

**Journey without end: Reconciliation
between Australia's Indigenous
and settler peoples**

W. Sanders

No. 237/2002

ISSN 1036-1774

ISBN 0 7315 5612 7

Dr Will Sanders is a Fellow at the Centre for Aboriginal Economic Policy Research, The Australian National University.

Foreword

This paper was originally prepared as a contribution to a conference entitled *Harmony and Reconciliation in Multi-Ethnic Societies*, organised by the Australian National University's National Institute of Government and Law and Japan's Institute for the Study of Future Generations, held at the Australian National University from 5 to 7 July, 2002. It will, in time, be published in a volume of proceedings from that conference. In the meantime, its circulation as a CAEPR Discussion Paper makes it available to a wider and different audience.

Will Sanders was, from 1993 to 2001, the Coordinator of the Institutions of Aboriginal Australia strand of the ANU's Reshaping Australian Institutions Project while a staff member at the Centre for Aboriginal Economic Policy Research (CAEPR). Since Aboriginal reconciliation was one of the big themes of Australian institutional reshaping during those years, it is fitting that Will should write this overview piece reflecting back on those years. Reconciliation is a background theme in much of CAEPR's work and since 2001 we have collaborated actively with Reconciliation Australia on a number of major projects including those on Indigenous Governance and Banking and Financial Services for Indigenous Communities. But it is not often that the issue of reconciliation is brought to the forefront of our analysis as in this paper.

Professor Jon Altman
Director, CAEPR
August 2002

Table of Contents

Foreword.....	iii
Abbreviations and acronyms	vi
Summary	vi
Acknowledgments	vi
Introduction	1
The emergence of reconciliation	1
The struggle to command attention	3
Attention: but to what end?	3
True reconciliation: a more practical approach?	6
The Council for Aboriginal Reconciliation: the final steps	7
Analysis	12
Conclusion	16
Notes	17
References	18

Figures

Fig. 1. Cartoon from the Canberra Times, 27 May 1997	4
Fig. 2. Cartoon from the Canberra Times, 8 November 1997	5
Fig. 3. Cartoon from the Canberra Times, 29 February 2000	8
Fig. 4. Cartoon from the Canberra Times, 13 March 2000	9
Fig. 5. Cartoon from the Canberra Times, 28 May 2000	10
Fig. 6. Cartoon from the Australian, 15 November 1997	17

Abbreviations and acronyms

AGPS	Australian Government Publishing Service
ATSIC	Aboriginal and Torres Strait Islander Commission
CAR	Council for Aboriginal Reconciliation
HREOC	Human Rights and Equal Opportunity Commission

Summary

This paper examines the history of the Council for Aboriginal Reconciliation (CAR) in Australia from 1991 to 2001 and argues that reconciliation between Australia's Indigenous and settler peoples was never likely to be achieved in that time frame. Reconciliation, it argues, will be a matter of many decades or even hundreds of years, rather than just one decade of directed policy effort. The second half of the paper revisits an analysis of the reconciliation process written by Richard Mulgan in early 1996. Following Mulgan, the paper argues for a theoretical basis for reconciliation which moves beyond guilt and blame. However, also following Mulgan, it recognises the political and social difficulties of achieving this. The mission of CAR was, from the outset, overambitious and unrealistic. Though the paper pays considerable attention to the role of the Howard government in the inconclusive fading away of CAR, ultimately it argues that a somewhat similar demise was likely for the Council whatever government was in power in 2001. Reconciliation between Australia's Indigenous and settler peoples will be a long time coming; to all intents and purposes it will be a journey without end.

Acknowledgments

Participants at the *Harmony and Reconciliation in Multi-Ethnic Societies* conference, held at the Australian National University from 5 to 7 July 2002, made useful comments on an earlier version of this paper. So too did Siobhan McDonnell and Richard Mulgan. I would also like to acknowledge the cartoonists Geoff Pryor and Peter Nicholson who not only gave me permission to reproduce their daily newspaper cartoons, but also encouraged me to incorporate their work, essentially a form of rapid response, into more long-term academic writing. I also thank Frances Morphy for editing the paper and Wendy Forster for doing the layout.

Introduction

How and when will Australia's Indigenous and settler peoples be reconciled? I want to argue that this will be a journey without end, that each generation of Indigenous and settler Australians will have to come to their own understanding of the relationship of each to the other, in both its historical and contemporary socio-economic dimensions. In my view, this is an important insight for any purposeful policy intervention in this area. It lowers expectations and allows for loose ends, rather than misleading us into believing that there can be absolute closure in the foreseeable future. The recent history of the Council for Aboriginal Reconciliation (CAR) in Australia from 1991 to 2000 illustrates the argument well and will be drawn on extensively in this paper. But the argument is a more general one, which others have made in other similar contexts (see e.g. Mulgan (1996) on New Zealand). Reconciliation between Indigenous and settler peoples is, perhaps everywhere, a journey without end.

The first half of this paper is a brief history of CAR in Australia. The second half revisits an analysis of the Council's mission written by Richard Mulgan in early 1996 and published in 1998. Mulgan's analysis shows the over-optimism of this mission, and in a sense foreshadows many of the problems that the Council experienced in its later years. There is, in the paper, a subsidiary argument about the role that the Howard government played in the inconclusive fading away of CAR, but this should not overshadow the major argument that reconciliation between Indigenous and settler Australians is a journey without end. That, as my title suggests, is the central argument. Let us begin in the 1980s with some contextual history.

The emergence of reconciliation

During the 1970s and early 1980s, the key terms of Australian Indigenous affairs policy were land rights and self-determination, or self-management. Reconciliation emerged as part of the contemporary terminology of Indigenous affairs in the late 1980s, in conjunction with the bicentenary of British settlement, or invasion, of Australia. The Hawke Commonwealth Labor government was at that time struggling to rebuild its relations with Indigenous people, after its abandonment of a national land rights policy and its disbanding of the nationally-elected National Aboriginal Conference in 1985. The Government was, from mid 1987, working on the idea of a regionally-based national elected commission of Indigenous people, which would have executive power over Commonwealth Indigenous affairs programs as well as a policy advice role (Commonwealth Parliamentary Debates, House of Representatives, Vol. 158, 10 December 1987: 3125–61). The Coalition parties opposed the idea of such a commission quite vigorously, saying it would divide the nation. On another side of the debate, many Indigenous people were sceptical of the idea of a commission, arguing that it would be just another Commonwealth bureaucracy. Indigenous interests, setting their own agenda at a sports and cultural festival in the

Northern Territory, pushed Hawke in June 1988 to sign the Barunga agreement, which called for a treaty rather than a commission (Brennan 1991: 82–3).

