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Reconciliation Constitutions:
Canadian & Australian Northern Territories[1]

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INTRODUCTION

In 1945 an apparently well-established Canadian nation-state remained anchored in the farmlands, towns, cities, and more hospitable valleys of the South along the USA border with brave outlying pockets of population farther North engaged in hardrock mining and forest cutting. We knew Canada's identity and felt pride after national sacrifice and survival in Depression and War. When Canada looked to the exotic and 'empty' North we Southerners expected its inevitable material and socio-cultural assimilation, and thought we would provide the 'men and *matériel'*, plans and ideas. Half a century later an industrial society's material benefits and litter had, indeed, spread everywhere, but the country had changed in less predictable ways. Phrases like 'garrison mentality' for Canadian culture had emerged from a changing South, and our 'absence of mind' towards the North.[3] Then the unheard permanent residents – Inuit, Dene, Métis, Cree – voiced their own views and Northern agenda in ways we could no longer *not* hear. A genuine political and cultural negotiation began, one which has changed the North and all of Canada. This process has enlarged Canadian nationhood, and Canada's contribution to the world outside.

These changes in Canada occurred largely during the unpromising and often immobilising ice age of Cold War nuclear confrontation in the Arctic; public and official anxiety over Quebec secession, in particular, and ethno-cultural separatism, in general; and loud or sullen national constitutional stand-offs. Associated anxiety always provided facile arguments for delay or denial of reforms. Nevertheless,

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[1] **This paper is dedicated to the late Dr Elspeth Young of Canberra, well known to many in this city and at this conference, as well as in Remote Australia, for her commitment, work, friendship, and charismatic example in hinterland studies as field-worker, researcher, scholar, and author, e.g., of her book on Northern Australia and Northern Canada, *Third World in the First.***

[2] Author note at end of paper. During the writing of this paper I had many valuable discussions with Sophia Close, as well as reading drafts of her research on indigenous self-determination vis-à-vis dominant Western political liberalism.

[3] Quotes are from Professor Northrop Frye (1971) and from Prime Minister Louis St Laurent, 8-12-1953, quoted by Hon. Gordon Robertson 2000, p 114.

determined indigenous peoples, a sympathetic Southern public, and principled policy-makers, lawyers, and judges wrought great changes.

Below I will discuss the political transformations in Northern Canada from 1945. Although those political challenges and upheavals have had distinctive features, Australia shares many of their dynamics. I will briefly consider Australia's Torres Strait and Northern Territory (NT), and the relevance of Canadian experience.

BACKGROUND

From 1945 Canada, Australia, and other countries searched for ways out of the institutional racism which World War 2 and creation of the United Nations had made intolerable (Miller 2000). The idealism, energy, and financial prosperity released by the end of Depression and War saw the White Man[4] now press his beneficence and ideas for socio-economic improvement on the last national hinterlands. Indigenous peoples in these remote places began to press back with equal determination. A *negotiation* in fact if not in theory began to take place – between national governments and hinterland peoples. The nature and role of political economy, society, regional culture, and values have been the agenda, explicitly or implicitly. The fact that national political organization and social patterns are not yet entrenched on the frontier has provided opportunities to build afresh and to question old prejudices.

One of the most widely shared and blinkering myths about northern territories is their unique character and special imperatives. Such notions are used by settler populations to claim social and political ascendancy over long-established indigenous peoples, and often mask banal and predictable ethno-political conflicts. Non-indigenous peoples in these regions, including their elected bodies, have often been so unhelpful in clinging to old notions of ethno-cultural superiority as virtually to marginalise themselves in national designs of new hinterland or indigenous policies.

In varying degrees post-war governments in Canada and Australia – as also in Northern Scandinavia, Alaska, the northern North Atlantic (e.g., Greenland, Faroes), Russia (including Siberia), and New Zealand – have sought legitimating processes and workable structures to achieve accommodation or reconciliation with indigenous peoples within nation-state political and legal frameworks (Jull & Roberts 1991. Government law offices would not admit to such uncertainties, at least publicly, but nobody wants disputed or restless frontiers, or sullen or skeptical minorities occupying them. Dispute is precisely what frontier peoples have tended to bring, e.g., dispute about:

- whether 'northern territories' are the settler or economic development frontier which national majorities assume they are, or in fact indigenous homelands;
- whether official political and jurisdictional boundaries make sense;
- who owns and has the right to use land and sea territories, and their resources;
- whether introduced European governing systems are legitimate or appropriate;

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[4] 'The White Man' is a term well understood by indigenous and non-European peoples around the world. It refers to historical European domination, almost always by white males.

- what social and cultural norms (e.g. language use and cultural rights), and what legal standards and customs, are appropriate;
- why newcomers and settlers should be celebrated as pioneers or founders and their individual rights take formal precedence over the long-standing and customarily assumed collective rights of indigenous peoples; and
- whether material benefits, government priorities, and development policies should continue to favour newcomers and transients rather than the permanent indigenous population.

