1978:152).

These understandings contributed to Coombs' later conception of an "Aboriginal independence" model of self-determination (Rowse, 2000:108), which would establish a nationally representative Indigenous political organisation founded on initiatives from local Indigenous councils, associations and corporations (Rowse, 2000:110). Only with this bottom-up approach, asserted Coombs, could an organisation be "under Aboriginal control and capable of exercising real power" (Rowse, 2000:199). Coombs espoused this ideal into the Whitlam administration and beyond. Towards the end of his career he conceived it as "bottom-up … federalism", to be based on Indigenous models of "collective action" and regional and local representation (Coombs, 1994:229). This model of institutional scaling-up of Indigenous community governance has never been explored; all federal governments have instituted centralising, government-scaled responses to Indigenous calls for a power sharing on land and other issues. At times this has been contemporaneous with more explicit control measures.

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[80] Coombs notes that this term was somewhat of a misrepresentation of Indigenous conceptions because the clans making such moves considered their settlements to exist in their own right and not to be offshoots of larger settlements (1987:150).

[81] These were moving out from aggregated settlements in Yirrkala, Elcho, Milingimbi, Maningrida and Angurugu (Coombs, 1978:151).

Among these national, government scaled responses to Indigenous dissent were those of the McMahon and Whitlam federal governments to the Aboriginal Tent Embassy. This Indigenous institution has had unbroken occupation of the grounds of the federal Old Parliament House from January 1972 to the present day (despite government attempts to dismantle it) and remains an inspiration to many Indigenous participants in this research, some of whom have been directly involved with it. With the Embassy, Indigenous communities brought their demands for equal negotiation of land rights and civil rights directly to the attention of federal governments and the public. Initially set up by seven young activists from Sydney[82], it grew with influxes from various parts of Australia. At times the Embassy numbered several hundred (Whitlam, 1985:465). Several issues led to this development[83]. The most prominent was the 1971 decision of the Supreme Court of the Northern Territory in the Gove Land Rights case, that Australian law did not recognise Aboriginal title to land. This had been brought by the previously mentioned Yolgnu of the Gove Peninsula (who issued the bark petition to Parliament). The Yolgnu were suing Nabalco and the Commonwealth for making the 1968 agreement for bauxite mining on their land without their involvement. In this they sought recognition of their interests in their traditional land (Rowse, 2000:46). The Gove case outcome prompted a 1971 Australia Day statement on Indigenous affairs by the McMahon Government, in which land rights was clearly absent from its agenda (Horner, 2004:166-7,169). Indigenous anger against these developments was widespread and the constituency represented by the Aboriginal Tent Embassy was "turbulently and vociferously heterogeneous and … politically unmanageable" (Rowse, 2000:108). The establishment of the Tent Embassy was according to Horner[84] "a master stroke" of public representation (Horner, 2004:167). It was the first time Indigenous activists had represented themselves as a singular 'Aboriginal nation'; one that was notionally equivalent to the nation states represented by embassies in Canberra. This was an explicit attempt by an Indigenous organisation that was entirely independent of government, to assume the status and entitlement of a national body in representing Indigenous community authority at a national scale.

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[82] The first were Michael Anderson, Billy Craigie, Gary Williams and Tony Coorey. They were soon joined by Chicka Dixon, Kevin Gilbert and Kevin Johnston (Horner, 2004: 167).
[83] Including the land grievances of south eastern Kooris (Rowse, 2000: 97).
[84] A non-Indigenous activist on Indigenous issues, beginning with the 1967 referendum (Horner, 2004).

Management of this organised dissent was attempted by the McMahon Government through an effort to incorporate the Embassy into a government-scaled framework. In an endeavour to "co-opt the Embassy into a 'national' Aboriginal centre" (Rowse, 2000:108) it sought advice from the predominantly non-Indigenous Federated Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI)—whose claim to represent a national Indigenous constituency on this issue was doubted by Coombs and the CAA (Rowse, 2000:70,108). At the same time, the federal government sought to nullify the Embassy as a site of political protest by introducing more severe penalties for camping on public grounds, resulting in two successive demolitions of the tents by police using "extraordinary brutality" (Goodall, 1996:350-1).

While the McMahon government had no direct engagement with the Embassy, Whitlam, the future Labor Prime Minister, visited the Embassy as Opposition leader for talks (Whitlam, 1985:465). However, when elected in December 1972, the Whitlam Government responded to the politics of the Embassy with two institutional moves underpinned by the politics of incorporation and dissent management. First, under the government's new policy of 'self-determination' it established in 1972 the Department of Aboriginal Affairs (DAA). This was against the advice of Coombs and the CAA, which wanted "self-determination to be rooted in hundreds of local Indigenous councils, associations and corporations" (Rowse, 2000:12). Such reforms were opposed by Bryant, Whitlam's appointment as first Minister for Aboriginal Affairs[85], (Rowse, 2000:110), and the CAA "soon found its influence rivalled by Aboriginal public servants with a highly centralist vision of the organised indigenous constituency" (Rowse, 2000:12).

The second move, the 1973 establishment of the National Aboriginal Consultative Committee (NACC), which was a national, government-scaled "Indigenous" body, also failed to match CAA advice. Its establishment, according to Rowley, was in recognition of the role of institutions in "avoid[ing] political violence" (1986:30). Initially envisaged by Bryant as a body of invited Aboriginal and Torres Strait Islander members (Rowse, 2000:111), it was established as a body of elected delegates, one from each of forty-one electorates. It pressed for a number of reforms

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[85] Bryant was given this appointment in recognition of his long-time service as Vice-President of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (Whitlam, 1985: 469).

but had only an advisory role that was not accorded proper process (Rowley, 1986:30). This prompted a pronouncement at a national meeting by delegate Bruce McGuinness[86], that "I would like to speak out against the control Government has: we are like puppets" (quoted in Lippmann, 1996:58). The electorates were too large for the heterogeneous Indigenous communities (Rowley, 1986:40); and with no funds to employ a secretariat, it relied for services on the "hostile" DAA staff, who came from the old National Welfare constituencies and from colonial administrations in PNG (Lippmann, 1996:58). Frustrated in its efforts to resolve its representative legitimacy dilemma, the NACC came to be regarded by the Fraser Liberal-Coalition Government (elected in 1975) as "an organisation out of control" (Rowley, 1986:39) and a formal inquiry was set up into its future.

5.2.3: The National Aboriginal Conference, Land Rights and the Aboriginal Treaty Committee

The committee of inquiry reported in 1976. Its main recommendation supported the NACC objective of becoming a national congress with independent, separately meeting state branches. This attempt to devolve the power structure was an effort to resolve the central problem of legitimacy with Indigenous communities. The Fraser Government rejected this recommendation in favour of others. These "blunt[ed] the political sting of the NACC" (Rowley, 1986:41), which was replaced by the National Aboriginal Conference (NAC). The new body held additional powers for traditional areas, which reflected, according to Rowley, a stereotype held by conservative former NACC committee members who had been in the inquiring committee. This was "the typical colonial fallacy: that the educated 'natives' misled the simple old traditional folk who really love the government and its representatives" (Rowley, 1986:41). Like its predecessor, the NAC was denied power, process and funding; and it lacked legitimacy with Aboriginal communities. Making an explicit statement on the lack of accountability of government-scaled national committees to community interests, and their consequent compliance in incorporating and legitimising federal government agendas, NAC member Keith Smith reflected that NAC representatives were "not taking any direction from the people. They're on a

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[86] A young Melbourne Koori activist and organiser (Horner, 2004: 140).

national scale making individual decisions in respect of the welfare of their people and not consulting with their people" (quoted in Gilbert, 1977:186,188-9).

The NAC's dealings with the treaty issue were, according to Coombs, indicative of these problems. Towards the end of 1978 a treaty proposal was being prepared simultaneously and independently by two bodies, the NAC and the Aboriginal Treaty Committee (ATC) (Rowse, 2006b:77). The latter was a private non-Indigenous body, chaired by Coombs and set up to research, gain popular support for, and establish a negotiated treaty between the Commonwealth and Indigenous people, to be empowered by a constitutional amendment. It resolved to have no Aboriginal members, wary of undermining the recognition of Aboriginal initiatives and efforts. The two bodies were able to achieve agreement about strategy and objectives, while remaining autonomous in other regards (Rowse, 2000:180). The proposal gained popular support (Rowley, 1986:4), but the resource-poor NAC had just two people for nation-wide local Indigenous community negotiations (Rowley, 1986:43). Arguing for more resources and time for the NAC, Coombs nevertheless criticised it as a "creation of the white Australian government … deriving no authority from traditional sources" (quoted in Rowse, 2000:181). He was frustrated with the NAC response to Minister Chaney's rejection of the putative 'two nations' connotation of the word 'treaty'. In suggesting the word 'makaratta'—meaning 'resumption of normal relations after hostilities' in the language of the Yolgnu of northeast Arnhemland—the NAC assured Chaney that they saw themselves as "Australians within an Australian nation" (Rowse, 2000:180). In this, says Rowse, they accepted the DAA's rejection of the central issue, that Aboriginal peoples were a colonised people (1986:43). Notwithstanding the legitimacy of Coombs' critique of the NAC as a government creation, his own efforts to clarify and delineate the issue of representation by making the ATC a non-appropriating, non-Indigenous body aimed at supporting Indigenous aspirations failed to reassure Indigenous interests. Indigenous activists and government figures alike, including Gary Foley, Liberal Senator Neville Bonner and Charles Perkins (then the head of the Aboriginal Development Commission) had many disparate and legitimate reasons to be wary of white solutions that could not account for the diversities of Indigenous interests and the priority of land rights[87]. In particular, Kevin Gilbert[88] and

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[87] See Rowse, (2006b), also Read, (2006: 32-3), who was a member of the ATC. He interviewed several activists as well as prominent Indigenous figures about the ATC proposal and found a broad basis of concern about it.

other activists were concerned that negotiation of a treaty, especially under these circumstances, would surrender Aboriginal claims of sovereignty (Rowse, 2000:183).

The 1976 Aboriginal Land Rights (Northern Territory) Act was also a matter of compromised Indigenous interests. Passed by the Fraser Government, it was initiated by the Whitlam Government to advance its 1972 and 1974 election commitments, and in response to the 1972-4 Royal Commission into land rights in the NT. This was chaired by Edward Woodward, who had been Counsel to the Yolngu plaintiffs in the Gove land rights case (Whitlam, 1985:467-9). But yielding to pressure from mining and pastoral interests and conservative N.T. politicians, the Fraser Government jettisoned key Woodward inquiry recommendations, including the ability to claim land on a needs basis. As will be shown in the next section, the 1983 election of the Hawke Government, with its promise for a policy of national land rights and self-determination, also proved to be a "false dawn" (Rowley, 1986:195) despite Minister Holding's 1984 claim of progress on the appointment of the first Aboriginal head of the DAA, Charles Perkins.

5.2.4: Failure of the national land rights policy and the establishment of the Aboriginal and Torres Strait Islander Commission

It was in Western Australia that the prospects for national land rights legislation were first undermined. The Labor policy platform for the 1983 WA state election had also included a promise of land rights and upon election, the Burke state Labor Government instituted a state inquiry chaired by Paul Seaman to prepare recommendations for legislation. During the inquiry, there was a "concerted, and at times vicious campaign of opposition… with mining industry groups amongst its leaders" (Hawke & Gallagher, 1989:323)[89]. And while Aboriginal groups received the Seaman report favourably, the Burke Government yielded to industry pressure. With

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[88] Kevin Gilbert was a prominent Aboriginal activist with the Aboriginal Tent Embassy. He was also a poet and author, and the first Aboriginal playwright to reach public acclaim with his play *The Cherry Pickers*, which conveyed aspects of his own life as a black seasonal worker. In 1978 he won the National Book Council Award for Australian Literature for *Living Black: Blacks talk to Kevin Gilbert* (1977) (from an account given for this study by his daughter, Kerry Reed-Gilbert).

[89] In 1979 there had been a violent confrontation between the mining sector (supported by state police and the state Liberal-Country Party Government) and the Yungungara people. The threat to sacred sites on the latter's Noonkanbah pastoral property was indicative of the aggressive tactics of the industry (Hawke & Gallagher, 1989: 272-88; Howitt, 2001a).

the report's release, it immediately announced that it would reject many of the basic recommendations. When it introduced a much diminished bill, it was still opposed by the Liberal Party dominated State Upper House, whereupon Burke publicly abandoned any further efforts, also warning the Federal Labor Government that he would oppose the introduction of any overriding federal land rights legislation (Hawke & Gallagher, 1989:324). The mining industry continued a public campaign until land rights became a "vote-shifting issue" (Libby, 1989:90) that was opposed by the pubic and utilised electorally by the Liberal Party and its conservative coalition allies (Libby, 1989:99-105). In the lead-up to the 1986 state election, the Burke Government successfully defused the issue and was returned on the clear understanding that the land rights policy was to be abandoned (Libby, 1989:112-3). This marked the defeat of the original Hawke national land rights strategy, predicated on state-by-state legislation.

During this time, the Hawke Labor Government was also responding to industry pressure. In 1984 the federal Labor Government returned Uluru in the NT to the traditional owners in a ceremony that was boycotted by the NT government and by federal Opposition representatives—with the exception of W.C. Wentworth, who had been on the CAA with Coombs (Tickner, 2001:10). But the 1984-6 'Preferred National Land Rights Model' reduced the right to negotiate with miners, as established in the ALR (NT) Act 1976. And in 1986 the government further amended the NT legislation to remove the rights of traditional owners to claim Crown land previously occupied by pastoral interests. Other legislation was amended to limit the rights of the Northern and Central Land Councils over mining (Lippmann, 1996:47).

These curtailments of existing rights were also reflected in the management and control of national "Indigenous" bodies through top-down scaling. When the federal Hawke Labor government disbanded the NAC in 1985, Coombs called for the establishment of a new national representative body that was genuinely 'bottom-up', and Minister Holding commissioned Lois O'Donoghue[90] to make recommendations. A strong supporter of Coombs' approach, she recommended that regional Indigenous assemblies should first decide the structure of the body. However, the Hawke Government favoured a "corporatist" approach and sought to establish a "national body that it could 'address' on Indigenous issues" (Rowse, 2000:199) from a

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[90] O'Donoghue later changed her first name to Lowitja. She was raised in South Australian institutions for Aboriginal children and in 1975 became the DAA's Regional Director for South Australia (Rowse, 2000:129).

government-scaled, top-down perspective. At the end of 1987 Minister Hand presented Parliament with a plan for an Aboriginal commission. In preparation for its establishment there were consultations with Indigenous communities—450 three-day meetings across Australia, followed by another 46 meetings with representatives of various organisations (Rowse, 2000:200). These were a "paternalistic exercise" in which communities were presented a pre-conceived agenda, with too little time for consideration (Lippmann, 1996:79). Then, with Hand's first reading of the bill to establish the Aboriginal and Torres Strait Islander Commission (ATSIC) in August 1988, it was revealed that sixty electoral regions had been created, contrary to Coombs' and O'Donoghue's advice to base it on emerging Indigenous methods of political development; and despite Hand's previous assurances that Indigenous people should themselves determine the nature of the commission (Rowse, 2000:199-200). This was subsequently reduced to thirty-six in 1993 (Tickner, 2000:61) in one of many amendments to the ATSIC legislation. This disengagement from local and regional Indigenous bodies that could deliver self-determination ran counter to Coombs' objective that ATSIC would be the first step toward an Indigenous structure of local and regional government and a genuine transferral of authority.

These developments were due in part to the intense hostility of the Liberal Coalition federal parliamentary opposition, which made it increasingly difficult for Hand to follow Coomb's advice that self-determination was a matter of local Indigenous authority (Rowse, 2000:201). Up to the second reading in May 1989 there were forty opposition recommendations for amendments, most accepted by the government (Rowse, 2000:200) amid the opposition's efforts to foster "an atmosphere of scandal" (Rowse, 2000:201) around the financial administration of Aboriginal Affairs. By the time ATSIC was established in March 1990, it was subject to a substantially higher level of accountability than were other federal government departments. Hand's 1990 successor as Minister of Aboriginal Affairs, Tickner reflected on these "unique" standards, recording that it was the only government department to have its own auditing unit, the Office of Evaluation and Audit (OEA)[91] (Tickner, 2001:59). Coombs regarded this as a "perverse" development, which would displace Indigenous systems of social control and accountability and render ATSIC as a vehicle to legitimise federal government funding priorities to its constituents

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[91] Established under the ATSIC Act.

(Rowse, 2000:201, 203-4). ATSIC's status as "Indigenous" would be further undermined, Coombs asserted, through its dependence on the federal bureaucracy for information, research capacity and advice; and its drawing of staff from the DAA, whose officers, according to Coombs, had been "controlled by governments committed to the maintenance of their colonised status and to policies of assimilation" [92].

With these impositions, funding for ATSIC's wide responsibilities in service delivery and community development never matched need, effectively making it a vehicle for structural and infrastructural disadvantage and denial of citizenship rights. For example, the 1993-4 health budget for ATSIC provided a per capita allowance of 10% of that allocated for the wider population (Lippmann, 1996:83). An added dimension of scrutiny came with Minister Tickner's 1995 "accountability reform" (Tickner, 2001:63) requiring most regional council meetings to be open to the public. And with no executive power (Rowse, 2000:200) it resembled the NACC and the NAC—accountable to federal government, not Indigenous structures; restrained to the point of institutional and financial ineffectiveness; and responding to these pressures with increasingly explicit dissent. Its last elected chairperson, Geoff Clarke, previously the Deputy Chair of the Aboriginal Provisional Government (APG) (APG Papers, 1990a:1)[93], was regarded by some as its most forthright proponent of Indigenous rights.

In 2004, the Howard Government appointed a new federal government body, the National Indigenous Council[94]. This meant the abandonment of representation altogether and the revisiting of older models of advisory councils[95]. Then, in 2005 the Howard Government disestablished ATSIC claiming mismanagement of funds and failure to represent the Indigenous population. This move contradicted the findings of the Collins Review into ATSIC, established by the Howard Government in 2002. Among its recommendations were that planning responsibilities and identification of

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[92] From a paper circulated by Coombs to Aboriginal organisations, entitled "Aborigines and ATSIC", a revised version of which appeared in the *Canberra Times*, October 20, 1990. This paper is quoted in Rowse (2000:203).
[93] The APG was originally chaired by Michael Mansell of Tasmania, followed by Bob Weatherall of Queensland. As with the Tent Embassy, it presented a community based challenge to the authority of national Australian governments to determine Indigenous futures. It advocated the establishment of an Aboriginal state whereby "the political control of each local Aboriginal community would be vested in the community themselves" (APG Papers, 1990b:3/5). To underline its status as a sovereign nation, it sought "negotiations with foreign governments so that they recognise [the APG] as the true owners of this country" (APG Papers, 1990b:4/5).
[94] The Rudd Labor Government disestablished the NIC in January 2008 (ABC Radio National News 15/1/08).
[95] Professor Boni Robertson ('Late Night Live', ABC Radio National, 16/11/04).

needs should be devolved to regional councils, that COAG should keep Indigenous affairs as a standing agenda item and that the OEA should audit service providers, including governments at all levels, who utilise Indigenous funds (Hannaford, Huggins & Collins, 2003).

5.3: The policy of reconciliation, 1991 – 2000

As explained in Chapter 1, this thesis does not address the success or otherwise of the reconciliation policy. Rather, it investigates the top-down scaling foundations of the policy; and how these underscored policy models, objectives and consultative programs. This section will first trace the rise of the corporatist model of reconciliation, as conceived by Hawke, and then established in Indigenous affairs by Tickner. This was founded on the strategy of identifying known interests with influence in the Australian political landscape, and incorporating them within frameworks of agreement. Legitimacy for this venture was founded partly on the consultative programs, which were represented as garnering community views. These programs will be taken up later in this section. Then Chapters 6 and 7 will provide an empirical exploration of the consultation programs in the policy's final phase.

With the establishment of the reconciliation policy, the interaction between federal government reform within the restraints imposed by conservative forces, and Indigenous interests who sought available gains through these nation-scaled politics continued to operate. However, Indigenous community expression of dissent was stalled. While dissent was widespread in Indigenous communities, its public expression was self censored, largely because of the perception that Indigenous communities owed a measure of loyalty to those who took the *realpolitik* option of co-operating with federal government policy for available Indigenous gains (see Chapters 7 & 8).

5.3.1: Policy background

As with the previous policy era, the politics of the reconciliation era arose as a national government approach in response to both Indigenous community demands and oppositional conservative forces.

By the 1990s there was a new model for policy areas that involved conflict between major opposing interests. Robert Hawke developed this over a number of years in his role as a trade union advocate and president of the Australian Council of Trade Unions, in which he developed a strong record in mediating industrial conflict. In his 1979 Boyer Lectures, he called upon Australians to abandon reactionary approaches to conflict. He sought to employ a pro-active framework for systematic engagement between opposing interests in industrial and other areas of social conflict (Hawke, 1979:48-9).

In the early 1980s this model was refined into a corporatist notion of national government leadership through 'national reconciliation'. In Hawke's opening speech for the 1983 federal Labor election campaign, he announced that a Labor Government would host a 'national summit', which would produce "a three sided cooperation between governments, business and unions" (Cook, 1984:15), in order to overcome business-labour union hostility and the record unemployment levels of the Fraser Government (Cook, 1984:12). It would be the centrepiece of what Hawke described as his strategy of "national reconciliation, national recovery and national reconstruction" (Cooke, 1984:14). This strategy of providing institutional space for negotiation between conflicting interests would, according to Hawke, produce a new framework for responding to pressing national circumstances and achieving a lasting national concord. He believed that it was within the power of a national government and national leadership to determine Australia's future, as he asserted in the following:

> For let there be no mistake – there can be no… beginning toward [economic] recovery, until there is a national effort towards national reconciliation. And that effort must begin with the national leadership and the national government (Cook, 1984:14).

Although not tied in with Hawke's reconciliation strategy (Tickner, 2001:28), the national land rights policy that he took to the 1983 election was a part of the

general strategy of national leadership. In the same 1983 speech, Hawke positioned the land rights question as being "central" to the project to "bring this country together" (Cooke, 1984:35). He continued:

> A Hawke Labor Government will not hesitate to use, where necessary, the constitutional powers of the Commonwealth to provide for Aboriginal people to own the land which has for years been set aside for them (Cooke, 1984:35).

However, these intentions were not realised. In 1986 came the WA Government abandonment of state land rights, signalling the defeat of the Hawke Government's national land rights policy and its further (above mentioned) capitulations to mining and pastoral interests. Indigenous communities were challenging these developments, and the initial 1987 Hand proposal for a commission was met with Indigenous scepticism that it would be "just another Commonwealth bureaucracy" (Sanders, 2002:1). In 1988, Australia Day was marked by a Sydney march of 60-100,000, black and white, celebrating "200 years of survival". They were also protesting the bicentennial celebrations of white settlement and the failure of the national land rights policy. In June 1988 Prime Minister Hawke attended the N T Barunga Festival in southeast Arnhemland. This was attended by "10,000 Aborigines from all areas of the nation" (Lippmann, 1996:76), who formed a regional coalition of Indigenous communities. They presented the Prime Minister with the 'Barunga Statement', with an opening declaration that "We the indigenous owners and occupiers of Australia call on the Australian Government and people to recognise our rights" (quoted in Lippmann, 1996:76). These included self-determination, land rights and compensation, and control of sacred sites. Central to the Barunga claims was a call "for a treaty rather than a commission" (Sanders, 2002:2).

Hawke responded with an announcement that "there shall be a Treaty or Compact between Aboriginal people and the people of Australia, and you the Aboriginal people will decide" (quoted in Lippmann, 1996:77). However, with "no government strategy of any kind in place that could conceivably have led to a treaty" (Tickner, 2001:25), Indigenous reaction was cautious and the National Federation of Land Councils sought to establish a concrete process. They called for a Treaty Commission, to include a member from the United Nations Treaty Working Party (Lippmann, 1996:77). But Hawke's Barunga agreement was received with "outrage"

by the Coalition opposition (Tickner, 2001:25). In particular, there was "implacable opposition" from contending Liberal leaders Peacock and Howard, who "campaigned against the very concept of a treaty" (Tickner, 2001:28).

5.3.2: Preparations for the CAR legislation

When Tickner became Minister of the DAA in April 1990 he brought to the office an ideal of political and social change for Australia, aimed at overcoming racism and introducing a new framework of social justice for Indigenous peoples. He still hoped for an agreement between Indigenous and non-Indigenous Australians and reasoned that calling it a 'treaty' was not as important as establishing a process for negotiating the terms of such a document and addressing the question of "who would negotiate an agreement" (Tickner, 2001:29). The crucial structural issue—of how participation in determining Indigenous futures could be grounded in the authority of existing and emerging community and regional Indigenous associations—was already a part of the political landscape, having been raised by Coombs over the previous two decades. At the same time, Tickner was anxious about conservative hostility against ATSIC and its limited devolution of power toward Indigenous authority. He wanted to counter Coalition perceptions of an abandonment by Labor of the bipartisanship of previous policy eras (Sanders, 2002:2).

It was under these circumstances that the "softly, softy" approach of a "council of reconciliation" was conceived by Tickner (Lippmann, 1996:78). He opted for the business-as-usual approach that questions on Indigenous futures could be settled under the authority and direction of national government. The 'national reconciliation' model, developed by Hawke seven years before, offered an ethos and framework for conciliation and a notion of equality, while not fundamentally diverging from the ideology of centralised control of Indigenous affairs. Thus this new model provided an expedient compromise between two deeply opposing sets of interests—Indigenous calls for self-determination and negotiation of Indigenous futures, and conservative opposition to any form of power sharing. As noted in Chapter 3, the establishment of

reconciliation policy occurred as a series of compromises [96]. In particular it precluded the linking of the reconciliation process with validation of Indigenous title to existing reserves (Rowse, 1994:117) and the production of a legal instrument of reconciliation (Fesl, 1993). For some commentators[97] the policy was a retreat from alternative political approaches, such as a treaty process. In the terms of this thesis, the fundamental compromise of 'national reconciliation' was in leaving out the role of Indigenous community authority and scales of governance in determining such Indigenous futures.

Nevertheless, from Tickner's viewpoint, a policy founded on the primacy of federal government direction was consistent with his understanding of how best to proceed with his "unstoppable conviction" (Tickner, 2001:28) to achieve justice for Indigenous peoples. He intended that the policy, with its implementing body the CAR, would incorporate all sections of Australian social, political and economic life, including Indigenous opinion in a program for the advancement of Indigenous rights— land rights and possibly an agreement between Indigenous and non-Indigenous peoples. It is arguable that the problem (raised repeatedly by Coombs in previous policy eras, Rowse, 2000) of continuing to erase Indigenous community authority under the authority of a central government and committee was not apparent to Tickner. Or perhaps such awareness was eclipsed in the enthusiasm surrounding the new 'national reconciliation' model for policy. He envisioned "the concept of a national reconciliation" much as Hawke had in his 1983 election campaign (Tickner, 2001:28)—as a means of integrating and incorporating conflicting interests under a pre-determined policy framework of national government leadership.

The Hawke model of reconciliation

This corporatist blueprint was born out in three foundational aspects of the policy: 1) the central role envisioned for federal government in driving policy objectives, 2) the composition of the CAR and 3) the range of negotiations preceding its establishment.

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[96] For example Attwood (2005b); de Costa (2000, 2002); Fesl (1993); Foley (1999); Gilbert, K (1994); Lucashenko (2000); Moran, A (1998); Moran, S (2003); Povinelli (2002); Pratt (1998); Prentice (2003); Rowse (1994); Short (2003, 2005); Tatz (1998).
[97] Foley (1999); Gilbert, K (1994); Pratt (1998); Povinelli (2000).

Tickner's commentaries and policy statements indicate the importance he assigned to the role of federal government in providing the central structural focus of the policy and also social leadership for the nation as a whole. He asserted that "if we got the unanimous support of parliament for the [policy objectives], that in itself would send a powerful message to the nation of the importance of reconciliation" (Tickner, 2001:30). He saw the agenda of Indigenous rights as a set of policy objectives to be driven by national government leadership and authority; and he underscored its importance with reference to the upcoming centennial of Federation[98]. He describes his "central role" as being:

> to set up a political agenda and framework for change that would elevate the aspirations of indigenous people to a central place in the national consciousness and debate in the lead-up to the centenary of Australian nationhood in 2001 (Tickner, 2001:28).

Preparations for the reconciliation policy began when Tickner became ministerial head of the DAA in April 1990. He distributed a discussion paper throughout the country, outlining the federal government's three policy objectives (Tickner, 2001:35) and it proposed legislation for the CAR, which would be authorised to carry them out. The first objective, to educate the non-Indigenous population about Indigenous issues, was included in the DAA's contribution to the speech given by the Governor General, Sir William Deane for the opening of Parliament in May 1990:

> The Government is committed to playing an educative and leadership role in bringing about a deeper understanding on the part of non-Aboriginal Australians of the culture, past dispossession and continuing disadvantage suffered by Aboriginal and Torres Strait Islander people (quoted in Tickner, 2001:30).

The second objective, "to put on the nation's public policy agenda the issue of some formal document or agreement as one of the outcomes of the reconciliation process" (Tickner, 2001:29), was also part of the Governor General's speech:

> The Government also remains committed to… a genuine reconciliation with Australia's indigenous people. In particular, it will be seeking wide community support and bipartisan political endorsement of an instrument of reconciliation, variously referred to as a treaty or compact, between Aboriginal

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[98] The separate Australian colonies were federated into a single nation state in 1901.

and Torres Strait Islander Australians and the wider community (quoted in Tickner, 2001:30).

The third policy objective reiterated the role held for federal government in achieving this and other rights. The reconciliation policy would, suggested Tickner, be "the driving force for the nation to address Indigenous aspirations, human rights and social justice" (Tickner, 2001:29).

An obvious parallel with the Hawke model was the multi-sector composition of the CAR, which assigned an in-house equality to various conflicting interests within a national government organisation whose purpose was to negotiate a unified platform of objectives. There had been an alternative model of 100% Indigenous direction[99] and Tickner recalls that "a council of indigenous people to guide the reconciliation process nationally was being explored" (Tickner, 2001:34). However, the corporatist concept of reconciliation among opposing interests demanded a different approach. Indigenous rights advocate Stephen Hawke[100] (the Prime Minister's son) argued for "a national council of both indigenous and non-indigenous people who would work together to advance reconciliation", which, records Tickner "confirmed [his own] developing view" (Tickner, 2001:34). The CAR was to have twelve non-Indigenous members and thirteen Indigenous members, the latter to include the chairperson. Automatic membership would go to the ATSIC chair; and there would be leaders from the church, trade unions, ethnic and other community sectors; also from other major political parties and business sectors, including the mining and pastoral industries. Members would be appointed by the government in consultation with "indigenous people", and the leaders of the Opposition and the Australian Democrats[101] (Tickner, 2001:35).

The scope of negotiations leading up to the legislation also reflected the Hawke corporatist 'national reconciliation' prototype, which centred on the integration of existing opposing interests. The development of a new conception of political equality, and of accountability to Indigenous community processes and structures was not part

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[99] This could have been the Australian Recognition Commission proposed by Professor James Crawford and Fr Frank Brennan in 1988, aimed at producing a Charter for Aboriginal Recognition, to be presented to Parliament in 1999. It was planned to receive complaints for breach of the Charter, report to Parliament and make recommendations to it (Nettheim, 2005:12-13).

[100] Who had advocated for the Noonkanbah community in their 1979-80 conflict with mining interests.

[101] Then considered as the third major party in national politics.

of this model. The Indigenous interests included in negotiations were pre-existing interests, which could claim a basis in community representation within legislatively defined limits. These consisted primarily of northern Australian land councils and ATSIC commissioners (Tickner, 2001:34-8). The non-Indigenous interests groups invited by PM Hawke and Tickner were broader based, with considerably stronger power bases. Hawke wrote to Hewson, the federal opposition leader, the Australian Democrats and the state premiers, as well as all opposition and other political leaders in each state and territory. The letter clarified that the federal government "was not wedded to the word 'treaty'" (Tickner, 2001:30). Tickner also made strenuous efforts to gain support from the Coalition parliamentary opposition, including former ministers for Aboriginal Affairs. And he engaged with other non-Indigenous interests, including churches, the National Farmers' Federation, the Confederation of Australian Industry and the mining industry (Tickner, 2001:30-36).

Given the continuing status quo structure of political relations, there was considerable scepticism in Indigenous community discourse[102]. Tickner recognised that "the concept of a reconciliation process had no substantial base of support… among Aboriginal and Torres Strait Islander people" (Tickner, 2001:28) and concluded that it would be "in the indigenous community that the political challenge [to establish the reconciliation policy] was greatest" (Tickner, 2001:34). This challenge would not involve engagement with the diversity and volatility of Indigenous views. While Tickner was determined that cross-party support would "not to be at the expense of principle …it had to be achieved on indigenous terms" (Tickner, 2001:29), he rendered Indigenous interests in terms of compliance with principles that were framed within policy parameters, and in terms of pre-existing Indigenous interests. So when he "did everything in [his] power to canvass the widest range of indigenous opinion" it was through "elected representatives" (Tickner, 2001:36). There were negotiations with the ATSIC Board of Commissioners, who were assured that although the Coalition opposition precluded the word 'treaty', the more substantive issues of the terms and parties to such an agreement would be on the agenda (Tickner, 2001:38). A meeting with the Central Land Council (in the NT) found unanimous support for the proposal (Tickner, 2001:37), but another with the

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[102] For example, *Aboriginal Law Bulletin* (1993) presents an editorial critical of the foundations of the policy. In Chapters 6 & 7 of this study participants present a comprehensive body of critical commentary.

Federation of Land Councils in the Northern Territory was "a potential turning point" (Tickner, 2001:34). There, he put the plan to "the most extraordinarily diverse group of indigenous opinion leaders from around Australia, ranging from Galarrwuy Yunupingu, chair of the Northern Land Council, to Michael Mansell[103] from Tasmania". The response was inconclusive—they "liked what had been said but wanted to reserve judgement" (Tickner, 2001:34). Nevertheless, Tickner's overall assessment was that the discussion paper was, with "limited exceptions … endorsed by both indigenous and non-indigenous people as the basis for the reconciliation process" (Tickner, 2001:35).

By May 1991, when the findings of the Royal Commission into Aboriginal Deaths in Custody (RCADC), chaired by Patrick Dodson[104], were presented to Federal Parliament, the idea of a reconciliation policy had built momentum and became one of the 339 recommendations. It stated the need for "reconciliation between Aboriginal and non-Aboriginal communities" to overcome longstanding injustice against Indigenous peoples (Keeffe, 2003:298). The Council for Aboriginal Reconciliation Act was proclaimed in September 1991 with unanimous support in the Parliament (Keeffe, 2003:291). The CAR was to be a statutory federal government body under the Office of Indigenous Affairs in the Department of the Prime Minister and Cabinet, from which it would derive secretariat. Its sunset clause set a wind-up time for December 2000.

Participation in the CAR

As will be discussed in Chapters 7 & 8, there are always strong *realpolitik* reasons for the involvement of prominent Indigenous and non-Indigenous proponents of Indigenous rights in federal government policies that provide an opportunity to achieve change. In a 2005 radio interview[105] Burney, who was appointed to the CAR in 1995, recalled the community debates about the policy's disengagement from community processes and her "deep misgivings" about involvement with it. But making a candid assessment of the dilemma of an Indigenous figure who inevitably faced such *realpolitik* strategy options, she decided it was "better to be in it than not".

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[103] Mansell was the above-mentioned past chair of the APG and was considered a radical.
[104] Dodson had worked with the Kimberley Land Council (WA), the Central Land Council (NT) and the Aboriginal Development Commission (CAR, 2000:181).
[105] "Late Night Live", ABC Radio National, November 05.

Certainly the emphasis of the Hawke Government (and the Keating Government from 1991 to 1996) on national leadership in non-Indigenous education, and on pursuing the objectives of social justice, suggested the opportunity to bring social and institutional change, and to address the foundations of racism. And many first term appointments believed that in establishing a platform of national leadership, the CAR would be able to strategise for a treaty and provide new a framework for social justice advances. While the CAR was precluded from canvassing the idea of treaty explicitly, it was the first body to be legislated by a federal government whose Prime Minister had countenanced the idea. The reference in the legislation to "a document or documents of reconciliation" (CAR, 2000) indicated that the possibility was not precluded.

Tickner recalls his own expectations (2001:29) and his undertaking to Indigenous interests on these matters was reflected in his appointment of several prominent Indigenous advocates for treaty making. Pre-eminent among these was the widely esteemed first chairperson of the CAR, Patrick Dodson. Dodson had his own misgivings about becoming "involved at the national level again" after the RCADC task, when his heartfelt wish was to spend "more time in working from within the Aboriginal culture rather than trying to work from without it in the interface with non-Aboriginal Australia" (Keeffe, 2003:306). And he understood the basis of Indigenous community concern about the policy. In an interview with his biographer, he recalls that,

> Reconciliation was a complicated word. It was seen by some people as threatening. They saw it as a jib for the breaking of the treaty promise. It was also seen as another form of assimilation. It was seen as only to do with Aboriginal people becoming more socially acceptable and very little to do with change in the non-Aboriginal world. And certainly it was not seen as having to deal with systematic change (O'Keefe, 2003:310).

Nevertheless Dodson was optimistic, believing that the policy could be managed as an opportunity to bring "structural… systematic [change] that would shift the nature of Aboriginal peoples' lives or position within the country" (Keeffe, 2003:306). Members of Dodson's community shared his assessment. When he approached the community about Tickner's offer of appointment, his Kimberley Land Council colleague Peter Yu suggested that it would be "an opportunity … to advance the elusive 'treaty', promised by … Hawke" (Keeffe, 2003:293). And Dodson

reasoned that "participation in the opportunity of a process of reconciliation… may well be a useful way of removing some of the fear and hostility that clouds both Aboriginal and non-Aboriginal societies" (Dodson, P, 1997a:730). Following the Howard Government's failure to re-appoint him as CAR chairperson in 1997, Dodson made several public statements on the matter. He proposed a treaty or legislated framework that would underpin Indigenous self-government and address a number of other core issues: constitutional reform, political representation; reparations and compensation; regional agreements; cultural and intellectual property; recognition of customary law and economic development (Dodson, P, 1999; 2000).

Other Indigenous CAR members made similar proposals following the CAR's wind-up. Langton called for a "new deal" for Indigenous people, centring on systematic and substantial investment in service delivery and economic development for Aboriginal communities (Langton, 2001). Elsewhere, Langton (2002) supported Dodson's proposal for a framework agreement, underpinned by legislation and constitutional entrenchment. Huggins, (who continued as a co-chair of Reconciliation Australia (RA), the post-2000 private foundation established by the CAR) also calls for a treaty or agreement (Huggins, 2001). More recently Burney (2006)[106] prioritises the crucial role of local community processes in informing policy frameworks, processes and outcomes, and for empowering communities; and calls for federal government support for community driven "local solutions".

Another reason for optimism among Indigenous CAR members was that the Liberal opposition members who had agreed to the establishment of the CAR had been involved in advancing Indigenous rights. For example, Viner, as the Liberal Minister for Aboriginal Affairs in 1976, had introduced the Aboriginal Land Rights (NT) Bill into Parliament. So when the Howard Government's 1999 Reeves Report proposed far reaching changes to land rights legislation, Viner strongly criticised it for its "social engineering" underpinnings and its proposals for centralised federal control of land rights structures (Viner, 1999:187-8). And Chaney had been a foundation member of the Aboriginal Legal Service of WA in 1972[107]. Then as the Liberal Minister for Aboriginal Affairs (1978-80) he established the Aboriginal Development Commission

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[106] Broadcast on "Awaye", Radio National, September 06.
[107] Murdoch University Records Management & Archives "The Chancellors of Murdoch University, 1974-Current (9/3/07:3/5).

(Tickner, 2001:19). Although cautious about what he saw as the "two nations" connotation of the word 'treaty' in 1979, this was not indicative of a rejection of the principle of Indigenous authority in Indigenous affairs. He was appointed to the National Native Title Tribunal in 1994 by the Keating Labor Government (1992-96) and has served as its Deputy President since 2000[108]. More recently as Co-Chair of RA, Chaney has actively promoted discussions on treaty and other Indigenous human rights issues (Chaney, 2002). In considering the prospects for a treaty capable of delivering social justice and civil rights, he emphasises the fundamental importance of pragmatic matters over theoretical inquiries into treaty models. In particular, says Chaney, the capacity of such arrangements to address crucial issues such as Indigenous health will be determined by the fabric of process and structure that are built into them. Accordingly he has advocated that the foundation for any treaty arrangements should be "an appropriately representative Aboriginal political structure" (Chaney, 2004).

5.3.3: CAR Consultations with Indigenous communities and the wider public

In keeping with its founding ideology, the CAR engaged with a wide range of major sectors. Some engagements were aimed at achieving agreements between Indigenous communities and industry interests, or eliciting formal commitments to the principle of reconciliation. These came from state government departments, and local governments; NGOs; mining, business and industry; faith groups; women's' groups; ethnic communities; media and the entertainment industry (CAR, 2000:36-50). These will not be explored in this thesis, which centres on the terms of engagements between the CAR and Indigenous communities, as reflected in its consultative programs. These advanced Tickner's original strategy for the policy, that it "had to include a consultation and reporting process on the desirability" of a document or documents of reconciliation (Tickner, 2000:29). This section will trace these programs, including what the CAR described as its "three major rounds of public consultation"—the 1994 meetings with Indigenous communities, the 1997 Melbourne convention and the 1999-

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[108] Murdoch University Records Management & Archives "The Chancellors of Murdoch University 1974-Current (9/3/07:2/5).

2000 consultations on the content of the documents of reconciliation. The latter two were open to non-Indigenous individuals and organisations.

Preparations

Preparations for these consultations followed the 1992 Mabo decision, which introduced a new landscape of opportunities, having eclipsed the old legal doctrine of *terra nullius*, which assumed legal priority for non-Indigenous claims to land. The CAR produced a paper outlining the new implications for land rights and native title, and also its intended timetable for a three-stage consultation program with the Australian community. "Phase 1:Sharing Information" and "Phase 2: Seeking Community Views", were planned for 1993 to 1994, to culminate in a national convention in June 1994, to be followed by the Council's review in the second half of 1994, on whether "a document or documents would benefit the Australian community as a whole" (CAR, 1993a:14-5). This program was followed, although each stage was delayed and the review stage came in 1999-2000.

As part of this program the CAR produced a paper (CAR, 1993b) on the major social justice issues, intended to stimulate discussions with Indigenous communities and promote awareness among non-Indigenous communities. Eight broad areas were identified, from understanding the importance of country to addressing disadvantage and advancing Indigenous control over destines (CAR, 1993b:iii). Under "Key Issue 7: Agreeing on a Document: Will the Process of Reconciliation be Advanced by a Document or Documents of Reconciliation?" the CAR recorded its obligation "to seek community views on whether [this] would benefit the Australian community as a whole" and outlined the different possibilities for an agreement or treaty (CAR, 1993b:47,50-54). Although it proposed that an agreement could involve "Aboriginal and Torres Strait community councils" and "indigenous peoples' organisations" (CAR, 1993b:51) the suggested options, such as "the negotiation of new inter-governmental agreements", did not evolve from bottom-up community authority. And despite the fact that this paper noted the Eva Valley meeting (CAR, 1993b:50) it did not take up its procedural resolutions on representational methodologies for organisations.

With the truncated exception of Eva Valley, the CAR pursued the Hawke corporatist model of reconciliation, of attempting to incorporate pre-existing interests in a policy process dictated by national scale politics.

Eva Valley, August 1993

The early 1990s were relatively optimistic times. In 1992 Labor Prime Minister Keating made the famous "Redfern Speech" (Appendix 14). This was the first time that an Australian federal government acknowledged the depth and nature of trauma inflicted on Indigenous societies by state and federal governments and mainstream society. The CAR's most promising initiative for Indigenous community representation was in the following year when it called a meeting at Manyallaluk (or Eva Valley) on Jawoyn land near Katherine (NT). It became known as "Eva Valley" for its product the "Eva Valley Statement" (Appendix 15). Coombs visited the meeting (Rowse, 2000:205) and noted that ATSIC was co-convenor with the CAR, and that they hosted 400 delegates from "Aboriginal organisations across the country" (Coombs, 1994:214). The meeting was called "to see if it was possible to adopt a common Aboriginal position on native title" (CAR, 2000:27). The Keating Government planned legislation to give force to the Mabo decision and the CAR's purpose for the Eva Valley process was to produce a "statement of claims" for negotiating the legislation (CAR, 2000:27). The ensuing statement prompted Coombs to suggest that Eva Valley could have been "the birthplace of a national Aboriginal political movement" (1994:214). He believed that the meeting had been "crucial in asserting Aboriginal rights to participate in decision making [and that it] placed onto the political agenda the fact that their rights were absolutely central to future legislative proposals" (Coombs, 1994:215-6). And he praised the procedural politics called for, in which authority was to be drawn from the local level to a series of regional meetings open to any Aboriginal-controlled organisation. Meetings between delegates and communities and then between delegates were to do a number of rounds, to ensure accountability to community diversity. Coombs believed that this model, with its flexibility and devolved power structure, had potential for integrating and giving voice to the interests of urban and non-urban Indigenous communities, and for advancing genuine self-determination, provided the local and regional structural relationships could be sustained (Coombs, 1994:227-8; Rowse, 2000:205).

However, the government timetable was not responsive to this iterative model of community accountability. When the government's legislation outline was released the month after Eva Valley in September 1993, a Canberra meeting of seven hundred Indigenous people condemned its failure to respond to Eva Valley demands. Despite disagreement around the futility of further negotiations, a negotiating team was formed which became known as the 'A-team'. It consisted of ATSIC, the Northern and Central Land Councils, the Cape York, Kimberley and New South Wales Land Councils, the Victorian Aboriginal Legal Service, the South Australian Legal Rights Movement and the Tasmanian Aboriginal Centre (Rowse, 2000:206). The 'A' team represented Indigenous interests in all subsequent negotiations with the Keating Government up to the passing of the Native Title Bill in December 1993. Protesting the conditions accepted by the 'A-team' for the design of this legislation, another group emerged, known as the 'B-team', called the Aboriginal Alliance. It included the APG, headed by Michael Mansell and the NSW Aboriginal Land Council, headed by Aden Ridgeway[109] (Tickner, 2000:209). The 'B-team' continued to push for stronger rights in land, including mineral rights and a right of absolute veto on non-Indigenous activities for groups holding native title rights to land (Tickner, 2001:209).

Many believed the political aspirations developed through the Eva Valley process were not met by the A-team, whose work, writes Rowse, "did not flourish through any implementation of the procedural recommendations made at Eva Valley" (Rowse, 2000:207). Certainly the timetable imposed by the Keating Government could not accommodate these procedural politics. The assessment of A-team member Mick Dodson was that while negotiators tried to respect Eva Valley principles, the timetable imposed inevitable compromises, resulting in a shift of power (Rowse, 2000:206). Writing within twelve months of the meeting, Coombs revised his assessment that Eva Valley, with its careful procedural initiatives, might have been the beginning of a national organisation of local and regional Indigenous polities. He noted that "The widely based meetings of delegates proposed at Eva Valley have not been held and the limited gatherings since then have revealed significant divisions", which he believed was due partly to lack of institutional support for the procedural specifications (1994:227-8). In a similar vein to Chaney's point (2004) concerning the necessity to

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[109] An identified Class 2 participant in this study.

negotiate pragmatic methodological matters, Coombs concluded that in preparation for any settlement of political relations between Indigenous peoples and Australian federal governments "Serious consideration should be given to establishing clear procedures by which such a settlement could be initiated and negotiated" (Coombs, 1994:227).

While Coombs had much to say on the importance of the Eva Valley statement (1994:213-6,227-8), he made no mention of the CAR's role beyond the fact that it called the meeting and co-convened it with ATSIC. Rowse's account (2000:205-8) makes the same limited mention of the CAR. The CAR's closing report describes its role as having "facilitated" the meeting and merely notes that it produced a "statement of claims" (CAR, 2000:27). It does not mention the subsequent contested processes. Given these descriptions it seems that the CAR's role was somewhat truncated. Perhaps this is indicative of the fact that while the CAR was prepared to encourage the ideal of community representation, it did not possess the procedural capacity or structural power to press upon the federal government the need to give institutional space and financial support for the participatory procedural demands as well as the substantive demands produced by the meeting. The CAR could not give support to a methodology that was accountable to a national polity of Indigenous communities in representing Indigenous interests to federal governments. Certainly such arrangements had not been envisaged in the CAR's January 1993 report (CAR, 1993a) on the question of how to proceed in securing the implications of the Mabo decision. Instead, that question was framed in terms of three "major tracks"—"further court actions", "government action" and "agreements" (CAR, 1993a:10-11). And it was resolved as a question about what kind of agreement, document of reconciliation or treaty might be achieved and the legal arrangement it might entail (CAR, 1993a:12-13). In the three-stage consultation program planned to accomplish this, arrangements for Indigenous participation consisted of the CAR's meetings with "ATSIC Regional Councils", "Aboriginal and Torres Strait Islander leaders" and "key organisations" (CAR, 1993a:15).

With Eva Valley the CAR had attempted to introduce representative processes. And the delegates responded by producing a plan for a new participatory methodology of devolving power to communities. Eva Valley began to develop into a robust, procedural scaling up exercise, by which local and regional bases of Indigenous

community authority could be institutionalised and delivered to the national level of government. But given the structural restraints the CAR faced—on the one hand, the absence of any status in customary law or accountability to existing Indigenous community structures; and on the other, a lack of authority with government—it lacked the capacity to respond to and help drive those processes.

Consultations, 1994 – 1996

Given its structural constraints, subsequent CAR consultations reverted back to the Hawke corporatist reconciliation model of consulting with pre-existing interests which, being established and influential, required recognition and incorporation. This did not require accommodation of formations of Indigenous community authority that were nascent, dynamic and open-ended, because they did not correspond to established, recognised power formations. These ideological foundations and structural constraints restrained the CAR's capacity to represent Indigenous communities and their attempts to work within this restricted framework were further truncated by government impositions.

The 1994 consultations, also undertaken in conjunction with ATSIC (CAR, 2000:27), formed the basis for the developing documents of reconciliation (CAR, 2000:27). There were thirty-five meetings; two rounds with seventeen ATSIC zones (CAR, 2000:27; CAR and ASTIC, 1995:101), far less than the several hundred Indigenous communities and organisations around the nation. Nevertheless, they raised a wide range of matters, including calls for a social justice package of structural change and self-determination; rights to land, waters and resources; economic development; infrastructure and service delivery, and equality of access; reform of Commonwealth/state financial relations; customary law and changes to the judicial system. There was also a strong demand for self-government procedures and for all levels of government to recognise and respond to those processes. The resulting report made recommendations on all these issues (CAR & ATISC, 1995:39-40).

However, consultations were hastened under federal government imposition, and the CAR and ATSIC joined with communities in their strong criticism. The CAR's report criticised the "parliamentary and electoral timetable", and its imposition of an "inappropriate… time frame for indigenous communities' consultations" (CAR

& ATSIC, 1995:1). Communities had called for more extensive and effectively resourced consultations. Among many similar quotes reflecting the disparity between community process and top-down government impositions was that from NT resident Chris Tomlin, who said, "This thing (Issues Paper) has just been dropped into our laps. We haven't got a right to speak for the old people. We can't because we don't know what our people think" (CAR & ATSIC, 1995:5-6).

With the March, 1996 election of the Howard Liberal-Coalition Federal Government, the CAR was to experience a new environment of government imposed strains. But for a time, the CAR continued its Hawke corporatist strategy of agreement making between established interests. In 1996 it proposed a summit between the new government and stakeholders, aimed at improving procedures under the Native Title Act "while preserving the essential features of native title rights" (CAR, 2000:43). A series of meetings between Indigenous communities and industry stakeholder groups was convened by the CAR to identify common ground and make proposals to federal government. A June round-table meeting produced in-principle agreement and was followed by meetings of the parties with their own constituencies. However the parties were unable to reach agreement on structural issues such as the role of native title representative bodies and the right to negotiate. What remained was a broad consensus that agreements on native title could be made on a voluntary basis and would be given statutory and legal effect under the Act (CAR, 2000:43).

Consultations 1997 to 2000

The CAR now encountered a Howard Coalition Government that was markedly more conservative than its Coalition predecessor, which under Fraser had passed the 1976 NT Land Rights Act. And whereas Tickner contended with strong anti-Aboriginal elements in the Liberal opposition of the early 1990s, there were also "genuine Liberals" like Wooldridge and Nugent (2000:116), with whom he could negotiate. Nugent became a first and second term CAR member, and pre-CAR agreements had also involved Liberal figures like the above-mentioned Chaney and Viner. But the new Prime Minister Howard was trenchantly opposed to the idea of treaty and had asserted that the 1993 Mabo decision was "cultural McCarthyism" (Tickner, 2000:28,137). From 1996 to 2007 the Howard Government instituted

numerous measures detrimental to Indigenous rights, some requiring the suspension of the Racial Discrimination Act, 1975. During the CAR's legislative lifetime, this included the Native Title Amendment Act, 1998, which substantially diminished the Native Title Act 1993. Many commentators have critiqued the radically conservative stand of the Howard Government in regard to Indigenous rights. For example, the United Nations Committee on the Elimination of Racial Discrimination issued a finding on 12th March 1999 that the amendments were inconsistent with the Australian Government's obligations under the Convention for the Elimination of All Forms of Racial Discrimination. It also found that several of the amendments discriminated against Indigenous native title holders (Jonas, 2000).

Under these conditions, the structural incapacities of the reconciliation policy became more apparent. Like its predecessors (the NACC and the NAC) the CAR was answerable to federal government direction but it lacked their (albeit) highly circumscribed institutional capacity to respond to Indigenous community interests. It was at least as vulnerable to federal government intervention and management as they had been. The first public intervention was Howard's failure to reappoint Dodson as CAR chairperson, which "many believe" represented a retreat from a commitment to "the necessary continuity" of Indigenous leadership (Tickner, 2000:44). At the less publicly discernable level, the centralised authority that the policy concentrated in national government provided government with a ready opportunity to shift the policy agenda. Howard shifted the corporatist structuring of policy processes from an agreement making strategy for incorporating established interests, to the suppression of the (albeit top-down structured) Indigenous interests previously recognised under the Hawke/ Keating governments. As will be shown in the next section, several Indigenous individuals (including some CAR members) who came to prominence in those years responded to this in public dissent against the CAR and its inability to withstand the Howard Government's pressure to produce a weak final public statement in the document of reconciliation.

The CAR's second "major round of public consultations" canvassed views from "more than 10,000 Australians" (CAR, 2000:26) who attended the regional meetings leading up to the Melbourne Australian Reconciliation Convention in May 1997. May was also when the Human Rights and Equal Opportunity Commission

inquiry into the Children Who Were Taken Away, headed by Sir Ronald Wilson, made its Bringing Them Home report public. The report "shocked most non-indigenous Australians" (Tickner, 2000:55). It found that the forcible removal of children by state governments and other organisations well into the 1970s was a violation of their human rights, an act of discrimination and of genocide under the UN Genocide Convention ratified by Australia in 1949. Among its recommendations was a federal government apology to Indigenous people, which became a focal point for the May 1997 convention and wider public debate. However, in Howard's speech to the convention he stridently defended both his refusal to make a government apology and his "ten-point plan", (which led to the Native Title Amendment Act, 1998). In the subsequent national response to Howard, thousands of 'Sorry Books'[110] were signed Australia-wide. And while the CAR had encouraged the establishment of Local Reconciliation Groups (LRGs) from its first term through its Study Circle modules, developed with the Association of Adult and Community Education (CAR, 2000:61), many more were formed nation-wide from 1997. These voluntary, unfunded organisations extended the CAR's education process, hosting anti-racism and cultural awareness programs, lobbying the federal government on social justice issues and forming partnerships with business, NGO and other organisations. As an outcome of LRG lobbying, numerous local councils have the Aboriginal flag flying permanently.

