

## **Discrimination is unacceptable**

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*The path to reconciliation is blocked by the Native Title Act*

I HAVE been urging a balance between rights and responsibilities in the approach to policy affecting my community in Cape York Peninsula. We must continue to be vigorous in the advocacy of our indigenous rights, but we must also restore an equal emphasis on our responsibilities -- collective and individual.

Only by taking responsibility will we truly overcome our dire social and economic problems. This balance between rights and responsibilities is not a new public policy philosophy, it is grassroots commonsense.

My elders in Cape York, who have been despairing at the extent to which our people are mired in alcohol and drug addiction and violence, did not need the Third Way to tell them about the importance of our young taking responsibility. They have been railing against the breakdown of social responsibility for decades.

Indeed, most Australians are unaware that Aboriginal communities started embracing a work-for-the-dole policy in 1976 -- as an attempt to counteract the destructive impact of passive welfare. And yet our public ideologies still cling to the old divisions -- that there must be bias towards either rights or responsibilities, depending upon whether you're from the Left or the Right.

So we have people organising bizarre seminars about the "rescued generation" and continuing to push old ideological agendas to dismantle land rights in the Northern Territory. Such ideas are not only offensive, they are plain silly. Do the people behind these agendas really believe they are making a helpful contribution to addressing the enormous challenge that Aboriginal policy represents?

At a time when we need balance and goodwill in the debate, we are being more than ungracious. If we don't restrain our old ideological instincts, we may forego an opportunity to forge a new balance.

To say that we should aspire for Aboriginal children in Cape York to get the best western education possible -- does it mean that the assimilationists of the past were right? No! It is perfectly possible for our children to be steeped in their own cultures and also take on the best that the world has to offer them. In fact, the survival of indigenous culture and knowledge in the long term is going to depend on one thing: literacy.

Cultural identity is not anathema to western education; indeed, the latter is crucial to the retention of such identity. To say that we want Aboriginal children in Cape York to

wield with complete verve and facility the Queen's English -- does it mean they should not speak Wik-Mungkan or Guugu Yimidhirr and Kuku-Yalanji? No! While we should seriously look at Aboriginal education policy and the alleged failings of bilingual education, why can't we aspire for Aboriginal children to be fluent in both?

To say that our people need to restore values of responsibility and our community leaders need to recognise the failings of welfarism -- does it mean that we slacken off on our advocacy of our property rights to native title ? No! Patently, land rights are a fundamentally important part of the formula necessary for indigenous development. We just need to recognise that the restoration of social responsibility is also key.

It is my view that the greatest impediment on the road to reconciliation is not the quality of the national apology or the text of the preamble to the Constitution, it is whether Australia stands in breach of the International Convention on the Elimination of All Forms of Racial Discrimination. The United Nations Committee for the Elimination of Racial Discrimination has determined that the Commonwealth's Native Title Act contravenes the convention and racially discriminates against the property rights of Australia's indigenous peoples.

ABORIGINAL advocates such as Les Malezer and Mick Dodson have brought to the attention of CERD the existence of this discrimination. And there's no use imagining that CERD is just a tinpot committee -- it is the same committee that condemned the apartheid laws of South Africa as inimical to international standards.

At the moment, we Australians are mostly in a state of denial about the meaning and implications of the CERD findings. But if we have learned anything from the experience of South Africa and East Timor, and indeed our own experience of terra nullius, it is that denial never works as a long-term solution. We will need to deal with CERD.

The difficult question for all Australians who are anxious about reconciliation is: What self-respecting people would reconcile while they are being discriminated against?

These are bracing realities for people from the Right. The only cure is to end the discrimination -- and that means the Native Title Act must be made subject to the Commonwealth's Racial Discrimination Act of 1975.

Is it possible for an indigenous policy to proceed on the unequivocal advocacy of Aboriginal responsibility as well as Aboriginal rights? I believe that it is not only possible, it is imperative. Whatever approaches are taken with the wider Australian community in relation to the important policy debates on welfare, and indeed whatever approaches are taken by indigenous groups in other parts of the country in relation to their quest for solutions, in Cape York Peninsula I believe the Queensland and Commonwealth governments must jointly respond to our call to develop a new relationship with government based on the aim of restoring Aboriginal responsibility and respecting Aboriginal rights.

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