
Interview: Henry Reynolds

Ethnic rebellion is on the horizon

Professor Reynolds is in the Department of History and Politics at the University of North Queensland, Townsville, Queensland. He is probably Australia's best-known author on Aboriginal history, and a founding Sponsor and Advisory Committee member of the Nugget Coombs Forum for Indigenous Studies.

Q: Perhaps I could ask you about your Roy Milne lecture at the Australian Institute of International Affairs in 1993, in which you expressed the idea that the nation and the state are two different concepts, rather than the unified notion of the nation-state. Where does this idea arise in the current period? I noticed you cited a number of Oxford and related theoreticians.

Reynolds: As a British colony, we inherited the idea of a single all-powerful sovereign, and therefore, as with the United States, we decided this could be divided in a federation. But nevertheless the idea that there could be other sovereign authorities was quite anathema to British constitutional thinking.

At the same time, the reality was that in the colonial period, many, many Aboriginal communities had no contact *whatsoever* with the Europeans. They were *de facto* sovereign. They continued to exist independently, and did so right up until the 1960s. Even now, there are parts of Australia where Aboriginal law still runs, in effect.

There is a *de facto* sovereignty, because they really have never really been totally absorbed. So you have the theory which, from the European side, is for the single sovereign, but the reality was that I think you had *numerous* sovereigns. And I think in a sense the very interesting Queensland inquiry, run by a group of indigenous people to look at the question of self-government, was strongly influenced by Canadian and North American ideas. They began touring the remote communities, talking about self-government, and of course the old people said, "What's new about that? We have always believed that we have had our own autonomy, our own sovereignty."

Q: How did these ideas come in? It is a long way from Canada and North America to Queensland. What was the transmission belt?

Reynolds: A number of ways. Someone like Peter Jull, and quite a number of Canadian academics have been in Australia in the last ten years, visiting. The normal academic exchange of ideas, but of course, the indigenous communities in the last ten years have begun to build up these Fourth World networks. I think they have been just as important, in that Australian Aborigines have been to North America and North American people have come to Australia.

Q: Would this have been under the auspices of the U.N. Working Group on Indigenous Peoples?

Reynolds: That has been one of the critical meeting places for North Americans, New Zealand, Australian, Inuit, and Sami peoples. I think those gatherings have been very important, because people have realized that their own problems and situations are not unique, that they have that immediate sense of brotherhood across the world.

Q: I see some of the citations you refer to in your Milne lecture, about the "more complex patterns of political power typical of the late medieval and early modern periods." We would be presumably talking about models from the pre-Renaissance period, is that accurate?

Reynolds: In terms of having sovereignty broken up into smaller parts?

Q: Yes.

Reynolds: Yes.

Q: One thing you also referred to was the question of international pressure. You have a conservative group there, the Liberal-National Coalition; you talk about the fact that even they would have trouble, foot-dragging on some sort of a charter of rights of indigenous people. What sort of pressure do you see building up now toward getting some sort of breakthrough?

Reynolds: As I see it, there is a logic in the whole idea of the self-determination of peoples which is working through. But the question is, how far can that logic be allowed to be run? This seems to be one of the fundamental problems. At the moment, of course, the states represented in the United Nations are going to be extremely careful about allowing rights which could possibly lead to secession. That is the great fear. And the question arises, "Is it conceivable that we have gone now to almost 200 nations, 200 states? Can you conceivably have 1,000? What sort of world would this be?"

So consequently, the big hope is for reconceptualizing the state and sovereignty. So you *can* include groups within the state that have a significant degree of internal self-government. . . .

Q: Looking at your Milne lecture, you say that "similar moves for regional autonomy will emerge in the next few

I was probably the first one to make [Eddie Mabo] aware that he didn't own his land, that it was Crown land, and talked to him about the possibility of trying a court case. . . . I probably told him about the great American cases of the 1820s and the 1830s, which defined the idea of native title.

years in various parts of Australia." And then you list Cape York, Arnhem Land, the Kimberleys, etc. What indications are there of that? How far advanced is that process?

Reynolds: Quite strong.

The local leadership in those places realizes that this is important in practical ways. The Torres Strait leadership, for instance, points out that in the situation that existed up until recently, they had to deal with 35 separate government departments and agencies, both state and federal government.

And there is also, of course, the awareness of the regional agreements in North America, and there is also an appreciation that in Australia's external territories, particularly the island territories, you have a situation which they find attractive. Norfolk Island and the Cocos Islands have a high degree of autonomy, so for those reasons, the leadership in those areas is very, very strongly pushing for a significant degree of internal self-government.

I think that this is seen as the objective for the next ten years.

Q: How far does this go? Would this at some point lead to complete independence?

Reynolds: That, of course, is the very difficult question. I would have thought that this is the grave weakness. Does autonomy, in a sense, head off demands for independence, or does autonomy *hasten* the situation?

I suppose I take the optimistic, reforming view, that if you reform ahead of demand, then you will have a situation that is manageable, that you can contain in autonomous regions within the state; but of course, the pessimistic one is that this is simply preparing the way for further demands. In Australian circumstances, I suppose such regions, if they were to demand anything, might demand it internationally. Given the current international view of secession, I imagine they wouldn't get much support, but of course, the possibility always exists in the future of getting external support for this sort of demand.

