INAUGURAL SOCIAL JUSTICE/HUMAN RIGHTS LECTURE

UNIVERSITY OF NEWCASTLE

A PERSONAL JOURNEY

By Rick Farley

I wish to acknowledge the Traditional Aboriginal Owners of the place we meet today, the Awabakal people, and thank them for their welcome. I pay respect to their elders and to their culture – the oldest living culture in the world.

I also wish to acknowledge the University of Newcastle. It is important that learning institutions remain a forum for discussion of social justice and human rights issues, not function just as degree factories, and this University is doing its part. I welcome the introduction of an annual social justice/human rights lecture and am honoured to present it for the first time. Today's circumstances around the world certainly highlight the importance of those values.

I will start in the Aboriginal way, which is to tell you some of my story so you know where I'm coming from and have a context in which to judge my remarks.

In so doing, I want to make it clear that I speak only for myself. I can not speak for anyone else. All I can do is share some of the things that have shaped my views and some of the conclusions I have reached. I hope they are of some interest to you.

I am 48 years old and filled with more disquiet than I can recall at any other time in my life. I fear that my country is retreating towards the dark shadows of xenophobia and racism, away from social justice and respect for human rights. This is my personal journey.

I was born in Townsville and went to school and university in Brisbane. I must confess to retaining a Queensland tribal mentality.

My parents divorced and my father died when I was young. We lived with my grandparents and my mother worked as a nurse to put my sister and me though private schools. We were not an affluent family.

Brisbane was a big sleepy country town in those days – before Expo and before the Commonwealth Games. I didn't know any Aboriginal people and I can't remember any at my school. The main social divisions I observed were between Catholics and Protestants. My mother's most effective punishment was to confiscate my library card.

I breezed through primary and secondary school and received a Commonwealth scholarship to go to university. Most of my friends did the same thing. This was the late sixties and early seventies. University places were plentiful and university was a natural progression from my GPS school. I had no concerns about getting a job.

Australia was all the way with LBJ in Vietnam, the coalition parties had held power forever and Whitlam was reshaping the Labor Party. My social conscience was activated by the Vietnam War, driven at least in part by self interest. I was subject to the ballot for conscription and my number came up. The only thing that saved me from becoming a draft dodger was the ALP victory in 1972.

I most definitely did not want to fight a war in some-one else's country, particularly when it obviously was unwinnable. I demonstrated against Australia's involvement in Vietnam, then the Springboks tour and apartheid in South Africa. I chose to think I had a well-developed social conscience. But I still didn't know any Aboriginal people.

I graduated in English language and literature and went to Nimbin for a while at the time of the Aquarius Festival – Australia's answer to Woodstock. I met some interesting people and some odd people and had a wonderfully self-indulgent romp. It was a time of great energy and hope. People of my age and background truly believed we could change the world – a conviction that seems weaker in today's youth. I still didn't know any Aboriginal people.

I eventually moved to Rockhampton in central Queensland, worked on the local newspaper and then joined the staff of the local Federal Member, who was the Minister for Health in the Whitlam Government. I was 22 years old, working in the private office of a Federal Minister in a reformist government, Whitlam was God, and – the icing on the cake - ASIO had to give me a top-secret security clearance.

But I still didn't know any Aboriginal people. I was largely oblivious to Vincent Lingiari, the Gurindji strike at Wave Hill station, the Gove Land Rights Case and the Woodward Royal Commission.

Then came the dismissal and defeat of the Whitlam Government. My cosy view of the world was tempered by reality.

In 1976, the first radical farming organisation was formed in Rockhampton – the Cattlemen's Union of Australia – as a breakaway from the established graziers' association. They asked me to mount a media operation for them and I was at loose ends so I agreed. I became Executive Director a couple of years later at the age of 26 – despite my degree in literature, long hair, bangles, motor-bike and Labor background. They were brave men and women, those leaders of the Cattlemen's Union who appointed me.

I stayed with the Cattlemen's Union for 10 years and then went to Canberra to work for the National Farmers' Federation for another 10, seven of them as Executive Director. I finally met some Aboriginal people but had no framework from which to deal with their version of history. My education had not included their issues.

During my 20 years with farming organisations, I saw and learned a lot.

I came to understand that the country shapes our society. It gives us wealth, it determines where we live, and it shapes our national character. When an Aboriginal man later used the term 'mother' to describe his country, I could begin to understand what he meant.

I saw the brutal face of rural poverty up close – stalwart families who opened up brigalow blocks with minimum capital, only to see beef markets collapse when Japan closed its markets after the oil shock. Many were living in tin sheds with earth floors, young kids and a car seat for a lounge. Not the common view of a pastoralist.

