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Lines in the Sand:

Federal Implications of Statehood for Australia's Northern Territory

Submission to the
Standing Committee on Legal and Constitutional Affairs,
House of Representatives, Parliament of Australia, Canberra, by the
Australian Centre for Peace & Conflict Studies (ACPACS)
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The point-form **Observations, Conclusions, and Recommendations**, pages 19-22 below, may serve as an **EXECUTIVE SUMMARY**. However, the Submission is intended to be a discussion of the issues and is not so easily summarised.

INTRODUCTION

The House Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, was given terms of reference on 9 May 2005 by the Minister for Attorney-General, Hon Philip Ruddock, MP, on *'the question of Northern Territory statehood, focusing on:*

1. *recent developments in the Northern Territory on the question of statehood, including any proposals to advance statehood; and*
2. *emerging issues which may have implications for federal arrangements.'*

The Committee held hearings in Alice Springs and Darwin in mid-November 2006, in seminar form, and intended to conclude the receipt of submissions in December 2006.

The terms of reference for the Committee inquiry – *'Federal implications of Statehood for the Northern Territory'* – offer a novel and useful approach to explore issues of political and constitutional development, both old and new. They highlight the fact that self-determination of regions is not *only* a natural democratic urge of all peoples and a 'right' in liberal democracies, but reflects back on the country as a whole. If the discussions leading up to 1901 centred on commerce, national security, and racial anxiety, among other things, the list today includes much more because governments are active in so many more fields. Indigenous relations and 'reconciliation', human rights and socio-cultural diversity, shared national assumptions, low-level but persistent security threats, tourism, the environment, protection of 'dangerous' species, dangerous minerals like uranium, etc. are now part of the scene. Railway politics, resource development projects, and great world-class seaports – both real and imagined – light up political visions just as they did a hundred years ago.

The creation of the first large new jurisdiction within the Australian federation after more than a century, and one in which a large population of Aboriginal peoples are the most permanent residents, is both an opportunity and symbol of new times – even

of the new millennium, if one wishes. It is a fresh challenge calling for cooperation and political unity in a country vexed and perplexed by 'reconciliation' issues.

The Australian Centre for Peace and Conflict Studies (ACPACS), University of Queensland, attaches great importance to the Northern Territory future. Many ACPACS research interests and projects in Australia and abroad centre on Indigenous peoples and the 'reconciliation' or accommodation of Indigenous societies and well-being in a world of nation-states and Western-oriented legal and political systems. ACPACS also is involved in many research, training, and other projects in the 'near abroad' from East Timor and South-East Asia through Micronesia, Melanesia, and Polynesia. The growing relationship between Australian and Pacific Indigenous peoples and issues is neatly symbolised by the fact that barrister Mick Dodson, long-time head of Aboriginal statutory and other bodies in the Northern Territory and Australia, and now Professor and head of Indigenous Studies at the Australian National University (ANU), Canberra, is the Australia-Pacific Indigenous representative on the United Nations Permanent Forum on Indigenous Issues (UNPFII) which now meets annually for two weeks in the northern hemisphere spring.

In the following comments we will focus on the national interest. We will also make a distinction too often forgotten in constitutional discussion – we will be mindful of *constitutional politics* no less than *constitutional law*. Australia, to its credit, invites full public political participation in many areas of constitutional reform. In the experience of northern territories and related areas of indigenous, environment, and development around the world in recent decades, *constitutional politics* have usually been more difficult and dominant than sheer issues of law. While our brief deals with the more obvious issues of constitutional topography and landscapes, the deeper dynamics and 'geo-morphology' is dealt with, from a non-Indigenous intellectual and cultural perspective, by Dr Anne Brown in a book chapter, 'The status of Indigenous Australians', which we highly recommend (Brown 2002).¹

WHAT IS THE NORTHERN TERRITORY?

The Northern Territory as seen by many settler Australians – as well as internationally – is centred on a map by a red line running North-South – the Stuart Highway – with the capital Darwin on the Tropical (Sub-Equatorial) seacoast and three other predominantly non-Indigenous population centres, i.e., Katherine, Tennant Creek, and Alice Springs, from North to South. The trans-continental rail link running in parallel was completed in recent years to Darwin and has long been a symbol of hope or development for NT entrepreneurs.²

¹ Anne Brown is an ACPACS staff member. She did not participate directly in writing this Submission because of overseas research travel, but we have drawn on her thinking, research, and writing.

² In North Norway, or Sapmi, a railroad from the South has long been sought by some residents as a symbol of national integration or regional respect. Part of North Norway is nearly narrow enough for someone on the ocean shore to throw a snowball into Sweden, so a railway corridor worries environmentalists and others. Sea transport through the 12-month open-water ports is cheaper, and the fast and reliable coastal steamer is a more comfortable and scenically spectacular way to travel, not to mention swift jet travel: many people still want a railway. It could provide a season or two of construction work, but not much more.

For the rest, the NT is a broad wedge of apparently empty land stuck into the top of the continent. It is arbitrarily bounded on East, West, and South by arbitrary straight lines in the sand making no particular sense and creating difficulties between kin and amid language groups and cultures. This arbitrary Territory is a sort of legacy of the British Empire and the Age of Steel. The maps of Australia or Canada or Africa with their many straight lines drawn by persons perhaps unfamiliar with the situation on the ground, reflect the confidence and wilfulness of empire in the 19th Century 'age of progress'. A century earlier the European Empires were more considerate of ethno-cultural division, natural topography, etc., as when drawing boundaries between, e.g., British and American spheres in Eastern North America with their Indian 'First Nations' peoples (today's Canada-USA boundary westwards from the Atlantic to the Great Lakes), and between Denmark-Norway and Sweden in Northern Europe with the Sami.

Nevertheless, the NT has become an iconic part of Australia in its own right, and not only because of travel promotions. Despite the problems and positive sides of NT living, the region remains all the same essentially a functional bit of terrain for various national purposes – resource export earnings, pastoralism, shipping, rail, military – in the eyes of many decision-makers in Australia's capital cities other than Darwin.

Fifty per-cent of the NT is now Aboriginal owned land and more than 80% of the NT coast. Aboriginal people make up more than half of the longer-term population, the total NT population fluctuating near 200,000, with the Indigenous share under-counted in censuses. The NT consists of the ancient landscapes and cultural or linguistically bounded districts of Aboriginal peoples who are said to be the oldest living cultures on Earth. These peoples live from Pacific to Indian Oceans, and Equatorial to Antarctic Seas, across much of the country of Australia.

