



SBS March 01, 2001

Interview: Peter Yu, former executive director, Kimberley Land Council

One of Australia's most influential Aboriginal leaders stepped aside last week. After 25 years working for indigenous rights, native title and reconciliation, Peter Yu has just left his job as executive director of the Kimberley Land Council.

He has been associated with the National Aboriginal Conference, the royal commission into Aboriginal deaths in custody, the Constitutional Centenary Foundation and the National Indigenous Working Group. He was the representative of Australia's land councils at the United Nations Working Group on Indigenous Peoples in Geneva. He founded an Aboriginal publishing house and headed the Aboriginal production company responsible for the musical 'Bran Nue Dae'.

GAEL JENNINGS: Tell me, why did you leave the Kimberley Land Council?

PETER YU, EX-KIMBERLEY LAND COUNCIL: Well, it was a very difficult decision, but as you indicated in the intro, I've been there for a number of years, and it's not as though I'm actually leaving the Kimberleys or necessarily not going to be involved in some of the issues that I've grown up with all my life. So I think it's very difficult as an Aboriginal person, and I suspect that that's the story for most Aboriginal people - that you can't avoid these issues, irrespective of what mainstream or career you might want to engage in. So I'll still be around.

GAEL JENNINGS: Is that why you're leaving, to engage in a more mainstream life?

PETER YU: Oh, I think that certainly it's been a very torrid and difficult time for everybody, particularly those traditional owners across not only the Kimberleys, but I guess the entire country, where they've had to deal with very hostile and negative government, in terms of very fundamental and precious rights and issues that have been close to people's hearts. I think we've got to continue to look for new ways in which to engage with the community, and particularly, I believe in engaging in a new way with I guess the commercial or corporate community, in terms of what their duty of care and their responsibility is to the Aboriginal community across the board.

GAEL JENNINGS: So how are you hoping to do that, because of course, this is quite a departure?

PETER YU: Well, if we take ourselves back to the 1993 negotiations after the Mabo decision, I guess one of the more important outcomes was the right to negotiate, and that for the first time allowed indigenous peoples around the country to be able to sit around the table with resource developers and with other commercial interests wanting to use their lands. And it provided the real first opportunity with some level of dignity, I would suggest, to try and confront the demons that may have traditionally affected a closer level of contact between the indigenous community and the commercial side of things as well too. And there potentially was a lot of good that could have come out of those negotiations; unfortunately, we saw that completely wiped away with the amendments in 1998 with John Howard's 10-point plan.

I guess in that period, I learnt there was significant goodwill not only in the broader Australian community, but also from people wanting to use and invest on Aboriginal land. The question really was because we're tied so much to government, there's this age-old problem of accessing capital for development of those lands and giving a level of independence that's really required to move on from our current situation.

GAEL JENNINGS: Do you feel uncomfortable moving from... I know it wasn't government, but on the land council dealing largely with government and lawyers, to getting into capital? Is it a difficult shift?

PETER YU: Well, obviously there's a lot to learn, and I think there are some good people out there hopefully who will give me a hand in learning that. I don't claim to be any expert, that's for sure. I just think the history of this country has certainly shown that there hasn't been the political will to deal with this in the manner it should have been dealt with. The Mabo decision was a legal decision that took 208 years, and has taken nearly less than 10 to try and reverse that decision back by the particular amendment that were introduced 1998. It appears that the political situation certainly hasn't been good for us, and we continue to be marginalised both politically and economically. I think that there has to be another way, and I think that way is engaging directly with the commercial side.

GAEL JENNINGS: It's difficult, isn't it, because you are the meat in the sandwich, in some ways. What does the Aboriginal community in the Kimberley think of what you're doing?

PETER YU: People have never been opposed to development. I think what people have wanted to do is to engage with some level of dignity, and not coming from a secondary position where people continue to be patronised. Some of that patronisation would have racial undertones or overtones to it. So it's not as though the Aboriginal community has been opposed to development; it's really that we have been... the fundamental premise of our position is that there has to be some respect of and a recognition of those very fundamental rights which we are entitled to, and because we haven't enjoyed a position of equity in negotiation with governments. It's occupied our minds pretty much well full-time.

GAEL JENNINGS: There's a real shift going on, isn't there, in public attitudes about Aboriginal issues in Australia. We've got up north Noel Pearson saying welfare is poisonous. Now you're saying we need to perhaps go along a path of the private enterprise to empower people. What do you think has brought this about? Has it been frustration about native title?

