QUADRANT

November 01st 2016 print

KEITH WINDSCHUTTLE

The Break-Up of Australia: Part I

From Quadrant's November edition, now on sale, the first excerpt of Keith Windschuttle's investigation of the Recognition movement, its motives and objectives: political autonomy, traditional law and values, and sovereignty over a separate state -- in effect, a nation within a nation

The clans of east Arnhem Land join me in acknowledging no king, no queen, no church and no state. Our allegiance is to each other, to our land and to the ceremonies that define us. It is through the ceremonies that our lives are created. These ceremonies record and pass on the laws that give us ownership of the land and of the seas, and the rules by which we live. — **Galarrwuy Yunupingu, 2009**

The issue of constitutional recognition of indigenous people is not what it seems to be. On the one hand, our political leaders want Australians to believe they are engaged in a process of national reconciliation, of belatedly bringing indigenous

people into the political fold and finally acknowledging their place as the first Australians. When Opposition Leader in 2013, Tony Abbott made this case in passionate terms. "We have never fully made peace with the first Australians," he said in support of Julia Gillard's bill for a referendum on the issue. "Until we have acknowledged that we will be an incomplete nation and a torn people." As Prime Minister a year later, Abbott said his objective was not to change the Constitution but to complete it, so that we can make our country "whole":

This is a very important national crusade, it's very important to me, it's very important to the indigenous people of our country and it should be very important to all of us who want to see our country whole. And for me, indigenous recognition won't be changing our constitution so much as completing it.

Malcolm Turnbull agrees. He wants a referendum to ensure that our Constitution reflects "all our history and does so in a way that unifies us and makes us an even stronger nation than we are today".

But on the other hand, a quite different view is held by Aboriginal and Torres Strait Islander people themselves, especially those active in politics, law, education, media and the arts, who now firmly control the agendas for debate and policy on indigenous matters. Few members of this Aboriginal establishment see constitutional recognition in the same terms as Abbott and Turnbull.

Their aim is not to make the Constitution complete or the nation whole. Indeed, buoyed by their success in gaining native title over the past two decades, they now want to go one big step further and not only get their land back but their country back too. As the title of a recent book by Aboriginal academics Megan Davis and Marcia Langton says, "It's *Our* Country".

Aborigines and Torres Strait Islanders see themselves as "first peoples" whose ancestral status gives them ownership and jurisdiction over Aboriginal land. They do not regard the existing Australian nation as their true country. They describe the Australian nation as no more than a recently arrived "settler state" whose rule they grudgingly endure.

To these activists, the recognition of Aborigines in the Constitution would simply be one more step towards their real objectives: political autonomy, traditional law and values, and sovereignty over their own separate state or nation.

The concept of sovereignty has not been part of the current reporting of Aboriginal affairs in the news media; indeed it is a topic conspicuous by its absence from discussion about constitutional change. But it has long been the principal objective of the Aboriginal political class right across the spectrum—from gradual reformists to radical agitators. They argue that because Aborigines never ceded sovereignty in the colonial era, because

they signed no treaties and were never actually conquered, as the first land owners they remain the continent's sovereign people.

Their case is that, in restoring land rights, Australian courts recognised that traditional Aboriginal society was governed by its own laws. The existence of a legal system, Aboriginal activists argue, logically entails the existence of Aboriginal sovereignty which, they claim, was never extinguished by the British Crown's own declaration of sovereignty in 1770.

There is nothing new about the demand for sovereignty or the arguments that support it. In 1982, a submission by Central Australian Aboriginal organisations to a Senate inquiry into a Makarrata or treaty declared:

The Aboriginal people have never surrendered to the European invasion and assert that sovereignty over all of Australia lies with them. The settler state has been illegally set up on Aboriginal land … We demand that the colonial settlers who have seized the land recognise this sovereignty and on that basis negotiate their right to be there.

In 2012, the Yolngu Nations Assembly of Arnhem Land was still making the same point. In their submission to the "expert panel" appointed by Julia Gillard to report on constitutional recognition, these "nations" said:

We believe we have never been conquered and we are not subject to the Australian or British law but maintain our sovereignty. We still have our language and practice our Madayin law and as one of the first peoples we assent to the Madayin Law not Australian law.

