"Indigenous sovereignty-never ceded": sovereignty, nationhood and whiteness in Australia

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Chapter Three: From Land Rights to Sovereignty:  
The Aboriginal Tent Embassy

Sovereignty = Equality  
Equality = Equity  
Equity = Sovereignty

Sovereignty Never Ceded

(Aboriginal Tent Embassy placards, no date, Canberra)

Introduction

This chapter marks the beginning of my analysis of the relationship between sovereignty, nationhood, and Whiteness in Australia. In this chapter, I examine how hegemonic Whiteness has mediated non-Indigenous responses to the Aboriginal Tent Embassy, situated in Canberra’s parliamentary zone, since 1972. The Aboriginal Tent Embassy is one of the most long-standing political protest sites in Australia (Aboriginal Independent Newspaper, 29 April 1998), and its initial establishment in 1972 led to a series of significant changes in government policy for Indigenous peoples in Australia. The Aboriginal Tent Embassy’s establishment also signalled the beginning of an era in which issues such as land rights became regular fixtures on the national political agenda (Foley 1988: 31; Goodall 1996: 351). The Embassy’s presence on the lawns outside Australia’s old Parliament House should serve as a constant reminder to White Australians of Indigenous peoples’ outstanding demands for the recognition of land rights and Indigenous peoples’ sovereignty; it should also bring to mind the unresolved issue of the illegitimacy of non-Indigenous people’s occupation of the continent of Australia. This chapter will demonstrate, however, that since the Embassy was first established in January 1972, White responses to it have assiduously avoided the issues of sovereignty and legitimacy, which the Embassy’s presence symbolises. Instead, these responses have worked to reinforce the systems of White power and privilege against which the Embassy protests.

In documenting and analysing White responses to the Aboriginal Tent Embassy and its demands since 1972, this chapter develops the central themes of this thesis in
several ways. It begins to document the various responses from White people and institutions that assertions of Indigenous sovereignty often elicit. These responses include anxiety and panic, and I show how they can be read as reassertions of White dominant constructions of sovereignty and nationhood. The chapter also begins to map out the various strategies and tools that White people and institutions use to deal with their own responses to demands for the recognition of Indigenous peoples’ inherent rights and sovereignty. For example, White people and institutions often marginalise, silence, ignore, and/or construct as delinquent the people and groups who make demands for recognition. The chapter demonstrates that, when White people and institutions engage in these strategies, they avoid the questions about White sovereignty and legitimacy that the Embassy’s demands raise. Moreover, I argue, White responses to assertions of Indigenous sovereignty function to maintain White power and privilege.

With the exception of work by Foley (2001), Robinson (1993, 1994), Goodall (1996: 335-351), and Dow (2000) – all of whom provide historical and chronological accounts of the Embassy – there is very little work in the academic literature that focuses on the Aboriginal Tent Embassy and the demands it has made for recognition of Indigenous peoples’ inherent rights and sovereignty over the last 30 years. Fiona Nicoll’s recent work is one of the few examples of White scholarship that engages with the Aboriginal Tent Embassy as an assertion of Indigenous sovereignty (2002: para.40-44). Further academic engagement with the Aboriginal Tent Embassy is piecemeal: where the Embassy is mentioned, it is usually in passing, as part of a discussion about some other broader issue, or it is not mentioned at all. This is despite a wealth of written material on the Embassy in media reports and in the writings of those involved with the Embassy (demonstrated by the sources I refer to throughout the chapter). I suggest

54 See, for example, Cowan’s discussion of the Tent Embassy in the context of a discussion about Australian architecture (2001), Fletcher and Leonard’s discussion of the Tent Embassy and “Australia Day” (1999), Iveson’s discussion of the Embassy as part of a discussion about social protest in public space (2000), and Smyth’s discussion of the Embassy in the context of the relationship between Aboriginal activism and the media (1995).

55 See, for example, Scott Bennett’s White Politics and Black Australians (1999), a widely read text on the relationship between Aboriginal peoples and the Australian political system, which makes no mention at all of the Aboriginal Tent Embassy, even though the book includes a section (pp.199-203) on the issue of Indigenous sovereignty.
that the conspicuous absence of discussion in Australian academic literature of the Aboriginal Tent Embassy's demands represents an example of the silence, or structural blindness, that William Stanner (1969) first described in the late 1960s, as I discussed briefly in Chapter One. This absence also suggests that academic literature is one of the sites or spheres in which the avoidance of sovereignty, and thus the maintenance of White race power and privilege, occurs. Subsequently, this chapter highlights one of the central themes of this thesis: the continuities between different modes and manifestations of hegemonic Whiteness.

For ease of analysis, this chapter presents in broadly chronological order the Aboriginal Tent Embassy's demands and White responses to them. First, I discuss the initial establishment of the Embassy in response to then Liberal Prime Minister McMahon's "Australia Day" statement in January 1972, along with the reasons for and responses to the re-establishment of the Embassy several times over the course of the Whitlam Labor government's term in office between 1972 and 1975. Second, I discuss the period between 1976 and 1977, during which the Embassy briefly relocated from the Canberra parliamentary zone to a house in the Canberra suburb of Red Hill. Third, I discuss the period between 1978 and 1992, during which the Embassy was an only occasional presence in the parliamentary zone. In particular, I consider the contributions made by Embassy activists to the treaty debates in the late 1970s and 1980s and White responses to them. Finally, I discuss the period since 26 January 1992, during which the Embassy was re-established on the same lawns where it was first erected twenty years earlier and where it has become a permanent fixture.

1972–1975: The Embassy's initial establishment and early years

This section of the chapter chronicles White responses to the Embassy's establishment and to its assertions of Indigenous peoples' inherent sovereignty and rights to land. It suggests that White responses to the Embassy can be read as expressions of anxiety about the perceived threats the Embassy's existence posed to dominant White constructions of sovereignty and nationhood. In also documenting the various strategies employed by White people to respond to these threats, I show how White responses to Indigenous assertions of sovereignty and inherent rights can
function to reinforce what I described in Chapter Two as hegemonic Whiteness in Australia.

"Aliens in our own Land": The Embassy's initial establishment

The Aboriginal Tent Embassy was originally established on 26 January 1972, the 184th anniversary of the commencement of White invasion. It came into being in response to then Liberal Prime Minister Billy McMahon's "Australia Day" statement on Aboriginal Affairs policy, made the previous day. To establish the context in which the government's response to the subsequent establishment of the Aboriginal Tent Embassy should be read, it is necessary to outline briefly the central themes of the "Australia Day" statement.

The "Australia Day" statement was ostensibly an effort by the government to provide some acknowledgment of "the deep affinity between Aboriginal people and the land with which traditionally they are associated" (Sydney Morning Herald, 29 January 1972: 7-9). This followed the unsuccessful attempt by the Yirrkala people to have common law Aboriginal title to land recognised by the Federal Court of Australia in Miliwung v. Nabalco Pty Ltd (1971) ("Miliwung 1971"). This "deep affinity" was to be acknowledged, however, through the introduction of "general purpose leases" for Aboriginal people in the Northern Territory, in cases where Aboriginal people could demonstrate that "they have the intention and ability to make reasonable economic and social use of the land applied for" (Sydney Morning Herald, 29 January 1972: 7-9, my emphasis). That is, McMahon's mechanism for recognising Aboriginal peoples' connection to land involved their leasing, or renting, land from the government, and they were eligible to do so only if they could satisfy the government that the land would be put to what the government determined to be "reasonable economic and social use." The rationale for the lease-back system, according to McMahon, was that it would be potentially confusing to "attempt simply to translate the Aboriginal affinity with the land into some form of legal right under the Australian system," and it could "lead to uncertainty and possible challenge in relation to land titles elsewhere in Australia which are at present unquestioned and secure" (Sydney Morning Herald, 29 January 1972: 7-9, my emphasis). I discuss in later chapters the way the rhetoric of "certainty" is a tool used in the protection of White interests in land.
Furthermore, the aim of the policy was to "assist" Aboriginal people to "hold effective and respected places within one Australian society," because the "concept of separate development as a long-term aim is utterly alien to these objectives" (Sydney Morning Herald, 29 January 1972: 7-9, my emphases). Thus, as Robinson points out, McMahon's policy was of a "diluted assimilationism which sought to quash the 'separateness' of Aboriginal people, and make them part of mainstream Australian society" (1994: 49). As we will see, White aversion to, and anxiety about, Aboriginal "separatism" became a theme of White responses to the Embassy (and, as the "Australia Day" statement itself demonstrates, of governmental discourse about Indigenous people more generally). Thus, the "Australia Day" statement invoked an understanding of nationhood in which Aboriginal people should be subsumed into the Australian nation, on terms set by White people. This vision of nationhood was one in which White interests were centred and privileged, as demonstrated by the fact that Aboriginal peoples' interests in land would only be accommodated to the extent that they did not challenge "land titles elsewhere in Australia" – that is, non-Indigenous title to land. Additionally, the "Australia Day" statement reflected the view that the Australian state's claim to sovereignty over the continent was incontestable and unproblematic. This is demonstrated most obviously in the assumption that the Australian state has underlying title to the whole continent, so that for Aboriginal people to have any legally recognised rights to land, they would have to effectively rent land from the government.

In response to McMahon's statement, a group of Aboriginal activists – Bertie Williams, Billie Craigie, Michael Anderson, and Tony Coorie – set out for Canberra from the inner Sydney suburb of Redfern. Their goal was to set up a protest (Gary Foley, pers. comm., 3 August 2002). They arrived in Canberra in the early hours of the morning of 26 January and erected a beach umbrella on the lawns outside Parliament House, identifying themselves with a sign that said "Aboriginal Embassy" (Robinson 1994: 50-51). When the federal police asked the protesters what they were doing outside Parliament House, they were told that they were having a protest and that "the
protest would continue until the government granted land rights to Aboriginal people" (Robinson, 1994: 51).56

According to Foley, the "brilliant idea" of calling the protest an embassy, in response to McMahon's statement, was based on the idea that McMahon's policy effectively made Aboriginal people "aliens in our own land, so like the other aliens, we need our own embassy. ... [U]nlike embassies on Red Hill in really flash surroundings ... the protest was to be in the public arena under the noses of the parliamentarians" (Foley cited in Robinson, 1994: 51-52). As Robinson remarks, it was a "display of symbolism at several different levels": it was simultaneously a comment on the appalling living conditions of many Aboriginal people in Australia, on the question of land rights, "on the relative status of indigenous people in a city dotted with embassies, and on the avenues of protest open to the otherwise (often) silent minorities in Australian society" (Robinson 1994: 51). One of the protesters involved in the Embassy in 1972, Bobbi Sykes, described the importance of the Embassy to the Aboriginal struggle for justice in broader terms:

> [r]eserve blacks saw it as the only ray of light to appear on their darkened horizons for many long years. Most urban blacks considered it the first positive black event, and took hope, and were able to continue their own personal battle against their oppression, inspired by the few square yards of flapping canvas that confronted the government on their behalf (Sykes 1972: 1170).

