



Vice-Chancellors' Oration

“RIGHTS AND SUSTAINABILITY: NEGOTIATING A NEW SOCIAL FRAMEWORK FOR THE AUSTRALIAN LANDSCAPE IN THE AGE OF INFORMATION”

Presented by

**LIEUTENANT GENERAL (RETD)
JOHN SANDERSON, AC**

CHAIRMAN OF THE INDIGENOUS IMPLEMENTATION BOARD
WESTERN AUSTRALIA

Synopsis

In his presentation Lieutenant General Sanderson will offer the view that while multiculturalism has emerged as an essential concept for nurturing the creative social order of immigrant societies in the cities of Australia, to be truly successful as a nation in a globalised world, Australian culture must be matured and sustained through finding its spirituality and myths in the landscape of the vast continent which is its heritage. He will argue that the materialistic and racist policies of the past have denied the nation the opportunity to build an alliance with her Indigenous peoples to this end and that there is now an urgent need to reverse this dynamic by establishing a dialogue aimed at building a new philosophical framework that will reconnect all Australians to the landscape and the region in which they live.

Presented at Curtin University of Technology, Perth, Western Australia
on 16th March 2009

Lieutenant General (Retd) John Sanderson AC

Lieutenant General John Sanderson retired from the position of Governor of his home state, Western Australia, in October 2005 after more than five years in that role. For most of the preceding 40 years he was engaged at the operational and strategic levels of defence and security planning. General Sanderson was Chief of the Australian Army 1995-1998.

During his military career he commanded at all levels including on operational service in Borneo, Vietnam and Cambodia. He commanded 16,000 soldiers from 34 nations making up the United Nations Peacekeeping Force (UNTAC) during the period of UN controlled transition to peace and free elections in Cambodia. His successful efforts to build the civil/military relationships required for this complex undertaking are widely recognized as ground breaking.

General Sanderson has had a long-term interest in the philosophy and the practical dimensions of international intervention and is extensively published on these subjects. He has lectured on the subject of peace building at many institutions and has been a strong advocate of human rights as the basis of national and international reconciliation.

His services have been recognized by the award of Member of the Order of Australia (1984), Officer of the Order (1991), Companion of the Order (1994), The United States of America Legion of Merit (Commander Class) and the Grand Cross of the Royal Cambodian Order (2006).

He is presently AUSTCARE Ambassador for Cambodia, Board Member of the Australian Centre for Christianity and Culture, Director of the Western Australian Community Foundation, Chairman of the Advisory Council for the Global Foundation, Chairman of the Indigenous Implementation Board in Western Australia, Adjunct Professor of both Murdoch University and Griffith University and, since February 2008, co-convenor with Patrick Dodson of the Australian Dialogue.



Introduction

Australia hasn't always been a multicultural society. From the very advent of Federation nearly 110 years ago there was a powerful commitment to what has been identified as a policy of a “White Australia”. As Geoffrey Robertson identified in an article on the hot contemporary issue of an Australian Human Rights charter published in the Sydney Morning Herald weekend edition of 28th February with the same title as his new book Statute of Liberty:

...when Australia came into existence in 1901 an attempt to insert into the constitution an important right to be fairly treated – a US style “due process” clause – was rejected for fears it might allow Chinese immigrants entry into the country.

Fear is clearly the right word for Robertson to use here. With a sense that they might be alone at the far reaches of the Earth, there was clearly a conviction among the white population of the colonial states that the newly federated nation could be swamped by a burgeoning Asian population. The pre-federation dialogue was almost uniformly committed to the idea of creating a nation “fit for the white man in the Southern Hemisphere.”

Fear, it seems, made Australia something of an aberration in the emerging processes of liberal constitutions of the time. Those nations like France and the United States of America that had fought wars of liberation and civil wars to establish themselves had to build concepts of individual rights into their constitutions.

They might have included deep fissures of racism at the time, but these legal frameworks that emerged from their constitutional dialogues guaranteed that the rights of their coloured populations would eventually emerge from the judicial processes.

Great Britain, from which Australia had taken its legal foundation and framework, was a multi-cultural union that had to be both expansive and inclusive to embrace its Celtic and European immigrant populations. What then did Australians think they were doing setting up a federation based on the denial of rights for people who weren't white?