The LRGs became the focus of the CAR's 1999-2000 "major round of public consultations". This was the final and most extensive program, intended to canvass nation-wide Indigenous and non-Indigenous community views on the content of the final documents, to be presented to the Federal Government in May 2000. The LRGs were co-ordinated by the Australians For Reconciliation (AFR) network. This network arose with the CAR's preparations to extend its consultations beyond Indigenous communities, and reflected its corporatist approach of incorporating different interest groups into a framework of agreement. In its initial Indigenous community consultations, the CAR was assisted by ATSIC and the Community Consultation Agents (CCAs), contracted in 1993 from thirteen Indigenous organisations within ATSIC zones (CAR, 2000:28). Then in 1995 the CCAs were merged into the new

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[110] The 'sorry book' movement was started by Dr Helen McCue of the Wingecarribe Local Reconciliation Group in the NSW southern highlands, in association with Barbara Nicholson. The first book was presented to Patrick Dodson in 1997 (pers. com. Helen McCue and Barbara Nicholson, both interviewed for this study).

AFR structure of teams[111]. Each had Indigenous and non-Indigenous consultants, meant to reflect the ethos of reconciliation between black and white (CAR, 2000:63). The AFRs were the main communication line from the CAR and the State Reconciliation Councils (SRCs) to the LRGs.

This corporatist reconciliation ideology had serious implications for Indigenous freedom of expression. There was no support for self-authorised Indigenous organisations with a capacity to deliver community guidance for the CAR on policy and procedure. Instead, institutional effort was dedicated to LRGs. Open to all comers, they generally had predominantly or entirely non-Indigenous membership[112], which was partly a function of the CAR's original targeting with the Learning Circle modules. The CAR and the SRCs were the only bodies with significant Indigenous membership, and all members were appointed by state and federal governments.

This undermining of Indigenous community authority was most evident with the final public 1999-2000 consultative program, in which corporatist ideology merged with assimilatory practice. Notwithstanding the ineffectiveness of the 1994 program—with its consultation communities constructed from the numerically impoverished ATSIC zones and its federal government imposed timetabling, which precluded the exercise of community processes—it nevertheless allowed the groups an opportunity to respond from an Indigenous community viewpoint to matters before them, and to express a dissenting position. However, in the final consultations there was no provision for separate Indigenous community evaluation; all meetings were conducted publicly (except in remote locations) and hence dominated by non-Indigenous participants. As Chapter 7 will show, this was widely assessed by Indigenous community members as foreclosing their right to give community input into decisions with potentially significant implications for Indigenous lives, while favouring non-Indigenous involvement in matters that had no impact for non-Indigenous lives. Indeed, these consultations became a vehicle for managing and suppressing Indigenous dissent[113]. As Chapter 6 will show, this dissent centred on the fundamental issues of the ideological foundations of the reconciliation policy and its undermining

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[111] One for each state and territory with a separate one for Central Australia (CAR, 2000:63).
[112] There are no statistics for Indigenous membership. In my two-year experience as a delegate to numerous Sydney regional meetings and the 1999 NSW state conference, a minority of NSW LRGs had Indigenous membership, and then just one or two. This was a subject of concern among LRG members. See Chapters 6 & 7 on the reasons for Indigenous community disengagement from these processes.
[113] The scaled mechanisms for these processes are explored in Chapters 7 & 8.

of community authority; and also what was widely regarded as the CAR's capitulation to federal government pressure against a treaty process and other rights.

There was also a general question of transparency as well as accountability. Meetings were asked for feedback on a pre-determined set of documents and evidence in Chapters 7 & 8 suggests that these predominantly non-Indigenous meetings voted strongly for strengthening references to Indigenous rights and including a call for a treaty. But since the voting results were not released publicly or to the LRGs, the CAR could not be held accountable to them.

5.3.4: Indigenous protest 1999-2000

Chapters 6 & 7 show that widespread disengagement from the policy was a part of Indigenous local and discursive community dissent against it, which might partly explain the decline of organised Indigenous community dissent after Eva Valley[114]. However, with the conclusion of public consultations and finalisation of the reconciliation documents drawing near—and no sign that the CAR would make any substantial demands of the federal government—this role was filled by sixty prominent Indigenous intellectuals (including some CAR members), who had occupied national leadership roles in Indigenous affairs under various federal governments. In September they met as the Indigenous Summit, convened by ATSIC in Canberra to discuss the widespread Indigenous community concerns about the CAR's policy process. The demands in its "Statement of Indigenous Rights" were considerably stronger than those in preparation by the CAR. It called for self-determination with "a right to negotiate our political status" (Nettheim, 2005:36); and for a community driven model of self-government, in which Indigenous peoples could determine the "structures and membership of our self-governing institutions" (Nettheim, 2005:38). Their concerns were expressed publicly at a press conference[115]

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[114] It must be noted that there were a series of uncoordinated actions by different groups at the May 2000 Sydney Harbour Bridge walk. One was organised by a coalition of groups, including social justice groups and the Metropolitan Local Aboriginal Land Council. Another was organised by an unaligned group, in association with individual LRG members, on the north of the harbour—see Chapter 7 for an account by Pattison, one of the organisers.

[115] The press conference was transcribed by Media Monitors. The transcription was sent to LRGs by the AFR. In a phone on conversation on 28/9/07 Steve Ford, the Copyright Manager of Media Monitors gave permission for the use of his name and this material in the thesis, under the condition of usage for personal research. His advice was that commentary at a press conference does not confer copyright for the participants, those who purchased

following the meeting. Past chairperson Dodson was not recorded as a participant and the press conference was convened by CAR members Lowitja O'Donoghue and Gatjil Djerrkura (who had been Howard's appointment as ATSIC chair before the position became an elected one). Dr Evelyn Scott, Howard's 1997 appointment as CAR chair was not a participant, but was present at the press conference as an invited guest.

The concerns expressed at the press conference were at two levels. Within the paradigm of reconciliation as a given policy process, Summit participants were troubled that, despite strong non-Indigenous as well as Indigenous support for separate Indigenous rights, the reconciliation documents being prepared instead reflected pressure from the Howard Government and an unworkable timetable. In the Media Monitors documentation of the press conference, Gatjil Djerrkura reported "considerable consensus" around the need to strengthen the issues of self-determination, rights, regional autonomy and native title (Media Monitors:1) and O'Donoghue noted that these demands were not represented in the document (O'Donoghue in Media Monitors:13). O'Donoghue doubted that the CAR could produce "a document, treaty or agreement … [that would reflect] the views … expressed out there"—given that the process was "being moved along for the wrong reasons … for the [2000] Olympic Games [and the Federation celebrations in] the year 2001" (Media Monitors:5). The Summit participants called for an Act of Parliament to enshrine the rights called for in Indigenous and non-Indigenous communities, so that the document would not be "just a piece of paper" (Djerrkura in Media Monitors:4,10,12). In her invited reply, Dr Scott acknowledged the strength of opinion throughout the consultative meetings. She said, "what we're getting out there in the community, is that [the document] needs to be strengthened on the indigenous rights" (Media Monitors:11).

At a more fundamental level, participants questioned the foundations of the reconciliation process. O'Donoghue referred to the lack of consultation in Indigenous communities, saying, "we have to consult [the people] who are in remote areas, in rural areas and cities … it's difficult to reach all those people, and they need to be able to express a view about reconciliation" (in Media Monitors:8). And, locating the "people's movement" with "non-Indigenous people who are very keen on the process

the transcript (the CAR), or Media Monitors, because of the implied license to journalists in a press conference situation. This is different to a speech, when the author can assert copyright over a literary work.

of reconciliation", O'Donoghue questioned "whether the momentum [was] there with Aboriginal and Torres Strait Islander people". "Indigenous people", said O'Donoghue, did not "want to be brought kicking and screaming [to an agreement] because a non-Aboriginal community are ready" (in Media Monitors:16-17).

In a later, independent pronouncement, previous CAR chairperson Dodson located the shortcomings of the reconciliation process with the pressure placed on the CAR by a hostile federal government that rejected calls for specific rights, self-determination and an apology to the Stolen Generations in favour of the restrictions and trade-offs of "practical reconciliation". And he doubted the CAR's undertakings regarding its obligations "set out in sections 6g and h of its Act" to set up an agreement process (Dodson, P, 2000). Dodson made public his intention not to join the dozens of politicians, church leaders and other high-profile figures in the May 2000 Sydney Bridge walk (SMH, 3/5/00:1&6). His reasoning—published when Howard Government was preparing for its highly damaging Native Title Amendment Act— was that if the government had no intention of honouring the intentions of the bipartisan supported 1991 reconciliation legislation, then its clear responsibility was to rescind it and not to transfer the blame for failure to Indigenous people. The government should "wear the blood and the blame… Indigenous leaders should not have to do that" (Dodson, P, 1997b:148).

5.3.5: Final Documents of Reconciliation

The final 'National Reconciliation Documents' were presented to the Howard Government by the CAR in an official national ceremony called 'Corroboree' at the Sydney Opera House in May 2000. This was accompanied by a series of official and semi-official events. 'Bridge walks' across real and metaphorical bridges were organised by the CAR for each capital city and there were numerous community organised rural 'bridge walks'. The Sydney Harbour Bridge walk, a massive organisational effort involving numerous state and federal government and non-government bodies, was highly successful, estimated at a quarter to a half million people.

As the Indigenous Summit participants predicted, the May documents made no reference to separate rights. There was a reference in the 'Declaration', that Indigenous peoples had "the right to self-determination within the life of the nation" (Appendix 1), which rhetorically fixed political relations into existing conditions. And the reference to "the status and unique identities of Aboriginal and Torres Strait Islander peoples as the first peoples of Australia" (Appendix 1) did the same, merely noting the different status, without drawing further considerations. Also lacking, as predicted by Dodson, was a reference to an agreement or treaty making process. In the May capital city walks a high level of support for a treaty process was expressed, with Australians for Native Title and Reconciliation (ANTaR)[116] treaty stickers and banners featuring prominently. This reflected significant public support[117]. In the final December 2000 CAR report to Parliament, when there was no longer a government body to advance such a process, the issue was included as "unfinished business". Recommendation 6 called for "the Commonwealth Parliament to enact legislation… to put in place a process which will unite all Australians by way of an agreement, or treaty, through which unresolved issues of reconciliation can be resolved" (Huggins, 2002:2/3). After Corroboree, Patrick Dodson led a delegation to Howard in a final effort to persuade him to come to an agreement with Indigenous peoples to resolve structural inequalities (Langton, 2001). Dodson had first outlined the idea of a 'framework agreement' in his 1999 Lingiari address, which also stated "The sovereign position of Aboriginal peoples has never been ceded" (Dodson, P, 1999).

The more fundamental issue (as it is a prerequisite for any decision-making process) of how to maintain community accountable participatory procedures— attempted at Eva Valley, alluded to at the Indigenous Summit press conference, and fundamental to Coombs' "regional federalism"—also remained unrecognised by the CAR. In 2001 Jackie Huggins (a past CAR member and co-chair of RA) referred to the fact that the issues of participation and consent had not been resolved. She asked, "How do we ensure that Aboriginal and Torres Strait Islander people do not feel that any future framework is a foreign concept imposed upon them?" (Huggins, 2001:9).

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[116] ANTaR were an NGO. Among other programs they conducted a treaty campaign leading up to May 2000.
[117] A June 2000 national A.C Nielson Poll found 46% support for the "notion of a treaty" and 40% opposition (SMH, 3/6/2000:7). A November 2000 national A.C Nielson Poll found support of 53% for the notion of treaty in all age groups except those over 55, which made up 45% of the 34% opposition to the notion of treaty (Australian, 8/11/000).

The issue of treaty was taken up by ATSIC. It called a meeting of prominent Indigenous figures, who met in Melbourne in November 2000. They formed the National Treaty Support Group, consisting of six ATSIC commissioners and four other prominent Indigenous figures (Dodson, M, 2001:1/16). Their strategy was to conduct a series of discussions with Indigenous communities around the idea of a treaty. Mindful of the problem of imposing alien processes on Indigenous communities, and in marked contrast to the corporatist parameters the CAR had to work with, they gave priority to the right of Indigenous peoples to make separate deliberations on the matter. In an address given by Mick Dodson on the possibilities of a treaty process, he stressed that ATSIC was "clear that the decision about who and how a treaty or treaties will be negotiated is one clearly for the Aboriginal and Torres Strait Islander peoples to make" (2001:2/16). That campaign wound up when the Howard Government abolished ATSIC in 2005.

5.4: Conclusion

Formal federal government recognition of, and engagement with Indigenous decision making structures that are generated from self-authorising community based procedure was called for by Coombs from the early 1970s, the 1993 Eva Valley statement and the 1999 Indigenous Summit. The scaling of such bodies to a level of equal negotiation with formal governments is basic to the principle of self determination through self governance. As discussed in Chapter 4, the one example of such a venture—the model initiated by the South Australian government and the ALRM in the early 1990s—has been highly successful according to Calma (2006) in achieving its set objective of a state wide framework for negotiating native title. Such possibilities could not be addressed by the reconciliation policy, or any previous federal government policies or practices. The policy was not initiated by a community process; nor were the consultative programs set up to utilise or facilitate such processes. Its organisational structure, procedures, membership and terms of reference were determined from the start by federal government priorities.

The reconciliation policy continued the basic principles underpinning Indigenous affairs policy since 1972, when the Labor Whitlam Government introduced a series of policies that represented a shift towards a rhetorical acknowledgement of

the importance and appropriateness of self-determination. These established putatively Indigenous, but in reality, federal government authorised bodies, which (until the CAR's establishment) employed a representative model. These situations precisely correspond to Rose's concept of "deep colonization" (1999:182), in which government authorised institutions are characterised as "Indigenous" or "Aboriginal" to facilitate ongoing political control by the nation state. These "Indigenous" institutions function partly as vehicles for controlling Indigenous communities by channelling non-Indigenous authority through them. In this study, the mechanism for this process is government top-down scaling. Federal government construction, authorisation and scaling of these "Indigenous" institutions was part of an ideology of managing Indigenous demands in accordance with government-determined economic and political priorities—imposed by conservative forces within federal governments and oppositions, and by influential business interests.

This management ideology imposed rigid upward financial and political accountability. When the members of these "Indigenous" bodies (who, over time, accumulated some political capital and community accountability) tried to contest the set limits and resolve their community legitimacy dilemma—for example the NACC call for a congress model, and the treaty developments of the NAC and ATSIC—they were defeated by structural obstacles such as funding and timetable restraints, or imposed organisational change. Efforts by successive federal governments to manage Indigenous politics also extended to independent community dissenting actions aimed at representing Indigenous community interests directly to state and federal governments. These were subject to federal government attempts at incorporation or marginalisation; and also forceful confrontation, for example, in the case of the Tent Embassy.

Both these dynamics—the deep colonisation of "Indigenous" institutions, which displace community organisations and mechanisms for decision-making, social control and continuity of leadership; and the suppression of the resulting dissent—are functions of federal government ordering of Indigenous demands and opposition through the top-down scaling of Indigenous politics. Both represent different aspects of the erasure of the scales of operation for Contemporary Indigenous Governances. Throughout, federal governments have established government authorised

"Indigenous" institutions, which forge scaled linkages from national government to (government constructed) community levels. These have utilised a representative model or the CAR's direct consultative model; hence, governments have constructed an appearance of representational or participatory legitimacy, while suppressing Indigenous community autonomy. These institutions are portrayed as encompassing the sum total of legitimate Indigenous opinion, providing governments with a discursive space in which to construct their interaction with Indigenous peoples as being munificent, and the claims of dissenting groups as being outside the boundaries of reasonable dialogue.

While falling within these basic structural parameters of national scaling of Indigenous politics and erasure of community governance, the reconciliation policy represented a radical shift from a representative to a corporatist model. The NACC, the NAC and ATSIC, with their service delivery focus, were quasi-representative bodies—albeit directing rather than facilitating community decision-making processes, with their federal government-determined, over-large electorates that overwhelmed and homogenised diverse community structures and functions. By contrast, the CAR lacked representative structures altogether. The reconciliation policy vested a degree of political authority with appointed Indigenous experts (in education, law and other fields), who were highly experienced and effective rights advocates. But they had only an advisory relationship with the federal government, which was under no statutory obligation to follow CAR recommendations. And the policy had had no provision for the on-going participation of existing and developing Indigenous community associations with gate-keeping control and a capacity to guide policy directions. Indeed, the only local associations supported on an ongoing basis were the overwhelmingly non-Indigenous LRGs. Further, the only participation facilitated for either Indigenous or non-Indigenous communities were the constructed "policy communities"[118] of the CAR's consultative programs, which followed federal government-imposed policy strategies, timetables and procedures rather than Indigenous community priorities.

This new corporatism was in accordance with the new national scale political agenda for which the CAR was established—to deliver a new agreement on

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[118] The term "policy communities" is used in Chapter 7 specifically in relation to the CAR's 1999-2000 consultative program.

Indigenous futures; and potentially on Indigenous political relations with federal governments. It was founded on the principle of incorporating—or "reconciling"—the non-Indigenous as well as Indigenous interests considered relevant to such a national agreement. While this found support among some Indigenous rights interests pursuing a *realpolitik* strategy of attempting to expand a promising federal government approach, it nevertheless operated in the context of an unchanged nation-scaled perspective of Indigenous affairs policy, which has always suppressed Indigenous community polities and constructed Indigenous interests as contingent on, and residual of dominant interests. In this new nation-scale corporatist agenda the strategy was to incorporate within a pre-determined policy framework, existing interests that were identifiable at national and state scales. Hence, it perpetuated the status quo nation-scale profile of interests. The resulting top-down scaled structuring of the policy displaced effective Indigenous community leadership, participation and representation, while privileging the non-Indigenous interests that had substantial representation within the CAR—and within the federal government. So even to the extent that policy processes encompassed a certain range of Indigenous interests identifiable at national and state levels, the new corporatist reconciliation model was not set up to change the status quo of power distribution and scaling of power relations. The profoundly political role of negotiating Indigenous futures was not to rest with Indigenous polities, whether government- or self-authorised. Rather, it resided with an un-elected "Indigenous" institution that encompassed diverse non-Indigenous interests, and had little authority with Indigenous communities and limited influence with federal governments.

With absolute federal government discretion and no structural legitimacy within Indigenous communities, the CAR had little capacity to initiate and maintain a process for settling the fundamental, long-term issues that maintained Indigenous disadvantage and political inequality. This top-heavy structural weakness meant that from its establishment and fostering with the Hawke/ Keating Labor Governments, the CAR would always be vulnerable to the extreme kinds of intervention and undermining that characterised the CAR's third term under the Howard Government.

Under these conditions dissent among local and discursive Indigenous communities was robust and widespread, albeit not systematically organised. As

explained above, federal government scaled ordering of Indigenous politics involves two broad dynamics—the top-down "Indigenous" institutions that delivered government authority into communities, and the suppression of resulting community dissent. The next three chapters will explore these dynamics empirically as they played out through reconciliation policy consultation processes. Chapter 6 explores Indigenous community anti-policy critiques. Chapter 7 explores the mechanisms of suppression, which were facilitated by scaled structures and processes. And Chapter 8 explores the responses of policy agents to community dissent, as a function of the centralist, national scale perspectives imposed with the top-down scaling of reconciliation policy processes. These explorations will centre on the 1999-2000 consultative program, which was aimed at settling the content of the documents of reconciliation.

6) CONTEMPORARY INDIGENOUS GOVERNANCES

6.1: Introduction

This chapter presents some Indigenous community voices of dissent in the reconciliation process. Section 6.2 presents their assessments of the policy. They argue that it was set up from the beginning to advance government perspectives and priorities, that it was not responsive to community concerns and aspirations. Rather, they argue, community processes and structures were excluded from input into policy formation and assessment. Section 6.3 presents the broad, profound and diverse bases of community authority and experience from which these interviewees are able to make these assessments. These are the community processes, structures and knowledges that constitute the Contemporary Indigenous Governances, whose erasure from policy processes has, as discussed in the previous chapter, been a crucial structural component of successive top-down scaled federal government policy processes.

6. 2: Discourses – assessments of the concept, ideology and performance of the policy of reconciliation

The critiques of Class 1 interviewees fell into two main related categories:

(1) The notion of reconciliation as a policy was seen as alien with respect to Indigenous community processes, and inappropriate in the context of Australian history and contemporary political conditions;

(2) This resulted in a policy framework and CAR charter that was narrow and poorly conceptualised, resulting in poor outcomes. These critiques are framed primarily in terms of the policy objectives of the Hawke Government, as stated at the outset of the reconciliation program in 1990. There is also some commentary on the further narrowing of policy conceptualisation with the change of government in 1996.

These two areas of criticism are explored as an illustration of the basic premise of this thesis. This is that the political relations of reconciliation were scaled from, and for, national government priorities rather than Indigenous local and discursive community processes and concerns.

6. 2. 1: The concept and ideology of 'reconciliation'

The critique that the policy was founded on Australian government agendas, and not on Indigenous community concerns is reflected in the statements of most Class 1 interviewees. **Mundine** (**LAC/Ce**) argues that although one of the (over three hundred) recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCADC) called for 'reconciliation' between black and white communities, this was not founded on community opinion. In the less than "one centimetre thick… report from the Aboriginal community" compiled by the RCADC, **Mundine** says, "I don't think that there was a mention in that community response about 'reconciliation'" (3). Rather, it was "a white-fella's word" (**T. French** (**L'C/Ce**): int.1:1) and "not an Aboriginal movement" (**Pattison** (**ISPr/IpjG/Ce/As**):1). It was, says **Reed-Gilbert** (**Ce/IPjI/A**) a process of white bureaucracy (27), which "a lot of Aboriginal people… saw as a process of bullshit" (1). Indeed, says **Mundine**, "the majority of Aboriginal people don't want anything to do with reconciliation. There are only a handful of Aboriginal communities that are a part of it" (44). Imposed on Indigenous communities from outside, the policy foreclosed the opportunity for growth and exchange of Indigenous ideas, processes and positioning. Rather than the "one-way… idea of reconciliation", says **Pattison** (1), it should have been "like how NAIDOC was, to grow from … Aboriginal ideas [but] they weren't ever respected that way" (3). "NAIDOC", she says, "is much more powerful to me" (1).

Many interviewees believed that the white-fella concept of 'reconciliation' gave misleading historical and political messages; provided a redemptive official discourse that effectively absolved white Australia of responsibility for social justice outcomes; and called up unchallenging, symbolic solutions. It was a romantic notion that replaced the ongoing impacts of both historical and contemporary dispossession with more benign constructions of wrongs removed to the past, masking the historical

and contemporary facts of war and colonisation. At the same time, the concept entrenched persistent representations that render continuing Indigenous possession invisible in political, legal, economic and cultural discourse. These continuing processes perpetuate the framing of policy and policy processes in terms of Indigenous absence, rather than the recognition of ongoing Contemporary Indigenous Governances, and their basis in Indigenous community authority.

"Reconciliation" says **Heiss** (**CPS/Ce/A/Aw**), "is often about softening the reality of the Aboriginal experience, in the past and today"—the reality being that "Aboriginal Australia was invaded, colonised, oppressed", with ongoing outcomes of "social, economic, political inequity" (6). Similarly, for **Eatock** (**A/T**), the term diminished the facts of history. "Reconciliation", he says, "occurs when two parties who have been at war, have come to a formal arrangement of peace"; it is "the process that one goes through to bring healing from that war" (1)—"the last stage you enter into" (2). But he says, "we've started the reconciliation process when there's still an undeclared war going on, a war of colonialism" (1). **Mundine** also speaks of "a hidden war that has progressed to now" (10). And **Reed-Gilbert** says that a genuine peace will never be achieved until "the wider society… and the Australian Government actually recognise that this country was won in a war; that Aboriginal people are still second class citizens in their own country" (6). At the time of his interview in 2002 **Edwards** (**ISPr/CPS/Ce/As**), who is a member of the Stolen Generations, was the co-ordinator of the N.S.W. Sorry Day Committee[119]. He had recently concluded extensive consultations with Indigenous communities across N.S.W.—Newcastle, Kempsey, Lismore, Armidale, Moree, Brewarrina, Dubbo and Walgatt (int.1:1)—on community views on the Stolen Generations and related issues. He reports a similar, widespread conviction among communities that "it should be 'conciliation' because 're-conciliation' means we were once together. But the country was invaded and there has always been that on-going colonisation, there never has been a oneness" (int.1:4).

In the face of this ongoing tragedy, interviewees were critical of the lack of demand that the reconciliation policy made on the nation or its population, and its failure to undertake the vitally important discussion of "the status and role of

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[119] The NSW Sorry Day Committee was a member of the NSW State Reconciliation Council, then still functioning under the NSW State Government.

Indigenous groups in the nation state as it is now" (**Widders** (**IPjI/Aw**):25). "One of the major aims of reconciliation" says **Reed-Gilbert**, should have been, "to allow a process for Aboriginal people, of having a real voice in relation to the events of this country, where they stood. It never did; it's sad" (4). Rather, its message was "sure, Indigenous people have been fucked over, and now we're gonna come together and that's OK" (**Heiss**:8), similarly portrayed by **Mundine** —"we are all going to be friends, we're going to dance in the sunset with John Wayne, be happy forever" (3). "But", says **Heiss**, "it's not [all right]. The process of reconciliation doesn't actually address the social, economic, political [spheres]" (6). These redemptive sentiments, according to interviewees, are counter-productive, inviting a sense of achievement that is not justified in the absence of political, institutional, constitutional and social transformation. Says **D. French** (**Aw/E/Ce**):

> The recommendations of the RCADC relate to every social justice issue in this country… [but] the recommendation that gets [promoted] is 'reconciliation' and I think that's working back to front… you have to fix up education, incarceration rates of our juveniles, because we are still living in third world conditions. There are a lot of issues that need to be put on the table and moved along [before] the reconciliation process can genuinely reflect that something is being done (3).

Jackson (**ISPr/Ce**) also sees reconciliation as a pre-emptive discourse. Regarding his discursive community whose relatives have died in custody, he asks, "how can you talk 'reconciliation' while people are still grieving" for the failure of legal and institutional justice, as well as for family (3.)

Reversing this pre-emptive logic, many interviewees (**Simms** (**L'C/Ce/ISPr/IPjI**):3; **Widders**:23; **Eatock**:6-8; **Nicholson** (**ISPr/Ce/A/Aw**):15**; T. French:**int.2:15**; D. French**:2; **Reed-Gilbert**:5; **Katona** (**ISPr/Ce/As**):3; **Edwards**: int.2: 4,12), saw reconciliation as an effect not a process. They generally agreed that the only legitimate process would be the negotiation of a treaty or similar instrument, with reconciliation its fortuitous outcome. As **Jackson** puts it, "true reconciliation" would have addressed the "three planks [of] sovereignty, treaty and social justice", with government and "Aboriginal people [as] equal partners… sharing power" (31). **Pattison** wants to know more about treaty models because "a lot of Aboriginal people are for treaty" (7) and **Mundine** opts for a negotiated settlement to be included in the Constitution (47). The communities that **Simms** worked with for the ATSIC post-

2000 treaty consultations viewed a treaty process as an essential resolution to "the wars". "Throughout" he says, "we talk about the wars—our people, especially older people say, 'we've been fighting a war since day one when [Cook] first set foot at Kurnell, so nothing much has changed there—we're still fighting, fighting for our rights'" (5).

A long-standing activist, **Buzzacott** (**T/Ce/IpjI**) was involved in the Tent Embassy over many years into the early 2000s. He considers the idea of treaty in terms of process and political authority. He is cautious if it means relinquishing too much and compromising the sovereignty of Indigenous political processes and the claims these generate on Australian political life and landscape. Indeed, he sees reconciliation and treaty as the same kind of process. Of reconciliation he says, "at the end of the day, it's just another big con, another little trick to trick people" (4); and he continues, "[a]ny of those forms of things, it's like a trick thing—reconciliation, treaty" (13). He asks:

> Why do we even have to think about a treaty? It should be one-sided… they're the invaders and… they should be working among themselves to say 'sorry' and 'I'll fix this and that' and 'can I live on your land?'… Once you do a treaty and this other stuff [reconciliation], it takes you further away from the reality of the whole thing (13).

This reality says **Buzzacott**, is that "this is the First Peoples' land and we're being treated like… refugees in our own land" (2). As do **Jackson** and **Mundine**, **Buzzacott** sees the remedy as fundamentally a matter of process and power sharing. Instead of 'reconciliation' he calls for a "peace policy" (5)—to be predicated upon engagement with the First Peoples as equal partners with Government, rather than a Government-determined policy that derives no political authority from the First Peoples and pre-emptively constructs reconciliation as an outcome. He asks, "[w]hy don't we just sit down and make peace… sit down at a table or fire or somewhere, and really talk about it?" (5). **Jackson** also cautions against a treaty process driven by Government. "We have our own process" he says, "that's the only process we're going to recognise" (22). Section 6.3 will explore in more detail, further participant recommendations on these questions of procedure, engagement and Indigenous community political authority. These are crucial in framing a just solution to the question of political relations between Indigenous communities and Indigenous communities.

Rather than offering a just process, however, the reconciliation policy was seen by many interviewees as a substitute for a treaty or other process that involved power-sharing—a way of pre-empting or avoiding, rather than achieving such outcomes. Interviewees saw this as an outcome of pressure from powerful interests. With the prior introduction of the concept of treaty with Hawke's Barunga Statement, Indigenous expectations that a new policy would introduce such a process were high, says **Katona**; but instead 'reconciliation' introduced a discursive neutralisation of that objective—"everyone was stunned; it was total bullshit. Why play around with words to make the objective more satisfactory to the dominant society?" (3). Indeed it represented a withdrawal from that objective—it was "a Clayton's agenda" (**Widders**:23); a "booby prize, a consolation prize for not having treaty" (**Nicholson**, p.10). "I think the process of reconciliation", says **Reed-Gilbert** "actually came about because the reality is, the [Australian] Government is not going to give us a treaty" (4). Nicholson further describes it as:

> [t]he modern-day version of beads and flour—give the blacks some beads and flour and shut 'em up... As a process it was fundamentally flawed from the beginning... The proposal evolved out of the Hawke Labor Government after he reneged on his pledge of a treaty and uniform land rights in the Barunga statement. He reneged on it after having gone to lunch with the boys from the big end of town, including Hugh Morgan and other mining magnates. He said, 'but we have instead, reconciliation' (1).

T. French also sees the reconciliation policy as a cynical trading away of rights and justice—"I truly don't believe it's the voice of the people… when all they're doing is pushing the government's agenda":

> [The Government] want reconciliation; they don't want a treaty because with reconciliation, all it is: "Okay we recognise you as the Indigenous people of this country". There's no compensation there for Aboriginal people in the reconciliation movement. Whereas if there was a treaty, there would have to be compensation built in… and that's the difference between the two (int.2:3).

So, interviewees saw the basic concept of 'reconciliation' as being incommensurate with the realities and present outcomes of Australian history, and as representative of government rather than Indigenous community agendas. Further, they believed that the designation of the policy as '*Aboriginal* reconciliation' entailed particular problems. It concretised a re-formulated set of colonial ideologies, which

were just a step from previous policy era assumptions when Aboriginal people were blamed for the outcomes of dispossession. "The very title" says **Nicholson**, implied that "the burden of responsibility for bringing about the … objectives of official policy rested entirely with the Aboriginal people… But if white Australia hasn't got a bind on them for their contribution, then what the hell's it all about? It's terribly one-sided" (2). This discursive ambiguity, which marks no distance from assimilative interpretations, is widely regarded with cynicism. In **Edwards'** consultations across NSW Indigenous communities, an often repeated question was, "who's reconciling to who?" (int.2:2). Much less than an Aboriginal problem or responsibility to adjust, **Anon** (**LAC/IPjI**) rejects the implication that "Aboriginal people had anything to reconcile because they didn't create the problem in the first place" (10). Similarly, **T. French** asks:

> What did Aboriginal people have to reconcile for? … Are we the ones who came here and stole the land; are we the ones who came here and killed and maimed the children, poisoned the people; are we the ones who came here and raped and killed our land (int.1:1)?[120]

6.2.2: Performance

Of the three policy objectives of the CAR (as recorded in Chapter 5), the first two were to educate the non-Indigenous population and to ascertain whether "any document of reconciliation would benefit the Australian community as a whole" (CAR, 1993, p.12). As will be seen later in this section, interviewees acknowledged achievements such as formal and informal public education, including the Bridge Walk. However, they thought that a lack of definition of policy parameters and objectives provided a misleading basis for such exercises in public discourse. Section 6.2.1 has shown that the failure of the reconciliation process to provide a participatory process of engagement in preparation for a treaty process was foremost in the minds of Class 1 interviewees; and that they took this failure as a marker of the policy's overall value. As **Katona** reports,

> So rather than being a body … that could bring together the views of the community… and come up with some form of agreement, like they were negotiating the future of Australia, that became a sham,

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[120] See Keating's Redfern Speech (Appendix 14) as background for this form of statement.

an entire sham... It was supposed to be a treaty document, because initially the reconciliation legislation talked about an instrument of reconciliation... People had a high expectation that the issue of treaty would be administered by the Reconciliation Council. That didn't happen (3).

Human rights and social justice

The third CAR objective, to propel a national process of addressing Indigenous aspirations, human rights and social justice, was an essentially political process, which was at odds with the CAR's charter of refraining "from confrontational debate on specific issues" (CAR, 2000:43). This political reality, together with the policy's genesis with government priorities rather than Indigenous communities, suggested to Class 1 interviewees that policy parameters were too narrow to achieve fundamental change. As **Mundine** says, "I criticised reconciliation from the beginning—its agenda—because I believe the process of setting an agenda is the wrong methodology. The result of that agenda means the methodology was wrong" (44). And referring to Reconciliation Australia, which replaced the CAR in 2001, she continues—"that process should now cease, and we should be looking at a different method. Dressing it up... and calling it another organisation doesn't work" (44). Without a participatory methodology permitting an iterative process of negotiation and community feedback (**Jackson**:7-8), there is no opportunity for participatory analysis on the position and future of Indigenous communities in Australian political life (**Katona**:4; **Widders**:25). Says **Mundine**, "we need to analyse what's going on. That's the missing part of the equation in reconciliation" (26).

Interviewees thought that these initial conditions of a-politicitism, combined with government rather than community methodology and agenda setting determined its eventual failure to achieve the objective of advancing social justice and human rights. Since the policy arose by way of the Royal Commission into Aboriginal Deaths in Custody, the acquittal of the issue of incarcerations rates and deaths was considered an essential starting point. **Katona** argues that a response was required from the Australian government and people—"we were the aggrieved and we wanted the aggriever to respond, or to make that psychological leap to acknowledge that some injustice had occurred" (2). For **Jackson** nothing less than a murder conviction

against at least one prison or police officer would suffice to prevent future deaths (29), a view shared by **Katona** (2). Despite misgivings concerning such prospects, "Aboriginal people… felt that [the Hawke Government] had produced a public policy outcome that at least indicated their willingness to try to resolve the [deaths in custody] problem" (2). But, continues **Katona**, "it became very quickly obvious that the Reconciliation Council wasn't able to achieve that and in fact they had very narrow parameters to operate within" (2). **Mundine** (39), **Reed-Gilbert** (20), **Eatock** (1) and **Heiss** (7) also count continuing deaths in custody as a central failure of reconciliation policy, as does **Nicholson**, who notes an increase of the arrest rate in the five years following the RCADC, in breach of its recommendations (4).

The Stolen Generations issue was another major human rights question during the policy's life, gaining public prominence with the submission of the "Bringing Them Home" report to Federal Parliament in 1997. Interviewees who were closely involved in that process reported that their discursive communities regarded this issue to be properly located outside government policy. **Edwards** and his Sorry Day Committee team found that a major "trend… for the whole consultations in NSW" (int.1:5) was that people wanted a "departure from the broader reconciliation movement on this particular issue, the Stolen Generations" (int.1:2). "After conducting these consultations" he continues, the "status of [the Sorry Day Committee] being on the Reconciliation Council is now threatened" (int.1:3). Like Edwards, **Simms** is a member of, and activist for the Stolen Generations and established the Bomaderry Homes Memorial Garden for the Stolen Generations, situated in Nowra. He also regards reconciliation and the Stolen Generations as "two separate entities" (7).

The central point made by communities consulted by the Sorry Day Committee was that they regarded the issue of the Stolen Generations as a legal one, which drew upon an unassailable prior moral authority rather than the compromised authority of a government or a policy such as reconciliation. To have such an important human rights issue too closely associated with a government policy was an injustice in itself, risking its subjugation to the vagaries and uncertainties of government or popular choice, compromise or negotiation. Says, **Edwards**:

Aboriginal people and Stolen Generations people specifically say, 'No, this is not within the realm of people on earth. This is about right and wrong, very clearly'. So it is a legal question. If there is a national apology, it is not an act of reconciliation as much as it is the <u>right</u> thing to do... If most Australians today, even if all Australians regarded the issue of the Stolen Generations as clearly wrong, it's not wrong for that reason alone, it's wrong because it is <u>wrong</u>. It isn't at the whim of society, even when there is regret... And what adds weight to that idea is the fact that those policies have been condemned internationally, that objective international perspective. So it is wrong because it's wrong. So that's where Aboriginal people are at... [W]hat the Sorry Day Committee can glean from what they're saying—'we want a departure from reconciliation'(int.1:4-5).

In section 6.2.1, it was noted that interviewees rejected the pre-emptive logic of establishing a policy called 'reconciliation' before human rights issues had been addressed. They felt that it too easily allowed assumptions to be made by governments and mainstream society about achievements already made, when in reality there had been little or no progress. The communities consulted by **Edwards** made the same point with reference to the Stolen Generations issue. They regarded genuine reconciliation as an outcome of successful social justice engagement, not a process in itself. Indeed, they strictly delineated one from the other. Hence they were wary about allowing governments to merge the Stolen Generations issue within a policy discourse, which they thought might provide government with an opportunity to claim policy success while avoiding addressing the issues. **Edwards** continues:

What Stolen Generations are needing right now are the right services, as defined under international human rights, as being rights for members of Stolen Generations in Australia—one of which is a national apology. Among other measures are restitution and compensation [and a reparations tribunal being fought for by ATSIC, HREOC and PIAC[121]]... So number one, those things have to be in place before Stolen Generations want anything to do with some domestic policy of reconciliation... It's to take place in the Stolen Generations' own right and that's what communities are saying, that's what the Sorry Day Committee is saying as well. The only people talking about reconciliation, where it relates to Stolen Generations, is the Government because it's in their political interest to try and merge us with them... Aboriginal people want a sincere apology; they want the apology for its own sake and not even as an act of reconciliation (int.2:10-12).

Indeed, for **Edwards**, these issues can only be resolved as a package within the institutional certainty of a treaty process—"these things have to be worked out on the

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[121] The last two are the Human Rights and Equal Opportunity Commission and the Public Interest Advocacy Centre.

treaty level and all those questions [are to resolved] as a separate thing, altogether"
(int.2:12).

Aside from the specific issues of deaths in custody and the Stolen Generations,
interviewees made general criticisms concerning the limitations of the policy to
produce fundamental change in human rights and social justice. While the CAR
succeeded in facilitating a series of agreements and partnerships between Indigenous
communities and a range of sectors, these did not represent structural change.
According to **Reed-Gilbert**, "the CAR should have been addressing civil rights
issues, but did not" (21) and **Heiss** adds, "the process of reconciliation doesn't
actually address the social, economic, political [dimensions]" (6). In terms of practical
targets requiring structural change, **Gibson** (**LAC/Aw**) concludes that the policy
failed to effect "change in conditions in Aboriginal communities", epitomised by an
average Indigenous lifespan that was worse in 2000 than in 1975 (2). **Mundine's**
overall assessment of the policy was that:

> After ten years of reconciliation meetings… and all the reports
> and glossy photos of Aboriginals—how come last month we get a report
> that says we are still the worst off; and we are not participating in the
> services generally available to people in this society; that they're poorly
> designed, even though it's government policy to be culturally
> appropriate? Given that we have all these problems… we should have
> been well on our way in the ten years of reconciliation. It worries me
> (12).

Education, formal and organisational

Within the narrow parameters set for the policy process, some achievements
were regarded well. With strong qualifications, interviewees found value with the first
objective of the policy, to educate the non-Indigenous population, particularly in the
areas of organisational and formal education. While **Edwards** notes that
"reconciliation opened up jobs" (int.2:8), he does not attribute this wholly to the
policy because "there's been funding available for unemployed Aboriginal people and
trainee-ships and cadet-ships… before the legislative period of the reconciliation
process even began" (int.2:8). Further, the financial incentive meant it was not a
disinterested process for corporations. However, he sees the societal pressure
engendered by the policy as having a role—it was "all in this environment of

'reconciliation'… It put a terminology in Australian society and the corporations—'we can show our commitment to reconciliation'—at the same time as receiving some of this financial benefit from taking on an Aboriginal person. And so it helped in that way, where there might not have been the commitment by some corporations and departments" (int.2:8). **Katona** however, is less convinced of the value of reconciliation in securing organisational commitments. She says. "While [organisations] were able to pay lip-service to the concept of reconciliation, [they] still found, for some reason, they weren't motivated enough to make sure that policy and practice resulted from that symbolic gesture. And I think that's a real indication of the irrelevance of the reconciliation agenda" (7).

Interviewees also saw promise, with qualifications, in the area of formal education and ensuing attitudinal change. Says **Simms**, "reconciliation and school education improved attitudes among kids" (22). **Heiss** agrees—"Aboriginal studies is now compulsory in most schools. I don't think it is in Tasmania. But I think teachers are becoming more aware [and] there are expectations by older students, wanting to learn about Indigenous culture." (8). In primary, secondary and tertiary education, she says, "the curriculum is designed to enhance understanding in a culturally appropriate way, by using Indigenous texts. I think that those sort of things have changed." (14). This has generated change in social attitudes. "Then, fifteen, twenty years ago" says **Heiss**, "people didn't have a clue" about "the diversity of Aboriginal culture, the notion of defining Aboriginality… so I think society's understanding of Aboriginal culture in society and where Indigenous Australia fits into the mainstream—that's growing dramatically". (8). In particular, she applauds improved appreciation of Indigenous art—"[t]here are so many more people who are knowledgeable about Indigenous stuff… buying authentic Indigenous art work, reading books by Indigenous authors instead of books by white-fellas and their prescriptions of who we are… And that makes change (8). However, **Heiss** does not extend this optimism to the wider context of civil rights. "To me", she continues, "the big issues are health… housing… economics… We still have communities without running water and all the good will in the world isn't going to change that until Government takes a lead on it and makes it a priority and not one of our problems" (14). **Jackson** is somewhat less confident about the policy process in securing commitments from governments for educational reform that is robust enough to engender general attitudinal change. He

says, "part of the Royal Commission recommendations was to get Aboriginal history, training into schools. In NSW it was going to become compulsory in all schools and the last figures I saw, it was less than 10% of schools that were doing it. Those schools where they don't have Aborigines, they don't touch it" (8).

Reconciliation as public education

Materials for the broader public education campaign were channelled by the CAR through unions, churches, and professional and community associations, as well as through the 'learning circles', some which developed into LRGs. Interviewees rated public education of the general population as pivotally important for advancing the social change necessary to underpin structural change in human rights and governance. Indeed, given the narrow parameters upon which the second and third objectives were founded, interviewees considered this first objective to be the only one with a realistic promise of implementation. **D. French**, who (as seen in 6.2.1) considered the genesis of the policy to be an inversion of priorities, and hence the second and third objectives to be without foundation, considered education to be the only objective worthy of attracting funds. He says, "I believe reconciliation is about education… the amount of money spent on the reconciliation process could have been channelled through the education processes" (1). **Pattison**, also unenthusiastic about the achievements of reconciliation during its policy life—"nothing has made a huge change to me" (7)—was nevertheless optimistic about its ongoing potential for educating sections of the wider community. As one of a few Indigenous members of a Sydney regional coalition of LRGs, she saw that organisation, which continued after the official demise of the policy in 2000, as an ongoing vehicle for disseminating information. She says, "I wanted education as one of [its] aims and working from the level of a group, [it was possible to] put Aboriginal issues on the agendas of all those people. So I can see the future of reconciliation spreading further." (5).

However, as a campaign capable of bringing attitudinal change beyond the committed, small minority who took part in study groups, the mass education arm of the reconciliation process—reliant largely upon media attention, which imposes its own time and content restrictions—was judged unsuccessful. Says **Katona** "You have to find out the systems of communication that access people" (6) and even as "a

large communication exercise… I don't think it was constructive necessarily, in bringing change about in Australia, other than providing people with information. But even so, some of that information is doubtful" (4). **Reed-Gilbert** agrees that it was unsuccessful in bringing social change. She cites the negative stereotypes still encountered in her work as anti-racism educator:

> People often say to me, "you mob never fought for this country". It's because they don't know the history of this country. I say, "hang on I actually believe that we're still fighting for this country, we're the resistance fighters. In a way I'm a resistance fighter because I'm fighting for human rights in my own country. They should have done promotions on the history of this country, and why Aboriginal people drink… You get the comment "oh, you black fellas get all this money and [it] gets wasted". I say to people, "hang on, do you know that the farmers' fuel subsidy is the same as, or can be up to four times as much as, the budget of ATSIC, which looks after some 300,000 odd Aboriginal people?" (22).

What is needed to overcome this pervasive, normalised and entrenched ignorance, say interviewees, is a mass education program that is structured and coherent, as well as comprehensively and systematically targeted. "Every person" says **Reed-Gilbert**, "who calls this country home should attend Aboriginal history, culture and heritage training" (27). And to overcome the stereotypes that construct Indigenous political life as either illegitimate or absent, such a program should include cultural and political activism as part of the story of ongoing survival and growth—it would explore "NAIDOC week [and] little cameos about Aboriginal people like my father [author, poet and activist Kevin Gilbert, and] Mick Dodson… [and] why the Aboriginal Tent Embassy is so important to Aboriginal people" (22). Similarly, says **D. French**, "The education system needs to fully inform everyone in this country about the Aboriginal history [and general history] of this country" (3). "Everyone" he says, should be "recognised for their own cultural diversity" and Australia should "embrace Indigenous people as the original inhabitants of this country [and] recognise that we were dispossessed of our land" (2). A "massive" education program of this kind, says **Jackson**, is a "prerequisite" to the widespread acceptance of the need for social justice and human rights programs (27).

However, say some interviewees, the educational arm of reconciliation failed to achieve such attitudinal change. Had reconciliation been successful, **Jackson** suggests, recognition of the culture, rights and entitlements of Aboriginal and TSI

[Torres Strait Islander] people would now be embedded in the population (5). Similarly, suggests **Reed-Gilbert**, "If reconciliation had worked, Aboriginal people would have been accepted in this country for who they are. The message should have gone out that we are the original owners" (27). Instead, interviewees face persistent ignorance and racist intrusions into their lives. **T. French** suggests that government policies will never produce substantial change unless they target social attitudes of the kind that he faces in the daily round:

> When you do go into the shops there's always someone walking around behind you, watching you, making sure you're not going to thieve anything. That's why, in my personal opinion… the reconciliation process won't work because there's no trust, there's no respect, there's nothing from either side (int.2:14).

Mundine argues that the rise of the populist right was partly a function of the policy. "People have been conned under the guise of reconciliation—the idea that everyone is going to treat Aboriginal people better" (44). She makes the same point that Holt does in 3.2.2, that while Indigenous people and communities continue to be under supported by governments, it nevertheless prompted some sectors of society to believe Indigenous people were over privileged. **Mundine** continues, "Pauline Hanson rose up after reconciliation started—if reconciliation is such a success, how come we had the rise of Pauline Hanson…?" (44).

Another aspect of the failure of the popular educational venture was that popular conceptions of Aboriginal identity remained undifferentiated and northern Australian centred. This is the authenticity binary[122] that positions "traditional" communities as the only ones deserving a claim to Aboriginality. **Simms** comments on the limited perspectives of governments and reconciliation structures:

> They still look towards the Top End. They still believe that's where the Aboriginal people are, the Top End. And they always say the people from the Top End are the true people. Certainly they might have their languages and culture up there, but by gees, that was taken away from us; we were robbed of that. And now it's been a slow process to try and re-ignite that again. And the Government look at the Top End as a true Aboriginal person—maybe you've got to be black as charcoal and have a bit of red rag around your forehead. But we are the Aboriginal people; we encountered those three early explorers, Cook, Phillip and La Perouse (10).

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122 See Chapter 4 for an explanation of this concept.

These stereotypes, suggests **Mundine** give a distorted image of Indigenous people, portraying them as passive objects. In reconciliation promotions, says **Mundine**, Northern Territory centred "pictures and stories about Aboriginals" predominated in popular television promotions, almost to the exclusion of the presentation of "debates or [programs] showing Aboriginal people *doing* things" in their political, professional and community lives (30). **Mundine** asks, "Where is Aboriginal participation… Why is it, when they want to talk about Aboriginals, you see dot paintings, which is the western desert people" (30). Indigenous people, continues **Mundine** were portrayed as being available to entrench the selective, non-challenging, stereotypical perceptions of non-Indigenous consumers of culture:

> It was a big festival of entertainment about Aboriginals. The singing-tap dancing-nigger syndrome is still alive and well. Aboriginal people still slot into that position. If you look at a lot of the events to do with Aboriginal stuff, a lot of it is entertainment culture, and it's entertainment culture to non-Aboriginals, it's not entertainment culture to Aboriginal people (31).

This stereotyping, in which "definitions of identity are imposed" upon Indigenous people (**Heiss:**6) constructs constraining conceptions of Indigenous roles in Australian society, with stark ramifications for Indigenous lives. **Reed-Gilbert** faces ongoing denial of Aboriginal identity. This political process of de-politicising and erasing Indigenous realms of action impinges on individuals at a personal level—"its OK to be an Irish Australian, an Arab Australian, an Italian Australian" says **Reed-Gilbert**, "but I'm not allowed to be an Aboriginal Australian, I should be just an Australian … everyone else can have history, culture, but I'm not allowed to" (22).

The Bridge Walk – public education in action?

The May 2000 Bridge Walk was the most conspicuous outcome of the public education campaign. Class 1 interviewees saw it as a non-Indigenous concern and none gave it their support. However as such, it was seen by many to be a genuine show of support for Indigenous people. But this was strongly tempered with disappointment and frustration for interviewees, who saw it as a palliative exercise, not requiring real political understanding or sustained commitment to produce change. Further, some questioned the sincerity of walkers.

Elsewhere pessimistic about the meaning of reconciliation for Indigenous people (6.2.3) **Heiss**, expressed optimism about the walk. For her it represented "a people's political movement" (7) and showed that:

> There are obviously tens of thousands of people who are really, really genuine and really want to be part of initiating social change and political change… I do believe that the bridge walk was a statement by people involved in the process to say, 'things are changing, we're part of that change'. I think at that level, yeah, I do believe there have been great gains made, I think there are, there are still (7, 8).

Similarly, for **Simms** it demonstrated "great support … from the non-Aboriginal people and 'sorry' was written up there by the sky writer" (15); and for **Buzzacott**, "the big walk they did over the bridge—it means good" (5).

For other interviewees the exercise was ambiguous in meaning. **Pattison** valued the LRG movement support for Indigenous issues—"there were some very dedicated people" (1). But she also sought to give voice also to those in her Indigenous discursive communities who, like herself, found little political meaning in the symbolism of the Bridge Walk:

> I wanted to find out what people wanted to do. I didn't really want to walk because I just felt the symbolism of crossing the Harbour Bridge had no meaning to me. I found that there were a few other people who didn't want to. So I said, "well, let's have a gathering." I worked with some community people, we had a gathering and we invited people after the walk to come and share and eat with us. There were some Torres Strait Islander people who came and ate with us as well. Some people had chosen to walk; some had decided that they wanted to have a gathering… So they came off the train and came to eat with us. I had the same feeling as they did, about walking across the bridge. I didn't feel that it was symbolic at all… Nothing had made a huge change to me (6).

And while **Jackson** found the large non-Indigenous participation in the Bridge Walk was encouraging—"I think the great majority of people were in real, tangible support of Aboriginal issues, as they understood [them]" (35), he is sceptical about the political understanding and commitment of walkers and how a one-day observance might translate into long-term support for Indigenous issues. He wonders:

> How many have gone further, have done anything else? I haven't seen any pressure on governments to do anything. I haven't seen a swell of people coming to the Aboriginal people, wanting to work with

Aboriginal people. But not to take away from the marches, I thought [they] were great, but that was then (35).

Others raised the same questions of long-term outcomes. Despite the "big brou-ha-ha, media event" of the walk, says **Anon**, "it's made no difference to the health and longevity or anything for Aboriginal people" (6). And **Nicholson** recalls, "There was… a lot of fervour and passion expressed on that day. But the day finished and so did the promotions and consequently the fervour dissipated" (7). Enunciating a commonly expressed scepticism about good intentions, **Gibson** concludes, 'the walk was like—the road to hell is paved with good intentions" (5).

A further point of scepticism was introduced by some interviewees, regarding the fundamental sincerity of the bridge walkers. They suggest that self-interest was a strong motivation, indeed, that reconciliation in general had more value for non-Indigenous than for Indigenous people. **Anon** reflects on the events of the day:

> My daughter and her fiancé went on the walk over the bridge. They were actually trying to make contact with people they were walking with, and people wouldn't talk to them. Now how can you call this a reconciliation event, if Aboriginal people can actually do that walk and not be spoken to? And that is what I am saying about people doing these things—they do these things to be seen to be doing good, to be politically correct, so they can go home and have their breakfast and feel good about themselves (6).

For **T. French** the walkers' support for Indigenous people was genuine, but he also raised the question of personal motivation. He "thought it was a great gesture on behalf of a lot of genuine people, who really want to do the right thing by the Indigenous people of this country" (int.2:7). But viewing it on (rural) television, he and others asked "why were they walking over the bridge, what's reconciliation about? No one could tell us what we were reconciling about and that's the thing that got my back up" (int.2:7). He continues:

> I really question it. I mean how many people knew exactly what they were walking for? I would have loved to have asked those people, 'why are you walking? What is it about reconciliation that appeals to you? What do you hope to get out of reconciliation?' I would have really loved to be able to do that (int.2:17).

While entertaining a magnanimous interpretation of the motives of the bridge walkers, **Widders** sums up the lack of political understanding and commitment, and the stalled

progress and lost opportunity that the event represented. He describes the attitude of the walkers as—"yeah, we want something done… this is a petition in walking" and continues, "in that sense, fine, but I mean, we had a walking petition in 1988 too; 2000—great sentiment, piss-poor engagement" (22).

In the contrast between the Bridge Walk and the engagement of 1988 (organised by an alliance of Indigenous community associations) is raised an important issue proposed by some Class 1 interviewees. This is that throughout the life of the policy of reconciliation, and with its public high point in the Bridge Walk, there was a strong element of management of white supporters so that their demands for political and civil/human rights for Indigenous people were contained, defused and neutralised within a government-sponsored process. For example, **Heiss**, with her unambiguous appreciation of the intentions of non-Indigenous people involved in the reconciliation policy, is critical of the broader political dynamics in which they were set—whereby a government agency (the CAR) was able to determine for non-Indigenous people, the scope of their support for, understanding of, and involvement in Indigenous issues. She says, "[r]eally, it was to me just a policy of appeasement—you know, 'let's be seen to be doing something for the people, by the people down there'" (7).

6.2.3 Overall assessments of the policy by interviewees

As seen in sections 6.2.1-6.2.2.4, interviewees were critical of the conceptualisation of policy objectives, which were seen as having no tangible outcomes for Indigenous lives. These failures were a consequence, in part, of the ideological foundations of the policy of reconciliation, which interviewees thought, reproduced and re-packaged, rather than challenged, colonial understandings of the role of Indigenous people in Australian political life. The policy was regarded as at best, an educational program that produced greater non-Indigenous awareness of and support for Indigenous issues and culture. Interviewee assessment of this non-Indigenous involvement was generous, notwithstanding the overall critique of the political dynamics in which that involvement was situated. Says **Heiss**:

This was a people's political movement that... at the grass roots [of non-Indigenous society] is making a difference. But to me ... politically—it hasn't... You know, we still have issues [like] black deaths in custody; we still have appalling levels of infant mortality. But what policies in Government have changed thanks to the process of reconciliation? Really nothing changed (7).