I saw how desperation forces people to take action they never envisaged – cattlemen shooting stock, blockading saleyards, marching in protest, passing a vote of no confidence in their National Party Minister. Woolgrowers mounting military style operations to load live sheep. The farm sector as a whole demonstrating against United States trade policy and their President.

(I wonder whether asylum seekers ever thought they would be so desperate as to board a leaky Indonesian fishing boat and try to reach Australia).

I saw the pace of change accelerate dramatically, driven by the floating of the Australian dollar and the communications revolution – reductions in industry protection, deregulation of the labour market, opening up of new international markets and new trade alliances. The three original pillars of Federation were consigned to the scrap heap – industry protection, centralised wage fixing and White Australia.

I saw regions in Australia get left behind in the new world market place and relative depopulation of the inland. Many people went broke and the social structure of rural and regional Australia changed enormously. Over 80% of our population now live within 50km of the coast.

I saw the historic Mabo judgement and was instrumental in the passage of Commonwealth native title legislation. The relationship between Indigenous and non-Indigenous Australians changed forever. Indigenous people now are at the negotiating table by right, not by largesse.

I saw the pragmatism of politics, which ignores social justice considerations. President Bush telling Australian farm leaders "Sorry guys, you just got hit on the back-swing." Lesser reductions in protection for the motor vehicle, textiles and footwear industries than for other industries, because they were job intensive and many of the jobs were in marginal electorates. Stacking of the

boards of important institutions by successive governments. Australia's selective approach to United Nations obligations. Legislation to reduce native title rights that had been found to exist by the High Court. The Hawke Government abandoning ALP policy on national land rights under pressure from Western Australia. The list is extensive.

I also saw inspiring examples of what can be achieved by cooperation between different people and interests. Farmers and environmentalists coming together to create the Decade of Landcare and change land management; the Cape York Land Use Heads of Agreement between Aboriginal people, pastoralists and environmentalists; drought aid concerts and fundraising in the cities for farm families.

I left the NFF in 1995 and since then have operated my own business and acted as an advocate for reconciliation and environment issues.

These are a few of the personal truths I have gathered.

Relationships are our most important commodity. Our relationships with country, with our families, our friends, our neighbours, with people from other races, with other nations, determine our future. They also determine whether our soul is troubled.

Relationships are becoming a lot more complicated as the pace of change accelerates. There are new pressures and stresses every day.

Building good relationships takes a lot of time. It can't happen overnight. There must be a long-term approach handled with respect and understanding. However, powerful forces militate against that. Short-termism abounds in government and business, driven by the short Federal election cycle and the pressure on companies to deliver regular dividends for shareholders. Driven also now by the threat of terrorism.

In the last analysis, relationships depend on individuals. Unless individuals believe they are being treated with respect and equity, the relationship will fail. Respect and equity are simply other names for human rights and social justice.

We can't hide, we can't get off. Australia is part of the global community now. We are committed and there is no turning back. Our nation is open to the eyes of the world and will stay that way.

I want to look at two areas from this personal framework of mine – reconciliation and our treatment of asylum seekers. They are major factors in the tremendous disquiet I now feel.

Reconciliation

As I already have indicated, I remained largely ignorant of Indigenous people and Indigenous issues until my mid-thirties, when I was appointed to the

Council for Aboriginal Reconciliation (CAR). However, I do not believe I was very different to most of my generation, despite my liberal arts background and long involvement in national politics.

Indigenous people are only about 2% of the national population and not particularly visible in most of our cities. They have little economic or political influence.

My generation's education also was flawed because it did not deal with the complete history of our country. Premier Bob Carr has pointed out that the current generation is the first to grow up with the truth and he is correct. History is written by the winners so it is not surprising that our nation operated under the fiction of terra nullius - that the country was uninhabited at the time of colonisation. It took the High Court's Mabo decision in 1992 to dispel that lie.

As Justice Brennan explained in his judgement: "The common law itself took from Indigenous inhabitants any right to occupy their traditional land, exposed them to deprivation of the religious, cultural and economic sustenance which the land provides, vested the land effectively in the control of the Imperial authorities without any right to compensation and made the Indigenous inhabitants intruders in their own homes and mendicants for a place to live. Judged by any civilised standard, such a law is unjust and its claim to be part of the common law to be applied in contemporary Australia must be questioned."

I was mildly anxious when I attended the first meeting of the CAR. I had been in two minds about accepting the appointment and it was my mate, Phillip Toyne (then the head of the Australian Conservation Foundation who had worked for many years with Aboriginal people in central Australia) who convinced me to accept it. I did not know quite what to expect.