This quite charged atmosphere was, in some ways, in stark contrast to the relatively bi-partisan nature of Indigenous affairs policy-making of the previous decade and a half, in which the Fraser government had continued with many of the reforms initiated by the Whitlam government, and the Hawke government had delivered less than it had originally promised when in opposition to the Fraser government. Once the new Aboriginal and Torres Strait Islander Commission (ATSIC) was up and running in early 1990, the Hawke government's new Indigenous affairs minister after the March 1990 Commonwealth election, Robert Tickner, began working on the idea of a reconciliation process in order to overcome this renewed partisanship. Tickner's account, written a decade later, bears quoting:

The challenge was to devise a process that would enjoy the support of both indigenous and non-indigenous opinion leaders and would keep faith absolutely with indigenous aspirations...

I was also particularly committed to the view that the government should not at this time in the nation's history close off options on the parameters or contents of some document of reconciliation or on the process itself. There had to be open and genuine consultation and negotiation.

First, it was important to use the decade leading to the 2001 centenary for all it was worth to advance the struggle for indigenous rights. The 1988 Bicentenary 'protests' had been essentially just that, a response to the non-indigenous agenda. There had been very little emphasis in the lead-up to 1988 on the need to address indigenous aspirations as a precondition to celebrating the bicentenary. Our strategy was to contribute to the political momentum of the struggle for indigenous rights by setting up a process that would finish on 1 January 2001 and that would put considerable national and international pressure on the nation to address the human rights of indigenous people as a precondition of any proper celebration of Australian nationhood in 2001. Second, the process had to be more than some grievance procedure. We had to mount a campaign in the wider community in support of indigenous rights and to build bridges of understanding about indigenous issues and people (Tickner 2001: 32–3).

The result of Tickner's efforts was legislation for a Council for Aboriginal Reconciliation (CAR), passed through the Commonwealth Parliament in August 1991 with unanimous cross-party support. The Council would comprise twenty-five appointed members: twelve Aboriginal, two Torres Strait Islander and eleven drawn from the 'wider community', including three Commonwealth parliamentarians representing Labor, the Coalition parties and the Democrats. The work or 'functions' of the Council would include promoting 'understanding of the history, cultures, past dispossession and continuing disadvantage of Aborigines and Torres Strait Islanders and of the need to address disadvantage' and also consulting 'on whether reconciliation would be advanced by a formal document or documents, and if so, what form it/they should take' (CAR 1993a). This work was to continue for almost a decade, culminating on 1 January 2001,

the centenary of Australian federation, at which time the Council's legislated existence would come to an end.

The struggle to command attention

In the early years of its existence, CAR seemed to struggle to command much public attention. This was partly because the High Court's Mabo decision of June 1992 and the subsequent political negotiations over the Commonwealth's proposed native title legislation took centre stage in Indigenous affairs, and indeed in public affairs generally, until 1994. The Council did try to link its work conceptually to the recognition of native title through a publication entitled *Making Things Right: Reconciliation after the High Court's Decision on Native Title* (CAR 1993b). However, it stayed away from the political negotiations surrounding native title and contented itself instead with organising study circles for interested, mainly non-Indigenous people, or publishing earnest key issues papers with titles like *Understanding Country*, *Valuing Cultures*, *Sharing Histories* and *Addressing Disadvantage*.¹ At the end of its first triennium the Council produced a modest report entitled *Walking Together: The First Steps* in which it argued that its approach had been directed 'not to the government as such' but 'to all Australians to meet the challenge of reconciliation: to construct meaningful and worthwhile race relations in this country' (CAR 1994: vii–viii).

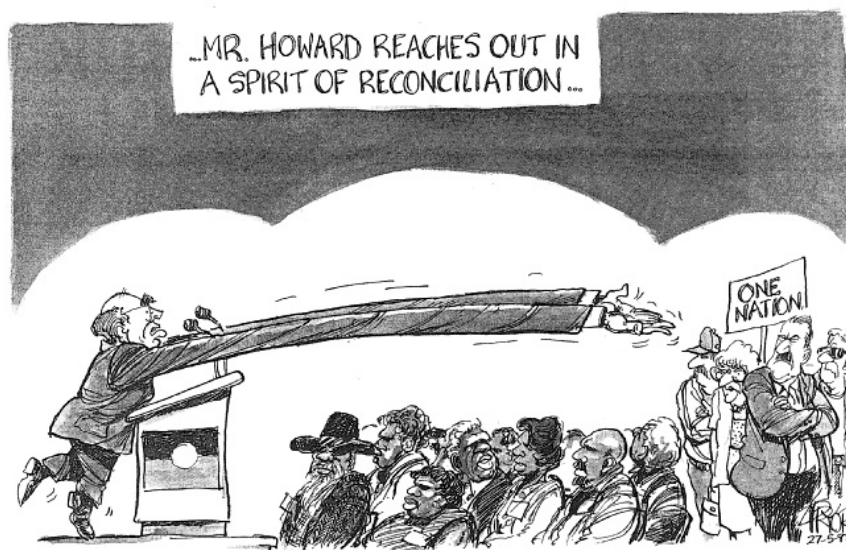
Early in its second triennium, the Council did get a bit more drawn into the political process, as it was asked by the Keating Labor government to provide a report on what might be included in a third-stage response to the Mabo decision, the so-called social justice package (CAR 1995).² The Keating government lost office, however, before many of the ideas and recommendations in that report could be taken up, and the Howard Coalition government, on coming to office in March 1996, made it clear that it was not interested in such a response to the Mabo decision. So perhaps attention of the political sort was not, for the Council, worth struggling to command anyway.

Attention: but to what end?

In May 1997 CAR organised a convention to mark the thirtieth anniversary of the famous 1967 constitutional alteration referendum, which had seen two exclusionary references to 'Aboriginal natives' dating from 1901 removed from the Commonwealth of Australia constitution. The convention, held in Melbourne, attracted 1800 delegates and had 165 speakers. One of those speakers was the Prime Minister of just over a year, John Howard, who addressed the convention in increasingly hectoring tones as a significant proportion of the delegates stood and turned their backs on him. Howard was at the time pursuing amendments to the 1993 native title legislation in the light of the High Court's Wik judgement of late 1996. Also a Human Rights and Equal Opportunity Commission (HREOC) inquiry into the separation of Aboriginal children from their families was about to be released and Howard had already indicated that his government would not be

offering either an apology or financial compensation to those subjected to this policy—the so-called ‘stolen generations’ (*Canberra Times* 17 May 1997; HREOC 1997). Both issues played a part in Howard’s hostile reception at the May 1997 convention. If commanding public attention had ever been an issue for CAR, it no longer was. The Reconciliation Convention in Melbourne was front-page news. *Canberra Times* cartoonist Geoff Pryor depicted Howard at the convention reaching out in a spirit of reconciliation not to Indigenous people, but over the heads of Indigenous people to One Nation party supporters (see Fig. 1).³

Fig. 1. Cartoon from the *Canberra Times*, 27 May 1997



Reproduced courtesy of Geoff Pryor, *Canberra Times*.