The Indigenous NT historically and pre-historically is a patchwork of peoples and homelands, of societies with their own relations from marriage to trade to mutual responsibilities to conflict. These traditions are lost in time and embedded in creation accounts, but rock art and other archeological sites, as well as living ceremonies, give even rank outsiders a glimpse of the richness and depth of social history. As these peoples and societies relate to the 'new' white man's NT, it may be for convenience or opportunity, but it is rarely a trading away of the past for a future whose visible presence – and enforcement and institutionalisation of the white man's law – is less than completely alluring. A typical misunderstanding followed a recent speech by Northern Australia statesman Patrick Dodson.

*'...Dodson's assertion that Aborigines should be allowed to cherry-pick the bits of modernity they like, while insisting the Government simultaneously fund a nomadic life, simply cannot be laughed off. Unfortunately there are many believers in the indigenous community and beyond, in this a la carte approach to integration.'*³

³ *The Australian*, 'The Nomadic ideal is killing the indigenous', Janet Albrechtsen, 13-12-06

Of course, our own British and Irish and European cultures, like all others, have 'cherry-picked' this and that which has seemed useful or interesting; that is how cultures evolve through time. The relationship between Elizabethan literature, including Sir Philip Sidney and William Shakespeare, with existing or pre-existing Continental sources is well known to high school students and university undergraduates.

The future of the Indigenous settlements, camps, wider districts, and local and regional authorities within the NT is the biggest question facing constitution-makers, and one where we cannot see very far down the road. But if any NT constitution is going to work for its Indigenous users, or be locally acceptable, or solve the problems with which the media daily bombard us, it cannot be devised or imposed by outsiders. It must have the consent of Indigenous peoples.

Meanwhile, the NT as presently defined on the map and equipped in constitutional legislation, may mean little or nothing to most Indigenous people. There may be many people in Central Australia who think the Centre and Top End would make sensibly separate territories. To some or many it may seem an arbitrary imposition by outsiders, a body of irregular visitors or 'blow-ins' telling them what to do, or what not to do, but with lasting effect on their lives. If the NT authorities wish to become 'naturalised' within the social-territorial reality of the expanse they are said to govern, there is much to be done. A real political settlement – an agreement on what basis to share the land and its governance and set its rules – in which the Indigenous peoples are one side of the table is the first requirement. The NT today is not a coherent entity in the way in which the State of Victoria may be. It is an arbitrary space in which at various places, various authorities and languages are used or followed, with no overall reality except in the minds of map-makers and outside decision-makers. One could almost say: *The NT doesn't exist!* Not yet, at any rate.

WHAT IS A 'NORTHERN TERRITORY'?

A 'northern territory' in Australia or elsewhere is a hinterland region. *Vis-à-vis* national capitals it may sometimes be only a word on a map with little or no nation-state presence except perhaps a scientific or weather station or military outpost. The 1939-45 war truly focused the modern 'northern territory' experience, and not only in Australia. A whole new era of northern territories political and governance issues emerged as a result.

Since then a 'northern territory' is usually located between the national past and future. Its present is typically a hybrid containing aspects of the national past, often the frontier experience, the time of early contact between a national majority people and the earlier inhabitants; a strong presence of those earlier inhabitants. Those peoples are often the Indigenous peoples of the larger continental or nation-state society. They may be experiencing social changes processes with grim side effects, but those are usually their own reluctant choice over the few alternatives available. In this dynamic context of Indigenous and non-Indigenous experimentation and change, new social, cultural, economic, environmental, and political forms are evident and emergent for those who will look. The impatience of the old-fashioned 'gold rush'

mentality – ‘let’s get rich quickly’ or ‘get things done’ in the absence of constraints of older settled regions – is no longer credible or workable.

This sort of region may not bear a convenient label like the Northern Territory. We see it in Western and Northern Queensland (including Torres Strait), much of Western Australia, much of South Australia, and Western New South Wales. We see it not only in Canada’s former two, now three ‘northern territories’ (Yukon, Northwest Territories, Nunavut), but in another huge region of the mid-north encompassing parts of seven of the ten Canadian provinces. We find it again in Alaska, parts of Hawaii, and parts of the Western continental USA; in far northern Eurasia, including Scandinavian ‘Lapland’ (Sapmi, the land of the Sami) and the regions of Northern peoples from the Sami (‘Lapps’) and Nenets (‘Samoyed’) in the west of Northern Russia to Chukchi and Inuit in the far north-east. Arctic Siberia’s Yamal peninsula and region is the ultimate conflicted *northern territory* today, a zone well worth study (see Osherenko 2001; and online Yamal sites). In the northern North Atlantic, Greenland is a large, Inuit language-speaking and now self-ruling northern territory, while the European Dark Age-settled regions of the Faroe Islands, Shetland, and Iceland have shown political ambivalence and conflicted development towards empires and later nation-states asserting sovereignty over them no less than non-European Indigenous peoples have done.

Northern territories enter our written records with King Alfred the Great in England, c. AD 890. One Ottar, a Norwegian entrepreneur or bully or both, who had settled among the Sami (‘Lapps’) of the high latitudes, 70 North, near the present-day city of Tromsø, was visiting Alfred’s court. The King had Ottar’s story of those far places – right around Arctic coastal Europe to the White Sea – recorded with interest, despite having a slighting opinion of the boastfulness and claims of Ottar – or *Ohthere* in Anglo-Saxon.⁴ These northern regions are very different from the ‘Barbarian’ lands against which empires like China, Byzantium, and Rome built walls for protection. In our post-medieval and modern ‘northern territories’ the Indigenous peoples are and were few, and were little or no threat, largely minding their own business, but in possession of lands or waters, or furs, fish, forests, or herds sought by large populations farther south. In recent times the mineral, oil and gas, and hydro-electric potential of these regions has attracted capital cities’ attention, not to mention their potential for military bases (including sub-marine, missile, and anti missile installations), troop concentrations, military exercises, etc.⁵

But more quickly than the nearer Northern European mainland region of Sapmi, the Norse settled the Faroes, Shetland, Orkney, Iceland, Greenland, and, seasonally at

⁴ Ottar’s tale as recorded by Alfred is found as an appendix in Jones, 1986.

⁵ Among the stranger trivia of 20th Century American warfare are that novelist Jack Kerouac worked (washing dishes) on a ship in the convoy which militarised Greenland in July 1942, carrying the materials and men to build Sønder Strømfjord (Kangerlussuaq) air base. In 1956 his friend, poet Allen Ginsberg, worked on a ship resupplying the Cold War bases in ‘Eskimo’ (Inuit) Alaska from San Francisco and Seattle, using the time aboard to write his greatest work *Kaddish*, while his famous work, *Howl*, was published, a cultural sensation greeting his return. A reading of their diaries and other comments turns up nothing of interest on our subject of *northern territories*, unfortunately. In similar vein, what we might give today to know the thoughts, actions, notes, comments, flirtations, whatever, of the great (and ‘scandalous’) French poet Arthur Rimbaud on his brief 1876 visit to Darwin in flight from the Dutch East Indies!

least, part of Atlantic-Arctic Canada by AD 1000. Even so, it took another thousand years for any of these pre-inhabited regions to re-merge as distinct entities running their own affairs and recognised by others, i.e., Iceland in 1944, Faroes in 1948, Greenland in 1979, Nunavut in 1999, and Nunatsiavut (Inuit coast of Labrador) in 2005.