The Embassy's establishment also captured the attention of the media: its existence was reported in publications ranging from Australian Woman's Day to the North American Indian newspaper Akwesasne Notes, and it gained mention in most major international newspapers including The Times and The Guardian (London), The New York Times, Le Monde and Le Figaro (Paris), Time Magazine, most African papers, and the Indian, Singapore, Manila, and Tokyo Press (The Canberra Times, 1 May 1972, Department of

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56 There are several accounts of the inspiration for the Embassy's initial establishment. According to Robinson, the concept of a "symbolic protest in Canberra may have been the brainchild of Charles Perkins, Kevin Gilbert, Burnum Burnum (who had suggested a hunger strike to Michael Anderson some months previously) or activists associated with the newly established Aboriginal Medical Service," although it is generally accepted that "Gilbert took the organisational steps by calling together the first ambassadors, and by approaching the Communist Party of Australia for funding" (Robinson 1994: 50). In any case, it is clear that the Tent Embassy's establishment was a direct response to McMahon's Australia Day statement (Gary Foley, pers. comm., 3 August 2002).
Aboriginal Affairs (DAA) newspaper clippings). Robinson suggests that the Embassy captured media and public attention because of its “Aboriginal twist on the larrikin-sense of humour which throws rough-hewn insolence in the direction of established Australian authority” (1994: 51).

The day after the Embassy’s establishment, Michael Anderson began to articulate what would become one of the Embassy’s key demands for the next three decades: the recognition of Aboriginal peoples’ inherent rights to land, which stem from their original ownership and occupation of the continent. Anderson told the media that

[w]e are going to squat here until the Government reconsiders its statement made on Tuesday night about conditional leasing of land to Aborigines. The land was taken from us by force – we shouldn’t have to lease it. Our spiritual beliefs are connected with the land (The Canberra Times, 27 January 1972, DAA newspaper clippings).

As the lawns of Parliament House were virtually taken over by the Aboriginal protesters (Robinson 1994: 52), further statements from the Embassy in the subsequent days and weeks also demanded that the Australia Day statement be retracted, that Aboriginal people be compensated for stolen lands, and that they be given legal and mining rights to all land within the Northern Territory, all other Aboriginal reserves and settlements, and all land in and around Australian capital cities. Although the issue of Indigenous peoples’ sovereignty was not explicitly articulated in the

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57 The following should be noted in relation to the referencing of newspaper articles: many of the articles which I cite in this chapter are from a collection of newspaper clippings compiled by the Department of Aboriginal Affairs between 1965 and 1988. Where this is the case, it is indicated by including ‘DAA newspaper clippings’ in the in-text citation (for example, The Canberra Times, 27 January 1972, DAA newspaper clippings). The full bibliographic details for this archival source are contained in the bibliography (under Department of Aboriginal Affairs).

58 For example, in the first week of February 1972, the Embassy outlined a five-point plan for the recognition of Aboriginal land rights, which entailed

- Aboriginal control of the Northern Territory as a State within Commonwealth, with predominantly Aboriginal parliament, and Aboriginal title and mining rights to all land within the Territory
- legal title and mining rights to all other presently existing reserves and settlements throughout Australia
- preservation of all sacred sites throughout Australia
- legal title and mining rights to areas in and around all Australian capital cities
- compensation for un触动able lands to take the form of a down-payment of 6 billion dollars and an annual percentage of the gross national income (Newfong 1972: 4-5)
Embassy’s early days, it was always implicit in the Embassy’s demands and in the concept of the Embassy itself (Gary Foley, pers. comm., 3 August 2002).

Although the media was not unsympathetic to the protesters, several examples of media coverage of the Embassy’s initial establishment demonstrate the way that, in public and media discourse about the Embassy, the Aboriginal “other” is racialised, but Whiteness and, in particular, White power, is not. For example, Michelle Grattan wrote in the Age in February that the Embassy protest was a time “for stressing blackness” (23 February 1972 cited in Dow 2000). When Michael Anderson spoke to the media about the Embassy’s demands, the Canberra Times reported that Anderson was “wearing black jeans, black shirt, black glasses and a Black Power badge” (27 January 1972, DAA newspaper clippings). Similarly, the influence of the American Black Power movement on the Embassy activists was frequently a point of note in media reporting of the Embassy,59 and, as Gary Foley (2001) points out, the Black Power movement in Australia created a “scare” among White Australians in the early 1970s.60 Each of these examples illustrate the way in which the Aboriginality of the Embassy protesters was racialised in media accounts of the Embassy’s establishment. In the case of the Black Power example, we can also see how White anxiety was generated when White power was challenged.

Around the same time of these reports (late January and early February 1972), the Embassy named its own ministry, including a Minister for the Arts, Environment, and Caucasian Affairs, thus satirising the representation of Aboriginal Affairs in the federal Ministry at the time (the Minister responsible for Aboriginal Affairs at the time also held the Arts and Environment portfolios). Other Embassy appointments included Anderson as High Commissioner (The Canberra Times, 7 February 1972, DAA newspaper clippings). The Australian’s report on this development in the Embassy protest was dismissive of the use of these titles, pejoratively describing them as

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59 See, for example, The Border Morning Mail (22 July 1972, DAA newspaper clippings), The Courier (3 February 1972: 9), and The Daily Telegraph (15 July 1972, DAA newspaper clippings).

60 See, for example, Hayes 1972.
"gimmickry" (The Australian, 10 February 1972: 11). This readiness to dismiss the Embassy protesters' replication of White bureaucratic power structures demonstrates the normative nature of White modes of control over Aboriginal people: that is, it seems "normal" for there to be a White Minister for Aboriginal Affairs, but the concept of an Aboriginal Minister for Caucasian Affairs seems somehow strange or bizarre. Similarly, media reports and government documentation relating to the Embassy consistently employed inverted commas and/or the use of the adjective "so-called" to refer to the Embassy. This indicates not only a refusal to accept the Embassy on its own terms (a theme of White responses to Indigenous assertions of sovereignty, as the later chapters will show). It also suggests that the use of the concept of Embassy is contested and that its validity is somehow suspect or provisional — it implies that the "normal meaning of the word has been suspended" (Lattas 1993: 244). In combination, these two sets of examples demonstrate the way that Aboriginality and, in particular, Aboriginal protest is racialised in Australian public discourse, but, conversely, Whiteness and White power is not. This exemplifies what Dyer describes as the power of Whiteness to position itself as normal (1997: 9-10). And, as later discussion in this and the following chapters will show, the ability to normalise White power and White modes of control is an important element in the denial of Indigenous sovereignty and the maintenance of hegemonic Whiteness.

**The White “separatist” anxiety**

It was not long before the concept of the "Aboriginal Embassy" clearly began to worry the government, which instituted a 24-hour police surveillance on 30 January. On 31 January, then Minister for the Environment, Aborigines, and the Arts, Peter Howson, described the use of the term "Aboriginal Embassy" as a

> disturbing undertone. The term implied a sovereign state and cut across the Government's expressed objection to separate development and was kindred to apartheid (Canberra News, 31 January 1972 cited in Dow, my emphasis).

Howson’s statement expressed the "separatist" anxiety articulated in McMahon's "Australia Day" statement: Howson made it clear that the government found

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61 Robinson, however, writes that these terms were later dropped by the Embassy because they were "too much like White bureaucracy" (1994: 52).
"disturbing" the prospect of Aboriginal sovereign statehood and the perceived implication of "separate development." To the Government's dismay, however, the Embassy protesters had unwittingly discovered a loophole in Commonwealth law that meant that the government had no legal grounds for their removal from the Parliament's lawns.53 In contrast, in early February, then Opposition Leader Gough Whitlam visited the Tent Embassy and promised that a Labor Government would "immediately reverse Federal Cabinet's rejection of Aboriginal land rights and grant Aboriginal communities full freehold title to land" (The Australian, 9 February 1972, DAA newspaper clippings). As later discussion in both this and the next chapter demonstrates, however, there is often a discrepancy between what Labor says it will do and what it actually does when it is in government. In Chapter Four, I argue that Labor's tendency to make hefty promises is connected to a desire to maintain a sense of the White national self as inherently good.

In the months following its establishment, the Embassy remained firmly ensconced on Parliament House's lawns, and the government refused to shift its position on land rights announced in McMahon's "Australia Day" statement. Howson, for example, rejected the Embassy's demands for more than mere leasehold title to their land by claiming that freehold ownership was "alien to Aboriginal thought and custom" (The Canberra Times, 24 February 1972 cited in Dow 2000). This exemplifies a primitivist discourse about Aboriginal people, in which legal recognition of their inherent rights to land is denied by construing Aboriginal culture as incompatible with the White Western legal framework (which in this discourse is assumed to be the opposite of primitive – civilized, sophisticated, and enlightened). It also represents a claim to knowledge about Aboriginal people and cultures, which is achieved by "imposing a conceptual framework from outside" but which refuses to identify itself as such (Moreton-Robinson 2000b: 185). Howson's statement thus demonstrates the way that

52 See, for example, The Age (28 January 1972, DAA newspaper clippings), The Australian (7 February 1972, DAA newspaper clippings), The Canberra Times (12 August 1972, DAA newspaper clippings) and The Geraldton Guardian (19 July 1972, DAA newspaper clippings).

53 The only applicable legislation was the Gaming and Betting Ordinance, s.19(a), which imposed a $40 fine for loitering in a public place (The Canberra Times, 3 March 1972, DAA newspaper clippings). An interdepartmental committee subsequently suggested that the existing Gaming and Betting Ordinance not be applied but that new legislation be created instead (Robinson 1994: 52).
White knowledge positions itself as universal in order to maintain power over the "other." This is a theme in White responses to Indigenous peoples’ assertions of their inherent rights and sovereignty, which will be examined several times throughout this thesis.