As indigenous people have gained education and familiarity with the White Man's values and jargon, their forceful arguments introduced or shouted in mainstream forums and media, or placed before judges in court, have been impossible to ignore. Their points are very simple: they are morally and actually the inhabitants of regions often much larger than their small numbers would imply, and they feel responsible for those regions and insist on the responsibility of others. Just as issues of

- *social justice,*
- *cultural respect,* and later of
- *legal rights*

have been increasingly resolved in their favour *vis-à-vis* government administration, itself more enlightened in the post-war era, so

- *environmental science*

and related activism have recently increased official and public understanding of indigenous realities. Along the way indigenous regions and cultural groups have also become

- *self-conscious contemporary political communities*

with a bundle of aspirations and motivations which are widely and often loosely labeled *Self-Determination,* not least by the peoples themselves.

Today, hinterland evolution and reconciliation in Australia and Russia remain in serious doubt, the latter because of a breakdown of political structures and the former because of a breakdown of political and legal will[5]. Russia has some fine draft legislation if only it had an administration and funds to implement it, while Australia's new recalcitrance is more surprising. (In the first half of the 1990s Australia had shown exemplary vigour in national indigenous policy, see Tickner 2001.) Hinterland Australia has an active indigenous political agenda, however, and many indigenous organizations working on various parts of it, from the most practical application of bandages to concepts questions of political and constitutional reform (Jull 1994a; IWGIA 1993-; *The Northern Review* 1992-).

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[5] I write the phrase 'legal will' days after the *Yorta Yorta* decision of the High Court, Canberra, further diminishes native title rights.

In Canada three jurisdictionally distinct and formally recognized northern territories with Arctic coastlines – Yukon, Northwest Territories (NWT), Nunavut – make up 40% of the national land area (and 0.0031% of the national population), while the northlands of seven provinces form a mid-northern swath of country from Atlantic to Pacific with almost as much territory again. In 1953 the federal government established a Northern administration unrelated to the old Indian Affairs Branch with its aura of failed indigenous policies. The Northwest Territories, or NWT (including what is now Nunavut), and Arctic Quebec (which is now increasingly known as Nunavik), were the particular concerns of the new federal administration. However, the Yukon, a separate territory since and because of the 1898 Klondike gold rush, and the Mackenzie Valley of great lakes and rivers which make up the Western NWT (and including the treeless Inuit coasts and islands of the Western Arctic), were subject to no less attention with their easier and more established access and infrastructure. At the 2001 census the Yukon had 28,520 inhabitants of whom 6,540 were indigenous (23%); the NWT had 37,100 of whom 18,730 were indigenous (50%); and Nunavut, 26,665 total with 22,720 indigenous (85%). Canada's total population was 29.6 million.

Overlapping this is the Inuit region, fully one third of Canada comprising Northern Labrador (in Newfoundland province), Nunavik (Arctic Quebec), Nunavut (the old Eastern NWT), and the Western Arctic which is the north of the remaining NWT – that is, a region overlapping the old NWT and regions to south and east. This has remained a remote zone for airplane or seasonal shipping access only. In that northern third, Inuit make up 80-90% of the population, although their total number in Canada is merely 45,070.[6] It is a land with a few scrub trees as its southern fringe, and windswept tundra, sea, rock, and glacier making up the rest. *(For **Yukon** see Cameron & White 1995; Coates 1991a; 1991b; Coates & Morrison 1988; Dacks 1990. For **NWT** see Dickerson 1992; Dacks 1990; Jull 1984; 1994b; 2000b; 2001a; Young 1995. For **Nunavut** see Angilirq et al. 2002; Brody 1975; Creery 1994; Dahl et al. 2000; Hicks & White 2000; Jull 1991b; 1992; 1999b; 1999c; 1999d; 2001b; 2001c; Purich 1992; Soublière & Coleman 1999. For **Nunavik,** now largely the responsibility of Inuit themselves and the Quebec provincial government**, see Jull 2001d; Makivik 1995; 2000; Mulrennan 1998; Nunavik Commission 2001; Saladin d'Anglure 1984a; 1984b; Scott 1992; 2001 – and Nelson 2003 for breaking news. For Australian views of Canadian northern experience see, e.g., Richardson et al. 1995; & Nettheim et al. 2002; Jull & Roberts 1991.)*

THE CANADIAN EXPERIENCE

Northern territories in Canada were initially defined either arbitrarily by political boundaries imposed by the White Man (like the straight lines carving up Australia's interior), or were quite undefined. The NWT and Yukon were cases of the first process, and Nunavut of the second in which local people claimed their own identity and boundaries albeit ultimately contained within some pre-existing international and intra-national boundaries (Jull & Craig 1997). Government policies have made trans-

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[6] The same 2001 census reports national totals of 609,000 Indians and 292,000 Métis, plus 30,000 of mixed indigenous backgrounds.