This sense of a legacy of lost opportunity over the entire life of the policy was raised by a number of interviewees. **Heiss** argues that, "what's left to be done really, is what was at the beginning, ten years ago, except for the fact that there were so many more people (credit where credit's due), who are knowledgeable on Indigenous stuff" (14). And for **Reed-Gilbert**, the task at the beginning of the CAR's ten year term was to begin a treaty process; when it raised the issue at the end of its legislative life, it left no prospect for exploration. She says, "Finally… they said, 'oh, we want a treaty'. The treaty should have been that process all the way along, not the document of reconciliation" (3).

For **Katona** also, tangible outcomes were negligible, and even as an educational program, it was inadequate. Her overall assessment is:

Australia hasn't been fundamentally changed by the marketing exercise undertaken by the Reconciliation Council. There have been spots of projects, which are like little band-aides that seek to address Indigenous rights and seek to make Indigenous issues visible (6)… [For example] the Reconciliation Council did provide funding for the Going Home conference, which was a very successful way to raise awareness about people being removed from their families under government policy (3)… But in terms of there being a psychological leap taken by Australians, it's been an abject failure if you judge it on those terms (6).

Reed-Gilbert also questions the policy's performance in attitudinal change:

You talk about reconciliation now and black fellas just laugh at you… It's like, "what the fuck, ten million dollars?" What was it spent on, where is there one positive outcome from ten million dollars, in a ten-year process? What Aboriginal person has got anything out of that process of reconciliation? Racism is still in the street; black fellas are still not being picked up in the cabs… For me, I don't think it really achieved anything (3).

Nicholson locates this problem as one of inept conceptualisation and strategy building, in which no demands were made of government or society to commit to structural change:

Part of the policy of reconciliation, and I do understand it, was to provide a forum for Aboriginal people to educate white Australians in Indigenous issues. That's fine and can explain all those dot paintings, didges and dances and so on, but it doesn't explain the lack of the white participation. There was no question about white Australia's contribution to the reconciliation process. That was sadly lacking and that's why I think that the parameters established by the Council were too narrow (2).

Further to these shortcomings, determining the policy's operation as little more than a partially effective educational policy, was that it was promoted as much more by governments and the CAR. It was presented as a comprehensive strategy to resolve a wide range of social justice and human rights questions, as well as a campaign to generate attitudinal change across all sectors of the general population. Interviewees regarded this ambiguity as highly problematic. Says **Katona**, "[a]s a community education exercise; it wasn't going to achieve any political outcomes. But I think that should have been said far more clearly than it was" (4).

This absence of clarity in public discourse was multifaceted, suggests **Edwards** and could be seen as being consistent with a self-serving political methodology on the part of the Hawke Government. It was underpinned by a lack of political will to produce structural change, and the transfer of responsibility for social change from the government sphere to that of the individual. "To simply put a word out into Australian society, 'reconciliation', without any real explanation of its definition", he says, and to ignore Indigenous reservations about its ambiguous political meaning in Australian society—"who's reconciling to who?' and 'how about we conciliate before we re-conciliate?" (int.2:2)—was a dishonest exercise in terms of addressing Indigenous rights. **Edwards** continues:

By ignoring the longer-term propositions by Aboriginal leaders and representatives on questions of treaty and sovereignty and all those matters; in simply putting out a policy of reconciliation with all its shortcomings… one can't help but accuse the government of acting in their own political interest, trying to send some positive message to international forums; or to satisfy the Australian electorate—"see we're putting all this into Aboriginal affairs"—to try meet political objectives domestically as well; when it's leaving the deeper questions unresolved. One can't help but accuse them of purposely creating a smoke screen to get away from the truth (int.2:4) [which is that] the contemporary legal position of Indigenous people is the consequence of an illegal take-over (int.2:2).

The project of producing a social justice agenda and a non-Indigenous education campaign in the absence of a general framework for addressing the fundamental questions of human rights and structural change in the political relations between Indigenous people and the Commonwealth, was according to **Edwards**, an incomplete one, and as others have pointed out above (in 6.2.1), a reversal of due process. Even if the reconciliation policy had achieved its stated aims of addressing social injustice and generating societal attitudinal change, "it would, at best" he says, have brought about "equality on social indicators and the absence of racism" (int.1:9). Rather, says **Edwards**:

> The objectives of the reconciliation process in terms of raising the disadvantaged status of Indigenous people should have been the material aspect of those other philosophical questions that have been left on the shelf, and that is around treaty and sovereignty. Those philosophies needed to be settled first or at least in collaboration with the reconciliation process" (int.2:2).

Edwards' assessment of the disengagement of social justice issues from human rights and structural issues—together with the judgments of other interviewees on the failure of reconciliation objectives other than the education program (itself only partially successful)—encourages further consideration. This disengagement could be seen as part of an approach (socially embedded rather than conscious), in which a liberal-progressive political agenda could render social justice issues as a substitute for, rather than part of, structural change, underpinned by the fundamental assumption that the latter was unfeasible in Australian political life. Furthermore, the elevation of the education campaign as being of equal importance to progress in social justice reinforced the ideology that change in Indigenous affairs, even non-structural change, had to be first approved by the Australian public. Further still, this effective prioritisation of the education campaign and the privileging of its target, the Australian public, allowed the government to remove responsibility for 'reconciliation' to the individual, privileging individual agency over the collective authority vested in political relations.

As **Edwards** says, "It's like saying to the Australian community, 'work it out, go and work it out and when there is true equality, then everyone should be happy'" (int.1:9). **Edwards** restates the need for a human rights based agenda that is not conflated with and confused by, the discursive dissembling permitted by policy

discourses like 'reconciliation'. This agenda must be "distinct from a reconciliation process, for many, many different reasons, some of which are the ambiguities and vagueness around reconciliation". It should not be subsumed under a policy framework that is "characterised by vagueness and adopted by the people of Australia so it takes responsibility off the Commonwealth Government". These are some of the "that really need to be answered before it can be taken seriously, at least by Aboriginal people" (int.2:2-3).

In a similar vein, **Gibson** sums up the inadequacy of an approach that rests on the individual goodwill of members of the Australian public, effectively eclipsing a public discourse on fundamental issues. He says, "there was increased knowledge, good relationships, but these do not equate with good outcomes" (5).

6.3: Contemporary Indigenous Governances

In Section 6.2 Class 1 interviewees produce a wide-ranging critique of the ideology underlying the policy of reconciliation, and its determination of policy objectives, priorities and outcomes. A question that might arise with this testimony is – on what authority do these people make these critical assessments? In answer, these people are far removed from the position of the uncommitted naysayer. Rather, every interviewee is intensely committed to, solidly grounded in, and accountable within one or more Indigenous local or discursive communities. It is from these diverse, community scaled positions of engaged knowledge that they are able to evaluate—from a multiplicity of community perspectives—the impacts of government policy at a grass roots level.

In the conceptual construction introduced in Chapter 4, these community roles and knowledges sustained by interviewees in this chapter constitute a broad range of Contemporary Indigenous Governances. As will be seen from the following accounts, these processes have the characteristics of formal, structured governance. Spanning urban, rural and discursive contexts, they contribute to the production of land relations, social support, advocacy, local community service delivery and education of the wider community about Indigenous issues, all involving the generation and transmission of knowledges (6.3.1-6.3.2). This knowledge production also includes

the imaginative construction of new political and social possibilities (6.3.3-6.3.4). And although they occupy and generate ideological positions around ideas of Indigenous sovereignty and self-determination, in each case, this theorising is not disengaged abstraction; it is generated from the praxis of lives embedded in community processes.

As explained in Chapter 4, Contemporary Indigenous Governances are always contemporary because they are the product of history and geography at any point of time. Whether generated from partly traditional or almost entirely modern contexts and intellectual/ cultural/ technical resources, they are all embedded in, and derive from processes of community authority, and so are all regarded in this study as governances. As further suggested in Chapter 4, the imaginative rendering of Indigenous local and discursive community processes as contemporary governances—with the associated implications of political entitlement—subverts the myth of the dispossession of Indigenous governance in Australia.

6.3.1: Strength in community—past, changing and continuing

Throughout, interviewees from a wide range of backgrounds spoke of the strength and multiplicity of community knowledges and processes. **Katona** speaks generally of a wide-ranging, complex of traditional and contemporary governances— "we have an Aboriginal political system, we have a body of Aboriginal intellect, we have groupings of cultural institutions" (17). Others, like **Pattison** speak of the strength of long-standing rural communities of the eastern states—"in my community and other places, we do have respect for the processes within that community. They are recognised and respected" (7). **D. French** was also raised in a strongly structured Indigenous rural community—"on a mission in Moree" (6). Then, says **French** there was "less dissention" in the community because it was "driven by the old people" who organised "an advancement committee…like a Parents and Citizens Association", which "disbursed funding" (6). "The community" he reports, "was able to feed their ideas and concerns into it—it got fed back and you could see things happening" (6). And although changed, community dynamics remain strong. He continues:

There is a huge amount of knowledge out there in our communities... Community politics is very strong and if you involve community in the debates and other processes, you will come out with better results because you have got feedback from the people who are most effected by the final outcome... You will get honesty at that level (5).

These bodies of community knowledge should always have been the starting points and reference points, say interviewees, for developing Indigenous affairs policy. **Simms** also grew up in a rural Indigenous community, where the knowledge held by elders is still utilised as "a stored-in dictionary, an atlas"; they are "look[ed] up to for guidance and leadership" (p.24). "If I have a concern" says **Simms**, "I'll speak to Mum and… other elder groups… We've got two elders groups here" (24). Their counsel deserves to be given witness in policy processes, so that if it is ignored, that ignoring of respected community knowledge and wisdom is made transparent. He continues:

This is where a lot of them people are forgetting—come back and consult with the elders… come back to the grass roots people for consultation. Let them have some input into it because they've got good ideas, which may be vastly different to the high fliers, who think more or less long the line of the government perspective. Come back and get the feeling of the grass roots people. Talk to them first; then if you want to, go ahead. But you've still got their ideas there. I always look at the grass roots people first (24)… Come back to the people because we're in the area, we can identify with the crisis that's happening here. We know the short falls; come and talk to us (27).

This often repeated call (by study participants and other rural, remote and urban Indigenous communities) for community based negotiation, so that government policy can be designed and monitored in a genuinely collaborative way, is founded in long-held Indigenous methodologies for maintaining community well being. Drawing from her work in Napranum[123], Suchet-Pearson (2002)[124] has referred to this type of methodology and its adaptation in contemporary contexts as "situated engagement". This concept highlights the markedly different outcomes that can be gained by privileging community authority and diverse community based knowledges as the foundational basis of negotiation processes. Such outcomes can be genuinely sustainable and accountable to community diversity.

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[123] Napranum is in northern Queensland.
[124] This paper inquires into the often troubled interface between western approaches to, and Indigenous knowledges in wildlife management.

The continuing employment and adaptation of these community-based methodologies are also demonstrated by participants in this study. Interviewees spoke of their efforts or plans to generate collective strength and social well being by re-establishing, extending and otherwise parlaying the country/ cultural/ social links of their forebears and also future associates. **Anon** describes her community's ongoing efforts to restore Darug country and culture for Western Sydney people—"we have had a local committee here that has fought against the [Australian Defence Industry site] re-development for quite some time. It has a patch of yams that were the staple diet of the Darug people. It has all the artefacts there and because it was the meeting of the waters, it was one of the main corroboree sites" (p.1). Now working in academia, **Widders** uses his previous experience in developing regional organisations through local community—and vice versa—as an input in conceptualising future Indigenous models of organisation. His and others' late 1960s-early 70s project of building a regional housing co-operative began "at that very local experience of engaging people in a common enough framework" (10). It had clearly defined social objectives circulating between household, local community and beyond; it was "not just to take over resources, but to create a common agenda of working together" (10). Says **Widders**:

> There was a constant, conscious link from Burke to the north coast, to the border, probably down to Singleton. We knew that and we wanted to give expression to that. We understood too… [that] the household, the extended family is the economy… of a group like this. That's what we wanted to buttress, to build up. We had a social agenda as well as an economic agenda, and the social agenda came first and we saw the means to give that material expression through this housing company (4).

Jackson also is an instrumentalist in seeking to utilise community models to advance social well being. One of his aims is to obtain land as the basis for utilising tradition for contemporary social regeneration, particularly to buttress youth against the conflicts they face. He wants to "take our youth out there and give them the culture we can remember. More than that, we will give them ritual. It is that lack of rituality in our society that is killing us… Culture is doing things in our historical way" (15-16). Reflecting interviewee views in general, **Jackson** sees no incongruity in, on the one hand, admitting the existence of significant gaps in traditional

knowledge, and on the other, parlaying existing knowledge as a social strategy that also has political ramifications. The lacuna created by an incomplete knowledge of traditional social and political modes of organisation is not merely an absence. To the contrary, it has considerable social/ political resonance, and if that force is to be translated productively, then it is the legitimate right of a community to infill that gap under its own authority, to buttress itself against imposed change. Juxtaposed against the models imposed by successive government policies, including reconciliation, is Jackson's aspiration of community strength, transmuted from past to present, and continuing—"we have our own process; that's the only process we're going to recognize. So we've got to get back" (22).

6.3.2: Social support—doing your own civil and human rights

As surveyed in 6.3.1, interviewees have sought to advance community social well being within the context of existing relations with Australian governments. They have sought to provide education, youth and other services to Indigenous communities—through state and local government agencies; or independently, in the case of Widders' housing co-operative. **Gibson**, **Anon** and **Mundine** provide literacy, health and other life/ work skills training and counsel to local communities through the federal government Aboriginal corporations network. Within the constraints imposed by funding and administrative regimes—for example, **Mundine** calls for more flexible time-frames for programs and the Aboriginalisation of assessment procedures (15, 27); while **Anon** calls for appropriate cancer checking methodologies for women and medial research into genetic predispositions to Western diet induced disease (5, 7-9)—they make use of the opportunities afforded to them for Aboriginalisation. **Anon** reports the significantly higher success of their literacy programs over government authorised literacy programs, and Gibson attributes this greater effectiveness to their closeness to the community (7).

Pattison has sought to adapt and deliver services from the agencies of local government to Indigenous communities. Working from a Sydney-based local government community centre, she used "every service… to link in to people" reporting that it now has Aboriginal "men… women and some youth… knowing they

can link into anything. We run probably about twenty services over a period of a week. It's probably a first with… a non-Aboriginal organisation" (4). Through consultations with Indigenous people across a major sector of Sydney, Pattison also produced with another urban local council, a survey of Indigenous statistics and views, together with a comprehensive area community service guide[125]. Her objective is improved social indicators and cohesion among urban Indigenous communities, and a raised profile of Indigenous urban presence in an area not ordinarily associated with Indigenous populations. As president of a local Aboriginal Education Consultative Group (AECG), **Pattison** has also been active in education, including designing and implementing urban educational experience programs for rural N.S.W Aboriginal students. **D. French** has also worked in education—for the N.S.W Department of Education, designing anti-racism training for secondary school teachers; and in the tertiary education sector, delivering community development programs for remote, rural and urban Indigenous students. Similarly, **Widders** and **Nicholson** have been active in tertiary education, both for Indigenous community education and education of the wider student population.

In addition to delivering civil rights, interviewees have strong commitments to human rights work. This includes monitoring developments, providing social support and advocacy, and raising wider community awareness. Some operations are supported by government funding; some operate independently. **Katona** committed several years to strategising, advocacy, public speaking and negotiating with mining interests and federal governments on behalf of the Mirrar people in their struggle to maintain their traditional land, which was threatened by mining interests in Kakadu (Northern Territory). Also working independently of government agencies, **Jackson** heads the independently funded Indigenous Social Justice Association and produces its newsletter, dedicated to the updating of statistics and commentary on deaths in custody cases and issues. Both he and **Nicholson** served on Watch Committees monitoring deaths in custody and the latter provides tutorial support to Indigenous prisoners pursuing education. She also provides structured social support for members of the Stolen Generations, of which she is one, as are **Simms** and **Edwards**. Aiming to provide a supportive context for the mourning process and to raise wider community awareness, **Simms** initiated the Stolen Generations Memorial Garden in

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[125] Northern Sydney Region Aboriginal Social Plan.

the grounds of the Nowra Local Aboriginal Lands Council, which is also the location of the hostel where he stayed as a child. As co-ordinator of the N.S.W. Sorry Day Committee (as recorded in 6.2.1), **Edwards** consulted across the state; and in 2000, when a film narrating three generations of removals in his family was released[126], he gave talks to the wider community in conjunction with screenings.

6.3.3: Imagining a world for community

The great majority of Class 1 interviewees articulated strong views concerning political relations between Indigenous peoples and Australian governments. Above all, interviewees stress that the economic and social health of communities is inextricably related to the wider issues of sovereignty and a treaty process[127], which cannot be isolated from rights issues. As **Widders** says:

> You can have a rights model (and Noel Pearson says it also has to be a 'responsibility' model). Fine… but what's your framework, what's the nature of sovereignty? Sovereignty is a wholeness and an ability to participate. In addition, we have debates about whether democracy is participatory or representational (25).

In the remainder of this section, interviewees will describe the methodologies envisaged for a treaty-style process that would position Indigenous interests as equal partners with government and generate community well being. Above all, interviewees visualise this as a community driven, iterative process built up over time, with Australian governments and communities embracing "a willingness to engage in the uncertainties" (**Widders**:22)—rather than imposing a short-term legal or bureaucratic framework. The processes envisaged are the type that would produce the scaled organisational structures of the kind established in South Australia (reviewed in Chapter 4)—gathering the political authority of local communities and other Indigenous governances into a scaled organisational structure, which in turn, would deliver them to an equal negotiating position with governments.

Mundine speaks of the primary need to establish, through community processes, the form of such an organisation or organisations:

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[126] ' Cry from the Heart'.
[127] As explicated in 6.2.1-6.2.3.

> But before we have [a genuinely black organization], we need to have Aboriginal people together to talk about whether they need to have a structure or a number of structures. First [governments] have to acknowledge that we are not generic people, that we have got different Aboriginal people, in the cultural sense, and also in a vision and development sense. And therefore—how do we mesh these people together, to come to some sort of consensus, traditionally, on certain issues? (45).

Jackson takes up this issue of the need to create the conditions by which diverse Indigenous interests can achieve Widders' ideal of "sovereignty wholeness". He speaks of the need for reconciliation *among* Indigenous people, as does **Simms** (p. 4). In a similar vein **Mundine** calls for "a mass education program throughout Aboriginal communities about other Aboriginal communities, because we're squabbling over one little bone of resources, and we tend to start attacking each other" (14). But this reconciliation is not meant as a self-disciplining process, an Indigenous responsibility to earn the right to engage with a government-determined and vaguely defined "reconciliation" with the wider Australian community. To the contrary, it places specific, far-reaching conditions upon Australian governments and society, to give long-term support for an Indigenous-driven process of developing political strength and cohesion. This forms the pre-requisite for a step-by-step process of agreement on Indigenous sovereignty and power sharing with governments. Says **Jackson**:

> We must reconcile among ourselves first. Then we find out what reconciliation [with the rest of Australian society] means...
> Aboriginal people are very scattered; even within the mobs themselves, they are splintered, fractured, broken... Reconciliation has to begin with us, the Aboriginal people... amongst our families, our mobs, our neighbouring mobs...The intertwined history of the last 213 years has caused divisions, hurt, pain, anger, death...
> The problems with land are major problems. You have a lot of inter-twining claims for the same land; some people were taken from their traditional lands and put on somebody else's land... All that has to be reconciled, the loss of laws, the loss of everything, of family, of clans... We must look at what we have lost, reclaim or recoup what we can and start again...(5-6).

Similarly, for **Reed-Gilbert** the need for reconciliation among Indigenous communities should be understood by wider society in the context of its causation with these forced removals. Hence, for Indigenous communities, such reconciliation is primarily a "healing process", contingent upon the Australian Government

addressing these and other, past and present colonial impositions, through equal power-sharing arrangements (1). **Jackson** continues:

> Reconciliation to people of the eastern part of this country is different to the central or the western. We, in a sense … in the eastern part have lost more, because invasion started here—north Queensland, Northern Territory, northern, western Australia, northern part of South Australia—their cultures are still intact, but even there, it is becoming very splintered (7).

For this and other reasons, **T. French** favours state-by-state negotiations before a national agreement is reached:

> Each state would need to negotiate their own treaty, and then nominate leaders from each… to sit down and develop a treaty for the whole of Australia. If we just went on the states having their own treaties, you'd have some states that are really wealthy, some states that are really poor. If you look at the Northern Territory compared to NSW—NSW maybe gets $3.00 per head off the Government per year, whereas Northern Territory gets something like $25- 35 per head, per Indigenous person a year. Again it's control even though they're millionaires—it's controlled by the Government, so they can't please themselves what they do with it (int.2:15).

Jackson resumes on the need for support for the process from Australian communities and governments:

> The whole of this black country has just been smashed to smithereens and it took 200 yrs to do that—it is not going to be fixed in five or ten years. [It will take three generations (27)]. You have to take time, but at least we start. And governments and non-Aboriginal people need to support that process, because without that… reconciliation is not going to take place… It has to be done properly, with respect—that is something governments of this country know nothing about. They expect us to respect them, but it has to be returned…(5-7).

The next step, says **Jackson**, is:

> to say 'OK what does reconciliation [with governments] mean to us? Does it mean 'come back Captain Cook, does it mean treaty, does it mean sovereignty, does it mean an amalgam, what does it mean?'…
> So we need to work out what is reconciliation to us, we need to write that down and we say, 'OK, non-Aboriginal people and governments of Australia, here is what we think is reconciliation'. That then needs to be looked at by reconciliation groups, church committees, communities, everyone. There will be arguments, screams… but that's all right, we have been screaming for over 200 years… But it is going to be a long process and that changed document—when it comes back to the Aboriginal people again, as it

must—we then sit down again and look at what reconciliation means to non-Aboriginal people. Because that's basically what is going to come back to us—how much faith, not atonement, is to be put into this reconciliation movement? Are non-Aboriginal people and governments going to power-share in this country? We need to hear what are your thoughts on treaty, on land. Are you going to give us land, and what land? (7-8).

The importance of control over land as the basis for Indigenous community development is re-iterated by other interviewees[128]. Power sharing, envisages **Jackson**, is the process as well as the ultimate objective, by which this and other goals will be achieved. He continues:

OK, so the process—we have sat down, worked it out, given it to you. You have looked at it, amended it, changed it, added to it, deleted, whatever. You then give it back to us. We then look at it and see how fair and real it is for our people... We feel we have a legitimate claim for 100% [of this nation]... but it is not an option... Historically, societally, we are hooked into your system... our whole existence at this point in time, hangs on white governments and white society.
So then we sit down again and see how fair this is; we make changes again and this time it goes to the government. Basically this is going to be the hardest nut. They don't want to share anything. So that's where an education program must come in, for that 60% of non-Aboriginal people—not the redneck racists, you're wasting your time [and not the 30% who already support us]... that 60%. We only need half of that, not even half, we then become the majority. Then things can possibly change in this country (32,34).

Sharing Jackson's view of the importance of education of the non-Indigenous population in shaping social/ political conditions conducive to Indigenous development, several interviewees[129] are involved in designing and delivering cross-cultural and anti-racism training for government employees, schools, pastoralists and the broader community.

Several interviewees see the Aboriginal Tent Embassy as the potential fulcrum for the political cohesion and development needed for this project, because it stands outside government auspices, existing exclusively on Indigenous authority. It is, says **Eatock**[130] "of significance to all Aboriginal people" (7). This view is reflected also in

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[128] Reed-Gilbert (1); Widders (11); Katona (6,16); Nicholson (10); Eatock (8); Pattison (7); Simms (16); LAC/IPjl (1-2, 4-5); Mundine (17-18, 20, 48-9); Buzzacott (13); D. French (5); T. French (16).
[129] Reed-Gilbert (24-5); Heiss (16); Simms (4); Pattison (4).
[130] Who, like Buzzacott (6.2), has been a Tent Embassy activist.

the call of several N.S.W. communities[131] for the Aboriginal Tent Embassy to be the permanent site for a national memorial to the Stolen Generations. **Eatock** envisages that the process might start with an agreement among Indigenous communities to make a statement of first principles and describes recent such efforts—"Auntie Isabel Coe" of the Tent Embassy "is putting a document out to be signed by every Aboriginal nation, saying we never ceded our sovereignty" (8).

6.3.4: Making the world from community

The processes described in 6.3.3 are a set of related ideas constituting a governance of re-imagining the political relations between Indigenous peoples and Australian governments. The basic principle underlying these ideas, that of power sharing, has the fundamental purpose of regenerating the social and economic health of communities under the auspices of Indigenous social/ political authority. This is a project of imagining a world *for* community. Implicit in this process is also the reverse side of the transaction, making the world *from* community. If there is power-sharing at the government level, Indigenous power must be legitimated by Indigenous political authority, which resides in communities, both local and discursive. So the question is—what kind of process would deliver this legitimacy and authority?

Fundamental to the scaled analysis of this study is that the process by which this Indigenous community authority is constituted and delivered to government levels is crucial to its effectiveness for Indigenous communities. Equally fundamental is that an analytical scheme of any kind cannot produce a model for this process, which can only be developed iteratively and in multiplicity, at the level of community politics and Suchet-Pearson's (2002) "situated engagement". In section 6.3.1 interviewees highlighted the importance of recognising, regenerating and re-creating community, and this process emerged as having political as well as social dimensions. In 6.3.3 **Widders** interprets sovereignty not only in its standard meaning of residing at the scale of national government; he extends it to a dimension of community "wholeness" based on "an ability to participate", as opposed to the more linear transaction of a Western representative model of democracy. Similarly, implicit in the

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[131] Recorded by Edwards (3) from his consultations, as described in 6.2.2.1.

6.3.3 contributions of **Mundine** and **Jackson**, are the ideas that community is the basis, not only of social and economic health, but also of political authority; and that all these dimensions are interrelated and essential to a community's capacity to support its members. Finally, **Katona** brings together all these dimensions and outcomes, as well as the interrelationships between Indigenous and non-Indigenous governance. She describes the open-ended, iterative community methodology that would be facilitated by, and at the same time productive of, a wider political context of equality:

> An 'equal Australia' [will be] the day that I can sit in and participate in decision-making that takes place out bush under the tree, where all my family and extended family are out and we listen to the arguments. And we have the time to go away and think about it and discuss it with each other. And we have access to decent housing and health and we have got control of the social-cultural issues in our community, which gives us the basis of participating in decision-making forums. I think that would represent equality in Australia...
> I'm not perceiving equality as being non-Aboriginal and Aboriginal people sitting around the table, being warm and friendly to one another. I am seeking a process which promotes the interests of my community, and where there are conflicting interests, that there would be a procedure, quite a simple procedure, which allows for quite a high level of communication to take place, but which doesn't allow either side to instantly dismiss the other. There has to be a process of consideration, because both cultures have to evolve, both cultures have to respond to each other, and the international forces to which we are subject (15).

6.4: Conclusion

Across the diversity and multiplicity of discursive, urban, rural and more traditional contexts, Indigenous participants in this chapter have portrayed a broad range of Contemporary Indigenous Governances. Countering the authenticity binaries—which apportion Aboriginality selectively according to criteria that disentitle the majority of Indigenous people from recognition as members of Indigenous communities with collective rights—these participants have shown that regardless of context, Indigenous communities, both local and discursive, have sustained, adapted and developed the community authority and processes that are at the basis of Contemporary Indigenous Governances. This is despite the undermining

of these community scales of governances and their ongoing erasure from a role in designing and assessing government policies.

The multi-faceted critiques of reconciliation policy provided by these participants form a cohesive body of knowledge. At its basis is the fact that it perpetuated the basic flaw of all previous policies. That is, it failed to recognise Contemporary Indigenous Governances and to engage with them on a basis of equality throughout diverse contexts across Australia. As with previous policies, this contributed substantially to the inability of governments to recognise the real possibilities for a situated engagement with the existing and developing structures and processes of Indigenous communities. And it contributed to a flawed, nation scale centred construction of political relations between Indigenous Australia and Australian governments. This served dominant interests, rather than being accountable to these local and discursive community governances.

The study participants who made up this chapter have provided a comprehensive and cohesive portrait of the fundamentals in building government policy on Indigenous affairs. They have shown that across a diversity and multiplicity of contexts, the essential requirements of Indigenous communities in any government policy are the same. They want governments to commit to a genuine, procedural engagement with the community authority of Contemporary Indigenous Governances. The willingness of governments to meet this call will be crucial to any resolution of the political relations between Indigenous communities and Australian governments. These questions of recognition and process will determine whether such a resolution is one of scaled capacity building for Indigenous communities[132] or a continuation of the scaled erasure produced in previous policy processes.

During the reconciliation policy era, this erasure was propagated through the employment of top-down consultation models under predetermined corporatised frameworks. This suppressed community based knowledges, and under these conditions it was unavoidable that it should produce homogenised outcomes incapable of building community sustainability or representing Indigenous interests or aspirations. In the next chapter, the same participants will report on the mechanisms

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[132] As seen in the process employed in South Australia by the South Australian Legal Rights Movement.

by which the reconciliation policy processes became processes of erasure and marginalisation.

7) SCALED POLICY MECHANISMS AND THE ERASURE OF INDIGENOUS SCALES OF GOVERNANCE

7.1 Introduction

In Chapter 6 Class 1 interviewees emerge as being grounded in a variety of interrelated Contemporary Indigenous Governances, giving authority to their critique (6.2) that the reconciliation policy was founded in colonial assumptions, ideology, methodologies and discourses. The resulting policy objectives fell short of the transformative political change called for in Widders' participatory "sovereignty wholeness" governance discourse; and in similar governance discourses of community negotiation and power shifting, espoused by Buzzacott, Katona, Jackson, Mundine and others. While the social justice advancement objective—the most pressing within the policy process in terms of immediate impact on individual lives—gave rise to the crucial investigations into, and accumulation of historical testimony about Aboriginal deaths in custody and the Stolen Generations, the structural parameters of these ventures did not permit power-sharing for the communities having the most to gain or lose in the prospects for these issues. The reconciliation policy was, suggests **Reed-Gilbert**, part of a longstanding policy approach in which, "Aboriginal people always have to fit in a box" (4), rather than having negotiating power with governments on Indigenous futures.

This ideological disconnection with the scales and mechanisms of Indigenous self-governance was reflected in the establishment of a set of top-down federal government political relations that were operationalised through a formal policy structure. Its scaling at local, state and national levels facilitated its construction as a structure through which representational policy processes could be generated and grass-roots opinion, both Indigenous and non-Indigenous, could be delivered to the federal government. Under these liberal-equality assumptions, Indigenous community political processes were constructed as having equal representation with non-Indigenous political communities. This had the practical effect of entrenching existing political inequalities rather than addressing them. As explained in Chapter 5 and shown in this chapter, it followed a corporatised/ consultative rather than

representational model, which restricted discourse to a pre-set framework, further removing the policy from Indigenous community processes and concerns.

In this one-size-fits-all policy process, the national body, the Council for Aboriginal Reconciliation (CAR) and the State Reconciliation Councils (SRCs) held public community meetings across the nation in the fifteen months leading up to May 2000, often hosted by a Local Reconciliation Group (LRG). Open to Indigenous and non-Indigenous participants on the basis of the assumption of liberal equality, these meetings were characterised as delivering to the CAR a set of nation-wide opinions representing both Indigenous and non-Indigenous communities, on the fundamental issue of Indigenous futures. But agendas and decisions were set within the framework of a series of predetermined documents (the Documents of Reconciliation, Appendix 1), which ignored the crucial issue of political relations between Indigenous peoples and Australian governments. National conventions and regional workshops, attended by politicians and CAR/ SRC members; as well as representatives from LRGs, church groups and other bodies provided further opportunities to consider the documents. Constructed also by the CAR as the vehicle for "reporting back to the coalface", they featured cohesion-building, celebratory addresses, revealing "good news stories" about reconciliation and future strategies for its promotion. Admission to workshops was by invitation only, and while admission to conventions was claimed to be open, the costs, covered by various government agencies for LRG representatives, politicians and others, were prohibitive for those of limited funds outside the CAR's target categories.

The outcome of this method of consultation was the erasure of Indigenous scales of governance for the purposes of national political dialogue. As explained in Chapter 4, this was not an actual erasure of Contemporary Indigenous Governances of local and discursive communities; rather, it was erasure of their prospects for development and negotiation with state and national scales of formal government. This truncation and invisibility of Contemporary Indigenous Governances was consistent with the effects of previous policy settings. Broadly, this erasure process operated in two related forms: exclusion from the process (7.2); and management of discourse and dissent within and beyond the process (7.3).

7.2 Scaled mechanisms of exclusion

In the experience of Class 1 interviewees and the communities in which they are embedded, exclusion involved the exclusion of representations of Indigenous community concerns about the conduct, content and purposes of the consultation process. There was self-exclusion by interviewees and their communities, who viewed the policy as ideologically misplaced and/or irrelevant to pragmatic community interests (7.2.1). Others were excluded, according to some accounts selectively, when their local communities or discursive groups were not included in consultative activities (7.2.2). Yet others participated in consultations as a community strategy, but found effective exclusion in an unresponsive process that imposed preset agendas (7.2.3). Underlying all these was a general dynamic of exclusion produced by the terms of engagement of a policy not built on community participation. Testimonies of some fell into more than one group, accommodating both interviewee experience and their reports of community experience. In these different ways, and despite the diversity of their backgrounds, as evidenced in Section 6.3 (and Appendix 9), most Class 1 interviewees came to strikingly similar conclusions that the policy process was primarily an imposition of a government agenda, set to reflect government ideologies rather than facilitate an open-ended, community driven new direction. They were well placed to gauge community responses to these processes and reported a generally a low level of engagement.

7.2.1: From exclusion to self-exclusion

The political relations of the reconciliation discourse were both reflected in, and reproduced by its top-down, scaled methodology. In response to this exclusion of the concerns and interests of Indigenous communities, some Class 1 interviewees stayed outside the consultation process, describing similar disengagement throughout Indigenous communities. "Within the framework that [reconciliation] was set up in, ie government policy" says **Nicholson** (**ISPr/Ce/A/Aw**), "it was seen by Aboriginal people as just another one of a long list of government policies, and they all ended in 'ation'" (1). **Reed-Gilbert**'s (**Ce/IPjI/A**) recollection, that of her hundreds of Indigenous acquaintances, she knew barely "five or ten… who ever went to a

reconciliation meeting" (6), is confirmed by **Mundine** (**LAC/Ce**)—"the majority of Aboriginal people don't want anything to do with reconciliation. There are only a handful of Aboriginal communities that are a part of it" (42). Indeed, according to **Heiss** (**CPS/Ce/A/Aw**), "it's almost like a dirty word for a lot of Indigenous people. I joke about it now. If I want something, for instance, from a staff member who is non-Indigenous, I'll say, 'well you know, in the spirit of reconciliation'… I'm not one who took that word overly seriously" (9). Drawing on his extensive Stolen Generations consultations across NSW (6.3), **Edwards** (**ISPr/CPS/Ce/As**) describes similar widespread negative community responses, motivated in part by the policy's lack of ideological integrity:

> Community people have said to me that they don't understand it, those that have a bit of knowledge about it are not committed to it; it doesn't mean anything to them in their personal life. And that's in country towns and in the city. Then there are other community people that are very, very negative and outspoken against it. And I must say that's quite a few. And they often mention things like what I said earlier—'who's reconciling to who, we're not reconciling to those whites'. They'll be really negative about it… One of the problems… about the reconciliation process is the vagueness around what are its objectives… the philosophies that inform its objectives, if there are any. There is a lot of criticism on that level, and a lot of those are shared between different Aboriginal people together. So [that vagueness] generates a culture of rejection of reconciliation (int.2:4).

Related to the policy's ideological foundations and its disengagement, was the issue of participation. Answering her self-posed question, "where would an average Aboriginal fit into this [reconciliation] picture?" **Mundine** says, "they don't… A lot have withdrawn from it because it doesn't allow for them to participate" (5). "For a process that was supposed to be Aboriginal" says **Reed-Gilbert**, "they actually left the black fellas out" (6). Rather than facilitating participation, the top-down structure was disengaged from the local, social and discursive diversity of community processes and interests. It was, says **Gibson** (**LAC/Aw**), "a very hierarchical structure", in which, "reconciliation was placed up there… information just trickled down" (5,7), or as **Reed-Gilbert** says, "it was rammed down our throats, same as ATSIC" (24). As will be seen in 7.2.3, this imposed structure facilitated the imposition of set meeting agendas, which further operated to limit expression, manage discourse, preclude effective participation and consequently, discourage engagement.

For **Widders** (**IPjI/Aw**), the decision to remain outside the process came from a basic standard against which he measures any proposition—it must be "open to negotiation. If it isn't, don't bother, if it is, get organized and be prepared to work out the uncertainties of what will become working relationships" (18). Instead, he says, the "council and sub-councils structure" (4), is "a disassociated body, a bureaucratic model… It doesn't engage, it doesn't have a contextual life at those levels [of]… very local, lived relational experience" (17). Furthermore, it did not "provide space for the expression of plurality. It's not relational, not engaged, not solid enough to do that. There's not enough recognition given to the reality of the lived experience, in this case, black fellas, here" (15)—"it was just an idea that you plonked on top of someone… an idea *about* somebody, something, over there" (8). As such, it imposed prescribed, static, non-negotiable "state-people relations" rather than embracing the uncertainty of "ideological contestation… expressed by lived relations" (17). For Widders, the disengagement of the reconciliation process (or treaty process if it is similarly bureaucratically driven) goes back to its basic precept, that a government-driven document can be an agent of change on behalf of a diversity of lived relations and collective interests. In comparison to his experience of the regional housing company (6.3), constructed in an open-ended, iterative process of "angling, differing, not differing, calibrating what we were about—values and beliefs" (5), he views the production of a document and its formal presentation to the Government as a naïve, sterile and outdated exercise in symbolism:

> The earlier treaties, documents, whether Macquarie's document or whatever—they're almost ritualised, they're symbolic exchanges. I'll accept that as a necessary part of the past, but do you have to do that for the present? Surely there's been enough symbolic exchange.
> "Can't you do any better than that?"
> "Treaty yeah, sunshine yeah"
> "Anything concrete?"
> "Oh excuse me, I'll come back later with my symbolic thing, we'll have a meeting, exchange documents."
> Really you know, it's a highly ritualised thing, it's like going to a bloody foxhunt ball, it's all highly managed, and then you go away. I don't see the point in it (26).

In an exercise that claimed to represent the plurality of Indigenous opinion throughout the nation in a single document, it was inevitable that the cultural constructions employed to legitimise it would be received by some as inappropriate.

Mundine, who remained outside consultative activities but attended the formal document presentation, recalls the 'message stick' imagery:

> A prominent Aboriginal person (whom I will not name) came up with that image. I thought, "that person doesn't know anything about Aboriginal culture", because a whole row of us from all different states, we all said, "painted coffin". I said to them, "that's telling us about reconciliation'", because that's exactly what it was and it was handed up. It was not a message stick; it was a painted coffin because it had the document inside (29).

Also central to the disengagement reported by Class 1 interviewees among communities was the policy's irrelevance to the daily concerns of poverty and racism. Says **Gibson**:

> I haven't had a lot to do with reconciliation, and I have not been involved in any local activities or any discussions... I am employed and more politicised than a lot of Aboriginal people around here, who are unemployed and are not worried about reconciliation, but where they are going to get their next feed (4). [All those people in the CAR] need to get out of their ivory towers... and have a look at what's happening on the ground (8).

This detachment from community concerns was highlighted starkly by the glossy presentation of policy material. "When I look at the funding that's gone into the reconciliation budget" says **Mundine**, "I start to cry… When people in poverty look at glossy magazines, pretty pictures, you think, 'that's luxury'. You look at this whole luxury propaganda machine, and you think, 'what is it achieving for us?'" (22). As **Widders** says, "some of those glossy reports looked good but you could get through them in about 27 seconds flat looking for key words—nice suit, no message" (20). **Mundine** asserts that this funding should instead have been directed to ongoing participatory projects and processes that support rather than undermine community sustainability:

> Local government people, along with the ATSIC people should have been funded to run actions continuing from the reconciliation [conventions and meetings], working out process, coming up with some conclusions about out how to make things better in our town... There is no working through that to make sure we do move forward, and moving forward in way that prevents us from moving backwards (28).

Neither was the policy seen to be the appropriate vehicle for countering racism, despite its objective of effecting wider community attitudinal change. Says **Katona** (**ISPr/Ce/As**):

> It is very difficult for people who sit at home and experience racism directly, every day, as part of their daily round, like going down to the shop, dealing with the school, dealing with issues in a context where you are disenfranchised over and over again, and seeing things on TV—'Oh yes we desire reconciliation'. You can't make a connection to your own personal life. You can't see how a process like that would influence what is happening around you (3).

And **Edwards** ponders his community findings in regard to the problem of racism:

> Just only a month ago, I went to Armidale to hold a community meeting about the Stolen Generations and we asked an Aboriginal community woman, what her thoughts were about reconciliation—it was relevant to the discussion at that time. We were alone in her house, and she said she doesn't understand anything about it, it doesn't mean anything to her or the family… She says it's got no practical significance to her. And what concerned me with a comment like that is—there is a belief … that a town like Armidale is a racist town. And so for an Aboriginal community woman to say that it's got no practical significance to her or her family, and knows nothing about it—well if it is a racist town, what is [reconciliation] doing, where it's really meant to be happening? You've got Aboriginal community women… making comments that are probably indicative of the community, because they're all living together. And so it's just not happening out there where it should (int.2:6-7).

Reflecting the views of those who remained outside the policy process for all the reasons stated above—the policy's lack of ideological integrity and participatory engagement, and its non-capacity for mitigating the practical and social justice struggles embedded in the lives of Indigenous people—**Jackson** (**ISPr/Ce**) assesses the final public statement from the process, the Australian Declaration Toward Reconciliation:

> I have never seen such a wishy-washy motherhood statement, crap. It meant nothing—'we honour and respect'. Oh that's nice, how do we enforce that? Does it put food on my table? What about my land, what about being stolen, what about the death of my brother? (33).

7.2.2: Exclusion by non-inclusion

Aside from the nature of the policy process—its flawed ideology and methodology, and limited parameters and agendas—the issue of its consultative reach (and its impact on the reach of associated consultative activities) was important for some Class 1 interviewees. As Chapter 8 will show, of the thousands of local Indigenous communities around the country, the number consulted was estimated by CAR members as little more than one hundred. But this was not seen as problematic given the logistical impossibility of a government structure achieving 100% inclusion. Rather, they counted the achieved rate of consultation as a policy success. But from the viewpoint of non-consulted communities, this was a major policy failure. And for some Class 1 interviewees, the imaginative erasure of communities was a concrete and distressing experience. The judgement that total inclusion is not a realistic expectation flows from the proposition that decision-making on Indigenous futures must be government driven and authorised—which in turn, is underlined by a fundamental inability to imagine the importance, prevalence and plurality of Indigenous presence and community process across Australia.

The Nowra Local Aboriginal Land Council headed by **Simms (L'C/Ce/ISPr/IPjI)** (who set up the Bomaderry Homes Memorial Garden for the Stolen Generations, see 6.3) was prepared for consultations, together with several other organisations. Sitting in the garden, he recalled:

> We could have rallied all the people and had a great public open forum down at the Aboriginal Cultural Centre—not just a few people locked away in one little room…. there's so many organisations and corporations here. We were all willing to have input into it, which I do with a lot of organisations—I make them aware of what's happening with the Stolen Generations. [The CAR members could] even visit the former missions and reserves, where people of the Stolen Generations are still living on those places. We've got Wreck Bay**,** we've got Orient Point at Roseberry Park Mission—people from the Stolen Generations are still residing there (8).

However, all these organisations were excluded from consultations:

> In the consultation leading up to the draft document nothing was ever presented here at Nowra. The people here weren't even

consulted. If they did, they consulted people from outside the network here. I represent the Nowra Local Aboriginal Land Council—we are the peak Aboriginal body here on the South Coast. We have the highest population—Nowra is the centre that has the highest intake of Aboriginal people on the South East Coast of NSW. This is the meeting place here and I head the longest running Aboriginal organization here in the district and also the largest. And we've received nothing whatsoever. If I ever do get information, I put it to my members at meetings here; I let them know what's going on. But we've had nothing at all with that draft [draft reconciliation documents] or any input into the legislation (7).

In fact, when CAR members did come to Nowra, they confined themselves to an unannounced meeting, excluding all the above. **Simms** recounts the episode:

I received a late phone call that they had arrived in Nowra and they were conducting a meeting at the Aboriginal Cultural Centre. I went across there immediately, I spent three hours with three of those people on that reconciliation committee that had come through this system. And it was more or less through force that I asked them to come over here to the Bomaderry Homes. If I wouldn't have had that meeting, there was no chance of those people coming across here. And I was upset because [in that reconciliation committee there were] two ladies who grew up together here—they're elderly ladies now—and a fellow I played football with La Perouse back in the early sixties. I had to persuade him to come back in and have a look here. I showed them all the photographs; they even identified themselves in earlier photographs, which I have in our possession (6).

The experience left **Simms** and the communities feeling marginalised by the political relations of the process. Speaking of the CAR members, he comments:

That reconciliation committee wanted to go with their ideas and values, not come back and consult with the grass roots people. They had a set agenda, yeah that was already in place. And that was more or less pushed and instilled by the government and they couldn't go outside of that. And that's where the criticism comes into it. There was a lot of criticism and the people said 'we're never consulted, we're the forgotten people' (24).

He continues:

I'm really angry. This place here where we're sitting today, this is where [the Stolen Generations] all started and a lot of people on that committee wouldn't even know the whereabouts of this place. They should come and get the local people who reside here, who've come through that [Bomaderry Homes] system. I've got an uncle[133] in La

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[133] The late Herb Simms was appointed in 1964 as the first manager of the Foundation for Aboriginal Affairs in NSW and in 1965 he joined the Aborigines Welfare Board of NSW as its first Aboriginal welfare officer. In more recent years he was an advocate of compensation for the Stolen Generations, of which he was a member.

Perouse...he hasn't even been contacted. We have two elderly people who have spent many years here, who haven't even been notified of this. Therefore it angers me at times when I pick up the paper, when I read, or I see it on the news. When they talk on reconciliation, the Stolen Generations, I would like them to come here and confer with us here. It angers you when you see it on TV; they're pushing their own barrow. They're not there for the people; they're there for self-gain. I'm dirty on that because I'm a community minded person, I'm a stickler for the community, for my people; and I'll talk and act, and represent them to the best of my ability. But when we're left out in the cold like that and they only come as a last resort, that's when it gets up my nose (9).

The preceding account was perhaps a case of arbitrary exclusion, but Nowra's outspoken, readily organised, diverse and well-informed set of Indigenous discursive communities involving land, the Stolen Generations and others—together with Simms' prior relationship with the DAA and CAR officials—lends itself to an interpretation that he and that community were excluded selectively. While planning the memorial garden, **Simms** had clashed with the NSW Department of Aboriginal Affairs and CAR officials. He had sought funding for its construction from private enterprise and various agencies, and was granted $11,000 from ATSIC. But the response of the DAA was, he thought, hypocritical, patronising and parsimonious. At first it was refused. "Yet" he says, "they go around spruiking about reconciliation" (5). Later, when they granted "a paltry $2,000" and "had the audacity to say, 'if you do not spend all that $2000 can you return the remainder'", he reminded them that had they failed to contribute, they would not be "let… through the gate" of the memorial garden for its opening (5).

The processes of selective non-inclusion also operated at a broader, more systematic level, whereby entry to conferences was effectively restricted to funded target groups, who were managed as policy conduits. As **Mundine** says, "look at the big conventions, the price just to get in the door, let alone the cost for Aboriginal people to get from point A to point B. You talk about equity and access but in practice these methodologies do not allow for equity and access" (29). Indeed when those from outside the target groups sought involvement to advance community or philosophical objectives, they chose between self-financing or presenting as intruders. The latter strategy was sometimes utilised as an effective means of organised protest. I attended the 1999 Wollongong Reconciliation Conference, where a Tent Embassy was set up

outside to highlight the fact that ordinary Aboriginal people could not afford to attend, and to protest the failure of the reconciliation agenda to address sovereignty issues. One of its members attended the workshop on governance. In his allotted three minutes he noted that he and his fellows had not, could not pay conference fees, and moved that the documents refer to the need for a black parliament in Australia. My three minutes were used to second his motion but the convenor did not put it to a vote.

Other processes of exclusion by non-inclusion were generated by bureaucratic expedience, underscored by a lack of imaginative reach to the diversity of communities and a failure to acknowledge their fundamental entitlement to participate. Funding for the disassociated draft document process far exceeded that provided for communities to deliberate on the concrete, crucial and challenging issues of community priorities for members of the Stolen Generations. In **Edwards**' account of the latter process numerous communities were excluded. He describes his team's efforts within a range dictated by restrictive funding:

> The Commonwealth Government, I think, viewed it as 'why does NSW want to conduct consultations in all those places?' But to Aboriginal people in NSW, it wasn't enough places; it was, 'why don't you come over here, why don't you go over there?' And so we just had to be as central as possible. That's why we went up the north coast, across to northwest, down the southwest, across to the south coast (int.1:7).

As noted in Chapter 5, one of the relative successes of the reconciliation era, apart from the Bringing Them Home Report, was that numerous urban local government councils established liaison functions with local Indigenous communities and in some cases, sister city relationships with rural or remote Indigenous communities. However, with the parameters for such relationships set within a disassociated national policy process, such endeavours were conducted under conditions of local non-engagement, rather than community authorisation and support. **Pattison** (**ISPr/IPjG/Ce/As**), who has worked in several urban local government contexts and has strong rural ties, encountered these processes in a privileged area of Sydney. She describes the consequent failure of the local government to take account of Indigenous residents, the impacts of this exclusion and her remedial efforts:

> I ran into two elders from Brewarrina, they just happened to be in the region. One mentioned that Warringah Council was doing a

sister exchange program with Brewarrina Council. I said, "are you part of it?" They said, "well actually no, we're not". I found it very strange, so I rang up the Mayor and made an appointment for these two people—I respect these two men who have been working in Aboriginal issues for years. [They are] also linked into some students that live in the area, that I know are from Wilcannia and Brewarrina. [The council] didn't realise there are people living here that could link a youth program. They have an Aboriginal community here that they didn't discuss things with. So that respect, and realising that we know about that area, know about most communities in N.S.W. or have family linkages there [was not there].

Now we receive any information about any youth exchange from Brewarrina to our area. So we can welcome them here... and when they go back, they can also talk, because that's what happens. My cousins and sisters are in Brewarrina. So just to be able to talk about those people back in their areas, not just talking about very flimsy now/today things, but really solid family history and information—just within that one hour, there was a cultural exchange happening, rather than setting up a youth strategy, and all the programs that look so good. And it was happening at that time, just by standing there and talking to people.

It's not as if [the council] didn't know that we were there—it wasn't part of their framework. It's still happening. Actually, the person running the community program was the Governance Officer for Warringah Council. If that section is handling that and winning awards for agreements with the Metropolitan Aboriginal Lands Council, what are they really doing? Are they ticking boxes? Where is that laying within the Council? Councils have a lot to do with human services and us as residents of the area. It's interesting to think—very intelligent people but just not having the feeling of Aboriginal people living here. It's that respect really.

It can be very hurting. There were some people who moved out because of reasons of not being accepted here (4-5).

The above accounts of non-inclusion typify exclusionary processes issuing from bureaucratic expedience and lack of engagement with community, and perhaps also selective exclusion. They involved people and communities who would, for different strategic reasons, expect to be included in one or other consultative process operating under the rubric of reconciliation, but were not. But the disassociated terms of engagement also drove exclusion of the people most effected by Indigenous affairs policy at a substantially broader level. Perhaps the starkest, most pervasive, but least apparent exclusionary process was the fact that possibly the majority of Indigenous people were simply unaware of the policy, its processes or stated objectives. **Gibson** comments that those without resources like televisions or computers have no information about, or input into government policy—yet "decisions made around reconciliation impact on their lives" (5).

7.2.3: From self-inclusion to exclusion

As noted above, some Class 1 interviewees became involved in the community consultative process to meet professional obligations to represent organisations such as Local Aboriginal Land Councils, and as a matter of community strategy. These encounters were described in terms of a dissonance between community controlled decision-making processes and the fixed model and agendas imposed by the reconciliation process. As noted in Chapter 5, consultative meetings, addressed by visiting CAR and SRC officials, were scheduled according to policy demands and within bureaucratic limitations to produce what was regarded as a spread across regions. The model permitted no ongoing structural presence for Indigenous communities; there was no institutional space or support for standing representational structures that could provide them with the ongoing capacity to engage with the policy process. As a result, Indigenous attendance at meetings was not a matter of systematic organisational volition; it was in response to a haphazard mix of selective official invitation, word of mouth or exposure to promotional material. There was no institutional platform from which Indigenous communities could have input into the terms of engagement between communities and government.

This lack of community control in the related domains of philosophical content and the terms of engagement is conveyed by **D. French** (**Aw/E/Ce**), who says of the consultative process, "it was a sort of imposition; they were imposing themselves on communities, without necessarily asking whether people wanted this process" (14). **T. French** (**L'C/Ce**) describes the community-controlled process and polity that was erased with this government-controlled model. In the former process, he says:

> We would have said, 'look let's sit down and discuss this as a community and look at our best interests. And then we go and negotiate with the people who are coming here, and say, 'look this is what we want on the agenda and this is how it will affect us as a community and you as the Government body'—rather than [the officials] coming in with an agenda and saying, 'this is it and this is what we are going with', which is what they did, virtually. That's when they got a lot of people offside (int.1: 5-6).

This often-repeated charge of the set agenda[134] is supported by the findings of Australians for Native Title and Reconciliation. **O'Brien** (**A'Rp/Ce**), its NSW chairperson during the reconciliation era, reports:

> ANTaR decided that it was absolutely vital to monitor those meetings. We didn't monitor them all, but we did, across Australia, monitor a significant number of them... We were not aware that there was much consultation going on. What we were aware of was, that there was an agenda being run. What we suspected was that there was an agenda being run by the Council itself and to a lesser extent by the state councils and that this agenda was going to produce a set of documents that could have been written two years previously to the consultation having been done (11).

This non-accountable, government command approach arose from, and entrenched, the ongoing failure of imaginative reach to the presence and volition of communities. Says **D. French**:

> I don't think there has been enough public input or involvement in the political debates. There has been more of a dictated delivery from the people who are supposedly running the process. And I find that very patronizing. You don't go and speak to community groups and expect—and there have been some very direct inferences—that 'you must become involved in this process because it is for your advancement' (8).

In this dictated approach, officials were silent on the fundamental question of how Indigenous people might benefit from the process. **D. French** further recalls:

> The CAR didn't come out with a very detailed response to questions like, why you should become involved, what benefits would come, will it change the overall attitudes and behaviour of the majority of Australians towards Indigenous people, will it bring recognition of the past history of our people? (9).

And **T. French** reiterates this question in terms of how the process would distribute power between the Australian Government and Indigenous communities:

> I thought they were really pushing people to grasp the reconciliation process and run with it, rather than look at the benefits to Indigenous people. That's never been discussed, I don't believe. They're the sorts of things that we as Aboriginal people need to look at... It's always been that way. They're all talking and pushing their own ideas, their own wheelbarrows...When we asked, 'what was in it for Aboriginal people, what was in it for the Government', no one gave any

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[134] As well as Simms (above), see 7.2.1.

clear definition, they didn't want to go into that end of the water (int.1: 2,3&4).