The implicit verbal sense that a 'territory' is somehow less than other political forms – or is merely unformed, politically – troubles some people who would like to see the Northern Territory renamed. Others may argue pragmatically that 'territory' maintains a proud frontier tone and will also attract tourists. An indigenous language may be most appropriate for the naming of a newly (re-)constituted region, of course.

NORTHERN TERRITORIES AND CULTURAL CONFLICT

The all-out physical conflict and massacre of times past in some northern territories is no more. Few countries escaped it in its time, although some – Russia – were so large that whole peoples and their herds could move out of the way of incoming whites and 'disappear' into safer regions. Some of the Nenets of European Russia have only come in from the cold in very recent years on their Arctic coasts.

Nevertheless, violence and conflict take many forms. Where one people or various peoples are living according to the ways, customs, and languages of old societies, and suddenly they encounter new peoples with new technologies or economic activities which threaten their economic livelihoods or resource base, or threaten their social values – or the newcomers simply push the old-timers out of the way – the stage is set for serious trouble. Although such a region may have the required conventional history book written about it, such books can be misleading in such regions. The logical thread of a book may be deceptive. With high turnover of non-Indigenous population and fluctuating but dominant national policies and budgets, the real thread of history in Australia's NT is the oral memory of Indigenous inhabitants (e.g., Baumann 2006). Sometimes modern historians like Roberts (2005) are able to winnow out from scarce and scattered records some surprising results (e.g., Bjørklund on Norway's Arctic Ocean Coast, 1985).

The oral memory of Indigenous and other oral peoples, e.g., the Irish, is very long. The institutional and political memory of *northern territories* is not only very short and discontinuous, but non-Indigenous politicians at national and northern level would make it even shorter, urging Aboriginal peoples to forget the past and be 'just like us'. (The obviously self-serving nature of such requests, and the expected 90-second political attention span of the public in the TV era, do not make constitutional or political reform in the Northern Territory any easier in the face of that Indigenous oral memory!)

Since 1945 the international 'northern territory' has, at its best, seen flexible, negotiable, and adaptable arrangements, in which European and Indigenous cultures have addressed anew the basic issues of the first historical encounters in the Americas and Pacific, and in the 'Old World' of northern Eurasia, creating, a *New World* indeed after the horrors of Depression and War. To do this they have had to overcome, heal, ameliorate, reconcile, or at least begin such processes in relation to some predictable

problems in mutual or Indigenous or non-Indigenous perception. These typical problems and characteristics in post-1945 northern territories have been:

- a) a belief that they and their circumstances and dynamics are unique (whereas, unfortunately, the national population and its settlers *vis-à-vis* the indigenous locals, repeat endlessly a general banal pattern of disputation and misunderstanding);
- b) small population in extensive territory;
- c) transient non-indigenous population;
- d) identity as settler frontier *vs.* indigenous homeland;
- e) a governing system of disputed political legitimacy (or with competing entities, those most legitimate locally being sometimes those least formally 'credible' to capital cities);
- f) mapped and jurisdictional boundaries arbitrary and often disputed;
- g) disputed social and cultural norms (e.g., language and cultural rights and use);
- h) disputed use and ownership of land and sea territory, and resources;
- i) individual rights of newcomers and settlers celebrated;
- j) collective rights of indigenous peoples officially dismissed;
- k) high levels of national subsidies, despite settler rhetoric of rugged enterprise and self-sufficiency or even aloofness;
- l) low levels of services and socio-economic conditions, especially for indigenes;
- m) status as national/sub-national treasure house *vs.* self-determining region or people;
- n) 'territory' or such status *vs.* 'state', 'province', internal 'republic';
- o) competing institutional legitimacies (e.g., Indigenous organisations *vs.* governments);
- p) competing models for constitutional/political structures (shires? tribal governments? urban indigenous authorities?);
- q) ambivalent or fluctuating national policy towards northern territories;
- r) settlers' isolation from heartland and its evolving political culture, both in terms of social attitudes and particular areas of knowledge;
- s) northern settlers' ideology 'beyond the pale' by national standards; and
- t) an eventual need for national governments, parliaments, or parties to broker northern reforms and accommodations for social peace (or to re-enter the scene to knock heads together).

These are the issues which faced the British arrival at Sydney Cove as at Port Essington,⁶ but while in those cases the British thought they had answers, both the local people and the new arrivals today have much more experience – and less reason for painful mistakes (Clendinnen 2003; Atkinson 1997)

⁶ A site on Coburg Peninsula north-east of present-day Darwin, first settled in 1824 in the hope that it could become the basis of an important British Empire trading port.

THE NATIONAL INTEREST

The basic question facing Parliament and the people of Australia whom it represents is, *What is the national interest in the further constitutional development of the Northern Territory?* This is a much larger question than the precise legal and constitutional mechanics by which that national interest is served, or achieved by Parliamentary enactment.

The situation in World War II when Australian authorities feared the disloyalty of peoples of the northern coasts – surely an unconscious official recognition of the violence and brutality of much white settlement in the region (see, e.g., Roberts 2005) – must not recur.

The principal and traditional interest of national governments in the upgrading or sharing of political status with outlying or ‘new’ territories is to confirm political equality and loyalty in implicit exchange for the benefits of a wider national political economy and citizenship. Obviously this is only achieved in a liberal democracy through the consent of such regions and their peoples rather than any imposition – or appearance of imposition – of unfamiliar or inappropriate structures.

In her insightful and optimistic book, *White Out*, Rosemary Neill (2002) ended with a vision of how the Northern Territory’s problems could be solved, in effect, by the good old Australian settled model incorporating and coming to the aid of Aboriginal peoples and communities. The trouble with this argument is that the North is not settled by settler Australians, but by Indigenous peoples. Everything is culturally and politically wide open except in some few towns on the Stuart Highway, and even there the Aboriginal population is often at extreme odds with white authorities about basic issues. (E.g., is Aboriginal self-help ‘separatism’ or ‘apartheid’? Surely not, but..!?) The eventual NT, or such territories or states as succeed it, may have distinctly different political economies, if only because they are creations of the 21st Century, not the 19th. The idea that the Aboriginal peoples should be a welfare subclass in a white man’s brave new world is not attractive to anyone.