boundary indigenous structures virtually unworkable, although associations of jurisdictionally defined bodies, e.g., Inuit Tapirisat (now renamed Inuit Tapiriit Kanatami) representing Inuit of Northwest Territories (NWT), Nunavut, Quebec, and Labrador, have proven effective. A group of communities, or villages plus their out-camps, make common cause in relation to some external issue such as a hydro-electric project or imposed social policies, and develop a sense of regional unity around elements of their traditional culture. Rarely do all such groups within the region accept or share this new identity happily, while others farther afield may feel left out. When this newly self-conscious regional community discovers how few legal rights and little political influence it and its members are seen to have in the eyes of the White Man's system, serious political mobilisation begins. Non-indigenous expertise and political support are sought – perhaps a lawyer and some church group outside the region, and perhaps with help from an academic researcher or someone who has worked as nurse or teacher in the region. Whatever the specific issue or subject of initial grievances – a health epidemic, lack of housing, polluted food habitat – a fairly stable clutch of issues form into a whole political agenda. This almost always has a demand for self-government and legal recognition of territory and resource rights at its centre, and draws heavily on socio-economic disadvantage, inferior or absent public services, and cultural discrimination as significant grievances.

Then almost any issue from national defence to census surveys may become a point of contention, the real issue being the lack of politico-legal recognition of the people and consequent failure to have them make decisions for their region and people. Regional whites other than those already enmeshed in the indigenous community enter the fray, insisting on following national institutional traditions, i.e., the ones they can, do, or expect to dominate whether or not they are a population majority. Their raw self-interest, their often patronising or racist attitudes towards indigenous people, and the plain injustices experienced by indigenous people often balance the political scales or assist the indigenous side in the eyes of the wider provincial or national public. Indigenous people may get hold of some first-rate young non-indigenous expertise, as in Nunavik, Nunavut, and the NWT, who help pitch a modern and professional case to senior governments and other power *élites*.

Process and negotiation have been the keys to Canadian indigenous policy progress and to northern territories (Jull 1995; 1999c; 2001a). These have been more obvious in hindsight or in the broad view than to most of us involved at the time in various battles. That is, the process or negotiation has been often implicit rather than explicit – slowly moving or evolving changes of position or outlook brought by public disputation rather than quiet and rational conversation or working through of problems around a table. However, after initial fierce battles across the northern hinterlands which make up most of Canada, a series of conventions have developed, a political culture which is there for the using. (Unfortunately some governments – or ministers within them – continue to provoke crises through their own foolishness or arrogance, and some indigenous leaders schooled in habits of earlier confrontation are also too eager to go to the brink.)

Initially the South saw the North as poor people in ragged animal skins and could think only of material change to make them look more like us. Surely the minerals presumed to lie underground throughout the hinterland would provide jobs and so 'modern' schooling became an official priority. It took a long time before the

Canadian public could see past prejudices about 'Stone Age peoples' to recognise their shared humanity and sympathies with Inuit, Dene, and other Northern peoples. The James Bay project in Quebec from the early 1970s produced some quick learning in respect of the Cree most directly and immediately affected by the project, while the Berger hearings of the mid-1970s in the NWT became a sustained national teach-in about Northern and indigenous realities, one which at last made the North a general political issue and subject of public awareness (Berger 1977). There Inuvialuit (Western Arctic Inuit), Dene, and Métis spoke through their articulate young people or interpreters in their villages in terms all too clear to Canadians: the North was a social mess which no amount of white triumphalism and glossy public relations could hide any longer. Official good intentions, which were seen by few 'natives' as good at all, were not changing a divided society where whites, mostly deriving income directly or indirectly in service of indigenous administration, had most of the visible material benefits and all the power. The idea that Canada could no longer simply move in with lots of Southern material clutter, open schools, set up a Mountie post and a nursing station, and encourage geologists to find mine or hydrocarbon sites – that this Canadian model of national expansion was no longer enough, and was even of doubtful relevance – was a shock to many Canadians. Many Canadians favour simple assimilation to cross-cultural complexities, of course, but know its time is past.

Having established that Inuit and the other Northern peoples were people, not strange beings with inherently greater natural powers and less humanity than ourselves, it became possible to engage in what white Canadians recognised as *politics*. All the years of Dene protests about Treaties unfulfilled had gone unheard, but now that Northern peoples were 'speaking our language' in every sense, thanks to the schools, public debate began. Ottawa, used to administering the North, tried to come up with new and better programs, but Inuit and others wanted Northern political decision-making, not Southern expertise. They were especially suspicious of decisions serving Southern priorities for Northern 'resources' (such as the caribou herds or mineral deposits).[7] The 1970s were very bitter in the NWT, a region which was merely the leading edge for a whole era of indigenous-white, indigenous-government conflict across Canada – that is, the search by Southern governments and by industries they supported for Northern resources in Provinces and the two (now three) formally designated Territories turned the era into one of massive disputation. However, Canadians had learned enough that now the indigenous side was listened to more respectfully, while the insights brought to public forums by indigenous peoples and their environmental advisers and allies were changing the whole idea of Canada. No longer one huge empty place with lots of room for mistakes, now the North became a patchwork of peoples, each with its own unique ways and outlooks, living in home territories amid lands and waters of intricately connected eco-systems where it could matter very much precisely where mistakes were made. Lancaster Sound or the calving grounds of caribou herds, for instance, were not places in which to risk oil spills for fear of wrecking environments far and wide.