In November 1997, the second three-year term of members of CAR was coming to an end and the two-term Aboriginal chairman, Patrick Dodson, known by then as the father of reconciliation, indicated that he did not wish to serve again. The debate over amendments to the native title legislation in the light of the Wik decision was still raging, with many Indigenous people believing that the government’s ten-point plan for the amendments was wrong and unfair. Dodson wrote to the Minister for Aboriginal and Torres Strait Islander Affairs saying that the Coalition was ‘pulling apart the delicate threads of Reconciliation’ by rejecting ‘opportunities to act with magnanimity’ (*Canberra Times* 6 November 1997). This time, Geoff Pryor depicted Howard and his ministers as unable to make the connection between native title issues and reconciliation (see Fig. 2). But Dodson reiterated those connections in no uncertain terms in an address at the National Press Club later in the month:

Reconciliation is now and will remain a powerful national movement. It has come too far to be shunted off to a side track.

The Council began with the unanimous support and commitment of all major parties in the Parliament. Representatives of all major parties have worked hard within the Council for the process of reconciliation.

This ongoing commitment of political leadership has been matched by leadership in the Indigenous community and in many sectors of the broader Australian community...

In recent times we have seen that commitment from the Parliament on reconciliation weaken and dim. It was a multi-party commitment to which the government is no longer committed. The Government is no longer demonstrating the leadership required.

- The Government chooses not to act on the pragmatic and practical recommendations of the Council's Social Justice package, despite a major consultation process with the Australian community;
- It chooses not to apologise to the stolen generations despite the example of State and Territory parliaments, major church groups; and many thousands of individual Australians.
- And now it has chosen not to act on the heartfelt cries for justice and fair dealing in its response to the Wik decision (Dodson 1997: 7).

Not only Dodson, but also several other key members of CAR, like former Liberal politician Ian Viner and former National Farmers' Federation chief executive Rick Farley, did not have their terms of appointment renewed.

Fig. 2. Cartoon from the *Canberra Times*, 8 November 1997



Reproduced courtesy of Geoff Pryor, *Canberra Times*.

True reconciliation: a more practical approach?

The native title legislation amendments following the Wik case were finally settled in July 1998 and, in October 1998, the Howard government was re-elected for a second term. In his election-night victory speech Howard committed himself 'very genuinely to the cause of true reconciliation with the Aboriginal people of Australia by the centenary of federation' (Howard 1998: 2). He also appointed a new Minister for Reconciliation, splitting the responsibility from the Aboriginal and Torres Strait Islander affairs portfolio and pairing it instead with immigration and multicultural affairs, under Phillip Ruddock.

Ten months later Howard introduced a 'motion of reconciliation' to the Commonwealth Parliament which read as follows.

That this House:

- a) reaffirms its wholehearted commitment to the cause of reconciliation between Indigenous and non-Indigenous Australians as an important national priority for Australians;
- b) recognising the achievements of the Australian nation commits to work together to strengthen the bonds that unite us, to respect and appreciate our differences and to build a fair and prosperous future in which we can all share;
- c) reaffirms the central importance of practical measures leading to practical results that address the profound economic and social disadvantage which continues to be experienced by many Indigenous Australians;
- d) recognises the importance of understanding the shared history of Indigenous and non-Indigenous Australians and the need to acknowledge openly the wrongs and injustices of Australia's past;
- e) acknowledges that the mistreatment of many Indigenous Australians over a significant period represents the most blemished chapter in our international history;
- f) expresses deep and sincere regret that Indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many Indigenous people continue to feel as a consequence of those practices; and
- g) believes that we, having achieved so much as a nation, can now move forward together for the benefit of all Australians (Commonwealth Parliamentary Debates, House of Representatives, Vol. 228, 26 August 1999: 9205).

In his speech addressing this motion, Howard emphasised that it was an 'honest and sincere attempt' to make both a 'practical' and a 'genuine contribution to the reconciliation process and to genuinely empathise with the sense of alienation that many Indigenous Australians continue to feel within our society'. He recognised the 'magnanimous way in which many leaders of the Indigenous community' had approached these issues and suggested that he, along with them, had 'to some degree' moved his 'position'. He argued that the 'Australian achievement' was of a scale that should 'make us all proud', but that it was also important to 'recognise, confront and acknowledge' the blemishes in our history. However, he continued, 'present generations of Australians cannot be held accountable ... for the errors and misdeeds of earlier generations' (Commonwealth Parliamentary Debates, House of Representatives, Vol. 228, 26 August 1999:

9206–7). In relation specifically to paragraph (f) of the motion, Howard noted as follows:

We can debate the detail of this or that practice. We can argue about the detail of particular reports and particular propositions, but the purpose of this motion is to generically express in relation to a number of issues the regret that the people of Australia feel for those past practices and the continuing consequences of them (Commonwealth Parliamentary Debates, House of Representatives, Vol. 228, 26 August 1999: 9207).

Unfortunately for Howard, this was interpreted as being an incomplete apology to Aboriginal children separated from their families. This interpretation gained some force when Labor suggested as amendments to the motion two substitute paragraphs for (f) which did mention the stolen generations explicitly, and also ‘restitution’, but these were rejected by the Coalition.

Later in his speech, Howard paid tribute, in developing up this motion of reconciliation, to the new Democrat Senator for New South Wales, Aden Ridgeway. Only the second Aboriginal person ever elected to the Commonwealth Parliament, Ridgeway had shot to public prominence since his elevation to the Senate in July 1999 and this motion was to be his first major parliamentary contribution. Unfortunately for Ridgeway, with the adverse interpretation of paragraph (f) gaining some support, the parliamentary motion was not quite the triumph intended, either for him or the for Howard government.

Ridgeway was, at the time, also involving himself in negotiations over a proposed new preamble to the Commonwealth Constitution which was to be put to a constitutional alteration referendum in November 1999, in conjunction with the proposed republican amendments for an Australian Head of State. This too turned out to be not quite the triumph that Ridgeway would have liked: the referendum was lost, and Ridgeway also received some criticism from other Indigenous leaders for acceding to the Government’s preamble wording. Ridgeway’s third new front of activity during 1999 was as the new Democrat representative on CAR. What this would lead to would not be seen until well into 2000. Could the Howard government deliver on its practical approach to reconciliation by 1 January 2001, and could Ridgeway, along with the rest of CAR, be a party to that delivery? Only time would tell.