In the most substantial report so-far commissioned about constitutional recognition, Gillard's expert panel headed by Patrick Dodson and Mark Leibler said their indigenous community consultations and written submissions contained numerous calls for recognition of Aboriginal people's "sovereign status". However, the panel had decided early on that sovereignty was outside its frame of reference. Of the four principles the panel was required to apply to its proposals, the advocacy of sovereignty offended against two: to "contribute to a more unified and reconciled nation" and "be capable of being supported by an overwhelming majority of Australians from across the political and social spectrum".

The panel's position here was accurate: the question of sovereignty would not contribute to a more unified nation. In fact, if the sovereignty of Aboriginal people was ever conceded, it would irreparably divide the Australian nation. Moreover, when casting their votes in a referendum, many Australians might see partition of the nation as a possible result. The panel's own research polling made it very well aware that if it suggested sovereignty be included in its recommendations for constitutional change, it would be the

kiss of death for the recognition referendum. Nonetheless, the panel went on to devote eleven pages of its report to a sympathetic discussion of the concept.

The reason for this quite inconsistent approach is not hard to find. The inquiry's submissions and consultations had found the concept of sovereignty so deeply entrenched within so many Aboriginal organisations and communities that unless it treated the issue with appropriate sympathy and in adequate depth, its report would lose credibility with its core constituency. So it went on to offer a range of legal analysis, political opinion and historical narrative to endorse the notion that Aboriginal people should, indeed, be regarded as the true sovereigns of the land they occupied before the British arrived in 1788.

Moreover, several of those Gillard appointed to the panel were known to be sympathetic to the demand for sovereignty. In his 1999 Vincent Lingiari Memorial Lecture, the panel's co-chair Patrick Dodson said any hope for reconciliation had to address the issue:

The sovereign position that Aboriginal peoples assert has never been ceded. Recognition starts from the premise that terra nullius and its consequences were imposed upon the Aboriginal peoples, and certainly there was never any choice given to the Aboriginal peoples concerning the constitution or the rule of law … Moreover, a significant number of the Aboriginal peoples in Australia continue to assert their unextinguished sovereignty.

Panel member Marcia Langton has expressed similar views. In a 2002 paper to the Indigenous Governance Conference in Canberra, she said:

Aboriginal people have continued to argue that not only customary property rights in land but also ancient jurisdictions survive, on the grounds that, just as British sovereignty did not wipe away Aboriginal title, neither did it wipe away Aboriginal jurisdiction. Aboriginal governance under the full body of Aboriginal customary laws, by the same logic as that that led to the recognition of native title at common law must, even if in some qualified way, have survived the annexation of Australia by the Crown.

Langton says deep Aboriginal dissatisfaction with their position has created a demand for separate nationhood. In 2005 she endorsed a book titled *Treaty*, authored by legal academics Sean Brennan, Larissa Behrendt, Lisa Strelein and George Williams. In her foreword, Langton wrote:

The Australian state has consistently failed to understand and to accept the right of its Indigenous people to be allowed the fullest rights to self-determination. It is little wonder that calls for a separate nation find ready adherents in the Aboriginal community.

Not all members of the expert panel who have discussed sovereignty and self-government in earlier articles and speeches did so from a position of support for a completely separate Aboriginal nation. In 1993, soon after the High Court made its *Mabo* decision, Noel

Pearson said a case could be made for Aboriginal self-determination within the existing Australian nation. He advanced the concept of "local indigenous sovereignty":

A concept of sovereignty inhered in Aboriginal groups prior to European invasion insofar as people have concepts of having laws, land and institutions without interference from outside their society. This must be a necessary implication of the decision in Mabo against terra nullius … Recognition of this "local indigenous sovereignty" could exist internally within a nation-state, provided that the fullest rights of self-determination are accorded.

Pearson was arguing for a distinction between internal and external sovereignty. External sovereignty is about the power of a nation to deal with other nation states like itself. Internal sovereignty is the power vested in either the people of a democratic state or the ruler of an autocracy by its constitutional law or internal public laws. Internal sovereignty need not be absolute but can be divided, as the Australian Constitution divides power between the Commonwealth and state governments. Hence Pearson's "local indigenous sovereignty" could be created if Aboriginal people were given a state of their own within the Commonwealth.