Governments often responded poorly. They believed that 'the natives' did not understand law and politics and that mere assertion of official will would bring things back into line. They made firm decisions which proved remarkably *in*-firm, failing to understand that what they faced was *not* callow rudeness to the Crown and disrespect

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[7] Federal caribou management and mismanagement were major grievances fuelling the anger of Nunavut land rights and self-government campaigns.

for Canada's long hard effort to extend public order and institutions into an expensive-to-serve hinterland. Rather, it was a general reaction to inappropriate policies and socially inequitable outcomes on the ground. Those Establishment whites who took time to listen carefully, e.g., the Courts, increasingly found in favour of the natives. The struggle was not of non-Europeans against Her Majesty – 'Confound their politics,/ Frustrate their knavish tricks' as *God Save the Queen,* long the Canadian as well as British anthem helpfully advises of outsiders – but of people dependent on living wild resources *vs.* an industrial state and its 'liberal development model'. Of course, nothing was so simple – Ottawa talked about and believed in rugged free enterprise even while it created, in fact, the ultimate welfare state in the North.

CANADA'S NORTHERN RECONCILIATION

The outcome or new northern territory resulting, huge like Nunavut and Nunavik, or simply large like some of the Dene regions – Deh Cho or Dogrib (Tlicho) – of NWT/Yukon, has a certain pattern. While it appears to sit within existing Canadian liberal democratic norms – and much futile emotional energy is spent on arguing if Nunavut is *really* indigenous self-government or *merely* a conventional model – its novel or exotic features are clear to its inhabitants. There is a dual constitutional structure, with the governing institutions rather like or utterly like the usual elected pattern of a clutch of local councils nested under a regional government, while the other half, i.e., the land, sea, resource, and cultural provisions are exclusive to indigenous peoples and lie quite outside the scope of non-indigenous people to touch. This latter indigenous arrangement is entrenched in the *Constitution Act, 1982.* Section 25 and 35 recognise any existing rights discovered by the Courts and validate any rights negotiated in future as part of northern territory or other indigenous claims settlements, all these to take precedence over the general constitutional Charter of Rights. Constitutional amendment is not only very difficult but requires indigenous consent.

The package of arrangements also includes a large capital fund under control of the indigenous people in question, this as compensation for past erosion of their rights and loss of territory, to be used for development or other projects with the interest providing running costs for various businesses or representative bodies. The package also includes categories of land/sea ownership and exclusive use, including some sub-surface rights, remedies for development impacts, land use and environmental management or co-management bodies sharing with senior governments the decision-making power in respect of resources and development in the whole region, and preferential rights for indigenous access to business and development opportunities (Usher 1997; Harrold 2002; Scott 2002). Various other features are included, such as official status for the indigenous language, social and cultural development programs, enhanced public services in key areas, and various 'catch-up' programs for capital needs (e.g., housing, public facilities).

In sum, grafted onto a basic European liberal democratic system suited (or *un-*suited, depending on one's viewpoint) to all areas within a country is another system in recognition of the cultural, social, political, environmental, and developmental imperatives of a specific place and its indigenous ecologically sustainable space.

Opposites are joined. This is the basic model, but the larger cases like Nunavut have many additional features by virtue of their size and opportunities. E.g., Nunavut is a full participating member of the Canadian federation of federal, provincial, and territory governments, and represents itself in the organs of executive federalism which are Canada's highest policy and political forums.

However, the explicit design is less important than the spirit of reconciliation or accommodation in its making (Jull 1998b). Some key steps for government were:

- recognition that the old frontier model of development with its 'gold rush' or equivalent boom, hoped-for trickle-down benefits, social and environmental costs, and transitory nature was no longer a sufficient or appropriate basis for consolidating a contemporary society or economy in remote areas;
- acceptance that the permanent indigenous population, their languages, traditional lands and waters, and culture must be seen as cornerstones of hinterland society, not obstacles to be merely assimilated or wished away;
- investment in socio-economic reforms and programs to ensure that indigenous peoples are genuine equals of newcomers in the politics and direction of hinterland society, ensuring elimination of deep grievances and achievement of social peace and stability;
- acceptance that clever and innovative planning and administration by outsiders are not a workable substitute for the legitimacy or effectiveness of local and regional indigenous political processes;
- sponsoring of formal and informal political reconciliation mechanisms to broker accommodations between northern whites and indigenous peoples;
- (re-)negotiation of regional and indigenous destinies within nation-state constitutional, political, and legal structures just as the parts of Canadian (and Australian) federation devised suitable structures in the 19th century (e.g., Canada's recent comprehensive claims processes and related national constitutional framework, Jull 1981; 2001a);
- recognition that ecologically sustainable development to ensure continued regional traditions, livelihoods, and environmental values is essential to hinterland futures (Jull 2002); and
- the recognition that incorporation of dynamic 'new' peoples and regions in the nation-state strengthen national society, culture, and identity.

