

Traditional Owner Comment

By Donovan Jenkins-Japalparri,
Tjurabalan Native Title Land
Corporation

The Tjurabalan people achieved recognition of their native title rights over approximately 26,000 sq km of land and waters in the Tanami Desert region in 2001. It was the first successful claim of the Kimberley Land Council and only the third consent determination in Western Australia.

Donovan Jenkins-Japalparri is the grandson of Ivy Robertson, a Nyangayi Napangarti senior claimant and member of the KLC Executive. He worked for four years as a Project Officer for the Tjurabalan Native Title Corporation. He is a professional musician and producer who also works as an interpreter and cross-cultural facilitator.

The impact of native title

In the beginning, native title meant 'getting their land back' to the old people. People had the idea that once they got native title, something 'higher than freehold', they would have control over their land.

The rights that we were given were rights that we already had – rights to hunt, fish, gather – we had those rights all along and more than that. The rights that we got through native title were only a small amount of the rights that we traditionally had.

The day after we 'got our land back' my grandmother turned to me and asked "What has changed? What is different? Looks to me like everything is the same." In the end, the land was always there, the land was never physically taken. What was taken was the control of the land through the imposition of law.

My grandmother said that if we had understood what we were fighting for in the native title process, perhaps we wouldn't have fought for it. I know that she meant she would have fought for something bigger and better. Native title is a weak weapon – much weaker than the power we have over land by Traditional Law.

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Source: National Native Title Tribunal

Tjurabalan Native Title Corporation RNTBC

The biggest issue for our prescribed body corporate (PBC) apart from money is money, money, money. Over time, as people have seen limited benefits from land ownership, they have become disillusioned. We haven't got the resources to rent an office, hold meetings or be organised to start activities. We never have enough money to build up our assets, pay staff or get annual funding.

At the moment, we are hoping to build up our pastoral stations and trying to use the Indigenous Protected Area to generate a viable tourist income without it getting out of control.

People are hoping that the Tanami Gold NL mine will produce benefits, that the old people who fought for us in court will see some personal benefits. Uranium exploration is also a big issue.

The next steps for Tjurabalan RNTBC

There is a cold war between cultures. Aboriginal people have always been and are still learning from Western culture, but Western culture is not properly learning from Aboriginal culture. Aboriginal people were forced till today to adapt to work both ways, white way and traditional way.

In many ways, Western culture is like a steam train hurtling down the tracks with no brakes. Aboriginal culture has much wisdom to teach Western culture. Aboriginal people have a strong family culture, we live in harmony with the earth and with people. I think that

Western cultures can learn from these ways. But learning takes humbleness and an equalization of power and control.

We want the PBC to be an interface between the Western world and the Aboriginal world. The PBC should be run by the old people as decision makers who are accountable to the people according to traditional values. We want young people working there too, educated in the Western way to make sure the PBC has the capacity to be an interface and a 'gateway'. Anyone who enters our land should have to go through the PBC - a permit system. We want to control what non-Aboriginal influences come in and profit from them. This was our original concept.

I believe we need to restructure the PBC according to traditional law, selecting our representatives from Dreaming groups. This is partly why we have had governance issues as we have always had Western people with their structures, ideas and world views imposed on us instead of our long-proven, universally understood structures

I want to say something positive about native title. Our people are happy to receive acknowledgement and recognition of our ownership. However, if you apologise to someone but don't change your behaviour, then it's just lip service. And if you give someone native title but don't give them rights or power, then it's just lip service again.



Source: National Native Title Tribunal

Solid work you mob are doing: New Report on Indigenous decision making and conflict management



Members of the project working group and speakers at the launch of the report.

L-R: (Back) Warwick Soden, Robin Thorne, Prof Mick Dodson (Chairperson AIATSIS), Prof Murray Kellam AO (Chairperson NADRAC), Chief Justice Black (Federal Court), Hon Robert McClelland (Federal Attorney-General), David Allen

L-R; (Front) Helen Bishop, Juanita Pope, Rhian Williams, Louise Anderson, Gaye Sculthorpe and Toni Bauman.

On Friday 4 September the Federal Court of Australia hosted the launch of a new report on Indigenous dispute resolution and conflict management in Australia which was prepared in collaboration with AIATSIS.

The report "Solid work you mob are doing": Case studies in Indigenous Dispute Resolution and Conflict Management in Australia', was presented to the National Alternative Dispute Resolution Advisory Council as part of the Federal Court of Australia's Indigenous Dispute Resolution & Conflict Management Case Study Project.

The report, edited by Juanita Pope and Toni Bauman, contains three principal case studies and several smaller 'snapshot' studies. It draws upon these studies to make recommendations for effective dispute resolution practices.

The Hon Professor Murray Kellam AO, Chairperson of NADRAC, the Hon Robert McClelland MP, Commonwealth Attorney-General, Professor Mick Dodson, Chairperson of AIATSIS and Chief Justice Black