This is a concept that dates back to the 1970s and to the advocacy of the Aboriginal Treaty Committee, a body of white Canberra activists. Led by economist and long-time government adviser Nugget Coombs, this committee looked forward to the day when Aboriginal regional government, or governments, could stand alongside state and territory governments before the Commonwealth Grants Commission (now COAG) in their own right.

Coombs saw this prospect as the eventual conclusion of the political agenda pursued by most Aboriginal leaders since the 1970s. They accepted reforms such as land rights but withheld full commitment to mainstream Australian society and politics. Instead, they have taken whatever reforms were offered by Australian society without fully endorsing them. In his 1994 book *Aboriginal Autonomy*, Coombs argued:

Historically, it has been Aboriginal practice to seize any opportunity to influence legislative and other government action affecting their interests, but to abstain from identification with its terms; to take what benefit can be gained, but to avoid providing legitimacy to externally established decisions which continue to deny the ultimate reality and truth of Aboriginal identification with the land.

With the leading members of Gillard's expert panel among the most prominent backers of the demand for sovereignty, it was imbued with the concept before it started. In fact, its report went on to provide evidence of just how deeply embedded the notion has now become among the wider Aboriginal population. A 2011 survey by the National Congress of Australia's First Peoples found the three most important issues for its members were

sovereignty, health and education. No fewer than 88 per cent of Congress members identified constitutional recognition and sovereignty as top priority. The report also quoted the National Indigenous Lawyers Corporation of Australia saying, “recognition of our sovereign status is an aspiration of Aboriginal people and Torres Strait Islanders and an issue that will need to be confronted at some stage in the not too distant future”.

Where would their sovereign state be located? The more optimistic members of the Aboriginal political class like Michael Mansell believe it might be possible to unite all the land now held under native title into one almost continuous state stretching from Gippsland all the way to the Pilbara and the Kimberley. Other activists, such as Noel Pearson, talk in terms of a number of Aboriginal states, based mostly on the territories now controlled by the existing land councils. Warren Mundine agrees. He advances a strategy to recognise all existing Aboriginal clan associations and language groups as “first nations”, with the Commonwealth making separate agreements with each one:

My proposal for recognition is very basic. The Australian government should offer to enter into agreements with each first nation of Australia, recognising them as the traditional owners and custodians of their land and sea and as a first nation of Australia. As part of that agreement, their native title claims should be fast-tracked, accepted and concluded.

How much land would a black state have?

Even if the project for a black state compromises its ambitions in the way Pearson and Mundine suggest, there is still a lot of land at stake. Native title claimants have been successful in all states and territories, except Tasmania and the Australian Capital Territory. According to the National Native Title Tribunal, as at 31 March 2016 native title exists in an exclusive sense over a total of 851,654 square kilometres of Australia, an area greater than the state of New South Wales. Native title also exists in a non-exclusive sense over another 1,488,237 square kilometres. All up, native title is now held by indigenous people over 2,339,890 square kilometres of land. This amounts to 30.4 per cent of the 7,686,850 square kilometres of land in Australia—an area bigger than Western Europe.

Moreover, claims that have been accepted by the National Native Title Tribunal but not yet determined add another 31.7 per cent of the continent to the total claimed under native title. In the early years of the Native Title Tribunal, a few big claims were denied, amounting to 10 per cent of those made. However, today, the tribunal only accepts claims that are almost certain to be determined. So almost all the 31.7 per cent of Australia still under claim will eventually be determined in the claimants’ favour. Added to the 30.4 per cent of land already held under native title, this means that native title will soon amount to more than 60 per cent of the Australian continent.

This outcome is bound to test the complacency of voters in some of the states affected. It would mean that more than 80 per cent of Western Australia will be under native title, plus more than 70 per cent of both Queensland and South Australia.