Of course, not all Australians were included in the pre-federation conversation. In fact, I think it is safe to say that Aboriginal people were absolutely excluded from it, even though muted attempts by Aboriginals were made to attract the attention of those charged with writing the Constitution. Only British intervention ensured that they were even considered at all. The British authorities did this by identifying the new Federal Government as the responsible body to assume the paternalistic and protectionist role that the Colonial Office and the Crown had somewhat loosely performed over the preceding century. The Federal Government was to protect Aboriginals from the depredations of the former colonists in the states. That was the only right they had – the right to be protected.

Rights for Aboriginals, of course, would have brought into immediate question all that land that had been appropriated from them as a result of first, the terra nullius assumption, then the fait accompli occupation by the squatters and then the protectionist activities of governments towards a dispossessed and disenfranchised people.

It is easy to assume that not one of the States would have signed up for a constitution that suggested the possibility of land rights justice for a conquered people. Discounted as serious contributors to the future of the nation, and with dispersed populations in a vast landscape, Aboriginal people had no bargaining power in this constitutional process and were therefore to become hapless victims of a variety of solutions and organizations whose principal purpose was to make them disappear.

All this has come to haunt us in the 21st Century, and that is the subject of my oration this evening. Having said that, I acknowledge that we begin Harmony Week in 2009 in a nation that is not without its problems of race, but one that is proudly and comprehensively more multicultural than it was in 1901. Most of us have Australian friends and colleagues that come from places and cultures that would have been beyond the comprehension of our constitution writers.

At the same time, we are confronted with an undeniable paradigm shift in global power, one that is magnified and accelerated by the global economic downturn, away from the North Atlantic towards the Asia Pacific Region where we will have to make our lives. While this has happened, in the market forces global economy of the last four decades we have developed a growing dependence on the sale of non replaceable commodities to pay for our lifestyles and future development.

At the same time, we have developed an almost total alienation from the landscape as our urban population in this vast continent approaches 90 percent of the total. Global warming is a reality, whatever its causes, compounding a decaying environment as our southern rivers die, our soils erode and arable land diminishes, and our few remaining forests go up in flames. We import much of our processed food from other places. This is a vastly different scene to the Australia of my childhood. If true, it is also a far cry from the "*Lucky Country*."

Is this too gloomy a picture I paint here? I accept that it is one that is pretty hard to come to terms with if you live in Perth on the Swan River or the Indian Ocean, and you occasionally drive your four wheel drive to your escape home in the South West. But, I put it to you that it's not so hard to accept if you live in country Victoria or South Australia these days, nor in the wheat belt regions of most Australian states. The reality is already apparent in these and many other environments across the Australian landscape.

It is not simply the landscape that has changed so profoundly in this past half century. The cultural context in which we view that landscape has also changed dramatically. Multicultural is a word that came to the fore in the period following the demise of the White Australia policy in the 1960s. In reality, Australia had no choice but to join the world after the Second World War and all the international initiatives that emerged from that conflict.

A founding nation of the United Nations and a principal subscriber to the rights of nations and the rights of individuals embraced by the Charter and the protocols and conventions that evolved from it, Australia could hardly go on having immigration policies based on race alone. Neither, for that matter, could it go on treating its Aboriginal population as non citizens. For the first time Aboriginal people were acknowledged as Citizens in the Commonwealth Citizenship and Nationality Act of 1948. In 1962 they were given the right to vote, but it wasn't until the 1967 Referendum that the Australian people voted to end discrimination against Indigenous people. The 1967 Referendum and the end of the White Australia Policy both occurred at the same time for the same reason.

The question remains however, were the motives behind these responses ones of soliciting cheap grace with the international community, or did they spring from a deep desire to recognize the mistakes of the past and to reconcile with the world at large and Aboriginal people and the Australian landscape in particular? I will ask you to think about that question as I proceed through the rest of my oration. I remind you that it is only 13 months since Prime Minister Rudd's Apology to the Stolen Generations in the Australian Parliament.

Multiculturalism and Economic Development

The official Department of Immigration and Citizenship website on multiculturalism tells us that up to the mid-1960s:

the prevailing attitude to migrant settlement up until this time was based on the expectation of ‘assimilation’ – that is, that migrants should shed their cultures and languages and rapidly become indistinguishable from the host population.