The chair, Patrick Dodson, opened the meeting and announced that the first business would be for everyone to tell their own personal story. I thought that was a novel approach, particularly given the weight of the agenda papers. Six hours later, I was emotionally drained – reduced to concealed tears a couple of times and absolutely gobsmacked by the stories I had heard. They were way outside my comfort zone and challenged many of my approaches and perceptions. At the same time, I was humbled by the dignity of the Indigenous Council members and their willingness to forgive and move forward.

That day and later, I learned that Indigenous Australians were regarded in law as non-people until the referendum in 1967. That they had been slaughtered in massacres, their women abused, their children taken away and their human rights ignored. That they still die younger, have greater health problems, lower education and employment rates and more of them are in jail than any other sector of the Australian community. The rate of youth suicide in Australia is amongst the highest in the world and the rate of Indigenous youth suicide is higher still.

I learned about Aboriginal deaths in custody, discrimination and racism, the impact of removal from traditional lands and backsliding on the issues by governments of all political persuasions. Even the reconciliation process was a political compromise. The Hawke Government had come to power promising national land rights. It never happened. Then Mr Hawke promised a treaty. That never happened. Instead, the CAR was formed to report over a period of 10 years on the value of a document or documents to advance reconciliation. Not a mention of the 'T' word and 10 years was three elections away. It is no wonder many Aboriginal people believe they will achieve more in the courts than from the political process.

Despite this sordid and shameful history, I have never once heard Indigenous people say 'Whitey go home.' All I ever have heard is 'It would be nice to be asked' and 'We must walk together.'

I have come to understand that the core of the reconciliation debate is the future of race relations in Australia. Without reconciliation, we will be a divided nation because Indigenous people will not give up their struggle. They have survived until now, against all the odds, and will continue to fight for social justice and their human rights. They see it ultimately as a question of the survival of their culture – a war against cultural genocide. There can be no retreat in such a war, even though some battles may be lost.

Also, as Sir William Deane has said, Australia will be a diminished nation until we acknowledge and accept our Aboriginal history.

In very stark terms, Australia can either be an inclusive, harmonious nation or one split by race issues and troubled in its spirit and confidence. I reject the latter outcome and therefore must embrace the quest for harmony.

The message I took back to the NFF, particularly after the Mabo judgement, was – whatever else you think, no matter how political the issues might be, accept one simple fact. They are not going to go away. The central questions then become how to manage the issues and how much collateral damage we accumulate as a nation until we do.

That message has not changed but there is still a long way to go. The CAR left a legacy of improved understanding and a general sense in the community that things are not right and something must be done. Hundreds of thousands of Australians walked across bridges, signed Sorry Books and wrote their name on the Sea of Hands.

But there have not been many concrete results. Only the Australian Democrats have responded to the CAR's final report; the national government has refused to say sorry; native title rights have been wound back; the Australian government has rejected United Nations criticism of its actions in this respect; and Aboriginal people still account for about 40% of those in jail in NSW and are dieing much earlier than the rest of our citizens.

I do not want to pretend that resolution of the issues is easy. There are profound problems. Reconciliation is the interface between many cultures and different laws.

In the first instance, there are huge challenges to public administration policy. The system of government in Australia is highly centralised. Peak industry and community groups deal direct with the Commonwealth on public policy – the ACTU, NFF, Business Council of Australia, Australian Council of Social Services and so on. Yet under Indigenous lore, no one can talk for someone else's country. There were over 300 separate Aboriginal nations in Australia. Clan and family groups have responsibility for caring for particular land and waters. The concept of a peak body, able to speak for all of the country, is alien to Indigenous lore and culture.

This creates a fundamental tension – our system of public administration is centralised, but the only way to deal effectively with Indigenous issues is at local and regional level according to the boundaries of their nations. This poses real problems for delivery of programs, ATSIC and to some extent, the treaty debate. Our government structures and borders are not consistent with Indigenous nation boundaries or ways of doing business. In many ways, ATSIC is a whitefella attempt to impose a peak council structure on Indigenous people and does not reflect traditional decision making processes. Consultation on a treaty indicates a preference for any treaty to be negotiated and signed with each Indigenous nation.

Second, traditional boundaries and areas of responsibility for country have become blurred. Indigenous peoples have been moved and shifted around extensively. Their history is a history of dispossession. Different peoples were pushed back from the coast by settlement, jumbled together on missions and reserves, and had to leave their traditional lands, which by then were large inland grazing properties, as the result of the equal wages decision in the 1960s. It therefore can be very difficult to identify the right people to speak for country and exercise traditional responsibilities for it. It takes time and resources and finally can be resolved only by Indigenous peoples themselves. There is no whitefella who can tell Indigenous people their responsibilities for country under their traditional lore.