These are enormous amounts of land to give to such a small number of people. According to the 2011 census, people who identify as Aborigines now total 690,000 people, or about 3 per cent of the population. However, 79 per cent of them live in either the major capital cities (Sydney has the largest number) or major regional centres like Cairns, Townsville and Dubbo. In other words, most indigenous people inhabit the suburbs of the big cities and country centres, beyond the scope of native title, enjoying lives not dissimilar to their white neighbours. Only 21 per cent live in remote communities as unassimilated people.

Moreover, this demographic distinction is clearly evolving in one direction only. At the 1996 census, 73 per cent of the total indigenous population of 386,000 lived in urban and regional Australia, with 27 per cent in the remote communities. In other words, as the total Aboriginal population increases, the proportion of them living in remote Australia shrinks. Yet even though the total population of the remote communities is no more than 140,000, the policy of land rights keeps on giving them ever more land under native title. This is an outcome completely at odds not only with the expectations of the original white supporters of Aboriginal land rights but with any notion of rational public policy.

Aboriginal economics and the deficit blow-out

To most of the world's countries, the idea of giving title to 60 per cent of a continent to so small a population must appear a gross moral over-indulgence, a sign our country either has too much wealth to throw around, or has not taken proper stock of what it is doing.

Australia not only gives Aborigines all this land but also gives Aboriginal communities increasing amounts of welfare money that show no sign of ever decreasing, let alone solving the problems it is meant to address. Today, Aborigines and Torres Strait Islanders receive more than twice as much government money per head as any other Australians. In 2014, the Productivity Commission found total direct expenditure on services for Aboriginal and Torres Strait Islander Australians in 2012–13 was no less than $30 billion, accounting for 6.1 per cent of total direct general government expenditure. This was despite the fact that Aboriginal and Torres Strait Islander Australians make up only 3 per cent of the population. Estimated government expenditure per person in 2012–13 was $43,449 for Aboriginal and Torres Strait Islander Australians, compared with $20,900 for other Australians. Most of this difference was because of the expense of funding the 21 per cent of Aborigines who live in the remote communities.

Moreover, spending on indigenous people compared to the rest of us keeps rising. Total indigenous expenditure increased in real terms by $5 billion or 19.9 per cent from 2009 to

2013, while non-indigenous expenditure increased by only 9 per cent. Indigenous welfare expenditure is now a significant cause of government deficit blow-out.

In other words, despite Tony Abbott's claims that we have never fully made peace with the first Australians, we have actually bent over backwards not only to make peace but to pay them ever-increasing amounts of compensation as the price of the lifestyles of those in the remote communities, which even their once ardent supporters now acknowledge generate the most appalling rates of alcoholism, drug taking, homicide, suicide, domestic violence, and sexual abuse of children.

Yet the economy envisaged by the Aboriginal establishment's proposals for an Aboriginal state will inevitably produce more of the same. If established, the economic base of this state would come from taxation, royalties and lease payments from mining companies, graziers and others who now make their living on Aboriginal land. As long ago as 1994, the Aboriginal Provisional Government calculated that these taxes and rents would provide it with revenues of at least $6 billion a year. Apart from this, it developed no proposals for Aboriginal industry, employment or economic activity. Similarly, a paper produced in June 2001 for the Aboriginal and Torres Strait Islander Commission by the Australia Institute proposed a guaranteed share of national income for new Aboriginal governments, plus their right to raise revenue by taxes. But it did not put forward any credible proposals for new economic development.

In reality, this rent-seeking scenario does little more than reproduce all the devastating social problems of passive welfare. Noel Pearson was perfectly right when in 2000, in his booklet *Our Right to Take Responsibility*, he denounced the concept of a passive welfare economy and called welfare handouts "poison". He argued that an economy based on compensation or rent-seeking would be no better than welfare and would not provide a stepping-stone to the modern economy. He wrote:

There is a great danger that compensatory income will not be the beginning of an economy very different from our passive welfare dependence, since the destructive welfare paradigm is so firmly established and since our involvement in and knowledge about the market economy is currently so limited.