He concludes:

> It's not set up to hear [Aboriginal] voices. It's set up in a way, to voice the opinions of the government and that's the way it's constructed. I truly don't believe it's the voice of the people you know, when all they're doing is pushing the government's agenda (10).

Commenting on the concluding formal ceremony, **Mundine** raises similar questions around the futility of a policy built on a pre-set agenda rather than a commitment to engagement: "The participation is mostly people [being talked] to... Well we are not going to resolve in three days… the whole of Aboriginal issues. You are talking about years of discussion" (29).

For the above interviewees the consultative process was unresponsive to community terms of engagement and incapable of ventilating questions about the political relations at the basis of the process; rather, it's purpose was to impose pre-set government policy outcomes. Similarly, others found that the policy process was not set up to support communities who faced potentially shattering outcomes in their conflicts with business interests or government authorities. In a workshop I attended, organised by the State Reconciliation Council for local reconciliation groups, a northern NSW Bundjalung man spoke to enlist our support against the impending construction of a state highway through a traditional gravesite. His petition was not taken up. I think the organisers and most of the audience thought it irrelevant to the workshop, which was concentrated on communicating policy strategy. In conversation later he described his daily internal dialogue with the ancestors from the site, who gave him counsel on various life issues—work, family etc. It was clear that he would face an awful emptiness, to lose such comfort and support in daily life.

The following quote further illustrates the disengagement of the reconciliation policy model from community lines of authority. Despite policy rhetoric about the importance of communities, this imposed upon high profile individuals who attempted *realpolitik* policy engagement[135] a structural incapacity to address the conflicts faced by some communities with outside interests, or even to engage with these communities. The efforts of **Anon** (**LAC/IPjI**) and her fellow community members to

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[135] See 7.3.3 and Chapter 8 for further discussion on this issue.

bring the policy process to account led her to the 1997 Melbourne annual reconciliation conference. There, her group approached a prominent CAR figure concerning the incursions being made on Darug country with the redevelopment of the old Australian Defence Industries site:

> Lend Lease has put in 120,000 odd houses out there with the shopping complex and schools and whatever. They had set up an employment strategy for Aboriginal people as part of the development and Patrick Dodson had actually rubber-stamped that strategy. So I rang his office to try to speak to him to ask him whether he was aware that it was a significant site for the Darug people and the people in his office wouldn't allow me to speak to him, and said if we had any problems that I was to put it on the fax. So we went to the Melbourne Convention with the idea of actually approaching him there personally, to see if we could speak to him about the issue. When we approached him at the convention, he said the same thing that the person in his office had said—if you have a problem, put it on the fax, put it in writing. He wasn't even prepared to speak about it…
> But you know, I would have thought that someone in his position would have looked at the Aboriginal significance of it. Because with the Darug people having born the brunt of the invasion and losing so much, and it being one their last significant sites because of the development around Sydney, you would have thought he would have been more willing, because of the position he is in and the influence he has with government ministers, that he would have looked into it a bit more… His responses were quite disappointing (1-2).[136]

The above interviewees who became involved in the consultative process were working from a position of political consciousness and purpose; consequently they could share with their communities, collective political understandings of, and commentaries on their experiences of effective exclusion. But a particularly problematic aspect of the process was that it attracted members of the most vulnerable groups, some unaware of the underlying structural exclusion intrinsic in a process not set up for accountability and community control on social justice issues. **Pattison** gives credit to the CAR members who "worked very hard" in translating some recommendations of the Stolen Generations report into the Documents of Reconciliation (6). But given the inconsistency of these statements with their structural political context, she is concerned for some Stolen Generations members who made an investment in the documents. As part of her work in generating and implementing community projects, she hopes, within imposed structural limitations, to translate

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[136] As later sections will show, the reconciliation process was not set up to allow individual policy agents to be accountable to communities.

these statements within local contexts of operation, and hence generate meaning for those most effected by them:

> There were people who were so excited about it, and there were some who put these people down. But I got excited with them, because I knew how much they, as Stolen Generations people, had been affected. To them these documents were the beginning of healing for them. But I have been in a lot of political environments and I knew that it wasn't.
> So that's why I still want to take my part. I can't ignore the documents and the ten-year's work. There is some sharing; there are parts in the roadmaps and especially the strategic plans, that I am working on for the community development work I am going to do (6).

7.3: Scaled mechanisms and the management of discourse and dissent

The erasure of Indigenous scales of governance was reproduced cumulatively through the policy process. Its scaled structures facilitated not only the above processes of expedient and selective exclusion. As will be seen in the following sections there was also a management of discourse and dissent. The structural basis for these processes was sometimes explicit, sometimes disguised. Interviewees observed these processes, in which set agendas precluded pluralist opinion within the consultation process; and critics from within and outside the process were silenced, censored, excluded and marginalised (7.3.1). There were questions of transparency and accountability in a hierarchical command structure open to politicised bureaucratic oversight, pointing to a less readily observable, structural dissent management (7.3.2). At a yet broader, more disguised structural level of public discourse many felt that the construction of black leadership in the reconciliation process operated to mask its disengagement from community processes and to further contain dissent (7.3.3). Related to this was a process of collectively incorporating Indigenous community members and government workers into policy-constructed reconciliation communities; hence supporting the representation construct (as discussed in 7.1). All these processes show that the management of discourse and dissent in the reconciliation policy process was not an episodic epiphenomenon attributable to mismanagement or individual perversity. It was in fact, built into all functions and levels of the consultative, scaled structure, such that it was not possible to operate the system otherwise.

7.3.1: The experience of management

As recalled by interviewees in Sections 7.2.2-3 the consultative process was built around set agendas. In **Mundine's** experience, this engendered a tacit acceptance of self-censorship in some sectors of Indigenous communities, in addition to the preclusion of discussions around the fundamental issues of methodology and ideological foundation:

> The agenda was already set, and everyone was expected to go into that agenda. That's the thing that I kept criticising. Different people have said to me 'stop criticising because I think the Government wants to appoint you and you keep criticising it'. I keep saying 'no' because the agenda was set, it didn't give us the opportunity to look at it, to even question whether the process that was chosen was the right one, before even going further and saying 'is reconciliation what Aboriginal want?' (25).

Indeed, in the experience of some interviewees, strong implications were made by politicians or government officials that self-censorship was the only viable approach, that efforts to replace the set agenda of reconciliation with discussion around alternative methodologies, modes of political engagement and objectives would be futile and potentially counter-productive. The political landscape was drawn in terms of strictly limited options and no-win binaries, in which reconciliation was presented as the only viable alternative. In one such example, **Simms** recalls that "it's been stressed upon our people, if we take [the treaty] to a referendum we'll get nothing; that's been quite clearly said to us" (15). In a similar vein, **T. French** recalls the consultative meeting he attended, in which reconciliation was presented as "the only alternative, like this is the best model we've got, we have to go with it. And we said, I said, 'well mate, it's not for me, your model doesn't suit my needs'" (int.1:5). And **Mundine** draws together the set agenda model and its role in the ongoing suppression of Indigenous political voices:

> The agendas are always set to come out with certain conclusions; that's why you set an agenda. That's been the whole worrying thing from the beginning. The agenda's been set to get this conclusion and Aboriginal people are being told, 'be a good native, do what you're told'; 'you'll never get anything else'—which is what I've been told by a very senior, very honourable ex-politician—'don't worry

about that, it will be fixed up, let's go with this because that's all you'll get at this time.' (36-7).

As will be seen in Section 7.3.2, the consultative process was not set up to account to, or even acknowledge criticism of policy fundamentals; rather, the hierarchical structure facilitated its bureaucratic erasure from the final documents. However, at the less systematic end of dissent management at the local community level, some interviewees described more explicit tactics of coercion and censoring, aimed at individuals. This was an inevitable outcome of a methodology employing government authority that was unmediated by community systems of authority, gate-keeping and conflict resolution. **D. French** argues that debate on policy should have taken place "where the community feels comfortable, not in an environment where the people who are imposing or selling this reconciliation policy have the veto over the process" (14). "What would reflect a true grass-roots consultative process" he says, "would be to have a body of groups that are established by and within the community… who are elected, not appointed, at community level" (6). In such a process the spokespersons chosen to present negotiated community positions have the support of community authority. But with the erasure of Indigenous scales of governance by line-of-command style policy structures that provide no formal institutional space for participatory representation, there is a self-fulfilling circularity whereby individuals who voice critical opinions prevalent in their communities are constructed as lacking the community authority that has been erased. At this unsupported, individual level of "state-people"[137] engagement, dissenting individuals are open to intimidatory tactics aimed at isolating them from their community, restricting their focus of discourse to individual objection; and excluding them from further opportunities to deliver criticism.

In the following examples cited by **T. French**, he and a fellow community member parlay these tactics in the first of three consultative meetings held at Moree just two months prior to the May 2000 public document hand-over. Each is challenged by visiting reconciliation officials to defend their standing with respect to their community or employment, and **T. French** is then excluded from the process. In the first meeting, his community fellow questioned who made up the agenda, stating that

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[137] Widders uses this term in 7.2.1.

"it didn't reflect the aspirations of the Aboriginal people" (int.1:5). **T. French** describes the ensuing exchange, in which an official attempts to isolate his (female) fellow, invoking the suspicion surrounding those who claim to represent community and placing an impossible requisite on her authority to address the meeting with collective concerns:

> "Are you speaking on behalf of all Aboriginal people or are you just speaking for yourself?'"
> She said, "I'm speaking for myself, I don't have the right to speak on behalf of my people'" That really threw him because he thought he was being smart (int.1:5).

In the same meeting, **T. French's** own similarly fundamental question concerning the ideological basis of reconciliation was countered with a challenge to defend his right to attend. The exchange began when he asked, "what did Aboriginal people have to reconcile for? Are we the ones who came here and stole the land… killed and maimed the children… poisoned the people?". He continues:

> They couldn't answer these sorts of questions and they asked me, "well if that's your views on reconciliation, why are you here?'".
> I said, "I was invited here to express my views, add my opinions, the same as everybody else'".
> … The people sitting there were looking at me as if I was stupid (int.1: 1,2).

After the meeting, **T. French**, who was a Commonwealth Government employee at the time, was again challenged:

> "You work for the Commonwealth government, aren't you frightened of getting the sack?'"
> I said, "no, why should I be?'"—This was after working hours that we were at the meeting.
> I said "I'm not here as a departmental person, I'm here as a community member'" (int.2:10).

And he was further challenged by a prominent CAR member:

> [The CAR member][138] came up here, and talking afterwards, she said, "What made you say that?"
> I said, "Well that's the way I feel … they're concerns of mine because if the Government was fair dinkum, then we'd be looking at a treaty rather than reconciliation (int.2:5).

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[138] French asked that no names be used in his presenting interview material.

Amid preparations for the second meeting, **T. French** found that he had been excluded entirely from the consultative process, in contradiction to the expectations of local organisers. He recalls the following exchange:

> The people who were organizing it from this end asked me, "Are you coming to the reconciliation meeting?" I said, "I haven't been invited" (int.1:2).

After the second meeting two days later, he approached one of the visiting organisers and found he had been censored, despite having restricted himself within the imposed individual focus of discourse:

> "How come I didn't get an invite to the meeting?'"
> "Oh, you're too radical".
> And I said "What?'"
> He said, "you're too radical'".
> I said, "How was I being radical? The questions I asked were valid questions. I didn't stand up there with placards and shouting or jump around, ranting and raving. I asked valid questions, and that's what you asked me here for in the first place, for my point of view. And that's all I gave you, was my point of view. I wasn't speaking on behalf of anyone else" (int.2:10).

Another process of dissent management that becomes available in a system lacking accountability to community is that people can be simply ignored. Meetings held under the auspices of government policy can be structured to ensure control by organisers and policy officials, who, as shown above, can impose an individual focus of objection, thus undermining the status of community based objections. And the vagaries of meeting procedure, whereby issues are discussed obliquely in conjunction with other matters at an imposed pace, operate in the same direction. As **Simms** observes, "if you criticise or rebuke any of their recommendations or proposals, they win time, you'd forget about it and your comments were forgotten about" (8). In another instance, the ignoring of an objector was more explicit. **D. French** was a facilitator at a regional youth forum hosted by the NSW Land Council on behalf of the NSW State Reconciliation Council, but "found the way it was delivered was quite offensive to young people" (8). He recalls the words of a young elected community representative, who questioned the policy's relevance for community lives:

> 'You come in here with the expectation of us young people becoming actively involved in the reconciliation process. If you can give me a promise right now that you are going to fix up education, employment, the drug problem, the domestic violence problem ... and

all the other social issues, then you can come and talk to me about reconciliation' (8).

The response of the hosting panel, says **D. French,** was that they "basically got up and left" (8).

Critics from outside the policy process can be ignored even more easily, having no recognised place within prescribed discourses. But when an outside critic has a high community or public profile and employs their knowledge and experience in policy analysis, they are subject to more explicit marginalisation practices. In recalling such experience, **Katona** sums up the general dynamics of dissent management in the reconciliation consultation process and the consequent loss of a genuinely productive, accountable and robust policy process:

> As is usual, any Aboriginal people that were critical of the process of reconciliation were treated as if they were dissidents or spoilers. I don't think that is an effective way to build an effective analysis or critique, that anybody can learn from, whether they are Indigenous or non-Indigenous (4).

A further management mechanism observed by Class 1 interviewees was the attempted co-option of Indigenous government employees into the process. As shown above, Indigenous community-based criticism of the foundations and assumptions of reconciliation policy was ignored or actively silenced in the consultative process. These attempts at the erasure of community scaling politics were supplemented with attempts to replace them with constructed Indigenous collectivities that were assumed to be more reliably supportive of reconciliation policy. **Edwards** recounts such a process:

> When it comes 'Reconciliation Week' in May, it comes through the Minister, down to the Aboriginal workers or Aboriginal units in departments—"what are you going to do for Reconciliation Week for this department?" And a lot of Aboriginal people in departments say, "we're going to do nothing, we don't support it". And some [departmental officials] say it's a personal choice; that's been said to me in my first year in this job. They said, "It's up to you if you want to do something for the department". I said, "People don't like it" (int.2:4).

In the experience of **T. French** the process was more coercive. "The people who attended these meetings" he says, "were hand picked. Most of them were public

servants and that says a lot" (int.2:1). He suggests this made them susceptible to being intimidated into compliance:

> They're government employees, they tend to not want to rock the boat, so to speak. They're frightened of being intimidated and losing their job. So they agreed to go along with it and they just accept what departmental people say. They don't question it, which they have a right to do (int.2: 1-2).

7.3.2: Bureaucratic management

In addition to the explicit and coercive processes of dissent management at the local level of interpersonal interaction at and beyond consultative meetings were the state and national levels of government intervention. At these points hidden, bureaucratic, structurally embedded processes of dissent containment took over. In a properly accountable process, says **D. French**:

> The final documents of reconciliation should have been taken back to the people, to ask them, "is this what you're talking about, have we got it right?" It's very easy to write recommendations but it is the effective consultation process that gives those documents some sort of authenticity (12).

However, the reconciliation consultation process lacked the prerequisites for such a process. Apart from the lack of community authorised process, it lacked a transparent method of recording the consultative meeting results, reporting them to state and national bodies, and ensuring that they were represented in the final reconciliation products. These meeting results were claimed to have been important input in producing the recommendations made in the Documents of Reconciliation. But interviewees were sceptical about such claims. For instance, Chapter 8 shows that some CAR members and politicians claimed that the call for a treaty process was a minority position in meetings. But **Reed-Gilbert** points out that the process provided no facility for obtaining information on support levels for issues outside the reconciliation set agenda or how many Aboriginal people attended (11-12); it did not represent the "very clearly" stated position among Indigenous communities, that "they want a treaty" (2). And **Simms**, comparing the final documents with his understanding of what transpired in meetings, says "what a lot of the people said wasn't printed, they

changed a lot of the people's information" (8). **D. French** raises similar doubts about the processing of workshop results from annual conferences:

> There were a lot of workshops and recommendations… You get a lot of lip service. In real terms of pursuing those recommendations—I don't know where those have gone, whether they have been re-directed back to the states to be dealt with… Where does the information go? (10).

These misgivings draw some quantitative support from the above-mentioned independent monitoring exercise undertaken by ANTaR, which left **O'Brien** in no doubt that the substantial issues raised in meetings were not represented in the documents. He recalls:

> The results of the discussions at those meetings were fed back to this office and we identified what the meetings were calling for at the grass roots level…. Our monitoring of the meetings indicated to us that … the things that were being discussed in the meetings were not appearing in the final documents… until the revision <u>after</u> the Corroboree 2000 weekend, before it was presented to Parliament [in December 2000].
> Some of the concepts that were being discussed in those so-called consultations were very far-reaching, like treaty. They didn't appear in the documents… There was very little of what the meetings all around Australia were calling for, that was appearing in the documents, very little. So I think there was a huge question mark about that. No doubt that the majority of meetings did actually call for a treaty. All the meetings we monitored did actually call for a treaty. It didn't appear in the documents… except in the final changes—but no major changes. It wasn't in the documents that were presented that weekend (11).

Here **O'Brien** raises an important question of timing. As pointed out in Chapter 5 the treaty amendment of the final documents presented to Parliament in December 2000 coincided with the legislative demise of the CAR when it no longer had authority—or responsibility—to advance the issue in public discourse.

The view that the consultative process served as a systematic methodology of discourse management is implied or explicit in much of the testimony in 6.2. As **Widders** and **O'Brien** point out, the representation of consultative practice can be a substitute for its reality. Says **Widders**, "all the talk of accountability, consultation and so on—they're so much pictures, words" (19). And **O'Brien** adds:

Consultation was an interesting word to use around those meetings… I've got a big question mark about most of the things that the CAR did, quite frankly. So it didn't surprise me that the consultation meetings were not anything other than stage-managed things that would enable people to feel that they'd had a say. Nothing happened to say that they had (11).

And in **Nicholson's** recollection of the 1999 Wollongong annual conference she raises similar concerns, that the appearance of representation served the purposes of dissent management:

The Council did nothing with [the meeting results]. You only have to look at the document that came out of the Wollongong Convention. I know yourself, myself, and another colleague of ours, together with the Chief Coroner… had pushed in one of the forums, for the idea of including treaty as a major issue. In fact our friend the Chief Coroner had to insist on a plebiscite on the issue because the convenor was trying to side step the issue, giving us token answers. And the convenor was Daryl Melham[139]. Once someone calls for a plebiscite it has to be done. And the plebiscite got a unanimous endorsement for the issue of treaty to be addressed. But in the document, the mention of that was in tiny font at the bottom of the page. It wasn't given any prominence and you could easily miss it. This was the measure of what the CAR were about. You could see what the CAR were about… I'll steal a phrase by Lis Bellear, 'exclusion by inclusion'. So they allowed the plebiscite and they had to put the result in the document, but they watered down our motions so much as to put it in tiny font as a footnote to something else—that's exclusion (10).

7.3.3: Indigenous leadership

In the previous sections, Class 1 interviewees gave their experiences and observations of dissent management as it operated through the scaled organisation of the reconciliation process. These scaled structures made possible a range of methodologies by which people were managed and their discourses and hence governances erased for the purposes of a national dialogue—whether by selective/arbitrary exclusion from the consultation process; by direct experiences of attempted

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[139] Darryl Melham was a Labor Minister for Aboriginal Affairs prior to the 1996 election of the Howard Coalition Government, when he became Shadow Minister for Aboriginal Affairs. In August 2000 he resigned from the shadow front bench because the Federal ALP failed to censure the state Labor Queensland Government's 'Alternative Native Title' regime. In Melham's view, that regime removed independent scrutiny in the event of a future government making changes unfavourable to Indigenous interests in land, and it was not compatible with the level of security of rights that he had promised to Indigenous people when he was Minister in the Keating Labor Government (Balgi, 2000).

silencing and marginalisation within and outside the process; or by expedient bureaucratic oversight of its results.

Testimony from many Class 1 interviewees further reveals a more general and pervasive level of dissent management and erasure, operating both within and beyond the scaled consultative process. This was the representation of the nationally scaled, high public profile CAR as being an Indigenous, or partially Indigenous body. All its members were appointed, including its just over 50% Indigenous membership and chair. For many non-Indigenous supporters of reconciliation—in local reconciliation groups and in the wider population—this was evidence of Indigenous leadership achieving its rightful place in a peak Indigenous affairs policy body. Hence, they interpreted criticism of the reconciliation policy (from both Indigenous sources and from non-Indigenous supporters of Indigenous rights) as criticism of authorised Indigenous leadership and of Indigenous individuals; hence it was excluded from their terms of discourse. This contrasted with Indigenous community discourse, as reported by Class 1 interviewees, which was critical of the CAR's construction as an Indigenous or partially Indigenous organisation (7.3.3.1, 7.3.3.2). But they did not conflate criticism of institutions and persons. Rather, interviewees distinguished between the imposition of government policy processes, the motivations they attributed to Indigenous individuals who opted for involvement, and the consequent structural demands those individuals faced. Such Indigenous criticism of the institution of the CAR remained all but unventilated in public discourse. This was part of the process of dissent management—as will be shown later in this section, the management of dissent in Indigenous communities turns partly on the reluctance of Indigenous communities to expose internal conflicts that are easily exploited and distorted by media and politicians.

Construction of Indigenous leadership

Most Class 1 interviewees were explicit in their assessment that the appointment of Indigenous CAR members was a government construction of Indigenous leadership. This and the CAR's operations were bureaucratic processes, hence disconnected from the local and discursive community processes in which Class 1 interviewees were embedded. **D. French's** "initial response to reconciliation—the

process, and I suppose, the national committee—was to question … how the people were chosen, who is going to drive the process, was it going to be a government driven process, or… a people's movement" (1). And posing the question, "Who constructs leaders?" **Gibson** answers, "Ministers do" (3). **Simms** elaborates:

> When they come up with the selection process of the Council for Aboriginal Reconciliation, they don't come back to the people at the local level, they get the people from the top… When they select these committees, I know they go to Link Up, Department of Aboriginal Affairs, ATSIC; they get all the high fliers in. They should come back to the people that live in these communities and get the grass roots people onto the committees, people who know what's happening on the ground (6).

As pointed out in Chapter 5, this methodology of government appointment is part of a long-standing process (predating the reconciliation policy) whereby, under the guise of bureaucratic neutrality, federal government political relations and agendas are imposed upon Indigenous communities. This highly politicised process, described by **Jackson** as "put[ting] a black face on white government" (31) is, says **Mundine** the means by which governments have maintained control over Indigenous communities:

> [The CAR members] have not been appointed by their own community—communities have not said, "You belong to our community, therefore you be our spokesperson". It doesn't work like that—it's the control mechanism that the outside society has on Aboriginal people, that they even select the leaders of the Aboriginal people (7).

This erasure of Indigenous community authorisation processes is assisted by the media, which sets prospective Indigenous leaders up for public scrutiny, precluding their opportunity to be assessed according to their own community processes. **Mundine** continues:

> Whenever an Aboriginal person says something as a leader (whether or not other Aboriginal people support them in their leadership) there's a big media campaign to bring them down, rather than allowing for open debate—not in the white community but in the Aboriginal community—so the Aboriginal community can decide whether this person is an Aboriginal leader. In fact most Aboriginal leaders are people that have been appointed by the media as Aboriginal leaders (7).

Eatock (**A/T**) cites an example, in which the media profiles its selection of putative up-coming leaders. Few, he says, have an identifiable political profile in Indigenous communities. And none visited the Canberra Tent Embassy for its 2002 anniversary, which for he and others, is a reliable measure of historical/ political consciousness:

> There was an article in the [newspaper] last weekend[140], about 'the new generation of leaders'. Now I've got to be very suspicious about the white media presenting to people the so-called 'new generation of leaders'. Now who are these people?... One was an ATSIC commissioner, who's from the top end [with a]... background... of Christian education. I think they're all freaked out by Geoff Clarke and that he's too radical for them... There were ten people they were talking about and a lot of them—I've never heard of before in terms of what they've been doing politically, around the community. So I don't know, it's certainly a worry (10).

The process of leadership construction by media patronage and government fiat is, according to some interviewees, biased for the selection of those at the moderate or conservative end of the Indigenous intellectual spectrum. "I honestly think", says **Simms** "those people who were on that committee; they were hand selected" (9), a view shared by **Nicholson**:

> [Members of the CAR were] handpicked by the powers that be. Where are the Gary Foleys, the Isabel Coes[141] on that Council, eh? Where are the radical thinkers? All the Aboriginal people on that Council are moderates and they don't want to know about the radical thinkers. But I can tell you—those moderates, they wouldn't have had the education and skills to be on that, if it hadn't been for the radicals back in the 60s. It was that radical action back in the 60s and 70s that got education, got Aboriginal kids in the school; got rid of those horrid clauses that said Aboriginal kids could not attend school, or gave school principals the right to expel children on the basis of their Aboriginality. So where are the radical thinkers on the Council? There are none; that's why you don't get things like treaty (15).

Along with moderate political positioning, there was also a tendency among appointees, suggests **Reed-Gilbert**, to believe in the efficacy of bureaucratic solutions over these participatory politics. She contrasts CAR members with her father's generation of activists:

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[140] The Australian Weekend Magazine, 9-10/3/2002.
[141] At the time of this interview in 2001, Isabel Coe was prominent in the Canberra Tent Embassy.

> My father... did the draft treaty[142]. But a lot of our older ones, who were with the Tent Embassy struggle fighting for human rights— they died. The new ones we had come up never had that fire in their belly. Or they even had a different mentality—that if they got into the bureaucracy, they could make the changes. That was a common belief (4).

This bureaucratisation process accompanying the incorporation of Indigenous representation on government bodies (the CAR being a recent example) is part of the erasure of community political authorisation processes. There can be a profound inconsistency between, on the one hand, the relative privilege that prepares individuals for careers that can lead to executive opportunities (and arguably, moderate positioning) and the structural demands they then face—and, on the other, their other structural commitments in maintaining accountability with community processes and cultural/ political values. **Anon's** appraisal from the viewpoint of an organisation embedded in a historically severely disadvantaged urban-edge Sydney community is indicative of these structurally imposed contradictions of erasure:

> Unfortunately a lot of the Aboriginal people on the reconciliation committee have become bureaucratic... people forgetting their roots, forgetting what it's like. I mean, they are Aboriginal people, but they haven't lived a traditional Aboriginal life-style. I know we live in contemporary situations, but those people like Linda Burney and Pat Dodson, they weren't brought up in missions, in tents with dirt floors... They might be Aboriginal people, they have done a lot of things; they have probably done a lot of good. But I don't think they really know— things have changed for them, but things have not changed for these kids that are still living on missions in third-world conditions (5).

Structural context

As noted above, the government recruitment of individuals from a prescribed profile of experience and political/ methodological orientation—and their subsequent institutionalised distancing from community accountability—is a socially embedded process. They might be recruited from the moderate-activist spectrum by a Labor government, as were (arguably, according to some interviewees) the first CAR members—or from the moderate-conservative spectrum. And they might find their political will is severely curtailed under a conservative government—or less so under a

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[142] Proposed by the National Aboriginal Government with the establishment of the Canberra Tent Embassy on the site of the new (then yet to be built) federal Parliament House, on 7th August 1979 (Harris, 1979: 77).

Labor government. But as discussed in Chapter 5, this permeability to oversight, whether moderate or conservative, undermines the independence of these bodies.

Indeed, the most fundamental limitations faced by members of such government bodies are less a function of party politics than of the colonial structuring at the core of the institution that is the Australian nation state, which, in response to a range of industry interests, conducts an ongoing erasure of Indigenous community political processes from the prospect of taking an autonomous role in national and state government politics. This is evidenced by the reluctance of governments of either hue to address the most fundamental, related issues of land and sovereignty. Of the 1993 Native Title Act, introduced by a Labor Government, **Katona** says:

> It's a vehicle for development; it's not a vehicle for the protection of Indigenous rights. It is the schedule by which Indigenous rights would be regulated if a development is desirable. So I think that was a distraction, a total distraction (6).

Similarly, says **Pattison**, "the Native Title Act doesn't allow you much; you still have to prove yourself as an Aboriginal person" (7). And for **Simms**, the Act, like reconciliation, was a substitute for treaty negotiations; it was, "a backward step for treaty. A lot of Aboriginal people, like myself, don't want nothing to do with native title" (16). **Katona** points out that this structural blindness of Australian governments to the most fundamental Indigenous rights issues generates a state of institutional unreason:

> In some senses it seems we are not dealing with reasonable people. The Government is not being reasonable in accepting the existence of Indigenous rights and it doesn't matter what persuasion of government—whether Labor or Liberal, the advent of the Native Title Act demonstrated that they were not interested in upholding Indigenous rights. They gagged any debate that could have taken place on sovereignty (12).

Under these limitations of colonial structure and perception, an appointed Indigenous membership of a government body such as the CAR has not the structural power or the community authorisation to produce fundamental change. As a top-down creation of government, it would at best be limited in scope regarding fundamental issues such as land and sovereignty and at worst, permeable to conservative direction or neglect. As **Jackson** says, "It was stage managed, from a political and

parliamentary point of view, by Hawke and Keating. But when Howard came in, he didn't even try" (34). While Class 1 interviewees regarded the reconciliation policy as fundamentally ill conceived, and a diversion from fundamental issues (6.2), they regarded the post-1996 conditions as being particularly emblematic of the futility of such bodies. As **Katona** points out, the mechanisms by which statements from such bodies become visible to parliamentary assessment and possibly popular attention, are determined and controlled by the context of structurally ordered unequal power relations; a situation that was intensified with the Howard Government:

> There was always a consideration at the Council level, that whatever the outcomes of the Council, that it be palatable to the Howard Government, that it not be perceived as a threat, because the Howard Government may well cut off the funds. So there are these compromises that are continually made at higher levels of government. It doesn't only happen in the Reconciliation Council. But strong statements are watered down to try to create a procedural link that keeps Indigenous affairs as an issue at a certain level in the bureaucracy, at a reasonably high level in the bureaucracy, so that reports to the Minister have to take place, for example. That's an important procedural step, because when reports are presented to the Minister, often he has to table them in Parliament. If you table them in Parliament there is an opportunity to agitate the political lobby and to have some debate surrounding that as a result (12).

And **Simms** points also to the internalised financial control that restricts independence in such bodies. Of the CAR in its final years, he says, "They're swayed by the Government; they've got to dance to the government's tune—'If you don't do what we tell you to, or act on what we tell you, there's no money'" (13).

Agency, structure and the management of dissent

In the preceding chapter and sections, the majority of Class 1 interviewees are markedly similar in their criticisms of the reconciliation policy and of the CAR as a government entity with severely restricted prospects of securing fundamental change. However, interviewee assessment of individual involvement in the policy at state/national levels varied more widely. As will be seen in this section, there was some much-qualified support, but other comment was critical, sometimes harsh. However, underlying these variations, there was a shared view. Either implicitly or explicitly, all comment—critical or supportive—contextualised individual involvement within the above-mentioned structural dynamics that determined the

nature of that involvement. Some interviewees provide further commentary on the structural paradoxes faced by individuals in the decision to participate in government policy, and the resulting reverberations for these individuals.

Even at the supportive end of opinion on individual engagement, limited credence was given to the notion of individual agency within a government policy structure. A belief in the efficacy of the *realpolitik* strategy of engagement as a means of giving direction to a government body—and perhaps achieving change within structural constraints—emerged with qualifications in just a few commentaries on Patrick Dodson, the CAR's first chairperson. For **Nicholson**, Dodson had great potential for bringing change had his chairpersonship continued, but considering the structural limitations imposed by the policy (6.2), she refrains from making strong claims:

> [Dodson] was the only radical person we ever had on [the CAR]. He was the only radical thinker. Whether he would like to be described as such—at least he is forthright and goes right to the heart of the matter. He is not a 'yes' person; he is not a moderate. He moderates his own radicalism in his choice of language, but it is very strategic. He doesn't shirk from the hard issues. So in the kindest context, I would say 'radical thinker' in reference to Patrick. Who knows? It becomes a second-guessing game to say what might have happened [had he stayed as Chairperson]; it's something no one is ever going to know. The most one could say, is that it would be very different. It would have evolved very differently from the way it did (15).

Elsewhere strongly critical of individual involvement with policy structures (see below), **Mundine** is more buoyant about Dodson's prospects had he been able to extend his term. At the same time she acknowledges the inescapable contradictory pressures of reconciliation policy processes, which made community disengagement inevitable:

> Long before reconciliation was even thought of we thought that Patrick would come out as a national figure. The sad thing is that the structure he went through [meant] that he was the darling of the white people. Part of that is the agenda of the reconciliation process—that he didn't spend enough time with the Aboriginal people. If he had spent enough time in communities, and rousing them as Aboriginal people to discuss reconciliation—about how we would do it—I think no government would have been able to stop him (41-2).

And Mundine further considers the possibility that Dodson might yet have been able to prevail against those pressures, which subsequent to his chairpersonship, were not adequately negotiated. She says, "I think maybe with Dodson, because of the way the movement was swinging, it would have swung—if he had stayed in long enough—to perhaps start going into the Aboriginal agenda. But I certainly don't think it's there now. It has swung right back the other way" (9-10).

While these statements give a measure of credence to individual agency in effecting significant change within a government structure, other supportive statements are less optimistic regarding change, focussing on the attempts of individuals to parlay rather than negotiate the structural contradictions they face. **Heiss** says, "I know the players, like Jackie Huggins and Shelly Reys [an official with the NSW State Reconciliation Council) and have the utmost respect for the people involved. And I know that their process would have been very, very consultative" (11). In a similar vein, **Jackson** thought that Dodson tried to introduce Indigenous concerns within the policy process (19). And **Pattison** says, "There are parts of the Document[143] that a lot of Aboriginal people were part of. I have a high respect for those people that have had that input." (3). **D. French's** support for individuals typifies a common view (see below), which laments the personal toll of exposure to structural contradictions, experienced by individuals undertaking the engagement strategy. Locating their roles as effectively non-autonomous intermediaries between government and community, he says of Huggins, Reys and Burney:

> They know my feelings. I'm very upfront; they respect any cynicism or criticism I have to offer... They did value my grassroots views, they were genuinely concerned, but they were put in a position where they were the converted... It was about trying to convince the others in the process (14-15).

Reed-Gilbert shares this perspective, that however well intentioned and capable, individuals have little prospect of achieving change within policy structures such as reconciliation:

> Jackie Huggins is one of my best friends, I've known Jackie for a long time now and I have got an amazing respect for that woman. But again it was the process, and I know she had goodwill in her heart to make it work. But it's the bloody bureaucracy again, it's government

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[143] The final Australian Document Towards Reconciliation.

run, government owned, government controlled, and that's really sad (11).

Part of the personal toll of engagement as policy-constructed leaders was that, as indicated above, individuals faced harsh criticism from Indigenous communities. Before exploring this segment of the spectrum of Class 1 opinion on individual involvement in the policy, it is worthwhile to contemplate the reasons for its inclusion. Critical judgement on involvement—with two interviewees focussing on actual individuals—is undoubtedly the most potentially divisive and controversial material in this study; hence there may be reasons to exclude it and to justify the selective treatment of interview material[144]. But it is precisely the contentiousness of Indigenous criticism of appointed Indigenous leadership, which makes that material fundamental to this study. The contentiousness of such criticism—and the consequent reluctance of Indigenous parties to participate in it publicly—is in fact, the fulcrum around which turns the most effective form of management of Indigenous political dissent. Indigenous parties, such as the Class 1 interviewees in this study who dissent from a public policy, find themselves in a no-win situation regarding non-Indigenous discourses—the media, politicians and supporters as well as opponents of Indigenous rights. Lack of knowledge among the wider public creates a high potential for the conflation of Indigenous criticism of Indigenous affairs policy and government appointment of Indigenous leaders with criticism of the individuals concerned. Indeed, the focus of reconciliation policy on prominent Indigenous individuals encouraged a public understanding that Indigenous affairs policy revolved around individuals rather than community processes and political relations. And criticism of the appointment of leaders, which turns on the point of underlying political relations, is constructed by non-Indigenous opinion sectors as the product of an Indigenous political complex that is radical and/or innately incomprehensible to outsiders[145]. Or it is construed as being personally motivated. As **Mundine** says:

> As soon as you criticise, the white people criticise you about pulling people down—'you're jealous of them'. Well, wait a minute—no I'm not. I'm questioning this person's ability, or their concepts, or their knowledge in regard to advancing Aboriginal people as Aboriginals (20).

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[144] See Chapter 2 for an explanation of the approval process that made the use of quotes in this study possible.
[145] This interpretation of Indigenous dissent is explored also in Chapter 8.

In fact, this disciplining of the routine contentiousness of leadership (Indigenous or non-Indigenous) is part of the erasure of Indigenous governances in state/ national politics. It functions to distort and render absent in the public imagination, the intellectual processes produced by these governance processes. If plural Indigenous policy commentaries do reach public discourse, they are segmented, truncated, conflated and trivialised; and the community divisions they represent are simplified, stereotyped, amplified and commodified for future non-Indigenous political discourse[146]. The consequent reluctance of Indigenous parties to publicly criticise Indigenous affairs policy and associated leadership appointment processes operates (and is utilised) as a mechanism to produce and amplify silence, which is then constructed as support for the policy. Hence, the constraint of public dissent is internalised within Indigenous communities as the lesser of two evils, the more hazardous being to risk media and political scrutiny, interference and exploitation of divisions within Indigenous society (often government policy induced). And the only available response—non-participation—has no use as a commodity for media interests. Hence it goes uncommented in the influential mass media and does not enter public discourse. So the construction of Indigenous community agreement with policy processes remains unchallenged. **Reed-Gilbert** makes the following observations regarding this reluctance to criticise individual involvement within various government policy structures:

> Because of our culture, you don't shame anyone; you don't
> directly shame them up in front of other people… none of us is going to

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[146] Even in the broadsheet print media, community divisions are reported in ways that are unavoidably simplistic (given the reporters' lack of grounding in a community perspective) and therefore available to stereotypical interpretations. For example, the front page article of the Weekend Australian (November 25-26, 2000) headed "Murder, sorcery and tribal law spill bad blood between native leaders" reports a violent clan dispute involving the prominent figures Gatjil Djerrkura and Galarrwuy Yunupingu. Although a relatively considered account, it nevertheless claims to provide in less than one page an "inside story" on issues that are the subject of complex negotiations between community members and between communities and white authorities. In the context of an ongoing discourse on the putative inappropriateness of customary law in a modern nation state, this article too easily corresponds with calls for the abolition of customary law. Second is an article in the Weekend Australian (April 24-25, 2000: 22-23) by Rosemary Neill (winner of a Walkley prize "for her reporting of domestic violence among Aborigines"). Again, this is a relatively considered account, albeit within a simplistic, binary, oppositional account of the performance of self-determination policies. Neill claims to steer an independent course between opposition to distinct rights, an approach spearheaded by anthropologist Brunton, and "the self-determination lobby" who, claims Neill, respond with a "glib blame it on the authorities" stance to the lack of progress on welfare indicators during the self-determination era. However, this "two-story" construction makes no account of the fundamental problem underlying all policies, which is that none have been accountable to Indigenous community authority in making decisions on service provision, land relations and resource management. These issues were not beyond the one page spread given to Neill. The article also draws a false separation between self-determination and land rights. Further, Neill recruits prominent Indigenous figures to these simplified -binary constructions. She incorrectly interprets the statements of magistrate Pat O'Shane as "questioning the relevance of self-determination" and gives a simplified report of a dispute between ex-ATSIC chair O'Donoghue and ATISC commissioners, rendering it as dispute between a crusader and a corrupt organisation.

confront Lois publicly and say, "Look Lois, while you were working for ATSIC you had no fucking balls, you were just a government person'". It works for Lois or any other person, it doesn't matter, I'm just using her for an example… So nobody's going to say those things to a white person in relation to other Aboriginal people. Aboriginal people won't do that; but they will condemn her or anybody else like that in an Aboriginal group… So it is that cultural thing makes it very hard for Aboriginal people. When your cultural people say that you don't do that, you don't confront anyone—especially in front of white fellas—because you don't let the white fellas see that you actually disagree with one another. So how do you do it? Well, the way the black fellas did it was they didn't participate in the process [of reconciliation]. They didn't participate; you know, that's how they do it, not getting involved, not saying nothing—indirectly, not directly (28-9).

As part of the above-mentioned segmentation, dilution and suppression of the political discourses of Contemporary Indigenous Governances by non-Indigenous interests, Indigenous criticism of individual involvement in policy (or actual individuals) is constructed as being aberrant, incoherent and marginal to the majority of Indigenous opinion, which liberal-equality discourses would domesticate as being conservative and compliant—a so-called silent majority[147]. In this study, explicit criticism of individual involvement is a significant minority, not marginal position. But the more important point to be made regarding this marginality construction comes from the major trend of Class 1 interviewee opinion in this study. Chapter 6 and preceding sections in this chapter show a strong commonality of political opinion underlying all Class 1 commentary. The rejection of top-down policy and the erasure and distortion of Indigenous governance processes is, according to Class 1 interviewees, widespread among Indigenous communities. Hence, in this study, even the more contentious criticism of government leadership construction comes, not from a marginal position, but from a common, widespread body of opinion. This is not to say that this more contentious criticism is representative of that body of opinion; rather, there is heterogeneity within political commonality. But this heterogeneity reflects the different ways in which diverse community processes dissect with imposed structural contradictions. It does not conform to the simplistic, dissent-managing binary that fixes individuals into one or other category—on the one hand, a compliant conservative majority; or on the other, an idiosyncratic or radical margin, a disconnected phenomenon with no coherent political explanation.

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[147] Examples of this thinking are seen in Chapter 8.

As this section shows, it is clear that the purpose of including the more contentious commentary is to normalise it as a point within a spectrum of opinion on policy involvement, which is underpinned by a widespread, fundamentally common body of opinion within Contemporary Indigenous Governances on political relations between Australian governments and Indigenous communities. The genesis of the more contentious commentary, like other opinion in this spectrum, is in the intersection of particular community politics with structural contradictions; and as such, it contributes to the plurality within an overall common political position. Indeed, it is in the acknowledgement of this heterogeneity, allowing more contentious commentators their place within a coherent spectrum of opinion, that gives this common position strength against the above-mentioned processes of segmentation, conflation, domestication and marginalisation—whose logic is to make ever-spreading and deepening distinctions within and between dissenting Indigenous discourses, in the interests of dissent management. Further, this normalisation of contentious opinion serves to remove the focus away from individuals who criticise or are criticised, instead focussing on the political processes that distort not only Indigenous community processes and discourse, and the fundamental political cohesion of Indigenous dissent, but also the options of those who do take on the policy engagement strategy.

Of this critical commentary, the most damning is that involvement with government policy structures has no prospect of utilisation for Indigenous political agendas; therefore those who opted for it were flawed in their motivations. For **Eatock** they lacked intellectual integrity—"A lot of those people were… academically qualified, but politically naïve. They pushed for this reconciliation process to go ahead, really when that should be the last stage" (2). **Mundine** shares this view of involvement, saying, "in many cases it is because of ignorance" (9); indeed some "think this assimilationist model is the only way" (20). And further, says **Mundine** "in a small percentage, it's for their own advantage—as I said, the carpetbagger; they see an opportunity" (9) in complying with government agendas. Mundine compares this small minority with "deviant" (8) Aboriginal individuals in the eighteenth and nineteenth centuries, who assisted white interests in opening up Aboriginal country for exploitation:

They were able to do a good deed for the white people. They were
feted as the 'good Aboriginals' as against the 'bad Aboriginals', who
were fighting for their own country and their people, who were really
the Aboriginal heroes (7-8).

So for Mundine, the system of government appointment in which, "they're selected by
non-Aboriginal people according to a non-Aboriginal agenda" (10), favoured in many
cases—not all—the naïve, the self-interested and the manageable:

At present the leadership is selected by outside people and there
are also, as I said before, the carpetbaggers, opportunists who jump in.
And there are a lot of people that I know that are seen, heralded as
Aboriginal leaders, because they either fit into the white concept of
what Aboriginal people should be doing and how to do it, or they are
people that the white people see that they can manipulate (20).

Simms takes up the self-interest viewpoint, suggesting it is a common
community view. He says, "I'll openly state this—they're not there for the people at
the bottom end of the ladder… They're there for themselves, they've put themselves
up on a pedestal and the people on the ground—they're forgotten about" (6). "If
they're on a good remuneration package," he continues, "they don't want to upset the
apple-cart" and so "a lot of them are government puppets… and that's not only my
view, that's a view from a lot of people" (13). He continues:

The Dodsons, Lois O'Donoghue—they are workers of the
government and they take government instructions and more or less
act on government initiatives. And that has drawn the scorn of a lot of
people, especially with the Treaty[148]—when their names came up in one
of our meetings at Dubbo, they said, "if they come into this meeting
we'd throw 'em out immediately". They're not … deemed as the
spokespersons for us, the Aboriginals. They're … deemed as, and this is
the term—'the leeches of the Government'. They're scorned—
O'Donoghue, the two Dodson brothers, they're frowned upon (17).

As seen above, **Reed-Gilbert** is more generous concerning the motivations of
CAR members in their engagement strategy—"I'm not condemning the reconciliation
mob. I think they actually tried to do something with it" (3). Nevertheless she is
uncompromising that the relative privilege that favoured such individuals for selection
had already removed them from community concerns and knowledges—"They were
very educated, very much white influenced… very well dressed, university degrees"
(13). But they were "not our voice, because Aboriginal people were not given the

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[148] As noted in Chapter 5, in 2000 ATSIC began a nation-wide program of meetings on the treaty issue in
Aboriginal communities.

choice to choose that voice" (11). Indeed, rather than delivering Indigenous voices to government, they did the opposite. "They bombarded Aboriginal people with all these big, flash, fancy words, so that no bastard had any idea of what the hell they were talking about" (11). She contrasts this with the original Tent Embassy:

> The people at the Embassy, they had to find a billy. They actually lived in the tents; they actually lived underneath the cherry tree[149]. They actually lived the reality of Aboriginal Australia every day of their lives. And that's where that fire in their belly came from. I don't believe that the Reconciliation mob had that fire in the belly; they never had it at all... I don't want to run them down because I acknowledge where they were coming from, but I think they lost their responsibility. And their responsibility was to Aboriginal people. If you hadn't lived that way, it's very hard to remember that—that you are responsible to Aboriginal people (13).

And further, says **Reed-Gilbert**, when they took government appointments on the CAR, the contradictory demands of negotiating government structures for achievable change led inescapably to the exhaustion of good intentions:

> I don't want to say that the Aboriginal people... involved in this process of reconciliation were sell-outs. I don't believe that they were in my heart; I just believe that they were trying to utilise that process *and* to be more acceptable [to the government]. But it didn't work. You know with the Tent Embassy—it was fire and guts; it was that old spirit. And I think the spirit was lost at the beginning of reconciliation. People did try to do it [but] they tried to do it by a [bureaucratic] process, instead of getting in there and still charging on (5).

Given these initial conditions, says **Reed-Gilbert**, it was inevitable that CAR members negotiated these contradictions toward conservative outcomes:

> I actually think they played that fine line by basically being there for the Government... I think they were very neutral on a lot of topics, until towards the end when they had a bit of guts and talked about treaty... There is really nothing that I can say I am proud of the reconciliation mob for doing, to tell you the truth. Apart from mentioning the treaty at the end, I can't tell you one thing that I would say that they did. They had no balls right through the process. [That was the] reason for my lack of support, because if they did have some guts, if they were prepared to do anything, I would have supported them—they would have been supported by the Aboriginal people and they never got that. And I believe that is one of the reasons why they never got support... They had no balls; they were seen to be a Government body. So I can't say anything positive (11).

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[149] A reference to her father's life as an itinerant rural worker, recorded in his play "The Cherry Pickers" (Gilbert, 1968).

For **Eatock** also, the negotiation of "that fine line" was disappointing:

> People like Pat Dodson… come from, what I would say, is the conservative end of the Aboriginal movement. Only towards the end of the reconciliation campaign did he withdraw from it… If he'd done it five years earlier, then it might have been a political statement, but not near the end, it's just way too late (5).

As shown in 6.2 and elsewhere, all Class 1 interviewees produced accounts of the structural dynamics that erased community governances and circumscribed policy outcomes; and the above critics of individual involvement contextualised their comments within these understandings. As noted above, other interviewees drew accounts on the structural paradoxes faced by individuals in the decision to pursue the engagement strategy and the consequent repercussions. **Widders** describes the limited choice between involvement in government bodies circumscribed by restrictive policy settings, and what is regarded in some schools of Indigenous thought as the untenable alternative of abrogation from a responsibility to utilise whatever opportunities become available to advance Indigenous agendas—"When you marginalize yourself and you don't become involved in any of those bureaucratic bodies… if you're not part of the land councils, those consultative type bodies, you won't be part of the next stage of the game" (Widders:27). But the next stage, says **Widders** (27) never offers the opportunity to employ participatory decision making processes to hold ministers accountable, or oblige him or her to take advice, even where there is election of office holders. And the CAR corporatised consultative model with appointed office-holders, was yet further removed from participatory processes. Consultation theoretically flowed *upwards* from communities, through CAR members and the bureaucratic processes they implemented, to the government. But again, the CAR's advice was taken at the minister's discretion, so members exerted little authority with the government; and nor did they have authorisation at the community scale. Echoing the above grievance that the CAR spoke down to communities (**Reed-Gilbert**:11), **Widders** suggests that the consultative model positioned them as the one-way *downward* conduit for policy decrees from government to communities:

> It can't be participation…they are just the courtiers, handing out bits of paper, making statements, "hear ye, hear ye, hear ye"; only it's done in a room with air conditioning and with cups of tea, nice suits, photo opportunities, town council meetings (27).

In her 2001 interview, **Katona** considered the reconciliation era of policy engagement. She laments the disappointing outcomes in terms of Indigenous political agendas, and the consequent disaffection between Indigenous discursive and local communities, and the individuals who attempted to advance those agendas through the CAR:

> Especially since '89, twelve years, the compromises haven't paid off and it's got to the stage now where people who did demonstrate some leadership, like Pat Dodson, are being perceived as capitulationists. And the dissatisfaction about that is very clear in the Aboriginal community (12).

Others share Katona's sadness at the divisions generated with the policy. Like Widders, **D. French** sees the function of CAR members as having been confined to acting as directed intermediaries between government and communities. "It saddens me" he says, "to think that when people are appointed they are unfairly criticised as being a token person on committees, or they are climbing in bed with politicians [for] personal progression" (2). And while **Reed-Gilbert** is generically critical of those who opted for involvement with the CAR, she laments the consequences for those individuals—"I actually feel sorry for these mob, because they do get condemned by us" (14).

In this study, Class 1 interviewees form a multifaceted critique of the ideological foundations and processes of reconciliation policy. This section has shown that within this commonly held position, views on the role of individuals constructed as Indigenous leaders by governments are heterogeneous, ranging from qualified but warm support for individuals in their efforts to accommodate or negotiate structural contradictions; to criticism of the principle of individual involvement in policy structures, including mistrust of the motivations and intellectual responsibility of these participants; to critical commentary on particular individuals. Interviewees grounded in a broad range of Contemporary Indigenous Governances place such criticisms as being widespread throughout communities, and as a product of the colonial political relations and resulting structural contradictions reproduced through policies such as reconciliation. In all the above criticism the crucial political point of participatory community process is made explicitly or implicitly. A common thread throughout much of the above testimony suggests that a leadership process founded on real authority with both government and communities—which would have been a different

process than reconciliation policy—would have been given Indigenous support rather than condemnation.

As with the broader complexes of criticism of the ideological foundations of the policy explored in Chapter 6, the range of criticism in this section has been absent from public discourse. Interviewees consider that the prospect of media and political utilisation of their commentary on this fundamental issue of government leadership construction is one of the primary dissent management mechanisms imposed upon Indigenous discourse as a whole, threatening to distort it and to create or deepen divisions among Indigenous discursive and local communities. In fact, the absence in public discourse of Chapter 6 type criticism and of the criticism in this section are related—the latter is the fulcrum for an internalised disciplining that extends to preclude public ventilation of the broader criticisms. The focus of the policy on high-profile Indigenous appointees—and the public conflation of these individuals with Indigenous political authority and Indigenous affairs policy—operated as a dissent management mechanism. Any criticism of the policy, its leadership construction or of individuals could be construed as the latter, creating fractures within and between Indigenous local and discursive communities. The consequent apparent lack of a systematic Indigenous critique of the policy allowed liberal discourses to ignore its existence throughout communities or to characterise it as confined to a radical margin[150].

Contrary to these liberal discourses, this section normalises the more contentious criticism of individual leadership construction as part of a wide-ranging, coherent and consistent policy critique. This undermines the above-mentioned binary drawn in liberal discourse for Indigenous opinion, between conservative majority and marginal radical/idiosyncratic[151]. Rather, criticisms of government policy leadership construction processes are widespread and, as shown in Chapter 6, are underpinned by common pool of political opinion. Indeed, criticism in this section is complementary to the broader Chapter 6 commentary, contributing to a comprehensive Indigenous critique, not only of policy construction, but also of the social and institutional mechanisms of leadership construction. Thus, the criticisms in this section are not idiosyncratic to marginal individuals. As with other criticism, they are an essentially

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[150] This thinking is explored in Chapter 8.
[151] Examples of this binary will be seen in Chapter 8.

political response to particular aspects of the policy (all of which are interrelated)—in this case, its focus on government constructed leadership rather than participatory process, and the consequent distortion and erasure of community scaling processes, which undermine the capacity for self-determination.

7.4: Conclusion

The reconciliation policy constructed political relations between Indigenous peoples and Australian governments as being mediated and ordered by democratic representational processes within the existing political life of the nation. The scaled policy structure and a series of community consultative meetings addressed by members of state and national bodies, many hosted by local groups, gave legitimacy to this construction. In keeping with the policy's liberal equality ideology, local community meetings were open to all who were interested in Indigenous affairs policy on the basis that majority opinions would be delivered up through the scaled policy structure, thence to form input into future policy directions. However, according to the evidence of this chapter, the reality was that these meetings functioned effectively as a legitimation exercise for predetermined government policy agendas, which constrained what was even imagined as possible. These were presented and then re-directed back up through policy structures as being the product of a consultative, quasi-representational process.

However, this process was not a representational model—which itself is far removed from the iterative, reflexive, participatory value set of Indigenous community political processes—or Contemporary Indigenous Governances—as described by Class 1 interviewees in this chapter and Chapter 6. Rather the reconciliation policy process was a corporatised model, which as explained in Chapter 5 was based on the Hawke government when it sought to construct a framework for "reconciliation" between union and business sectors. When this model became the foundation of reconciliation policy processes, it was combined with a consultative function, producing a corporate consultative model, in which policy processes directed who was to be consulted, how and with what agendas.

So while the local-state-national scaling of policy processes gave an appearance of a representative structure, the scaling of this corporate consultative policy model in fact provided a vehicle for the imposition of top-down policy frameworks and outcomes. Like its policy predecessors discussed in Chapter 5, it was a process by which Indigenous political scaling prospects were erased for the purposes of policy input, direction or construction. Existing Contemporary Indigenous Governances—which, as sampled in Chapter 6, cover a plurality of political discourse and community support/ generation functions, and more—were given little or no recognition. The evidence of this chapter suggests that Indigenous governance functions and whole communities, local and discursive, were actively excluded by the procedures of the reconciliation policy, or simply imagined not to exist. Indeed, the scaled policy structure was employed to construct its own array of local communities, which, for policy purposes, replaced existing collectivities/ governances. Constructed in linear top-down relationship with state and national bodies and policy demands, these policy communities were temporary and disengaged. They arose as LRGs, or often as a one-off local consultative meeting organised by state or national officials; neither had structured accountability with Indigenous local and discursive communities. Attempts to co-opt Indigenous government employees into attending meetings or participating in policy drives were also part of the government effort to construct policy collectivities for the legitimation of policy.