This, once again, creates problems for policy makers. How can policy be developed, or timely approvals granted for industrial development, when government and industry are not sure with whom they should be dealing, and when many Indigenous groups are in dispute about the matter? This situation is not the fault of Indigenous peoples, but it is the reality we all have inherited.

Third, Indigenous peoples don't want to be totally absorbed into an homogenous Australian community. They don't want to be average. They have their own culture that has survived for over 60,000 years, and they want to protect and enhance it. They have rights to do this under the common law. They also have special rights as the First Peoples of Australia under international law – rights that are not available to the rest of the community.

The challenge for non-Indigenous Australians is to accept and respect that wish for a distinct identity by Indigenous people, while they still remain within the overall Australian community. The challenge becomes even greater when another cultural difference is added to the equation.

In European society, there is an expectation that information will be available freely. There are libraries, media, the Internet, the 'information superhighway'. But in Indigenous society, some information is not available. Some information is never released generally and only handed on when people are judged ready to deal with it.

This was put into sharp focus for me by Galarrwuy Yunupingu during the native title debate in 1993. My proposition to him at the time was: 'Galarrwuy, you're a senior law man. It would help debate if you were able to talk about your relationship with country. If there was more knowledge by whitefellas, there would be greater understanding and that might help to generate some solutions'. I thought this was a pretty reasonable position – make more information available, that will improve understanding and out of understanding will come a better debate.

Galarrwuy just looked at me for a moment and replied, "Why do you whitefellas have to know everything?"

That about sums it up. The enormous jump in mindset that non-Indigenous Australians have to make is to respect, and accept as different, a culture and lore we can never fully understand.

The relationship has to be worked at painstakingly and social justice and human rights are integral to the outcome. There will be no reconciliation without social justice and the issues will not go away. To quote Sir William Deane again: "The test of social justice is whether the future prospects of an Aboriginal baby are comparable with those of a non-Aboriginal one." Australia is nowhere near that outcome yet. That shames me and saddens me.

Asylum Seekers

The climate for progress on reconciliation has been frozen to some extent by the Howard Government's position on asylum seekers in the lead up to the Federal election and the horrendous events of 11 September. The human rights and social justice agendas have been refocussed for the time being and Aboriginal reconciliation has slipped lower down the list. That is a contributing factor to the overwhelming disquiet I now feel.

I also greatly fear that the milk of human kindness is drying up in Australia and I don't know how long that will last. There is a lot of fear in our community and fear has extremely ugly faces. Some of them are out and about now and they don't like Muslim culture or people. They don't like a lot of other things as well. While they roam, Australia's cultural tolerance and compassion will be white-anted across the board. That has enormous implications for our society.

Here's my attempt to come to grips with the issues. It comes in two parts – the first from a wide perspective and the second in a narrower domestic context.

Terrorist attacks are abominable because they kill ordinary citizens. They can not be tolerated.

I believe the US has done the right thing in building an international coalition to respond to the attacks on New York and Washington.

I also believe President Bush and other leaders have done the right thing in emphasising that their response is against terrorists, not Muslim people or Muslim culture.

I accept, albeit uncomfortably, that part of the international response will have to be targeted military operations. But I also believe that the only lasting solution is to address the conditions that allow terrorism to survive – lack of social justice and lack of human rights. Developed countries, including the US, have not always had a shining record in this respect. There are many examples of support for repressive governments where this has suited the interests of developed nations. Ironically, the US once supported the Taliban against an administration backed by the Soviets, but now is in coalition with Russian states to bring down the Taliban.

When international terrorists are captured, I would be more comfortable if they were tried in international courts. That's how the Nazis and the former Serbian President were dealt with.

The nations of the world must recognise that they will have to deal with a new wave of refugees, initially from Afghanistan. That will take resources and a coordinated response. There will need to be great compassion and understanding in the way refugees are treated and accepted because the human tragedy will be immense. Resources also will be necessary to assist reconstruction of countries that are damaged.

I am concerned that the need to maintain the international coalition could result in political decisions to ignore human rights abuses and lack of social justice in other areas of the world. How tough can the US be with China in future? How will the international aid effort be maintained in other areas of the globe, particularly to Africa.