Along the way the Canadians realized that they were not merely making grudging concessions to malcontents but working with co-nationals in enlarging and strengthening the national space. This psychological shift makes intelligent cooperation much easier. It is very hard for governments to give up control to others, and Australian state, territory, and national governments seem even more feverishly ingenious than Canadians in finding ways not to 'let go' *vis-à-vis* indigenous people.

AUSTRALIA'S TORRES STRAIT

The Torres Strait Islands lie between the north-eastern tip of Australia – the Cape York Peninsula – and Papua New Guinea (PNG), a creation of the last Ice Age when rising seas again covered a large land-bridge between Australia and its northern neighbour. These small islands and coral reefs are home to a Melanesian people, the

Torres Strait Islanders, living in some 19 communities with a total regional population of *c.* 8000 of whom *c.* 6000 identify as indigenous Islanders. The region is part of the state of Queensland. Most non-indigenous people live on Thursday Island, the small regional supply and administrative centre now spilling over onto immediately adjacent islands, itself as racially and culturally diverse with South Pacific, Asian, and European origins as any imaginable, a vestige of the old South Seas of Conrad's novels and Maugham's stories. Most of the early pacification, colonisation, Christianisation, and British Imperial incorporation of the region was conducted by a 'métis' mix of South Sea Islanders who were the real players in Britain's Pacific economy, a fascinating story in itself. *(For Torres Strait background see TSRA website (http://www.tsra.gov.au/) and references TSRA 2001; Lui 1994; & 1995; Beckett 1987; Singe 1989; Sharp 1992; 1993; & 1996; Shnukal 2001; & 1992; Ganter 1994; Kehoe-Forutan 1988; Mulrennan & Hanssen 1994; Mulrennan & Scott 2001; Sanders 1995; Arthur & McGrath 1990; Babbage 1990; Jull 1997; Close 2002; Groves 2001.)*

Like Inuit, Torres Strait Islanders have sometimes benefited, and sometimes not, from being numerically few, remote, and little known compared with the principal national indigenous minority, the Aboriginal peoples. Subsistence fishing and Tropical 'welfare colonialism' (in Beckett's term, 1987) have seen these remote islands left largely to themselves since the marine industries boom of the 19th century came and went. Both Queensland and federal governments have sponsored elected administrative advisory bodies, the Island Coordinating Council and Torres Strait Regional Authority, respectively. Regional self-government and some form of sea claims settlement are the principal shared goals apart from better health and social services, and more jobs. A significant political resource is the access to and relatively good relations with the Coalition political parties. The region's calm is deceptive, uneasy. During the early 1990s the region came close to a political settlement during the life of the Keating federal government; today proposals for a sensible conventional approach to that goal progress slowly, without the sea rights element (TSRA 2001). Political trouble and controversial resource mega-projects in adjacent West Papua (Indonesia) and Papua New Guinea; fears of marine pollution impacts on Islander health; fishing and its profits going to outsiders; neglect by governments at home; dangerous cross-border movements of people, weapons, drugs, diseases, and pests; the example of many exciting political experiments in full statehood and home rule among related Melanesian as well as Polynesian peoples to north and east; the large population of educated and often highly politicised Islanders living outside the Strait but keeping in touch with events at home; and the volatility of sea rights and self-determination issues when given any fuel, mean that Strait politics could erupt at any time.

AUSTRALIA'S NORTHERN TERRITORY

Australia's Northern Territory, or NT, like Canada's NWT, Yukon, and Nunavut, is under federal jurisdiction but a self-governing entity with powers like those of states (or provinces) in most respects. In this central slice of the continent, there were *c.* 200,000 inhabitants in 2001, of whom some 25% were indigenous. The White Man's NT seems to consist of a red line on the map, the Stuart Highway, running approximately along the line of the telegraph line which in the 19th century linked

Australia to London, with the four predominantly white towns of Alice Springs, Tennant Creek, Katherine, and Darwin along its route from south to north. Today the NT is a patchwork of Aboriginal lands (about 50% of the total area) won under 1976 land rights legislation, being mostly former Aboriginal reserves and large swaths of arid land unwanted by the White Man, the rest being mostly large cattle stations of very mixed productivity. The populist Right government in power in the NT from the beginning of self-rule until 2001 affected to believe that if only it could wrest control of the Aboriginal lands from the national government and from the Aboriginal land councils it would miraculously make the desert bloom and other wealth leap out of the ground. As usual in such regions, vehement populist free-enterprise rhetoric among settlers is in inverse proportion to the dominance of government spending in the economy. The ludicrous or naïvely frank belief that indigenous languages can be simply wished away and English installed as a cure-all in the NT, and unresolved fiasco following, could no longer happen in Canada (Nicholls 2001).