This scaled policy structure further facilitated a range of disciplining functions that maintained this synthetic landscape of local, disengaged, temporary policy communities and their function of 'local' legitimation of government policy. It provided a structured framework from which processes of exclusion, and discourse and dissent management could be generated, and the erasure of existing Indigenous local and discursive communities maintained. Responding to the policy's lack of engagement with community processes and concerns, some Indigenous communities and individuals excluded themselves from the process, while others found they were actively excluded. Others still found they were simply not included in a government program that had no prospect of reaching beyond a fraction of Indigenous local communities. Those who attended consultative meetings found that agendas were preset; there was little opportunity for advancing alternative agendas or discourses, or monitoring the proposed output from these meetings. Critical commentary on policy

ideology or process was met with isolation tactics wherein critics were disciplined as marginal, politically incoherent "spoilers" (Katona, above). This demand that critics accept the position set for them within reconciliation discourses—as isolated individuals with no community relations or understandings—was in contrast to the collective status constructed by government for its legitimating 'local' policy communities.

Moving up this scaled structure were intervention points whereby discourse and dissent could be managed and excluded through bureaucratic processes. At the pinnacle of the policy structure was the government construction of Indigenous leadership, which performed as an all-encompassing disciplinary mechanism. Much like a Foucaudian pan-optican (Foucault, 1984), it coerced individuals and communities to internalise the nation-state function of dissent management. This constructed, for the wider community, an apparent lack of any collective, coherent Indigenous critique of reconciliation, and legitimated a liberal-equality construction of generalised Indigenous support for a policy represented as a platform of negotiation between parties of equal power.

Together, all these scaled mechanisms of exclusion, and management of discourse and dissent rendered absent many discourses that are common throughout Indigenous local and discursive communities, but were not authorised by reconciliation policy, such as treaty, land rights and sovereignty. They also rendered absent the only means by which these and a range of other community and social justice issues can be negotiated with Australian governments on a politically sustainable basis, the above-mentioned participatory community processes of decision-making. This very contemporary scaled erasure of Contemporary Indigenous Governances and of the prospect of their political scaling for the purposes of national political dialogue left unchallenged the colonial relations at the heart of the political life of the nation.

In Australian Indigenous affairs policy, the erasure of Indigenous community self-scaling to a level of negotiation with governments on matters of political relations has always been a politically, institutionally and socially embedded process. And so with the reconciliation policy this process of erasure emanated not from design, but from an inherited set of ideological foundations that lacked the imaginative reach to

recognise the existence of Contemporary Indigenous Governances and their self-authorising and self-scaling potential, or perceived them incompletely and as a threat. In any case, these ideological foundations generated the policy settings for a government controlled, low impact process over a potentially voluble, community driven process whose outcome with respect to the political relations of the Australian nation could not be pre-determined.

In reconciliation policy these embedded processes were reproduced throughout internal policy structures. Policy communities were constructed according to, and in the likeness of, policy settings, and were assigned as 'local'. These communities displaced—erased—local and discursive Indigenous communities for government policy purposes. And when the latter imposed themselves into the policy structures in the form of dissent and alternative discourse, the policy structures provided the means for erasing that cross leakage. The various scales of policy structure and function—from the 'local', where dissent was managed interactively, to the state/national bureaucracy, which lacked transparency and accountability and was free to selectively manage data produced in consultative meetings, to the Foucaudian pan-optican of the national body—were the layers and mechanisms through which Indigenous community erasure was successively reproduced. In this articulated, self-perpetuating scheme of dissent management, the hue of the government was not a fundamental issue. There are strong arguments that the Howard Government, elected halfway through the policy's life in 1996, exerted considerable restraint on individuals like 1991-1996 chairperson Patrick Dodson. However, the most fundamental issue was that the structure was not an Indigenous structure, because it did not recognise Indigenous governance and community process. Rather, it was scaled in accordance with and was responsive to, longstanding ideologies that rejected the possibility of Indigenous sovereignty and political self-determination. This rejection has been made possible through the non-recognition of the authority of Contemporary Indigenous Governances. The salient issue was the fundamental permeability of policy processes to these government ideologies, not the hue of the government.

The scaled structure of reconciliation policy allowed it to be represented to its (mainly non-Indigenous) participants as an accountable, transparent, quasi-representational process that delivered grass-roots opinion upwards as policy input.

This facilitated its further representation as a means by which Indigenous peoples would achieve—as subjects within the life of the existing nation—a measure of equality and negotiating power with Australian governments on Indigenous futures. In reality, however, its scaled structure functioned as a corporatised top-down colonial-style policy imposition. Through this structure it reproduced its ideological foundations through a layered set of mechanisms and practices, which were the means both to erase Indigenous community governances, and to maintain and reproduce that erasure as communities and individuals attempted to intrude into the structure. The scaling of reconciliation policy enabled it to be represented as embracing liberal-equality principles, while executing a corporatised policy process of erasure. Neither model would provide accountability to Indigenous local and discursive community processes of participation, decision-making and leadership generation.

8) THE VIEW FROM THE NATIONAL SCALE

8.1: Introduction

In Chapter 7 Class 1 interviewees involved in the generation and maintenance of an array of Contemporary Indigenous Governances were shown to have been excluded, marginalised and silenced by the scaled mechanisms of the reconciliation policy process. This disciplining process cemented and elaborated a pre-existing layer of community dissent, which arose from the lived experience of these communities, and was initially focussed on the ideology and objectives of the policy. This ideological and methodological critique, as shown in Chapter 6, was a pluralistic but nevertheless highly consistent and integrated body of opinion, which rejected colonial policy impositions that foreclosed the prospects of Indigenous political self-determination. The reconciliation policy was considered the latest of these impositions.

This chapter represents the other side of the reconciliation equation. It explores the extent to which Indigenous community dissent was recognised and acknowledged as representative of legitimate community interests and also the extent to which Indigenous community processes were recognised as having political significance. Further, it shows how Indigenous community dissent, processes and interests were interpreted by policy agents to lesser or greater degrees to reflect the interests of a nation-scaled, government constructed committee that was politically and structurally incapable of recognising Indigenous community interests—and how the functioning of the CAR operated to re-enforce these perceptions.

Although there is at least one statement in this chapter against the principle of political self-determination as a foundation for reconciliation, as pointed out in Chapter 1, this study does not centre on those who oppose Indigenous rights. The great majority of Class 2 participants were committed in their interpretations of Indigenous rights. Rather, this thesis is about nation scaled structures that institutionalised Indigenous interests as a limited range of options that erase Contemporary Indigenous Governances, excluding the option of self-determination. In the reconciliation process,

policy agents were channelled into constrained parameters of exchange and action. The CAR did not function as a think tank in which those (from within the CAR or from communities) with enlightened understandings about local and discursive community processes could generate an exchange and development of ideas. Quarantined from community scales of governance CAR members were exposed to a fixed set of ideas. Consequently the CAR produced a limited set of ideas that, as discussed by interviewees in Chapter 7, were presented as fixed agendas in consultative meetings. Overall, this process facilitated the perpetuation of existing institutional ideologies by directing and constraining the frames of reference in which people could act and/or think.

In these circumstances, institutional contradictions were internalised. As discussed in Chapter 7, the engagement strategy—historically usefully employed by Indigenous and non-Indigenous Indigenous rights activists to utilise available opportunities for achievable change—was partly one of negotiating a given institutional perspective. In the CAR, as with any government authorised committee, this generated an institutional blindness to the existence of Contemporary Indigenous Governances and their prospects in forming scaled structures with the community authority to negotiate with governments on Indigenous futures. As discussed in previous chapters, the reconciliation policy was adapted from Hawke's original policy model in industrial relations. This quasi-representative, corporate consultative policy model was employed as a product, not just of the only *legitimate* governance system, but also of the only *imaginable* governance system in Australia.

8.1.1: Scale and racism

The CAR's blindness to community scale Contemporary Indigenous Governances is interpreted in this chapter as a structural racism contributing substantially to the legitimation of contemporary colonialism. This is fundamentally an issue of scale. An abridged account of the roles of racisms in history will provide a background to this section's exploration of these scaled institutional processes.

Throughout successive colonial phases, new racisms have emerged in response to the changing processes and demands of deepening colonialism. Generally

these have not replaced, but have combined or cohabited with older forms of racism, which then become embedded rather than explicit. Because these new forms of racism are different enough in content from the old but still embedded (and socially powerful) forms, they are not initially recognisable as racism. And as such they are able to cohabite with, and gain legitimation from the selective utilisation of rights discourses of the time. In reconciliation discourses, the racism of the 'unseeing' of Contemporary Indigenous Governances was legitimated with civil rights and protocols/identity rights discourses (8.3). These rights discourses, although genuinely held, had the effect of disguising the continuing structural erasure of Contemporary Indigenous Governances, and legitimising this process as being congruent with most contemporary, popular understandings of human rights[152].

Historically, the role of racism was, in part, to explain the impacts of colonisation on colonised peoples in terms of pre-determined, inherent racial[153] characteristics. More contemporary versions of colonial racisms have—in a context of liberal equality ideologies proclaiming the inherent equality of humankind— concentrated less explicitly on putatively inherent characteristics. Their role has been to legitimate the denial to colonised peoples of human rights that are legally constructed within the contemporary nation-state. For example liberal equality discourses are employed to justify the denial of property rights—most notably land rights—to Indigenous peoples on the basis that they breach the principle of equal rights. This principle is constructed as oppositional to distinct rights such as land rights and native title, despite the fact that property rights are by their nature distinct for different purposes, such as mining, farming, forestry, urban residential and others—all of which are constructed as cohabiting as equal partners within a liberal-democratic nation state. This contemporary form of racism, which denies property rights on the basis of race, has been combined with old forms, which justify that denial in terms of a putative culturally determined or inherent incapacity of Indigenous peoples to utilise such rights towards outcomes that can be measured according to a market economy model.

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[152] These conceptions of civil rights were contested by the extreme right in popular discourses.

[153] For Homo sapiens, biologists do not recognise the sub-species taxonomic category of race. With 99.97% of H. sapiens genetic diversity shared across ethnic groups, the remaining diversity made up by inter-group differences is insufficient for the application of that taxonomic category.

The new racism identified in this chapter supports the deepening colonial process that is the denial of political self-determination rights, which fall *outside* existing Australian nation-state constructions. The 'unseeing' of Contemporary Indigenous Governances is central to this new racism. It may be said that racism is not a relevant concept where the rights that are said to be denied are not yet part of the nation's available political/ legal discourse. To the contrary, it is partly due to the colonial legitimating function of this 'unseeing' that an open-ended discourse on rights in land and governance is not part of government discourse. Indeed, the evidence of Chapter 5 shows that calls for the recognition of community authority in decision making—by Coombs and dissenting Indigenous discourses—are embedded in Indigenous history, but have been actively ignored by successive governments. The structurally generated blindness to the structures of Indigenous local and discursive communities and their intellectual products (including policy analysis and dissent); and their potential for extended self scaling for policy construction and negotiation is a world-view that has legitimated the denial of the right of political self-determination to colonised peoples throughout colonial history. And the construction of policy based on, and hence reproducing this 'unseeing' view of Indigenous society and intellectual life is the process by which erasure of Indigenous scales of governance is institutionalised and perpetuated as an ongoing colonial process. Like the doctrine of *terra nullius*, which posited whole-of-continent absence of people, this complementary *terra nullius* notion has constructed a whole-of-continent absence and 'unthinkability' for Indigenous governances.

As stated above, like previous racisms, this new racism has old and new components. In legitimating the denial of self-determination rights by constructing a *terra nullius* of governances, it relies on, indeed elaborates, older racisms that attribute inferior capacities to Indigenous peoples. It is a variation on an old form of racism to single out a specific group for the denial of the capacity to produce organisation and structure, and to exercise the prospect of self-governance within and extending from, the parameters of its community processes. This racism is legitimated by the authenticity binary belief (discussed in Chapter 4) that traditional governance forms have been erased by the tide of history and that therefore there can be no governance arising from contemporary community processes. This view holds governance to be a one-off, fixed attainment. Rather, it is a combination of not

necessarily consistent or integrating processes that respond to, generate and incorporate change over time. The institutional blindness to the legitimacy, indeed the *existence* of Contemporary Indigenous Governance, and also to their capacity for change is fundamental to contemporary institutional racism and colonial government policy. These processes of institutional racism are fundamentally scaled processes. As will be shown in this chapter, reconciliation policy discourses were a part of these ongoing, scaled processes of institutional blindness to, and erasure of community interests, processes and scales of governance.

Also as suggested above, and as with previous forms, this new racism resides with and is legitimated by rights discourses. Apart from discourses on civil rights and protocol/identity rights, to be explored in 8.3 as scaled processes of institutional blindness to Indigenous community interests, was the reconciliation discourse of original Indigenous ownership of the continent. This was expressed in the Australian Declaration Towards Reconciliation in terms of "the original owners and custodians of lands and waters" (Appendix 1). This highly abstracted formation makes no claim on contemporary political arrangements because it is removed from contemporary community processes through two discursive processes. First, it asserts an undifferentiated whole of nation ownership that can have little more than allegorical significance in contemporary political contexts. This sets up a simple binary that oscillates unproductively between a symbolic whole of continent ownership and whole of continent absence of ownership and governance. Second, in this context the word 'original' is available for conflation with 'past'. Hence, Indigenous ownership is confined to a homogenised, archaic, symbolic past. This conceptualisation fails to address Indigenous society as a complex of diverse, highly differentiated contemporary governances and capacities, which adhere in—and construct on an ongoing basis—a geographically emplaced ownership that is both original *and* contemporary and changing. Consequently, it fails to challenge the ongoing erasure that occurs at these community levels. In the absence of the recognition of diverse, geographically based (and also discursive) Contemporary Indigenous Governances, this undifferentiated, nation-scale ownership claim effectively negates the basis on which such a claim could have concrete meaning for contemporary Indigenous communities. It is in the differentiation of complex governances at local and discursive community levels that rights in governance reside. Scale is crucial—

without an appropriate scale of analysis and operation, these governances are rendered invisible and erased.

8.1.2: Structure and agency

To theorise the blindness of institutions like the CAR to Contemporary Indigenous Governance processes (including intellectual processes like dissent) as a contemporary racism legitimating contemporary colonialism is not to say that CAR members were racist. Many CAR members (Indigenous and non-Indigenous) were and are committed, long-standing activists who had advanced public discourses on racism, inequality and Indigenous disadvantage; and had achieved considerable gains for Indigenous civil and human rights in national or local contexts (see Appendix 13). In some cases they contended with antagonistic party-political forces. And some have made strong public statements on the necessity for empowering local community processes. Clearly they could not be described as holding racist motivations or denying an importance for community processes. The question here is structural racism; it does not concern individuals. In the reconciliation era as in previous policy settings, it was possible for policy agents at all levels to hold an actively anti-racist position while operating within a framework of institutional racism. This apparent contradiction can be seen in terms of Rose's (1999) theorisation of well-intentioned paternalistic intervention into Indigenous communities by governments as "deep colonisation" (see also Suchet, 2002 & Howitt, 2001a). In this conception, colonisation processes are embedded within institutions. While their objectives might be address Indigenous disadvantage and inequality, their disengagement from community processes mean that they function instead to undermine local community authority and functioning. In this thesis the deep colonisation of reconciliation policy settings and processes is conceptualised as a scaled process, in which nation scaled institutions and policy processes failed to recognise and engage with the local and discursive spheres of Contemporary Indigenous Governances, and consequently undermined them.

As discussed in Chapter 7, Indigenous intellectuals and their supporters who opt for the *realpolitik* approach of policy engagement have to contend with a limited

scope of operation that is pre-determined by colonial political relations, in order to advance Indigenous agendas. Hence it is unremarkable to suggest that Indigenous intellectuals and their supporters have been unavoidably involved in the reproduction of colonial political relations and the structural racisms embedded therein. The requirement to consider the role of structural racism in a scaled analysis of a colonial policy process arises not because it is a shocking finding, but because of its routine, embedded position within the politically scaled relations between Indigenous interests and governments.

From the preceding two paragraphs the question arises as to why a discussion on institutional racism should centre on the observations and interpretations of individuals (Class 2 interviewees), when their motives cannot be described as racist and they were constrained to work with colonial policy frameworks as a *realpolitik* engagement strategy of progressing and managing the achievable. The answer is that, while individual racism is not at issue, their experience and functioning as policy agents are not separable from the policy processes they are engaged with. It is through individuals and their rationalisations of structural contradictions that policy settings are operationalised and institutionalised. And it is through this individual level of refraction of colonial policy that we discern the mechanisms by which these individuals become constrained within a structurally determined position.

This relationship of tension between senior policy agents and the structural contradictions they engage with is almost certainly impossible to resolve in practice or theory, at least in the context of existing policy frameworks. In this thesis it is explained (not resolved) theoretically as a scaled phenomenon, in which the scaled structure of the policy provided a series of instruments and processes, each reproducing for different scales of operation, the erasure of Contemporary Indigenous Governances and their implications for re-structuring the Australian nation state. As shown in Chapter 7, the scaled policy structure of reconciliation provided a multi-level, integrated series of one-to-one, bureaucratic and social instruments for the erasure of Indigenous community voices. In this chapter it is shown that, at the scale of the peak national body, this erasure was realised through a complementary, passive process—the 'unseeing' of these governances, which rendered them invisible for the purposes of inclusion in the arena of nation-scale negotiation. This 'unseeing' was

reproduced with the nation scaled positioning of many Class 2 interviewees, which reinforced in their outlook, the value of national scale government policy processes as a means to represent Indigenous interests and communities, and to settle their structural relations with national government.

In this context the continued reproduction of colonial relations of erasure required no more than the maintenance of a nation-scale field of attention and discourse, contention and resolution. The interview material shows that despite the recognition by many Class 2 interviewees of community processes and bases of dissent against the policy, these were often (not always) interpreted through truncated nation scaled perspectives. Further, Class 2 interviewees were strongly exercised by a range of nation-scale matters. These were radically removed from, and eclipsed the potential for understanding the existence, methodologies and legitimacy of local and discursive Contemporary Indigenous Governances (including intellectual processes such as dissent), and their capacity for directing Indigenous futures. Fundamental among the imposed nation-scale, largely community-blind perspectives of policy agents was that the CAR had the authority to negotiate and settle black-white political relations, and that this could be achieved by producing a set of documents.

The primary bases for this putative authority were the parliamentary bi-partisanship by which the CAR was set up (8.4), its multi sector representation and its modelling as a representation of a cross-section of Australian society, of which Indigenous peoples were a sub-section. Hence, when Indigenous dissent arose *within* the CAR regarding the lack of demands made upon the government in the documents of reconciliation, it was (as will be seen in 8.4.2) negotiated as being manageable and resolvable within a national committee that was independent of community processes. Further, the corporate model of consultation—which conflated Indigenous communities with the constructed policy communities encountered in Chapter 7— provided the process for legitimising policy decisions. Together, these formal elements of CAR structuring eclipsed the recognition of community-based dissent that some CAR members held (8.2.1).

The following sections trace a continuum of positions that overall, proceed in the direction from the most accommodating of community perspectives to the most

concentrated on the national committee and government institutions in general as the legitimate arbiters of political relations between Indigenous communities and the Australian nation state. Of the total twelve Class 2 interviewees, the majority acknowledged the existence of dissent against the policy in Indigenous communities and/or the existence of Indigenous community processes. There were two viewpoints on dissent. The opinion in 8.2 was that it was an intellectually legitimate expression of Indigenous community processes. But there were no structural points of exchange and no conceptual framework available within the nation-scale ideology of the CAR, for giving structural recognition to that dissent. And largely quarantined by scaled positioning and discursive constructions from engagement with the pluralist and collective interests, dynamics and concerns of Indigenous local and discursive communities, Class 2 interviewees had no opportunity to employ and develop their understandings of the community based methodologies that (in a different policy setting) could provide an alternative to the established, default process of reproducing the continuing colonial relations of the scaling potential of Contemporary Indigenous Governances.

The other view of dissent saw it as impediment to policy success (8.3). From 8.3 to 8.4 we see the ideologies and mechanisms for disengagement from community perspectives. These are explicated through the ways in which Class 2 interviewees theorised Indigenous interests and dissent (8.3), and how they represented their functioning as a national government committee (8.4). As with any complex body of views, individuals do not fall neatly within one category of opinion; hence many individual Class 2 interviewees occupy more than one point along the continuum.

8.2: Nation scale reflections: recognising community dissent, diversity and interests

The eight Class 2 interviewees in this section had a range of supportive positions concerning Indigenous rights and in some cases supported the notion of a treaty process[154]. Of the five who acknowledged dissent and its legitimacy, a few

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[154] As explained in Chapter 1, the notion of a treaty process is utilised in this thesis as a signifier of the importance attributed to the notion of political equality for Indigenous people. But without systematic community political authorisation, it is not of itself, a definitive solution to the problem of ongoing colonisation.

integrated it as an outcome of community processes, a product of commonly held, politically coherent views. And some of the eight in this section spoke of the importance of Indigenous community processes in general, in any future efforts towards treaty building or similar developments. Nevertheless, as pointed out above, the institutional context of the reconciliation policy meant that these understandings could only stand (or be expressed) as isolated and truncated insights rather than as a cohesive, recognised body of knowledge.

8.2.1: Dissent as a legitimate response

In some respects and to some degree, those who saw legitimacy in Indigenous community dissent echoed the criticisms made by Indigenous community members in Chapter 7 and most linked dissent to the issues of Indigenous rights and a treaty.

P.E was unqualified in his/her respect for those in the policy process who had been "prepared to… try and overcome" (9) the problems faced with the *realpolitik* engagement strategy. At the same time, s/he fully acknowledged the legitimacy of Indigenous community dissent, and was sceptical about the limitations and ideology of the policy—in particular its assumptions about equality in political relations and social goods, and the authority to represent Indigenous interests:

> One of the things that some people hinted at with me, or have subsequently, is that reconciliation—if it's not handled well—can also be a kind of an imposition of one set of values on another group of people, who may in fact, not be ready or willing to be "reconciled". There's an assumption of equal partnership and I suspect sometimes that the Indigenous communities, especially those that were… more remote and removed from the centres of media and population… [were not] always fully consulted about whether they wanted this process to go on. In a sense it's easy for the victors, for the people who've dispossessed and the people who've behaved badly, to reach out and ask for reconciliation. It's quite another [proposition], I think, [for] those people who have a lot to forgive and are still living with the consequences—daily—of those actions. It's a lot to ask them, I think, to move in quite the way that I think some of the Europeans in Australia anticipated might be the case…We're actually asking a lot more of the Indigenous people than we are of ourselves you know…
> I don't think we should underestimate the extent to which it's still there as a continuing hurt and the reconciliation process is very much a first step. And unless there's some indication of serious purpose by the community, across the board… I don't think that we can expect too much praise, if you like, for the process, you know. At

this stage it's a very light footprint given the pretty hefty ones that we've inflicted so far (9).

P.E saw a treaty as a possible outcome of an ongoing process of debate in which "we should not for one second abandon the question of rights" (3). Although not specifically relating it to Indigenous community processes, s/he held that the means by which that agenda is to be pursued—"whether it's through a treaty—depends very much on Indigenous people themselves" (3). S/he continues:

> Australia is just about unique in the world, of societies such as ours—where there has been an Indigenous community subject to dispossession of some kind—in not having the appropriate recognition of rights, of not having appropriate acknowledgement in the constitution of the prior ownership and of not fully understanding the needs of self-determination of Aboriginal and Torres-Strait Islander people (2).

P.F was similarly sympathetic to dissent. Commenting on the human rights concerns of the Indigenous Summit of 2000 in Canberra (discussed in Chapter 5), s/he says:

> It did seem to me that when you had respected leaders… raising those sorts of questions, it did make a lot of people think that maybe they should lift their sights…I certainly thought that it said to us all, "you're in a bit of a comfort zone there"… And I thought that was a very worthwhile reminder to us all (6).

C.A was also sympathetic to both Indigenous community scepticism around the policy and the utility of *realpolitik* engagement. When **C.A** was first introduced to the policy idea by senior members of the Hawke Government, his/er first response was:

> I remember agreeing with all of those people who said reconciliation is probably the wrong word, an incorrect term. You usually reconcile after you've been together and then you go apart… and a lot of Aboriginal people were saying, "we've never been together, so why should we actually have this reconciliation?" (2).

Nevertheless, **C.A** assessed some aspects of the policy to be promising. The project of bringing about a change in understanding and attitude among the general population was important, as was the related project of writing "the history which told the truth about what happened to Aboriginal people in Australia". S/he continues,

"Those aspects of it appealed to me very much. And so I thought the idea initially was a good one and that [the Government] also had very good people on the Council" (2). Echoing some aspects of Class 1 interviewee opinion, **C.A** thought that a state of reconciliation could only be arrived at through a long-term process of advancement of Indigenous rights as part of a treaty process. In this, **C.A** emphasised legal processes as a primary means of ensuring rights, including those of land rights, customary law and language maintenance:

> I think... we need to get a lot of [these] issues first of all on the table, get the issues debated and get agreement on those issues...Get agreement on all of those things—it would take a while but once you had agreement there would be nothing for people to be frightened about because they'd already agreed on it. Add them all together and there's your treaty... You don't have to call it a treaty... but it would be getting all of those unfinished things finished by way of... an agreement that could then be legislated for. And then if we were brave enough—bring about constitutional change to incorporate the things that needed to be changed in the Constitution, like a guarantee of no discrimination, which we don't have in our Constitution...
> Then we might probably start talking about a reconciled Australia—an Australia where the disadvantage of Indigenous people is not entrenched; an Australia where Aboriginal people and non-Aboriginal people are truly equal before the law, which we're a long way off now (4).

C.E also favoured a treaty process—be it "treaty, treaties or agreements" (1)—as a legal means of enshrining rights. It would s/he says, be part of an integrated system of legal outcomes in which "distinct rights for Indigenous peoples are recognised and self-determination would be built into the constitution, acts of legislation and institutions" (1).

Another two Class 2 interviewees were clear and uncompromising in their understanding of the basis and legitimacy of Indigenous dissent against government policy. However they proffered qualifications that downplayed its importance as policy commentary. **P.B** asserted that "at the end of the day" the reconciliation policy legislation "was [supported by] most people within the Indigenous community, except the radicals who basically saw it as a sell-out" (4). And on the matter of treaty **P.B** took an equivocal position, which s/he advanced through a somewhat abridged rendering of the diversity of Indigenous views on the matter:

> What we need to accept is that the Indigenous community are divided on these issues and I don't say who was right or wrong. At the

end of the day there were people like Dodson and people like Geoff Clarke[155] who felt it was an opportunity to push the treaty. What I found interesting is people need to remember a bit of history and go back to '88 when it was on the agenda. Back then it was supposed to be a sell-out, which it actually was in some ways (15).

Nevertheless, elsewhere **P.B** is in no doubt about the basis of the policy as a white process set up in response to white interests. Like some Class 1 interviewees, s/he traces its foundation as a compromise with anti-land rights interests:

Now, even when reconciliation commenced under Labor, part of it was as a result of the failure to have a national land rights policy, and the capitulation to Burke on land rights. The notion of reconciliation came forward and in many respects it's a white-fellas' concept. I mean what we need to be careful of is, what does it mean to Aboriginal people? (1)…
I think at the end of the day, Aboriginal people say "well, it's a white-fella concept, what's in it for us?" I think they feel reconciled, they know what's happened to them—they've been dudded for the last 214 years (2).

And **P.B** is explicit about the existence and legitimacy of Indigenous dissent against the policy:

There was a lot of hostility to it back then… from a lot of Aboriginal people who were untrusting of the Government because they had been done over for 200 odd years. There have been plenty of white fellas come on the scene who were going to save them—they're still waiting (18).

As a foundational CAR member, **P.C** saw the prospects of the policy as having far-reaching outcomes, including "a treaty and a number of other special initiatives" (1). Like **P.B**, **P.C** traces the history of Indigenous affairs policy as reflecting the political relations of dominance. S/he acknowledges the legitimacy of Indigenous criticism to the extent that it reflects that history, but argues that reconciliation policy had potential as a significant departure, based in part on its representation as an equal partnership. Nevertheless this equality was asserted as a function of numerical equality, which essentialised diverse Indigenous identities within one category:

[There were] huge negatives, of course… I had some reservations… I knew that Indigenous people in 1991 were very sceptical about reconciliation. In fact I had quite a number of representations from people I knew and friends who said, "don't have anything to do with it".

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[155] As chair of ATSIC, he was automatically a CAR member.

And from an Indigenous perspective you can't be surprised at that. I mean throughout the history of white-Indigenous relations, there have been white ideas about "fixing" the relationship.

There have been, right through from the genocidal policies of the past, through to assimilation, integration, ATSIC, land rights programs etc, etc. And it's always come from the dominant culture to the minority culture and it's always been our ideas of how to "fix" the problem. So it wasn't surprising that this idea of reconciliation met with quite a degree of Indigenous community hostility.

I argued that it was worth pursuing because there was to be an equal number—in fact there were more Indigenous people on the Council, than non-Indigenous; and that it was worth the effort of trying to work through all the failures of the past and move forward to something constructive. And I persuaded some and I didn't persuade others, but I did join the Council (2).

Elsewhere **P.C** describes some of the criticism raised in early community meetings. But the reconciliation narrative ends with a redemptive construction wherein, in the final analysis, it was seen to be supported by Indigenous people—or surely supportable, especially in prevailing political circumstances:

In the early years, the first five years, you know we had some pretty fiery meetings… they were very hostile meetings. There was one very hostile meeting in Brisbane in about, '92 '93… The attitude [was] "well who are you, you lot"—you know, 25 well-dressed people, Indigenous and non-Indigenous, that were seen to travel around Australia talking "reconciliation"… We would have seemed to many of them—including Indigenous members of Council—we would have seemed the elite, the privileged, the well-employed, well-paid… and travelling around the country—even though we only did that four times a year. But it was still enough to send those signals. But fortunately that changed over the life of the Council—I'd like to say because of our efforts—but I think we can probably thank Pauline Hanson and the Prime Minister. It's one of the ironies of public policy that you sometimes have to thank people that you'd rather not thank (13).

8.2.2: Community process and interests

A number of Class 2 interviewees (including some of the above) advanced ideas around the significance of Indigenous community processes and a few linked these to the prospect of a treaty process that would be accountable to communities.

Like other Indigenous members of the CAR, **Ridgeway (P.A)** had taken major roles in several Indigenous community processes. Before his appointment to the CAR

as a senior Democrat[156] senator he had been a regional councillor for ATSIC Sydney region and the Executive Director of the NSW Aboriginal Land Council. He is a strong proponent of the decision making rights of Indigenous communities and criticised the Howard government rhetoric of "mutual obligation", which imposed a trade-off involving Indigenous communities giving up "special" rights for civil rights. In a 2001 internet opinion piece he called for the government to "re-orientate organisations like ATSIC towards the community, and delegate responsibility to communities to fix problems" (Ridgeway, 2001:2). Of all Class 2 interviews, Ridgeway made the most direct connection between community processes and their prospects in developing Indigenous political authority that is independent of the interests of government or capital. Raising the need to take authorship of Indigenous futures, **Ridgeway** says:

> I think it's a responsibility of Indigenous communities and Indigenous leaders. I think that we've got to take off the blinkers and the mindset of the way it was dealt with in the past and develop a new language ourselves. We can't expect the government to do it because the government for the most part is beholden to the interests of either big business or political outcomes (6).

From this long-term viewpoint, **Ridgeway** was impartial regarding either the success or failure of a single set of documents that was claimed to embody the best available prospects for relations between Indigenous peoples and Australians governments. Given the hostile Australian political circumstances of the late twentieth century, he says, "Even with the notion of a treaty or an agreement process being put in place, it would have been problematic" (4). Instead, he gave greater consequence to the future prospects of a more engaged and long-term process. Starting with a précis of the attitudes of different CAR members to the final documents, **Ridgeway** said:

> [Some were] easy about things; there were others who thought it was a compromise, Indigenous members who wanted to go further in terms of the recognition of an Indigenous sovereignty.
> For me—looking at it in the context of inter-generational change and looking at it over a longer period of time, rather than just political cycles of, "here's the government we've got, are they favourable to it, let's go for it now"—I think that dealing with the question of a treaty or an agreement, and dealing with the question of sovereignty are things that will come in the future. The main thing that we need to focus on is making sure that what we do don't in some way compromise the possibility of that debate occurring and come up with a conclusive

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156 Democrats were the third major political party in Australia at the time.

answer that would never allow it to exist. That's the key to it, in my view, when you've got a government or an entire nation that would never support the concept (11).

Again, echoing the views of many Class 1 interviewees, **Ridgeway** suggests that success in advancing issues like sovereignty, treaty and community well-being would hinge on a long time frame and methodologies that are open-ended enough to allow the unfolding, development and support of a diversity of community interests without foreclosing ongoing options for those interests. He continues:

I see treaties or an agreement as an outcome. The key thing is to focus in on the process, and the process is ultimately what defines the direction you're going in and what the likely scenarios about outcomes are going to be. I think what we tend to do is rush in and talk about the wish-list of the things we want delivered, without really thinking about the processes, or the resources required, or the consequences of decisions that are made too quickly…

I think it's also recognising that, one of the key things that we've got to do, is not to deal with the past by reacting to colonial circumstances. I'm not convinced that a treaty of itself will be a panacea for the problems that exist within Indigenous communities (4).

P.B was also sceptical of the prospects of a body like the CAR to meet its objectives of charting a new future for Indigenous peoples. "I think" s/he says, "that to turn around and think that you can have a council and it's all going to be resolved and its all going to be hunky-dory is a bit naïve" (25). For him/her also, Indigenous community processes were of greater import. In his/her understanding they were integrated with community dissent and also with the Indigenous Summit's attempts to give independent Indigenous direction to the reconciliation process in its final stages. But despite his/her scepticism regarding the council format and the weight s/he gave to Indigenous community processes, methodology and timetables, s/he nevertheless placed some faith in the role of a peak government body that was capable of conducting top-down consultations with communities. Says **P.B**:

I think people tend to forget the diversity that actually is in Indigenous communities, right across the country, just as there is diversity in non-Indigenous communities. And that is something to be cherished. They have their own processes. And that's the other problem here—that for many Aboriginal communities and Aboriginal people, you had a white man's process and a white man's time table, as against an Indigenous person's process and time table where they actually sit down and have community consultations and work it through and try to achieve consensus.

That was the other problem with this document. When it came to consultations, the consultations were good and broad but again they were constricted by certain timetables. These things cannot happen overnight, or in one month or two, that's the way it is. That's why some people placed great faith in the process and others from the outset just thought it was a whitefella concept (15-16).

Continuing on the themes of the Indigenous Summit, and of dissent and its basis in community processes, s/he says:

[Dissent is] an Indigenous process. What it showed was the diversity within the Indigenous community. Certainly there was some despair about the direction in which the document was going... They had their own constituencies. I think it was very, very important that Indigenous people got together on that—it made the point that some people were seen to be selling out, so they needed to be locked in and go back to their own constituencies. This is a process that showed that certain people weren't speaking on behalf of Aboriginal people.

That's the whole point. I think it was important in that respect... This Indigenous Summit really showed that there was actually a broader view in the Indigenous point of view... We need to recognise the Indigenous way of doing things is different to the non-Indigenous way and time frames. That was my concern at the time. I said at the time that [Howard] needed to get out in the sand and talk to a few people (23).

Also recognising the diversity of Indigenous communities, **P.F** positioned this as an underpinning for the making of a treaty or treaties. S/he shares with Class 1 interviewees, the view that the political relations and methodologies of a treaty process, which would necessarily be driven by communities not individuals, could not be the same as those that had underpinned the reconciliation process:

I think we're more likely to get a whole array of local agreements, to some extent of course reflecting the complex array of nations that existed before European settlement. Why would the Yolgnu feel better because a Wiradjuri person signed a document? I mean they are quite different cultures and histories and so I think we have to have more a more de-centralised approach to it. But I don't think we should merge reconciliation and treaties as if they're the same thing. I think there's a reconciliation process and there's a discussion about a treaty, but they're not the same thing (13).

Similarly, **C.B** viewed the treaty process as one to be undertaken by a body that was closer to community processes. Referring to the CAR and the treaty issue, s/he says, "We weren't the people to do that; it had to come from ATSIC... they were doing that 'treaty think tank'" (8). In similarity with Class 1 interviewee opinion, **C.B** saw reconciliation as an outcome of, and contingent upon achieving a treaty process. It was, s/he says, "one of our six recommendations that we gave to the Government, to

look at processes of agreement or treaties in forwarding the process of reconciliation" (4).

Like others in this section, **P.D** is sceptical of simplistic solutions like reconciliation. "There is a tendency", s/he says, "to think that if you talk about reconciliation, or an issue like treaty or an apology or a practical program, that there is a one-stop shop for a single solution, or a magic bullet" (5). The views of **P.D** scope a complex array of liberal-equality perspectives on the place of Indigenous communities in the Australian nation. Indigenous futures are located within the existing framework of political relations, in which government is responsible for supporting a degree of cultural difference as well as delivering civil rights. Hence s/he eschews the popular liberal-equality construction that equates equality with cultural homogeneity, such as that of the ex-federal parliamentary member Pauline Hanson. **P.D's** understanding of contemporary Indigenous circumstances draws strongly from both a grounding in Indigenous community advocacy and a recognition of the continuing destructive dynamics of past colonial impositions. For him/her, knowledge of the latter is fundamental to an appreciation of the inequality embedded in the Australian condition and of the need for affirmative action to address disadvantage:

> There is very good cause in Australia for Indigenous peoples to be hugely aggrieved. They suffered the most terrible family dislocation, loss of territory, loss of access to their own resources. As a consequence they now are much more likely to be impoverished, with all of the health outcomes that that involves. But perhaps even worse than that, dysfunctional families mean that we have a cycle of poverty and violence—domestic violence and self-harm and abuse… So, I believe there is an absolute need for all Australians to understand our shared history (1).

P.D continues:

> I also think that because they have suffered so badly, through the process of colonisation, that we should have affirmative action, we should be quite determinedly proactive in giving Aboriginal people special assistance in terms of education, health services, housing— whatever it is that Indigenous people say they need. I don't think there is any argument at all for saying, as an Australian, they don't deserve to have anything different from anybody else…
> In the first instance there aren't too many special deals for Aboriginal people, they might have different labels but they're not unique to anybody with low socio-economic status in this country. I strongly believe that there does need to be affirmative action, positive

discrimination if you like, because of that colonial experience of Indigenous peoples. And for some Indigenous groups, say in the Kimberlys and Central Australia, it's only one generation since they lost their lands, so it's still very fresh, this experience (2).

As shown later in this subsection, **P.D** also recognises Indigenous community diversity and collective interests. But these understandings are not the underpinning for a notion of treaty making that draws upon community political authorship of Indigenous futures within the political life of the Australian nation. Indeed, for **P.D** Indigenous community diversity presents somewhat of a liability for Indigenous interests in a treaty process. "Within Aboriginal communities", s/he says:

[the word 'treaty'] brings about a lot of contention because a group in Northern Australia is often seen as more "Aboriginal" than is a Tasmanian family. The argument then for who would lead this Aboriginal nation, so called, [is] how would you be sure that a Victorian or a Tasmanian Aboriginal person or Torres Strait Islander had a place in this so-called Aboriginal nation—all of those are very difficult issues (3).

And the implications of treaty making for the nation as a whole are drawn as a strict dichotomy between two extremes. One is rendered as a radical rupture of the Australian nation-state, leaving as the only acceptable option, one that makes little or no demand on the Australian state. This binary provides no engagement of, or challenge to existing arrangements. "If a treaty is just a statement of shared objectives, a statement of the special status of Indigenous people, a statement of their rights as Indigenous people to have special support from the Government" says **P.D**, "it is not a problem" (2). The problem, s/he continues, is that "the word 'treaty' often implies you're talking about a separate state for Aboriginal peoples. That gets Australians very nervous and upset" (2-3).

So while **Ridgeway** and **P.F** see community diversity and process as a largely endogenously generated (though not isolated) phenomenon, and as such, a resource for establishing the parameters of community political accountability in a treaty process; and **P.B** recognises that diversity as the basis for a perhaps more limited political authority, accountable within a given policy framework—**P.D** explains diversity and interests within a liberal-equality framework. In that framework, the diversities of Indigenous communities and structures are expressed primarily as a function of the trauma and resulting deficiencies generated with different phases of

colonialism (some of which are relatively recent, but all in the past), and also of the interactions of socio-economic and geographic factors that are common to wider society:

> The thing about Indigenous Australians, like any other Australians, is that there's an enormous variety of condition if you like, socio-economic condition, where people live, whether they're in an urban or a rural community. And the colonial experience... happened at different times. Unfortunately the outcomes and what did happen are often very similar. But they happened at different times, so with different results; and that's often one of the great problems that governments are trying to deal with. Say consultation on an Indigenous related issue—who do you talk to as representative of the community, how do you make sure that you're not disenfranchising some, and that's very problematic (5).

Hence, the collective interests that **P.D** identifies for communities are primarily the right to overcome deficiency and disadvantage and to achieve equality of outcomes with other Australians. That is, the civil rights that help to underpin and structure the lives and communities of other Australians are to be delivered to Indigenous people on a community basis as part of an affirmative action policy drive. In a view shared with some Class 1 interviewees, **P.D** raises the crucial importance of sustaining times-frames and funding. "Too often" s/he says:

> Indigenous programs are short funded... just for short periods of time, they're pilots. They don't have sufficient lead times, they're not given enough time to bed in because it often takes a while to develop trust and to identify what you can do, what you've got. But we expect a result in say 12 months. And that's a real problem (6).

To further address these problems, **P.D** envisages a community development model:

> I think we, as Australians, are excellent, have a great reputation in AusAid, for working overseas with village communities and small remote communities in Asia and Africa and wherever. And we work on a community development model. We work with women in those communities, with men; we have great success. But we don't apply those same principles back in Australia where it is, I believe, all about working on the ground in communities, either with Indigenous or non-Indigenous workers. I'm not drawing a distinction there, but with people that understand how to network, capacity build, work with the people, empower the people. And along the way they will identify other institutional failures and infrastructure failures. But we need someone to work with the people to help them to articulate and identify and prioritise the issues and to perhaps act as an advocate for them too, until they are in a position to advocate for themselves (6-7)...

> I have no problem with that, as long as it's genuinely advocating for the people at their request, not running off in a ball of dust out on the horizon, away from the people that you're working for (8).

Although envisaged as being embedded and engaged with the community, this model makes no direct call upon or support the development of the more open-ended community processes of self-authored decision-making and leadership generation. While a version of this model could be usefully deployed alongside the latter processes, as a stand-along proposition, it reflects existing political relations, in which Indigenous communities have a client status with federal governments. This model would amount to a significant renovation of this relationship (characterised by a history of neglect), but it remains as an outcome-directed policy instrument that de-centres the community as the primary source of change, which is at the instigation of a government community worker operating as a community catalyst and advocate. Such de-centring of the community might also entail the advocate's performance as a downward conduit for the imposition of government policy demands.

Within these best prospects for existing political relations, as envisaged by **P.D**, s/he is adamant that the distinct rights of Indigenous people are more than the right to special delivery of civil rights—there are further distinct rights that are intrinsically different from those of all other Australians:

> Because they are the indigenes, and because they lost their territory through the sheer force of numbers, or through direct military, or native police style warfare, because they are the people who were usurped— they do have rights now that others do not have (1).

These include the right of individuals to recognition as being members of a distinct people. And **P.D** is emphatic that this identity entitlement is an indivisible, non-negotiable principle across the diversity of all such individuals. But this notion, he/she explains, is difficult for most Australians to comprehend because the popular egalitarian ethos is refracted through a lack of historical understanding:

> Yes, Indigenous people do have distinct rights. But I think there will always be a resentment about Aboriginal people claiming those distinct rights in Australia... because they're not always visibly an identifiably different group... I think a lot of Australians don't understand that an Aboriginal person can be fair-skinned. The majority may not be visibly like a stereotype they see in a picture book. I think the problem for Australia being so based on an egalitarian philosophy [is that] because Australians don't know our colonial history, then there is that

resentment when someone who appears fair-skinned and blue-eyed talks about the need for special recognition. Now I'm saying absolutely, that that a fair-skinned Aboriginal person does, and should have that recognition. Because of their life experience, because of their aboriginal mother holding their hand and their Aboriginal grandmother and so on, they will have an experience that's simply very different from a person with a Greek or Scottish or English background. But I'm just making the point that in Australia because the visible triggers aren't always there, that is an additional difficulty for Aboriginal peoples identifying as a group to have special rights… When Aboriginal people's past is understood, especially the miscegenation policies (making them appear more white), then perhaps you'll have more understanding in Australians—why you can have someone like Geoff Clark with his red hair, who's an Aboriginal leader (8-9).

Not only is there an individual right to identity as a member of a distinct people, and a collective right of those people to special government entitlements. There is also identity recognition at a collective level. Following **P.D's** above statement that Indigenous people "do have rights… that others do not have" (1), s/he continues:

And they include in the first instance being acknowledged as the original owners. That also carries with it protocols, which are only just being developed, which are very strongly supported by the Reconciliation Council and the reconciliation document… I believe those protocols are very important and they are of course unique to the Indigenous people. You don't have protocols of welcoming to country for any other group in Australia (1-2).

8.3: Nation scale reflections: constructions of community interest

The above Class 2 interviewees had a broad understanding of Indigenous community interests and judgements and in some cases, the potential for extending community authority to the national level. Most (both Indigenous and non-Indigenous) have had longstanding associations with, or grounding in Indigenous community processes and have worked at local or national scales in advancing Indigenous rights. However, this positioning was truncated by the institutional constraints and demands of a nation-scale body that was disengaged from community interests and processes.

In this section, the majority of Class 2 opinion reflects a less ambivalent congruence with their structural positioning. Perhaps due largely to the disengaged

institutional parameters of operation, experience and envisioning, some of these views were compatible with the prevalent view of Indigenous community breakdown and deficiency. Some held Indigenous community processes to be intractable. And they constructed Indigenous community political judgements to be conservative, discounting the legitimacy of dissent against the policy, which was seen as being marginal, politically incoherent and unmindful of the prospects offered by the all-purpose, top-down organising principle of reconciliation, with its promise of a unified Australia. As noted above, these judgements were not necessarily inconsistent with the employment of selected rights discourses in the reconciliation policy era, and some interviewees placed strong value in the recognition of Indigenous community identity. As also noted above, this thesis does not centre on individuals who hold explicitly anti-Indigenous rights positions. Rather, it shows how, in a nation-scaled institutional setting that is disengaged from community scales of operation and interest, concepts of rights are seen through the prism of structural constraints and can form discursive alignments that operate to legitimate and support interests other than Indigenous community interests.

8.3.1: Symbols and protocols

The protocol movement spearheaded the recognition of Indigenous culture, presence and community identities. It is referred to here as the "protocol movement" because this recognition was signalled through protocols. These included flying the Aboriginal flag (often by local councils) and the introduction of events and talks with a welcome-to-country by local elders; or with a recognition of country by non-Indigenous speakers or Indigenous speakers operating outside their country. Although employing largely practices, this movement has made substantial advances in raising Indigenous community profiles within local and wider Australian communities. However, as configured within reconciliation discourses they are part of "symbolic reconciliation". Arising with different combinations of collective, individual, civil and distinct entitlements, protocol/identity rights entail no concrete rights and present no challenge to existing political relations between Indigenous peoples and Australians governments. Rather, these packages comply neatly with the liberal-equality framework of relations in which Indigenous people are clients of the nation state. All

these rights and entitlements can be constructed or erased by government policy; and the nation state can presume a prerogative to identify and place value on distinct cultural and historical characteristics, while at the same time disengaging from the accompanying implications for the question of political self-authorship of Indigenous futures. Protocol/identity rights are crucially important; but detached from the fundamental rights of self-determination that are their foundation, they can eclipse the meaning of the latter in political discourse.

Given the disengaged structural foundations of the policy, the incomplete and disjointed package of rights produced with the National Reconciliation Documents was predictable. And the Howard government's division of rights into "practical" and "symbolic" reconciliation was an equally logical outcome of the segmented view of rights generated by these foundations. In this division, there is no place for the idea of distinct Indigenous rights. On the one hand, "practical reconciliation" is, as **C.B** suggests, not "a noble idea"; it merely proclaims, "the same [rights]… the same access to services as white fellas" (3). Or as **P.E** says, it is "code for [saying] 'well we can improve the living standards of Aboriginal people without acknowledging the history and the dispossession'" (2). These "entitlements for all citizens", continues **P.E**, make no provision for "the special needs and rights that attach to being the First People of this country" (2).

On the other hand, rights other than civil rights are designated as "symbolic", precisely because they are notional and entail no concrete rights. As noted previously, the "symbolic" component of protocols implies no other rights. And **P.D** suggests that the issue of treaty was also "symbolic" (4), partly because the CAR had not had been able to resolved it. According to some Class 2 interviewees, the treaty issue was introduced belatedly by just a few individuals prior to the May 2000 hand-over of documents (although the Chapter 7 evidence had it as a widespread concern in consultative meetings). At that time, says **P.D**, Clarke "became quite strong about the fact that reconciliation had to be all about the unfinished business of treaty" (3). And while the issue of self-determination also remained unresolved, it was also important, suggests **P.D**, at a symbolic level. S/he says:

Given that there hadn't been a resolution of those definitions of self-determination, given that we saw two forms of outcome, or two sides of

reconciliation, what we call the "symbolic" and the "practical"… these were both equally important (3).

As the "other side" of "practical reconciliation", "symbolic reconciliation"—in some cases, stripped down to the protocol movement—was seen as a substantial matter by some Class 2 interviewees. It was the element by which the national project of reconciliation could be represented as far more than just a program for the future delivery of civil rights provided routinely to other Australians for much of the past century. For **C.D** an important post-2000 legacy of the CAR's work has been the unquestionably substantial benefits of the widespread use of the recognition-of-country protocol:

> I think that this whole question of the protocols [discussed] in the <u>Road Map</u> [see Appendix 1], you know, the welcome to country, the various ceremonials—that's moved *tremendously* since let's say, 1997. It's frequent now to come to a meeting that has nothing to do with Aboriginal affairs and to have the chairman say, "I want to pay my respects to the Wiradjuri people and their traditional elders"… Councils flying the Aboriginal flag… that's an achievement (8).

C.C also values these developments. His/her reflections on the continuing spread of these practices suggest their value lies in their distance from the dimension of political considerations.

> It's still not part of procedures, but I would think that with this next generation of leaders, whether it be the Peter Costellos or the Simon Creans[157], I think that we can probably start to make [formal recognition of county] part of the protocol—Federal Parliament and State and local. We want businessmen and women to do it, that's the next thing. Certainly, lawyers, the legal fraternity and the business community jumped on board reconciliation quite strongly towards the end (15).

These practices are indeed important in their own right. However, configured as part of the "symbolic side" of reconciliation, they were incorporated as part of a rhetorical formation that displaced the fundamental issue of self-determination. As indicated by **P.D**'s account, the importance attached to the idea of "symbolic reconciliation" was partly a function of the fact that no agreement was made on the issue of self-determination (and evidence in Section 8.4 indicates that this lack of

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[157] At the time of the interview Peter Costello was widely regarded as the PM's successor and Simon Crean led the Labor parliamentary opposition.

agreement was possibly an engineered result). It became a safe substitute for that potentially risky and open-ended issue, one that presented no challenge to existing political relations. In the "two sides" construction of reconciliation was the implication of a resolution between two poles of difference, making up a wholeness that accounted to all reasonable opinion. In fact, the construction of the "symbolic" and the "practical" did not consist of "two sides"; it was a construction of highly complementary elements that excluded the long-standing, fundamental issues of self-determination, treaty and sovereignty. In the absence of a new framework of political relations that could support, develop and extend Indigenous community authority, the "symbolic" component of reconciliation remained as a disconnected assertion of cultural/identity rights and values.

Within these parameters, even the "symbolic" package included aspects that could not be tolerated by the Howard government. For **C.D**, one of the most important symbolic issues was an apology from the Australian Government for the organised removal of children from families. It was a fundamental and pressing issue for a great many Indigenous people and communities, but **C.D** found that s/he faced an impossible task in attempting to convince the Prime Minister. After the latter visited east Arnhemland some members of the CAR believed that he had been "very, very moved" and hoped that he would soften his approach; but instead they received a message from the PM stating that his government "'would never issue a formal apology to the Aboriginal people" because of what he termed the issue of 'cross generational guilt'" (2). C.D concluded that "the apology was a sticking point" (**C.D**, 2).

This left the CAR with the aspects of "symbolic" reconciliation that were relatively undemanding of the Australian state. And these constraints were internalised by some Class 2 interviewees. **C.D** recalls another point of contention with the Prime Minister:

> And the second thing that we differed on was this question of recognition and respect, recognising that this is *not* just another ethnic group. They're the goddamned *possessors* of this continent for fifty thousand years you know, and that had certain things flowing from it. There I think, we in a sense, parted company (5).

Nevertheless, **C.D** does not equate that ownership with rights such land rights:

The land rights [issue] is, and will always be, a very vexed issue. But the question of some of the other rights—I would have liked to have seen more rallying around very symbolic things, such as the right to be recognised as the traditional owners and custodians of lands and waters. That doesn't cost very much [and] we had our native title [legislation] (11).

This understanding of "symbolic" reconciliation as presenting a healthy stimulus to cultural understandings but no challenge to existing political relations was also reflected in **C.C's** comments on the recognition of traditional owners at public occasions:

We got Howard to do it a couple of times at the start of a public occasion...I do it every time I get involved in something now and invariably... people to come up and say, "what a great idea, what a lovely thing to do". And I'm sure those who don't talk to me think it's divisive, or it's a wank, or...unnecessary. And yet I think it's just so easy and so generous isn't it, to just be at a public event and say... "I... want to recognise the traditional owners... and [pay] my respects to their elders" and so on (14-15).

8.3.2: Constructions of community dissent

The "symbolic" construction of Indigenous community interests—which placed a high value on an abstract observance of collective identity rights, but disassociated them from related substantive rights—provided some CAR members with a rights discourse that did not oblige them to understand the common political basis of community dissent against the policy. While some Class 2 opinion recognised dissent as a legitimate response to the policy and saw the rights discourse as arising from fundamental political issues (as seen in 8.2.1), the opinion in this subsection places these discourses entirely as a dispute about the word 'reconciliation'. This view was widely at variance with the analysis of Class 1 interviewees, who objected to the *policy* because it reproduced and entrenched colonial political relations. And they objected to the *word* because it reflected the extent to which these relations were determined by the Australian state—to the point that it reserved for itself a pre-emptive right to establish by government committee, a state of resolution between black and white Australia. **C.C** understands the scepticism of Indigenous communities regarding successive government policies. A typical and understandable response,

s/he says, has been, "Join the queue, join the list, we've had caravans arrive of whities coming in here, saying they're going to help us but they never do" (9). Nevertheless, s/he resolves dissent against the reconciliation policy as a dispute over a word, arising from an unstructured posture of rebellion:

> I think that one of the things that troubled Indigenous Australians was that it was called the Council for Aboriginal Reconciliation and we kept being told that Aboriginal people didn't have to be reconciled with Australia, with white Australia; white Australia had to be reconciled with them. I think that was true but I also think it was a bit pedantic and as we moved into other phases of reconciliation there was a sort of Bolshie attitude developed—not so much in the Council, but outside of the Council—from people saying, "well even the very name is provocative"… And I think it was, you know—what's in a name? I think it was much bigger than that and I think the name, that was the name that was decided back in 1990… didn't matter, it was something else. The 'reconciliation' [concept] was just for a long time a hard word for whites—and blacks especially—but whites to get their head around. It was something that normally happened you know, between warring parties in a domestic reconciliation (3).