The Council for Aboriginal Reconciliation: the final steps

In June 1999 CAR issued a draft Document for Reconciliation for ‘discussion by the Australian people’ (CAR 1999). It comprised a draft Declaration for Reconciliation and four National Strategies to Advance Reconciliation cast in terms of economic independence, addressing disadvantage, recognition of Aboriginal and Torres Strait Islander rights and sustaining reconciliation. The draft did not, at the time, command great public attention, but where it did, comments were often adverse or ambivalent. The Chairperson of ATSIC, Gatjil Djerrkura, for example, was quoted as saying that he was ‘pessimistic about the prospects of any document which fails squarely to recognise the principle of

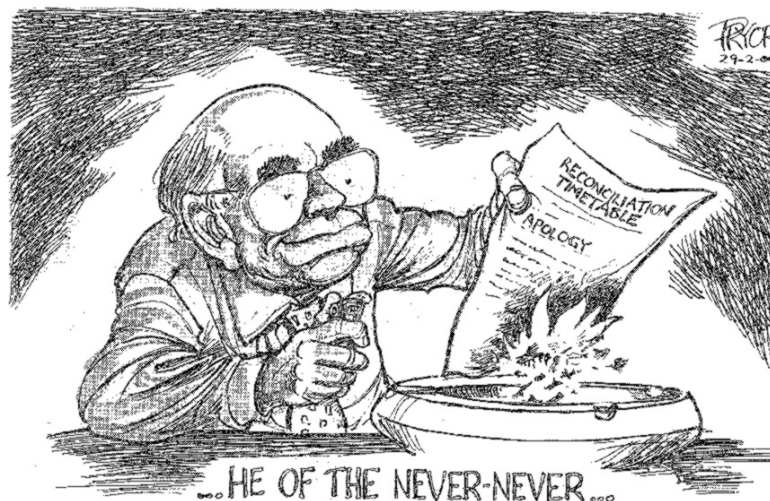
self-determination gaining support amongst indigenous constituencies' (*Canberra Times* 23 July 1999). Later in the same newspaper article it was noted that the draft Declaration was 'also likely to meet resistance from those who think it goes too far', because it included the word 'apology' and described Aborigines as 'owners and custodians of traditional lands and waters'. Clearly the final steps for CAR were not going to be easy.

The Council's plans for 2000 were to finalise the draft Document for Reconciliation in time for a major convention at the end of May, and then to spend the rest of the year trying to get various interests to commit to the document whilst also preparing the Council's final report to the Parliament. In late February, however, this planning was somewhat challenged, when Prime Minister Howard indicated that he did not think this reconciliation timetable could be met:

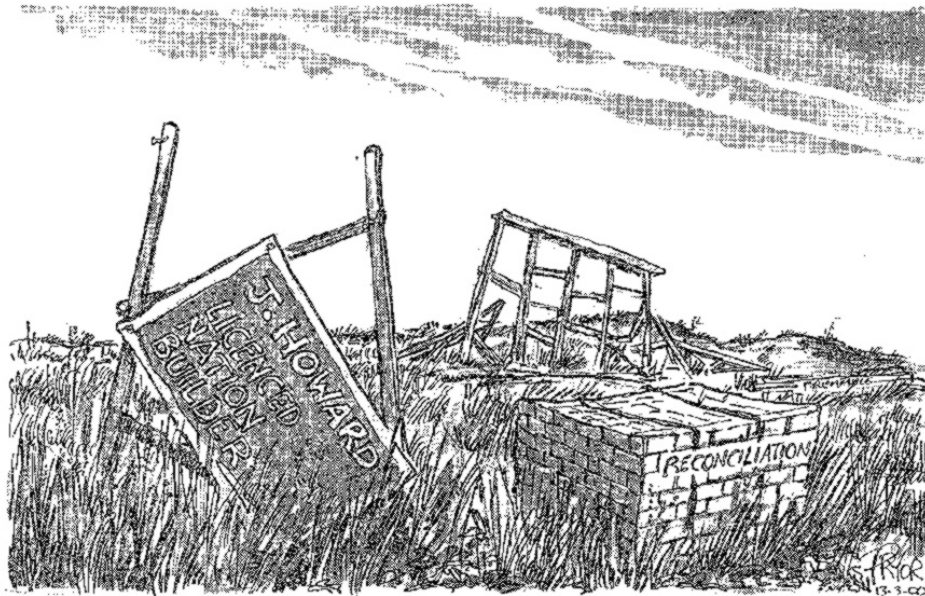
We won't resolve it by May or December ... The reconciliation process will take a long time and it will unfold over a period of years ... What really matter are not so much documents ... these things are all incremental (*Canberra Times* 29 February 2000).

The response in the media to Howard's comments was somewhat critical. The *Canberra Times* editorial spoke of the Prime Minister 'shattering hopes' for a declaration and its cartoonist portrayed him as 'He of the Never Never' on reconciliation (see Fig. 3). Two weeks later, the same cartoonist portrayed Howard as a licensed nation builder gone broke (see Fig. 4). Clearly CAR felt challenged by Howard's comments and, if anything, seemed to toughen its determination not only to meet its own timetable, but also to keep the declaration of reconciliation strong. There would, it declared, be an apology in the declaration and there might even be a call for a Bill of Rights (*Canberra Times* 8 March 2000 and 13 March 2000).

Fig. 3. Cartoon from the *Canberra Times*, 29 February 2000



Reproduced courtesy of Geoff Pryor, *Canberra Times*.

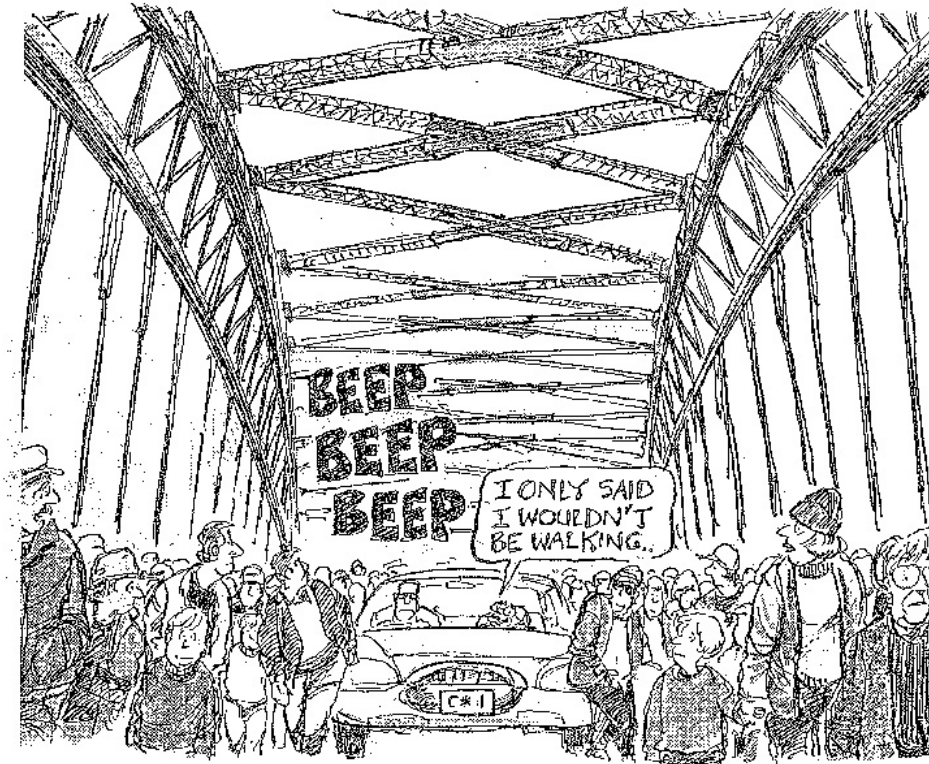
Fig. 4. Cartoon from the *Canberra Times*, 13 March 2000

Reproduced courtesy of Geoff Pryor, *Canberra Times*.