In the past year – and to a lesser degree all the while since June 2001 – there has been constant and vehement public, media, and official hand-wringing about violence and social dysfunction in the Aboriginal NT and other areas of Australia. There is not even a basic consensus on the roles of government – NT or federal – with each side apt to blame the other for unhelpfulness. Canberra has said it is not responsible, even as it turns around and proclaims detailed programs and experiments for ‘micro’ level change from face-washing to policing. The only clear message this sends to public and media at home and abroad is that Indigenous policies are in a failed state, or that Indigenous Australia is itself what white Australians would call a ‘failed state’ if it lay offshore (*The Age*, 8-12-06; Jull 2006). It is impossible to imagine new constitutional arrangements which do not attempt to sort out such problems. It is no less impossible to imagine sorting them out without Aboriginal Australians playing a full and equal part at the discussion and negotiation table for new structures.

SOUNDING BRASS OR TINKLING SYMBOL?⁷

There is something seductive for national authorities about the symbolism of adding onto, or 'completing', a nation-state by adding a new polity. The 1949 addition of Newfoundland to Canada, like the 1958 addition of Alaska to the USA,⁸ not to mention Hawaii in the same year, was accompanied by much hue and cry, and too little realistic discussion as events were to prove later. Nunavut in 1999 was a richer vein because it showed Canadians to themselves and to others as welcoming one of the Indigenous peoples of the country, seen overseas as backward and isolated, as full partners in the geo-political culture and formal federation of a modern industrial state despite a largely non-industrial economy in the Arctic region in question.

However, there is a good deal more at stake than national public relations or political spin. In the case of the Northern Territory, the entire population of Australia is directly involved through the vote of national Representatives and Senators. The NT's future is not only a regional issue – it is a national issue as well. This does not imply that the one audience should oppress the other – *au contraire*, the national audience should ideally, support the best values in the North, while the permanent Indigenous interest in the North should mobilise national support and opinion.⁹

But every Australian citizen through their vote on NT constitutional development and/or statehood is defining our country and ourselves, no less than the NT, because the parliament of Australia, elected by all, established the terms and conditions, the context, for NT statehood and the NT constitution.

Optimism may be premature. In Alaska the 1958 statehood led only to heightened Indigenous tensions resulting in the 1970 land claims laws imposed by federal Congress in Washington, and further later reforms to these to make them more just and workable.

The full Northwest Territories in Canada was created in 1967, with every district represented in the legislature since 1966 and a fully elaborated province-style administration of ministries, but only in 1979 did a newly elected and predominantly indigenous legislature seize the political agenda and meet in extraordinary session to undo the Indigenous rights and constitutional positions of its predecessors. It also created a 'Unity Committee' to review the NWT as a whole, finding that the indigenous peoples simply did not support its political or figurative boundaries or its

⁷ It is likely that this heading is unconsciously plagiarised from the late Marshall McLuhan.

⁸ Not coincidentally, 1958 also heard the Alaska-related North American hit song by Hank Thompson, 'Squaws along the Yukon', i.e., the great river of Alaska, as in 'There's a Salmon-colored girl who sets my heart awhirl/ Who lives along the Yukon far a-way/ Where the Northern Lights, they shine, she rubs her nose to mine...', etc.

⁹ That has been the happy outcome in all other northern territories abroad, by the way. Even in the 'bad old days' before 1987, the Soviet authorities in some regions worked hard to support Indigenous peoples and cultures and provide high standards of public services, despite often unhelpful ideological strictures. Gorbachev himself threw himself behind opening up of Russia's Indigenous North, and President Reagan of America literally met him half-way, to the benefit of all Northern peoples and especially the Inuit directly affected across the Bering Strait. Some of our ACPACS staff were involved at the time through heads of government offices of the USA, Canada, and Denmark in this historic opening.

politico-administrative culture, etc. The most dramatic outcome was creation of Nunavut as a new self-governing territory from the eastern half of the NWT.

Greenland went through various stages and statuses (and Indigenous anger) after 1945 before Denmark and the Inuit Greenlanders finally hit upon a basic 'home rule' deal in 1979, since reformed and improved through various crises (over militarisation, fishing rights, and other natural resources, for the most part).

In each of these cases the national government moved too quickly and endorsed a partially satisfactory arrangement which only led to more trouble.

INDIGENOUS GOVERNANCE

Indigenous governance has become a national issue and a recognised national crisis. The Cape York commentator and Aboriginal leader, Noel Pearson, has written recently that it is the most important domestic policy issue in Australia (*The Australian*, 'Labor's ideas mature', 9-12-06). Indeed, so delicate is the issue between the two sides in Parliament that anyone, even Pearson, has to walk on eggs even to approach it. This is absurd. We have, by all agreement, a major national crisis, but even those who are its 'victims' the Aboriginal people living in the communities affected, dare hardly speak its name! Small wonder that the problem persists.

Furthermore, most of the solution-seeking 'action' consists of rhetorical broadsides by unaffected white, i.e., non-Indigenous, communicators and politicians and commentators. When serious discussion is attempted, even in the NT itself, it must be hedged around by silence with white outsiders feigning indignity or striking poses – leaving the room in a huff (e.g., the 1992 conference, Gray *et al.* 1994).

In the national interest an agreed approach or framework for Indigenous governance in the NT is the main issues; such issue is only possible with the full presence and equal role of Indigenous peoples and organisations at the table.

This is not a new or remarkable issue sent to plague kind-hearted Australians or their well-meaning policy-makers. It is *the* issue in all northern territories and similar regions, and it is the reason why first attempts at statehood or similar constitutional development fail, whether Alaska 1958 statehood, or Canada's Northwest Territories' self-government from 1966, or Greenland's post-war modernisation and development plans of the 1950s and 1960s. To speak of the some of the adventures in which Russia has been attempting with Western inspiration and support to cope with regions like Yamal or Chukotka in recent years is to weep.¹⁰

Approaches to solutions vary. But one thing is clear – Australia remains in the 'phoney war' stage as long as it is angry whites hurling epithets at each other rather than Indigenous peoples themselves sorting out the problems, albeit with official non-

¹⁰ . The ABC's Emma Griffiths had a fine segment on *Foreign Correspondent* on Chukotka, 7-9-2004. Unfortunately most foreign TV coverage of Inuit whaling in Alaska or oil spills across Arctic Eurasia look unseeingly at the Indigenous local societies concerned, or, in the case of Rovaniemi, Finland, the human is made all but ridiculous in the expropriation of Sami culture for a jolly Santa story from our towns and cities in mid-latitudes.