He can say that again. Amid all the recent controversy about Chinese investors trying to buy part of the old Sidney Kidman cattle empire in Western Australia, no media commentator observed that Green activists and their Aboriginal allies were already carving up large chunks of the same estate to fulfil their own agendas. In 2012, the Yulumbu people leased out the former Kidman property, Mornington, a 3123-square-kilometre cattle station on the Kimberley's Fitzroy River bought for them by the government-funded Indigenous Land Corporation. The lessee was the government-funded Australian Wildlife Conservancy, which ceased all economic activity and turned the station into a reserve to rejuvenate native flora and fauna. Together with the neighbouring

property Marion Downs, Australian Wildlife Conservancy has now taken 6000 square kilometres of Kimberley land out of the Australian economy. In return, the Yulumbu people get a paltry $50,000 a year royalty. Had the Chinese bought the property, it would have generated millions a year for the local economy, the West Australian and Australian governments and their people. As a flora and fauna sanctuary it is economically defunct for the foreseeable future, which is the outcome Green activists wanted, and which they are now trying hard to inflict on other Kimberley holders of native title.

It is no wonder that Aboriginal supporters today feel confident enough to press on with ever more extravagant demands like sovereignty. There is no leader within our political sphere today who is game to call a halt to this process. Yet we are now on the verge of gifting Aborigines another change to the Australian Constitution that will not bring closure to their list of claims but extend them even further.

Legal and political roads to a black state

How would a black state or states come into being? In 2003, Mick Dodson laid out the options for gaining a separate political status for Australia's Aboriginal people to be recognised under international law as either a sovereign state or as "a sovereign entity possessing international personality". As Dodson wrote at the time: "the question of the legal international status of Indigenous Australians is seen by many Aboriginals and Torres Strait Islanders as part of the unfinished business requiring attention". Since he wrote this, the Rudd Labor government in April 2009 endorsed the United Nations Declaration on the Rights of Indigenous Peoples. Mick Dodson himself was one of the principal authors of this document, which advocates the right of all indigenous people to political self-determination.

Dodson says the Commonwealth would need a broad enabling power to negotiate with representative indigenous bodies. It probably has enough authority to do this already under Section 51(xxvi) of the Constitution. But since Dodson and many indigenous legal academics claim Section 51(xxvi) is racially discriminatory and should be repealed, he wants a new constitutional amendment to approve a national treaty or agreement.

Voters would be asked to voice their approval without knowing the actual content of such an agreement. Dodson admits a proposal of this kind would have to be vaguely worded: "Any detailed text, even in the unlikely event that all Australians agreed on it, would be next to impossible to get into the Constitution, especially given the history of the failure of referenda in Australia."A successful amendment would need to be expressed in broad, motherhood principles, such as "the protection of indigenous laws, language and culture" or "the recognition of Aboriginal prior inhabitance".Abstract concepts like these would then be left to the courts to interpret and the government of the day to convert into political and legal reality.

Marcia Langton is another activist who supports this approach. She has long argued for a new constitutional amendment and a modified constitutional preamble. Although voters were assured the last time a similar idea was put to a referendum in 1999 that a preamble would be symbolic only and have no legal standing, Langton thinks otherwise. She says:

Such an amendment, particularly if it were supplemented by explicit mention of Indigenous rights and interests in a modified constitutional preamble, would provide an enabling power for the Commonwealth to make agreements or treaties with groups representative of Aboriginal and Torres Strait Islander peoples. The amendment could then be used to "entrench" a series of local and regional agreements and to give them constitutional force.

In this context, "constitutional force" means any agreement made could not be easily changed by an incoming government. In any imaginable Australian political future, the prospect of a referendum withdrawing already-given Aboriginal constitutional rights would be virtually impossible—no matter how disastrous the outcome. This is the great attraction of constitutional recognition for the Aboriginal establishment. Once conceded, it would be indelibly imprinted into our governing document. No matter what political party wins office or who becomes prime minister in the future, the deal would remain locked in place.

Will the Australian voting public support changes of this kind? To date, opinion polls suggest they will. In May 2015, the government-funded organisation to "educate" the electorate about constitutional change, Recognise, reported the findings of a survey it commissioned from Polity Research: if a referendum were held at the time, 75 per cent of all Australians and 87 per cent of Aboriginal and Torres Strait Islander people would vote Yes. Moreover, a majority of people in a majority of states, the crucial threshold for a referendum to pass, intended to vote Yes. Even two-thirds of Coalition supporters would vote Yes. Of course, with no text of the amendment available at the time, these are only speculations, but they indicate which way the wind is blowing.