The Council's convention at the end of May was to be held at the Sydney Opera House and was referred to grandly as 'Corroboree 2000'. As it approached, tensions between the Council and the Howard government diminished, but then became heightened once more. On 10 May, the day before the Council's final 'Declaration towards Reconciliation' was to be made public, Howard had the members of the Council to dinner at the Lodge. But rather than accepting the Council's document magnanimously, Howard issued a revised version which cut out some key words that his government did not like, such as 'self-determination' and 'apology' (*Canberra Times* 11 May 2000).

On May 22, Howard announced that a Reconciliation Square would be built as a national monument in the Parliamentary Triangle in Canberra, saying that this would 'place the reconciliation process physically and symbolically at the heart of Australia's democratic life and institutions' (*Canberra Times* 23 May 2000). Five days later, however, Howard was 'booed and heckled' when he addressed Corroboree 2000 (*Canberra Times* 28 May 2000). The following day a people's walk for reconciliation across the Sydney Harbour Bridge attracted crowds estimated in the 'hundreds of thousands' (*Canberra Times* 29 May 2000). But Howard had indicated in advance that he would not be among those walking, prompting another critical *Canberra Times* cartoon (see Fig. 5).

Fig. 5. Cartoon from the *Canberra Times*, 28 May 2000



Reproduced courtesy of Geoff Pryor, *Canberra Times*.

In finalising its documents for reconciliation for May 2000, CAR began to admit that reconciliation had to be an ongoing process. Its key document had become the Australian Declaration 'towards', rather than 'for', Reconciliation and its four national strategies had been brought together as a Roadmap for Reconciliation. Now the task was to get some commitment to these documents and to produce a final report to the Commonwealth Parliament by December 2000.

The Council's final report, entitled *Reconciliation: Australia's Challenge*, set out both the history of the reconciliation process over the last decade and the 'challenge ahead' (CAR 2000). It reproduced letters of ongoing commitment to reconciliation received from the State and Territory Australian governments and also listed numbers of commitments from other interests such as business, local government, unions, media, education, youth, ethnic and women's organisations. It analysed responses to a survey which these organisations had completed and it made six recommendations about 'the manner of giving effect to' the Council's two Reconciliation Documents. Recommendation six was:

That the Commonwealth Parliament 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 (CAR 2000: 106).

To this end, the Council provided a draft Reconciliation Bill 2001.

In the concluding chapter of this final report, the Council labelled reconciliation an 'idea whose time had come' and one which the 'overwhelming majority of Australians generally support' (CAR 2000: 99–100). Sounding somewhat like Prime Minister Howard, however, the report went on to say that 'people differ on exactly what reconciliation means and how to achieve it'. It also noted that 'not all Aboriginal people are convinced about the process', asking 'why should they reconcile when they've done nothing wrong—the wrongs have been done to them' (CAR 2000: 100–1). 'For these and other reasons', the report continued, 'true and lasting reconciliation is not a foregone conclusion ... Reconciliation is hard work—it is a long, winding and corrugated road, not a broad paved highway' (CAR 2000: 101).

When presented with this final report on 7 December 2000, Howard noted that the government would 'consider the propositions' of the report in 'a spirit of immense good will' and with a 'desire ... to achieve the maximum level of agreement and ... harmony', but also 'against the background of positions that we have stated previously' (Howard 2000: 2). This, in effect, meant that the ideas of a treaty or an apology to the stolen generations were beyond consideration, as rejections of both were clear, previously-stated government positions. Howard also reiterated, in responding to the report, that there would be set aside in the Parliamentary Triangle 'a site to honour the importance of reconciliation in the nation's life', now to be known as 'Reconciliation Place' rather than Reconciliation Square. He also noted that the site would include 'a memorial and depiction of the removal of children from their families as part of the very difficult and traumatic experience of the indigenous people of this community' (Howard 2000: 2).

Since that time, now almost two years ago, the final CAR report has largely disappeared from public view. In April 2001, Aden Ridgeway proposed to the Senate that the Council's Reconciliation Bill 2001 be adopted by the Parliament, but this lapsed for want of broader parliamentary support (Commonwealth Parliamentary Debates, Senate, Vol. 209, 5 April 2001: 23762–5). A new non-government organisation, Reconciliation Australia Ltd, has also attempted to take over from where CAR left off, but it cannot command the resources or public attention that the Council could. Reconciliation Place was opened in July 2002 and occasioned some more earnest speech-making from Prime Minister Howard about the importance of reconciliation in Australian national life. The promised depiction of the stolen generations was, however, missing from Reconciliation Place at the time of this opening, having become mired in controversy over its artistic integrity and political import; over issues such as who had been consulted over the proposed depiction and whether the children in it were too

happy.⁴ The Howard government seems unable to put a foot right on the stolen generations issue.

Without the pressure—or perhaps the embarrassment—of a looming national centenary, Aboriginal reconciliation is now struggling, once again, to command much government or public attention. The reconciliation process continues at a low level, as a people's movement. But the heyday of public and government attention to the issue seems to have come and gone with the latter years of CAR. It is unlikely that Australia will witness again in the near future reconciliation events of the size and public prominence of the conventions of late May 1997 and 2000, or the Sydney Harbour Bridge walk of 28 May 2000.

Analysis

This account of CAR's rise and fall perhaps places too much emphasis on the Howard government's contribution to its inconclusive fading away. The Howard government has, in a sense, become an easy scapegoat for the demise of the reconciliation process. I want to argue, however, that even before the Howard government was elected to office, the goal of effecting reconciliation by the centenary of Australian federation was unrealistic and unachievable. To do so I will draw on an article written by Richard Mulgan early in 1996, just before the Howard government came to office, and published in 1998.

Mulgan argues that there has been a shift in values in settler majority societies in recent years in which 'the supposed civilising mission and ethnic superiority of Europeans' has been discredited. He sees these societies as now facing the 'fact that their own political community rests on unjust colonial conquest' and hence being seen as somewhat illegitimate by both their Indigenous and some of their non-Indigenous citizens in this post-colonial era (1998: 179). He asks, somewhat rhetorically:

Can this conflict be resolved? Can indigenous and non-indigenous people come to share a common citizenship that both groups recognise as legitimate? Or are societies such as ours condemned to harbour a continuing legacy of unjust dispossession and illegitimacy in their constitution? (1998: 180).

These questions, according to Mulgan, 'lie at the core of the government's reconciliation process' (1998: 180). His answers to the questions are complex and contextual, but I will try to do them justice.