At the same time that Howson was rejecting Aboriginal demands for grant of freehold title, then Minister for the Interior, Ralph Hunt, indicated the government’s discomfort with the Embassy’s presence when he told Parliament that the government was considering ways of ensuring “the area opposite Parliament House was reserved for orderly and peaceful demonstrations, but not one on which people could camp indefinitely” (Dow 2000). Hunt also criticised the involvement in the Embassy protests of the “socialist left” who, he said, “would use Aboriginal people as a ‘political football’ in the interest of ‘attacking our present order of society’” (cited in Robinson 1994: 54, my emphasis). This statement is inherently racist because it denies Aboriginal people any agency: it imagines them to be incapable of political activism that is conceived outside of White influence. The strategy of constructing Indigenous people as vulnerable to radical left-wing influence, however, is a consistent theme in conservative political responses to Indigenous assertions of sovereignty. Hunt’s statement is also significant because it demonstrates the connection between White anxiety about Indigenous assertions of inherent rights and the desire to preserve a singular, monolithic notion of Australian nationhood that has White people at its centre: this is expressed in what Hunt sees as the need to defend the “present order of society” from “attack.”

Over the next few months, the government repeatedly expressed its view that the Embassy should be removed, and it announced in May its intention to introduce legislation to make camping outside Parliament House illegal (Canberra News, 11 May 1972 cited in Dow 2000). Labor parliamentarians defended the Embassy’s right to occupy the Parliament House lawns, arguing that the Embassy protesters were simply exercising “the right of peaceful assembly for the purpose of communicating a political point of view” and promising physical action to defend the Embassy if the government attempted to remove it (Dow 2000). Around the same time, an Aboriginal consulate was established in Perth (The Geraldton Guardian, 27 June 1972, DAA newspaper
clippings; *The Kalgoorlie Miner*, 28 June 1972, DAA newspaper clippings), and an Embassy was established in Adelaide (*The Kalgoorlie Miner*, 11 October 1972, DAA newspaper clippings).

**White sovereignty: Violently asserted, violently defended**

By July, the government’s legislation making camping outside Parliament House illegal, the *Trespass on Commonwealth Lands Ordinance*, had been passed, and the federal police prepared to remove the Embassy’s tents (*The Canberra Times*, 20 July 1972, DAA newspaper clippings). Robinson writes that this marked “the end of the halcyon days of protest at the embassy” (1994: 54). For six months, “the embassy had been a creative, non-violent direct action whose demands directly contradicted the ideology of the status quo” (Robinson 1994: 54). The eventual response of the “status quo” to this challenge, however, was to attempt to dispel the threat it posed through a violent reassertion of its authority. I argue that this should be read as a violent defence of White sovereignty.

On the night of 20 July, 150 police marched from behind Parliament House in “paramilitary style” (Robinson, 1994: 55). According to one protester, an “all-out, all-in” brawl ensued: there was no doubt among the participants that the police had started the violence, and some officers had removed their badges before attacking the protesters so that they could not be identified later. The then Shadow Minister for Aboriginal Affairs, Gordon Bryant, was seen pulling policemen away from a protester. The tents were ripped from the lawn and thrown in a police vehicle. Eight people were arrested, while “almost every demonstrator ... was injured or bruised in some way” (Robinson, 1994: 56). Robinson describes the fracas as a struggle between police supposedly acting with the legitimate authority of the state and demonstrators who regarded that authority as bogus. To the demonstrators, the state’s actions represented an affront to the right to peaceful protest against injustice which could only be redressed by “land rights ... now!” (1994: 55).

The preparedness of Labor politicians to engage in the defence of the Embassy demonstrates that Whiteness is not monolithic.64 Gary Foley also points out that

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64 Similarly, White support for the Embassy in the days and months following the Embassy’s establishment was crucial to its survival during that time (Gary Foley, pers. comm., 3 August 2002). The student body of the Australian National University (ANU) and, in
journalists covering the protests were "genuinely shocked" at the violence they had witnessed unleashed on the demonstrators, and he notes that this was reflected in media coverage of the event on television news that evening (Gary Foley, pers. comm., 3 August 2002). Hunt, however, denounced Labor politicians for participating in the struggle and blamed the incident on "people who had come from the outside to stir up trouble" (cited in Robinson, 1994: 56, my emphasis). Hunt’s statement is important in two key ways. First, it indicates a refusal to attribute violence to the state or to agents of the state, blaming the protesters instead. Second, by discursively constructing them as external – the “troublemakers” are people who had “come from the outside” – Hunt’s statement marginalises the protesters and thus the source of the threat to the stability of White sovereignty. This manoeuvre of externalising the protesters delegitimises their demands; at the same time, it effectively legitimises the use of state-sanctioned violence against them. The ascription of “trouble-making” to an external source is also consistent with the White “separatist anxiety” discussed above, in that the construction of the other as external becomes a signifier of the “threat” of Aboriginal separatism, which is therefore necessarily viewed as dangerous or troublesome. The later chapters will also show that the marginalisation of Indigenous people who demand recognition of their inherent rights is a key strategy in the discursive repertoire of hegemonic Whiteness.

After the tents were removed on 20 July, the Embassy activists immediately began planning protest over its removal (Robinson, 1994: 56). Denis Walker, described by the Canberra Times as an “Aboriginal militant” (21 July 1972, DAA newspaper clippings), was reported as saying that future violence was "not only likely, but bloody well necessary. We’re not going to stand silently and watch our people beaten up"” (Robinson, 1994: 57).65 At a meeting between the Tent Embassy protesters and Department of the Interior officials on 23 July, permission from the Department to re-erect the tents was refused. Approximately 200 demonstrators protested the

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65 The ascription of militancy to Indigenous people who assert sovereignty is a theme to which I will return.
Department's decision by attempting to re-erect the tents anyway (Department of the Interior 1972; *The Canberra Times*, 24 July 1972, DAA newspaper clippings; *The Independent*, 23 July 1972, DAA newspaper clippings). The violence that ensued between the protesters re-erecting their tents and the police trying to stop them was even more intense than that of a few days before, and many of the participants thought it "surprising that no-one was killed" (Robinson, 1994: 57). Chicka Dixon called it "the most violent event he had ever witnessed." Gary Foley describes it as "one of the most violent confrontations in the history of Canberra" (pers. comm., 3 August 2002). Eighteen people were arrested, and scores were injured. Nonetheless, the protesters continued to make plans for re-establishing the Embassy, which led Pat Eatock, one of the Embassy protesters, to warn on 26 July of the possibility that the planned re-erection would turn into "Australia's Sharpeville," in a reference to the massacre of eight anti-apartheid demonstrators in South Africa in 1960 (*The Canberra Times*, 26 July 1972). On 30 July, however, 2000 people marched to Parliament House, where they re-erected the Embassy, but, unlike the earlier confrontations, this time the police allowed a symbolic re-erection of the Embassy before they removed tents (Robinson 1994: 61).

In September, the Embassy was re-erected for a fourth time after the ACT Supreme Court ruled that the Trespass Ordinance used by the government to remove the tents in July had not been notified properly and was therefore not in effect, though a Bill to retrospectively restore the Ordinance was passed by the parliament and the tents were removed again the next morning (Robinson 1994: 62). Thus, the Embassy was not always a physical presence in six months following the confrontations of July 1972, but it continued to be an important political issue, plaguing McMahon's government until its dying days in November 1972.

*Strategies of marginalisation*

The above discussion has provided an overview of the events of the Embassy's initial establishment; in doing so, it has begun to show the way that White responses to the Embassy's demands are mediated by hegemonic Whiteness and by dominant White constructions of sovereignty and nationhood. Here I present in more detail some of the strategies White people employ to deny the validity and legitimacy of Indigenous peoples' demands for recognition of sovereignty and inherent rights to
land. Foremost among these strategies is the marginalisation of the Indigenous people who make such demands.

Between 10 and 11 August 1972, just a few weeks after the violent removal of the Embassy’s tents from Parliament House’s lawns, the government convened a national conference of Aboriginal and Torres Strait Islander advisory councillors in Canberra. The conference was designed to be a “national consultation” between the government and 66 government-appointed councillors from around the country, whom Howson described as being “truly representative of all Aborigines” (The Canberra Times, 11 and 12 August 1972, DAA newspaper clippings, my emphasis). There were no representatives from the Aboriginal Tent Embassy, because Howson thought that “any talk with the Embassy protesters made a mockery of the consultation channels he had authorized” (Rowse 2000: 101). The clear implication of this view is that Howson did not see the Embassy protesters as having a “legitimate” viewpoint (and therefore one that required representation at the national conference). Furthermore, it implies the view that the Embassy itself was unrepresentative, and Howson was of this view because the Embassy was “financed by the Trades and Labour Council of Newcastle and ... the Waterside Workers Federation” (cited in Rowse 2000: 98). This example also shows that White governments (and White people) are often prepared to negotiate with Indigenous people only if the terms of the negotiation are set by White people themselves.

As the Age’s editorial on the “national consultation” remarked, the conference had been “staged” by Howson to obtain “views more moderate and less militant than those emanating for the past six months from the black ‘embassy’ and its staff” (The Age, 15 August 1972 cited in Dow 2000). This instance of the Age editorialising against Howson’s “consultation” initiative demonstrates again that Whiteness is not monolithic: that is, in Gramscian terms, the hegemony of White modes of controlling Indigenous people are never complete. The conference delegates also took a different view from Howson, no doubt much to his dismay: they voted to give Embassy representatives full voting and speaking rights and resolved that the Embassy should
be able to be re-established outside Parliament House (Canberra News, 11 August 1972 cited in Dow 2000; The Australian, 12 August 1972 cited in Dow 2000). Nonetheless, Howson’s exclusion of Embassy representatives from the national conference demonstrates the way that “radical” Indigenous opinion that advocates recognition of sovereignty is constructed as “unrepresentative.” This is a strategy of marginalisation that White people in positions of power frequently employ to deny the validity or legitimacy of Indigenous peoples’ assertions of sovereignty and inherent rights. As Goodall puts it, referring to the initial establishment of the Embassy, one of the “weapons” with which the government sought to undermine the Embassy protesters “was to accuse them of being only a ‘handful of militants’ who had no base of support among the majority of Aboriginal people” (1996: 339).

A similar strategy of marginalisation is to cast aspersions on the “authenticity” of the Indigenous people making assertions of sovereignty and demands for its recognition: drawing on Patrick Wolfe’s idea of “repressive authenticity” (2000: 134), I described this strategy in Chapter Two as the discursive construction of the inauthentic Indigene. Two examples demonstrate this point. First, then Prime Minister McMahon was reported by the Melbourne Herald on 29 July as having said that

some people were attempting to create confusion among aboriginals. He said the real aboriginal leaders would do anything to see that actions such as the aboriginal embassy and confrontation were not carried out. He said that on his recent trip to Northern Australia he spoke to tribal leaders and found what a “kindly, lovable person the Australian aboriginal is.” These leaders did not want the manifestation of unrest and violence “down south” (Herald, 29 July 1972: 9, my emphasis).

