

Dungala Kaiela Oration 2018

At Home on Country, At Home in the World

By Dr Moana Jackson

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Thank you and thank you for the kind welcome to your country. I too would like to acknowledge and honour the traditional landowners and if I may I'd like to do so in my own language [Maori words].

It is really an honour and a privilege for me to come to this place for the first time and an especial honour to be asked to give this oration, although when I did first get the invitation I accepted it under a misapprehension. I heard it was being held at a football and netball club. Being from home, I assumed it was a rugby club and my father was an All-Black, he played rugby for New Zealand and I was looking forward to telling my family how I was going to speak at an Aboriginal rugby club and I now realise [given] the state of Victoria, it probably wasn't rugby but it is a delight to be here and particularly in this club to see the story that's told on the back wall of the people who are honoured there, the contributions which they have made and particularly I'd like at this point to acknowledge Paul and Glyn for the collaboration and partnership which they have shared over the last number of years and to just say "Kia Ora" or "greetings" to you all.

I'd also just like to acknowledge someone from home sitting in the front row who was a pleasant surprise to see here tonight - [Maori name]. But besides accepting the invitation under a misapprehension, I also accepted it with some embarrassment because I was asked if I had a PowerPoint and most speakers now have PowerPoints. I'm technologically illiterate. I still struggle to work my cell phone and PowerPoints are often beyond me. I really became aware of how technologically backward I was just a few weeks ago when I was working I thought rather impressively on my laptop and one of - [Maori word] - one of my granddaughters was sitting beside me and looking rather quizzically at me and she said, "You don't do much on your laptop, do you?" and I said, "My baby, a laptop is really just a flash typewriter" and she looked at me and said "What's a typewriter?" I really, really felt my age.

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The second difficulty when I was asked, was that I was asked to send a transcript of my speech but I wasn't embarrassed in responding to that because I don't have a written speech and I'd like to explain why and then that might make some sense of what I wish to say and share with you this evening.

When I was three years old, my [Maori word] my mother's father, came to live with us. He was a wonderful storyteller and a proud holder of our language and our history and our oral traditions. Some of my fondest memories as a child were when he would wake me in the morning and say, "I've spoken to your mother you don't need to go to school today - you can come with me." I was out of bed faster than I ever was on a school day and we would go to a meeting somewhere about land or about the ongoing struggles of our people and on the way there and on the way back he would tell me stories. I grew to love those stories and to call them 'the stories and the land' because every rock, every river every mountain, as it is in your country, has a name and a story and those stories are still there in spite of all that has happened, waiting for us to hear them if we care to take the time to listen.

So what I'd like to do tonight is tell some stories. What I learned from my grandfather about stories is that you can often take the most complicated subject and by telling the story you can draw out threads of understanding that make their complex subject understandable and sensible to those who perhaps are hearing it for the first time.

The first story I'd like to tell, which sort of frames what I'd like to talk about this evening, is one that I'm going to tell in two parts - the first part now and I'll come back to the second part of the story near the end of my time with you.

I have an eight-year-old granddaughter who is the most beautiful granddaughter in the world, of course. Her first language was our language - the first language learned to speak to read in and to write was Maori and then she began to learn English because it's all around her. We were sitting on the couch one day and she had a book that had a list of English words and she was reading out the words and sometimes she would ask me what they meant. Then at one point she paused for quite a while and then she said to me "[Granddad], what's this word?" and she spelt it to me "F - U - T - U - R - E". I said, "That's 'future'" and she said, "What's a future?" Do you know how hard it is to explain to an eight-year-old what a future is? But I did my best and I told a story and then I said, "so the future is when we take all the times of our past, bring them into today and then we carry them into all of our tomorrows and they're carrying into all of our tomorrows, this future." She seemed satisfied with that and carried on going through her wordlist.



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The next morning I was sitting in the kitchen quite early and she came bustling in, got out the little lunch box that she takes to school and started putting some food in and filled up a water bottle, then bustled outside and stuffed them into the saddlebag on her little bike. While she was doing that, the little Pakeha boy, the little white boy from next door who's two years younger than her - my family called him her shadow because he follows her everywhere - he came through the fence and he said, "What are you doing?" And with that wonderful non-response which children have and which politicians never lose, she said, "Nothing."