PETER YU: I think it's only getting more coverage now. I don't necessarily see it as anything new. It's something, when I first started with the land council, was one of the primary objectives of the organisation. I suppose we've distracted by the continuing negativity of the political arguments, unfortunately, and they were arguments that are necessary and they had to be had. But I think now we have a far more informed community and I think a far more engaging community, and there is a good sense of goodwill, I think, that the recent electoral results certainly indicate that there's a greater interest generally by the Australian community in matters. And obviously we're part of that, and we make a up a significant proportion of the population in the bush and we suffer the same sorts of effects as anybody else in the community. So I think there's a coming together of those concerns.

GAEL JENNINGS: Does it raise, though, the problem, I suppose, in a sense of how much you go from what the community and the tribal elders might want; that whole consultation process that's been so important, and you've referred to so often yourself, is there a difficulty going in this new way, fearing you might lose that basis?

PETER YU: Oh no - I think that you can measure a balance between that, in the sense that on one hand, people get sick and tired of you coming back to ask them for what they want. We basically, a lot of our people in the Kimberley certainly say, "Just go out and do it". But at the same time, I think that it's important to understand the nature of indigenous cultural protocol in regards to the accountability of people like myself and others who may occupy positions from time to time representing the views of our communities, that we do understand that responsibility to return and to seek direction from those who are more senior.

GAEL JENNINGS: Are they difficult times also because of the resurgence of One Nation? Do you see them as a serious threat to indigenous people?

PETER YU: I think certainly there is a concern about the nature of their policy, or lack of policy, and the fundamental black and white approach to most things. I think basically it has created some division, and there is some fear about that, but fundamentally, I think that the people see that the way certainly the Labor Party has indicated its position very strongly. I think people are concerned about them, but I think we're also very much concerned about what's happening in our own communities, about the governments generally in terms of their lack of responsibility.

GAEL JENNINGS: The change of government in Western Australia - you've been in talks already with Geoff Gallop or his advisers, I believe. Any changes on mandatory sentencing, or not?

PETER YU: Well, it's not my particular specialised area, mandatory sentencing. It's probably somebody with more in the legal service or legal area should respond to. But the only comment I have to make is that it is an important area, but I think that what we've seen is a certainly an increase in the incarceration and recidivism rates, which is probably not getting as much attention publicly as the... which is of course the hot issue of mandatory sentencing.

So I think that while we're focusing on the public debate about mandatory sentencing - which of course is very crucial importance in terms of the principles that are being attacked here - I think that we're not keeping our eye on the fact there continues to be significant amount of people being incarcerated outside of the mandatory sentencing regime, given that Western Australia has the highest incarceration rate I think probably anywhere in the world for indigenous peoples.

GAEL JENNINGS: You started at the Kimberley Land Council 20 years ago; things were very grim there at that time, from what I can hear. Overall in Australia, have things improved, and how much so for Aboriginal people in Australia in that time?

PETER YU: Well, I think relatively speaking, you'd have to say there's been minor improvement, but relatively speaking, I suspect that what the disappointing thing is that the potential for change is far greater in this country than perhaps a lot of other countries. We haven't been able to attain the sort of necessary benchmarks and levels of improvement that we can because of the nature of our affluence in this country.

I think that's probably the most disappointing thing, that perhaps we still have - and I don't want to go through all the statistics and things that are there for health and everything else, but they speak for themselves. You see them in the press every day and they become a bit clichéd, so people get numbed by those statistics over the years. But in that regard, I think we've failed fairly dismally in solving very fundamental problems that have been eradicated elsewhere in the world.

GAEL JENNINGS: Way back then when you were young, what drove you, what passion drove you all those years? Why did you start with land rights?

PETER YU: I was very fortunate enough to have, I guess, an 'apprenticeship' working with a lot of the senior people in the bush in the Kimberleys, and I suppose as young fellow it was very exciting travelling through the Kimberley. One of the great pleasures in life is travelling around and meeting a lot of the senior people, people who have lived a dignified life under great duress and stress, and to be able to see how they continue to live their lives with dignity against great obstacles is something which you can't help to be attracted to. I think certainly the strength of the law and the culture that continues to remain today, in the manner in which we try to assert some sense of sociocultural discipline over young people and give some direction I think is very, very important in terms of our distinct identity.

GAEL JENNINGS: Do you leave one position and orientation to go to another feeling optimistic for the Aboriginal people?

PETER YU: I just think I'm really moving in another area, in terms of extending. I maintain the same commitment in relation to hopefully the outcomes that we might want to see happen. I think that if we can generate a level of the relationship between business and indigenous communities to the extent that there is direct investment away from expectations of governments coming and never solving the problems, then it might give a greater level of confidence, and we might see things might happen a lot faster than we've seen to date