It goes on to say:

From the mid-1960s until 1973, when the final vestiges of the White Australia policy were removed, policies started to examine assumptions about assimilation. They recognised that large numbers of migrants, especially those whose first language was not English, experienced hardships as they settled in Australia, and required more direct assistance.

It is within this context that the policies of multiculturalism evolved over the next half century as the ethnic groups in Australian society multiplied in numbers, became organized and politically active. Australian society began to take on the hue of many cultures developed in other landscapes, blending together to form city states of different character as migrants gravitated to those places where they were made most welcome and felt most comfortable. Very few of them became a part of the diminishing rural population.

No one would suggest that the nation’s cities have become less interesting as a result. The opposite is true. The cities have become more international, creative and engaging, and therefore better places to do business in the emerging global environment. The competition between them to become recognized international service centres in the fields of finance, education, information technology, bio-technology and health has intensified as their manufacturing competitiveness diminished in the face of the explosion in the emerging economies of Asia.

Despite this, Australia has become more and more dependent on the extraction and export of minerals and hydro carbons of various forms. Most of these commodities come from what is classified as remote Australia where they are mined by multinational companies on an expeditionary basis using mercenary workforces from the cities and overseas, flying in and flying out with little engagement with the regions in which they work. A minuscule portion of the proceeds of these operations remains in these regions as the environment deteriorates around their small permanent populations.

Separation from the Landscape

At this point it is appropriate to return to the issue of the place of Indigenous people in this emerging saga of multicultural internationalism and I refer you again to the statement about the assimilation of migrants up to the mid 60s:

the prevailing attitude to migrant settlement up until this time was based on the expectation of ‘assimilation’ – that is, that migrants should shed their cultures and languages and rapidly become indistinguishable from the host population.

Assimilation, of course, was the prevailing sentiment with respect to Indigenous people who were the host population in the sense that they were here first but suffered from the fact that they had little understood and rarely recognized cultures going back tens of thousands of years. More to the point, unlike the European and Asian cultures, Indigenous cultures were generated from and connected to the Australian landscape in a way that these other younger cultures could never emulate.

Herein lies the fallacy of treating Indigenous culture as just another culture in a multicultural landscape. For one thing, it is not just one culture, and for another, in its purest form it is about the sustainability of the landscape in which we all have to live our lives – the only landscape we have.

What I am suggesting here, and the argument that I intend to develop further in this oration, is that we have created multicultural cities that are separated from the Australian landscape. We have done this because we have shown more respect for alien cultures than we have for this continent and its spiritual legacies. Perhaps worse, we continue to develop policies towards Indigenous people on the basis of assimilation rather than respect for and commitment to the preservation of the special spiritual relationship they have with the landscape.

When seen in this light, programs such as Overcoming Indigenous Disadvantage, Closing the Gap and Northern Territory Interventions, are all economically rationalist in nature and assimilationist in intent. Despite the earnestness of that intent they have all failed or are failing, and it is not only Indigenous people who are the victims.

These are all bold and contestable statements, so let me develop some of them before I move on. It is true that many more young Indigenous people are engaged in the nation's tertiary education systems, and many more of them are qualifying to practice in the professions. The barriers in sport have well and truly come down as more and more Indigenous sportsmen and women represent their states and the nation at the highest levels.

There is a much stronger commitment to employing Indigenous people – or there was until the recent economic downturn. Much of this commitment has come with statements of affirmative action – in other words, preferential treatment of Indigenous workers in acknowledgement of their cultural needs and the backlog of disadvantage resulting from past treatment.

All these things are very positive changes for some Indigenous people. They exist however, against a compounding mix of a rapidly growing Indigenous population and background of alienation and despair. Substance abuse, family breakdown, foetal alcohol syndrome, suicides among young people, internecine violence within communities, crime and incarceration are all increasing on a wide front. Many young people live in a state of absolute hopelessness where there is no structure to their lives, no love or respect from the wider community and a growing anger that is expressed for the time being in self destructive behaviour.