That is, the Embassy protesters were constructed in opposition to the “real Aboriginal leaders” and, moreover, to the “kindly, loveable person that the Australian Aboriginal is.”67 Similarly, an entry in Howson’s political diary a few months earlier (3 May 1972) reads as follows:

I have felt for some time that the present policy being carried out by the [Council for Aboriginal Affairs – a non-Indigenous advisory committee to the

66 This is not to say that the Tent Embassy necessarily was or is representative of “all Aborigines.” My point is simply that it is disingenuous to imply, as Howson does, that it should have to be before its viewpoint will be regarded by White people as legitimate.

67 This example and, in particular, McMahon’s reference to “the Australian aboriginal” (as though there is only one) also demonstrates the homogenisation of Aboriginal identities within dominant White discourses.
government] is to promote racial discrimination, to put the Aboriginals apart from the other Australians rather than to encourage them to become one people or one nation. The last six months of Aboriginal demonstrations seem to indicate this, particularly as the demonstrations are being carried out by people of mixed race rather than full-blood Aborigines (cited in Rowse 2000: 99).

Here the Embassy protesters are pejoratively categorised as “people of mixed race,” in opposition to those who are of “full-blood.” This discourse is informed by what Moreton-Robinson describes as an “ideological construction of ‘race,’ which constitutes an *a priori* essential biologism based on skin colour” and which leads to a “‘traditional’ versus ‘contemporary’ binary” (2000b: 77). In the case of the Howson and McMahon examples I have cited here, this binary functions to render the “contemporary” Indigenous protesters as “inauthentic,” and this “inauthenticity” is then offered as a reason for dismissing or ignoring the demands of the “contemporary” Indigenous protesters.

Indigenous people who challenge the order of things imagined for them in White discourses of identity and nationhood are subsequently constructed as delinquent, as Nicoll argues (1998: 181). In the case of the Tent Embassy, I suggest this is manifested in what can be called the discursive construction of Indigenous “disorderliness.” This is demonstrated by the claim made by the then Minister for the Interior, Ralph Hunt, in August 1972: he said that the Embassy, when finally removed, had “‘degenerated into a squabbling, untidy and insanitary [sic] spectacle’” (*The Canberra Times*, 16 August 1972, DAA newspaper clippings). The discursive strategy of constructing Indigenous protest as “disorderly” is a theme of White responses to the Embassy across the three decades of its existence, as the remainder of this chapter illustrates.

**The Whitlam years**

When in opposition, federal Labor, under the leadership of Gough Whitlam, sought to distance itself from the aggressive and combative approach that the Liberal-Country coalition government took to the Embassy and from its paternalistic approach to Aboriginal and Torres Strait Islander Affairs policy more generally. After Labor came to power in December 1972, Prime Minister Whitlam moved quickly to establish his credentials in the area: for example, on the first anniversary of the Tent Embassy’s
establishment on 26 January 1973, Whitlam announced that the government would not proceed with any charges. His government would also decline to collect any outstanding fines imposed for offences that occurred when McMahon sent the federal police in to remove the Tent Embassy from Parliament House in July 1972 (The Daily Telegraph, 20 January 1973, DAA newspaper clippings). A month later, the Australian reported on the Government’s plans to repeal the legislation that gave the police the power to tear down the Aboriginal Tent Embassy in the first place (The Australian, 21 February 1973, DAA newspaper clippings). Indeed, during its time in office, Whitlam’s government made a series of sweeping reforms in the Aboriginal and Torres Strait Islander Affairs policy area: it established the Department of Aboriginal Affairs and set up the National Aboriginal Consultative Committee (NACC), a committee of Indigenous people to advise the government (previously the only formal advisory body was the Council for Aboriginal Affairs, whose membership consisted wholly of non-Indigenous people). Whitlam’s government also formally abandoned the policy of assimilation and replaced it with the idea of “self-determination.” In 1973, it appointed a Royal Commission to inquire into Aboriginal land rights. And, in 1975, Whitlam famously handed back the Gurindji people’s traditional lands by symbolically pouring a handful of sand through Gurindji elder Vincent Lingiari’s hands. Nonetheless, the period of the Whitlam government demonstrates continuities with its Coalition predecessors, which highlights some of the central themes of this thesis.

Despite the promise offered by a change in government, several Embassy activists soon became frustrated that little seemed to have changed to advance their demands for the recognition of land rights and greater Aboriginal control of Aboriginal affairs (The Australian, 3 April 1973, DAA newspaper clippings). Gary Foley and Paul Coe also expressed concern at the government’s handling of other issues, such as the forthcoming NACC elections, and they announced in August 1973 that the Embassy could be re-established soon if their concerns were not addressed (Dow 2000). Indeed, this occurred just two months later in October 1973 following a sit-in on the steps of Parliament House, during which protesters demanded more extensive Aboriginal control of the Department of Aboriginal Affairs and the widening of the terms of reference of the Woodward Inquiry (Dow 2000). The Tent Embassy was blown down in May 1974 but re-established the following October (and renamed the “Canberra
Aboriginal Reserve”) to protest at the government’s administration of Aboriginal Affairs. At this time, Whitlam was accused of forgetting promises made to the Embassy in 1972 (Dow 2000). The Embassy remained camped on the parliamentary lawns until the government negotiated its removal in February 1975.

Although the Whitlam government made some significant and lasting changes in the area of Aboriginal and Torres Strait Islander Affairs, its relationship with the Embassy during its time in office demonstrates two key points. First, the gap between the commitments made to the Embassy protesters and action actually taken – particularly in the area of land rights – demonstrates the White strategy of what I call paying “lip service” to Aboriginal peoples’ demands for recognition but falling short of delivering on promises made.68 I argue in Chapter Four that this strategy was also taken up by the next Labor Prime Minister, Bob Hawke, in response to the Barunga statement in 1988. This strategy of paying “lip service” to Indigenous people’s demands allows White people to position them(our)selves as “good,” but it does so without acknowledging the exercise of White race privilege that allows us to position ourselves thus in the first place. By occupying the subject position of the “good” White person, we can get away without having to undo our White race privilege in any significant or meaningful way. As Gary Foley suggests, although Whitlam genuinely held the view that Aboriginal people “had been hard done by,” he also saw in their situation an opportunity for himself to be viewed in history as the great reformer who “solved the Aboriginal problem” (Gary Foley, pers. comm., 3 August 2002).

Thus, some strategies employed by the McMahon and Whitlam governments in response to the Embassy appeared to differ markedly on the surface, but the way they

68 A possible criticism of this position may be that the Whitlam government did in fact introduce into parliament a bill on land rights for Aboriginal people in the Northern Territory, but the proposed legislation lapsed when the Whitlam government was dismissed from office by the Governor-General in November 1975 (and was subsequently passed by the Fraser Liberal-Country coalition government in 1976). Nonetheless, I would argue that the point still holds: the Embassy protesters would have been justified in expecting more than the granting of land rights to Aboriginal communities in the Northern Territory after Whitlam promised in February 1972 that, if elected, a Labor government would “immediately reverse Federal Cabinet’s rejection of Aboriginal land rights and grant Aboriginal communities full freehold title to land” (The Australian, 9 February 1972, DAA newspaper clippings).
functioned in the maintenance of hegemonic Whiteness was, in many ways, the same. The discursive continuity between the McMahon and Whitlam governments, and thus between what Frankenberg describes as the discursive repertoires of Whiteness (1993: 16), can also be seen in other examples. In March 1974, for example, around six months after the Embassy had been re-established, the then Minister for Aboriginal Affairs, Senator Cavanagh, told a meeting of the NACC that the Government would build Aborigines a permanent headquarters in Canberra – but only after the removal of the Aboriginal embassy, which he described as “unsightly” (The Australian, 28 March 1972 cited in Dow 2000). This example demonstrates the discursive practice of constructing Indigenous protest as disorderly which I described above, and which is used to marginalise the Embassy protesters and construct them as delinquent. It also demonstrates, again, the conditional nature of White goodwill toward Indigenous people: in this instance, the government will only do something for the NACC if the demands symbolised by the Embassy’s presence on the parliamentary lawns are effectively withdrawn.

1976 to 1977: The Aboriginal Embassy in Red Hill

After the conservative parties were returned to federal government in the elections following Whitlam’s dismissal in November 1975, the Embassy was re-established once again, in March 1976. This time, the re-establishment was ostensibly in response to indications that the Liberal government was planning to abolish the National Aboriginal Consultative Committee established by the Whitlam government and that there were going to be “severe cutbacks in all Aboriginal organisations and Aboriginal projects throughout Australia” (Direct Action, 29 April 1976). Significantly, the Embassy did not reappear on the lawns of Parliament House but at the home of White retired army colonel John Maloney in Mugga Way, in the affluent Canberra suburb of Red Hill. This part of the chapter briefly discusses the Embassy’s relocation to Mugga Way, where it remained for around 18 months (until August 1977), and then it examines the responses from White people that this significant development in the Embassy’s existence provoked.
The shift to Mugga Way

The move to Mugga Way marked a significant shift in the Embassy’s existence, given that the symbolism of the Embassy’s tents camped on the parliamentary lawns was probably the hallmark of the first few years of its existence. The extent to which the activists involved in the 1972 Embassy supported (or opposed) the move is not clear from the available documentary material on the Embassy’s re-establishment in Mugga Way. My central concern here, however, is with examining how White responses to the Embassy’s relocation to Mugga Way can be seen as continuous with the discursive repertoires of Whiteness that were illustrated in the first part of the chapter. First, however, it is necessary to give a brief overview of this phase of the Embassy’s existence.

When the Tent Embassy was originally established in 1972, Maloney had been a full-time student at ANU while on leave from the Army, during which time he had come into contact with many Indigenous people involved in the Tent Embassy. As a result of this, he became “more conscious of the deep sense of injustice held by them, and of the moral validity of their claims for recognition” (Maloney 1976). A few years later, in December 1975, Maloney made the offer of the use of his house as a place from which Aboriginal and Islander people could lobby in the future. His offer was formally accepted by a delegation from the NACC the following March, and an official opening and flag-raising ceremony was held at the Embassy’s new site on 10 April (Maloney 1976).

Over the 18 months of the Embassy’s residency in Mugga Way, the issues that the original Embassy activists had articulated from 1972 onward – land rights, 69 Maloney’s account of these events does not specify to whom the offer was made.