I worry that increased powers for security forces may put further limits on civil liberties and civil rights. The Australian government, for instance, has proposed increased powers for ASIO, including the ability to detain people for 48 hours without charge. It also is not clear whether legal representation would be allowed during this period. High Court judge, Justice Michael Kirby, has warned against over-reaction to terrorist threats and suggested that if such powers are to be granted, they should be subject to a sunset clause. I agree with that.

I am apprehensive that Australia is sending mixed messages to Muslim people around the world. On one hand our leaders endorse the US line, which is to reassure Muslim people that they are not being targeted, just the terrorists. On the other hand, Mr Howard and Mr Beazley are happy to use force to turn away Muslim asylum seekers who come from the Middle East.

I do not automatically accept the government's argument that security against terrorism means you have to force boat people away from our shores. It seems most unlikely to me that terrorists would choose to enter Australia as boat people. From US reports, it appears terrorists are more likely to have an AMEX card than a battered suitcase on a leaking boat. Asylum seekers are more likely to be those so desperate to flee the conditions in their homelands that they are prepared to sell everything to pay people smugglers and take huge personal risks in the hope of getting to somewhere like Australia.

Those thoughts really come from a global perspective. Now for a more domestic context. In many ways, I think it is helpful to separate the two issues of global terrorism and asylum seekers. They share the coincidence of timing, but not much else.

Australia's response to recent asylum seekers has every appearance of policy on the run. Mr Downer had to scurry around to find a place to process the Tampa asylum seekers and those detained since. First it was Nauru, then New Zealand, now Papua New Guinea.

The cost of the operation has not been disclosed but reports indicate it is somewhere between $50 million and $100 million to date. That is much more than the cost of processing everyone on Christmas Island in the first place.

Many of those processed in Nauru, New Zealand and Papua New Guinea are likely to be accepted here in any case.

Australia is acting without generosity of spirit or compassion to many asylum seekers who have no way of accessing normal immigration processes. The 'queue jumper' argument has only limited currency.

The policy doesn't seem to have worked. Boats are still coming, others reportedly are lined up, and refugees from Afghanistan are likely to swell the numbers, particularly when winter comes soon.

Navy ships are acting as a police force and diverted from acting as a defence force.

After all that, it looks like Christmas Island will be used for processing again anyway. All the government has done is remove it, along with Ashmore, Cocos and Cartier islands, from our immigration zone.

Australia's relationship with Indonesia obviously has some problems. The Indonesians have not been anxious either to help process asylum seekers or

to stop people smugglers. Their President wouldn't even pick up the phone to our Prime Minister.

What to make of all this? I am forced towards the view that the government's response to the Tampa and other asylum seekers was determined with at least half an eye on the election. Why else did the response harden up so much at that time? There had been over 250 other boatloads of asylum seekers previously processed on Australian territory.

Then came the horror, fear and confusion generated by the terrorist attacks on 11 September. Suddenly, many other layers were added to the asylum seeker issue and world opinion, which had been highly critical of Australia's handling of the Tampa incident, was diverted in other directions. The government soon used the convenient argument that defence against terrorism requires defence of Australia's borders, including from asylum seekers.

In this light, the government is opportunistic and more than a little cynical. The Opposition also has departed from ALP policy in an attempt to ride with public opinion. The medium and long term consequences could be severe. In the words of the chairman of the Australian Refugee Council, William Maley: "We run the risk of conveying the impression that we regard victims of oppression as garbage and the countries to which they'll now be dispatched as garbage dumps."

These are the thoughts that fuel my enormous disquiet. I feel afraid for my country. I don't know how we will be affected by the war on terrorism. I do know that fear and hatred are on the increase in my land. That in itself scares me. Our national compassion and tolerance are being tested and perhaps eroded. We are coarsened by constant exposure to terror and horror in news media. Our leaders appear unwilling to rise above short-term opportunism and take the long view on a range of social justice and human rights issues. In so doing, they well may have a tiger by the tail.

It would be unutterably tragic if Australians reverted to the shadows of past racism and xenophobia. Apart from anything else, it is not in our own interests. Globalisation, which opens new markets for our exports, will fail without social justice and protection of human rights. We are a small country and our closest neighbour is the largest Muslim nation in the world. We are a part of the Asia Pacific region and need to take our place in that community. Our society is multicultural and could fracture if the demons of fear and hatred are set loose. We will be a divided nation without reconciliation with Indigenous people.

In the last analysis, we will be diminished as individuals and as a nation if we succumb to the dark forces in our midst. We will break the promise we make so publicly in our national anthem: "For those who've come across the seas, we've boundless plains to share."

That is my personal journey. My disquiet weighs me down. I hope and pray it proves to be unwarranted.

17 October 2001

Ends

For further information: email rickfarley@oz2000.com