Indigenous governmental support. In Alaska the fervent ideologists on both sides of the white community eventually recognised that they would cooperate with whatever existing Indigenous organisations were workable and accepted by the Indigenous community, rather than trying to create new ones. In the NT context this would mean working with Northern and Central Land Councils, Tangentyere, CANCA (Combined Aboriginal Nations of Central Australian), various *ad hoc* or more regular regional coalitions of organisations as in Central Australia, etc. Before Australia saw the white man unpacking at Sydney Cove, the British Empire's more successful frontier generals like George Washington had learned that if one did not work with the real accepted *de facto* Indigenous leaders, one would be doomed to lose much money and even whole armies.

In Northern Canada various approaches have been used in various regions. The Nunavut Constitutional Forum which developed the successful constitution now embodied in the Nunavut Act for the region – a region larger than Queensland with a total population of only about 28,000 – brought together elected Indigenous and non-Indigenous members of the Northwest Territories legislative assembly with the elected leadership of the principal Indigenous political associations, equivalent to the NT Land Council, etc. In the Deh Cho region embracing the great bend of the Mackenzie River, a long and intractable standoff moved ahead when a logical and methodical working from first principles under a neutral facilitator mutually acceptable to both Deh Cho first nations ('Slavey Indians') and the national government established successive drafts of shared principles (AILR 2001, 109-124). The whole of Northern and Mid-Northern Canada is a patchwork of practical and pragmatic approaches to the same sort of problems of constitution-making within the national framework of the Canadian federal and, it must be said, doing no violence to that 'national unity'. Canada's royal commission on Aboriginal peoples is perhaps the most thorough and rich study of Indigenous governance and resource management issues from an official body in modern times, including material useable in the Australian context (RCAP 1996). The website for the research element of the Ipperwash inquiry in Ontario will also continue to produce much cutting-edge research and analysis in coming months (TII, 2006-07).

In Greenland the approach which ultimately proved successful was a group of the two Greenlandic (Inuit-descended) MPs and five elected members of Greenland's national (i.e., Greenland-wide) elected advisory council as the Greenland 'side', and seven MPs of the Danish Parliament representing the main parties from Conservative to Communist under a neutral law professor chairman negotiate the Home Rule plan which was then ratified by Greenland-wide referendum in wild winter weather in January 1979, the new government coming into being in May 1979.

Make no mistake: the failure of Indigenous governance and underlying social peace of the region – the most basic of national interests – will see, at the least, studied unhelpfulness and lack of support for northern territory needs or direct and possibly heavy-handed intervention by the national government at the expense of the 'state' or 'territory' or 'home rule' as happened in Alaska *c.* 1970 with the Congress-legislation Indigenous claims settlement, both one then the other in the Northwest Territories through the 1970s, and Faroese home rule in the 1980s/90s period, the system which helped provide a model of Greenland. The NT population may be centred in a few predominantly non-Indigenous towns, but the 'effective occupation' which gives

Australia its legal hold on the whole region is found in the many camps and settlements of Aboriginal peoples across the whole region including the 50% of the NT which they own outright today.

In other words, Northern Territory authorities no less than the Federal government have everything at stake in finding a workable politico-administrative framework for Indigenous governance. If any senior government were to leave out or pay inadequate attention the full participation of Indigenous peoples in design at every level of the new NT – that is, were they denied a sufficient positive role – they would later play another role, by negative sanction as it were, by resistance and making things unworkable, as is the age-old ‘power’ of minorities or second-class citizens from Ireland to Quebec in the past, to northern territories abroad in more recent years.

Let us hope that all sides can work together to see a positive agreed workable outcome. But as the NT’s best known historian has concluded,

Statehood will come; industry will develop; but why the hurry, runs another line of Territorian thought. An echo of past generations is to like the Territory as you find it. Why should the cosmopolitan charm of Darwin, the neighbourly sociability of Alice Springs, the spiritual life of Aboriginal communities, the uncrowded land, be swamped by a tide of new people and pollution? The fierce noonday sun and its soft evening light, the myriad stars of the clear night sky, the great sweep of a far country, are still there. Some day, said Banjo Paterson more than a hundred years ago, the Territory may be civilised and spoilt. Not yet, though; not yet. (Powell 2000, 242)

Some useful reading... on indigenous governance and self-government processes.

In addition to references elsewhere in this Submission, we recommend analytical and comparative discussions of northern territories, including Australia, in Nettheim *et al.* 2002; Wessendorf 2005; Hocking 2005; Loukacheva 2005; Russell 2003; Stephenson 2002-03; RCAP 1996; NARU-NLC-ICC 1992; Gray & Roberts 1994; Jentoft *et al.* 2003; IWGIA 2001; Tully 1995; Strakosch 2006; etc. Australian and Canadian cases are compared often, e.g., by Peter Jull, and some good new material in addition to items in the preceding sentence include Russell 2006; 2005; and 2003. The *Hansards* for the Committee’s three days – 14-16 November 2006 – are well worth reading. Shannan Murphy’s 2005 article on NT constitutional processes 1985-1998 is indispensable and the whole draft from which it is drawn worth obtaining from the publisher. The short article by Nietschmann (1994) is hard to better on the world of indigenous autonomy and autonomies. For North Australia there are many thought-provoking items, not only about the Northern Territory itself, including Shnukal 2001; RCIADC 1991; Neate 2006; Groves 2001; De Ishtar 2005; H Kajlich 2000; A Kajlich and Dhimurru 2006; Rose 2002; etc. Anne Brown (2006); and Volker Boege remind us how much the Pacific shares specific problems and issues with the NT and much of outlying Australia, while Hurriyet Babacan (2006), Kevin Clements (2006) and others in the remarkable day of shared discussions and expertise on *re-thinking multi-culturalism* locate us in the larger context and cultural relations debates now troubling Australia (Gopalkrishnan & Toh 2006; Multi-Faith Centre 2006). Taiaiake Alfred’s 1999 manifesto from within the Indigenous world of welfare and politics is a sharp reminder that all have much to do, and a new book review of his newer and similar work worth pondering (Taylor 2006). Woodruff (2005) on Democracy should make us all squirm but is also a fascinating insight into history we all know. Its final chapter leaps forward to deal with today’s USA. A news report from the NT, one which filled some of us with wonder and renewed commitment at the time to find

constitutional progress was Toohey (2001) on a Central Australian fiasco within sight and sound of 5-star international resort life.