69 Documents in the Aboriginal Embassy – 1977 and National Congress of the Australian Aboriginal people and the Torres Strait Islanders Papers frequently refer to the “NAC” in reference to the National Aboriginal Congress Administrative Association Incorporated (NAC Administrative Association Inc.), a sub-committee of the NACC, which often represented the NACC in its negotiations with Maloney over the terms of the Embassy’s use of his house. Because the NAC Administrative Association Inc, as it is referred to in the Aboriginal Embassy – 1977 and National Congress of the Australian Aboriginal people and the Torres Strait Islanders Papers, is more or less synonymous with the NACC, I refer to both as “NACC.” This is to avoid confusion in later parts of the thesis, where the National Aboriginal Conference, with which the abbreviation “NAC” has become synonymous, is discussed.
compensation for land taken, and freedom from racial oppression – continued to be important elements in the Embassy’s agenda (Aboriginal Embassy – 1977 and National Congress of the Australian Aboriginal people and the Torres Strait Islanders Papers, “Proclamation,” 10 March 1976). During this time, however, the Mugga Way Embassy’s main function was to provide a base from which Aboriginal people could lobby government. Shortly after the official opening in April 1976, for example, at a discussion between the Indigenous people then involved with the Embassy, it was “generally agreed that the main function of the Embassy was as a lobby group, for the lobbying of the government at all levels, foreign embassies and government departments” (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 2, “Rough notes on discussion re: Role of Embassy and it’s [sic] functions and aims,” 19 April 1976). In particular, the Mugga Way Embassy became a base from which the NACC operated. In an open letter to Aboriginal people garnering support, Keith Smith, one of those most involved in the Mugga Way Embassy initially, explained the rationale behind this:

[i]tthe Government has never given the [NACC] the facilities ... to enable us to do our jobs effectively. Nor have they ever given Aboriginal people or organisations a fair go. We need an independent platform from which we can speak for Aboriginal people with one united voice, and this is what the [NACC] aims that the Embassy will do (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 2).

Although the function of the Mugga Way Embassy may have been different from that of its Tent city antecedent, the following discussion demonstrates that White people’s responses to the Mugga Way Embassy were, in many ways, much the same.

**Repertoires of Whiteness**

Indigenous peoples’ appropriation of the concept of an embassy clearly continued to worry the government and other agencies of the state. Tim Rowse writes, for example, that the “way the word Embassy had begun to acquire connotations of sovereignty in NACC rhetoric” caused some unease in the Department of Aboriginal Affairs (which was predominantly run by White people) (Rowse 2000: 179). Similarly, when the Embassy tried to list itself in the Canberra Telephone Directory, Telecom refused to allow the use of the words “Aboriginal Embassy” because of “official advice that the word ‘Embassy’ in that context may only be used by the diplomatic mission of a sovereign foreign Government with which the Australian government has
established diplomatic relations" (Aboriginal Embassy – 1977 and National Congress of the Australian Aboriginal people and the Torres Strait Islanders Papers, “Senate Question,” 8 March 1977). These examples indicate the White “separatist” anxiety I described above – the nervousness among Whites caused by the challenges to dominant White constructions of sovereignty and nationhood contained in Indigenous peoples’ assertions of sovereignty through their employment of the concept of “embassy.”

According to Maloney’s documentation of the Mugga Way Embassy, however, the establishment of the Embassy “excited a most favourable response from the general public, both in Australia and overseas” (1976). Following the publicity surrounding the Embassy’s opening in March 1976, Maloney received many letters from non-Indigenous people congratulating him on and thanking him for the work he was doing for Aboriginal people. These letters provide an important insight into the way that conversations between White people about Indigenous people work, in other words, about the way White people speak of Indigenous people when we think they are not listening. Accordingly, in this part of the chapter, I examine some of these letters and the discourses and themes that underpin them, in terms of the broader themes of this thesis.\(^7\)

One of the central themes that emerges in much of the correspondence Maloney received is that his actions were perceived as some form of Christian benevolence. While they were well-intentioned, the tone of many of these letters was also both paternalistic and patronising. Therefore, I suggest that they are underpinned by discourses of White race superiority. The letters also suggest that the notion of an Aboriginal Embassy might have been somehow more palatable when it was housed in a White man’s home (and a former army colonel’s home at that). For example,

[pl]ease allow me to congratulate you on your Christian stand in helping the Aboriginal people. (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 2).

[m]ay I express on behalf of our family the thankfulness we feel in your generosity in providing the Aboriginal Embassy with a home. The Blacks I’m sure have been most encouraged ... It is very heartening when people like you

\(^7\) All the letters from which I have offered excerpts are from people who are identifiably non-Indigenous. Letters are quoted with permission of AIATSIS.
are activated by imaginative generosity (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 2).

I just to say how I admire your good work. I am not an Aborigine but I would think “Dignity” would be a desirable quality for them (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 2).

In the first letter, congratulating Maloney on his “Christian stand” in “helping” the Aboriginal people, the discourse is reminiscent of the assimilationist era, when Aboriginal people were thought to be in need of “rescue” by White people. Similarly, implicit in the second letter, congratulating Maloney on his “generosity” in giving the Embassy a home, is a paternalistic discourse in which the “Blacks” are “looked after” in the White man’s home; there is also “thankfulness” that this work is being done by someone else. In the third excerpt, the idea that White people would know what is best for Indigenous people is made most explicit: “I would think “Dignity” would be a desirable quality for them.” Underpinning each of these ideas is an assumption of White superiority, encapsulated in the idea that Aboriginal people need to be “looked after” (in one way or another) by Whites. I would also suggest that support for the project of “looking after” the Aboriginal people is connected to the White desire to see ourselves as inherently “good,” to which I referred above; the discursive construction of the “good” White self (both as subject position and as national ontology) functions to reinforce hegemonic Whiteness by making invisible the White race privilege on which this discursive construction depends.

A second major theme that emerges in the correspondence Maloney received from White people is the discursive construction of Indigenous people who make assertions of sovereignty and demands for the recognition of inherent rights as delinquent. This construction of Indigenous activism as delinquent functions as a strategy of marginalisation, allowing White people to discredit or ignore Indigenous demands by marginalising the Indigenous people who make them. For example, all the best and lots of backing. It is about time that somebody sensible (as distinct from the ratbags with beards) started to make a genuine and positive

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72 By “assimilationist era,” I mean the period from the 1930s until the early 1970s, when assimilation of Aboriginal people into the White population was a formal goal of government policy. By describing this as a past era, I do not mean to suggest that assimilation could not be the effect (desired or otherwise) of recent or present government policy or that assimilationist discourses more generally only exist in the realm of the past.
effort in support of the poor old Aborigines (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 2, my emphasis).

In the Saturday edition of our local newspaper ... it was reported that you have given the National Aboriginal Consultative Committee the use of half your home ... as an Embassy building, while not being of Aboriginal stock myself, we are sympathetic to the Aboriginal cause provided they adopt legal means to achieve their first rights (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 2, my emphasis).

In the first example, "somebody sensible" (the White man) is constructed in opposition to the (apparently) foolish, imprudent "ratbags with beards." Although it is not clear exactly to whom the letter's author is referring when s/he talks about the "ratbags with beards" (the Indigenous activists associated with the original Embassy or the White trade unionists and communist sympathisers who allegedly preyed on Indigenous people for their own political purposes), there is a connection between the "radical" activism of the original Embassy (as the opposite of "sensible" support) and delinquency (signified by the term "ratbags"). This example also demonstrates continuities with the paternalist attitude to Indigenous people I discussed above, as exemplified by the reference to the "poor old Aborigines." The second excerpt also draws on ideas about delinquency by linking "sympathy to the Aboriginal cause" with the adoption of "legal means"; the suggestion here is of the likelihood that Indigenous activists will adopt illegal "means," in which case their "cause" should not be supported. Arguably, this excerpt also misses the point of the original Embassy protests, which challenged the legitimacy of the Australian legal system's claim to sovereignty over Indigenous people in the first place.

A third theme that emerges in the letters to Maloney I examined is White "separatist" anxiety – the nervousness, worry, and angst among White people that ensues when dominant White constructions of sovereignty and nationhood are challenged by Indigenous people who assert sovereignty. For example:

[I]he NSW executive of the National Australian Association wishes to commend you on the interest you have taken on behalf of Aboriginal rights. One of the objectives of the association is the opposition to those persons wishing to destroy the identity of the Australian people and we realise that the Aborigine people [sic] are the first to be affected by the multi-racial immigration policies of the present political parties. ... I note that you have had some problems with extreme elements amongst the aborigines, these no doubt are some of the mixed bloods who through a loss of identity and other factors are easy prey for
White anxiety about perceived threats to singular, monolithic notions of Australian nationhood is exemplified here by the National Australian Association’s opposition to “those persons wishing to destroy the identity of the Australian people,” meaning advocates of multiracial immigration policies. The vision of Australian nationhood projected here is one in which Whiteness is central; this is demonstrated by the Australian Association’s constitution (a copy of which accompanied the letter to Maloney), which states that one of the Association’s objectives is to “assure the future of the Commonwealth of Australia through Australian born children and homogenous European development” (National Australian Association 1976: 3). The Australian Association’s idea of how Aboriginal people should fit into Australian nationhood is clearly predicated on them not disrupting or challenging the centrality of Whiteness, as the rest of the excerpt – which shows important continuities with the discursive repertoires of Whiteness I have discussed above – demonstrates. For example, the “extreme elements amongst the Aborigines” (those who presumably would challenge the Australian Association’s vision of nationhood) are described as being of “mixed blood”: this demonstrates the discursive construction of the inauthentic Indigene. The “mixed bloods” are also seen to be “easy prey for communist and other agitators.” This exemplifies the denial of Indigenous agency by constructing Indigenous people as vulnerable to radical left-wing influence, and the statement also effectively dismisses the threat Indigenous demands for recognition pose to dominant White constructions of nationhood and sovereignty.