[Laughter]

Then she got on her bike and started to pedal up the drive and he said, "Where are you going?" She said, "to look for a future." He said, "Can I come?" and she looked over her shoulder and said, "Can you keep up?"

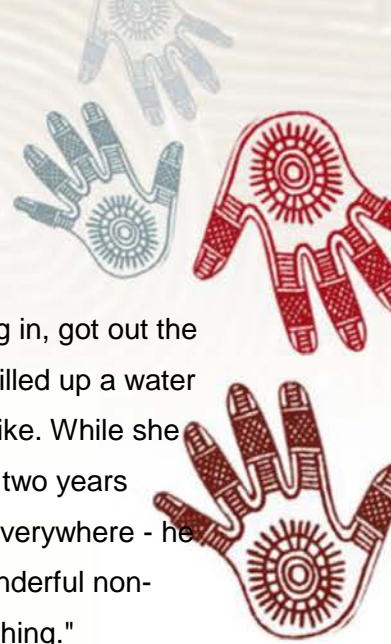
The challenge ... that faces all countries that have been colonised is that Indigenous peoples are forging a journey and asking the others in that country, "Will you come with us? Can you keep up?" I'd like to talk a little bit about that journey.

In 1923, a small group of Maori people travelled to Geneva in Switzerland because after years of breaches of our treaty by the government, after years of fruitless journeys to England to meet the King or the Queen with whom the Treaty of Waitangi was signed, frustrating journeys which cost a lot of time and money for our people and brought no positive response, they heard of this place that had been established in Geneva after the first world war called The League of Nations. So this group of our leaders said, "Perhaps we should go to this new place. Perhaps we should go to this League of Nations - governments from around the world - and see if they will listen to our stories."

So they travelled by boat to England, then across the channel and then by train across France to Switzerland. It took them four months and when they arrived at this grey, and what was then new, building could the Palais de Nation, the Palace of Nations, which was the headquarters of the League of Nations, they were not allowed to enter, because a representative of the New Zealand government had said, "The League of Nations is a place for nations. These people are not nations."

And so our old people turned around and made the long journey home.

One of the members of that delegation was an Elder of our people and when he got back he reported that, "the halls of that palace are not yet ready to hear our stories. The walls of that palace are not yet ready to hear our voice."



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Fifty years later, almost to the day, that Grand Palace in Geneva by 1973 was occupied by part of a new organisation that had replaced the League of Nations after the Second World War. That new organisation was called the United Nations and the Human Rights Division of the United Nations occupied the Palais de Nation in Geneva.

A group of Indigenous peoples mainly from North and South America travelled to Geneva for the same reason that our ancestors had gone there 50 years earlier - to see if that was a place where they could tell their stories, air their grievances and perhaps have some redress but they too were refused admission and for the same reason. So they returned home but came back the following year and came back the year after that and the year after that.

Until finally, a small group of states, mainly the Scandinavian countries - Norway, Denmark, Sweden - said we can't keep refusing to listen to these people and so an organisation was established called 'The Working Group on the Rights of Indigenous Peoples' and it was the first international place where Indigenous peoples could go to tell their stories. More importantly perhaps, it was a place where Indigenous peoples decided that they would draft a Declaration on the Rights of Indigenous Peoples. It was, in a sense, a place where people at home, on country, could become at home in the world. I was asked to go as part of the first Maori delegation to the United Nations and subsequently was asked to chair the Indigenous caucus in the 20 long years that it took to negotiate the Declaration.

There are a number of lessons which I took from that which I think are still relevant for Indigenous peoples today.

The first is that all of the Indigenous peoples who came to Geneva each year for the meetings that were drafting the Declaration - and many came from Australia - and from countries all around the world - had stories of dispossession, of violence, of the genocide of colonisation and those stories were often shocking and sad to hear but I always found that in those stories there was actually also a Noble beauty. The nobility of survival, the nobility of resistance and the beauty of people who would never let their stories and the lands die. It was from those stories and their lands that we began to articulate the Rights in the Declaration.