From 1985 a constitutional committee of the NT legislature inquired into statehood and issued many reports. While this work was worthwhile within its own terms of reference, it was of limited relevance to the indigenous community who periodically created their own forums for discussion of NT-wide and more local politico-constitutional reform (e.g., Pritchard 1998), and who sponsored their own studies (e.g., Crough 1989; Jull 1996). Some major conferences have highlighted the chasms between indigenous and white views more than they have bridged them (e.g., Jull *et al.* 1994; Gray *et al.* 1994). Until recently Canberra has made clear that NT progress towards statehood would depend on greater NT government respect for and accommodation of Aboriginal interests; in 1998, Prime Minister Howard supported a plan which virtually excluded Aborigines but whose divisive nature saw it defeated at referendum (Jull 1998c). The NT government elected in 2001 has adopted a more open but less urgent approach to statehood and constitutional reform, having many pressing reforms in other areas to enact. Its legislature committee consultation document is most promising (LANT 2002).

The social dysfunction and violence in NT Aboriginal communities and fringe camps, and other rural and remote locations around Aboriginal Australia, provide a black pornography of squalor.[8] Even the federal minister took this to the United Nations as if to show it off, blaming it on Labor and on 'self-determination' (Herron 1999).[9] Indeed, it has sometimes seemed the federal government's substitute for policy or program innovation, a tactic said by electoral analysts to appeal to racism among a key section of Coalition voters (Millett 2002). In recent Australia indigenous need and dimensions of a human crisis have been turned on their head in indigenous affairs, and public policy trivialised and lost. The use of racial 'dog whistling' and other American electoral ploys have been uncritically imported regardless of their social and moral impact and relevance in Australian society. As in so many ways the USA may be the *least* civilised of 'first world' countries – hardly a role model. In

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[8] The word *pornography* seems apt because the 'visuals' and data are passed around gleefully by white *élites* intending no action or reaction beyond their own titillation and disapproval.
[9] By calling their domestic indigenous policies 'self-determination' not least to impress overseas hearers, earlier governments may deserve at least a little of this poetic justice in the return misuse of the word. Nothing like *self-determination* or self-government in any large sense has yet been seen in Australia.

indigenous affairs the American past is instructive (Trigger & Washburn 1996; Wilson 1998), but until the late 1980s the USA and USSR did much to obstruct the development of indigenous rights at the UN. For our purposes post-war Alaska is the best American experience (McBeath & Morehouse1980; & 1994; Mitchell 2001; Jull & Kajlich 1999).

The difficult NT context is not generally understood, partly because the former NT government worked so hard to appear to be a 'state' just like the others (Jull & Rutherford 2000). For instance, a much-read new book untangling recent national indigenous social policy debate to return attention to black clients concludes with a chapter on the NT (Neill 2002).[10] The chapter assumes that the NT, like Australia's south-east, is an established country with a political culture and institutional framework into which black needs may fit and resolution be found. Nothing could be further from the truth. The NT is mostly indigenous or pastoral land, the White Man is concentrated in a few areas and is highly transient, with 20-50% population turnover between elections (Loveday *et al.* 2002, 5-6), and even the most basic consensus on political culture, regional values, the role of the permanent population, and indigenous politico-cultural rights has never been attempted. While the white precincts are mostly affluent green suburbs, indigenous hinterland camps and villages vary widely and are remote in language and culture from Australia's 'mateship' and 'fair go'. *Two solitudes,* indeed.[11] However, the NT is a good example of the type Australian opinion is seeking of how and why basic agreements and constitutional frameworks must precede real progress on 'practical' and 'concrete' improvements and ease of suffering (see Jull 1998b for one such NT resource).

Nevertheless, there is, e.g., an established process in Central Australia to plan for the future through the principles of Aboriginal defined governance set out in the Kalkaringi Statement of 1998 (Pritchard 1998). This work of the Combined Aboriginal Nations of Central Australia (CANCA) grew out of Kalkaringi to advance the Statement's aims (Jull 2000-2001). More than half a dozen communities have been initiated and continued the research-and-action process of CANCA. This can be traced to the work undertaken by Batchelor College students at Walungurra/Kintore in the mid-1980s, some of it documented by Keeffe in *From the Centre to the City* (1992). That work was given national significance because it formed the philosophical and promotional basis of the National Aboriginal Education Policy at that time. Significant outcomes of this community based research have been the foundation of One United Voice in 1992 following a number of disputes over delivery of services between communities and the NT government, including power, health, education, roads, local government, and law enforcement (see also Crough 2002). Other milestones significant to this research have been the 1993 NT Aboriginal Constitutional Convention, responses to the Reeves Review of the Land Rights Act in the late 1990s, and the Kalkaringi and Batchelor Statements in response to the NT government's push for statehood in 1998. All of which has led to the CANCA work developing models for sustainable Aboriginal governance.