Mulgan argues that as part of the anti-colonial critique a connection is made between the historical dispossession of Indigenous Australians and their present disadvantage. He notes that acceptance of this connection can also 'carry the implication that non-Aboriginal people and their culture must accept responsibility for current Aboriginal dispossession' (1998: 181). This acceptance of guilt, he argues, is not something with which most non-Indigenous people feel

comfortable; though there is a minority to whom he refers as ‘moralising liberals’ who see it as a badge of honour and their own superiority (1998: 184–5). Is there some other way, besides guilt, he asks, for the non-Indigenous majority to feel that their citizenship is legitimate? His suggestion is that we need:

a theory of constitutional legitimacy that equally legitimates Aboriginal rights *and* the general citizenship rights of all Australians and the institutional framework that creates and supports these rights. Such a theory implies an acceptance that the existing Australian state and society were unjustly founded by colonial settlers and migrants but, nonetheless, have a right to be recognised, and to recognise themselves, as legitimately located on this continent and entitled to restrict the original rights of Aboriginal people in the name of protecting the rights of non-Aboriginal people (1998: 186).

He goes on to note that, for some, the idea of a legitimate state with unjust origins will be ‘too problematic to accept’. But he argues, to the contrary, that:

most states have historically murky origins and the transition from de facto coercive power to de jure authority is one which many, indeed most regimes have made. The main factor in this process is the sheer passage of time. The longer the occupation continues, the harder it is to return to the status quo ante. The difficulties are partly theoretical, requiring increasingly complicated counterfactual assessments of people’s likely situation if the original occupation had not occurred; partly practical, calling for massive disentangling and upheaval of people’s lives; and partly moral, imposing penalties on innocent beneficiaries of other people’s wrong doing. With the passing of time, the question of the legitimacy of a regime turns less on its origins than on its present behaviour. If it acts lawfully and upholds the rights of its existing citizens, then there is no need to deny its legitimacy or that of its citizens (1998: 186).

This emphasis on the passing of time as a source of regime legitimacy suggests that the reconciliation process cannot be greatly speeded up. If it is not a journey entirely without end, it is an extremely long one measured in many decades or even hundreds of years, and certainly not just a single decade of concerted government policy action. The accompanying emphasis on the present behaviour of the regime as a source of legitimacy suggests that there is potential, if not for bringing the reconciliation journey to an end, then at least for moving it along its long and winding road. Mulgan suggests very clearly that, in the Australian context of just a little over 200 years of colonial settlement, there is a clear need to recognise some Indigenous-specific rights, such as restricted rights to land and self-determination, as well as general citizenship rights. The descendants of the settlers and later migrants can, he argues:

be legitimate citizens of a legitimate state, provided that they and their state recognise certain reasonable rights for the Aboriginal minority. These rights are based on the Aboriginal people’s prior occupation of the territory now known as Australia but their implementation involves recognition of the legitimate rights of non-Aboriginal people—for instance, their right to equal citizenship and the protection of their property (1998: 188).

On the specific issue of the right of Indigenous people to compensation for past injustices, Mulgan argues that such rights can be justified not because the current generation of non-Indigenous people is actually responsible for these injustices, but rather because it benefits from them:

In this respect, the duty to compensate arises from the present enjoyment of the rights of Australian citizenship and is incumbent on all non-Aboriginal Australians regardless of ethnic origin or how recently they, or their ancestors, migrated to this country (1998: 188).

On the issue of an apology, Mulgan argues that:

the main purpose of such acts is not so much an acceptance by present citizens of continuing guilt as an expression of moral condemnation of such dispossession and a determination to deal justly in the future. In this respect, non-Aboriginal people take on guilt in order to be exonerated from guilt (1998: 188).

Later, expanding on this theme, Mulgan notes that expiation is a two-way process:

Acts of atonement and apology all require for their satisfactory completion that the injured party accept the admission of guilt as in some sense wiping the slate clean and marking a new start. Only then can guilt be left behind. If non-Aboriginal Australians publicly admit to the wrongs done to Aboriginal by non-Aboriginal people in the past and publicly endorse Aboriginal rights to limited self-determination and land rights, they will expect the Aboriginal people, as a *quid pro quo*, to agree to give up blaming them for the sins of colonial conquest. The apology will be seen formally to seal the renewal of the Australian state based on a new dispensation that recognises Aboriginal rights in balance with the equal rights of all Australian citizens (1998: 189).

Having thus established a 'rationale for non-Aboriginal acceptance of Aboriginal rights' as part of a theoretical framework for a legitimate state in post-colonial Australia, Mulgan turns in the final pages of his article to the perspective of Aboriginal Australians. Various elements of this non-Aboriginal rationale may not, he argues, be acceptable to all 'Aboriginal opinion leaders':

For example, not all Aboriginal people are ready publicly to accept that their rights to self-determination and land are to be so limited by respect for the authority of the nation-state; those associated with the Aboriginal Provisional Government still wish to assert their own sovereignty against that of the Australian state and their right to do so has been vigorously upheld by CAR. Though such claims can be criticised as impractical and utopian, they have significant rhetorical and political effect as part of the wider politics of shame and embarrassment practised by Aboriginal people and other indigenous minorities (1998: 190).

Mulgan goes on to argue that:

[this] ability to disturb the conscience of the nation and unsettle its government is one of the few weapons available to Aboriginal people and one they are unlikely to surrender lightly (1998: 190).

Further he argues that:

The political value for Aboriginal people in appealing to the conscience of the nation suggests that they will be most reluctant to countenance the official end to non-Aboriginal guilt (1998: 191).

Guilt however, and the blame that goes with it, are much deeper issues than 'simple political expediency'. They are also 'intimately linked to the whole issue of Aboriginal identity':

For Aboriginal people, as for other conquered peoples, the fact that they originally possessed land and territory that was subsequently unjustly taken from them is a central and defining part of their history. Recalling this past is essential to making sense of their present marginalised and demoralised condition, while maintaining anger at what has happened helps to provide moral self-respect and a basis for demanding redress as a matter of right rather than charity. Thus, so long as their relatively disadvantaged position continues, a sense of just grievance may be said to be functional for their identity. Any attempt by the non-Aboriginal people to rob them of their right to continued just grievance can be interpreted as an attack on their very existence as a people (1998: 191).

Mulgan thus arrives at a point in his argument of recognising 'a deep-seated conflict between the Aboriginal and non-Aboriginal attitudes to the colonial past'. This suggests, he argues, that the hope for true reconciliation between Aboriginal and non-Aboriginal people may be over-optimistic. If Aboriginal and non-Aboriginal Australians are to share a common citizenship, they will need some shared values, but these cannot be expected to include a common perspective on colonial settlement:

Just as the ideology of benevolent colonialism and assimilation failed the Aboriginal people so, too, will the ideology of anti-colonialism and colonial guilt fail the non-Aboriginal people. A more sensible, if less tidy path is to admit the continuing existence of some conflicting cultural perspectives but to moderate and accommodate them through shared commitment to certain political values, such as democratic principles and human rights, including Aboriginal rights (1998: 193).