For **C.C**, the fact that the word had been considered in consultation with a number of high profile Indigenous and non-Indigenous members of the CAR was evidence that it had legal, professional and moral standing; hence its value lay beyond community opinion. And that overriding value was assigned in accordance with a government policy aimed at attitudinal change in the wider population:

> And so it was a strange word, but we discussed [it] in the early days with the likes of Lowitja O'Donoghue and Patrick Dodson and a couple of lawyers we had on the Council, a professor, a senior magistrate (Gray from the Northern Territory, who was on the Council) and so on. These were good legal brains and plus of course, we had the former High Court Justice. But the danger was that you get, as people have been, you get tied up in semantics. It wasn't about whether it was 'reconciliation' or whether it was called something else; it was going to be about the attitude (4).

C.C's final assessment was a redemptive narrative of appearances, which constructed the Indigenous community strategy of silent non-compliance—documented in Chapter 7—as belated accord. Indeed, even while the word had little intrinsic meaning (that is, its meaning was variable according to its context), the eventual popular currency of the word among the wider population was proof of the ultimate validation of the policy:

And it was interesting that by the end of the ten years—which I think a couple of wise heads were saying would happen—the word had been accepted. It had become part of the vernacular, it had become part of the landscape and so the walks for reconciliation were what people did, and they used this word and they realised it was about bringing it together and understanding and moving on (4).

C.B made a similar commentary on disputation over the word and the policy's eventual validation. His/her view was that the elasticity of the word—seen by Class 1 interviewees as emblematic of the policy's meaningless and impotence—facilitated an individualised attribution of meaning and hence, the potential inclusion of the mainstream population across a wide range of opinion. **C.B** observes negative comment as being widespread in Indigenous communities, but regards it as being incognisant of policy success, which is to be measured by the weight of popular recognition:

It's constant really. Just the other night I was at a uni. college dinner and if I've heard it once I've heard it a million times—"I have a problem with the word 'reconciliation' because it means the bust-up of a marriage"… At a lecture a couple of months ago in Sydney, one of the fellows got up and said basically the same thing, "I have a real problem with this word 'reconciliation', it should be 'conciliation'" and all the rest of it.

Well really I think it doesn't really matter what people think about the word now; it's become a household word and we're stuck with it… I don't think that's for the worse anyway. People identify, they know, they're aware of the term and really I don't think it matters what anybody thinks about the word now. To me it's about the deed and the action, what the word means. And I think many people have a definition within themselves (1).

C.D's evaluation of Indigenous dissent against the policy also held no place for it as a commonly held political judgement. S/he saw it as the product of a shared but nevertheless inchoate sense of injustice that had been rendered outdated by the reconciliation policy:

There is certainly within the broad Aboriginal leadership, that un-elected elite, a minority group who genuinely want to keep the battles going. It's become the big thing in their lives and they've got so much anger in the hearts and their souls that they don't really want reconciliation (10).

8.3.3: Constructions of representation and leadership

In a nation-scaled institutional environment that was radically disengaged, both from the issue of the political relations of the Australian nation state and from Indigenous community processes, there was little opportunity for inquiry concerning the political basis of dissent against the policy. Neither could this institution support an understanding of the community scales of accountability at which political judgements become shared and leadership can be generated; or of the wider prospects for that leadership in determining Indigenous futures. In a minority of Class 2 interviews, considerable attention was given to the nature of community processes and leadership. But within the institutional parameters in which they operated, it was perhaps inevitable that in most cases, their conclusions were widely divergent from the understandings provided by Class 1 interviewees, who were embedded in community processes.

In this environment of scaled disengagement from community processes (a circumstance shared across successive policy settings), attempts made in good faith to explain the role and prospects of these processes tend to contract into self-perpetuating circularity, which then entrenches this disengagement, and hence, the erasure of Contemporary Indigenous Governances for the purposes of representation. Chapter 7 pointed to the circularity whereby individuals who criticised the policy in consultative meetings were deemed to lack the community authority that had been erased for the purposes of representation—even while the community processes from which these political judgements came were functioning energetically. In this sub-section we see a related explanatory sequence around the lack of structuring for political representation in Indigenous community processes. This is seen, not as the outcome of an erasure of community representative authority, but rather, as a function of the complexity of Indigenous politics. On Indigenous dissent in the reconciliation process, **C.C** observes, "It became… black fella politics and that's… almost more treacherous than union politics in Australia" (6).

C.D's discussion of the CAR's representative status is in a similar vein. S/he begins with some apt observations about the unsuitability of a government committee in accounting to a consensus style of decision-making:

> The Council could not be said to be fully representative, but then what actual entity in Australia is truly, fully representative of the Indigenous people. I think one matter we mustn't forget is that we have a way of thinking of these things in hierarchical, Western type terms. You know, there's a Queen, a Governor General and then there's a Prime Minister and then there's a Cabinet and there's two Houses of Parliament and then there's the State Parliament. I think in Indigenous affairs that hierarchical thinking is not there because their traditional life is more the life of a collegiate with collective decision making (6).

But s/he then interprets a common community response to the imposition of western quasi-representative structures as an absence of representative prospect, saying, "So they may not even find it easy to say who should speak for them. They probably say, 'no, really, no one speaks for me'" (6). **C.D** then leaves the focus of discussion with the incompatibility between Indigenous and western styles, drawing this as a rationalisation for the inevitable abandonment of the former in favour of the best terms and efforts that dominant structures could offer:

> Many Indigenous people find it difficult to express themselves... in our language... in front of white people. And all I can say about that is, we did our best. At every single meeting, and some of them went 'til midnight and beyond (the people conducting the meeting considered they'd run out of time) there wasn't enough time... In a genuine traditional lifestyle situation, a particular issue may have to be visited six times. And each of the six discussions might take a couple of days. The tempo of life within the dominant culture is such that they render that just plain implausible (6-7).

Similarly, **P.B** recognises the plurality of Indigenous community interests and their need for a voice, but s/he does not draw this as a case for the rights of community authorised representation. Instead s/he reproduces the process identified by Class 1 interviewees in Chapter 7, in which the modes of Indigenous leadership are constructed by politicians and the media. S/he envisions an elite advocacy style of leadership, which entrenches the constructed absence of community representative structuring. Recognising the divisions within Indigenous communities, **P.B** says:

> We tend to make the mistake that the Indigenous community speaks with one voice; they don't. But the issues won't go away. I am very

pessimistic at the moment that they will have a champion, which is what they need (3).

On a similar point, **C.D** considers the structuring of an agreement that would be accountable to Indigenous communities, but like **P.B**, his/her envisioning does not extend beyond existing constructions of Indigenous leadership. In the following comments, **C.D** considers ATSIC as a community-driven option; but the problems therein—inherent in an imposed, quasi-representative electoral system that was ultimately accountable to government, not community (Chapter 5)—are seen to justify the non community processes of leadership that have arisen in response to the imposition of western methodologies and ideologies[158]:

> But now let's look at the other side and this part in a sense distressed me and perplexed me. It became unclear if there was to be formal reconciliation, who the counter signatory would be. If it was to be the government of Australia, it obviously had to be either the Federal Government with the Prime Minister signing or Federal and states, with all the state members signing. Now on the other side, who would it be? And of course I had naively thought the obvious body was ATSIC but you will be surprised how many Aboriginal people have said to me "oh no, not that ATSIC mob, oh, no, don't take any notice of them. I don't vote in ATSIC elections, I don't believe in ATSIC, you know; I think they're all corrupt and they're hopeless". That was a big problem. Then I'd say, "Well should it be the land councils?" They're obviously a very significant aspect in the power structure of the Aboriginal people. And then finally it became clear to me that there was really a third set of leaders and that is these un-elected, reasonably anonymous, but nevertheless pretty easy to identify intellectual leaders of the Aboriginal movement. I'm thinking of the Faith Bandlers, the Lowitja O'Donoghues, the Noel Pearsons, the Patrick and Mick Dodson's, Marcia Langton (3).

C.D considers the Indigenous Summit's challenge to the CAR to produce a rights-based document of reconciliation in the same vein. S/he restates a notion of Indigenous leadership based on the perception of an absence of community structure and process; hence it is conceptualised exclusively in terms of high profile prime movers:

> Now, the Indigenous Summit—that is a very important matter…We were in close consultation with ATSIC, Geoff Clarke in particular (the ATSIC Commissioner) as a whole group, and with individual Aboriginal leaders such as Pat Dodson, Mick Dodson and so forth. And therefore

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[158] As pointed out by Class 1 interviewees in Chapter 7, the high profile individual mode of Indigenous leadership embraced in the following quote is partly a construction of politicians and the media. This is not to say that these individuals would not arise as leaders in a community driven politics. This point turns on the structure and context by which leadership arises, not the individuals concerned.

we were well cued in to the famous meeting of the 61 and so forth and had quite good feelings about it—and I think on the whole were reassured by, and in agreement with, most of the conclusions of that Summit. So, certainly the Council sought to work with the Aboriginal leadership. And that kind of ad hoc process is probably about as close as you can get to defining what the Aboriginal leadership really is (10).

This subsection ends with comments from **P.B,** indicative of a related popular misconception of Indigenous community and leadership. In contradiction to his/her previous understandings concerning the plurality of Indigenous voices and the illogical non-Indigenous expectation that they should be unified, s/he depicts different sources of dissent as being a single, homogenous but muddled group. **P.B** conflates a number of Indigenous dissent formations—the Indigenous Summit, those arising in community consultations and Clarke's lobbying to include the treaty issue in the final document—and depicts them all as late-comers to the debate. This three-way conflation greatly overstates the structural integration between communities and the high-profile intelligentsia assumed to be their representatives. While prominent Indigenous intellectuals have structural lines of accountability and responsibility with several specific communities, their connections with the wider population of Indigenous local and discursive communities (however effective for given purposes) are non-structural, so more tenuous.

Certainly the structure of dissent in the last phases of policy process was more complicated than implied by the above quasi-representation model, and also more strategic, given the pace of developments at this time. The first half of 2000 was the lead-up to the May official proceedings, and community consultations around the document had proceeded for just eighteen months. So it was inevitable that dissent around the policy and the production of the final document would culminate at that time. There were a number of rapid developments and several responses among different sectors, including high profile Indigenous intellectuals, Indigenous local community members, Indigenous discursive communities and ATSIC constituencies, as well as the predominantly non-Indigenous ANTAR and local reconciliation groups[159]. Underlying all of these was an increasing pessimism around the perceived impending capitulation of the CAR to the Howard Government. Even those who had

[159] As alluded to in Chapter 1, there was sporadic dissent among LRGs. This will be explored in a planned paper and cannot be included in the present study, which focuses on the impact of the scaled politics of reconciliation policy processes on Indigenous local and discursive communities, and their responses to these processes.

before been indifferent to the prospects of the policy in advancing Indigenous rights came to believe that a weak document could do even more harm than the expected nil advance. Alongside these responses, there was an optimistic belief in a gathering support in some non-Indigenous opinion sectors for formally advancing the treaty issue (opinion polls are recorded in Chapter 7). Hence there was a sense of urgency born of both negative and positive dynamics. While Clarke was no doubt responding to pressure from ATSIC constituencies (as suggested by **P.D**:4) in raising the treaty issue within the CAR, the strategy of Summit members was to assume an entirely separate position, from which they could apply independent pressure to include a statement of rights in the document. In addition to these responses, which were a factor of the immediate lead-up period, had been the general indifference of Indigenous communities (documented in Chapters 6 and 7) to advertised consultative meetings. These different dynamics and tactics, all responses to CAR and government timetables and politics, are conflated by **P.B** (elsewhere eloquent on the reasons for dissent against the policy, 8.2.1) in a way that depicts those involved as ineffectual:

> There are always demands that "you haven't consulted with us enough". Any process towards the end is always criticised, but some of these people have been involved from the very beginning, whereas some others came on board very late. And it's only when something has occurred that they come out and whinge and say "we weren't consulted", as you are about to craft the final thing. I think at the end of the day, I'm not critical of the attempts at public consultation in the framework and time frame they had. I think it was a noble effort; a lot of effort was put in. As with most things, you can advertise till the cows come home and they won't come. I have been involved in a number of consultations (24).

8.3.4: Constructions of community interest versus political interest

The evidence of Chapter 7 suggests that the methodology by which data on Indigenous opinion and interests were gathered in consultative meetings was flawed. In addition to the widespread self-exclusion by communities and individuals who objected to the ideological basis of the policy and its terms of engagement, there was arbitrary exclusion of a number of communities, and by some accounts, selective exclusion of particular local and discursive communities and individuals, as well as dissent disciplining processes within meetings. The evidence suggests also that

restricted agendas for these meetings specifically excluded issues of treaty and sovereignty.

Government incapacities

Added to this was the blurring of Indigenous and non-Indigenous interests, underpinned by the indeterminate meaning of the word 'reconciliation'. A considerable proportion of the data collected in policy consultations were the views of non-Indigenous policy participants, who were the great majority in urban metropolitan meetings. This raised the question of the objectives of the exercise— evidently it was not a dedicated effort for gathering information on Indigenous community interests and priorities. This was exacerbated by the logistical lack of reach to Indigenous communities (as recorded in Chapter 7), an issue raised by **C.D**:

> A group of people meeting once a month for two or three days and having a fairly set agenda—isn't going to be able [to achieve] the degree of reaching out that Indigenous people would really want... Evelyn Scott travelled like a maniac... she was there full-time... Jackie Huggins had substantial part-time involvement because she was taking time off from the university... All the rest of us were there... as volunteers. So you will probably say the consultations were not sufficiently extensive, but it was as extensive as in practical terms we could make it. And the public servants worked very, very hard, they were lovely people. A lot of them did a lot of travelling also. (12).

According to **C.D** there were "over two hundred meetings" (12) throughout Australia. Many were organised independently by LRGs, most or all of which were non-Indigenous organisations. There was "something less than a hundred [meetings] that the Council itself convened" (C.D:12), which would have been in Indigenous communities. So there were approximately one hundred Indigenous communities consulted. Notwithstanding the huge commitment this represented, and the unrelenting efforts of the consultation teams, this was nevertheless just a fraction of the Indigenous communities across the nation. This characterised the exercise as a consultative sampling one rather than a representative one and is emblematic of the constraints in which people of good faith were confined to operate. Even within this fraction, further questions arise around the sampling reach of the process. Did the Indigenous views represented include opinion from all the major community types, urban, rural and remote? And within each of these types are intersecting layers and

sectors of plurality that such a process could not capture. For example remote communities have interactions with and interests in many sectors, including mining, pastoral, media, tourism, telecommunications, cultural, legal, educational and other areas. Further, is the question of whether the exercise invited the opinions of all discursive communities. The evidence of Chapter 7 is that these questions are answered in the negative.

So this corporate consultative model was profoundly unrepresentative and non-accountable to communities. And it was highly ambiguous. As a process that purported to represent Indigenous views and interests, the data gathered, on the evidence of Chapters 6 and 7, were arbitrary and selective. And as a process that also included non-Indigenous opinion on the basis that the policy was about reconciliation between two parties, it was an amalgam of Indigenous and non-Indigenous opinion (variously presented as differentiated or undifferentiated), leaving Indigenous opinion overwhelmed by other interests. All these factors undermined CAR claims that the exercise was capable of, or aimed at producing a comprehensive survey of Indigenous community priorities in the interests of advancing Indigenous futures.

Still another layer of abstraction and distortion was the lack of transparency, which as recorded in Chapter 7, facilitated political/ bureaucratic oversight at various levels and enabled the selection and management of data. As also noted therein, the most identifiably political form of oversight—over policy outcomes—is intrinsic to a process that is government, not community authorised and driven. The incumbent government is well placed to determine the nature and degree of that control, which can be facilitated and internalised with the appointment of more or less conservative committee members. As will be shown in 8.4 some CAR members saw evidence of Coalition Government attempts to control the content of the final set of documents.

The consequence of these multiple layers of institutional disconnection and distortion, producing a disarray of blurred objectives and semi-homogenised data, flawed methodologies, fixed agendas excluding crucial issues, non-accountability, non-transparency, and bureaucratic/ political oversight—is the logistical, methodological, bureaucratic, political and ideological *incapacity* of a government authorised and driven body to gather useful information on the interests and priorities of Indigenous local and discursive communities—much less represent them in policy

initiatives. At the basis of this institutional incapacity is the rejection by successive federal governments of the prospect of equal negotiation with scaled structures of Indigenous governances (as seen in Chapter 5), a position clearly enunciated by **P.G**. Framing this position in terms of an individual rights discourse, s/he portrays the prospect of treaties and political self-determination as undermining of the principle of entitlement to civil rights and (like **P.D** in section 8.2.2) makes a distinction between an acceptable individual self-determination and what is depicted as an extreme of collective separatism:

> Well I'm not about separation. And ultimately it really depends on what you mean. People will talk to me about self-determination and they'll say really it's a really very modest term, it's talking about people being able to control their own lives and decide how they're going to invest their money, whether they have a house, where they send their kids to school; it's about *individual* self-determination. I'm a Liberal, I mean that's what my political philosophy is about, individual self-determination. I've got no problem with that...
>
> I think the sort of rights I'd be wanting to talk about are rights that people have to enjoy a reasonable standard in education in a society that's able to give education... [and] a reasonable standard of health in a society that has the capacity to give a reasonable standard of health. I think rights are about people being able to enjoy a reasonable standard of living in a home of their home, in a society that has one of the highest home ownerships in the world. I think it's about rights of people being able to get a job when we've been getting unemployment rates down to reasonably acceptable levels ...where Indigenous people often miss out...
>
> But... self-determination can be perhaps something more; sometimes it can be a collective self-determination rather than an individual self-determination... And that can mean that if you're talking about people who regard themselves as just a collective, in fact a nation, that they're talking about how you have two nations rather than one. And you know, in terms of the concepts of sovereignty and so on, that's a fairly uncomfortable proposition (4-5).

Constructions of Indigenous community conservatism

These multiple levels of incapacity to address Indigenous community interests, underpinned by the primary incapacity of Australian governments to envision the notion of community authorised structures capable of ordering political relations— and the rationalisation of this ideological position by reference to civil rights discourses—are the background for the testimonies in the remainder of this chapter, consisting of Class 2 interviewee opinion on issues of treaty or treaties and political self-determination. Here it is reiterated that these incapacities do not reside with

individuals; rather, they are produced through intersection with institutional imperatives, imposed by the parameters set in government driven attempts to construct representation on Indigenous issues. In this testimony, data collected from the minority of consulted communities is generalised to a putative majority Indigenous conservatism on issues such as self-determination and treaty. As previously stated, it was a corporatist sampling rather than representative exercise. But further, this interpretation lacks empirical foundation since it is derived from an absence of information on a set of issues that were *not* included as formal agenda items in consultative meetings. To a large degree, interviewees rely on negative evidence for their claims, which are testament only to the *non sequitur* that an exercise that did not invite discussion on political relations produced little such discussion. "In our consultations around Australia" says **P.D**, "you couldn't say that the notion of treaty was the most top of mind issue in every single discussion" (3). And **C.D** reports that "in the over one hundred communities visited in the preparation of the two central documents (the Declaration and the Road Map), people on the ground didn't care so much about the big wigs, the big Aboriginal leaders, nor indeed, about things like an apology, things like rhetoric on self-determination" (6). The constructed absence of the issue of political relations is related causally with the more immediately crucial civil right to overcome social dysfunction and disadvantage. **P.D** continues:

> In fact the majority were more concerned about things like employment, health, discrimination, racism, relationships with police and so on. Because if you are the mother of a child who's chroming or has major problems in surviving in a community that doesn't have adequate housing, health, education, employment and other basic necessities of life; and where you are totally discriminated against, you believe; and where you are situated in that community, the broader community where your region lies—and talk about treaty—it's really not the most immediate need. The most immediate need is really how to survive next Thursday's pension day, perhaps, and that's what we've found in our consultations (4).

Similarly, **C.D** reports the findings of a Saul Irving focus group research project conducted in Aboriginal communities under CAR auspices:

> He said, "Look the actual people on the ground, in the communities are not so involved in what they think of as 'airy fairy' issues. They want to share in the wealth of Australia, they want to be you know, better housed, better health, better education, better paid, more chances for a job, for a real job, this type of thing" (6).

C.B reports what is perhaps a more definitive causal link between these vital issues and a rejection of issues like treaty. Although relying in part on negative evidence reasoning, s/he nonetheless also reports clear statements of rejection of the treaty issue because of the immediacy of social issues. On the issue of domestic violence **C.B** says:

> Certainly in our discussions, as I went around the country, with 10,000 people, treaty was hardly even raised. I think it's been overtaken by that and other social issues as well within our communities. And a lot of our people will say to you, "how is a treaty going to fix me living in a house, or my kids' education, or me being bashed every day?"… And they're real questions that we needed to ask (7).

These findings of the significance of these issues for community members are not under question. Given their severity, it is inevitable—in a series of isolated consultative meetings—that they should predominate over a relatively abstract set of issues that require systematic, on-going community driven inquiry and exchange. The point is that without raising the issue of political relations as part of an ongoing, systematic, community-authorised inquiry, readings on that issue can offer little enlightenment on prospects for Indigenous futures. As suggested by the evidence of Chapters 6 and 7 (drawn from a wide range of urban and rural, local and discursive Indigenous communities in NSW), political relations issues such as treaty, sovereignty and self-determination are, in fact, of considerable importance across those communities. And while this evidence directly contradicts the conclusions drawn by some Class 2 interviewees from CAR community consultations, it is not suggested that this study can invalidate the substantial efforts and national (albeit unrepresentative) reach of CAR consultative teams. Rather, the salient point is that no exercise based on a survey of Indigenous community views on their political relations with Australian governments—whether conducted by government consultations, a PhD researcher, or with private consultant focus groups—has the capacity to represent the interests of Indigenous communities across Australia. This is particularly so where—as pointed out by Class 1 interviewees in Chapter 6 in regard to reconciliation consultations—the exercise evaded the issue of political relations while simultaneously promoting a specific configuration of political relations.

And the solution is not in overcoming the methodological flaws, because underpinning these is a more fundamental problem. This is the two-part supposition that a genuine representation of Indigenous community views on the political relations that determine their lives can be achieved, first by specifically excluding that question from discussions; and second, without the community authorised structures and processes which, outside Indigenous politics, are considered essential for such exercises of national import. It is under these conditions, wherein debate is constrained within colonial terms of discourse, that important issues like community viability are seen to be at odds with issues of political relations. A consultative exercise, however improved, comprehensive, or even transparent, is still a disengaged process of collecting views that are fixed at one point of time without the benefit of ongoing inquiry; and then processed for government purposes in ways that facilitate the distortions discussed above and evidenced in Chapter 7. Such an exercise does not authorise governments or policy agents to make definitive statements on the views of communities concerning political relations with governments, nor to make associated decisions on their behalf. To the extent that such an operation does have policy consequence, it is still a colonial exercise of centralised political authority over communities that are constructed as having no political authority.

Denial

As revealed in previous chapters, there was considerable interest in the issue of treaty leading up to and during the May 2000 reconciliation weekend. This was manifested in Clarke's lobbying within the CAR for including the issue in the final documents; while Indigenous and non-Indigenous community interest in a treaty process culminated in its strong representation in the historic May 2000 Bridge Walk in Sydney. The most visible expression was with ANTaR's huge Botanic Gardens banner facing the official Opera House proceedings and its sticker drive (assisted by a prior two-year association sought by numerous local reconciliation groups), in which many thousands of bridge walkers participated. Notwithstanding this ANTaR spearhead function, interest in the treaty issue had been sustained for some time before, throughout numerous Indigenous and non-Indigenous networks and interest groups. As **P.B** reports of interest around the treaty issue, "There is no doubt that local reconciliation groups wanted a more radical document" (10). And Chapters 6 and 7

are reflective of longstanding Indigenous community interest in the issue. Therein, Class 1 interviewees produce a range of pluralist, but fundamentally cohesive analyses on existing political relations and the need for change, with treaty emerging often as being a signifier of the these issues.

However Class 2 interviewees in this section report considerable surprise at the May events. Says **C.B**, "Well to be honest, it was a surprise to us that this issue was raised so publicly and so forcefully in May 2000" (5). And **C.C** also reports this response among his/her fellow CAR members: "to some [it was] you know, suddenly treaty… reared its ugly head" (28)[160]. In these reactions there was a tension between the CAR's branding of the reconciliation process as a "peoples' movement"—through which the general community could represent its interests—and an anxiety about loss of control over the outcomes of the policy process, the most high profile of which was the Sydney bridge walk. Added to this mix was a concession by some to the validity of the treaty issue. Speaking of its prominence in the Sydney Bridge Walk, **C.C** says that "at least it put [treaty] on the agenda, it put a discussion on there that wasn't there before, and I think that's really healthy and it should've happened" (19). Nevertheless, it was "an issue that could derail the reconciliation process if people started to treat it as if that was what it was about" (28). S/he continues:

"It sort of derailed the last days leading up to the walk across the Bridge, because it was a bit one step too far for what that mob wanted as they walked across" (19).

C.B shares this line of reasoning:

I am a supporter of treaty, as … a person who wants to see an agreement between Indigenous and non-Indigenous people. In all my talks I have strongly supported a treaty, and I still do; I still think it's the right thing to do. However the process is going to take a long time. And just the way that it was raised came as quite a surprise to those of us on the Council (6).

H/she continues:

We were there as the Council for Aboriginal Reconciliation, merely to present our documents. It was our day and of course, certain members of the Council, including myself felt that we had been hijacked into this concept of treaty, which came out of the blue really. People did not

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[160] Nevertheless, even if CAR officers had not encountered the issue significantly in more remote community meetings, they might have become aware of it in reports of city and rural meetings. Perhaps the widespread call for a treaty process, evidence of which was collected by ANTaR in less remote community consultative meetings, was a casualty of the bureaucratic processing, as discussed in 7.3.2.

consult with us in the first place, about having 'treaty' stickers, or having 'treaty' banners or doing anything treaty-wise (5).

ANTaR's NSW chairperson **O'Brien** (**A'R/C**) reports a phone call from CAR chairperson, Dr Evelyn Scott, in which she made the same hijacking claim, which **O'Brien** refutes. It underlines the lack of preparedness with which CAR members encountered the popular prominence of the treaty issue, and the CAR chairperson's extreme discomfort with the perceived loss of control over policy outcomes in what had been dubbed a "peoples' movement". **O'Brien** recalls:

> She got stuck into me; she really tore strips off me...how dare we bring up the word 'treaty'...For ten years they had been avoiding those sorts of words. Evelyn's reaction was to ring me and say that we had "stolen her weekend"—were the actual words... We'd actually moved in on all the work that they'd done; we'd just taken it over, how dare we do this to them.
> I said, "Evelyn, we did nothing of the sort". We actually negotiated with the Council that we could put that banner up, because we didn't want to take away their weekend, we didn't want to take it over. We negotiated with them.
> And I said, "you gave agreement for the banner to be there".
> She said, "I didn't realize what the reaction was going to be".
> She had no idea... was aghast that it had happened, was really concerned, I think, that the Council was now part of something that the Prime Minister was going to say 'no' to. I think that's what her major concern was (3-4).

A further reaction to the manifest interest in treaty issues around the May 2000 weekend was to explain it as a concern of non-Indigenous activists or prominent, well-educated Indigenous individuals. This testimony downplays the interest and agency of Indigenous communities in making independent judgements about their political relations, and in developing them as a body of collective analysis and opinion of the kind demonstrated in Chapters 6 and 7. **C.C** suggests that treaty had not been a concern of "stakeholders"; rather "it had become an issue of Geoff Clark… and Mick Dodson especially, and some of the others from the Northern Territory and W.A." (19). **C.B** has a similar view:

> So there was some tension there, between Council members and those who were pursuing treaty rights, including groups like ANTaR... and the other white movements that had come into being around the reconciliation time (5)...
> So very much, one wonders, you know, if this has been pushed by Indigenous interests or non-Indigenous interests, really. I would hope that it would be by Indigenous interests (6)...

[It] makes me wonder in fact, where the agenda has come from in many respects. I know Indigenous people weren't saying it at the time. And it was really people who know politics or are educated—in the Western sense, of course—who could really understand what a treaty might mean (7).

P.G reiterates this claim concerning self-determination:

I think there are some people who want to drive these sorts of agendas at times. I'm not sure that a lot of these thoughts are always Indigenous thoughts, I'm not sure that they are. You know there are often a lot of well meaning people around who have a view and would like people to adopt it (4).

Constructions of moderate ground

For some CAR members, the value of the term 'reconciliation' was, as seen above, partly in its amenability to individualised meaning. Yet, as seen in Chapter 6, for some Class 1 interviewees, this indeterminacy predisposed it to a moderatist usage that could have populist appeal while legitimating the evasion of important issues.

Indeed, 8.4.1 will show that from its inception with the Hawke Labor government, the policy was formulated as occupying a middle ground that could side step or postpone the issues of land rights and treaty. These were from the beginning constructed as extremist issues, following their demise from the national political landscape in the middle and late 1980s[161]. Yet in effectively dismissing these important pre-1990 considerations, this middle ground was in fact strongly biased toward conservative interests from the beginning. In these establishment conditions of conservative bias masked by a discourse of moderatism, the conditions were set whereby future governments could re-define the middle ground in favour of an even more conservative set of interests, and still claim an unbiased position (partly based on the fact that it included both sides of politics). So while the CAR became more conservative under the Howard Coalition Government (see 8.4), this was only superficially a matter of political incumbency.

At a yet more fundamental and thus determinative level, it was not only the terms and parameters of discourse, but also the structural framework by which the CAR was established that favoured conservative methodologies and thus conservative

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[161] As recorded in Chapter 5.

outcomes. This framework was set down with its establishment as a government authorised, national scaled committee. It was not founded on the authority of local and discursive Contemporary Indigenous Governances and so lacked participation, input, assessment and direction from this domain. Indeed Chapter 7 shows that when these interests attempted to intervene into policy processes, they were marginalised and silenced. In this context of considerably circumscribed intellectual resources and modes of operation, the CAR was capable only of envisioning and reproducing government authorised structures and processes, which arose with its foundation in a national scaled viewpoint. The notion that a set of documents—rather than a participatory structure of associations and processes—could determine Indigenous futures exemplified this nation scale ideology.

From the preceding, it is argued that the Howard Government's comportment of the final phase of the reconciliation policy was one of a limited set of possible outcomes of the moderatist policy settings of reconciliation. In the following statement **P.G** proposes an Indigenous future that epitomises Class 1 interviewee misgivings around what could be termed the "extreme moderatism" facilitated by the term "reconciliation". S/he portrays reconciliation as an ideal of unification of individuals within a politically homogeneous nation, as opposed to the putative divisiveness of distinct rights and structures. As such, the notion of reconciliation is employed as a means of disciplining the notion of structured self-determination as an extreme. S/he says:

> If you ask yourself this question about Indigenous rights and you start to get down to whether you have reserved seats in Parliament, whether you have groups that can sit down and negotiate and talk about treaties, and when you go down the rights agenda—you develop all this sort of language and you put a lot of focus into that. But at the end of the day that focus is not about reconciliation is it? It's about, some will say it's about rights, but it's about structures…and entitlements, it's about staking out ground; it's not about unifying (4).

Between the constructions of Indigenous community conservatism and lack of agency on the one hand—and on the other, what is depicted as the extremism of politically structured self-determination—the progressive but moderate and therefore acceptable middle-ground is claimed in terms of symbolism and legalism by some third term CAR members. For **P.D**, the notion of treaty is acceptable as symbolism.

Following his/her highlighting of the practical problems of disadvantage, s/he says, "That is not to say that man shall live by bread alone. The symbolic or if you like, something like the treaty, is also of enormous importance, symbolically" (4). The notion of self-determination is also rendered in an acceptable form. Discussing disputes within the CAR on the subject, **C.D** echoes **P.G**'s construction of separatism. S/he says "I think there may have been some misunderstanding because I do not think self-determination means apartheid for the Aboriginal people" (2). Accordingly, his/her alternative is a variation of the individual self-determination model:

> I think self-determination more means being in charge of one's own life, not having white fellas telling you what to do all the time. That's basically what I think Aboriginal people mean by self-determination (2).

However **C.D** does not share **P.G**'s extreme individualism. While s/he does not "like the 'T' word" which "speaks too much of embattled enemies that have now decided to be friends" like "the Treaty of Versailles" (7), s/he is:

> much more impressed with Patrick Dodson's concept of a 'framework agreement', off which a whole lot of sub-agreements will hang… and the further idea that Aboriginal reconciliation should be a constant thing on every COAG meeting (2).

C.D also proposes "legislation [for] outstanding issues between Australian Indigenous peoples and the Commonwealth of Australia", which could be "pick[ed]… off progressively as a series of agreements, rather than one big treaty". Further, there would be constitutional change to "get some of the offensive language out of the Constitution" (7).

National scale, legalistic solutions such as a legislated framework agreement with regional sub-agreements, a series of state government based treaties, a single treaty with sub-treaties or similar—in some cases proposed as requiring complementary legislation and constitutional change—are not the subjects of this thesis. As will be discussed in Chapter 9, in a future of justice for Indigenous peoples, any structural/legislative change at national and state scales can only be the outcome of a more fundamental change in political relations. The only knowable element at this stage is that such change will be driven by community level structural developments that will set up suitable processes of inquiry, exchange and development of ideas and methodologies. It is presently impossible to predict the

form or forms of just Indigenous futures because we do not as yet have the processes by which these can be generated.

8.4: National scale interests and functioning

Section 8.3 shows a structural erasure process whereby Indigenous local and discursive community interests are constructed discursively to reflect the foundational ideologies of the CAR and the various interests represented in it. In this section, erasure is shown also as an outcome of the CAR's structural location. Within the scaled, hierarchical structure of the policy, the national committee was closely associated with government. Its consequent structural distant from Indigenous communities was exacerbated by the inevitable focus of such a body with its own functioning, cohesion and policy success. These erasure processes are reflected here through two dynamics: the CAR's indissoluble relationship with parliamentary politics (8.4.1); and its foundational ideology that a national committee could represent and resolve together, a wide range of interests across Indigenous and other communities (8.4.2).

8.4.1: The politics of the non-political and the possible

As noted in Chapter 5, the reconciliation policy was founded on the jettisoning of national land rights from the government agenda. The treaty question was also effectively discarded, its presence in political discourse abandoned to a future whose only certainty was that the CAR would be powerless to assert its objectives. As **C.C** says in his/her paraphrasing of the advice give by Tickner, Minister for Aboriginal Affairs to founding appointed CAR members:

> "If at the end of the ten years… the Council decides that they want a document, whether it be a treaty, a Makarrata or something else, well that's your lot, that's your decision. And if the government of the day, no matter who it be, doesn't approve, well so be it" (15).

This retreat from an obligation to introduce structural change was essential for the CAR's foundation as a politically bi-partisan national committee. Its establishment recalls **P.C**, was a strategy for defusing the trenchant hostility of

Coalition opposition to the late 1980s policy developments of the federal Labor government, thus allowing the public to reflect on those policies unencumbered by parliamentary discord. At that time, s/he says:

> The need for self-determination, the recognition of Indigenous representation through the establishment of the Aboriginal and Torres Strait Islander Commission became a very divisive issue…The Coalition opposed the establishment of ATSIC… And there was a period, particularly during Gerry Hand's administration, when Aboriginal affairs were constantly in the news from a very political divisive point of view (1)… There were some horrible shouting matches between Gerry Hand and the opposition spokesperson in the Parliament (11)…
> And as a result of that, two people, Robert Tickner and Peter Nugent—Robert who went on to become a Minister of Aboriginal Affairs, Peter Nugent who was a [Coalition] spokesperson for Aboriginal Affairs and human rights issues—together worked out this idea of establishing a national Council for Aboriginal Reconciliation (1)…
> It was top down; I mean it was a tool to try to end the divisiveness within the Parliament… And these two people sort of said, "look we've got to do something about this". And the reconciliation movement from an official perspective grew out of that very basic political problem, and trying to move the debate forward in the community (11).

Tickner reasoned that this founding bi-partisanship would provide a template for the continuing bi-partisan performance of the CAR, which would ensure its resilience against politicisation by any government. **C.C** recalls Tickner's advice to the CAR regarding the "original principle", that "the Council represented the Parliament, which means the people" (15). The Council would not be:

> an instrument of government; [it was] an instrument of the Parliament (2)… So you're not pushing a political line from the Labor party or from the Libs and the National Party… the idea of reconciliation by its very name is to bring Australia along into this process (15).

Despite the fact that this bi-partisanship was predicated on the jettisoning of some important ideas in the pre-1990s political landscape (such as Hawke's national land rights proposal and his short embrace of a notion of treaty), it was seen as being conducive to the flourishing of challenging ideas. **C.C** recalls Tickner's counsel to the CAR that it had an "obligation to be provocative" (2). But in reality, the CAR was fundamentally incapable of driving an independent position. This was inevitable given that, as a government creation, the CAR lacked Indigenous community authorisation. Instead it was accountable to the Parliament, which in practice meant the government. Indeed, its secretariat was part of the government department known

as Prime Minister and Cabinet and so it was effectively under the control of the Prime Minister. As will be seen later in this section, in the final phases of the policy process under the Howard Government CAR meetings were subject to close scrutiny by the Prime Minister, Ruddock, then the Minister for Indigenous Affairs and a senior public servant. Further, the CAR had no capacity to appoint its own members, and the government had no legislative obligation to realise the CAR's eventual objectives. And support for those objectives could never be assumed, given the hostility of sections of the parliamentary Labor as well as coalition parties to Indigenous rights issues (**P.B**:5; **P.C**:3). In this relationship of structural proximity to, but no authority with the government, there were multiple levels at which the government could manage the CAR's outcomes, from the appointment process through to direct pressure on the CAR. And the choice to utilise these points in the CAR/government relationship was ultimately with the latter. **P.B** suggests that while the Hawke and Keating Labor governments chose to accept open criticism from its CAR appointees, the Howard government appointments were aimed specifically at foreclosing criticism:

> Members of the CAR like Pat Dodson, Marcia Langton, Rick Farley, Linda Burney, Galurrwuy Yunupingu and others... were not backward in taking the Government on. Under [the Howard] government, I think it's fair to say that they have put in appointments that were sympathetic to them. That's not taking anything away from Evelyn Scott and some of the others, but there is no doubt that they were much more conservative and sympathetic to the Government (12).

One way in which the appointments process generated greater conservatism under the Howard government was the re-setting of discourses within the CAR, with a subsequent loss of common knowledge. **P.B** describes some of the CAR's third term (from Dec., 1997) appointments as being "genuine in their commitment to reconciliation, but [without] any corporate memory or history or understanding" (11), whereas previous Indigenous and non-Indigenous appointments:

> had a long-standing involvement and history. It's only when you have been there and done that that you build up an understanding. Frankly there were a lot of members whom I felt were well intentioned... but didn't have that depth or history or involvement (11).

He continues:

I don't want to be overly critical…They had expertise in other areas… I think it might be a cruel thing to compare and contrast, but I think some of the debates just went off the rails, because it was not an informed debate… I knew that a lot of the stuff that was brought up was just wrong. A lot of it was put from the PM side of things to manipulate the process. People were operating on "what does this word mean?" and all that sort of stuff (8-9)…

The PM's demands were so unreasonable. Concepts like self-determination—concepts that even when he was in government under Malcolm Fraser, were accepted policies—became concepts that he couldn't live with (12).

C.A has a similar recollection of the meetings in which self-determination was discussed:

It really was hard work because a lot of people don't know justice issues. A lot of people think that self-determination means Aboriginal people want a separate state… that customary law means you can spear people… that land rights means… you're going to… take people's backyards (6).

And **P.D's** account confirms there was argument around definitions of self-determination:

It was a problematic debate in that I and others on the Council kept saying, "look let's define self-determination so we can agree on what we're agreeing to". Just leaving it out there, self-determination can conjure up images of two Australias (4).

The new appointments process was complemented with the manipulation and pressuring of the administrative secretariat of the CAR as well as its members, according to **P.B**:

You also had, in my observations, the Secretariat being hamstrung. The Prime Minister with Jane Halton[162]… of Prime Minister and Cabinet were monitoring the meetings of the CAR and they were doing polling… (and selectively leaking against the Council, P.B:8)…and a whole range of other things. Basically it became more to do with Howard… his attempt at writing the pre-amble to the Constitution, his attempted amendments to the Document of Reconciliation—all that stuff was driven by the PM's office and manipulated by him and his office and paid advisers…

It's not something that was out there in the public, but it is something I observed… There was certainly an attempt in many ways to manipulate the Secretariat and the Council… in its direction on the document and a whole range of other things (6)… You had Ruddock

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[162] Halton was a senior bureaucrat with the Department of Prime Minister and Cabinet during the negotiations between the CAR and the Government.

coming along to meetings and… note-takers from PM and C, taking bloody notes of the meetings (12).

P.B's account of Government attempts at manipulation of the CAR's polling exercise is supported by a newspaper report at the time[163], which detailed the Labor Opposition's uncovering of official records on a polling operation. An official in the Office of Indigenous Policy[164] had insisted (despite protest by the pollster Newspoll), that it should include a question about whether Indigenous people should be entitled to "special rights like native title". The record also included a file note by another official, noting that the question would be "factually incorrect" as native title was not a special right but a common law right. Reviewing these entries, Labor Senate Leader, Senator Faulkner described the question as divisive, saying it "bordered on push polling" and had "corrupt[ed] the reconciliation polling". According to **P.B**, the pressure s/he observed exerted by Government was internalised in some members of the CAR. S/he recalls:

> What happened in the last couple of years, it was all about, "we can't embarrass the Prime Minister; will the PM approve of this?" … And this manifested in certain divisions within the Council itself (7)… You could see an attitude from some members of the committee who thought that because they did not produce this document that Howard… was happy with, they thought it would be a failure (11)…

And the strain of these processes sometimes erupted forcefully. **C.C** recalls "times… when there was a threat of a mass resignation from the Council" (33) and **C.A** remembers the "almost open warfare between the representative[s] of the Labor party and… of the Liberal party" (8).

In framing the final document, "there was a period" says **P.B**, when s/he thought CAR members "were just going to roll over" (12); but "they didn't roll over" (10). It was, s/he says, "the best they could do given the circumstances of the time…the composition of the Council… [and] the politics of the possible. And that's how some people were playing it" (9,10). Nevertheless, s/he "personally thought it was a very ordinary document" (12); and **P.E** concurs—"I think the tack they took of making themselves relatively inoffensive meant that they didn't progress the argument" (4). At one level, this outcome resulted from pressure exerted by a hostile

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163 Sydney Morning Herald "PM's unit corrupted race poll with divisive question" April 11, 2000: 2.
164 This unit was part of the Department of Prime Minister and Cabinet. It was headed by the minister with portfolio responsibility for Indigenous affairs, then Senator Herron.

government, which, along with a "rampant Hansonism" (4) says **P.E,** meant that it was "not impossible to understand why they might have done that" (4); and **P.B** agrees—"The document was never going to be… real… when you had a PM so determined to shape [it]" (12). S/he continues:

> I think the process has been poisoned and I use that word deliberately because I think Howard is hostile to the process. His view is "why can't they be like us"… Quite frankly, Howard is an assimilationist of the worst kind… He wants to go back to old days when it was 'comfortable and relaxed' and we didn't talk about these things (9).

At the most fundamental level however, an outcome that misrepresented and erased Indigenous community interests was inevitable. Aside from its own disengagement from those interests, the CAR's structurally close and subsidiary relationship with the government of the day would always afford the latter opportunities to order the process in directions that supported its own and other dominant interests. As above noted, in the political circumstances of 2000, these included the re-setting and disciplining of discourse, with the effective exclusion of less conservative CAR members. While the Hawke Labor government's jettisoning of the national land rights and treaty questions underpinned the policy's initial biased moderatism, by its final phase there was a new benchmark of moderatism, whereby even the defence of the past bi-partisan coalition policy of self-determination could be regarded as politically partisan. Says **P.B**:

> I became quite cynical towards the end of the process. But I was also… not going to give the Government or others on the Council any ammunition that, as the Shadow Minister, I had actually attempted to politicise the process… which is why I took a standoffish approach to it, which attracted criticism from some people. But I was in a situation where I was on a hiding to nothing (10).

In the end, this moderatist bi-partisanship and its internalisation by CAR members reached its logical conclusion. It was indeed, the rationale agreed upon by a majority of CAR members, both conservative and non-conservative, to legitimate their predicament with the intrusions of a government that was exceptionally hostile to Indigenous rights. In an observation that echoes Tickner's original counsel that the CAR was to serve the Parliament, but simultaneously resolves that bi-partisanship back to the structural reality of its over-exposure to the government, **P.B** recalls:

There were some people, quite rightly, who were saying, "well Labor's no longer here... we've got a Liberal Government... we have got to acknowledge part of their role" (10).

8.4.2: All things to all people

Complementing the founding ideology of parliamentary bi-partisanship was the idea that a national committee had authority to represent not only Indigenous communities, but most others as well. In **P.C'**s terms:

The idea was that if you got together 25 individuals on a council and those 25 individuals came from Indigenous and non-Indigenous political and other sectors of Australian community[165]—you might be able to work through the issues, to ultimately lead to a reconciliation process, the outcome of which could be a treaty and a number of other special initiatives (1).

And again, **C.C** paraphrases Tickner's advice:

The idea was, "you people are representing ethnics and rural and industry and both sides and every side of politics and the media and society. [You have] this wonderful open canvas, this blank canvas to paint a picture" (1-2).

Despite its good intentions, this quasi-representative charter of the CAR compounded the other processes of erasure of Indigenous community interests. It enacted another layer of "deep colonisation", to use Rose's (1999) phrase—upon the structural non-accountability of Indigenous membership was added a constructed equality between Indigenous and non-Indigenous interests. This formed part of the CAR's putative authority to represent Indigenous communities, which for some members was enhanced by the perception that CAR business followed an Indigenous community model. Says **C.C**:

There was an attempt all the time to be reasonable, it was relaxed and laid back and black fella... woman elders were treated with respect... There was... a lawman from the Territory—didn't say much, but when he did, he was given the floor for as long as he wanted. And there was a respect about it that was a real education process for me and I think for white fellas on there—that people were treated as important. And these... people... were important in their communities but weren't huge on the national stage. But nevertheless their

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[165] See Appendix 13 for a list of CAR members and their sectors.

contributions were immense… Just the idea of both governments getting these people together, black and white, was quite an achievement (33-34).

This nuanced, constructed equality pre-empted the fundamental question of structural *inequality*, rendering it unnecessary in an endeavour purportedly aimed at charting Australia's future Indigenous/non-Indigenous relations.

At the same time, the oppositional politics that are an inevitable expression of structural inequality were displaced in the rarefied environment of the national committee, and resolved as an exercise in word choice for the final document. Says **C.D,** "there were lots of debates about every single word. You've got no idea how difficult it was to get consensus on these major things" (11). By comparison with community politics (both Indigenous and non-Indigenous), which were seen as unnecessarily antagonistic, the relatively calm in-house resolution of these textual issues was regarded as a more legitimate exercise. With isolated exceptions, thought **C.C**:

> There appeared to be a confluence or… an agreement that within those walls, shouting and emotion and heat wasn't going to get us a long way. Because that's what happened in their communities; and that's what happened in our communities. People weren't calling each other names, there wasn't personal invective, which surprised me, especially when you step outside and go to one of these general meetings in the consultation process; and even some of the [local reconciliation groups] and SRCs and so on, were far more confrontational, far more combative (33-34).

A further construction by some members, of the CAR's authority to represent Indigenous and non-Indigenous communities resided in its ability to draw expert advice, and—somewhat perversely given its investment in bi-partisan imagery—its closeness to government. The use of lawyers by both the government and the CAR was seen as an expert enhancement and legitimation of the bi-partisan political process; and (in an opposite interpretation to **P.B's**), **C.C** regarded the participation of Howard, Ruddock and their senior public servants sympathetically:

> We'd sit down with [Howard's] couple of Aboriginal experts and with Ruddock. And [Howard] traded phrases and he got his own legal eagles to come up with phrases that he found more acceptable… And Ruddock was there regularly; and Jane Halton from Prime Minister and Cabinet and… senior public servants were tick tacking between the Council and the government. And Daryl Melham was there all the time. So we were

making sure the Labor Party was on board with us. So there was an attempt… as there had been… with study groups… to try and get the Government to… sign off on the document, which they did. Now there are certain words that… if we put them in, the Government was not going to go with us. And there were certain things the Labor party wouldn't go with us on. And… all the time there was this attempt to try and get professors in law…who were…usually on the…left side of politics, who we took along with us, who were agreeable to this phrase or… to this word… as long as we put in the explanation to the document (22-23).

C.D shares this sympathetic interpretation:

The Prime Minister was exceedingly generous with his time… We had a significant number of meetings [and] phone conversations [with him]. Sometimes it was the whole Council and usually it was a small group [including]… Evelyn…and Geoff Clarke and one or two others, and sometimes it was just [with two CAR members] (5).

In the minds of some CAR members, this mix of parliamentary bi-partisanship, multi-sector/community quasi-representation, constructed racial equality and expert legitimation scoped an effectively complete profile of Australian political and community life, such that Indigenous dissent, to the extent that it had to be recognised, was also regarded as a committee matter. As shown in 8.3, some CAR members dismissed Indigenous community dissent on the basis that the CAR's Indigenous membership was wholly representative of legitimate Indigenous community interests. Community challenges to the legitimacy of the policy were regarded as an impediment to be overcome, rather than being worthy of consideration. In **C.C's** recollection, "We'd… stand there and listen to them and get hammered and try and push the cause." (21). And when Indigenous community scepticism around the policy persisted alongside increasing disappointment concerning the Howard government's Indigenous affairs record (including the Native Title Amendment Act of 1997, the refusal to issue a government apology, the use of Indigenous affairs funds to fight cases brought by members of the Stolen Generations, the withdrawal of funds for community language programs and severe funding cuts to ATSIC, resulting in diminished health and other services), the CAR's constructed racial equality and parliamentary bi-partisanship provided the basis by which these challenges were conflated and resolved around a narrow question of party political form and discourse. The studied ideology of impartiality that was forced upon the CAR—which served only to belie the reality of government structural command and silence any CAR

criticism against such intervention—was (paradoxically) held up as a conclusive assurance of equity and justice, against which there could be no argument. Says **C.C**:

> Especially the second half of the Howard years, we found we'd go to black communities there and it was always... they saw John Howard as the *bet noire.*
> They kept saying, "This is all a political hobby horse".
> We were able to say, "This is set up by the Labor party". We pointed out, "Tell me one occasion where the Council has issued a statement that was party political or partisan." And they couldn't. I mean even the Mick Dodsons and the fairly trenchant critics of reconciliation for a long time, had to admit that we had been—that Patrick and Evelyn had been—impeccable in getting the experts and getting the support from both sides of the fence... I can't remember much in Australian recent decades where there had been that that concerted attempt to try and if you like not pacify, not stroke, but simply embrace both sides (15-16).

And while it was less easy to dismiss the rights demands of the high-profile members of the Indigenous Summit, these concerns were diminished to the extent of being manageable within committee business, and as a liberal-equality rights discourse. **C.D** understood that "they were talking about a more rights-based document" (10). H/Se continues:

> They wanted…those things strengthened. I think we attempted to accommodate them as far as we could... But you see it was very interesting—when we actually came to write down the section on Aboriginal rights in the Road Map, it turned out that a lot of the things that were being talked about were just plain human rights. They were not particular to Aboriginal peoples... and even when you come to that right to self-determination, I think... that was just the right for individuals to determine their own destiny within a free and decent society (10-11).

Apart from the dissent from within Indigenous communities and from the Indigenous Summit, there were also Indigenous dissenters within the CAR. They and their recognised constituencies were seen by some fellow CAR members as an individual level management problem to be overcome or parlayed for the CAR's successful execution of the policy's closing phase. **C.C** saw internal dissent from the perspective of the demands on CAR members to negotiate an outcome with the Government. When Geoff Clarke became ATSIC chairperson and therefore a CAR member, he was says **C.C**, "a bit Bolshie… he want[ed] this and that and the other" (24). But the promise was to "get Clarke… as the highest elected black man in the country… to introduce Howard" for the 'Corroboree' event at the Opera House,

because this was "one way we hoped to keep the anti-Howard mob in the audience quiet so… the whole thing wasn't an embarrassment to the Council" (24). Similarly according to **C.C**, CAR member Charles Perkins had thought that the Corroboree event "was just a talk-a-thon. "But" **C.C** continues, "you needed to bring him along; he had a real constituency" (24). These challenges were he/she observes, routine:

> We found criticism all the time of "you're not moving fast enough" from Mick Dodson and from Patrick when he changed, and from others… and Charlie (6)

By contrast, according to **C.C**, those who "were prepared to play clever got a long way with Howard… much farther than… your standard… anti-Liberal, anti-National party approach" (38). So for **C.C**, the CAR's internal and external strains did not express a pattern of interconnected, legitimate concerns requiring open-ended inquiry that was accountable to constituencies. Rather, they were isolated matters, to be negotiated in a corporate context, within boundaries set by the Government, between individuals whose only legitimate objective could be to rescue and legitimate the CAR's policy effort. S/he continues:

> The secret was to go along gently… in the Reconciliation Council, but all the time maintain the ethic, so that you didn't have black fellas and white fellas on the cutting edge of this saying, "well it's simply… a word movement… just a feel good movement" (6).

Other cases of internal dissent had no need of committee management and could be defused as being beyond the scope of committee business. Speaking of the social underpinnings of some internal CAR conflict, **C.D** nevertheless resolves these matters as a series of individual concerns:

> On the Council, there were some individuals who were so dominated by anger it sometimes clouded their judgement… The debate is… a very emotive subject if you were say a Stolen Generation person, or if you'd been in prison or had your son in prison and so forth (10).

And while other internal dissenters were recognised as having legitimate political interests, negotiation within the committee context provided an internalised dissent management mechanism. **C.D** recalls when:

> Some people wanted to revisit the land rights [issue] after the ten-point plan was laid down. I said:

"Don't get hung up now. This decision been made, it's not going to change; it's now the law of the land. You mightn't agree with it, but that's the law of the land. Wait and be patient and wait until there's a change of government or a change of heart" (11).

As shown above, Indigenous interests were constructed as having equality with other interests represented in the committee structure, including pastoral, mining and unions. But in concealing the most fundamental question of structural political *inequality*, this construction merely served to erase Indigenous interests. In addition, the evidence in 8.3 shows that the government largely determined the CAR's final deliberations, which was consistent with its structural exposure to the government. A further structural component of the policy that overwhelmed Indigenous interests was the set of interests attributed to the Australian public. Although represented by the original bi-partisan structuring of the CAR, this component was also expediently constructed as being outside and above the CAR. So when the CAR capitulated to government pressure on issues as such a treaty and self-determination, the associated abandonment of its community consultation results could be rationalised as being part of a necessary process of accountability to a wider community opposition or lack of motivation. Of the call among local reconciliation groups for a treaty process, **C.C** says that this was countervailed with the recognition by CAR members that they were "people who had bothered to… join study groups… who had a commitment" (31). S/he continues:

> Clearly we needed to keep them on side. But…if we were going to progress this, we needed to bring the vast majority of Australians along…Certainly the polls that Saul Irving did for us…indicated that there was no ground swell for a treaty…In reconciliation groups there was and certainly among some of the select lobby groups there was. But Howard and others had managed to put enough of a scare into the idea of a treaty (31).

And **C.B** also expresses the restraints imposed by a policy process whose outcomes were always going to be directed from outside the parameters of Indigenous community processes and interests. Speaking of the contradictions involved in educating the Australian public in matters such as the (then ongoing) ATSIC community consultations on treaty, s/he says:

> It should get up the noses of white fellas in this country. But you've got to bring them along… You just have to tread really warily, with everything to do with black, Indigenous affairs.

That's the whole idea of reconciliation—you have to have leadership; you have to bring people along with you (7).

In this exaggerated accountability of the CAR to the public, the government and other dominant interests, the possibility of transformative change, involving genuine equality for Indigenous community authority and interests, was foreclosed.