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[10] The author, Rosemary Neill, presented some of her findings on the final afternoon of the present conference.
[11] *Two Solitudes,* a 1940s novel title, is a phrase applied since to Canada's Anglophone and Francophone communities.

The opportunity exists for serious NT politico-constitutional reform. However, the case will have to be made and loudly because neither the NT nor national public has heard the arguments. The debate, such as it is, is stuck in the rut of NT white cries that it is unfair for their legislature to be over-ridden, e.g., as occurred in respect of euthanasia legislation, a glib slogan which works well. In Canada the Northern peoples had a long and loud regional debate echoing nationally, triggering a larger and often sympathetic national debate, plus a national government anxious to damp down racial tensions by brokering political peace.

RECONCILED PEOPLES AND TERRITORIES

Every year in Australia's south-eastern ecumene I tell students – surprised, unbelieving, or simply annoyed – that the Northern Territory is not a remote exotic place but very much their business. The Constitution requires that their elected Representatives and Senators in Canberra set the terms and conditions of any statehood constitution for the region. This requires Australians to express their national values, political culture, and institutional ideals.[12] It is unlikely that many thinking people would accept that the 1890s 'White Australia' political consensus on states' and Aboriginal rights is sufficient or appropriate today, let alone in a region which remains largely Aboriginal cultural territory, but that is demanded by the former NT government and many other statehood proponents.

Nunavut has been a symbol of change in Canada, fulfilled in its formal launch in April 1999, an international source of wonder (Jull 2000a; 2001a; 2001b; & 2001c, but see also Bell 2003). Such developments in hinterlands have been inspirational in renegotiating indigenous-white relations and strengthening respect among all peoples in Canada (Russell 1993; 1999-2000; & 2001; Jull 2001b). As the Arctic Peoples Conference of 1973 had demonstrated, Northern Canada, the Sami ('Lapp') North of Europe, and Greenland were all experiencing similar conflicts and problems (Kleivan 1992; Jull 1998a; 1998c; 1999a). But each country tended to look at things too much in national optic; each tried to find solutions to common problems inside national conventions; and each to use its own form of national denial.[13] Circumpolar and wider access became important in helping Inuit and Indians to convince Canadian governments and political *élites* that problems were more concrete than symbolic, and that their dynamics were a general problem of majority power relations with minority peoples, not merely of Canadian or Norwegian or Australian national peculiarities. Likewise, the experience of all countries were potentially useful as guide or warning for others – and there remains no better 'manual' (Sanders 1977; Jull 1999a).

The Canadian government, like other Circumpolar countries, has overcome past shame about hinterland indigenous social conditions and now participates happily in bi- and multi-lateral international dialogues involving indigenous representatives,

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[12] Of course, federal Parliament *may* reshape existing NT constitutional arrangements anytime it chooses, or shape other political institutions such as Torres Strait regional government, but it *must* be active in any grant of statehood.
[13] As late as the late 1980s, for instance, the Norwegian government, even at comparative studies conferences which it hosted, would deny that it had problems of Arctic peoples by designating as 'Arctic' only the Svalbard archipelago (without permanent residents), thereby finessing Sami and North Norway issues. So its officials professed themselves interested to hear the Canadians worry out loud, this while denying any problems of their own!

officials or politicians, academics, and others together to discuss and, it is hoped, help overcome these. Awareness of the experience of others at home and abroad is now a major element in the creation of the territory of Nunavik in Northern Quebec. The Australian government since 1996, however, has drawn on foreign indigenous comparisons only selectively and defensively, usually to 'justify' inaction (e.g., P. Charlton, *Brisbane Courier-Mail,* 1-6-2000). Federal ministers Herron and Ruddock have had some meetings abroad, the latter visiting Nunavut, Sápmi (North Norway), and British Columbia, but the Australians also ensured that indigenous elements were dropped from the 54 Commonwealth of Nations countries' March 2002 meetings near Brisbane.[14] Information on 'first world' indigenous experience and precedent circulates or is published in Australia, however, and no Australian indigenous spokesperson or policy professional today would be unaware that other countries have contemporary experience with indigenous socio-economic problems and political reforms.

Canada has many indigenous territories and governments now being created – or re-created. Nunavut and Nunavik are very large, while some others are relatively small regions. The Deh Cho ('Slavey Indian') process of the south-west NWT involving 10 local First Nations and three related Métis communities is proving to be almost a textbook cases of principled rational reconciliation despite deep difficulties and divides (INAC 2001-2003). In addition to federal Treaties and land claims settlements Quebec province has recently concluded major treaties with regional peoples, including Inuit and Cree, to govern relations and especially organise and enrich economic and public service benefits, a bold and unprecedented development. Meanwhile, profound and necessary rethinking of indigenous governance from the indigenous historical and cultural perspective is being led by philosopher-activists like Taiaiake Alfred (1995; 1999; 2001) and its implications for – and highlighting the limitations of – Western-style liberal democracy. This exploration is being taken up vigorously by young Australian scholars like Lyndon Murphy at the University of Queensland (and see also Close 2002 for a demonstration). While some Australian governments hope for finality, an end to Aboriginal and Torres Strait news on page one of the press, new relationships will involve the opposite: engagement and participation as a continuing story in a larger Australia.