NO SMALL PROBLEM

Only very recently have the insistent and persistent realities of life among Aboriginal communities and camps and fringe suburbs forced the NT onto national attention. *This* NT is not the place for dreams of enterprise riches or New Singapores, but is a real living breathing place and dreams are often substance-induced. This is the NT which faces the federal government as it considers the future. As Brown writes (2002, 174):

The implicit price of access to 'ordinary' levels of welfare – education, housing, health, infrastructure – has been assimilation, if now resting on a less brutal body of requirements. This orientation seemingly remains a, and perhaps the, dominant functional approach despite the enunciation of goals of self-determination for Indigenous people, 'reconciliation' or even simply multiculturalism. Self-determination, reconciliation and multiculturalism can and have proved to be very difficult to grasp, particularly if the goal is one of administering an already complex service network. But part of the anger and confusion in sectors of the bureaucracy and the settler population concerning the failure of welfare delivery seems to be directed at the 'failure' of Indigenous people to be 'just like everyone else'.

But, like various groups within contemporary Australian society, Indigenous people are not 'just like everyone else'. More over, the problems they face are often systemic and structural, not individual. Even more potently, the structures and institutions from which they may claim entitlements emerged and were elaborated to the exclusion of Indigenous peoples and indeed on the basis of their dispossession. 'As a small minority with little economic, industrial or political power, Indigenous peoples and our interests are already easy to overlook but our marginalisation is not just a problem of numbers – it lies at the heart of the way Australia developed and functions as a modern nation' (Dodson 1995: 43)

If it is any comfort, other countries and their well-intentioned officials have faced similar problems in recent decades.

A pointed but fortunately non-violent conflict occurred in October 2006, drawing together many strands of NT constitutional politics. The federal minister for indigenous affairs had flown into Mutitjulu, an Aboriginal community at Uluru in the heart of Australia (and hearth of NT tourism), where he and his aides had been making some controversial or at least misunderstood interventions in the name of combating local violence and sexual abuse. An angry old lady poked him several times with a stick while abusing him verbally, this while he was trying to talk to the crowd. This lady was representative of community opinion, it would appear.¹¹ But

¹¹ This was a 'goodwill visit'. 'Dozens of protesters – including many Aboriginal women – shouted abuse' at the minister, and one older man 'told him: "If I was younger, I would put you on your arse."' A 'Traditional owner shouted ... through a megaphone: "You've sneaked

the whole episode was unnecessary, to say the least. Why had the federal minister and government become involved in this local community issue at the same time as this and other ministers were rushing about the country denying that they were responsible for conditions or problems in the NT? In Australia, unlike the other British Empire settler countries (USA, NZ, Canada), the national government does not usually exercise paramountcy in indigenous affairs, even though a 1967 constitutional referendum gave it such power. Australians, not to mention outsiders – e.g., UN committees – are right to be confused by the continuous rhetoric and exhortations from Canberra on Indigenous affairs combined with its no less vigorous recent denials of responsibility fiscal, administrative, or moral, especially in relation to the Northern Territory which has been the epicentre of recent public policy debate. Indeed, the NT Chief Minister (*de facto* premier) has been a particular target, not least of the indigenous affairs minister who has not always come off with more dignity in his encounters with her than with the lady with the stick at Uluru. Both sides – federal and territorial – have been exchanging barbs and denials and proposals and multi-year plans, etc., but even an interested or informed onlooker is apt to be bewildered. Perhaps the first order of business for ‘the implications for federal arrangements’ should be a ceasefire or quiet behind the scenes *rapprochement* between the existing governments on the one hand, and their advocates and agencies on the other.

A further reason for toning down the sound and fury and seeking some constitutional peace are the generally fraught state of Indigenous relations with Federal and State authorities. As 2006 winds to its close the ethno-cultural tensions in Australia are increasingly coupled with the anxieties of even urban and urbane middle-classes over *Australianness, identity, and values* – and the values and identity of those who may not seem to be One Of Us. However, most dangerous for the long-term may be Aboriginal-White relations in the North, Centre, and West of the country. Unlike one-off acts of political violence, e.g., a terrorist bomb, the political relations among the founding or creating peoples of Australia go to the heart of national identity and political selfhood. Observers, including usually quiet or moderate leading members of the national Aboriginal community, have lately sensed in the fiasco surrounding Palm Island’s death in custody, subsequent riot and burning of official strongholds, public disputes, further coroner’s report, etc., a new anger, and willingness to take action, and a very dangerous threshold being crossed.¹² The Aurukun excitement over a fortunately minor assault shows the times at hair-trigger readiness (*Courier-Mail*, Brisbane, 11-1-07).

Not only is the Northern Territory present and future a national forum or stage for healing processes, it is a rare opportunity to ‘get it right’ in the renewal and reconciliation of black-white relations for which almost all politicians of all parties have so vehemently expressed hope in the past two decades.

in here like a dingo.” Others called him ‘minister for racism’ and an ‘elderly woman prodded [the minister] three times with a stick and demanded he apologise’, etc. The NT capital city newspaper ran the front page headline, ‘[Surname] heckled, poked with stick’. The minister, ‘who was protected by several police officers carrying riot spray, was visibly shaken by the rowdy reception.’ The Brisbane newspaper had a photo of him living up to its caption, ‘Visibly Shaken’. – *Sunday Territorian*, Darwin, 29-10-06; *Sunday Mail*, Brisbane, 29-10-06; and Minister’s press release, ‘Law and order boost...’, 28-10-06, <http://www.atsia.gov.au/media/media06/7306.aspx>

¹² *The Australian*, *Weekend Australian*, *Brisbane Courier-Mail*, and *Brisbane Sunday Mail*, as well as *ABC News Online*, have provided thorough coverage since late 2004.

SPECIAL RAINBOW COMMUNITIES

Following the initial stages of permanent outsider settlement in an already inhabited region – whether trading or military post, church mission or police station, or consequent market gardens and service trades, and administrative centre – remarkable mixed racial, cultural, religious, linguistic, and employment communities may develop. Whether they persist, is another matter. Broome and Thursday Island, like Darwin only ‘yesterday’, are appealing and exciting precisely because of their multi-ethnic nature. Few people from South-Eastern Australia return from a Darwin visit unappreciative of the rich variety of social and cultural life they find there. Alice Springs would be another genre – the international tourism town like Killarney, Banff, Corfu with an international sort of English spoken by the young from all over – but for the fact that it is also the capital of Aboriginal Central Australia, so two very different towns share a space and motel strip.