The voting public is likely see enough merit in proposals to call people with indigenous ancestry Australia's first inhabitants—an apparent truism when talking about the continent, which most Australians would find hard to oppose. It says they have a continuing relationship with their lands and waters. Yes, some of them do in remote Australia and they already have native title to them—so, again, another truism likely to be supported. They are also said to have continuing cultures and heritage. While some voters, especially in rural Australia, might respond to this proposition with more cynicism than respect, most urban Australians would see this as something they would be morally obliged to support.

However, in the minds of the modern High Court these proposals would send quite different signals. The first role of the High Court is to interpret the Constitution and if the

people voted to amend the Constitution it would immediately open up the opportunity for the judges to examine all the constitutional consequences of the change. In particular, it would sanction adventurism among judges of that inclination. The fact that the amendments were approved by a significant majority of the Australian people would tell them the national mood had changed in favour of amending laws and policies too.

An amendment's emphasis on original occupation and continuing relationships with land, water, culture and heritage would not just entrench existing concepts of land and water rights. It would also tempt judges to accept the more radical propositions long argued by the Aboriginal political class that they remain the true proprietors of the soil and that those of us descended from the more recent settlers need to re-negotiate our right to be here.

A constitutional amendment recognising that Aboriginal people have retained their original languages could also have important political implications. This is something proposed by Gillard's expert panel in lieu of an amendment to recognise Aboriginal sovereignty. If this became a proposed amendment, it would probably puzzle many voters who are unaware there are some remote Aborigines who don't speak English, but this is an issue that doesn't affect them so is unlikely to generate many No votes.

However, rather than simply indicating respect for cultural traditions, an amendment of this kind would provide evidence that Australian people accept that Aborigines have retained their own tribal identity, of which language is the key marker. This could be an important indicator to a High Court, and more particularly to an international court if the issue ever got that far, that Aborigines have not assimilated into Australian society. It would define Aborigines as bearers of a culture that is distinct from English-speaking Australians and so further the segregationist agenda. It would also provide a legal basis for separate Aboriginal nations to be defined by wider language groups rather than the narrower ties of kinship and land occupation.

In other words, if constitutional amendments of this kind were passed, the political demands of the Aboriginal political class would very likely be met in substance. The High Court could decide that crucial sections of the Constitution should be reinterpreted anew. If there was a supportive government in Canberra, like the Keating Labor government in 1993 which legislated the High Court's *Mabo* judgment into effect, then the Australian people would have little say in the establishment of a sovereign Aboriginal state, in the internal operation of its government, in the compensation due to it, or in the precise status of its relationship with the Australian Commonwealth.

The implications of all this for the radical agenda of the Aboriginal political class are clear. Three of the four pillars required to support their claims are already in place. It is now bipartisan policy within the Australian government to support recognition of indigenous rights in the Constitution. In 2012, Julia Gillard proposed the referendum in

the *Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012,* and Tony Abbott supported her. The successor of these two prime ministers, Malcolm Turnbull, thinks the same, as does the current Labor Opposition Leader, Bill Shorten.

Kevin Rudd's acceptance in 2009 of the UN's Declaration on the Rights of Indigenous Peoples is the second pillar. When viewed in light of the *Mabo* precedent of using international covenants to support the "discovery" of new rights for minority groups in the common law, this means that unless the High Court is somehow stacked with conservatives, an extremely unlikely situation in the foreseeable future, it is highly likely to use the opportunity of a successful constitutional referendum to formally recognise Aborigines and Torres Strait Islanders as "first peoples" and give the Aboriginal establishment the legal sovereignty it wants.

The third pillar, continuing support for these ideas within the High Court, is also highly probable. The current Chief Justice, Robert French, has publicly voiced sympathy with these sentiments, most notably for an Aboriginal treaty. If his successor in 2017 is of the same mind, as he or she most likely will be since the appointment will be made by Malcolm Turnbull, it would only take three of the other six judges to constitute a majority.