The reason why Indigenous peoples wanted to do that was because one of the things that colonisation does, is it denies the humanity of Indigenous peoples. It declared - whether in Australia, New Zealand or Canada or Kenya - it declared that Indigenous peoples were less than human and so to articulate for the first time a declaration on the human rights of



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Indigenous peoples was a very public and international attempt to reclaim the humanity which had for too long had been denied to us.

When I was asked to chair the Indigenous caucus, it became one of the most challenging but also one of the most inspiring periods of my life. And I remember mainly for two reasons.

The first was that, although we were all different, spoke different languages, had different cultures and customs, there were also profound similarities that no matter where the Indigenous peoples came from they came, as I said, with their own stories and their land. They came with a love of that land. They came with an understanding that in spite of all that had happened they had survived but most importantly, perhaps firstly, they came with the knowledge that although their people had to adapt to survive the terrors of colonisation, their adaptation never meant submission. That adaptation never meant giving up the integrity and the independence of who they were.

The second thing which I learned when chairing the caucus was, part of that love of a land, part of that being with the land, gave each Indigenous peoples a unique understanding of the land in which their people had made their homes. That then brought to the whole discussion about the rights which Indigenous peoples could have a deep sense of place. If anything marks out the difference for me between Indigenous peoples and those who invaded or came to their lands, it is that the rights which Indigenous peoples have, come from place. They are not imported from somewhere else. They are not defined by a parliament or legislation but come from being of place.

What I've learned here in the short time I've been on this country is what I've learned every time I've been to other places in Australia that the Aboriginal peoples here are no different. That their rights come from place. And that place infuses the very humanity which has for so long been denied.

The article in the Declaration which perhaps most profoundly gives expression to that idea of place, of our inherent humanity, is what in the sometimes cold jargon of international law is called the right of self-determination. And I know that right off by heart. In the declaration, it says very simply, "All Indigenous peoples have the right of self-determination, by virtue of that right, they freely determine their political status and freely pursue the economic, social and cultural development."

In those two short sentences, it seems to me, as summed up in the world the essence of what being Indigenous is, on country. That we have a right to determine for ourselves our



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own destiny. And that although recent history may have denied us that right and that ability, it still vests in the land and it still vests in us. And so for me the importance of Indigenous peoples being at home on country, and being at home in the world, is that the humanity which has been denied will one day again be expressed to the world.

That leads me to where Indigenous peoples are today, and, allowing for all the differences, I think there are some common threads which run through the struggle, the victories, the often bitter defeats, but most of all the joyous survival of Indigenous peoples, is the fact that once you are people of a land, once you have through time established that you are part of a land, then you live and breathe that land which in return not just gives you life, but defines who you are and defines your rights.

In 1840 when people from somewhere else came to our land we thought it was important to treat with them because making treaties was a part of our long history of dealing with each other. In the term at home that we use in our language for treaty making is [Maori words] which means 'to bring people together'. It seems to me that's a nice way of describing what a treaty is. It's a means of bringing people together.

So in 1840 and leading up to the beginning of the signing of the Treaty, there were meetings held by our people all around the country about whether in fact we should have a treaty with these newcomers and if we did, what might it say. Some of our people said, "yes, we need to". Many of our people said, "Why should we? This is our place, we don't need to treat with newcomers." And so not all of the [Maori word] or representative bodies of our people agreed to treat with this new entity that was called 'the Crown'. But one of the [Maori word] which I belong to - [Maori word] - we decided to sign because we sensed that lots of people would keep coming and that unless we set some framework of bringing people together then there would be no guarantee that we would be safe - that we would be protected.

In our little part of the [Maori word], where I grew up, the person who led us at the time and had the mandate to sign or to negotiate a treaty was a woman whose name was [Maori word]. And so when our people made the decision that they would treat with this thing called the Crown it was [Maori word] who was to do that on our behalf.

When the meeting was held with British government officials, and when the request was made for those who wished to sign to step forward, she stepped forward. The British officials then said, "Oh, we have a problem. Women can't sign treaties," which in the law, at the time, was absolutely right. In their law at the time, women couldn't sign contracts, couldn't own property, couldn't make a will and certainly couldn't sign treaties.



