

Land Rights, the Northern Territory and “development” into the 21st Century.

Galarwuy Yunupingu AM
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Delivered by Norman Fry, Chief Executive, Northern Land Council

As is customary, I would like to acknowledge the traditional owners of the country where the University is located, the Larrakia people, and thank them for allowing me to visit their country.

The Larrakia people provide us with a valuable lesson. They have withstood the most comprehensive impact of colonisation anywhere in the Territory and have not lost their connection to their country. In 2000, more than two decades after lodgement in 1978 but after a number of major Federal and High Court cases, they won their land claim on the Cox Peninsula, and due to the pursuit of native title are major residential land developers in the Palmerston region. This is a dramatic example not only of survival but also of how quickly the course of history can change.

The most significant feature underpinning their remarkable story is the Larrakia people’s unswerving refusal to give up on their connection to country; to persist in asserting that above all else that they have a special ownership of their country.

The Larrakia story is therefore one of great hope. It is a combination of this hope, and my knowledge of the progress being made in developing a sustainable relationship between Aboriginal and non-Aboriginal Territorians, that brings me here today.

It is of particular importance to reflect on the Larrakia – the often unseen nation on which the rest of Darwin’s history now sits – here at the newly named Charles Darwin University.

As I have made clear to the Northern Territory Government, I am disappointed by the new name. The renaming of the University was an opportunity for the Northern Territory to embrace its unique position as the capital of Aboriginal Australia, and to celebrate the fact that here in the Territory we have many Aboriginal nations co-existing with white Australia.

I feel deeply that this is a huge lost opportunity to honour the reality of the Territory's Aboriginal base.

This university should have an Aboriginal name.

I make this comment today because the renaming fiasco reflects the fact that there is still some distance for us to travel before the Territory maturely accepts its own history and nature.

This is relevant to a discussion of sustainable futures in a very direct way. Because a sustainable future can only become a reality when Aboriginal land and people are recognized for the central role we play now and will play in the future.

Nearly all the major developments are on Aboriginal land - the railway, the gas pipelines, the major mines, and this will only increase in the future.

Today I want to throw out some challenges, to get you to think beyond what we know, and open up the space to develop new responses to new opportunities. I want to look a bit further into the future, and imagine a future that to many of you might seem impossible.

The test of the Territory's maturity is how it negotiates to recognise Aboriginal rights, to make us genuine partners in the land, Territory society and ultimately in its constitution.

A truly sustainable economic future is built on sustainable political, legal and constitutional structures that reflect the unique cultural values of Aboriginal and non-Aboriginal Territorians.

I have three examples to illustrate my point.

1. The first is the issue of governance and Aboriginal participation at the highest level of decision-making in the Territory. In particular, how Aboriginal Territorians can secure sustainable economic futures when their institutions are under attack.
2. The second is the need for educational opportunities to build the capacity of Aboriginal people to engage with the future.
3. And the third, linking these two, is the opportunities of negotiations over land, Statehood and Constitutional Development.

Governance and Aboriginal participation in Government and development

I have said previously that we need to develop new governance models which are based on the best of the Aboriginal domain and tools from the non-Aboriginal domain. This hybrid model would include marrying Aboriginal law and tradition with non-Aboriginal ways.

The Territory is the ideal place for new approaches to governance and decision-making, because here we have had the extraordinary benefit of nearly 30 years of recognition of our law. Through the Land Rights Act, Aboriginal law has been part of the fabric of our society since the 1970s, and almost half the Territory is now Aboriginal land. Through that Act, non-Aboriginal Australia has been able to address some of the injustices of the past, and the recognition of Aboriginal law has enabled Aboriginal culture, language and art to flourish. Moreover about 30% of the population is Aboriginal, native title coexists in Alice Springs, and it can be expected that native title will also coexist in other towns, on pastoral leases and offshore.

This means that, in the Territory, Aboriginal people and our traditional land and sea rights are here to stay.

However there are two missing ingredients before Aboriginal people and our rights to land are fully incorporated into a partnership with others in the Territory – a partnership which will enable the Northern Territory and all of its peoples to go forward in a united and prosperous fashion.

As we all well know, despite land rights Aboriginal people remain the poorest of the poor, and countless programs, institutions and government departments have tried and failed to “fix” our problems.