In view of where I am giving this oration, I have to observe that Western Australia has the worst incarceration rate for Indigenous people in the world with 45 percent of the prison population coming from less than three percent of the population. It has been growing steadily worse. To make matters worse, Indigenous engagement with the Justice system is characterized in many instances by people being tried in magistrate's courts in Western Australia in a foreign language without competent interpreters – a clear breach of their basic human rights.

Everything I have just said to you is true. It is not simply something I have pulled out for the purpose of alarming you. Every study or Inquiry that is authorized to deal with the crises as they occur across the landscape reaffirms these trends. The Inquiry by the Western Australian State Coroner into the surge in youth suicide in the Kimberley really only confirmed the findings of earlier studies. There has been little commitment to programs that could divert young people from this behaviour.

The State’s response to this was to put out another list of all the things it had been spending money on to deal with past crises and the good intentions of the Federal/State collaboration processes. You can safely assume that the recent upsurge in suicides in Narrogin will be given the same treatment unless there are significant changes in the way the State engages with these issues.

One little talked about dimension of this is the way that this reality diminishes the existence of the non Indigenous people of this country. Simply because they live in the main in our cities, seemingly remote from these occurrences, does not mean that they are not affected by them. How we are regarded by others is one dimension of this that impacts on the way we engage with the region around us and the international community. More to the point, every Aboriginal child who lives in fear and despair, who takes their life by direct action or the slow death of substance abuse, who turns to crime to find some recognition among peers, is a piercing shard in the soul of this nation.

We have to do better than this. What we are doing is not working, and it does not require much depth of perception to know that it never could.

Disempowerment and Empowerment

The truth is that the underlying foundation of national policy with respect to Indigenous people has always been about disempowerment – either by removing them from the landscape that is the source of their culture and spiritual wellbeing, or by creating a dependency on alien and disengaged processes of governance.

Well, what about the Whitlam Government’s commitment to self determination begun in 1972, you might well ask?

What about the Outstation or Homelands movement beginning with the Northern Territory Land Rights Act of 1976?

Didn’t these responses to the disaster of Aboriginal people being thrown off pastoral leases following the 1967 Referendum constitute empowerment by authorizing a return to traditional lands?

Wasn’t ATSIC a failed experiment about empowering Aboriginal people in the landscape through the work of the Land Councils and the Aboriginal Legal Service?

Haven’t all these things proven disastrous for Aboriginal people?

Isn’t it also true that since the Mabo finding by the High Court in 1992 Native Title has served to divide Aboriginal people on the question of who really has prior ownership and who gets the proceeds of mining payouts?

These and many similar questions are inevitably thrown up when one talks about cultural empowerment of Indigenous people. There is a tendency to dwell on the failures of these initiatives as if to justify the paternalistic processes that have resulted in the gross social failures I have described. Little recognition is given to the fact that the reason behind these failures might be fundamental and could revolve around the fact that the philosophical framework of our nation is seriously wanting. If this was the case, it would mean that without fundamental change, whatever is attempted, even with the best and most honourable intentions, will fail. It would answer in part that proverbial question, “how come we throw so much money at the Indigenous problem and it only gets worse?”

It would also suggest that more of the same might only make things more complex and worse.

The Apology

In 2007 an election was fought in Australia on the major issue of the right to negotiate – principally, the right of employees to negotiate with employers on the basis of organized unionism. Labour won this election and has followed through in recent days to meet its promises to its key constituency.

It has also followed through on its promise to say 'sorry' to the 'stolen generations' of Indigenous people removed from their families in the past by Government decree. A new point of departure became possible when in February 2008 the Prime Minister of Australia offered an apology to the stolen generations on behalf of the Parliament of Australia – we can assume that means on behalf of the people of Australia. In it he used these words:

'There comes a time in the history of nations when their peoples must become fully reconciled to their past if they are to go forward with confidence to embrace their future. Our nation, Australia, has reached such a time. And that is why the parliament is today here assembled: to deal with this unfinished business of the nation, to remove a great stain from the nation's soul and, in a true spirit of reconciliation, to open a new chapter in the history of this great land, Australia.'