8.5: Conclusion

To the extent that this chapter examines the management of the CAR's final policy outcomes by the Howard government, it does not make an argument of causation from government intervention. Rather, it argues that the reconciliation policy framework facilitated government management of Indigenous interests on behalf of dominant interests; and that this management process was internalised within the self-referential and foundationally modest parameters of the CAR. Regardless of the political party in office, these management processes were inevitable because the scaled structuring permitted, invited and legitimated such management; while it concealed the most overt effects of the close relationship between government and the CAR. Indeed, government authorisation of policy outcomes played such a crucial role that a decision to proceed without it would have placed the CAR in the role of having initiated a radical, public split from government. And given the structural links of the CAR to both the government in power and to the institution of government, that would have required a critical split within the CAR.

The underlying, more fundamental argument about reconciliation policy concerns the political relations that were endorsed from the beginning of a policy process founded upon the exclusion and political de-authorisation of Indigenous local and discursive communities, in favour of the imagined community of "the people" as constructed by Tickner in his advise to the original CAR members. Inevitably, given that the medium for representation of this community was the Parliament, this construction privileged the politics of the national scale. The question of who is producing political scale is crucial because this determines whose politics are being scaled, authorised and operationalised, and whose politics are being de-authorised. This chapter has shown how the scaling processes set up with the top down model of

the reconciliation policy operated as a means of ordering, authorising and asserting dominant political authority, while marginalising, de-authorising and erasing the prospects for Indigenous political processes. For CAR members who did have a lived understanding of community processes, there was no on-going structural framework for engaging with local and discursive communities on issues of concern to Indigenous communities, such as how power is to be constructed and authorised, and shared with governments.

Indigenous affairs policy in Australia has always been dominated by the twin and contradictory projects of asserting sovereignty claims over Indigenous communities and land, and curtailing the legitimate claims of those communities (particularly property claims) on the nation state asserting that sovereignty. And as Chapter 5 has shown, the marginalisation of organised Indigenous community dissent in response to these incoherent impositions has been an ongoing, underlying theme of policy process. In the self-determination era of liberal equality discourses, policies of enforced, explicit assimilation were replaced with those that could in some respects be characterised as appeasement—in so far as notions of representation and participation within the Australian nation state were positioned as alternatives to the politics of dissent. Chapter 5 has also shown that scaling processes have always played a part in these processes of legitimising the political relations of colonialism.

The reconciliation policy was founded in this trajectory of liberal equality policies. As shown in Chapter 7, this policy system was a non-democratic, non-participatory corporate model, which was scaled both conceptually and structurally from a national perspective. Its explicitly scaled structure of national, state and local bodies facilitated its representation as a quasi-democratic operation that was responsive to community views. The consultation program functioned to deliver pre-determined outcomes upward from constructed policy communities, while effecting the downward management of dissent. In this integrated process of scaling and operationalising dominant politics and displacing those of local and discursive Indigenous communities, the latter were rendered invisible from public forums, erased and de-authorised for the purposes of representation at state and national levels. Chapter 7 examines the mechanisms of these scaled processes—how these scaled structures generated consultation results in accordance with government ideologies

and pre-set agendas. It further examines how these structures provided the means of managing, disciplining, silencing and then bureaucratically processing out dissent against the policy, as it arose from both within and outside constructed policy communities.

This chapter has shown the complementary processes *within* the national body, the CAR. Where the Chapter 7 processes were those of active intervention, displacement and erasure, this chapter records the more passive processes that affirm the legitimacy of a national government committee. Because of their structural disengagement from the community processes, these national committee processes of discourse, practice and function (including constructed racial equality and bi-partisan/ all sector representation; and the management of internal dissent as a committee issue) formed an inward referencing, closed circuit. This further disengaged them from community interests, exemplifying Rose's (1999; see also Suchet, 2002) concept of the "hall of mirrors", in which all phenomena encountered within an institutional context are interpreted as evidence of support for its ideologies and methodologies. And their structural exposure to government rather than communities meant that the overriding objective of government determined policy success displaced the possibility of exchanging and developing existing understandings of Indigenous community process and interests, and responding productively to community dissent. These problems, along with the representative incapacities and distortions shown in Chapter 7 are not solvable through improved legislation, transparency and accountability. They are inherent within a government structure founded in disengagement from community authority.

These are structural incapacities; the incapacity is not in Indigenous communities. But as with any colonising processes, the displacement of community political authority is legitimated by explanations that construct incapacity and an absence of political authority in Indigenous communities. Indigenous incapacity was an underlying theme in reconciliation policy process. In the self-referencing, inward looking processes of a disengaged national committee, was generated the 'unseeing' of community authority and interests, a structurally induced blindness to the Contemporary Indigenous Governances that existed outside constructed policy processes. This 'unseeing' was a process of institutionalised (as opposed to

individual) racism. It actively produced a shared negative explanation space, which was in-filled with default, received-wisdom and homogenising explanations on Indigenous community interests, leadership and processes. These explanations centre on the putative incapacity of Indigenous communities for self-governance and arise partly from the wellspring of racially based explanations produced in a colonial society. They displace the authority of the pluralistic, context driven explanations that are generated from lived, community level engagement—of the kind seen in Chapter 6 and the published geographical studies. In the testimony examined above, these disengaged, pre-formed explanations arise in various combinations of liberal equality rights and authenticity binary discourses. The latter have their provenance in a long-held social/political anxiety about Indigenous organised political response to the contradictory impositions of colonial authority. These discourses construct and normalise Indigenous communities and leadership processes in terms of conservatism and organisational incapacity/intractability. Simultaneously, they marginalise, defuse and de-authorise political dissent (in the committee context as well as outside it) in terms of community political incoherence, individual political marginality or an individual incapacity to manage the social impacts of "past" government policies.

Accordingly, the solutions envisaged to address these scenarios of Indigenous absence and deficiency are conceived in terms of infilling government structures into communities (erasing Contemporary Indigenous Governances) and disciplining with selective rights that can be conferred or denied by the state. Typically such solutions confer (overdue) civil rights aimed at developing equality of outcomes with the wider community. These rights are constructed as oppositional to those of political self-determination. In a similar selective construction at more abstract level, country identities are recognised informally in the reconciliation era, but rendered as "special", free-floating rights that are independent of the geographical areas in which these identities inhere. Or, as in the case of the Indigenous whole-of-continent ownership claim, this is constructed as a metaphorical and archaic discourse, with the same result that no material rights are implied. Rights constructed in the reconciliation policy process might also incorporate concepts of community development or regional agreements with industry sectors. While producing some benefits, these outcomes are constructed from a regional or higher scale of political authority, not from self-authored community processes. Hence, they maintain the political relations

of client status for Indigenous communities, sometimes performing as a conduit for the assertion of dominant interests. Arising independently of community level authority, they de-centre that authority and the development of community capacity. Further, because community level information is lost in the regional or national level resolution at which authorisation for such outcomes resides, community interests can remain un-addressed or be undermined.

The major finding across this chapter and the previous two concerning the ideologies and mechanisms of the reconciliation policy is that it was a continuation of the trajectory of previous policy settings. That is, it continued the scaled process of the imposition of colonial political relations and governance, and the erasure of Contemporary Indigenous Governances. As with previous policies, the settings of the reconciliation policy were scaled from, and hence reproduced a national, top-down government perspective. Hence it lacked the structural capacity and authority to identify, represent or meet the interests of Indigenous local and discursive communities. But within this overall trajectory, the reconciliation policy was in some respects a departure from previous policies that employed government imposed representative structures. With the new corporatist framework of the Hawke era, together with a new top-down consultative methodology for constructing Indigenous and broader opinion in reflection of government priorities, the reconciliation policy was yet more orientated to government ideologies and objectives.

If top-down scaled government policies are not responsive to Indigenous community concerns and authority, it follows that a study of this kind is not capable of providing answers for the future of political relations between Indigenous communities and Australian governments. As pointed out before, we cannot predetermine the outcome of a necessarily open-ended process, which will progress in unforeseeable ways through an iterative and multi-scaled development. However, it is possible to discuss some of the general issues and possibilities that arise around the question of how such a process might proceed—how political authority might be constructed from local and discursive community level; and how these community interests might be scaled for representation at the level of state and national governments. These discussions will form part of the concluding chapter to follow.

9) CONCLUSION

The central task of this thesis has been to inquire how the questions of Indigenous dissent, diversity and specificity were addressed during the reconciliation era from 1991 to 2000. This has been approached as a geography study. It has focused on how the policies and practices of reconciliation constructed new scaled geographies of control and consent; and how existing scales of governance, authority and identity were reproduced in the complex geopolitics of reconciliation policy. This scaled analysis has produced conceptual tools for Indigenous geography and Indigenous studies.

Indigenous communities have specific claims on the Australian nation in two broad ways. First is the claim of prior ownership of the continent by the First Peoples. And in the diversity of Indigenous community life-styles and worldviews lies the second area of specific claims—locational relationality, or the diverse specificities of emplaced people to people and people/environment relationships. Throughout shifting contemporary contexts, Indigenous community relationships with the physical environment continue to maintain the wider economic/ social/ cultural/ customary law/ cosmological implications of 'Country'. For example, many urban Indigenous people maintain strong country ties with regional/rural or remote locations—as do the urban based participants in this study. Others maintain strong country ties within metropolitan regions, for example the northwest, southwest and southeast regions of Sydney. In this study, one north western Sydney participant maintains Darug ties, while another living in the NSW south coast maintains strong ties with the Botany Bay area. Others country allegiances include Kamilaroi, Arabunna, Wiradjiri, Tharawal and Wadi Wadi (Appendix 9). In these overlaps and interchanges within and between urban, remote and rural/regional contexts, Indigenous communities generate a multiplicity of social, legal, technological, economic, cosmological, cultural and intellectual profiles and resources; and a multiplicity of interactions with other communities (Indigenous and non-Indigenous), including with the government and business sectors. These diverse relationships are often characterised by inequality and disadvantage. And while these characteristics originate partly with broad political/social/economic contexts, they also intersect with, are partly constituted by, and are refracted through locational specificity.

Yet the policy settings of successive Australian governments, including the reconciliation policy, have addressed Indigenous communities from a top down, national scale perspective, as if they were a homogenous group—or at most, consisting of three internally undifferentiated groups, urban, rural and remote. In varying degrees, all of these are constructed through stereotypical representations in media and politics as being removed in time and/or space from "traditional" Indigenous social models. These representations employ "authenticity" binaries, which disempower all Indigenous communities in different divisive ways, undermining the recognition of Indigenous community agency. Agency is removed to academic, government and business interests, legitimatising the denial of Indigenous community self-determination. As shown in Chapters 7 and 8, in the reconciliation policy era, the top down management of community dissent was refracted through disengaged stereotypes of Indigenous interests, identities and priorities.

In this social context, the issue of "Indigenous identity" is subject to homogenisation, objectification, commodification and utilisation by governments and the media as being merely a free-floating formation within a multicultural society. The implication is that the manifestly geopolitical ramifications of allegiances to country—which are constitutive of a sense of being at home in the world—are merely discretionary cultural artefacts that, in a modern society can and should be abandoned at will. The failure of Australian governments in the reconciliation era and before, to engage with Indigenous emplaced specificity, difference and diversity, and with the Indigenous discursive communities that intersect in diverse ways with local communities—and the lack of recognition and respect that this implies—has been central to much of the dissent of Indigenous communities against Australian governments and the business interests that are empowered by legislative frameworks for resource exploitation.

As the literature review (Chapter 3) has shown, a geographical study is well equipped to address these issues of Indigenous specificity and diversity, and thus the foundations and dynamics of Indigenous dissent. While the elucidation by other disciplines of the broad historical, economic, social and political conditions of Indigenous peoples is crucially important, the elucidation of locational relationality is equally important in explaining how and if disadvantaged communities are able to

negotiate these broad impacts, while addressing their emplaced economic, cultural, political and social aspirations on their own terms. The recognition of the importance of emplaced specificity also provides an understanding of the impacts of government policy on communities. And further, this recognition is the basis for the scaling of Indigenous governances, which in turn, is an essential underpinning for genuine self-determination.

9.1: Summary of the thesis argument and implications

The arguments developed in this thesis have been developed as a direct result of the methodologies of ethical engagement employed. These arguments have centred on the policy of reconciliation as a case study for how and why self-determination for Indigenous communities has been, and will continue to be undermined while the colonial political relations between Indigenous communities and Australian federal governments remain unchanged. This thesis also provides some broad conceptual input regarding the foundational underpinnings of genuine self-determination.

9.1.1: Ethical engagement determines methodology

Study participants have been met as authors of their local and discursive communities and consequently they have become co-authors of study findings. This outcome was achieved through a non-theoretical, open-ended, iterative process. It started with the recognition that balance of agency is central to a study with Indigenous communities; the theoretical or ideological preconceptions of the researcher must be give way to a process of responsive co-construction between researcher and participants. As explained in Chapter 2 this open, interactive position brought about a change of perspective for me during the analytical stage, without which the thesis findings would not have been possible. The maintenance of this active adaptable process depends on systematic protocols of engagement; intention is not sufficient. Accordingly, at all stages the methodology was actively designed to privilege the experiences, assessments and intellectual agency of participants. Interviews were participant directed and the analytical phase was an iterative, data driven process, rather than a theory driven one. Throughout, the aim was to place

participant intellectual products at the centre of the study. The submission of the resulting empirical chapters to participant approval further located participants and their communities as co-authors of the study. As well as ensuring that claims made about participant voices were verified, it also meant that the empirical chapters became a participant driven and reviewed body of knowledge. This body of knowledge determined the findings of the study.

9.1.2: Empirical and conceptual findings; their contributions to geography and Indigenous studies

Two major **empirical** findings emerged through the data analysis stage. Both were manifested throughout interviews from a diverse range of viewpoints, which nevertheless produced an outstandingly coherent set of accounts. The first empirical finding (explicated in Chapters 6 & 7) was the diversity of accounts by which the Class 1 participants came, as a whole, to assess reconciliation policy ideology and processes as having had a marginalising and silencing impact on Indigenous community discourses and practices of self-determination. The second major empirical finding (explicated in Chapter 6) was the diversity and universality of Class 1 participant accounts concerning the functions of community support and development (or practices of community governance and self-determination) that they and their associations performed within Indigenous local and discursive communities. This second finding exemplifies the value of a systematically participant the centred methodology. An inquiry into how reconciliation policy addressed community specificity, diversity and dissent did not require a concept of scales of Indigenous governance. It was the strength of interview evidence that suggested this structural domain. And while at first it appeared to sit somewhat awkwardly in the thesis, it finally became a central theme of the write-up.

These empirical findings of community specific discourses and practices of self-determination, or community governances, were crucial in directing the **conceptual** course of the study toward a scale analysis. This came about through an iterative process. The Indigenous geographies literature informs us that Indigenous diversity and specificity are not merely cultural ephiphenomena; rather, these are *constitutive* of community. With this recognition comes the further realisation that

self-determination is to found in the multiplicity of local practices and discourses, rather than in nation scale legal formulations, theoretical models or historically fixed models.

But in the recognition of a diversity of community governances, or practices and discourses of self-determination, there is still a risk that these could be constructed as a multiplicity of cultural expressions with no structural/ political foundations or implications. The modes of theory making and associated government policy exercises that locate social explanation at a general level—or national scale—commonly fail to preserve highly differentiated social phenomena except under the category of culture, which is constructed as being limited and politically undemanding. This problem has been addressed with Howitt's (1997; 2006) concept of Indigenous scales of governance. This accords community practices and discourses of self-determination a quasi-institutional recognition, which is commensurate with the functions, pervasiveness, diversity, adaptability, and persistence of the Indigenous governances that Howitt encountered in his studies and joint projects. In this study Howitt's scales of Indigenous governance concept is employed as an institutional space for multiple categories of Indigenous governances, discursive as well as local. These scale analysis interventions counter the homogenisation of community diversity, rendering the multiplicity of community governances as being part of a manifestly present and spatially extensive scale, with political/ institutional implications at the community decision making level and beyond. This counters the *terra nullius* that is still persistently constructed for Indigenous governances and Indigenous presences in, and claims on the landscape.

Erasure of Indigenous scales of governance

Following from this concept of a scale of manifest, ongoing presence and governance across multiple contexts, the first empirical finding—the marginalisation and silencing impact of reconciliation policy on these community discourses and practices of self-determination—could then be read as the **erasure of scales of Indigenous governances** in the reconciliation policy era. The concept of erasure arose through an interaction between empirical findings and the conceptual foundations provided by the scale literatures. As an empirically based extension of the

geographical scale literature, the concept of scale erasure represents a contribution to that literature.

The empirical data presented in Chapters 7 and 8 demonstrated the complete exclusion of self-determination/ governance discourses—and therefore the erasure of the associated scales of governance—in reconciliation policy processes, to the point that they were rendered invisible as governances. And when they emerged as dissent they were interpreted in accordance with policy demands as being modes of incoherent discontent, extremism or idealism. As the Indigenous affairs policy review (Chapter 5) demonstrates, similar processes in previous policy settings can also be read as erasure of scales of Indigenous governance. The empirical chapters show that there are two parts to this erasure process. Indigenous governances are erased for the purposes of policy design and assessment; and there is also an actual erasure of community processes on the ground, as imposed policy structures, processes and accountability regimes disrupt community generated structures and processes.

As above noted, the concept of erasure also has conceptual foundations in the scale literatures. These literatures inform us that scaling is an important process of political ordering, of establishing and legitimating structural relations of power—whether in formal government structures, in policy processes (such as the local-state-national scaling of reconciliation bodies) or in other institutionalised structures. An integral part of this process is the de-authorising and exclusion of alternative power formations. As scale theory further informs us, these are processes of social construction. The established arrangements for scaling governance are not given by nature, nor are they the only possible systems of governance. The question of which systems of governance are built up through the institutionalisation of multiple scales of governance from local to national is one of relative power rather than representative legitimacy. In the case of the history of Indigenous affairs in Australia, and in the absence of a negotiated settlement process, the balance of power remains as an ongoing, nation scale assertion of colonial power, which is maintained through erasure of the governance processes of Indigenous local and discursive communities.

The contribution of the concept of erasure of scale was reinforced by using it as a methodology for interrogating and elucidating the mechanisms of erasure in the reconciliation policy process. As Chapters 7 and 8 have shown, the interactions of

participants (both Class 1 and Class 2) with the reconciliation policy were ordered through the scaled hierarchical structures and processes of the policy. The Chapter 7 interrogations of these arrangements showed that with their imposition came the mechanisms by which the self-determination processes of Class 1 participants and their associations were erased. These policy structures and processes were not responsive to community processes and concerns. Rather, they were vehicles for imposing top down, national scale government agendas on Indigenous local and discursive communities, and for managing the resulting dissent.

As well as ordering the operations of Class 2 participants, the scaled structures with which they worked also (to some extent) ordered their perceptions. Chapter 8 shows that the great majority were supportive of Indigenous rights and self-determination, if only in some cases, as a national scale set of principles. But many had been part of, or at least recognised the importance of Indigenous community structures and processes. Nevertheless, they were constrained to operate within the given policy framework, which gave no institutional structure, time, funding or support for exploring the implications of community driven self-determination. Some policy agents accepted the proposition that the reconciliation policy was capable of responding to the needs and concerns of Indigenous communities. Others were dissatisfied with policy parameters, but with no institutional alternatives, took the *realpolitik* approach of working for the gains that were possible within an inadequate system. In any case, the obligation to operate within prescribed parameters imposed an integration with government policy. And as Chapter 5 showed, the policy was generated as a corporate management model, despite the appearance of democratic representation afforded by its local to national scaled structure. In a "hall of mirrors" process, all phenomena were interpreted by Class 2 participants in one way or another through policy demands. Even the criticism encountered among Indigenous communities was interpreted by some policy agents as inchoate, unstructured discontent, rather than as a collective and coherent body of political dissent. Government policy became the only possible mode of operation in the field of Indigenous affairs. These imposed limitations on policy agents exemplify the disengagement of national scale policy structures from local and discursive Indigenous communities.

Overall, Chapters 6 and 7 show that the processes of erasure and disengagement driven by the reconciliation policy operated in many ways. Indigenous community assessments of the policy were silenced and marginalised; and their dissent was managed and erased through multiple layers of policy structures and bureaucracy. Further, the imposition of top-down, nation scale policy structures and processes meant that the potential for scaling up Indigenous community governances to a level of negotiation with governments was erased. This led to the truncation and disruption of Indigenous governances at the local and discursive community level, in their capacity to negotiate a set of collective, public debates and commentaries on the policy. Then, at the level of the national body, Indigenous rights activists and supporters (some of whom strongly upheld the principle of community authority) were confined within the demands of policy operations and the ideology of national scale government primacy. This entailed an automatic, albeit not necessarily intentional integration with embedded ideologies of Indigenous community incapacity. Although public perceptions were not a part of this study, these processes of erasure would inevitably feed into public stereotypical beliefs about Indigenous society—in an absence of Indigenous governance capacity, and a dependence on government intervention for community development. Hence, there was also an erasure of Indigenous governances in the public mind. All these erasure processes reinforced each other.

Contemporary Indigenous Governances

The second conceptual finding produced through application of a scaled analysis, that of **Contemporary Indigenous Governances,** extends the concept of scales of Indigenous governances to encompass multi contexts of Indigenous governance. This finding arose with the strength of empirical evidence that the domain of scales of Indigenous governances encompassed more than the local remote and rural/regional communities. In this study, there were governances of social support and development, and of knowledge maintenance and development operating in urban as well as rural/regional contexts. Other governances were a function of discursive communities, including artistic and educational networks, and the Stolen Generations and deaths in custody advocacy communities. The universality of this self-determination/governance finding across all contexts was so strong that it

overrode the diversities within and between urban, rural and remote local communities; and the distinction between local and discursive communities. This demanded conceptualisation. Put together, this study and the published Indigenous geographies showed that all Indigenous communities, from remote to urban, as well as discursive, were asserting community self-determination practices, methodologies and ideologies. And all these governance functions were, in diverse ways, responding to contemporary conditions, particularly the changing circumstances and shifting configurations of colonial power. So the study participants and their local and discursive communities (and those in the literatures) are all contemporary—hence the term Contemporary Indigenous Governances.

One contribution (to Indigenous geographies and Indigenous studies) of extending the institutional space of Indigenous scales of governance to multiple contexts of Indigenous community operation is in extending the associated concept of erasure of scale. Erasure of Indigenous scales of governance becomes erasure of Contemporary Indigenous Governances. This encompasses the impact of government policies across all Indigenous communities. So where these often negative impacts on urban and discursive (as well as remote) communities are rendered invisible or as isolated phenomena, they become visible, conceptualised as systemic, institutional, structural impacts, and hence, more material subjects of debate.

A further contribution of the concept of Contemporary Indigenous Governances to Indigenous geographies and Indigenous studies is an underlying shift of perception brought with the understanding that all Indigenous communities are involved in producing and negotiating a contemporary nascent Indigenous institutional structure. In locating Indigenous governances across multiple contexts, the concept of Contemporary Indigenous Governances breaches popular and legal authenticity binaries, whereby political disempowerment is constructed for Indigenous communities across all contexts. These binaries construct "authenticity" as a measure of Indigeneity, which can then be characterised as unchanging and fixed in the past, applicable only to remote communities occupying ancestral lands. But where all Indigenous communities are recognised as conducting contemporary governances, these binaries lose relevance. In this schema, Indigeneity is not located with fixed identities, but precisely (and in part) with the characteristic that is discursively erased

with authenticity binaries and their underlying colonial ideologies. This is the ongoing, contemporary, multi-contextual, adaptive assertion of self-determination through local and discursive community governances.

This brings us to the role of the concept of Contemporary Indigenous Governances in how we might employ and extend the concept of self-determination. All Indigenous intellectual, political, social, cosmological and cultural expressions across all contexts are considered as pre-existing practices of self-determination. Therefore, all communities are acknowledged as having an entitlement to institutional recognition of these self-determination governances. The concept of Contemporary Indigenous Governances reads self-determination as a function of the community governances that are being conducted in all contexts, in the past, present and continuing. In this regard it is conceptually parallel to the Dreaming, which is also read in Indigenous local and discursive communities as being in the past, present and continuing. Self-determination is not a relict to be retrieved from the past; nor is it a disengaged objective for the future, awaiting the appropriate legal or theoretical model or set of definitions. All the Indigenous urban, rural and remote political movements in the last one hundred years—including the urban and rural based Aboriginal nationalisms of the early twentieth century to the 1980s; the remote and regional local struggles for land justice; and the discursive struggles for justice—and all the contemporary associations of social support and knowledge utilisation and creation (in multiple realms such as technology, education, the arts and cosmology) within and between Indigenous communities have been, and continue to be functions of governance and assertions of self-determination. And while the dominant scaling of political power has resulted in the de-authorisation, erasure and disruption of these governances, they nevertheless persist through ongoing efforts of re-grouping and reconstruction.

9.1.3: Policy implications; limitations of this thesis

This thesis offers implications for Indigenous affairs policy. As pointed out in Chapter 4, the concept of Contemporary Indigenous Governances is an imaginary construct, but it is no more imaginary than the *terra nullius* of governance constructed

for Indigenous communities through successive policy settings, against the evidence of continuing and adapting self-determination practices and ideologies. When self-determination is acknowledged as operating in the here and now, across *all* contexts, and as *already* constituting an existing nascent, if not formal scaling process, a significant step has been taken in countering this contemporary ideology of *terra nullius*. With the construction (first in the imagination where change begins) of an institutional space for all local and discursive Indigenous governances, the next step is to achieve formal institutional recognition and support for Indigenous governances, and for the development of their scaling processes, which have been truncated at the community and regional level.

However there are many developments needed to overturn existing colonial political relations, and, as Chapter 1 states, it is not within the purview of this study to set out a blueprint for the implementation of the Contemporary Indigenous Governances view of self-determination and future Indigenous community development. This is partly because this view actively precludes the employment of deterministic, prescriptive theoretical models. If there are broad models to be developed for community authority based self-determination, these can only be constructed iteratively through engagement, over time, from the bottom up, and under the authority of a multiplicity of Indigenous local and discursive communities.

Another limitation of this study mentioned in Chapter 1 is that, as a study of the reproduction of structural inequality as a scaled process, it does not aim to provide a comprehensive explanation embracing the political and social causes and ramifications of inequality. Nor has this study dealt with other important factors affecting prospects for self-determination—such as economic interests and trends, or various political influences. Rather, it explores the contribution of scale analysis as one important plank for exploring Indigenous politics and futures.

The ideological challenge

This thesis has posed a challenge for the conduct of Indigenous affairs policy. Through scale analysis and methodology it has found that although benign in conception and appearance, the policy of reconciliation failed to change the underlying political relations of colonialism. Instead, the reconciliation policy

reproduced previous colonial policy settings of managing and homogenising Indigenous community diversity and specificity, and suppressing dissent, rather than engaging productively with these processes. This was not just a failure in advancing self-determination. As in previous policy settings, it was founded on perpetuating the ongoing erasure of Indigenous governances. And it legitimated and naturalised that erasure through constructions of Indigenous community dependence on government intervention. Accordingly, the policy challenge set by this study is for Australian federal and state governments to recognise that the development of genuine self-determination requires a more fundamental shift than a change in party political government ideology and a new policy. While policy architects and agents like Tickner and many CAR members envisaged self-determination and equality for Indigenous peoples, including the possibility of a treaty, these objectives were not realisable without change in the perspectives and mechanisms of political scaling.

The deconstruction of the processes of the reconciliation policy in this thesis has shown how the scaled bureaucratic, political and institutional policy mechanisms of erasure reflected and reproduced the dominant political relations and interests. Scaling has emerged as an active social process, by which the authorisation and exclusion of different interests reflect and constitute a given profile of political power. Just as the colonial authority of Australian governments is a scaled construction, so the erasure of Contemporary Indigenous Governances and their absence at the government level of policy formation has also been a scaled construction. The authority of Australian governments over Indigenous communities has been actively built up through the scaling of government policy structures, processes and mechanisms. Concomitantly, genuine de-colonisation and a new relationship of equality demands the active building of Indigenous community authority into that relationship through the development and institutionalisation of existing but presently truncated scales of Indigenous governances. The issue of whose interests and ideologies are reflected in the perspectives, structures, processes, methodologies and mechanisms of political scaling will be a major determinant of whether Contemporary Indigenous Governances are authorised, institutionalised and developed within our economic and political landscapes; and whether Australian government (and associated) interests are moderated to accommodate them—or whether erasure processes will persist. As several Class 1 participants have pointed out, power sharing

(and not only economic opportunity) is at the basis of their vision of equality and self-determination.

The practical challenge

Given the importance of scaled mechanisms in authorising political power, some of the biggest challenges in creating an equal relationship are practical/administrative. Federal and state governments will need to undergo fundamental methodological as well as ideological change. The delivery of Indigenous community authority to a negotiating position with state and federal governments requires governments to acknowledge and support the self-authorised scaling of existing and emerging Indigenous associations and structures—and the diversity of methodologies, interests and outcomes that this would entail. Further, Indigenous communities, with the support of government, will face the challenges of how to build or rebuild community processes of participation and consent in a new environment of government fostering and accommodation; and to integrate them into a formalising institutional space. These scales of Contemporary Indigenous Governances will engage in policy formation and the ongoing adjustment of policy outcomes (especially service delivery). Such functions will be built on existing Indigenous community processes of policy assessment and monitoring; much of the evidence in Chapters 6 and 7 has been in this assessment mode. And there will be other purposes yet to be determined by these structures.

As discussed in Chapter 1, the location of structural power with local and discursive Indigenous communities and associations entails the right *not* to associate for the purposes of negotiating with government agencies, as much as it entails the right to decide *how* Indigenous power is to be constituted for that purpose. But at the same time, this prerogative is not meant to provide an excuse for governments not to render support for Indigenous scaling efforts, or to assume that an enhanced self-determination eclipses the need for such assistance. Political and administrative scaling—whether to perpetuate colonial relations or to develop self-determination based on Indigenous governance—is a matter of active institutional effort as well as political will. Neither process is given by nature.

As noted above, the challenge met by this thesis has not been to set out a logistical blueprint. However this study has found a stark distinction between the policy mechanisms envisaged by Class 1 participants operating in the domain of Contemporary Indigenous Governances, and those arising from top-down national scale perspectives. The former domain will build different power relations between governments and Indigenous communities; it will employ more inclusive ranges of operation; it will draw upon existing multiple local and discursive community associations; and it will employ iterative and accountable rather than linear, controlling procedural politics. The balance of accountability of this domain will be shifted toward communities, and away from governments, and this will produce substantially different outcomes for community service delivery and development.

These possibilities have already been considered or achieved in particular settings. As noted in Chapter 5, Coombs spent his last three decades developing his idea of an Indigenous "regional federalism", in which he envisaged procedural politics as being central to the building of Indigenous authority up from community level. The efficacy of such an approach has been demonstrated by the work of Howitt and others (Agius and Jenkin et al, 2007) toward the South Australian development described in Chapter 4. In their response to the South Australian government's call for a negotiated state native title system, that state's NTMCs and ALRM constructed a structure of Indigenous governance (the Congress), which was iterative and responsive rather than hierarchical, and worked towards a structurally sustained accountability to communities. This placed communities as the active authors of the decisions delivered by the Congress to the government. This example shows how crucial it is to construct appropriate mechanisms and procedures, and to scale these iteratively rather than hierarchically.

An extended version of the SA project would have the objective of constructing a formal, nation-wide Indigenous system of authority that would be scaled from local and discursive communities to the level of national and state governments, for negotiating policy and other issues. This would provide a framework in which local community concerns, problem-solving approaches and aspirations—in short the self-determination practices of Contemporary Indigenous Governances—could be supported and developed, rather than erased.

A treaty process as an outcome of, not a blueprint for change

The aim of this extended framework is envisaged initially as advancing community self-determination through the representation of community authority in decision making to state and federal governments—and hence to transform community development and employment, and the delivery of civil services; and to restore community authority and capacity.

But the issue of treaty also remains important and was raised by most Class 1 participants. This thesis shows that a treaty process is quintessentially a scaled process, to be founded on pre-existing self-determination processes and structures. Indigenous communities cannot be expected to consent to a treaty where there are no processes to support their participation in, and authority for that consent. As pointed out by some Class 1 participants in Chapter 6, a treaty based on existing political relations and associated methodologies would repeat the same mistakes of the reconciliation policy era, in which appointed key Indigenous intellectuals were expected to represent the entirety and diversity of Indigenous communities without the structural mechanisms and support essential to that task. As noted above, these issues of participation are partly practical matters. A treaty process would need to deliver to Indigenous communities the time as well as the structural capacity to consider options and develop an agreed agenda for the questions and aspirations to be addressed. As the South Australian experience demonstrates, successful participation in, and accountability to Indigenous community authority is constructed actively through iteratively scaled processes and mechanisms. Therefore, the negotiation of a treaty will not be an endpoint. Rather it will be a by-product of a pre-existing and continuing system of Indigenous political authority. This system will have the capacity to develop, institutionalise, monitor and adjust a treaty as an ongoing, dynamic system of political equality. It will be one part of a wider process of supporting community development aspirations under the authority of Contemporary Indigenous Governances.

9.2: Hindsight

The opportunity to do this thesis has been an enormous privilege. The intensive, structured study and engagement that it has provided has brought new understandings, which I would not otherwise have come to. These concern Indigenous politics and how I would approach future studies.

9.2.1: What I have learned

The thesis has fundamentally changed my perception of Indigenous politics at both the conceptual and practical levels. From my first awareness of land rights politics in the early 1980s, through to involvement with the reconciliation policy in the late 1990s, I held what I now understand as the dominant, nation scale perspective—that national scale politics and policy is the primary arena for the struggle for justice for Indigenous people. This was based on the prevalent, instrumentalist notion that the central authority of the federal government is the ultimate source of legitimacy and power for policy direction and execution; and that justice for Indigenous people is primarily a matter of political and executive will. (Of course, as Chapter 5 shows, history shows that benign federal aspirations can be derailed by state politics, as was Hawke's national land rights policy.) In particular, I believed that a treaty between Indigenous peoples and the Australian federal government, constructed at the level of national scale politics, would be capable of delivering a broad-scale, authoritive agenda of justice that would meet the needs and aspirations of all Indigenous people in Australia. So I thought that the CAR's failure lay mainly in its refusal to advocate for a treaty. This belief in federal government legitimacy motivated much of my dissent and mobilisation against the conduct of the consultations for the Australian Declaration Towards Reconciliation. This was a naïve notion, which involved no consideration of how representation, participation and consent could be constructed for Indigenous communities across a diversity of contexts.

This was also a racist notion. I believed strongly that Indigenous people had the right to direct their own affairs. But, as with many people involved in the

reconciliation movement (from LRGs to the CAR), my misconception that the federal government had the capacity and legitimacy to interpret Indigenous aspirations and to be the conduit for Indigenous agency contradicted this belief. It was based on ignorance (often an act of ignoring) of the presence of Indigenous communities in multiple contexts. I had a vague notion of local Indigenous communities in remote and rural/regional areas, but little knowledge of urban communities and no understanding of the governances they conducted. Similarly I had only a vague understanding that the Indigenous advocates of the issues I so strongly supported (including the Stolen Generations and deaths in custody) were members of communities. With no systematic understanding of the presences of local and discursive communities or the structural basis for Indigenous authority, there was no awareness of how Indigenous rights and self-determination were constituted, or that Indigenous affairs policy should be accountable to these communities. This implied the colonial belief that it was not Indigenous people, but federal governments that had the right to control Indigenous affairs, with the further implication that Indigenous people could not direct their own affairs. These were not beliefs that I would have subscribed to. But when logically broken down, my investment in national scale government in Indigenous affairs supported white political authority over Indigenous communities.

The ignorance about what constitutes an Indigenous community is one of the routine racisms underpinning much non-Indigenous thinking about Indigenous issues. The more enlightened sectors of non-Indigenous society have in recent decades come to understand that individual Indigenous identity is a matter for the individual and his/her community. But many of us are still coming to understand that the decision making processes and rights—indeed the very existence—of Indigenous communities are not for outsiders to define or deny, that these matters are also community prerogatives. For example, the Indigenous communities in the Blacktown local government area of Sydney[166] have the largest Indigenous populations in Australia, but there is little popular understanding that these are important Indigenous communities with complex country allegiances, and with numerous serious problems, many arising from federal, state and local government neglect. There is even less awareness of the insufficiently supported, systematic attempts by organisations in

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[166] The home of two study participants.

these communities to address these problems. This lack of recognition of the problems, functioning, rights and agency of Indigenous communities is at the basis of the institutional and social racism that constructs an absence for—or erases— Indigenous communities and their governances from political, institutional and social landscapes. This lack of recognition is the foundation for the denial of Indigenous community capacity for self-determination in multiple contexts.

The non-Indigenous problem of not 'seeing' Indigenous communities and their rights and capacities is also at the basis of the gulf of political understanding between Indigenous communities and many non-Indigenous supporters. In my experience, many LRG members concurred with the constructions of state and national reconciliation organisations, that the vocally dissenting Indigenous people with whom we engaged were malcontents with no Indigenous community context. Others had a partial understanding of their dissent, but did not allow this to challenge their faith in the CAR. As a dissident myself, I actively supported their dissent in several ways, including inviting some as speakers at a public meeting. I understood that this dissent was organisationally based; that it was the product of decades of political analysis; and that it could not be palliated by a policy product like a statement of reconciliation. Nevertheless, with my orientation towards nation scaled politics came the assumption that their dissent was similarly orientated. I had no structural understanding of the role these organisations could play in a genuine self-determination process.

But the engagements brought with this thesis—with supervisors and study participants; also with the geography and other literatures—have changed my perceptions. They have taught me that the political dissent and the other functions (social support, educational, cultural, cosmological, artistic) of the kind of associations I encountered constitute existing and developing self-determination processes, which demand recognition and structured—that is self-scaled—political/ institutional establishment.

A related lesson concerns the terms of political engagement for non-Indigenous supporters of Indigenous rights. An understanding of government policy, particularly the underpinning colonial political relations, is necessary for an informed activist approach to Indigenous rights. But if non-Indigenous supporters maintain an

exclusively national scale conceptual orientation, they will fail to understand the practical, routine community level mechanisms of erasure that maintain those relations of control—such as restrictive and ill-targeted funding, and the imposition of distorting accountability frameworks. And they will fail to see and support the local and discursive communities that carry the struggle to resist erasure and to maintain the ongoing and developing self-determination processes on which a just future can be built. These Contemporary Indigenous Governances are, and should be recognised as, the foreground of Indigenous rights politics. The loci of the struggles for land and community self-determination (whether in Blacktown or the NT) are with people and communities, not abstract ideas; they are conducted at the level of local and discursive communities as well as through government and the courts.

Blindness to these Contemporary Indigenous Governances is more than just a gap in conceptual understanding. We LRG members were, in various degrees blind to the significance of the Indigenous communities that tried to engage us. This kind of blindness constitutes an active (if not intentional) support for existing colonial political relations. When I agitated against the reconciliation policy process because it excluded important Indigenous voices and agendas, I engaged with a national scale policy without an understanding of the structural bases of self-determination. Such efforts often only succeed in mirroring and reproducing existing political relations—which are advanced in part by the maintenance of political focus with national scale politics, and away from the communities where challenges to government authority are centred. In short, this last lesson is that effective support for Indigenous rights must be founded on direction from Indigenous local (in one's local area or not) and/or discursive communities and through engagement on their terms.

9.2.2: What I would do differently in future studies

The understanding of the significance of Contemporary Indigenous Governances would demand a new approach to the design and execution of future inquiries. Rather than an important finding and endpoint, community self-determination processes would be the conceptual starting point. The central focus of inquiry would be with the active agency of communities, not only in their assessments

of government policy processes and structures, but also in the general context of their authorship of the self-determination processes (or Contemporary Indigenous Governances) that challenge the assumptions of Indigenous community incapacity on which government policies are often based.

Related to this change in orientation is a logistical consideration. This study began with several groups, with the possibility of comparing the varying experiences, perceptions and views of different groups in the reconciliation policy process. It finished with two—Contemporary Indigenous Governances and policy agents—because of the emergent conceptual primacy of the former. Depending on the resources and time available, a future study might be designed with just two or perhaps three elements—Contemporary Indigenous Governances and the performance of one or two other groups or agencies in relation to them.

A further change would be that future inquiries would, as far as possible, have reference to Indigenous community gate-keeping functions. The concept of Contemporary Indigenous Governances implies the obligation to form research relationships that are consistent with it. A study with Indigenous communities should have built into it, with the involvement of the communities concerned, an active, co-operative component aimed at supporting self-determination processes. This is already the mode of operation for many geographical and other studies. For example, a co-designed study might have as one of its planned outcomes, a report of the interactions of one or more communities with an area of government policy, which could support their engagements with government. The processes, stages and results of such a project would be accountable to community monitoring, assessment and response. In such a co-operative exercise, the concept of Contemporary Indigenous Governances would not be a central point of engagement. The genesis and foundation of this concept is the agency, specificity and diversity of Indigenous local and discursive communities. Although the concept might be useful for conceptualising a framework of Indigenous sovereignty and self-determination, its use as a homogenising element is directly contradictory to its genesis. As alluded to in Chapter 1, it might serve as an articulated, but not overly promoted conceptual framework, which is open to change through engagement.

9.3: Future directions

Following from the development of the conceptual tools in this thesis, it might be useful to construct an atlas of Contemporary Indigenous Governances and their community functions, perhaps including commentaries on the threats they face from various quarters, and also the existing and possible avenues of support. These might include political/ administrative factors; also social, cultural, environmental or business sector factors. It might eventually become an Australia-wide venture of multiple co-operative projects, with local and discursive Indigenous communities as equal partners in research direction. This could build a resource for, and contribute to the profile of Indigenous communities in their efforts at community advancement, advocacy, political development or engagement with government and business. The first task would be to find out if any similar projects have already been planned or undertaken. As noted in Chapter 1, any applications of the idea would first and foremost depend on how communities might assess its value and potential for development.

As noted above, there were other groups involved at the interview stage, which were not included in the write-up. Although the study of the reconciliation policy might be becoming outdated by now, it might still be possible to utilise the LRG material as a further case study of top-down government policy. In my experience LRG members were generally well informed and highly committed to Indigenous rights; some had been active supporters of Indigenous rights struggles in previous decades. Nevertheless, as noted above, LRG members (including myself) were integrated to varying degrees with the idea of government legitimacy and most also accepted the embedded structures and processes of control. For example (and this was a source of stress for me), engagement with dissident Indigenous activists was discouraged, both by the government bureaucracies that co-ordinated the LRGs, and within LRGs. With the hindsight of scale analysis, I have a preliminary interpretation that this disengagement from Indigenous activism could be investigated as a scaled phenomenon, wherein the lines of communication and accountability, foci of attention, agendas and understandings of non-Indigenous supporters of Indigenous rights were captured by a hierarchically scaled government structure. This structure was represented as encompassing the sum total of legitimate thinking about

Indigenous politics, and further, as a democratic methodology for addressing injustice. The same scaled structure that ordered the operations of policy agents and suppressed Indigenous community political expression also ordered the operations and perceptions of LRG members. This relates to the above discussion on the role of non-Indigenous supporters in Indigenous rights struggles and the need for them to accept engagement with Indigenous communities on their terms, rather than to accept government authority in Indigenous affairs.

Given the above discussed understandings concerning the need for academic researchers and non-Indigenous supporters of Indigenous rights to be actively engaged with Indigenous community associations, my immediate post-thesis course of action will be to follow up an invitation of involvement from the Butucarbin Association in Mt Druitt, in the Blacktown local government area. This invitation came from a study participant. I have already worked episodically for Butucarbin (on a funding application) and with thesis completion this will become more regular. As well as being a primary choice of direction for me, this will feed into any academic functions that might be possible in the future. Communities have much to offer the education and research sectors, and conversely, engagement makes academic work useful for communities.

9.4: Overall summary of the thesis

In addressing the questions of Indigenous diversity, specificity and dissent during the reconciliation era through a participant centred methodology and a scale analysis, this study has produced two conceptual tools—Contemporary Indigenous Governances and the erasure of these scales of governance. These have provided a vantage point from which to analyse the political relations between Australian governments and Indigenous communities. This viewpoint decentres the national scale perspectives underpinning successive policy settings. It takes as its central assumption, the existence, crucial importance and potential of a nascent structure of Indigenous governances across diverse local and discursive contexts. The central challenge of the thesis has been the continuing problem of their erasure by government policy settings. The deconstruction of the scaled mechanisms of erasure during the reconciliation era has shed light on the kind of processes and practices by

which these colonial political relations are maintained. And while this thesis has not aimed to develop a schedule for change, it has offered an empirically grounded conceptual basis for strengthening and broadening Indigenous community entitlements to institutionalise their existing and developing self authored self-determination processes. The deconstruction of the scaled mechanisms of one policy process has also contributed to the question of what practical mechanisms, procedures and structures might be developed by Indigenous communities and Australian governments to actively overcome the ongoing colonial relations of erasure, and to achieve power sharing within the Australian nation state.

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Appendix 1a: Australian Declaration Towards Reconciliation

Australian Declaration Towards Reconciliation

We, the peoples of Australia, of many origins as we are, make a commitment to go on together in a spirit of reconciliation.

We value the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of lands and waters.

We recognise this land and its waters were settled as colonies without treaty or consent.

Reaffirming the human rights of all Australians, we respect and recognise continuing customary laws, beliefs and traditions.

Through understanding the spiritual relationship between the land and its first peoples, we share our future and live in harmony.

Our nation must have the courage to own the truth, to heal the wounds of its past so that we can move on together at peace with ourselves.

Reconciliation must live in the hearts and minds of all Australians. Many steps have been taken, many steps remain as we learn our shared histories.

As we walk the journey of healing, one part of the nation apologises and expresses its sorrow and sincere regret for the injustices of the past, so the other part accepts the apologies and forgives.

We desire a future where all Australians enjoy their rights, accept their responsibilities, and have the opportunity to achieve their full potential.

And so, we pledge ourselves to stop injustice, overcome disadvantage, and respect that Aboriginal and Torres Strait Islander peoples have the right to self-determination within the life of the nation.

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

Appendix 1b: Roadmap for Reconciliation: national strategies to advance reconciliation

The National Strategy to Sustain the Reconciliation Process

The National Strategy to Sustain the Reconciliation Process sets out ways to build on progress towards reconciliation between Aboriginal and Torres Strait Islander peoples and the wider community after the Council for Aboriginal Reconciliation completes its term.

These measures address practical, cultural and spiritual dimensions of reconciliation.

Essential actions include:

Leadership for the reconciliation process

- All levels of government, the private sector, community and voluntary organisations publicly support the ongoing reconciliation process, provide resources and increasingly involve Aboriginal people and Torres Strait Islanders in their work.
- A foundation, *Reconciliation Australia,* is established to maintain a national leadership focus for reconciliation, report on progress, provide information and raise funds to promote and support reconciliation activities.
- State, Territory and local reconciliation groups, involving Aboriginal and Torres Strait Islander people and people from the wider community, lead and support action that promotes reconciliation.
- Australian parliaments and political parties address the low level of Indigenous representation in the political system.

Education for reconciliation

- Schools, tertiary education institutions and employers require and support the culturally appropriate teaching of the truth of Australia's history that includes Indigenous perspectives and addresses racism.
- The media feature stories that promote reconciliation and challenge racist stereotyping.

People's movement for reconciliation

- Communities celebrate significant dates and events and take joint action to achieve agreed reconciliation goals.

Protocol and ceremony

- All parliaments, governments and organisations observe protocols and negotiate with local Aboriginal and Torres Strait Islander elders or representative bodies to include appropriate Indigenous ceremony into official events.

Symbols of reconciliation

- Governments, organisations and communities negotiate to establish and promote symbols of reconciliation. This would include changing the date of Australia Day to a date that includes all Australians.

Formal recognition of the documents of reconciliation

- All parliaments and local governments pass formal motions of support for the documents of reconciliation.

The National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights

This strategy proposes a number of actions, including some constitutional and legislative processes, to assist the progressive resolution of outstanding issues for the recognition and enjoyment of Aboriginal and Torres Strait Islander rights. It aims to ensure:

- that all Australians enjoy, in daily life, a fundamental equality of rights, opportunities and acceptance of responsibilities; and
- the status and unique identities of Aboriginal and Torres Strait Islander peoples as the first peoples of Australia, achieve recognition, respect and understanding in the wider community.

Essential actions include:

Education

- Governments and their agencies, legal, cultural and educational institutions, Indigenous organisations, and the media work together to improve community awareness and appreciation of Aboriginal and Torres Strait Islander peoples as the first peoples with distinct cultures, rights and status.

Legislation

- All governments take steps to ensure the recognition and protection of Indigenous intellectual property as already occurs in some Commonwealth legislation.
- All governments ensure their policies and practices observe Australia's international Indigenous and human rights obligations.
- State and Territory governments consider giving magistrates and judges the discretion to take account of traditional laws in sentencing, as already occurs in some circumstances in the Northern Territory.
- Governments establish legislative processes to deal with the 'unfinished business' of reconciliation, allowing for negotiated outcomes on matters such as Indigenous rights, self-determination within the life of the nation, and constitutional reform.

Australian Constitution

- Government agencies, legal institutions and educational organisations develop and promote community awareness about the Constitution and its application in protecting the rights of all Australians.
- Within the broader context of future constitutional reform, the Commonwealth Parliament enacts legislation for a referendum which seeks to:
  - prepare a new preamble to the Constitution which recognises the status of the first Australians; and
  - remove section 25 of the Constitution and introduce a new section making it unlawful to adversely discriminate against any people on the grounds of race.

The National Strategy to Overcome Disadvantage

The National Strategy to Overcome Disadvantage aims for a society where Aboriginal people and Torres Strait Islanders enjoy a similar standard of living to that of other Australians, without losing their cultural identity.

This strategy focuses on education, employment, health, housing, law and justice. Priority must be given to achieving comparable outcomes in health and education. Improvement in these areas is critical to advancing reconciliation. It is important that no person is disadvantaged by the inability of governments and service providers to communicate and cooperate in the delivery of services.

Essential actions include:

Performance measurement and reporting

- The Council of Australian Governments (COAG) evaluates and updates its *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders,* agreeing on a framework for all governments and the Aboriginal and Torres Strait Islander Commission (ATSIC) to:
  - set program performance benchmarks that are measurable, include timelines and are agreed in partnership with Indigenous peoples and communities;
  - ensure they have the information systems necessary to monitor performance; and
  - annually report their performance to parliaments, councils and their constituents against these benchmarks.
- Every five years, the Human Rights and Equal Opportunity Commission works with ATSIC to prepare an independent report on the nation's progress in addressing disadvantage.

Partnerships and working arrangements

- Peak business and community groups make commitments to overcome disadvantage, and encourage their members to make similar commitments.
- Services are designed and delivered in a way that is driven by local Indigenous people, strengthens local communities, and forges social coalitions and equal partnerships, drawing on and building the skills and resources of the community.
- Service providers, ATSIC and governments identify and eliminate systemic discrimination and racism, beginning with a review of their own practices.
- Governments adopt funding arrangements that are flexible and sufficient to meet local needs, and enable the pooling of funds across agencies and between the different levels of government.
- Employers link performance-based salaries in all sectors to improvements in Indigenous outcomes, where appropriate.

Community and personal responsibility

- Indigenous communities, families and individuals take more responsibility for addressing the causes and consequences of disadvantage within their control.
- All Australians accept the responsibility to learn more about the causes and extent of disadvantage and reject racism and related behaviour.

The National Strategy for Economic Independence

The National Strategy for Economic Independence aims for a society where Aboriginal and Torres Strait Islander peoples and communities can share the same levels of economic independence as the wider community.

For most Australians, pathways to economic independence include getting a job and/or running a business. In both of these cases, an education substantially improves the likelihood of success.

This strategy is not for everyone. For some, economic independence will be defined in terms of their traditional economy and lifestyle.

Essential actions include:

Access to jobs and resources

- All employers establish strategies for employing and training more Aboriginal people and Torres Strait Islanders.
- Banks and other financial institutions actively adopt culturally-responsive banking and financing regimes and facilitate better access to capital.
- Governments increase the value of Indigenous assets by legislating for Indigenous intellectual property and cultural rights and by working in partnership with Indigenous communities to protect biodiversity and rehabilitate and sustain lands and waters under the control of those communities.

Effective business practices

- Indigenous people and communities develop their existing competitive advantages in respect of their cultural assets and special knowledge of the land and the environment.
- Governments, ATSIC, and the private sector all research and develop successful business models that can be applied in regional and remote communities. Priority should be given to developing commercial activities on Indigenous-owned land.
- Private-sector organisations seek opportunities for joint ventures with Indigenous businesses. Governments promote such joint ventures.
- Governments and industry work in partnership with Indigenous communities to ensure their projects strengthen Indigenous communities by supporting the local economy and enhancing regional employment opportunities.

Skills development

- Schools, TAFEs, universities and other education providers, working with families, develop and implement flexible programs to improve student attendance, retention rates, academic results and career pathways.
- TAFEs and other vocational education providers target their programs to the employment opportunities in the local labour market, aiming for available jobs or business opportunities on the completion of training programs and schemes.
- With local community involvement, education providers, banks and other financial institutions develop money-management programs that increase the capacity of people to plan, save and invest in their future.
- Indigenous leaders actively encourage their people to equip themselves with the skills, knowledge and experiences that are valued in the local employment market.

Appendix 2: Participant Information

Macquarie University

Department of Human Geography

Sherrie Cross

'ph. 9850 8410

fax 9850 6052

Email: scross@els..mq.edu.au

The Scale Politics of Reconciliation

Participant Information

Research Aims and Methodology

The Scale Politics of Reconciliation is a study being done by Sherrie Cross to meet the requirements for the degree of Doctor of Philosophy. The approach is to look at the ten-year program of the Council for Aboriginal Reconciliation as a geographically scaled political process, against a background of various political and structural constraints. The study is a qualitative one and will not produce a statistical analysis. Nor will it produce a definitive statement on the nature, achievements or shortcomings of reconciliation. Rather it aims to open up a wider discussion of Indigenous rights in Australia.

The primary issues to be documented and discussed in the study are:
- the experience and activities of local reconciliation groups in N.S.W
- their interactions with local communities, and with local, state and national levels of politics
- accountability across geographical scales within the reconciliation movement
- accountability with regard to a range of Indigenous interests
- the approaches developed by local, state and national bodies to reconciliation and Indigenous rights

Group discussions, interviews and surveys will provide the principal data for this study. A number of general, open-ended interviews or discussions will be held with each of the following groups:
- people from Indigenous organisations (interviews)
- members of the CAR and the N.S.W. SRC (interviews)
- one person nominated by each local reconciliation group in the Sydney metropolitan area, and by some rural groups (discussion groups)
- people from the broader Indigenous rights and social justice movement (interviews)

There will also be a postal survey of members of local reconciliation groups, subject to approval by the executive committee of each group. In all these formats there will be no right or wrong approaches. The purpose of the interviews and group discussions is to document participants' discussion of key issues. The researcher (Sherrie Cross) will act as a facilitator only, rather than participating in the discussions.

Discussion groups will take approximately 2 hours; individual interviews, approximately 1hour. With participants' permission discussions and interviews will be tape-recorded. Tapes will be used only for this project. Upon a participant's request, a copy of the interview/discussion in which the participant contributed will be supplied.

Ethical Considerations

All participants in interviews and discussions are given the following assurances:
- unless participants expressly indicate otherwise, they are speaking as individuals

- unless participants expressly request otherwise, their identity will be protected with the use of pseudonyms. Participants will not be identified verbally or in writing, by position or other description, to any other persons, including other participants, or in the final write-up or subsequent publications
- participants are guaranteed the right to withdraw at any time without having to give reason and without being identified as having done so, by name, position or other description, verbally or in writing: to any other persons, including participants; in the final write-up; or in subsequent publications
- written transcripts of discussions and interviews will be submitted to participants for approval before their use in the study
- data from the research will be supplied on request, after it has been processed
- quotes attributed to participants will not be used in resulting publications without prior approval
- copies of such publications, or directions for their access will be supplied on request
- storage of data will be in a locked filing cabinet in the researcher's office. The only other persons with access to it will be the researcher's supervisors.