Mulgan concludes that in such a context words like 'compromise' and 'accommodation' are better key policy terms than 'reconciliation' as they 'recognise, and legitimate, the existence of conflicting values and interests, though within a framework of peaceful mutual adjustment' (1998:193).

I have reiterated Mulgan's argument at length here because it seems to me so prescient in the light of the subsequent history of CAR. Mulgan foreshadows the sorts of difficulties and reservations that many non-Aboriginal people, like John Howard, would have with reconciliation based on guilt. He also foreshadows the reservations of many Aboriginal people in being asked to stop blaming colonial settlement for their current condition and so give up something that has become a central part of both their politics and their cultural identity. He in a sense also

foreshadows the rather inconclusive demise of CAR, a milder version of which would probably have occurred even if John Howard had not been Prime Minister at the time of the centenary of Australian federation. What could have improved, under another government, was the symbolic sentiment. Mulgan notes that while acts of apology and expressions of regret are 'largely symbolic', they are also:

highly significant as an indication of the degree to which former aggressors have genuinely rejected the imperialist and nationalist assumptions on which their former conquests were based (1998: 189).

The Howard government's abhorrence of the symbolic in Indigenous affairs and its emphasis on the practical aspects of reconciliation has been one of its great failings. The two are complementary and mutually reinforcing, rather than antithetical. But that is a theme for another paper. Here my concern is with the over-ambitious nature of the attempt to achieve reconciliation within a single decade.

Mulgan does, of course, show us a theoretical way beyond the awkward and unsatisfactory nature of a reconciliation process based on Aboriginal blame and non-Aboriginal guilt. Recall that he suggests:

a theory of constitutional legitimacy that equally legitimates Aboriginal rights *and* the general citizenship rights of all Australians and the institutional framework that creates and supports these rights (1998: 186).

But unfortunately, in public policy making, good political theory does not always inform actual political practice. If it had, Australian governments of the last few years would have been vigorously reaffirming their recognition of limited Indigenous rights alongside the general rights of Australian citizens.

Conclusion

I will end, where I began, with the argument that reconciliation between Australia's Indigenous and settler peoples will be a journey without end, or at least an extremely long journey measured in many decades or hundreds of years rather than just one decade of government policy action. I will also end with another cartoon, this time focusing not on John Howard but on Patrick Dodson, still today known as the father of reconciliation in Australia. John Howard is still, however, a presence. The cartoon was produced in late 1997 and Dodson is 'waiting for John Howard' on reconciliation. The wait is so long, however, that Dodson's legendary flowing white beard has grown enormously and has itself become the long and winding road of reconciliation (see Fig. 6). Reconciliation is clearly dependent both on the passing of much time and on the taking of many steps on a long and dusty road. It is, to all intents and purposes, a journey without end.

Fig. 6. Cartoon from the *Australian*, 15 November 1997

Reproduced courtesy of Peter Nicholson, *The Australian*.

Notes

1. There were eight key issues papers produced during 1993 and 1994.
2. The first-stage response was the passing of the *Native Title Act 1993*, while the second was the establishment and funding of the Indigenous Land Commission. Two other bodies were also asked to report to the Keating government on what might be in the third-stage response, ATSIC and the Aboriginal and Torres Strait Islander Social Justice Commissioner within the Human Rights and Equal Opportunity Commission (HREOC). So CAR's was only one of three reports sought by the government on the topic.
3. The One Nation party had emerged in 1996 after disendorsed Liberal candidate for the seat of Oxley, Pauline Hanson, had been elected to the Commonwealth Parliament as an independent. Hanson's disendorsement was occasioned by comments she made about Aborigines during the 1996 election campaign (see Gray & Winter 1997; Manne 1998).
4. Four other depictions of various aspects of Indigenous peoples' issues and experiences were ready for the opening of Reconciliation Place, including one on the 1967 referendum. Other depictions, including a modified version of the one depicting the stolen generations, are to be added over time.

References

- Brennan, F. 1991. *Sharing the Country: The Case for an Agreement between Black and White Australians*, Penguin, Ringwood, Vic.
- Council for Aboriginal Reconciliation (CAR) 1993a. *Council for Aboriginal Reconciliation: An Introduction*, AGPS, Canberra.
- 1993b. *Making Things Right: Reconciliation after the High Court's Decision on Native Title*, Commonwealth Government Printer, Canberra.
- 1994. *Walking Together: The First Steps, Report of the Council for Aboriginal Reconciliation to Federal Parliament 1991–94*, AGPS, Canberra.
- 1995. *Going Forward: Social Justice for the First Australians, A Submission to the Commonwealth Government*, AGPS, Canberra.
- 1997. *Weaving the Threads: Progress towards Reconciliation, Report to Parliament Covering the Second Term of the Council for Aboriginal Reconciliation 1995–1997*, Aboriginal Reconciliation Branch, Department of Prime Minister and Cabinet, Canberra.
- 1999. *Draft Document for Reconciliation: A Draft for Discussion by the Australian People*, Aboriginal Reconciliation Branch, Department of Prime Minister and Cabinet, Canberra.
- 2000. *Reconciliation: Australia's Challenge, Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament*, Ausinfo, Canberra.
- Dodson, P. 1997. 'Address to National Press Club', Canberra, 28 November.
- Gray, G. and Winter, C. (eds) 1997. *The Resurgence of Racism: Howard, Hanson and the Race Debate*, Monash Publications in History No. 24, Monash University, Clayton, Vic.
- Howard, J. 1998. 'Transcript of the Prime Minister, the Hon. John Howard MP, election night speech', 3 October 1998 [<http://www.gov.au/news/speeches/1998/election.htm>].
- 2000. 'Transcript of the Prime Minister, the Hon John Howard MP, Address at the presentation of the Final Report to the Federal Parliament by the Council for Aboriginal Reconciliation', 7 December 2000 [<http://www.pm.gov.au/news/speeches/2000/speech581.htm>].
- Human Rights and Equal Opportunity Commission (HREOC) 1997. *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sterling Press, Sydney.
- Manne, R. (ed.) 1998. *Two Nations: The Causes and Effects of the Rise of the One Nation Party in Australia*, Bookman Press, Melbourne.
- Mulgan, R. 1996. 'A race relations lesson from across the Tasman', *Australian Quarterly*, 68 (2): 77–87.
- 1998. 'Citizenship and legitimacy in post-colonial Australia', in N. Peterson and W. Sanders (eds), *Citizenship and Indigenous Australians: Changing Conceptions and Possibilities*, Cambridge University Press, Cambridge.
- Tickner, R. 2001. *Taking a Stand: Land Rights to Reconciliation*, Allen & Unwin, Crows Nest, NSW.