As I have observed on many other occasions, these words constitute the beginning of a process of confession of past failures. Like all confessions, it is also the beginning of a process of national redemption. The Prime Minister goes on to say:

For the nation to bring the first two centuries of our settled history to a close, as we begin a new chapter and which we embrace with pride, admiration and awe these great and ancient cultures we are blessed, truly blessed, to have among us. Cultures that provide a unique, uninterrupted human thread linking our Australian continent to the most ancient prehistory of our planet. And growing from this new respect, to see our Indigenous brothers and sisters with fresh eyes, with new eyes, and with our minds wide open as to how we might tackle, together, the great practical challenges that Indigenous Australia faces in the future.

Now I think it is safe to say that the delivery of this Apology was a cathartic experience for the nation. It might have offended some, but, for most, it was welcomed with a sense of relief that, at long last, we could contemplate moving forward, as the Prime Minister suggested, in a new partnership with Indigenous people.

But what does it mean to have “cultures that provide a unique, uninterrupted human thread linking our Australian continent to the most ancient prehistory of our planet. And growing from this new respect, to see our Indigenous brothers and sisters with fresh eyes, and with our minds wide open as to how we might tackle, together, the great practical challenges that Indigenous Australia faces in the future”?

No mention here of course of the great practical challenges that non Indigenous Australia faces in the future – is facing right now! But, for one thing it puts an absolute end to any lingering concepts of terra nullius and affirms that the land was taken from a pre-existing culture.

Reading this speech again I was struck by the fact that you could expect it to galvanise a partnership with Indigenous people to both preserve those ancient cultures and to enter more comprehensively into the continental landscape to do so – thus preserving that unique uninterrupted link the Prime Minister speaks of.

Such a change could be expected to represent a shift in that philosophical framework that I mentioned earlier. It would be a shift from a policy of disempowerment to one of empowerment. It would allow Indigenous people to negotiate their way into the fabric of a new national tapestry. Is this the intention of the Prime Minister and his Government?

Time will obviously be the judge of this, but, at this early stage, one year later, there are no obvious shifts in the way policy is negotiated between the bureaucracies of Federal and state governments. Aboriginal people are not engaged in the COAG processes that will determine their immediate future. There are conferences programmed to discuss the ways in which they might be engaged, but these are all presaged on no fundamental change to the way governments engage with each other on these issues. In the meantime the contentious policies that are taking shape reflect the complexities of addressing the issues within an inflexible framework.

What is at Stake?

It is time for us to understand more comprehensively what is at stake here. There were Neolithic societies on this continent before homosapiens moved into Europe. Archeological evidence points to the fact that because of the ice this is one of the earliest places they came after the journey out of the African continent began some 65,000 years ago. Along the north-west coast of the state of Western Australia there are artifacts of complex cultures existing 20,000 years ago. There are Ice Age temples in the Burrup Peninsula and extending inland that precede the Mesopotamian cultures by many thousands of years. There clearly was a complex culture along the Kimberley coastline at least 16,000 years ago.

Once the seas rose with the last big ice melt of course, the continent was cut off from the social developments and wars of the Indo European regions. Aboriginal people evolved alone as hunter gatherer societies in a landscape that demanded much of them but gave much in return – provided that they nurtured it by living lightly on it and taking care to ensure that everything they did sustained the flora and fauna and the water as the source of life.

They did this by developing a spiritual relationship with the landscape, reflected in their songlines and their dreaming, and a complex skin system that ensured the genetic capacity of their future generations to survive and maintain their commitment to the creative spirit in nature.

They policed these relationships on the basis of the Law, which everyone knew, and they maintained their relationships across cultural boundaries with a well developed form of diplomacy. They kept it up for a very long time until the Europeans entered with their land hunger and aggressive materialism into what must have been an almost pristine landscape.

The death and destruction that followed must have been difficult to comprehend. We don't know how many there were to begin with, but we know that many Aboriginal people died from diseases brought from the more resistant parts of the world. The tearing asunder of the forests and the abuse of water must have been frightening. The total lack of respect for the carefully sustained totems that were integral to the cultures of thousands of years must have been unbelievable. The violent and bloodthirsty response to any form of resistance would only be comprehensible to people who had experienced a far more brutal history than that of Aboriginals. To make matters worse Europeans identified them as the savages and treated them as such.

No wonder that some among us thought that it would be a good idea to rewrite this history in an attempt to remove the stain. But it won't go away. The Aboriginals live among us as a constant reminder of this past. Surely this was what the Prime Minister had in mind when he spoke of a new beginning.