At this stage, the fourth of the required pillars, the will of the Australian people, cannot be taken for granted. A majority Yes vote in the constitutional referendum obviously cannot be guaranteed until the proposed wording is known and the vote is held, but the general idea currently has popular opinion running 75 per cent in its favour. If this or even a much smaller majority holds up, Aboriginal sovereignty over most of Australia will be a done deal.

Most Australians today regard constitutional recognition as a courteous symbolic gesture with no real consequences. At most, the more concerned among them see it in terms of the original inhabitants being recognised as valued citizens of our tolerant and generous nation. However, a constitutional amendment of this kind would provide a bargaining position for a local black state to exert far more influence over our national government than anyone now imagines. It would also provide a political platform from which to play to a world audience and to make allies who would not necessarily share mainstream Australian interests. When Michael Mansell visited Libya in the late 1980s to seek aid for his Aboriginal Provisional Government from the Muslim dictator Colonel Gaddafi, the Australian media treated him as a joke. But if Mansell had been an officer of a sovereign Aboriginal state, and if he had gone there at any time in the past decade and a half, it would not have been so amusing.

In its own interests, mainstream Australia has no reason to provide even the slightest leverage for such possibilities, or to leave future generations with their consequences. Aboriginal sovereignty poses long-term risks for Australian sovereignty which, however

slender they might now seem, are not worth running. Voters in the proposed referendum need to recognise that the ultimate objective of constitutional recognition is the establishment of a politically separate race of people, and the potential break-up of Australia.

This is the first of two edited extracts from the new book by Keith Windschuttle,* The Break-up of Australia: The Real Agenda behind Aboriginal Recognition *(Quadrant Books), 470 pages, $44.95. All quotations here are fully referenced in the book. Part II of these extracts, "The Academic Assault on the Constitution", will be published in the December edition. The book can be bought online by clicking here

mailfacebooktwitter
Previous Article
The Family Stories of the Behrendts

Michael Connor

Next Article
Putting on the Dog

Anthony Daniels

Related Article
Taking Pascal's Wager

Peter Coleman

Comments [7]

1. *Keith Kennelly*says:
November 1, 2016 at 8:27 am
Yep sovereign states. I'd be in favour of those if geographically included Tasmania, South Australia, Canberra, and all the inner city elitist enclaves including the port of Melbourne.

That would satisfy everyone.

Reply

2. *Keith Kennelly*says:
November 1, 2016 at 8:45 am

Add the Northern Territory.

Who would fund them?

The long suffering taxpaying businesses and individuals wouldn't be expected to do that.

I'd also expect the extinguishing of terra nullius to apply only to the land surface and things above it. Logic would becthe indigenous people had no connection to the the things under it nor the technology to develop it.

All endeavour to a move to sovereign states would cease immediately. It would not be worth it. There would be insufficient income to support these sovereign states.

On the positive, there would also be a genuine move to recognise the traditional values of new Australians, who carry no guilt from the actions of the first settlers. There would need to be a genuine Reconcilliation by all parties involved in our past, current and ongoing history.

Reply

3. *Keith Kennelly* says:
November 1, 2016 at 8:50 am
Other points. Citizenship. Would everyone on this continent have to choose their citizenship and would dual citizenship be allowed?

Would all Soverign States be members if the UN and have to adopt and apply all their treaties and agreements.

Reply

4. *Keith Kennelly* says:
November 1, 2016 at 4:50 pm
Someone should research Stanner's reference to the 'great coming in'. To me that seemed a surrendering to a dominant culture.

Soverignity is shortsighted. It might mean a state or series of states for a short time. In the longer time these states will disintegrate and will mean greater division within the indigenous communities, possibly inter tribal violence and wider civil wars.

In whatever event indigenous development will be absolutely destroyed as will the tememants of the worlds oldest culture.

Westerners are forgiving people but only after threats to the civil cohesion are exinguished.

Reply

5. *Ian MacDougall* says:

November 1, 2016 at 10:03 pm

When Michael Mansell visited Libya in the late 1980s to seek aid for his Aboriginal Provisional Government from the Muslim dictator Colonel Gaddafi, the Australian media treated him as a joke. But if Mansell had been an officer of a sovereign Aboriginal state, and if he had gone there at any time in the past decade and a half, it would not have been so amusing.