The themes that emerge in this selection of correspondence demonstrate many similarities with the themes of White responses to the Embassy discussed in the first part of the chapter. As I also suggested above, however, some of these discourses, such as those of White paternalism and patronisation toward Indigenous people, are specific to the particular context. This highlights an important theme of the thesis: White people have what Frankenberg (1993: 16) describes as a “repertoire” of discourses and discursive practices, which can be drawn on at different times and by different people but which all contribute to the project of maintaining hegemonic Whiteness.
1978-1992: The treaty debates

Following the closure of the Mugga Way Embassy in August 1977, the Embassy was not re-established again until August 1979. This time it was established on Capitol Hill in Canberra, the site of the proposed new Parliament House, where it would remain for about the next 12 months. Over the next decade, the Embassy was only an intermittent presence in Canberra's parliamentary zone. Embassy activists, such as Wiradjuri poet and author Kevin Gilbert, however, continued to assert Indigenous peoples’ sovereignty and rights to land by arguing for a treaty to be negotiated between Indigenous and non-Indigenous people in Australia. The contributions made by Embassy activists to the national treaty debates that took place in the 1980s, and White responses to them, are the focus of this part of the chapter.

The Embassy on Capitol Hill

The Embassy’s re-establishment in 1979, by Cecil Patton, Lyall Munro, Billy Craigie, Dan Munro, Kevin Gilbert, George Rose, and others (several of whom had been involved in the original Embassy), was specifically geared toward the issue of a treaty. After four tents appeared on Canberra’s Capitol Hill early on the morning of 7 August 1979, the Embassy activists said that they would remain there until the federal government agreed to negotiate a Treaty and introduce a Bill of Aboriginal Rights, through which Aboriginal sovereignty could be recognised (Direct Action, 1 November 1979: 16-17). The Embassy protesters reiterated many of the demands made by the original Embassy in 1972, saying that the bill of rights should include the following: compensation for loss of land; payment of a “fixed percentage of the national gross product to be handed over to an elected Aboriginal forum”; a return of all traditional land, sacred sites, and all land where massacres of Aboriginal people had occurred; and the handing over to Aboriginal people of all missions and reserves presently occupied by them (Direct Action, 1 November 1979: 17).

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73 The Embassy in Mugga Way closed on 31 August 1977 (The Canberra Times, 1 September 1977 cited in Dow 2000). The Embassy was closed when the formal agreement between Maloney and the NACC over the use of the Mugga Way residence expired. At that time, the NACC was soon to be dissolved and replaced by the National Aboriginal Conference (NAC), and, as a result, according to Maloney, it “proved to be impracticable for the present NACC to continue the present arrangement in light of this, and in the absence of financial support [from the government]” (Papers, articles and correspondence related to the Aboriginal Embassy 1971–1980, Item 5, “Letter to Jim Stanley from J. Maloney,” 14 September 1977).
In April 1979, a few months before the Embassy’s re-establishment, the National Aboriginal Conference (NAC) had announced that it would seek to negotiate a “treaty of commitment” with the Australian government (Brennan 1994: 58-59). The NAC was the elected Indigenous advisory body to the federal government, established by the Fraser Liberal government in 1977, replacing the National Aboriginal Consultative Committee (NACC) established by the Whitlam government in 1973. Around the same time, a group of prominent non-Indigenous Australians formed the Aboriginal Treaty Committee (ATC). The ATC was chaired by former Council on Aboriginal Affairs (CAA) chair H.C. “Nugget” Coombs, and it counted poet Judith Wright and anthropologists Charles Rowley and William Stanner among its members. A few months after the Embassy’s re-establishment, however, in November 1979, the NAC decided that it was abandoning the word “treaty” and replacing it with “makarrata,” a Yolngu word meaning, according to the NAC, “things are alright again after a conflict” (Hagan 1980: 2). The Embassy activists strongly criticised the NAC’s decision to abandon the word “treaty.” One of the most strident critics of the “makarrata” concept was Kevin Gilbert, who argued that any treaty between Indigenous people and the Commonwealth should be an international agreement and should have constitutional effect. In Gilbert’s view, a “makaratta” would only be a domestic instrument, which

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74 The ATC was formed in 1979 and was aimed at lobbying for a treaty between Indigenous people and the Commonwealth, at lobbying for the removal of law-making ability for Indigenous affairs from the state governments to make it an exclusive Commonwealth responsibility, and at providing a focus for White political support for the “Aboriginal cause” (Rowse 2001). In August 1979, the ATC placed an advertisement in the National Times calling for a treaty “within Australia, between Australians,” which was sponsored by over 80 prominent Australians, including Geoffrey Blainey, who would later become a staunch opponent of the idea of a treaty (Rowse 2000: 176). Between 1979 and 1983, the ATC’s campaign involved a publications program, most notably including the publication of the newsletter Aboriginal Treaty News and ATC member Stewart Harris’ book “It’s Coming Yet... An Aboriginal Treaty” (Harris 1979). The ATC also organised a series of public appearances and lectures by prominent ATC figures such as Coombs, supported a university-based research program, and encouraged activities in support of the ATC’s objectives in local communities (Rowse 2001). See also Rowse (2000: 174-192) and Wright (1985).

75 See also Anderson (n.d.), Jacobs (1981), NAC Subcommittee on the Makarrata (1981), and NAC Subcommittee on the Makarrata (n.d.).
could be easily amended or repealed subsequently (see, for example, Gilbert 1980: 5, 12-13; 1987: 22; 1993: 23-24).\textsuperscript{76}

The government of the day, however, welcomed the replacement of “treaty” with the concept of “makarrata”: then Aboriginal Affairs Minister Senator Fred Chaney described the NAC’s decision as a “welcome and responsible sign” (Direct Action, 26 March 1980: 18). He told the Senate that the word “treaty” had bothered the government “because of the implication that one is in some way talking about more than one Australia or more than one nation within Australia” (cited in Rowse 2000: 180). As the Tent Embassy activists pointed out, however, the original concept was “indeed to stress the point that Aborigines do represent a separate nationality” (Direct Action, 26 March 1980: 18). The government’s reaction thus raises two important points. First, the implication of Chaney’s description of the NAC decision to drop the concept of “treaty” as “responsible” is that those who chose to persist with the concept of treaty, such as the Embassy activists, were behaving irresponsibly. This can be seen as continuous with the discursive practice of constructing Indigenous sovereignty activists as delinquent that I described above, since it connotes the idea that to advocate the concept of treaty is somehow reckless, careless, or even negligent. Second, the government’s unease with the implication of “more than one Australia” or “more than one nation within Australia” is a manifestation of the “separatist anxiety” I described above. Chaney’s statement relies on a conceptualisation of the Australian nation as singular and monolithic (and White), and it invokes a self-confessed unease about this conceptualisation being disrupted or challenged by the notion that Indigenous people might have sovereignty or constitute nations. His statement is also clearly predicated on a view that the resolution to the outstanding grievances the treaty or “makarrata” was designed to address would be Indigenous peoples’ incorporation into the Australian nation.

\textsuperscript{76} Although “makarrata” thereafter became something of a buzzword, it should be noted that the NAC would later make clear that they saw the concept of “makarrata” as being closely analogous to the concept of “treaty”: in a paper to the third assembly of the World Council of Indigenous Peoples (WCIP) in Canberra in April 1981, the NAC said, “We the Aboriginal people plainly think of it as a treaty with the Aboriginal nation” (cited in Brennan 1994: 61).
The treaty debate continued into the early 1980s. In September 1981, the Australian Senate referred the treaty issue to its Standing Committee on Constitutional and Legal Affairs, which reported in 1983 (after there had been a change of government following the Bob Hawke-led Labor Party’s election victory in March of that year). In considering the legal and constitutional ramifications of the concepts of treaty, “compact,” and “makarrata,” the Committee’s Report, Two Hundred Years Later, contained a significant admission:

[i]t may be [that] a better and more honest appreciation of the facts relating to Aboriginal occupation at the time of settlement, and of the Eurocentric views taken by the occupying power, could lead to the conclusion that sovereignty inhered in the Aboriginal peoples at that time (Senate Standing Committee on Constitutional and Legal Affairs 1983: 50, my emphasis).

The report did not, however, go so far as to acknowledge that the sovereignty inhering in Indigenous people at the time of “settlement” translated to any form of continuing Indigenous sovereignty in the present day. Rather, the Committee concluded that sovereignty is not vested in Indigenous people in the present “except insofar as they share in the common sovereignty of all peoples of the Commonwealth of Australia” (Senate Standing Committee on Constitutional and Legal Affairs 1983: 50). In particular, the report was quite clear that Indigenous people “are not a sovereign entity under our present law, so that they can enter into a treaty with the Commonwealth” (Senate Standing Committee on Constitutional and Legal Affairs 1983: 50). Notwithstanding the acknowledgment that a “more honest” appreciation of the facts would lead to the conclusion that sovereignty inhered in the Aboriginal people prior to the arrival of the British in the 1770s, the idea that Indigenous people cannot be seen to have sovereign status according to “present law” pervades ensuing debates around the issue of a treaty, as I discuss in more detail below and in Chapter Four.

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77 Nevertheless, the Committee was of the view “that if it is recognised that sovereignty did inhere in the Aboriginal people in a way not comprehended by those who applied the terra nullius doctrine at the time of occupation and settlement then certain consequences flow which are proper to be dealt with in a compact between the descendants of those Aboriginal peoples and other Australians” (Senate Standing Committee on Constitutional and Legal Affairs 1983: 50).
Following the election of the Hawke government, however, public debate on national land rights legislation was revived.\textsuperscript{78} de Costa suggests that the focus on land rights from 1983 onward led to the issue of treaty/compact/makarrata gradually "being shelved" (2002: 40-41). Although the new government had committed itself to the passage of national land rights legislation (this commitment had been part of the ALP's federal policy platform since 1982), the intransigence of Hawke's state Labor colleagues, particularly West Australian Premier Brian Burke, meant that the goal of national land rights legislation was eventually abandoned in 1986 (Libby 1989: 152).\textsuperscript{79} As a result, the treaty issue re-emerged as a key political issue in the lead-up to the White Bicentenary celebrations planned for 1988, and with it came the Aboriginal Sovereign Treaty '88 Campaign.

\textbf{The Aboriginal Sovereign Treaty '88 Campaign}

The Aboriginal Sovereign Treaty '88 Campaign, spearheaded by Kevin Gilbert, was aimed at effecting a treaty between Aboriginal people and the Commonwealth government, which recognised Indigenous peoples' prior and continuing sovereignty, in order to "dispel the lie [of \textit{terra nullius}] and enable justice to be done" (Treaty '88 Campaign 1988b: 2). The Treaty '88 campaign is significant in three main ways: first, like its Tent Embassy antecedent, it can be read as an explicit challenge to dominant constructions of Australian nationhood and sovereignty. Second, it was framed in terms of the fundamental relationship between sovereignty and \textit{legitimacy}. And, third, White responses – which were largely to ignore it – demonstrate another important and distinctive element in the discursive repertoire of hegemonic Whiteness.