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I'm sure that our people must have thought that was rather odd because we knew the treaty was actually with a woman in England called Queen Victoria yet ours weren't allowed to sign.

Our little group then had a really important choice to make. To either find a man who could sign on our behalf, or to say, if this woman, who was a leader, who has our authority, cannot sign, then we will go home. To my everlasting pride, they chose the second option. And they didn't sign and they walked the 30 miles home. That ancestor for me is one of the many heroes that I have. My mother carried her name and my youngest granddaughter carries her name.

But the fact that we did not sign the Treaty for that reason did not mean that we did not want a relationship with these new people and the word treaty - did any of you study Latin in school? I thought there was a bit of 'class' down here! I asked some young people that today and they all looked blankly. I had to do Latin when I went to high school and then at law school. When I was at Law School, Latin was compulsory for the first year so I studied Latin for five-six years and I never learned much except that I can work out where a lot of English words come from. The word treaty comes from the Latin "tractaræ" which means to seek a relationship; which sounds a lot like [Maori word] bringing people together. And so although we did not sign the Treaty of Waitangi, we always wanted and sought a relationship with these newcomers but the relationship was always based on an understanding that we would remain an independent and self-determining people.

Sadly, the long history at home since 1840 has been a constant struggle by our people to maintain that self determining ability to define what we feel is best for us. And so when I heard that in Canada and in Australia, there was discussion about a treaty process, I was quite excited because the treaty does offer a chance to make relationships. But the relationships must be based on an acceptance of the sovereignty of the right of self-determination of the parties involved. And a treaty perhaps requires more than anything else, [is] a particular recognition of the status and place of the Indigenous peoples who are treating. Because treaties by their nature are inter-nation or international agreements. They cannot be signed by individuals. They can only be signed by individuals on behalf of a nation.

I think one of the challenges that faces Indigenous peoples and Canada and the challenge - and I think it's an exciting challenge - which will lie before you in which I'm sure you are all



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aware of, is to ensure that your nationhood, your ability to be self-determining, is protected and is the base upon which a new relationship can be forged.

In forging that new relationship, I think there are three other things which are important. And they go back, in a sense, to the answer I gave to my granddaughter when she asked "What is the future?"

The first is that if we are to have a meaningful relationship with those who came to our lands as invaders, as settlers, as people who wanted to find a new home, then I think it's important that we never forget the past. That the tragedies, the violence, the sadness of the past should be remembered not as a call to guilt, or even necessarily a call for perpetual sadness, but as a spur to remedy. That the past becomes the catalyst for change. Because if we forget the past, it seems to me, it's not so much that we are then condemned to repeat it out of ignorance. Rather, if we forget the past, then we forget the base on which we should be building a new relationship. We forget to acknowledge those who went before us, who stayed strong, who resisted, who exhibited what I called before that Noble beauty of resilience and struggle.

The second thing that I think is important is that we shape the treaty to suit the present. One of the things that colonisation does is it tends to freeze us at the time when the colonisers arrived. It grants to the colonisers a right to develop, to adapt and to change, but freezes Indigenous peoples at the time of contact almost. In its most extreme form, continues to define Indigenous peoples as somehow inferior, or acknowledges, sometimes with genuine respect, often with the sort of bemused tolerance, that all that Indigenous peoples have to offer is song and dance and culture. But as I said before, adaptation has never meant submission.

A treaty process must acknowledge where the Indigenous peoples are today, the different lives we lead, the struggles we still have to wage, for respect and for honour, but acknowledge that we are not the same as our ancestors were 200 years ago. We have the same love of land. We have the same deep-seated values, but we are part of a different world.

And the third thing that I think is important in any discussion of treaties, is that it has to plan for the future. That it must take the past, bring it to today, so that our grandchildren may carry it into the future. So any contemporary treaty must in my view be future-proofed. It must be so strong that it preserves the self determining, self-determination of Indigenous



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peoples, flexible enough to offer those who came later a place in our land, but visionary enough to imagine a different future.

Those three things I think are the biggest challenge of a contemporary treaty process.

