

1993: Noel Pearson, land rights leader

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Noel Pearson. Picture: Nick Cubbin Source: Supplied

AT THE start of 1993, Noel Pearson was a little-known 27-year-old Aboriginal activist from Cape York, still working to finish his law degree. By year's end he had negotiated with then prime minister Paul Keating to help craft one of the most momentous shifts in indigenous rights in Australia's history - the Native Title Act. It was a baptism of fire in the major leagues of national politics, where Pearson has remained ever since.

In June 1992, Pearson was sitting in his office at the fledgling Cape York Land Council when the historian Henry Reynolds called with astonishing news:

the High Court had ruled that Murray Islander Eddie Mabo was entitled to claim native title over land his family had occupied for generations. For Pearson, who had spent the previous nine years studying the legal inequities of Aboriginal dispossession while working toward his history and law degrees, it was a "rapturous" moment.

By early 1993, Keating's Labor Government had begun crafting legislation to reconcile the native title rights of indigenous Australians with the rights of homeowners, businesses, mining companies and farmers. On April 27, Pearson took his place among 21 indigenous leaders who presented a "peace plan" to the Prime Minister in his Cabinet Room, and he soon joined a core indigenous negotiating team led by Mick Dodson and Lowitja O'Donoghue.

Still yet to graduate in law from Sydney University, Pearson emerged as a smart tactician who surmised that Keating was an ally rather than an enemy, the one politician whose conviction and force of personality could compel his own party to accept genuine legislative change.

"I was in awe of the bloke, as we all were," Pearson, 48, says. "I was a young guy amongst all these established indigenous leaders, people who had been my heroes when I was a young student. But I had a good grasp of the history and the law that had led to all of this. It was like all the things I'd studied at university had come to a momentous reality with the High Court's decision in Mabo."

In the months of furious polemical debate that swept the country, Pearson at one point likened the obstructionist Liberal-National coalition to the Ku Klux Klan and accused the government of having "moral scurvy". A pivotal moment came on October 9 when the indigenous group called a press conference to denounce the government's draft legislation as a betrayal. Keating then delivered his own lacerating response, accusing the Aboriginal delegation of lacking the courage to strike a deal because they feared the judgment of their own people.

"It was withering - I was shittin' myself," chuckles Pearson. "Because the thing about Keating is that when he goes for you, he sticks the knife into your most sensitive area." Initially outraged, Pearson quickly saw the truth of Keating's words. "He was dead right we had this great psychological inability to do a deal because people didn't want to be held to account, in history and back with the mob. It was offensive, but he challenged us to leadership in a very intense psychological way."

Within days talks had resumed, and on October 19 an agreement was finally reached after Pearson suggested one final compromise on pastoral leases.

Ten days later, he went to Sydney University to receive his Bachelor of Law. The Native Title Bill passed in the Senate on December 22 after a final intense flurry of political wrangling.

Pearson recalls sitting in a back room at Parliament House with Marcia Langton as Keating rushed from door to door negotiating with different lobby groups to hone the final bill.

The 20 years since then have been more salutary for Pearson, who argues that subsequent court decisions have whittled back the rights of indigenous Australians, denying them the freehold property and substrata rights enjoyed by indigenous Americans. "People have got ownership of large swathes of the country under native title but this ridiculous jurisprudence has arisen that it's some kind of ephemeral cultural title," he says. "That's a result of poor High Court decisions and poor advocacy by Aboriginal land councils."

But the more profound disappointment is that I wanted Mabo to become a real cornerstone for the nation, our Declaration of Independence - something every Australian school child would know, like every American child knows the Gettysburg Address."

Pearson believes that maybe only the conservative wing of politics could sell that message to the Australian people. In the past 10 years his own alliances have swung very much toward the conservatives as he has railed against passive welfare. He supported the Howard Government's intervention in the Northern Territory and is tipped to become a senior education adviser under Prime Minister Tony Abbott.

"I'm still very disappointed that we have not made Mabo part of the heritage and fabric of the nation," Pearson says. "I think we might get there, but I think the conservatives have been too short-sighted about this. They failed to see what Keating saw. They failed to accept the reality, simply because it was Keating pointing them to the reality. But we don't have anything if we don't have Mabo."