As various authors point out, e.g., Reynolds’ *North of Capricorn* (2003), the modern-era towns of Northern Australia often began with significant amounts of non-white (Aboriginal, Pacific Islander, Asian) labour and industry. Indeed, Australian Federation in 1901 was in part motivated by fear and subsequent diminution of non-European population in these places, i.e., the White Australia Policy. However, the cosmopolitan or polyglot settlements of Northern Australia, like those of Asia for centuries, and of the Mediterranean in Classical times, have been cradles of our culture, economies, inventions, art, and much else. In the bitter and divided worlds of today’s geo-political era, more than ever should we value those places which remain and, if we can learn how to do so, to nurture their richness. Whether Darwin’s character is lost to an era of militarisation or somewhere else (Cairns or Port Douglas?) to tourism or resource industries, or Yellowknife as gold and prospector’s town transformed by its status as capital city, ‘globalisation’ may drive us more towards differentiation than to homogenisation. After all, we yearn and travel to see things unlike those we know; if we go to Rome it is not for the *Holiday Inn St Peter’s*. There has been much study of Canada’s 19th Century Red River Colony, an amazing multi-racial, multi-cultural, multi-religious, multi linguistic multi-indigenous milieu, happy and workable for a time, later to become the great Prairie city of Winnipeg (Carter 1999; Van Kirk 1981). Now there are new studies underway of unique milieux in Australia, and elsewhere, e.g., North Norway (Bjørklund 1985).

If we can learn how to live together with our different faiths, histories, languages, etc., then so much the better for us and the world. This is one of the occasional benefits of northern territories around the world. The time when the Victorian industrial age made all alike has peaked. Now the regional political cultures and identities mentioned above may shape new sorts of worlds on our frontiers where we used to imagine no more than making them images of our southern cities.

EMERGING POLITICAL CULTURE, OR, FRONTIER BECOMES MAINSTREAM

Statehood for the Northern Territory *could* convey significant benefits to all Australia as long as a little imagination and insight accompany such a transformation. To some supporters of statehood that means *equality* in the sense of *uniformity* with the existing six states.

Since 1945 governments and well-meaning folk from 'Down South' have seen northern territories as lacking and in need of everything from school curricula and housing through religion and police officers to medicine and more pasta in one's diet. Some of us used to eye the long outdated cartoons of smokes and chocolate bars in the local trader's or Co-op or Hudson's Bay Company post.

But a funny happened when the remote regions 'went political' Although patronised (in both the pejorative as well as the neutral sense) by Southern Indigenous groups or peoples, the Northerners – Yolngu, Torres Strait Islanders, Sami, Inuit, Dene – very quickly showed that they had their own style and their own approach. What is more, they very quickly began to make progress with old political agendas no less than 'new' legal and political issues such as claims to sea and land, self-government, resource management, etc. Their practical style and focus, new communication skills, together with some more progressive Non-Indigenous officials and friends, professionals, teachers, *et al.*, in their districts (e.g., colleges and universities; legal services; etc.), as well as the novelty for the South of having the 'primitive' or 'remote' Northerners speaking out... for whatever reasons they often found themselves leading national political and constitutional battles in indigenous affairs, e.g., in Australia, Canada, the Circumpolar Arctic. (Of course, one could write a book on the interconnection of factors – whether studied, fortuitous, etc. – but it was an amazing epoch.)

What is more, the advances in Indigenous and Non-Indigenous governance systems fuelled by the Indigenous challenge, or confrontation, or litigation, or all of those things... has generated new ways of dealing with the continent's oldest problems of the White man's frontier vs. the Indigenous person's homeland. Environmental and resource management issues, understanding and accommodation of cultural diversity, etc. are matters which all nation-state need to learn better. If we can see through the smoke and hear through the noise, this is what Indigenous peoples are teaching us, or trying to teach us, in hinterland and remote areas.

Because *northern territories* have not yet made all the final decisions or mistakes or structures which we have grown up with in the South, they are more open to good sense and experiment, novelty and practicality informed by modern thinking and new thinking.

INTERNATIONAL EXEMPLAR

Australia is the only wealthy developed country in the world's Tropics. Its political and constitutional cultures continue to owe more to the North Atlantic world than to the Southern Hemisphere. Its British and European traditions, economic links, and living standards are an important part of the country's political and economic appeal in the Asia-Pacific, as are academic, research, and scholarly achievements. There is every reason why Australian Aboriginal political status and socio-economic conditions should be an example to the world. For while Australia enjoyed some such a role for its modern-day efforts at home and multilaterally in relation to Indigenous rights and policy development.

The United Nations in various rights, health, development, cultural and other fields, among others, intended that its affluent and progressive members like Australia, Norway, Canada, New Zealand, Denmark, etc. would sign up to progressive commitments and open themselves to scrutiny as a way of encouraging a general lifting of standards among less fortunate or democratic countries. And so countries like the three Scandinavian peninsula countries have had plenty of grief recently from their support for ILO 169, and Canada earlier for the discrimination in the Indian Act against women. Norway welcomes scrutiny, and one recalls the po-faced response to the Council of Europe – in which the Norwegians 'apologise' to a large inquiry for no longer having a national circus.¹³

For that reason Hannikainen's fine 2001 paper for Finland to the UN is worth thinking about. (The paper is also an excellent study of Sami rights and practice in that country.) We should be able to foersee an Australia so successful and proud that it readily supports Torres Strait and Central Australia and the NT as a whole open to UN scrutiny for its excellent outcomes in respect of Indigenous rights and socio-economic well-being. This is the best answer to foreign or international agency critics. Not one or two 'Potemkin villages' made to show off to foreign eyes – although there are some wonderful places around the world which we in Australia should see, e.g., Narsaq and Qaanaaq in Greenland, Igloolik and Pangnirtung in Canada, Kaafjord and Karasjok and Kautokeino in Norway, not to mention notable sites of struggle and process here and there like Yamal at the Ob River mouth and Nuuk in Greenland and Barrow, Alaska. Pride of place is one which many of Australia's friends and allies would have been glad to endure not so many years ago. The war on multi-lateralism by some countries who are otherwise members in good standing of the UN is one of the misfortunes of our era.

On a practical level we have much to learn by visiting and learning from the builders abroad – both Indigenous and non-Indigenous – of reformed societies and experiments in social improvement and Indigenous governance. At home we have our own prejudices – some don't trust anthropologists or Indigenous leader or journalists, but when we go abroad and meet an array of such people because we are there to learn about Greenland or North Norway. Then we can be more open to all

¹³ Of course, the UN can be confused, too. The much noted Alonso-Martinez report (1998) on treaties and constructive agreements has sections on Greenland and Northern Canada which are not only factually wrong, but with whose interpretation we must also argue as seriously demeaning the practice in those two regions in recent decades.

voices, less prejudiced, and can learn much as long as we are not merely there to boast that 'We know better back in God's own!' We have to go with open minds – in recent years Paul Kauffmann of Canberra has organised some admirable such study tours for indigenous groups in the northern hemisphere.

Some of us suspect that the ideal Indigenous governance and northern territory may already exist. Unfortunately it is not found in any one place, but rather in bits and pieces here and there. These could be assembled – on the page or in the mind – from experiences in many places, each with its own excellences (including the NT and Torres Strait and elsewhere in Australia) to make something better.