For non-participants:
- persons declining participation will not be asked to give reason
- persons declining participation will not be identified as having done so, by name, position or other description, verbally or in writing: to any other persons, including participants; in the final thesis write-up; or in subsequent publications

Other details

The researcher is being funded by an Australian Post-graduate Award and is under the supervision of Associate Professor Richie Howitt, Dept. of Human Geography, Macquarie University.
The associate supervisors are:
- Professor Bob Fagan, Head and Chair of the Dept. of Human Geography
- Barbara Nicholson (Wadi Wadi). Aunty Barbara has been an Indigenous rights activist for many years. She was an executive member of the Aboriginal Deaths in Custody Watch Committee and is an executive member of the Link-Up Association, as well as a contractual Indigenous research consultant and a published poet. She has taught at various universities and is presently a Senior Visiting Fellow with the Faculty of Law at the University of Wollongong

Ethical aspects of this study have been approved by the Macquarie University Ethics Review Committee (Human Research). If you have any complaints or reservations about any ethical aspect of your participation in this research, you may contact the Committee through:

> Research Ethics Officer
> ph. (02) 9850 7854, fax (02) 9850 8799,
> email: rachael.krinks@mq.edu.au).

Any complaint you make will be treated in confidence and investigated, and you will be informed of the outcome.

Further details about this project can be obtained from the researcher, Sherrie Cross

Appendix 3a: Interview Schedule – CAR members/politicians

The Scale Politics of Reconciliation

Interview Schedule

As part of the **scale politics of reconciliation** project, you are invited to cover some or all of the following topics. There is no right or wrong way to approach this. The goal is to produce interviews that reflect your experiences and views regarding the reconciliation process leading up to December 2000; also your hopes and views on challenges yet to be faced, in advancing Indigenous rights. At the end of the interview we will check that all topics have been covered to your satisfaction. Thank you for your participation in this research.

Sherrie Cross
Dept. of Human Geography, Macquarie University, Sydney

A] Key Ideas and debates

- The idea/process of reconciliation

- A "reconciled Australia"

- Distinct rights, self-determination—political/ land/ economic/ social/ cultural

B] Organising the reconciliation process up to Dec. 2000 – functions, strategies
- Government funding and support
- Selection of members of the CAR and the SRC
- Public participation
- CAR and SRC approach to public, political debates

Achieving a workable position with respect to divergent community views:
- the conservative critique;
- the critique by some Indigenous spokespersons/individuals who questioned the idea of - reconciliation; and/or favoured more explicit statements on the issues of distinct rights, sovereignty and treaty

C] Some key events and reflections
The 1996 change of Federal Government and subsequent changes
- Reconciliation Conventions—Wollongong, Melbourne etc
- The September 1999 Indigenous Summit
- The May 2000 Bridge Walk, Corroboree and subsequent momentum
- Post-walk enthusiasm for a treaty and the CAR response
- The final documents of reconciliation
- The March 2001 reflections by Senator Aden Ridgeway
- Main achievements/ shortcomings of the process

D] Relationships among players
- Consultation and accountability with Indigenous groups
- Division of labour between the CAR, the NSW SRC and the local groups
- Community meetings—accountability between the CAR, the SRC and local groups
- Local group role as political players; debates about Indigenous rights

E] Other maters
Feel free to raise any other matters you think are particularly relevant to your role in the reconciliation process, or the way the process has been conducted or is proceeding.

Appendix 3b Interview Schedule – Indigenous community members and social justice group members; also Mayors and business sector
The Scale Politics of Reconciliation
Interview Schedule

As part of the **scale politics of reconciliation** project, you are invited to cover some or all of the following topics. There is no right or wrong way to approach this. The goal is to produce interviews that reflect your experiences and views regarding the reconciliation process leading up to December 2000; also your hopes and views on challenges yet to be faced, in advancing Indigenous rights. At the end of the interview we will check that all topics have been covered to your satisfaction. Thank you for your participation in this research.

Sherrie Cross
Dept. of Human Geography, Macquarie University, Sydney

A] Key Ideas and debates
- The idea/ process of reconciliation
- A "reconciled Australia"
- Distinct rights, self-determination—political/ land/ economic/ social/ cultural

B] Organising the reconciliation process up to Dec. 2000 – functions, strategies
Government funding and support for CAR (Council for Aboriginal Reconciliation)
- Selection of members of the CAR and the SRC (State Reconciliation Council)
- Public response/involvement
- CAR (and SRC) approach to public, political debates
- The response of the CAR (and the SRC) to criticism from Indigenous rights interests, who questioned the idea of reconciliation; and/or favoured more explicit statements on the issues of distinct rights, sovereignty and treaty

C] Some key events and reflections
The 1996 change of Federal Government, and subsequent changes
- Reconciliation Conventions—Wollongong, Melbourne etc
- The September 1999 Indigenous Summit
- The May 2000 Bridge Walk, Corroboree and subsequent momentum
- Post-walk enthusiasm for a treaty and CAR response
- The final documents of reconciliation
- The March 2001 reflections by Senator Aden Ridgeway
- Main achievements/ shortcomings of the process

D] Relationships among players
- The CAR's consultation and accountability with Indigenous organisations
- Relationships between CAR, (the NSW SRC) and local groups
- Community meetings—accountability between the CAR and local groups
- Local reconciliation groups as political players, debates about Indigenous rights

E] Other maters
Feel free to raise any other matters you think are particularly relevant to your role in the reconciliation process, or the way the process has been conducted or is proceeding.

Appendix 3c Interview Schedule – Local Reconciliation Groups
The Scale Politics of Reconciliation
Interview Schedule

As part of the **scale politics of reconciliation** project, you are invited to cover some or all of the following topics. There is no right or wrong way to approach this. The goal is to produce interviews that reflect your experiences and views regarding the reconciliation process leading up to December 2000; also your hopes and views on challenges yet to be faced, in advancing Indigenous rights. At the end of the interview we will check that all topics have been covered to your satisfaction. Thank you for your participation in this research.

Sherrie Cross
Dept. of Human Geography, Macquarie University, Sydney

A] Key Ideas and debates
- The idea/process of reconciliation
- A "reconciled" Australia
- Distinct rights, self-determination—political/ land/ economic/ social/ cultural

B] Functions and philosophy of your group
- Start-up; organisation and structure; Indigenous/non-indigenous membership
- Guiding perspectives, principles
- Engagements with:
- Indigenous speakers/ organisations/ communities/ others--protocols, experiences
- Non-indigenous communities/organisations (also State if applicable)
- Indigenous spokespersons/individuals who questioned the idea of reconciliation, and/or favoured more explicit statements on issues of distinct rights, sovereignty and treaty

C] Some key events and reflections
- The 1996 change of government and subsequent changes to CAR
- Reconciliation Conventions—Wollongong, Melbourne etc
- The September 1999 Indigenous Summit
- The May 2000 Bridge Walk, Corroboree and subsequent momentum
- Post-walk enthusiasm for a treaty and CAR response
- The March 2001 reflections by Senator Aden Ridgeway
- The final documents of reconciliation
- Main achievements/shortcomings of the process

D] Relationships among players
- CAR's representation of, and accountability with Indigenous organisations
- Division of labour between the CAR, the NSW SRC and local groups
- CAR and SRC approach to public, political debates
- Local groups as political players, debates about Indigenous rights issues
- Community meetings—accountability between the CAR and local groups
- Communication and mobilisation between local groups
- Input/guidance from the CAR and SRC to local groups on any of the above, and/or other matters

E] Personal experience of local activism
- Positive and/or negative impacts of the above matters and/or others

F] Other matters
Feel free to raise any other matters you think are particularly relevant to your role in the reconciliation process, or the way the process has been conducted or is proceeding

Appendix 4: Project Consent Form

The Scale Politics of Reconciliation

Sherrie Cross
Dept. of Human Geography
Macquarie University NSW 2109
'ph: (02) 9850 8410
Fax: 9850 6052
e-mail: scross@els.mq.edu.au

PARTICIPANT CONSENT RECORD

I, _____ have read and understood the information on the accompanying information sheet and any questions I have asked have been answered to my satisfaction. I agree to participate in this research, knowing that I can withdraw at any time without consequence. I have been given a copy of this form to keep.

Participant's Name
(block letters)

Participant's signature _____ Date:

Interviewer's Name:
(block letters)

Interviewer's signature _____ Date:

Appendix 5a: Sample Covering Letter, Indigenous community members

Dear ____,

You and I met last year at a gathering with ____. I was a member of a reconciliation group at the time, although I have never equated the government policy of 'reconciliation' with the fundamental issues of Indigenous rights and self-determination.

Now I am hoping you might be able to help me with my doctoral research, which has as one of its main objectives, the documentation of what people in the broad Indigenous rights movement are thinking about the relevance of 'reconciliation' for rights and self-determination. In consideration of your contributions, it is clear that your views would have an important role in a study that aims to update the continuing project of documenting and analysing white political responses to Indigenous claims for self-determination in all its aspects. So I am writing to ask if I could interview you about your views on 'reconciliation' as a concept; on its status as a policy and a social process; and its accountability to Indigenous interests.

The interview would be held at a time and location convenient to you (at a Macquarie University office if you prefer). It would take about 1 hr, although you would be welcome to shorten or expand it as you wish. The interview will be open-ended, with the aim of documenting important issues identified by you as an observer of the lead-up to the presentation of the Documents of Reconciliation to the Federal Parliament in December 2000.

The enclosed **Interview Schedule** might serve to highlight your role as an activist and/or to invite your commentary on the formal, government-sponsored organisations and discourses that have been built up around the concept of 'reconciliation'. But this list of points is only a guide and Section E] invites discussion on other matters, which can take precedence as you wish. My aim is to produce a thesis that will be in part a speaking space for others. Acknowledgment of ideas and quotes, to be made in accordance with the wishes of the participants, will reflect this intention. I will be happy to discuss the use of your interview material.

For further information (on supervisors, topic, methodology, my background) please see the enclosed document, **Participant Information**, which includes an explanation of ethical consideratons. These protocols, which have been approved by the university's Ethics

Review Committee, have been designed in accordance with my present understanding of relevant concerns, and in consultation with my supervisors.

I hope you can find time for an interview. Please feel free to contact me with any queries, now or any time during the study.

Yours sincerely,

Sherrie Cross

Appendix 5b: Sample Covering Letter, CAR members and politicians

Dear ____,

I am a PhD student with Associate Professor Richard Howitt of the Department of Geography, Macquarie University. I am writing to ask if you might be able to help me with my study.

The study is on the reconciliation process in Australia up to December 2000. One of the main objectives is to document the views and experiences of those who have been involved in this process. In consideration of your prominent role in this matter, it is clear that your views would have an important role in such a study. So I am asking if I could interview you about these matters.

The interview would be held at a time and location convenient to you. It would take about 1 hr, although you would be welcome to shorten or expand it as you wish. The enclosed **Interview Schedule** might serve to highlight your role and/or commentary concerning these issues. But this list of discussion points is offered only as a guide and Section E] invites discussion on other matters chosen by participants.

I will be happy to discuss the interview process or the use of your interview material. My aim is to produce a thesis that will be in part a speaking space for others. Acknowledgement of ideas and quotes, to be made in accordance with the wishes of the participants, will reflect this intention.

For further information (on supervisors, topic, methodology, anonymity) please see the enclosed document, **Participant Information**, which includes an explanation of ethical considerations. These protocols, which have been approved by the university's Ethics Review Committee, have been designed in accordance with my present understanding of relevant concerns, and in consultation with my supervisors.

I hope you can find time for an interview, preferably before the end of March if possible. Please feel free to contact me with any queries, now or any time during the study.

Yours sincerely,
Sherrie Cross

Appendix 6a: Final consent letter, Class 1 Participants

Dear _____,

During 2001 and 2002 I interviewed several people, including you, in regard to my PhD study "The Scale Politics of Reconciliation". I continued in part time study and am now drawing towards completion. This study has been very complex, but my passion for it has never diminished. The important testimony of you and other participants involved in generating Indigenous governances has contributed to the energy I have needed to continue; and the insights from these testimonies have formed the theoretical foundation of my thesis (see Appendix 1 for chapter headings and a synopsis).

The accompanying documents are for your perusal—these are the chapters containing quotes from your interview material (and from sixteen other interviewees).

There are two stages in which these chapters and hence, your material is being revealed to other people:

The **first** stage is the present exercise, for which you have already been **de-identified**.

[As I am submitting these chapters to all relevant interviewees, they will be seeing your material as well. So I have de-identified you and all others to each other—please see the box "De-identification markings", which will also assist you in finding your material in the chapters.]

The **second** stage is now for your consideration.

This will be when my completed thesis (and hence, your material) will be submitted to the three examiners, who will remain unknown to me.

So I have two inquiries for this second and final stage:

1. I am asking you to confirm that the accuracy of your quotes (which you have already approved in relation to the transcription) has been maintained in the context of my written work.

(Can you also please consider my use of these specific quotes, in the same contexts, in any future publications—such as academic journal papers or a book?)

2. My second inquiry is whether or not you wish to be identified by name in my final thesis submission. If not I will use a code, which will de-identify you, but will communicate to my examiners the authority you exercise in your commentaries on the important issues you have raised. The code relates to your roles up to the time of the interview. The code I have suggested for you is _____ Please see Appendix 2 for a full list of code symbols. You are welcome to add additional symbols from that list to include in your code. That code will be used in either case—alongside, or instead of your name. If you choose to be named I will use your identifying material for the examination process. If you opt for the code only, can we discuss how and if I can use that material?

(Also, as above, please consider my use of your quotes and identifying material in the same context, in any future publications)

I would appreciate it if you could advise me by the end of February 2007. Or if you like, you can leave it and if I haven't heard from you by then, I can default to the original approval of transcription accuracy, and will also use your name and identifying material in the thesis submission and in future publications.

As these documents are yet to be submitted to the examination process as part of a completed PhD, they are still copyright and not available for citing or dissemination.

In the second half of 2007 I will be free for other projects. Some participants have requested me to organise a workshop/get together for the exchange of ideas and maybe to plan co-operative projects. As you will be on the invitation list, please contact me if the above contact details are changed and you want to stay on the list.

Please feel welcome to contact me with any inquiries.

With great appreciation for the time you given to this research project, and looking forward to meeting again

Yours sincerely,

Sherrie Cross

De-identification markings

In your documents are the following markings:
1. All other interviewee names but yours have been de-identified with **XXXX.** (In all other interviewee documents, your name has been crossed out the same way).
2. Any text that might identify other interviewees by description has been blocked out with ███. (In all other interviewee documents, any text that identifies you has been blocked out the same way). Your identifying material that has been blocked in others appears as ~~strikethrough~~ in yours.
3. All text that quotes you or has been related to you, either in the main text, or in footnotes, has been shaded for your easy access.

Appendix 6b: Final consent letter, Class 2 Participants

Dear _____,

During 2001 and 2002 I interviewed several people, including you, in regard to my PhD study "The Scale Politics of Reconciliation". I continued in part time study and am now drawing towards completion in June 2007 (see the Appendix for chapter headings and a synopsis).

The accompanying document is for your perusal—this is the chapter containing quotes from your interview material (and from twelve other interviewees).

There are two stages in which this chapter and hence, your material is being revealed to other people:

The **first** stage is the present exercise, for which you have already been de-identified.

[As I am submitting these chapters to other interviewees, they will be seeing your material as well. So I have de-identified you and all others to each other—please see the box "De-identification markings", which will also assist you in finding your material in the chapters.]

The **second** stage is now for your consideration.

This will be when my completed thesis (and hence, your material) will be submitted to the three examiners, who will remain unknown to me.

For this I am asking you to confirm that the accuracy of your quotes (which you have already approved in relation to the transcription) has been maintained in the context of my written work.

(Can you also please consider my use of these specific quotes, de-identified, in the same contexts, in any future publications—such as academic journal papers or a book?)

I have decided to de-identify all "Class 2" interviewees such as yourself—that is, people who were members of the CAR, or served it in a consultation capacity, or had ministerial or shadow ministerial responsibility for the policy of reconciliation. I have discussed this with my supervisor and it presents no problems for my analytical framework. In line with this de-identification decision, I have not used position descriptions and have used de-gendered pronouns—s/he, his/er, him/er. The reason for blanket de-identification is that some Class 2 interviewees have asked to be identified, while others have discussed de-identification. This mix presents the possibility that some in the latter group might be identified by default. The de-identifying codes will be "C/M.1… C/M.2" etc. Your name appears in this document but will be replaced with **C/M____** for thesis submission.

I would appreciate it if you could advise me by the end of February 2007 if you have any matters to raise. Alternatively, if you are happy with the accuracy of the quotes used and for me to proceed with de-identification, you can just leave it, and if I haven't heard from you by that time, I can default to the original approval of transcription, and will also use your de-identfied material in future publications.

As this document is yet to be submitted to the examination process as part of a completed PhD, it is still copyright and not available for citing or dissemination.

Please feel welcome to contact me with any inquiries.

Thanks so much for the time and effort you have contributed to this project.

Yours sincerely,

Sherrie Cross

De-identification markings

In your document are some or all of the following markings:
4. All other interviewee names but yours have been de-identified with **XXXX.** (In all other interviewee documents, your name has been crossed out the same way).
5. Any text that might identify other interviewees by description has been blocked out with ▮▮▮. (In all other interviewee documents, any text that identifies you has been blocked out the same way). Your identifying material that has been blocked in others appears as ~~strikethrough~~ in yours (not relevant to all).
6. All text that quotes you or has been related to you, either in the main text, or in footnotes, has been shaded for your easy access.

Appendix 6c: Note in final consent letters

Note about my inclusion of participant criticism of prominent Aboriginal individuals in Chapter 7.

In that chapter (7.3.3.1 – 7.3.3.3) I discuss the structural constraints put on prominent Indigenous individuals who take on the *real politik* strategy of engaging with contemporary political structures in order to achieve change for Indigenous peoples, and to construct further opportunities for Indigenous involvement in decision-making. Not the least of these constraints is the absence of the structural means by which grass-roots community political authority can be delivered to and through them. Hence, there are problems arising as to the authority that individuals can bring to bear in representing Aboriginal and Torres Strait Islander peoples. This is at the root of the structural political inequality of Indigenous peoples. In my writing I have no judgement on the legitimacy of the *real politic* strategy; rather it is included in my wider analysis of the mechanisms of ongoing colonialism and the limitations and stresses placed on Indigenous parties who have sought to effect necessary change within those structures, together with the distortions and invisibility imposed upon local and discursive Indigenous communities by colonial processes.

So in regard to my quoting of participants in their critiquing of prominent figures, I would say the following. I believe that an individual who takes on the *real politik* process of engaging with dominant political structures also takes on a responsibility to be accountable, which involves criticism in public forums. As we know, such criticism among communities is not new to the people involved. This is an inescapable part of public life in any political process. Therefore I have not censured any commentaries that participants in the study have considered as a necessary part of their deliberations. My practice is not to use individual names unless it relates to a substantial argument about political structure—actually, no participant has raised names in their interview in any other context.

However, if any participants do wish me to use de-identification for prominent individuals (as one has done already at the interview stage), I will be happy to use descriptions in square brackets, for example [A prominent CAR member] or [a past ATSIC official], or other suggestions to be supplied by the participant, with accompanying de-gendered pronouns ("s/he" or "his/er"). This option would not detract in any way from the arguments I am making in the thesis.

Appendix 6d: Appendices for final consent letters

Appendix 1

Synopsis of Thesis

As part of the policy processes employed for the policy of reconciliation (1991-2000), community accountability in producing public policy products such as the "Documents of Reconciliation" was conceived in terms of temporary policy communities. These communities were constructed through a series of consultative meetings with Indigenous and non-Indigenous groups across the nation. In this study, interviews with people carrying significant responsibilities within a diverse range of Indigenous local and discursive communities have shown that these temporary policy communities and other reconciliation policy processes were not accountable to Indigenous communities. Hence, the policy lacked accountability to diverse Indigenous community governances. These informal, lived governances are emergent and dynamic rather than legalistic or policy-driven models. Highly consistent interview data suggests that this lack of accountability focussed a coherent body of dissent against the reconciliation policy.

Through interviews with a second group of people, reconciliation policy agents, this study also investigates the limitations placed upon Indigenous and non-indigenous advocates of Indigenous rights who engaged the policy formally. The *real politik* strategy of utilising opportunities afforded by governments to make achievable gains within imposed structural boundaries has been an essential approach with success across various policy settings. These policy frameworks have not included the prospect of structural change.

This study employs the analytical tool of geographical scale to investigate the mechanisms by which Indigenous governances face erasure with policy settings like reconciliation. The study concludes that a central plank in any policy aimed at promoting Indigenous self-determination needs to be accountability to Indigenous communities. However, accountability cannot be constructed by top-down policy instruments, which lack the structural capacity or authority to account to community governances. In this study, extensive commentaries from interview material are integrated with scale theorisation in reflecting community conceptions that robust accountability is constructed as part of a bottom-up approach whereby communities are able to construct self-authored representational modes and structures that arise directly from community governances. Published studies show that such structures can and have been self-scaled across diverse communities to regional levels. Further potential in extending that scaling to state and national levels has so far been hampered by top-down policy approaches, such as reconciliation policy, which construct absences of governance to be filled with formal conceptions of governances, thereby erasing the scaling potential of existing community governances.

Appendix 2

Chapter Headings

(Foundational)

1. **Introduction**
2. **Methodology**
3. **Literature Review**
4. **Theory**
5. **Policy History**

(Empirical Section)

6. **Constructions of Scale**
7. **Scaled Policy Mechanisms and the Erasure of Indigenous Scales of Governance**
8. **The View from the Top**

(Concluding Section)

9. **Conclusion**

Appendix 7: Response rates and participant numbers

Total approached – 110

No reply, declined or could not follow up on initial agreement – 57

Total interviewed – 53

Total eliminated - 24

Final number of Participants – 29

Classes of Participants:

Class 1 – 17

Class 2 – 12

Appendix 8: Coding symbols, all interviewees

A – Arts/ media (published/produced, Indigenous issues)

A'R p – ANTaR senior officer

A'R m – ANTaR member

As – Academic studies

Aw – Academic worker

B – Business sector promoting Aboriginal employment

C. – CAR member

Ce – Community educator in Indigenous issues (racism awareness, cultural trainer, history/ culture educator)

CPS – Commonwealth Public Service (relating to Indigenous issues)

E – NSW Department of Education (relating to Indigenous issues)

IPjG – Indigenous community liaison officer/ project management in government department

IPjI – Indigenous community project management, independent

ISPr – Indigenous social justice organisation principle (other than Tent Embassy)

L – Local Council Mayor/ councillor/ local council liaison officer

LAC – Local Aboriginal Corporation principle/worker

L'C – Local Aboriginal Land Council Chair principle

L'G – Local Reconciliation Group member/ officer

OSPr – Other Social Justice organisation principle (excludes ANTaR & Tent Embassy)

OSm – Other Social Justice organisation member (as above)

P. – Politician (Labor, Liberal, Democrat)

(r) – Rural/ regional location

T – Tent Embassy activist

Appendix 9: Class 1 Participants' codes and interview details

Name	Code	Country[167]	Residence at interview time	Date, location of interview	Duration of interview (mins) [168]	Length of transcript (pages)[169]
Buzzacott, Kevin	T/ Ce/ IPjI (r)	Arabanna (South Australia)	Tent Embassy, Canberra	13/03/02 Canberra	55	13
Eatock, Greg	A/ T	Kiri (Queensland)	Tent Embassy, Canberra	12/03/02 Canberra	45	10
Edwards, Frank	ISPr/ CPS/ Ce/ As	Kamilaroi	Sydney (western)	25/09/02 (both) Moree	No. 1 - 45 No. 2 - 45 Total - 90	No. 1 – 13 No. 2 – 13 Total – 26
French, Daryl	Aw/ E/ Ce	Kamilaroi	Sydney & Moree	14/10/01 Sydney	110	16
French, Tom	L'C/ Ce (r)	Kamilaroi	Moree	No. 1 - 22/08/02 No. 2 - 10/09/02 Moree	No. 1 – 20 No. 2 – 65 Total – 85	No. 1 – 7 No. 2 – 19 Total – 26
Gibson, Jack	LAC/ Aw	Wiradjuri/Ngunnawal	Sydney (western)	03/10/01 Sydney	30	8

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[167] As discussed by one participant, the assumption that all Indigenous people should have country allegiances is inappropriate; like other identity discourses, it can resonate as an objectifying and essentialising process.

[168] Approximate to the nearest 5 minutes.

[169] Interview transcripts have different font sizes.

Appendix 9: Class 1 participants' codes and interview details, continued

Name	Code	Country	Residence at interview time	Date, location of interview	Duration of interview (mins)	Length of transcript (pages)
Reed-Gilbert, Kerry	Ce/ IPjI/ A	Wiradjiri	Canberra	13/01/02 Sydney	120	30
Heiss, Anita	CPS/ Ce/ A/ Aw	Wiradjiri	Sydney	17/09/02 Sydney	45	20
Jackson, Ray	ISPr/ Ce/ A	Wiradjiri	Sydney	05/10/01 Sydney	150	36
Katona, Jacqui	ISPr/ Ce/ As	Djok clan, (Mirrar nation, N. T)	NSW north coast	10/10/01 Sydney	60	20
Anonymous	LAC/ IPjI	Darug	Sydney (western)	03/10/01 Sydney	45	10
Mundine, Kay	LAC/ Ce (r)	Tharawal	Wollongong	09/10/01 Wollongong	210	51

Appendix 9: Class 1 participants' codes and interview details, continued

Name	Code	Country	Residence at interview time	Date, location of interview	Duration of interview (mins)	Length of transcript (pages)
Nicholson, Barbara	ISPr/ Ce/ A/ Aw (r)	Wadi Wadi	Wollongong	09/10/01 Wollongong	70	16
Pattison, Carolyn	ISPr/ IPjG/ Ce/ As	Wiradjuri	Sydney/ rural NSW	08/11/01 Sydney	60	7
Simms, Sonny	L'C/ Ce/ ISPr/ IPjI (r)	Gorriwal (Yuin nation, south coast, NSW)	Nowra	25/10/02 Nowra	80	28
Widders, Terry	IPjI/ Aw	Kamilaroi	Sydney	13/02/02 Sydney	120	27
O'Brien, Peter	A'Rp/ Ce	Non-indigenous	Sydney	14/02/02 Sydney	90	18

Appendix 10: Class 2 Participants' interview details

Name/ code	Politician/ CAR member	Date, location of interview	Duration of interview (mins)[170]	Length of transcript. (pages)[171]
Ridgeway (P.A)	Federal Politician	14/03/02 Canberra	50	16
P.B	Federal Politician	31/01/02 Sydney	105	26
P.C	Federal Politician	04/03/02 Sydney (Mascot airport)	60	27
P.D	Federal Politician	14/03/02 Canberra	30	9
P.E	Federal Politician	09/04/02 'phone	30	13
P.F	Federal Politician	28/02/02 Sydney	50	18

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[170] Approximate to the nearest 5 minutes
[171] Interview transcripts have different font sizes.

Appendix 10: Class 2 participants' interview details, continued

Name	Position	Date, location of interview	Duration of interview (mins)	Length of transcript. (pages)
P.G	CAR member	20/03/02 Canberra	20	5
C.A	CAR associate	11/02/02 Sydney	25	10
C.B	CAR member	01/11/02 Sydney (Mascot airport)	30	10
C.C	CAR member	07/05/02 Sydney	115	44
C.D	CAR member	08/08/02 Melbourne	70	20
C.E	CAR member	04/02/02 Sydney	Interview was not recorded properly	2 (interview record from memory)

Appendix 11: Interviewees eliminated from the study (24)

Local Reconciliation Group (9)
- officers (7)
- members (2)

A'R/ L'G (r)
A'R/ L'G (r)
Aw/ L'G
OSPr/ L'G (r)
OSm/ L'G/ A'R m
OSm/ L'G
OSm/ L'G
OSm/ L'G
OSm/ L'G (r)

Member/ senior officer of other non-Indigenous social justice group (7)

A'R m/ Aw
OSPr
OSm /C (r)
OSm
OSm
OSm
OSm

Prominent Indigenous community member (3)

A
L (r)
L (r)

CAR member, non-indigenous (1)

C'R (r)

Business sector (Aboriginal Employment) (2)

B (r)
B (r)

Local Council Mayor/ Councillor/ local council liaison (4 including 2 repeat categories)

L (r)
L (r)
L (r)   (repeat from Prom. Ind. Com. m)
L (r)   (repeat from Prom. Ind. Com. m)

Appendix 12: no reply, declined or could not follow up initial agreement (57)

Prominent Indigenous community members   11

CAR, Indigenous members 10

Other high profile Indigenous figures 4

CAR, non-Indigenous 3

Prime Ministers/ other politicians 6

ANTaR senior officers 4

Other social justice organisation members 2

Local Council Mayor 1

LRG Officers 16

Total 57

Appendix 13: CAR terms and complete list of CAR members by sector[172]

CAR terms

Term 1: December 1991 to December 1994
Term 2: January 1995 to December 1997
Term 3: January 1997 to 31 December 2000

CAR members by sector

Indigenous community members

Mr Patrick Dodson: Chairperson of the CAR Dec. 1991- Dec. 1997

A member of the Yawuru people of the Kimberley, Western Australia, his wide experience includes work with the Central Land Council, the Aboriginal Development Commission and the Kimberley Land Council. He was a commissioner with the Royal Commissioner into Aboriginal Deaths in Custody.

Dr Evelyn Scott: Chairperson of the CAR Dec. 1997 – Dec. 2000

Dr Scott played an instrumental role in the establishment of Aboriginal legal services and housing societies. She received the Queen's Jubilee Medal for her contribution to the advancement of Aboriginal and Torres Strait Islander peoples and was awarded her honorary doctorate from the Catholic University in April 2000 for her work for social justice, women's rights and reconciliation.

Dr Archie Barton AM: CAR member Dec. 1991 – Dec. 2000

A descendant of the people of the Great Victorian Desert, he was administrator of the Maralinga Tjarutja and Chairman of the Maralinga Piling Trust; and is still involved in the clean-up after atomic testing on Indigenous lands. Dr Barton was South Australian Aboriginal of the Year, 1988, was made a Member of the Order of Australia in 1989 and was awarded his honorary doctorate from the University of Adelaide in May 1996.

Mr Sol Bellear: CAR member Mar. 1991 – Feb. 1994

A member of the Redfern community, he was Deputy Chairperson of ATSIC. Mr Bellear is Chairperson of the Council for Aboriginal Health and Director of the Redfern Aboriginal Health Service.

Mr Kerry Blackman: CAR member Dec. 1997 – Dec. 2000

He was a former ATSIC commissioner. Mr Blackman is Principle Director/ Consultant of Indigenous Marketing Pty Ltd.

Ms Linda Burney: CAR member Jan. 1995 – Dec. 1997

Ms Burney is member of the Wiradjuri nation of Western NSW and was the first Aboriginal person graduating with a Diploma of Teaching from Mitchell College of Advanced Education. She is Director General of the NSW Department of Aboriginal Affairs, an ATSIC Regional Councillor and interim chair of the Aboriginal and Torres Strait Islander National Training Council.

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[172] Except where explained with footnotes, all information is taken from *Reconciliation: Australia's Challenge*. Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament. CAR (2000), pp. 181-193. All information is at December 2000.

Mrs Sadie Canning MBE: CAR member Dec. 1997 – Dec. 2000

Brought up at Mount Margaret Mission in Western Australia, she was the first Aboriginal nurse and Aboriginal matron appointed in that state. Mrs Canning received her MBE and also the Queen's Jubilee Medal for her contribution to the health needs of the Leonora community and surrounding communities.

Mr Geoff Clarke: CAR member Dec. 1999 –[173]

From the Tjapwuurong tribe of western Victoria, Mr Clarke was the first elected chairperson of ATSIC and received a second term as the ATSIC Commissioner for Victoria. As a Framlingham Aboriginal community member, he was Administrator of the Framlingham Trust for 17 years prior to his election in 1996.

The Late Mrs Essieina Coffey OAM: CAR member Dec. 1991 – Mar. 1994[174]

Mrs Coffey was a member of the Muruwari tribe. She was a founding member of the Aboriginal Movement in Brewarrina and the Western Aboriginal Legal Service, and was a co-founder of the Aboriginal Heritage and Cultural Museum at Brewarrina.

The Late Mr Gatjil Djerrkura OAM: CAR member Dec. 1996 – Dec. 1999[175]

Born in Yirrkala (East Arnhem Land), he is a senior traditional elder of the Wangurri clan. He was a Chairperson of ATSIC and was General Manager of Yirrkala Business Enterprises and Chairman of the Aboriginal and Torres Strait Islander Commercial Development Corporation until 1996 and serves on a number of other Northern Territory boards and committees.

Ms Karmi Dunn: CAR member Dec. 1997 – Dec. 2000

A former Chairperson of the ATSIC Yilli Rreung Regional Council and former Deputy Chair of the Indigenous Housing Authority of the Northern Territory, she is the Chairperson of the Northern Territory Consultative Committee with the Northern Territory Department of Education Indigenous Education Branch.

The Late[176] Rev Dr Djiniyini Gondarra OAM: CAR member Dec. 1997 – Dec. 2000

Having had a long career in the Methodist and Uniting Churches, he was ordained in 1976 and awarded the Order of Australia Medal in 1985. He is Chairperson of the Uniting Aboriginal and Islander Christian Congress.

Dr Sally Goold OAM: CAR member Dec. 1997 – Dec. 2000

A registered nurse, Mrs Goold is the Chairperson of the Congress of Aboriginal and Torres Strait Islander Nurses and was on the advisory committee boards of three university schools of nursing. Mrs Goold was also a Member of the Sylvia and Charles Viertel Charitable Foundation, Aboriginal Initiative Committee and Commissioner of the Queensland Criminal Justice Commission.

Ms Mary Graham: CAR member Dec. 1991 – Dec. 1994

Ms Graham teaches in the tertiary education sector, lecturing on Aboriginal perspectives on knowledge systems and politics. She also researches and writes on aspects of Aboriginal culture, history and human rights, and has advised on these matters as a board member of various organisations.

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[173] As per CAR (2000).
[174] Mrs Coffey died in 1998.
[175] Mr Djerrkura died in 2004
[176] Dr Gondarra died in 2006.

Pastor Bill Hollingsworth: CAR member Dec. 1991 – Dec. 1994

Born at Mossman, Queensland, Pastor Hollingsworth is a former member of the NAC and ATSIC Regional Council. He was a foundation member of Yalga Binbi Community Development Institute and is National Chairperson of UAICC Council of Elders.

Ms Jackie Huggins: CAR member Jan. 1995 – Dec. 2000

A nationally recognised author, historian and speaker, Ms Huggins is Deputy Director of the Aboriginal and Torres Strait Islander Unit at the University of Queensland. She is on the Council of the Australian Institute of Aboriginal and Torres Strait Islander Studies and was the Queensland co-commissioner for the Enquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

Ms Julie Jones: CAR member Jan. 1995 – August 1996

Ms Jones is a descendant of the Watjarri people of the Murchison area of Western Australia and has been active in land, medical, planning, prison and sporting community bodies. She is policy officer in the Land Section of the WA Department of Aboriginal Affairs.

Professor Marcia Langton AM: CAR member Jan. 1995 – Dec. 1997

Professor Langton is Chair of Australian Indigenous Studies in the Department of Geography and Environment Studies at the University of Melbourne. She founded the Centre for Indigenous Natural and Cultural Resource Management at the Northern Territory University. She was also Chairperson of the Australian Institute of Aboriginal and Torres Strait Islander Studies 1996-1998 and has been appointed General Member of the Order of Australia for her services to anthropology and advocacy of Aboriginal rights.

Ms Rose Murray: CAR member Dec. 1997 – Dec. 2000

Ms Rose has been a community education worker on domestic violence and a lecturer with the Aboriginal Health Unit Centre for Aboriginal Studies at Curtin University. She is currently working with Pilbara Arts and Designs Aboriginal Corporation and Ngalikuru Ngukumarnta Aboriginal Corporation.

Mrs May L. O'Brien BEM: CAR member Dec. 1997 – Dec. 2000

Mrs O'Brien is Chair of the Aboriginal Education and Training Council. She received the British Empire Medal for services to Aboriginal education and is on the Board of Directors for World Vision Australia.

Professor Lowitja O'Donoghue AC, CBE: CAR member Dec. 1991 – Dec. 1996

A member of the Yankuntjatjara people of South Australia, Professor O'Donoghue was Foundation Chairperson of ATSIC. She is Joint Patron for the National Sorry Day Committee. She holds an honorary doctorate from Murdoch University and is currently a Visiting Professorial Fellow at Flinders University. She was made Australian of the Year in 1984

The Late Kumantjayi (Dr Charles Nelson) Perkins AO: CAR member 1994 – Dec. 1996

Kumantjayi Perkins was Deputy Chairperson of ATSIC concurrent with his CAR membership. He was ATSIC Commissioner for Sydney zone and prior to that, the Northern Territory Central zone. He also served as Chairperson of the Arrernte Council of Central Australia. In 1965 he led the famous Freedom Ride, highlighting discrimination and segregation in NSW country towns. Kumantjayi Perkins was Chairperson of the Aboriginal Development Commission 1981-84 and Head of the

Department of Aboriginal Affairs 1984-88. He died on 18 October 2000 and was honoured with a State Funeral on 25 October.

Mr Ray Robinson: CAR member Dec. 1995 – Dec. 2000

Mr Robinson was the Deputy Chairperson of ATSIC and President of the National Aboriginal and Islander Legal Service Secretariat. He was a member of the NAC and the Aboriginal Housing Land Co. Ltd, Chairman of the Goolburri Land Council Representative Body, and Chairman of the Bidjara and South West Corporation for Legal Services.

The Late[177] Wenten Rubuntja: CAR member Dec. 1991 – Dec. 1997

Mr Rubuntja was a renowned artist and a senior law man of the Arrernte people of Mparntwe in the Northern Territory. He was Vice President of the Tangentyere Council in Alice Springs and President of the Tangentyere Four Corners Council of Elders. He was also worked to promote recognition of Aboriginal law and culture through the Central Land Council, the Aboriginal Areas Protection Authority and the Conservation Commission.

Ms Esme Saunders: CAR member Dec. 1991 – Dec. 1994

Ms Saunders is a Yorta Yorta woman from Victoria. Having worked in various areas of Aboriginal affairs in Victorian areas for over twenty years, she is Research Manger at the Institute of Koorie Education, Deakin University, Geelong and is involved in ministry in Barak Outreach.

Mrs Alma Stackhouse OAM: CAR member Dec. 1991 – Dec. 2000

Mrs Stackhouse was a founding member of the Flinders Island Aboriginal Community Association and has worked for Aboriginal people at state and national levels since 1974. In 1989 she was named Tasmanian Aboriginal of the Year and awarded the Medal of the Order of Australia.

Ms Marjorie Thorpe: CAR member Jan. 1995 – Dec. 2000

Ms Thorpe is a member of the Gunnai and Maar nations of Southern Victoria.

Senator Aden Ridgeway[178]: CAR member Feb. 1999 – Dec. 2000

Mr Ridgeway is a Gumbayyngirr person from Macksville, NSW. Before serving as a federal senator for NSW, he served a five-year term as President of the NSW Aboriginal Land Council. He was also a member of the Sydney Regional ATSIC, Chairperson of the Aboriginal Catholic Council of the Sydney Diocese and is Chairperson of the Bangarra Dance Company.

Mr Gus Williams OAM: CAR member Jan – May 995

Mr Williams is a western Arrernte man from Ntaria (Hermannsburg) community, Northern Territory. He is President and administrator of the Ntaria Council and has served on several other Aboriginal organisations. He was awarded the Medal of the Order of Australia in 1983 for his services to country music and Aboriginal people.

Mr Galarrwuy Yunnupingu AM: CAR member Dec. 1991 – Aug. 1996

Mr Yunnupingu is an elder of the Gumatj clan of Yirrkala on the Gove Peninsula. He is Chairperson of the Northern Lands Council and serves on many government and community committees and industry boards. In 1978 he was honoured as Australian of the Year and in 1985 was made a Member of the Order of Australia for his services to the Aboriginal community.

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[177] Mr Rubuntja died in 2006.
[178] Mr Ridgeway was not re-elected in the 2004 federal election.

Torres Strait Islander community members

Mr John Abednego: CAR member Dec. 1997 – Dec. 2000

Mr Abednego was the Chairperson of the Torres Strait Regional Authority and has worked with the Torres Straight Legal Service and many local community organisations.

Mr Bill Lowah: CAR member Dec. 1991 – Dec. 2000

Mr Lowah is from Thursday Island and has long worked in health and education for Aboriginal and Torres Strait Islander peoples. He is currently Promotions Manager at the Centre for Indigenous Health, Education and Research, Brisbane.

Pastor Alan Mosby: CAR member Dec. 19991 – Dec. 1994

Pastor Mosby is from Thursday Island. He works at Buai Torres Strait Islander Corporation, counselling alcoholics and drug users and developing cultural, recreational and social programs.

Councillor Pedro Stephen: CAR member Jan. 1995 – Dec. 1997

Councillor Stephen is from Thursday Island. He is the first Indigenous Mayor of the Torres Shire and is a Senior Inspector with the Australian Quarantine Inspection Service. As a maritime engineer, he spent 10 years with the Royal Australian Navy until his return to Thursday Island in 1982.

Non-indigenous members of the CAR

Deputy Chairpersons of the CAR
Sir Ronald Wilson, AC KBE CMG
The Hon. Ian Viner AO QC
Sir Gustav Nossal AC CBE

Politicians
Senator Cheryl Kernot (Dem): CAR member Dec. 1991 – Dec. 1997
Senator John Woodley (Dem): CAR member Oct. 1997 – Feb. 1999
Daryl Melham, MP (Lab): CAR member Mar. 1996 – Dec. 2000
Peter Nugent, MP (Lab): CAR member Dec. 1991 – Dec. 1997
Senator Professor Margaret Reynolds (Lab): CAR member Dec. 1991 – Mar. 1996
The Hon. Helen Sham-Ho MLC (Lab): CAR member Dec. 1991 – Dec. 2000
The Hon. Dr Sharman Stone MP (Lib): CAR member Dec. 1997 – Dec. 2000

Unions
Ms Jennie George: CAR member Dec. 1991 – Dec. 1997

Pastoral industry
Mr Rick Farley: CAR member Dec. 1991 – Dec. 1997
Ms Jenny Mitchell OAM: CAR member Dec. 1997 – Dec. 2000

Mining industry
Mr Robert Champion de Crespigny: CAR member Dec. 1991 – Dec. 2000

Entertainment and Media
Mr Ted Egan: CAR member Dec. 1991 – Dec. 1994
Mr Ray Martin: CAR member Dec. 1991 – Dec. 2000

Law
Mr Ian Gray: CAR member Jan. 1995 – Dec. 1997

Community Services
Mrs Dimity Fifer: CAR member Dec. 1997 – Dec. 2000

Commerce and Industry
Mr Ian Spicer: CAR member Dec. 1991 – Dec. 2000

Appendix 14: Redfern Park Speech,

The Honourable Prime Minister, Paul Keating MP

At the Australian Launch of the United Nations International Year for the World's Indigenous People, on International Human Rights Day.
Redfern, New South Wales, 10 December 1992

Ladies and Gentlemen,

I am very pleased to be here today at the launch of Australia's celebration of the 1993 International Year of the World's Indigenous People. It will be a year of great significance for Australia.

It comes at a time when we have committed ourselves to succeeding in the test which so far we have always failed.

Because, in truth, we cannot confidently say that we have succeeded as we would like to have succeeded if we have not managed to extend opportunity and care, dignity and hope to the Indigenous people of Australia – the Aboriginal and Torres Strait Island people.

This is a fundamental test of our social goals and our national will: our ability to say

to ourselves and the rest of the world that Australia is a first rate social democracy, that we are what we should be – truly the land of the fair go and the better chance.

There is no more basic test of how seriously we mean these things. It is a test of our self-knowledge.

Of how well we know the land we live in. How well we know our history. How well we recognise the fact that, complex as our contemporary identity is, it cannot be separated from Aboriginal Australia.

How well we know what Aboriginal Australians know about Australia.

Redfern is a good place to contemplate these things.

Just a mile or two from the place where the first European settlers landed, in too many ways it tells us that their failure to bring much more than devastation and demoralisation to Aboriginal Australia continues to be our failure.

More I think than most Australians recognise, the plight of Aboriginal Australians affects us all.

In Redfern it might be tempting to think that the reality Aboriginal Australians face is somehow contained here, and that the rest of us are insulated from it. But of course, while all the dilemmas may exist here, they are far from contained. We know the same dilemmas and more are faced all over Australia.

That is perhaps the point of this Year of the World's Indigenous People: to bring the dispossessed out of the shadows, to recognise that they are part of us, and that we cannot give Indigenous Australians up without giving up many of our own most deeply held values, much of our own identity – and our own humanity.

Nowhere in the world, I would venture, is the message more stark than it is in Australia.

We simply cannot sweep injustice aside. Even if our own conscience allowed us to, I am sure that in due course the world and the people of our region would not. There should be no mistake about this – our success in resolving these issues will have significant bearing on our standing in the world.

However intractable the problems seem, we cannot resign ourselves to failure – any more than we can hide behind the contemporary version of Social Darwinism which says that to reach back for the poor and dispossessed is to risk being dragged down.

That seems to me not only morally indefensible, but bad history.

We non-Aboriginal Australians should perhaps remind ourselves that Australia once reached out for us. Didn't Australia provide opportunity and care for the dispossessed Irish? The poor of Britain? The refugees from war and famine and persecution in the countries of Europe and Asia?

Isn't it reasonable to say that if we can build a prosperous and remarkably harmonious multicultural society in Australia, surely we can find just solutions to the problems which beset the first Australians – the people to whom the most injustice has been done.

And, as I say, the starting point might be to recognise that the problem starts with us non-Aboriginal Australians.

It begins, I think, with that act of recognition.

Recognition that it was we who did the dispossessing.

We took the traditional lands and smashed the traditional way of life.

We brought the diseases. The alcohol.

We committed the murders.

We took the children from their mothers.

We practised discrimination and exclusion.

It was our ignorance and our prejudice.

And our failure to imagine these things being done to us.

With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds. We failed to ask – how would I feel if this were done to me?

As a consequence, we failed to see that what we were doing degraded all of us.

If we needed a reminder of this, we received it this year. The report of the Royal Commission into Aboriginal Deaths in Custody showed with devastating clarity that the past lives on in inequality, racism and injustice. In the prejudice and ignorance of non-Aboriginal Australians, and in the demoralisation and desperation, the fractured identity, of so many Aborigines and Torres Strait Islanders.

For all this, I do not believe that the Report should fill us with guilt. Down the years, there has been no shortage of guilt, but it has not produced the responses we need.

Guilt is not a very constructive emotion.

I think what we need to do is open our hearts a bit.

All of us.

Perhaps when we recognise what we have in common we will see the things which must be done – the practical things.

There is something of this in the creation of the Council for Aboriginal Reconciliation. The Council's mission is to forge a new partnership built on justice and equity and an appreciation of the heritage of Australia's Indigenous people.

In the abstract those terms are meaningless. We have to give meaning to 'justice' and 'equity' – and, as I have said several times this year, we will only give them meaning when we commit ourselves to achieving concrete results.

If we improve the living conditions in one town, they will improve in another. And another.

If we raise the standard of health by twenty per cent one year, it will be raised more the next.

If we open one door others will follow.

When we see improvement, when we see more dignity, more confidence, more happiness – we will know we are going to win. We need these practical building blocks of change.

The *Mabo* Judgment should be seen as one of these. By doing away with the bizarre concept that this continent had no owners prior to the settlement of Europeans, *Mabo* establishes a fundamental truth and lays the basis for justice.

It will be much easier to work from that basis than has ever been the case in the past.

For that reason alone we should ignore the isolated outbreaks of hysteria and hostility of the past few months.

Mabo is an historic decision – we can make it an historic *turning point*, the basis of a new relationship between Indigenous and non-Aboriginal Australians. The message should be that there is nothing to fear or to lose in the recognition of historical truth, or the extension of social justice, or the deepening of Australian social democracy to include Indigenous Australians.

There is everything to gain. Even the unhappy past speaks for this.

Where Aboriginal Australians have been included in the life of Australia they have made remarkable contributions.

Economic contributions, particularly in the pastoral and agricultural industry.

They are there in the frontier and exploration history of Australia.

They are there in the wars.

In sport to an extraordinary degree.

In literature and art and music.

In all these things they have shaped our knowledge of this continent and of ourselves.

They have shaped our identity.

They are there in the Australian legend.

We should never forget – they have helped build this nation.

And if we have a sense of justice, as well as common sense, we *will* forge a new partnership.

As I said, it might help us if we non-Aboriginal Australians imagined ourselves dispossessed of the land we had lived on for fifty thousand years – and then imagined ourselves told that it had never been ours.

Imagine if ours was the oldest culture in the world and we were told that it was worthless.

Imagine if we had resisted this settlement, suffered and died in the defence of our land, and then we were told in history books that we had given up without a fight.

Imagine if non-Aboriginal Australians had served their country in peace and war and were then ignored in history books.

Imagine if our feats on sporting fields had inspired admiration and patriotism and yet did nothing to diminish prejudice.

Imagine if our spiritual life was denied and ridiculed.

Imagine if we had suffered the injustice and then were blamed for it.

It seems to me that if we can imagine the injustice we can imagine its opposite.

And we can *have* justice.

I say that for two reasons.

I say it because I believe that the great things about Australian social democracy reflect a fundamental belief in justice.

And I say it because in so many other areas we have proved our capacity over the years to go on extending the realms of participation, opportunity and care.

Just as Australians living in the relatively narrow and insular Australia of the 1960s imagined a culturally diverse, worldly and open Australia, and in a generation turned the idea into reality, so we can turn the goals of reconciliation into reality.

There are very good signs that the process has begun. The creation of the Reconciliation Council is evidence itself. The establishment of the ATSIC – the Aboriginal and Torres Strait Islander Commission – is also evidence.

The Council is the product of imagination and good will. ATSIC emerges from the vision of Indigenous self-determination and self-management. The vision has already become the reality of almost 800 elected Aboriginal Regional Councillors and Commissioners determining priorities and developing their own programs.

All over Australia, Aboriginal and Torres Strait Islander communities are taking charge of their own lives. And assistance with the problems which chronically beset them is at last being made available in ways developed by the communities themselves.

If these things offer hope, so does the fact that this generation of Australians is better informed about Aboriginal culture and achievement, and about the injustice that has been done, than any generation before.

We are beginning to more generally appreciate the depth and the diversity of Aboriginal and Torres Strait Islander cultures.

From their music and art and dance we are beginning to recognise how much richer our national life and identity will be for the participation of Aboriginals and Torres Strait Islanders.

We are beginning to learn what the Indigenous people have known for many thousands of years – how to live with our physical environment.

Ever so gradually we are learning how to see Australia through Aboriginal eyes, beginning to recognise the wisdom contained in their epic story.

I think we are beginning to see how much we owe the Indigenous Australians and how much we have lost by living so apart.

I said we non-Indigenous Australians should try to imagine the Aboriginal view.

It can't be too hard. Someone imagined this event today, and it is now a marvellous reality and a great reason for hope.

There is one thing today we *cannot* imagine.

We cannot imagine that the descendants of people whose genius and resilience maintained a culture here through fifty thousand years or more, through cataclysmic changes to the climate and environment, and who then survived two centuries of dispossession and abuse, will be denied their place in the modern Australian nation.

We cannot imagine that. We cannot imagine that we will fail.

And with the spirit that is here today I am confident that we won't.

I am confident that we will succeed in this decade.

Thank you.

Appendix 15: Eva Valley Statement

1. Aboriginal and Torres Strait Islander people held their first national meeting at Eva Valley in the Northern Territory, 3–5 August 1993, to formulate a response to the High Court decision on native title. It was resolved to present the Eva Valley Statement to the Prime Minister.

2. There is an urgent need for this Statement which follows to be considered by all Aboriginal and Torres Strait Islander people. We reject the Commonwealth Government's position on the proposed legislation. We want legislation based on native title to advance Aboriginal rights to land. The Federal Government proposal does not. The government must only move on this issue with the support of Aboriginal and Torres Strait Islander people. The development of any legislation regarding the Commonwealth Government's response to the High Court's decision on native title will need the full and free participation and consent of those peoples concerned.

3. We want the Commonwealth Government to take full control of native title issues to the exclusion of the States and Territories. We want a national standard for our people, not numerous different standards.

4. We demand that:

    4.1 The Commonwealth honour its obligations under international human rights instruments and international law.

    4.2 The Commonwealth agree to a negotiating process to achieve a lasting settlement with and for the benefit of all Aboriginal and Torres Strait Islander people. Since time immemorial we have owned, occupied, used and enjoyed this continent and its islands in accordance with our laws and customs, to the exclusion of the whole world. Since the arrival of non-indigenous people, our political and territorial integrity has been violated and that violation continues. This settlement process must recognise and address these historical truths. It must also redress the impact of our dispossession, marginalisation, destabilisation and disadvantage, including financial and material recompense.

    4.3 The Commonwealth take action in response to the High Court's decision on native title in accordance with the following principles:

        4.3.1 The recognition and protection of Aboriginal and Torres Strait Islander rights.

        4.3.2 The Commonwealth Government acknowledge that Aboriginal and Torres Strait Islander land title cannot be extinguished by grants of any interest.

        4.3.3 No grant of any interest on Aboriginal and Torres Strait Islander title can be made without the informed consent of all relevant title holders.

        4.3.4 Commonwealth declaration of Aboriginal and Torres Strait Islander title in reserves and other defined land.

        4.3.5 Total security for sacred sites and heritage areas which provides for Aboriginal and Torres Strait Islander people's absolute authority.

5. The Aboriginal and Torres Strait Islander people have nominated a representative body to put forward their position in these matters, including the necessity to consult and negotiate with Aboriginal and Torres Strait Islander people about these principles.

6. To ensure there is equity in and ownership of the negotiation process, it is essential that this body be provided with the resources to carry out the wishes of Aboriginal and Torres Strait Islander people.
7. We call upon the Commonwealth Government to acknowledge what the High Court has stated concerning the way in which Aboriginal and Torres Strait Islander people have become dispossessed and disadvantaged.
8. The resources to enable full and informed negotiations with Aboriginal and Torres Strait Islander people should be over and above, and distinct from, the limited resources presently provided to address the gross disadvantage which arises from our dispossession.

PROCEDURAL DECISIONS AT EVA VALLEY

The following courses of action were resolved at the end of the Eva Valley meeting:
1. To reject the legislation at present proposed by the Commonwealth.
2. To issue:
    2.1 a press statement embodying this decision on the grounds that the Commonwealth Government has a duty to protect the Aboriginal rights recognised by the High Court and to restore the rights of which Aborigines have been deprived by their long dispossession (the proposed legislation does neither), and
3. To affirm that:
    3.1 the form of the Eva Valley meeting – a meeting of delegates of legitimate Aboriginal organisations of all kinds, from all parts of Australia – was appropriate for a continuing body to arrange meetings and to manage negotiations with the Commonwealth Government;
    3.2 funding should be arranged to finance two such meetings, even more widely representative, to be held in the months following August, to continue the debate among Aboriginal

people and to arrange negotiations with the Commonwealth; and

3.3 delegates should report to their organisations and be account-able to them throughout the meetings.

4. To nominate at least two delegates from each of the various regions represented at Eva Valley as a provisional management team to organise subsequent meetings and negotiations arising from them.

5. To have arranged funding paid to the Coalition of Aboriginal Organisations as a trust fund to be administered by it for the purposes of the provisional management team in the conduct of the proposed meeting.

6. To exclude from the summary statement (see above) reference to issues on which significant differences existed in the Eva Valley debate, but to instruct the provisional management team that these issues should be high on the agenda for the next meeting and that information and discussion papers should be prepared about them, to enable groups to consider them and if they wish, to instruct their delegates.

Eva Valley, 5 August 1993