Factors in Canadian success have been patience and persistence on all sides, processes to work through problems, political consensus and steady political will on aims among northern indigenous peoples, and sufficient national commitment to problem-solving in the name of social justice. National, no less than northern, information and publicity campaigns were needed. At all times informed and committed non-indigenous friends of 'the natives' and sections of the public were essential allies, notably the Project North church-run support group, and the unique Northern policy think-tank, Canadian Arctic Resources Committee. For all the attention that NT Aboriginal art and Torres Strait quarantine anxieties receive in national consciousness, there is very little Australian awareness of political issues and aspirations in those regions except when Kakadu's uranium is debated or Islanders board an interloper's boat.

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[14] The Commonwealth of Nations is now one of the few international bodies with no indigenous policy despite including many countries with the best and the worst examples of indigenous policy in the world. For papers from the attempt to include indigenous peoples see Dr Helena Whall's project website, e.g., Havemann & Whall 2002.

Canada's general process-oriented political culture has demonstrated its worth in these matters. What seemed surprising or radical demands when first voiced by indigenous leaders in the 1960s and early 1970s have become familiar and mostly unthreatening since. Also, a federal system of government is designed for diversity and accommodation. Indeed, the *Federalism Forum* held in Old Parliament House, Canberra, on 19-20 October 2000, concluded in its Communiqué that:

> There needs to be wide-ranging national debate within the framework of the reconciliation process about the representation of Australia's indigenous population. In this context, Australia should consider as one option the recognition within the structure of the Australian federation of the Aboriginal and Torres Strait Islander nations. (2.4.3)

Not all Canadian indigenous observers are happy about the northern territorial approach. Some of these are strong critics within the North, strong and independent minds, as should be hoped and expected – every vigorous society needs prophets and conscience. Others outside the North remain uninformed about the Northern 'model', especially the confusing land ownership and management provisions, and the entrenched status of the claims settlement in the Constitution. Some critics even argue that Inuit and others should strengthen their traditional cultures first. *Gimme a break!* – it is simply incredible to imagine that any of those critics would have wanted their own peoples, had they had the chance, to pass up the opportunity for political control of their traditional territories as the top priority. Ice-breakers and tankers were crashing around Nunavut's most critical seas during the years before the political and land/sea claims agreements. Planning, development, and control options could have been foreclosed forever leaving Inuit in rags along a white man's Northwest 'canal'. Now that Nunavut is in place, and the earlier model of Nunavik, Inuit in both regions have been applying themselves and their new institutions and means to rebuilding and renewing their cultures and way of life, complete with fine arts and new media (e.g., Angilirq *et al.* 2002; Kunuk 2000).

Canadians have long claimed the Arctic or 'the North' as a positive defining identity. One-liners to that effect are a staple of political speeches delivered at home and abroad. But the North was usually little more than a bleak challenge to be overcome until recent years. As long as our imaginations were limited to Victorian Age 'progress' of steel and smoke, and the spread of white settlement, Northern realities eluded us. Some were more poetic about the hinterland, but Canadians thought poetry indecent in public. Now, however, indigenous peoples have forced us to think and talk about the North and the whole country in new ways, and in the North they have had relatively little difficulty in overlaying outsiders' arbitrary divisions with an older schema of eco-systems and homelands. Instead of the old garrison-duty mappers' straight lines we have the locals responding to less visible imperatives of language and the seasonal rounds of livelihoods in defining areas of interest, rebuilding local and regional indigenous communities to overcome new problems and seize new opportunities. The 'garrison' is now serving and backing up these arrangements, and no longer beholden to fading or forgotten ideals of someone else's empire which once issued them their red tunics and instructions. These are important subjects, and Canadian scholars in Australia like Adam Shoemaker, Elspeth Probyn, and Christy Collis are offering penetrating and comparative Australia/Canada studies.

Reconciliation in practice may be expressed as the process of mutual recognition, acceptance, and accommodation of indigenous and non-indigenous peoples within the nation-state by governing institutions and public, accompanied by a genuine and persistent attack on indigenous social disadvantage and grievance. Indigenous peoples were excluded in law and in fact from modern nation-state society until recently (Jull 2001a). They are all well aware of the continuing impact of that in their lives and prospects today. Only constitutional, political, and moral initiatives such as those appearing or promised in 'first world' northern territories can foreseeably provide the context in which the more intangible dimensions of reconciliation bloom widely. As the past 1200 years of Sami-Norwegian relations on the northernmost coasts of Europe remind us, reconciliation does not 'just happen over time' or as a corollary of equalised 'practical' socio-economic outcomes (Bjørklund *et al.* 2000; Brantenberg *et al.* 1995; Gaski 1997). Political will and political action are required.

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