But still somewhere on the sour side of hilarious. There is nothing to stop Mansell getting a job as a garbage collector with the Launceston City Council, and taking a privately funded trip to whatever Islamistan in an 'official capacity' to enquire into its garbage collection methods, and to be officially received by the local Garbage Chief, President, Commander of Empty Bottles, etc etc .
NSW, Victoria and the rest are all 'sovereign states' within the Commonwealth. But they are not independent nations.
Prince Leonard of Hutt, The Head of State and Commander in Chief of the self-declared independent 'Principality of Hutt River' (http://www.principality-hutt-river.com/) is a yet-to-be-acclaimed comedian who provides a bit of tourist-attracting farce on the side for the curious who visit his landlocked 75 sq km Royal Domain in WA, so far lacking official Australian or international recognition. (But the Wikipedia article about it is worth a read. https://en.wikipedia.org/wiki/Principality_of_Hutt_River)
When Governor Phillip landed at Botany Bay in 1788 to establish the first Australian colony, he was received rather indifferently by the local Aboriginal hunter-gatherers. A single and sovereign Aboriginal nation at that time would have had a continental polity. But the enormous internal distances and diversity of language particularly had operated against such coming into being. Ironically, it has been only the internal communications infrastucture established under the British conquest/occupation/usurpation/settlement/whatever that has made such a sovereign Aboriginal nation even thinkable, let alone possible.
Land title is one issue. But the independence of whatever Aboriginal territory, and its recognition by whatever tyrant from the Islamic world like the late Gaddafi, would weld Australia together like nothing since the Japanese attempted conquest of 1942.

Reply

- *Ian MacDougall* says:

November 2, 2016 at 12:08 pm

Ian MacDougall
Your comment is awaiting moderation.
November 1, 2016 at 10:03 pm
When Michael Mansell visited Libya in the late 1980s to seek aid for his Aboriginal Provisional Government from the Muslim dictator Colonel Gaddafi, the Australian media treated him as a joke. But if Mansell had been an officer of a sovereign Aboriginal state,

and if he had gone there at any time in the past decade and a half, it would not have been so amusing.

But still somewhere on the sour side of hilarious. There is nothing to stop Mansell getting a job as a garbage collector with the Launceston City Council, and taking a privately funded trip to whatever Islamistan in an 'official capacity' to enquire into its garbage collection methods, and to be officially received by the local Garbage Chief, President, Commander of Empty Bottles, etc etc .
NSW, Victoria and the rest are all 'sovereign states' within the Commonwealth. But they are not independent nations.
Prince Leonard of Hutt, The Head of State and Commander in Chief of the self-declared independent 'Principality of Hutt River' (http://www.principality-hutt-river.com/) is a yet-to-be-acclaimed comedian who provides a bit of tourist-attracting farce on the side for the curious who visit his landlocked 75 sq km Royal Domain in WA, so far lacking official Australian or international recognition. (But the Wikipedia article about it is worth a read. https://en.wikipedia.org/wiki/Principality_of_Hutt_River)
When Governor Phillip landed at Botany Bay in 1788 to establish the first Australian colony, he was received rather indifferently by the local Aboriginal hunter-gatherers. A single and sovereign Aboriginal nation at that time would have had a continental polity. But the enormous internal distances and diversity of language particularly had operated against such coming into being. Ironically, it has been only the internal communications infrastucture established under the British conquest/occupation/usurpation/settlement/whatever that has made such a sovereign Aboriginal nation even thinkable, let alone possible.
Land title is one issue. But the independence of whatever Aboriginal territory, and its recognition by whatever tyrant from the Islamic world like the late Gaddafi, would weld Australia together like nothing since the Japanese attempted conquest of 1942.

Reply

6. *padraic* says:
November 3, 2016 at 10:10 pm
I am glad someone has had the guts to expose the reality behind so called "Recognition". It means a takeover of Australia by 3% of the population. That sort of thing is not unheard of in human history but it never works. Eventually the other 97 per cent realise they have been dudded and take over. In a democracy "majority rules". Get used to it. But this thrust to minority rule will drag on for the foreseeable future given our educational and media systems which promote self-loathing and political correctness.