Centre for Aboriginal Economic Policy Research Publications

For information on earlier CAEPR Discussion Papers and Research Monographs please contact:

Publication Sale, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra, ACT, 0200, Telephone: 02-6125 8211, Facsimile: 02-6125 2789. Information on CAEPR, and abstracts or summaries of all CAEPR print publications and those published electronically, can be found at the following WWW address: <http://online.anu.edu.au/caepr/>

MONOGRAPH SERIES

5. *The Relative Economic Status of Indigenous Australians, 1986-91*, J. Taylor, 1993.
6. *Regional Change in the Economic Status of Indigenous Australians, 1986-91*, J. Taylor, 1993.
7. *Mabo and Native Title: Origins and Institutional Implications*, W. Sanders (ed.), 1994.
8. *The Housing Need of Indigenous Australians, 1991*, R. Jones, 1994.
9. *Indigenous Australians in the Economy: Abstracts of Research, 1993-94*, L.M. Roach and H.J. Bek, 1995.
10. *Native Title: Emerging Issues for Research, Policy and Practice*, J. Finlayson and D.E. Smith (eds), 1995.
11. *The 1994 National Aboriginal and Torres Strait Islander Survey: Findings and Future Prospects*, J.C. Altman and J. Taylor (eds), 1996.
12. *Fighting Over Country: Anthropological Perspectives*, D.E. Smith and J.D. Finlayson (eds), 1997.
13. *Connections in Native Title: Genealogies, Kinship and Groups*, J.D. Finlayson, B. Rigsby and H.J. Bek (eds), 1999.
14. *Land Rights at Risk? Evaluations of the Reeves Report*, J.C. Altman, F. Morphy and T. Rowse (eds), 1999.
15. *Unemployment Payments, the Activity Test and Indigenous Australians: Understanding Breach Rates*, W. Sanders, 1999.
16. *Why Only One in Three? The Complex Reasons for Low Indigenous School Retention*, R.G. Schwab, 1999.
17. *Indigenous Families and the Welfare System: Two Community Case Studies*, D.E. Smith (ed.), 1999.
18. *Ngukurr at the Millennium: A Baseline Profile for Social Impact Planning in South East Arnhem Land*, J. Taylor, J. Bern and K.A. Senior, 2000.
19. *Aboriginal Nutrition and the Nyirranggulung Health Strategy in Jawoyn Country*, J. Taylor and N. Westbury, 2000.
20. *The Indigenous Welfare Economy and the CDEP Scheme*, F. Morphy and W. Sanders (eds), 2001.

RECENT DISCUSSION PAPER SERIES

- 214/2001** *Indigenous data from the ABS Labour Force Survey: What can they tell us?* J. Taylor and B.H. Hunter.
- 215/2001** *Autonomy rights in Torres Strait: From whom, for whom, for or over what?* W.G. Sanders and W.S. Arthur.
- 216/2001** *Indigenous families and the welfare system: The Kuranda community case study, Stage Two*, R. Henry and A. Daly.
- 217/2001** *Indigenous families and the welfare system: The Yuendumu community case study, Stage Two*, Y. Musharbash.
- 218/2001** *Giving credit where it's due: The delivery of banking and financial services to Indigenous Australians in rural and remote areas*, S. McDonnell and N. Westbury.
- 219/2001** *Implications of developments in telecommunications for Indigenous people in remote and rural Australia*, A. Daly
- 220/2001** *Indigenous autonomy in Australia: Some concepts, issues and examples*, W.S. Arthur.
- 221/2001** *Indigenous land in Australia: A quantitative assessment of Indigenous landholdings in 2000*, D.P. Pollack.
- 222/2001** *Valuing native title: Aboriginal, statutory and policy discourses about compensation*, D.E. Smith.
- 223/2001** *Community Participation Agreements: A model from community-based research*, D.E. Smith.
- 224/2001** *A regional CDEP for four remote communities? Papunya, Ikuntji, Watiyawanu and Walungurru*, W. Sanders.
- 225/2001** *Building Indigenous learning communities*, R.G. Schwab and D. Sutherland.
- 226/2001** *Sustainable development options on Aboriginal land: The hybrid economy in the twenty-first century*, J.C. Altman.
- 227/2002** *The Indigenous population of Cape York Peninsula, 2001–2016*, J. Taylor and M. Bell.
- 228/2002** *Urban CDEPs as Indigenous Employment Centres: Policy and community implications*, M. Champion.
- 229/2002** *Three years on: Indigenous families and the welfare system, the Kuranda community case study*, R. Henry and D.E. Smith.
- 230/2002** *Towards an Indigenous order of Australian government: Rethinking self-determination as Indigenous affairs policy*, W. Sanders.
- 231/2002** *Population futures in the Australian desert, 2001–2016*, J. Taylor.
- 232/2002** *Autonomy and the Community Development Employment Projects scheme*, W.S. Arthur.
- 233/2002** *Jurisdictional devolution: Towards an effective model for Indigenous community self-determination*, D.E. Smith.

- 234/2002** *Indigenous community stores in the 'frontier economy': Some competition and consumer issues*, S. McDonnell and D.F. Martin.
- 235/2002** *Some competition and consumer issues in the Indigenous visual arts industry*, J. C. Altman, B.H. Hunter, S. Ward and F. Wright.
- 236/2002** *Indigenous residential treatment programs for drug and alcohol problems: Current status and options for improvement*, M. Brady.

WORKING PAPER SERIES

Available at no cost on WWW at <http://online.anu.edu.au/caepr/>

- 1/1999** *Three nations, not one: Indigenous and other Australian poverty*, B.H. Hunter.
- 2/1999** *Further investigations into Indigenous labour supply: What discourages discouraged workers?* B.H. Hunter and M.C. Gray.
- 3/1999** *Dealing with alcohol in Alice Springs: An assessment of policy options and recommendations for action*, M. Brady and D.F. Martin.
- 4/1999** *Aboriginal people in the Kakadu region: Social indicators for impact assessment*, J. Taylor.
- 5/1999** *Reforming the Northern Territory Land Rights Act's financial framework into a more logical and more workable model*, J.C. Altman and D.P. Pollack.
- 6/2000** *Governance and service delivery for remote Aboriginal communities in the Northern Territory: Challenges and opportunities*, N. Westbury and W. Sanders.
- 7/2000** *What's in it for Koories? Barwon Darling Alliance Credit Union and the delivery of financial and banking services in north-west New South Wales*, N. Westbury.
- 8/2000** *The relative social and economic status of Indigenous people in Bourke, Brewarrina and Walgett*, K. Ross and J. Taylor.
- 9/2001** *Indigenous communities and business: Three perspectives, 1998- 2000*, J.C. Altman
- 10/2001** *Indigenous Australian arrest rates: Economic and social factors underlying the incidence and number of arrests*, B.H. Hunter.
- 11/2001** *Sensitivity of Australian income distributions to choice of equivalence scale: Exploring some parameters of Indigenous incomes*, B.H. Hunter, S. Kennedy, and D.E. Smith.
- 12/2002** *Indigenous Australians and competition and consumer issues: An interim review of the literature and an annotated bibliography*, J.C. Altman, S. McDonnell, and S. Ward.
- 13/2002** *The rise of the CDEP scheme and changing factors underlying Indigenous employment*, B.H. Hunter.