As the name suggests, the Aboriginal Sovereign Treaty '88 campaign was centred around the White celebrations planned for the 1988 Bicentenary of the British invasion of Australia. The campaign was aimed at highlighting the offensiveness to Indigenous people of celebrating 200 years of White "settlement": 1988 was effectively the 200-year anniversary of the myth that the Australian continent was \textit{terra nullius} before the

\textsuperscript{78} One of the reasons for this, Brennan suggests, was that the "better resourced land councils were more concerned with land rights" than with issues such as that of a treaty (1994: 63).

\textsuperscript{79} The prospect of national land rights legislation was also staunchly opposed by conservative interest groups such as the mining industry. For an in-depth discussion of the mining industry's influence on the national land rights legislation debate, see Libby (1989).
British arrived. The Bicentenary, according to Gilbert, was to be "a celebration of thieves, a celebration of people who have not only murdered us but distributed the spoils" (1987: 22). Hence, the Treaty '88 Campaign drew on author Xavier Herbert's famous description of Australia as "not a nation, but a community of thieves" as one of its slogans (Gilbert 1993: 25). By challenging both the idea of *terra nullius* itself and the fact that White Australia saw cause in it to celebrate, Treaty '88 can be read as an explicit challenge to the constructions of Australian nationhood upon which the Australian claim to sovereignty is based. In arguing for the negotiation of a treaty between Indigenous and non-Indigenous people by 1988, however, the Treaty '88 campaign can also be read as an attempt to tap into feelings of unease in some parts of the Australian community that the 1988 celebrations were somewhat empty as long as the relationship between Indigenous and non-Indigenous peoples remained unresolved. As Brennan (1994: 77) notes, in the lead-up to the Bicentenary celebrations, 26 January 1988 was seen as something of a "magical date" in public debate around the idea of a treaty.

The majority of the Treaty '88 campaign's activity took place in 1987 and 1988, as evidenced by the publication of pamphlets, advertisements, and other material. However, the origins of the Treaty '88 campaign can be traced back to at least May 1985, when a large meeting of Aboriginal people from all parts of Australia took place: Gilbert describes it as "one of the biggest gatherings of Blacks since the invasion" (1993: 25). The purpose of that meeting was to "decide policies and tactics, to clearly define our position on Land Rights" (Gilbert 1993: 25). The meeting included the NAC, who later relayed to the federal government on behalf of the Aboriginal people at the Alice Springs meeting the demand for recognition of their sovereign status, land rights, and their rights to compensation (Gilbert 1993: 25). The Hawke government dissolved the NAC later that year (Rowse 2000: 14). Although there were well-documented problems within the NAC at that time, such as with its processes of consultation (Rowse 2000: 13-14), Gilbert argued that the government's decision to actually

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81 The view of people such as H.C. Coombs, who was commissioned by the government to report on the problems within the NAC, was that the central problem was with the structure of the NAC and its place in the broader structure of government. In particular, Coombs saw
disband the NAC in 1985 was because the NAC "would not retreat from its sovereign position" (1993: 25).

With the Bicentenary celebrations drawing closer, the issue of treaty began to re-emerge on the national political agenda. It was in this context that the National Coalition of Aboriginal Organisations circulated a draft treaty written by Gilbert (Brennan 1994: 76). The draft treaty and Aboriginal Sovereign Position that accompanied it, both written in consultation with members of a group called the Sovereign Aboriginal Coalition in Alice Springs in 1987, formed the basis of the Treaty '88 campaign.

Gilbert's draft treaty and Sovereign Position asserted Indigenous peoples' original sovereignty – that is, the fact that sovereignty has always inhered in Aboriginal people and, by virtue of not recognising it, Australian sovereignty over the continent was illegally established. A treaty should therefore recognise both original and continuing sovereignty as well as rights (such as those to land) that result from Indigenous peoples' sovereign status in the present (Gilbert 1993: 26-27). Gilbert also argued that, at the time of the original invasion and in the present, Aboriginal people can be seen to have sovereignty according to the law of nations: they had and have complex systems of land tenure and established protocols for relations between different Aboriginal groups, which constitute recognition by other similarly constituted sovereigns. They also had and have complex and civilised systems of law and governance (Gilbert 1993: 30-31). Thus, Gilbert's definition of sovereignty and his assertion of it as inhering in Aboriginal people drew strongly on international law principles, although it did not conflate sovereignty with the state. Subsequently, Gilbert argued that any treaty between Indigenous and non-Indigenous peoples in Australia should be negotiated as an international agreement and should have constitutional effect (Gilbert 1993: 28). The importance of this was also the key reason for Gilbert's earlier opposition to a "makarrata" replacing a treaty: a treaty would carry with it the full force of international law (Treaty '88 Campaign 1988b: 1).

the "lack of articulation between national and local levels of indigenous instruments of self-determination" as the reason for its inability to effectively and adequately consult with Indigenous communities (Rowse 2000: 13-14).
Although Gilbert asserted that Indigenous people should be recognised as having sovereignty in the international sense, at the same time the draft treaty implied that the eventual outcome of a treaty could be some form of shared sovereignty. That is, although the Treaty '88 campaign was aimed at demonstrating that the Australian state's claim to sovereignty “is a fraudulent claim, illegal and completely untenable in International law” (Gilbert 1993: 6), Gilbert suggested that a properly negotiated treaty that recognised Indigenous peoples' originary and continuing sovereignty could provide a mechanism for legitimising Australia's claim to sovereignty (1987: 18, 1993: 37). That is, it would provide a way of resolving the legacy of the myth of terra nullius by creating the foundations “for Black/White relations in this land based on land, life, law, justice and peace” (Gilbert 1993: 26). This is significant because, as Chapter Two outlined, legitimacy is the basis of the normative framework on which the conceptualisation of sovereignty in this thesis is based. Gilbert's draft treaty therefore offered a means for resolving the competition between Indigenous peoples' and the Australian state's claims to legitimacy, which I described in Chapter Two. Given that the legitimacy of a sovereign authority is based on people's consent to being governed by that authority, Gilbert's draft treaty also provided the potential foundation for coming to terms with the moral issues that stem from the wrongful application of the doctrine of terra nullius to the continent now known as Australia.

However, despite the Treaty '88 campaign's promise of providing a path toward resolution of some outstanding issues that continued to plague the relationship between Indigenous and non-Indigenous peoples in Australia – highlighted by the Tent Embassy's intermittent existence in the Parliamentary Zone since 1972 – no specific response to the campaign was ever forthcoming from the Australian government. This was despite Prime Minister Bob Hawke's clear signal that he was willing to consider negotiating a treaty and his proposition that the first part of the negotiation process would be for Indigenous people to make suggestions to the

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82 This assertion is based on a search of major Australian newspapers between 1984 and 1989: although there was much discussion about the idea of a treaty at various points during this time, neither Gilbert's draft treaty nor the demands of the Treaty '88 campaign more generally were ever taken up by the government.
government about what the content of a treaty might be, as Chapter Four discusses. The government had, however, made clear that the issue of sovereignty was not on the agenda, even in the context of discussion about a treaty. For example, then Aboriginal Affairs Minister, Clyde Holding (who would remain Minister until 1987), told Parliament in late 1983 that he had

made it clear to Aboriginal people that neither the grant of land rights, nor recognition of Aboriginal prior occupation and ownership, in any way puts Australian sovereignty in question. ... Sovereignty is vested in the Crown and Parliaments, for a single people united in the Commonwealth. The people who are so united under the Crown are all Australians. These matters are not in question (cited in Brennan 1994: 68).

This statement neatly encapsulates the position on the issue of sovereignty that the Hawke government took for the next several years whenever the issues of treaty and land rights were discussed: for Hawke and his government, the question of sovereignty was not negotiable. It is for this reason, I argue, that the government never saw cause to respond to Gilbert’s draft treaty: by asserting Indigenous sovereignty, which did challenge or question Australian sovereignty, Gilbert’s draft treaty was outside the normative framework within which the government was prepared to deal.

There are several significant points here: first, the government’s failure to engage with Gilbert’s draft treaty suggests that the state is not prepared to engage in any negotiations or discussions unless it can set the parameters in which the discussion can take place, as some of the examples I have discussed earlier in this chapter also demonstrate. The government’s refusal to consider Gilbert’s draft treaty and its assertions of originary Indigenous sovereignty at all suggests that, at some level, there was anxiety about the legitimacy of Australian sovereignty being challenged or threatened. Thus, the Hawke government’s response (or lack thereof) to Gilbert’s draft treaty can be seen as a continuation of the “separatist” anxiety I have discussed several times above. In this instance, the government dealt with the anxiety by ignoring the source of the challenge or threat, effectively freezing it out of the discussion or debate.

At the same time, however, the fact that the government appeared not to perceive any need to respond to or engage with Gilbert’s draft treaty demonstrates the pervasiveness of hegemonic conceptualisations of sovereignty. Within these
conceptualisations, sovereignty can only inhere in the state, and, therefore, Indigenous people are not thought to have (or have had) sovereignty. Any assertions of Indigenous sovereignty such as that advocated by the Treaty '88 campaign therefore do not need to be taken seriously. This inability to see beyond White hegemonic conceptualisations of sovereignty illustrates the way that Whiteness is embedded in the institutions of the Australian state, as Moreton-Robinson argues (1998c: 11). It also reveals the strategies that the state has at its disposal to ensure that Whiteness, and White hegemonic conceptualisations of sovereignty, retain their privileged positions in the Australian polity. Thus, the government’s response to the Treaty '88 campaign demonstrates important continuities with the manifestations of hegemonic Whiteness that are discussed in this thesis. I return to the treaty debates in the 1980s in Chapter Four’s discussion of Prime Minister Hawke’s response to the Barunga Statement.

1992 and on: The Embassy’s permanent re-establishment

On 26 January 1992, the twentieth anniversary of the original Embassy’s establishment, the Aboriginal Tent Embassy was re-established on the site of the original Embassy, the lawns of what is now “Old” Parliament House, where it has remained since. Bill Craigie summed up the reasons for the Embassy's re-establishment as follows: “twenty years down the track we found we had to re-establish the embassy because Aboriginal Affairs was starting to stagnate back to the position prior to ‘72 ... We’re now asking the politicians to recognise us as a race of people and to recognise us as the sovereign owners of this country” (cited in Dow 2000). Since 1992, the Embassy has also established branches on Cockatoo Island in Sydney Harbour, in Sydney’s Victoria Park during the Sydney 2000 Olympics, and at Sandon Point, the site of a proposed development near Wollongong. This part of the chapter gives an overview of some of the developments in the life of the Embassy since its permanent re-establishment in 1992. In doing so, it shows the continuities in White responses to the Embassy’s existence and to its demands for the recognition of Indigenous sovereignty and rights to land over the course of the Embassy’s 30-year existence.
Battles over removal

Since its permanent re-establishment in 1992 and particularly since the Howard Liberal-National conservative coalition was elected to federal government in 1996, numerous attempts have been made to remove the Embassy from the parliamentary lawns. Here I briefly discuss some of these attempts and analyse how the discourses and discursive strategies that (attempt to) legitimate and justify them can be seen as being continuous with those discussed in earlier parts of the chapter.