I just don't know. As I say, one has to take a leap in the dark, I suppose, and assume that careful, progressive reform will provide a way of having an overarching state under which various groups can have significant degrees of autonomy, cultural and political autonomy. That's the

optimistic view, which I currently have. But whether that is overly optimistic, only the future will tell.

Q: Is there anyone who has done some serious work in the field who has been more pessimistic?

Reynolds: The pessimists are more inclined to be the conservatives who have said this all along, who have said, "Look, you are just going to create a black state and this is going to lead to secession." There hasn't been a great deal of theoretical work about it, but there are people who have taken this view all along, and they have taken it *way* back. They say this about native title and land rights; they say that this is creating a black state, that this will fracture the nation.

Just as with immigration, there are those who say that Australia is now becoming a land of many tribes and it has lost its cohesion. But I don't think there is anyone yet at a high level who has said, "This move toward greater autonomy to self-government, will *inevitably* lead on because every small nation ultimately wants to become a state." That there is a logic moving in that direction. That is clearly an arguable and a worrying proposition, if secession means, as it does in the modern world, prolonged periods of extremely protracted and bloody conflict.

Q: Would you draw any comparisons to the issue of Chiapas? As serious scholars would be aware, this did not pop up out of nowhere. But would you draw any comparisons there, where there is certainly a very significant move toward autonomy or even independence?

Reynolds: Yes, I was in Mexico last year and I talked to the government people about the situation, and they are clearly worried about precisely these questions. They were very interested in hearing what Australia thought about these issues.

But yes, I think that sort of combination of regional and ethnic rebellion is potentially possible, as I say in the article. We have had a long period without that sort of overt conflict, but it would be optimistic indeed to assume that it could not happen again. I don't see it happening soon. But certainly if you *frustrate* the ambitions of significant groups, I think that sort of response could be possible down the track, and would be extremely difficult to deal with. It is so much

more than a military and police problem; it is an enormous political problem, as Mexico finds. It becomes the center of world media attention.

My wife is a parliamentarian, a member of the Australian Senate, and I went with her on an Australian parliamentary delegation to Mexico. We spent a day, the embassy arranged a day's contact with various people involved in indigenous affairs.

They have a new commission, and they have finally come to the conclusion that simply saying that everyone has been a citizen and has been since 1823 is not enough. There has to be an acceptance of diversity and autonomy, which obviously they saw as a big step in Mexican grappling with these problems.

Q: You are referring to the Mexican government?

Reynolds: Yes, these were government officials who now were thinking through the implications of having so many indigenous communities within the nation's borders.

The previous President had just set up a commission for indigenous peoples, and the new commissioner and his staff came and met us and had a long conversation when we dealt with this very problem, exactly the things I am talking to you about: the realization that there had to be change and reform and acceptance of the existence of indigenous peoples, but the worry about the unity of the state.

Q: So this was President Salinas who set up this commission?

Reynolds: Right. The official government commission on indigenous peoples.

Q: And from the Zapatista end, did you get a chance to talk to anyone there?

Reynolds: No. I would have been most intrigued, but we were only there briefly and we were depending on what the embassy could organize; it would have been extremely interesting to talk to those sorts of people.

Q: Peter Jull mentioned that he thought you had a hand in the Mabo case [see article, p. 18].

Reynolds: Yes, that's right.

You see [Eddie Mabo] was a friend of mine, and we spent a lot of time together. I was probably the first one to make him aware that he didn't own his land, that it was Crown land, and then talked to him about the possibility of trying a court case. At that stage, I vaguely knew about the American cases, and I probably told him about the great American cases of the 1820s and the 1830s, which defined the idea of native title.

So, yes, I was certainly very involved in the early days. Once the case began, of course, it was very much in the hands of the experts.

Interview: Donna Craig

Regional agreements a 'bargaining wedge'

Donna Craig is a Sydney-based specialist in environmental law and regional vice-chairman for the Environmental Law Commission of the International Union for the Conservation of Nature. She was the ELC's representative on the IUCN's committee on "indigenous" matters. A collaborator of Nugget Coombs, she is a linchpin in international indigenous networks.

Q: Peter Jull called you the "mother superior of regional agreements" and said I should speak to you. Perhaps you could give me a general overview. I know the Nunavut agreement has been an important precedent.

Craig: I think the part of regional agreements that is not generally understood, is that it is a very powerful political process in terms of the ten years or however long they take to negotiate the agreement: the negotiating skills developed and the coalitions that are formed and then of course the expertise that is gained in running the corporations. If that is seen as an historic and economic and political process, standing back from the years of fighting or whatever in Canada, I think that has been enormously important. It is very painful. But I think the tremendous gain that can be got out of that bargaining wedge is to increase indigenous involvement in a whole range of land use decisions, planning decisions, management decisions, particularly managing fisheries, wildlife, natural resources.

Q: Have you had an opportunity to travel to Canada or New Zealand to see how things have worked there?

Craig: Yes. I've had some close contact with those communities. And I studied in Canada. I did my environmental law masters [there] and I worked with Paul Lehman, and he was involved in the preliminary negotiations for the Yukon agreement. A lot of my work has been in the social impact assessment area with indigenous groups and looking at cross-cultural processes in the environmental law area. That, in Canada, is actually leading to the regional agreements.

In Australia, probably our strongest models are things like joint management of national parks, indigenous peoples' control of river catchments. We have got some *very good*