But Indigenous peoples have never shirked from challenge. And when we first assembled in Geneva to talk about a Declaration on the Rights of Indigenous Peoples, there a huge, round, circular assembly filled with state governments. My first thought when I walked in was [for] a man at home, it's hard enough to deal with one government, here we're going to have to deal with a hundred and sixty-two, but the challenge was picked up by Indigenous peoples because the vision, the history, in the today was all there.

That was illustrated for me perhaps most vividly in 1992, which was 500 years since Christopher Columbus stumbled into the Caribbean. The Indigenous delegates from North and South America - and there were hundreds there that year - approached me as chair and said, "Can we have a minute silence before we start tomorrow just to acknowledge the death and suffering of all the ancestors over those last five hundred years?"

Because of the protocols of the United Nations I then had to go to the chair of the State caucus and check if that was all right. She said, "I'll have to go and talk to the States." And she came back about two hours later and said, "You can't have a minute silence. The United Nations is not a place for ceremony. If you want a ceremony, you can go outside under the trees."

I had to deliver that message back to nearly 2000 Indigenous delegates. And I knew what the reaction would be. And they said, "We should just do it, anyway. When the Assembly convenes tomorrow, we should just walk in and have a minute's silence before we sit down."

We agreed and then our delegation was approached, again mainly by the North and South American Indigenous peoples, many of whom have a notion of clan mothers, where all the key decisions are made by women. We had with us - two of our aunties - or as we call them, two of our fire, and they were the oldest women there. These North and South American delegations asked them if they would be the clan mothers and lead us in the next morning, which was a wonderful honour to our people.

The next morning we assembled and the states were already seated and the assembly and the idea was that we would file around this half-circle assembly and stand and have a minute's silence. And so our two aunties took us in and began to call what we call the karanga which is a ceremonial call to our ancestors to the people of that place, and so on.



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And as they were calling, the people filed around the side and I thought that when the karanga - when the call - was finished we would all have a minute's silence but while the call was taking place I noticed the first delegation which were people from the Aztec nation in Mexico were in a huddle having in the animated discussion.

When the karanga finished, the leader of the Aztec delegation stepped forward and sang this long and very old Aztec chant. Then the next delegation were I think from the Mapuche people in Chile and their leader stepped forward and lead a very old and long Mapuche prayer. And that went right around all of the delegations. So instead of a minute's silence, we had a three-hour cultural celebration.

[Applause]

And when it was over, I said to Aunt, "That was just really so amazing, wasn't it?" And she said - and she was one of those generation of our people who spoke beautiful Maori and spoke English like she was the Queen of England.

And when I said, "That was just amazing," she turned to me and said, "My dear, the self-determination takes many forms." And indeed it does.

And so if you embark on this treaty process, how you express your self determination is for you alone to determine. And you may do it differently to us and we may do it differently to Native American peoples and so on, but that difference doesn't matter. What matters is that we do it for ourselves.

And as we do that, can I just close with the second part of my granddaughter's story?

Because when she pedalled off on her bike that morning to look for a future, with her little Pakaha mate running behind her, trying to keep up. And she was away for quite a while.

And when she came back finally and I said to her, "Where have you been?"

She said, "I meant to look for a future."

And I said, "Did you find it?"

And she said, "well no, it was in front of me all the time. And I rode past the school, and I rode past the football ground - a rugby ground - I rode past the rugby ground but it was always there, past the trees, past the mountain."

And I said, "Well that's what a future is. It takes us with us."



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And she put her lunch box away and said, "Well I think I'll just go and dream what a future might be."

And that, perhaps is our greatest challenge. That we do not get constrained by what a government says a treaty relationship might be. We do not get limited by what others tell us the future might be. We do not get hamstrung by a notion of what people say is realistic or unrealistic. But we dare to dream. We dare to imagine something different. Because the future, in the end, will be whatever we imagined it to be.

And if we imagine it to be a better place for our grandchildren and our great-grandchildren. If we imagine it to be a place where everyone on our country feels at home, then the question to everyone else on our country, is indeed, "Can you keep up? Are you prepared to share this dream?"

So in whatever lies ahead of you, on this country, I wish you well.

Thank you so much again for inviting me to share some time with you.

It has been an honour and a privilege and I hope one day I may return. Thank you.