OBSERVATIONS, CONCLUSIONS, RECOMMENDATIONS

1. The Committee Chair and other voices reminded the Inquiry sessions in mid-November 2006 that consensus – and a downplaying of partisan and other divisions – was needed to make serious progress towards a new Statehood constitution. It was clear implicitly and sometimes explicitly in the hearings that no such consensus existed at present.
2. The main federal implication of statehood for Australia's Northern Territory statehood is the need for a constitutional process and an outcome in the NT which strengthen national unity by fully involving and including Indigenous peoples as founding fathers and mothers of the new entity, securing to them their long-time home no less than to newcomers the opportunity for a new start.
3. On one side of the Northern Territory constitutional divide are many Non-Indigenous people who see the constitutional future as a simple application of their own majority vote to establish a new state essentially the same as that model from the 1890s enshrined in Federation, 1901. (Often in NT constitutional discussion they oversimplify this as 'democracy'.¹⁴)
4. On the other side are the Indigenous community with its friends and allies who seek recognition and respect for the NT Aboriginal population and its ethno-cultural regions, character, history, culture, and aspirations in NT political and administrative arrangements, including guarantees for land and other rights in federal and/or NT constitutional documents.
5. The Indigenous population of the NT is estimated to be half of the total longer-term population.
6. Political and constitutional changes in *northern territories* since 1945 have shown remarkably common and predictable phases and conflicts in Australia and other British-derived and Northern European liberal democracies. Where major constitutional or administrative development has preceded a political settlement with Indigenous peoples, as in Alaska, Norway, Northwest Territories (Canada), Greenland (Denmark), etc., conflict within the territory becomes an issue where federal or national governments and legislatures are forced to intervene, again and again, until a real, workable, and working Indigenous political settlement is reached. As national authorities quickly find, their Non-Indigenous hinterland clients can be as fickle, difficult, stubborn, and unhelpful as ever they may believe Indigenous 'activists' to be.
7. The British Empire, when its British-settler colonies were decolonised, left responsibility for Indigenous peoples and their lands with national governments to provide some protection for them *vis-à-vis* settler land and development interests which would sweep them aside. This was done in USA,

¹⁴ None of us should talk about Democracy (in the NT or any other context) without the prodding of Woodruff (2005) in his new and very readable little book on the subject, especially the chapters on Tyranny and Harmony, chapters 3 and 4.

Canada, and New Zealand, but not convincingly or lastingly in Australia, although historians have recently found some such intent and early attempts. This is why Indigenous peoples in NT, the rest of Australia, and other countries have preferred national government oversight and constitutional protections for land, sea, and other rights to sub-national (state or territory) ones.

8. Although some Australian commentators and official bodies use terms like 'failed state' to describe the mis-match or social change processes of Western-style national statehood in the Pacific, they have not so labelled the fiasco of so many similar governance experiences within the Northern Territory, and outlying Australia, despite much recent media coverage and official hectoring. All these situations require analysis, understanding, accommodation, and cooperation rather than one-sided moralising by our Western political and intellectual establishments.
9. Some commentators argue that places like the NT, Torres Strait, and Pacific societies are really 'emerging' political entities, rather than 'failed' ones, dealing with huge recent problems of cultural, social, and political change pushed on them and often with little resonance in their own traditions.
10. Constitutional and political reform will not immediately improve NT socio-economic conditions, but are a necessary ingredient in achieving those.
11. In light of all the national discussion of NT communities socio-economic problems, there may be value for all sides in putting social and other such rights in an NT constitution. Rights to safety in the home, etc.
12. In a new constitution the NT may wish to have environmental rights included, a possible meeting place of both Indigenous and non-Indigenous concern for protection of landscapes, sacred sites, seas, productive species habitats, etc.
13. The NT constitutional provisions for regional and local government may well be a most difficult issue. Indigenous peoples need security for cultural and social processes in their self-governance; if this is impossible to agree in reasonable time, a framework or enabling clause – or a constitutionalised political accord – to provide for an acceptable outcome after further work and negotiation may be useful.
14. If both 'sides', the Indigenous and Non-Indigenous, are unhappy with their current NT political status, this provides a powerful incentive for their cooperation and mutual accommodation to work out a solution congenial to both communities.
15. It is not necessary to achieve equality of socio-economic outcomes or other such markers before accepting that sufficient consensus or reconciliation or mutual acceptance has been reached politically for statehood to proceed; *rather*, the threshold needed is a sufficient commitment and process in place to ensure to Aboriginal societies that the new NT entity can be their genuine

political home and has a politico-legal framework which guarantees them sufficient autonomy and decision-making power and structures.

16. If such basic minimum is denied to Aboriginal peoples, they will opt out of any new statehood, in effect, or participate only partially and grudgingly while they seek other roads to self-government. They will passively reject the new arrangements and polity created, while using their power and numbers as a negative sanction on statehood and post-statehood NT development. All this will postpone and embitter the eventual political settlement which Canberra will have to broker between and among the NT's peoples.
17. The basic issue for NT statehood or any other NT political reform is black-white relations *in Australia*: the NT issue is complicated by national history and ethno-political dynamics, but a good result in the NT now would provide much needed inspiration and encouragement for improvements across Australia.
18. The experience – good, bad, or thought-provoking – in *northern territories* from Torres Strait and the Kimberley and Central Australia to the Arctic Circle hinterlands of the far Northern Hemisphere provide many practical case studies in political and constitutional development, in reconciling cultures and outlooks.
19. Some Australians think that an absence of Aboriginal news is good news, of quietly 'blending in' or 'staying out of trouble'. But constitutional development involves the Aboriginal peoples joining Australia as full participants, contributing and demanding no less than other citizens in the public arena. They do not aspire to disappear, or (in most cases) to assimilate.
20. The Northern Territory need not become involved in the immigration-related anxiety of South-Eastern and -Western Australia about culture and identity, or multi-culturalism. The NT already has more than enough identity or identities of its own. Required processes of political reconciliation are of a different type and have different requirements than elsewhere, but may have something to teach others.
21. The unique and diverse characters of Broome, Thursday Island, Darwin, and other such places have more to fear from homogenisation – such as the local impacts of military base culture – than distinctiveness.
22. As a wealthy developed country unique in the Tropics – and one among so few others in the whole world – Australia has the capacity, e.g., in the NT, Torres Strait, the Kimberley, Cape York, etc. to set an example for good and just outcomes for remote and distinct peoples.
23. Most importantly, a good process and outcome in the Northern Territory will enhance and expand the sense of Australian identity and pride at a time when many of us fear we are shrinking in fear and anxiety.

24. Readers may find the discussion in this Submission useful on the special characteristics of northern territories and their often predictable political challenges.

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