An Australian Dialogue

It would be folly to think that Aboriginals can live in the landscape entirely as they once did. But everything points to the fact that the landscape needs them and us together in a sustaining and nurturing relationship. More to the point, our children need a healthy landscape to live and prosper in for the longer term.

How do we build that relationship? It won't be easy. To begin with we have to have a conversation with Indigenous Australians about the way forward. Such a conversation would serve no purpose if we did not first agree the fundamental basis on which it would be founded and embrace an agreement to accept change in the legal framework of our relationship if the conversation led us that way. It could not simply be about how to make the existing relationship work better.

Why would you bother with such a conversation if you had the upper position in this relationship and saw any change as detrimental to that position? That, of course, is exactly the proposition that has got us to the situation we are now in, and begs the question of whether it is true or whether this is simply another case of fear binding us into a position that destroys our strategic flexibility and responses to the changes that are to come. We need to ask ourselves how our separation from the landscape impacts on our capacity to respond to both climate change and the entry of new and powerful nations such as China into that landscape.

This time last year I was approached by Patrick Dodson to co-convene with him such a conversation. I agreed to do this for reasons that I think are obvious from what I have explained in this oration. We have called it the Australian Dialogue and it was launched in Melbourne last year by the Governor General.

The vision and goals for the Dialogue are as follows:

- Empower the country to be successful by building a new relationship with its Indigenous people based on principles of equality, power and love. This new relationship will have concrete economic, political and social outcomes but the underlying foundation will be mutual respect, equality and a shared love of country and culture.
- Empower the country to close the socio-economic gap. This empowerment is to be founded in the principles of equality of opportunity and the capacity of Indigenous people to negotiate their way back into the socio-economic landscape on terms that sustain their cultural identity and engender great national acceptance and pride. To do this:
 - The Indigenous story becomes a central part of Australia's identity, story and heritage.
 - Mutual respect, equality and love characterise the relationship between Indigenous Australia and white Australia.
 - This mutual respect is nurtured by a common love for the Australian landscape and its health, while acknowledging the difference in the white relationship with the land and that of the Indigenous people as the First Australians. The land, water and other resources, as our common livelihood, set the basis for a new dialogue.

We are of course, a long way down the track from this vision in working out how we turn this dialogue into the sort of structural and practical outcomes that will change the National Framework of our engagement with each other and the landscape.

Specifically, we see the National Framework covering five broad topics:

- **Transcendent Vision:**
Build a transcendent vision of how Indigenous and non-Indigenous Australians relate to each other, and how this relationship can inform and complete our national identity
- **Rights and Responsibility**
Develop a framework of rights and responsibilities to underpin the emergence of a more harmonious nation
- **Culture and Identity**
Create a national strategy to preserve and build on the cultural heritage of Indigenous people in our country
- **Enhancing human capability**
Design a new model aimed at building on the capacity of Indigenous people to contribute to the common wealth of the nation
- **Sustaining natural resources**
Engage the interests and cultural knowledge of Indigenous people in the development and sustainability of our natural resources

Conclusion

We are driven by the belief we do not have much time. This belief has been reinforced by the dynamics unleashed by the recent global economic downturn. We are in the process of developing the Dialogue in the regions beginning with the Kimberley this month. Our immediate problem is to build a Secretariat that can help develop and sustain the agenda on a dynamic and nationwide basis as we build the network for the Dialogue. Building alliances across the nation will obviously be the key.

Let me conclude by saying that I welcome this opportunity to talk to you in the context of human rights and national harmony. Building a sustainable society that is connected to the Australian landscape will require a generous and inclusive approach to both these things. With regard to Indigenous people, it includes the most fundamental of rights – the right to be respected as a people and to have the power to negotiate as such. I hope that you will all eventually join with us in the Australian Dialogue to make this happen.

© Lieutenant General (Retd) John M Sanderson, AC 9th March 2009



Government of Western Australia
Office of Multicultural Interests

Curtin 
University of Technology

AUSTRALIA
ECU
EDITH COWAN UNIVERSITY


Murdoch
UNIVERSITY



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A



THE UNIVERSITY OF
WESTERN AUSTRALIA