Why do so many Aboriginal people continue to live in poverty? Why are there so many social and economic problems? The answers are not simple, nor will the problems be solved quickly but I believe that there are some useful ways to try again, based on our law and our wishes this time, not yours.

Let me make it clear. I do not believe the answer to the tragic poverty, unemployment and social dysfunction of many Aboriginal communities is to push us into the “mainstream” and abandon our culture and law.

I am a Yolgnu man and I do not want to be other than who I am, and I do not want that for my children, or my fellow Yolgnu people. Western notions of “self respect” and individualism could not fill the gap left if we lost the beauty and brilliance of our Yolgnu identity.

But part of the solution must be building our own leadership and institutions, building our capacity to deal with the complexities of living in two worlds, strengthening and valuing our unique identity, making our own decisions.

And to do that the tools of modern society are essential. That means education – just like the education that I and many Aboriginal people of my generation received through the missions and government bodies. It is education which empowered my generation and enabled us to fight for land rights and to develop Aboriginal art and other industries.

Education means having the tools and ability to make use of our traditional lands in the modern world. That includes entering agreements and partnerships with developers, but also starting our own ventures in partnership with others. These developments of course will benefit all Territorians – but will be on our terms as owners of land.

In so many Aboriginal communities today effective education is close to non-existent. This has been the case since self-government. This is not something which land councils or land rights alone can solve. It is primarily the responsibility of government. What is urgently needed are proactive long term education policies which ensure that the growing population of children on Aboriginal communities are educated.

Education is not question of choice. It is a necessity. Children do not have a choice to avoid school – a creative approach is need to ensure they do go to school. This should be a long term investment for all in the Territory, but it must be on our terms. That means bilingual education because language is part of culture and identity. Ask any Frenchman.

But is also means being proactive and making it work. Education policies must be for the long term. One of the biggest challenges for the Martin Territory Government, and also for the Howard Commonwealth Government and all Territorians, is to work with Aboriginal community leaders to make sure this happens.

Constitutional change and statehood

That brings me to the second missing ingredient. In May this year, the Chief Minister made an unexpected and significant statement on the development of a constitution for a State in the NT. Aboriginal people greeted this announcement with some fear and trepidation.

The rallying cry of “Statehood!” has often been the first sound in a battle waged to defeat our rights.

It is only five years since Aboriginal people and non-Aboriginal people voted to defeat statehood, rejecting Shane Stone’s monocultural constitution which sought to entrench a single party system. To all our credit, that proposal was rejected by Territorians. The Aboriginal vote was overwhelmingly against it.

Has anything changed? It is hard to say yet.

Much more is needed before Aboriginal Territorians can vote to support statehood. Most crucially, the process of the development of a constitution (which may or may not lead to full statehood) must be undertaken in an inclusive and collaborative way. In October last year the Chief Minister announced a new approach to national parks which will include recognition of Aboriginal interests. Success in this initiative will show the way forward for other partnerships between Aboriginal and non-Aboriginal Territorians.

I believe this issue is the litmus test for the maturity of the Northern Territory, and its readiness for Statehood.

Because for Statehood to have Aboriginal support it must be inclusive of Aboriginal interests in a genuine partnership. At a constitutional level this must include protection of Aboriginal rights to land and seas.

Constitutional protection is the only way we can see of protecting our own law and culture. Our law does not change with the change of chief minister or premier.

A Northern Territory constitution must start with the reality that two systems of law co-exist here, and that both deserve the highest protection that our

society can provide. Given such protection and recognition, Aboriginal people could finally emerge and take our place as equal partners in a genuinely sustainable future.

Conclusion

Five years since the last vote on Statehood is not a long time. Yet, in other ways, when we look at the Larrakia people's progress, the Railway Agreement, and many other developments there is plenty of room for optimism. The Territory is moving to a new maturity, which may well be embodied by the forging of a unique new system of land management which values our law as well as yours.

Five years, ten years, twenty years: the time frame is not important. The important thing is for us to get it right.

It is only through embracing the reality of the Territory's unique coexisting worlds that our future can be assured. Reflecting that in our parks system, in our University, and ultimately in our constitution, will be a sign that finally we have grown up.