One of the most strident critics of the Embassy, and consequently one of the keenest advocates of its removal, is Senator Ian McDonald, former Minister for Territories in the Howard Liberal-National Coalition government. During a 1995 parliamentary inquiry into the right to protest on parliamentary land, for example, McDonald suggested to Lowitja O'Donoghue, then Chairperson of ATSIC, that the Embassy was established because Aboriginal people had "no recognition, no voice, no means of getting justice across." The formation of ATSIC should therefore have alleviated this concern, McDonald argued, and with it the need for the Embassy (cited in Iveson 2000: 381). O'Donoghue rejected McDonald's logic, pointing out that not all Indigenous people wish to express their views, aspirations, and demands for recognition through the political channels endorsed by the state (Iveson 2000: 381). As O'Donoghue suggests, McDonald's comments reflect a view that Indigenous people should employ state-sponsored channels to pursue their demands for recognition. McDonald therefore presupposes the legitimacy of those structures. Further, his strong objection to the continuing presence of the Tent Embassy in the parliamentary zone also demonstrates an anxiety about challenges to White modes of control and White structures of governance. White politicians and governments tend not to want to deal with Indigenous peoples' views, aspirations, and demands unless they are made within a framework circumscribed by the state.

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83 The most recent of these was on 19 February 2003, when 70 police officers were involved in a pre-dawn raid on the Embassy, aimed at dismantling an "illegal" structure on the Embassy site. The police were acting at the request of the National Capital Authority (The Canberra Times, 20 February 2003: 1).
The Aboriginal Tent Embassy has also been vilified on the grounds of its appearance since its re-establishment in 1992. In 1994, in hearings before the Joint Standing Committee on the National Capital and External Territories, committee member Noel Crichton-Browne, a Western Australian Liberal party Senator, described the embassy as a "squalid slum that should be removed" (cited in Dow 2000). In April 1995, attempts to bring about the Embassy's removal were at least partly thwarted by the Tent Embassy being listed on the National Estate by the Australian Heritage Commission. This makes the Aboriginal Tent Embassy the only place recognised nationally for the political struggle of Aboriginal people (Australian Heritage Commission 2003). Although this was an important acknowledgment of the Embassy's significance in Indigenous peoples' struggles for recognition of their inherent rights in Australia, McDonald's response was predictably outraged: he described it as "incredible that a federal government agency could possibly do anything that might lead to the preserving of these ramshackle and illegal buildings" (The Courier-Mail, 4 October 1995: 3, my emphasis). Conservative politicians and commentators have often labelled the Embassy an "eyesore": for example, Daily Telegraph columnist Piers Akerman wrote in 1996 that

[i]t is surely high time the ludicrous shack labelled the Aboriginal Tent Embassy is removed. ... The ugly paint-daubed shanty is an affront to all those who appreciate the unique culture maintained by those Australians still living in the traditional fashion. The eyesore mocks the talents of traditional Aboriginal artists. ... The radical activists who believe the perpetuation of ugliness assists people of Aboriginal descent are sadly mistaken (Akerman 1996: 11).84

These examples demonstrate the discursive construction of the Embassy as "disorderly," which functions here to marginalise the Tent Embassy by constructing it as unruly, derelict, and disruptive. This discursive practice is also linked with the construction of the Embassy as delinquent, demonstrated by McDonald's description of the Embassy as both "ramshackle" and "illegal." Further, as the Akerman example demonstrates, it is also linked with discursive constructions of Indigenous authenticity and with the way that White discourses of Indigenous authenticity reinforce White hegemony. That is, the "ramshackleness" of the Embassy is positioned in opposition to

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the common construction of "true" or "authentic" Indigeneity as pristine and pure; the complaints of Embassy critics such as McDonald and Crichton-Browne can therefore be seen as underpinned by discursive constructions of inauthentic Indigeneity, which work to marginalise the Embassy protesters and justify arguments for their removal. Furthermore, the disorder of the Embassy is also positioned as the binary opposite of the orderliness, cleanliness, stability, and inherent superiority of White structures of governance. This serves the purpose of "uniting subjectivities in the universalisms which often function as truth within Western culture," described by Lattas (1997: 238): contradictions or inconsistencies in White modes of controlling Indigenous peoples are made invisible by their unitary opposition to the disorder of Indigenous alternatives. This is analogous to Marcia Langton's discussion of the stereotype of the "drunken Aborigine" (1997). Langton writes that the "iconoclastic image of Aboriginal men and women as 'drunks' serves a convenient purpose in the ideology of white Australia" (1997: 83), because it is often used to explain the disproportionately high arrest rates of Aboriginal people and to justify the continuing removal of Aboriginal children. In the same way, the discursive construction of Indigenous disorderliness is employed by advocates of the Tent Embassy's removal from the parliamentary lawns.

The discursive practice of constructing Indigenous protest as disorderly also underpins the government's apparent wish to see the Embassy replaced with a more circumscribed structure. For example, in the 1995 parliamentary inquiry discussed above, Senator McDonald suggested that the "sheds of the current embassy might be replaced with some kind of memorial sculpture" (Iveson 2000: 381). In January 1999, it was revealed by the media that the Commonwealth government had "quietly gazetted a trespass ordinance from 1932, in a move widely seen as part of a plan to forcibly remove the Embassy" (Iveson 2000: 379). This was the same piece of legislation used by the McMahon government to remove the Embassy almost three decades before. Although the government denied reports that it planned to remove the Embassy, Embassy activists, strongly opposed to the government's alleged plans, held a protest on the lawns directly in front of the new Parliament House. On instructions from the government, police quickly moved in and removed the protesters and the ceremonial fires they had constructed in the area, and protesters who resisted removal were arrested (The Age, 16 February 1999: 4). The Embassy protesters eventually moved
back to the original site facing old Parliament House (Iveson 2000: 379). Thus began months of rumours that the government was planning to have the Embassy removed and replaced by a government-funded cultural centre.

In May of the following year, the federal government formally announced its plans to establish a monument to reconciliation in the parliamentary zone (*The Sydney Morning Herald*, 23 May 2000: 2), and, just over two years later in July 2002, Prime Minister Howard unveiled “Reconciliation Place,” near to the site of the Embassy (*The Australian*, 23 July 2002: 4; *The Sydney Morning Herald*, 23 July 2002: 6). Although the establishment of “Reconciliation Place” has not resulted in the Embassy’s removal to date, speculation that this is the government’s intention has abounded ever since the plans for the reconciliation monument were first announced in May 2000. This speculation has been fuelled by government utterances to this effect. For example, in December 2000, Minister for Aboriginal and Torres Strait Islander Affairs and Reconciliation, Phillip Ruddock, was reported as saying that “people might see [Reconciliation Place] as something which subsumes their aspirations and they may pack up their tents and move” (*Canberra Times*, 7 December 2000: 2). The government has also refused on other occasions to guarantee that it would not close the Embassy (for example, *The Canberra Times*, 16 February 1999: 1). The government’s suggestion that the Embassy demands should be subsumed by Reconciliation Place reflects the more general view that Indigenous people should be incorporated into the Australian state. As I have argued elsewhere (Pratt, Elder, and Ellis 2002), statements by government members that the “eyesore” of the Embassy should be removed can be seen as reflecting an anxiety about the challenge to White structures of governance and control represented by the Embassy’s permanent presence on the parliamentary lawns.

**Trespassers on their own land?**

Since the Embassy’s permanent re-establishment in 1992, in addition to their very presence on the parliamentary lawns, Embassy activists have asserted Indigenous sovereignty and challenged the Australian state’s claim to sovereignty over Indigenous people in a number of ways. One of the consistent responses to these challenges has been to charge Embassy activists with trespassing on Commonwealth land. Here I briefly discuss examples of this and explore how the idea of “trespassing” as it has
been applied to the Embassy activists is similar to the discursive construction of them as "disorderly", and thus exemplifies some of the central themes of this thesis.\

For example, on 28 January 1992 - two days after the Embassy's permanent re-establishment - members of the re-established Embassy, including Paul Coe and Kevin Gilbert, presented the then Minister for Aboriginal and Torres Strait Islander Affairs, Robert Tickner, with a Declaration of Aboriginal Sovereignty. The Declaration stated that the Aboriginal Tent Embassy's "occupation of the site of the old Parliament building is evidence of our right to self-government and self-determination in our lands and territories" (cited in Gilbert 1993: 62). Following the presentation of the Declaration to Tickner, the Embassy activists were removed from old Parliament House, and four were arrested. (According to Dow (2000: 11), the activists deliberately provoked arrest so that their claims for sovereignty and land rights could be heard by the courts). The following week, on February 3 1992, Paul Coe and Charles Kilduff sought a stay of proceedings in the Canberra Magistrates Court so that the matter of the Aboriginal peoples' quest for ownership and sovereignty of the continent could be heard by the International Court of Justice. Their request was denied, and, instead, the four Embassy activists who had been arrested were found guilty of trespassing on Commonwealth property (Dow 2000).

Similarly, when Isabel Coe and other Embassy activists set up an Embassy on Cockatoo Island in Sydney Harbour in 2000, to "claim the land under sovereign Aboriginal law" (Coe cited in The Sydney Morning Herald, 23 December 2000: 4), they were ordered to leave by the NSW Supreme Court. The Court found that the Embassy activists were trespassing because the Commonwealth had title over Cockatoo Island: Supreme Court Justice Robert Hulme said in his judgment that, when Arthur Phillip "asserted control or sovereignty over an expanding area west of Sydney Cove, it is inconceivable that he made an exception of one or more islands in Sydney Harbour" (The Sydney Morning Herald, 23 December 2000: 4). In January 2002, Embassy protesters

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The way that assertions of Indigenous sovereignty are dealt with by the Australian judicial system is an issue I take up in more detail in Chapter Four, with reference to cases seeking the recognition of Indigenous sovereignty brought by Paul Coe and his sister Isabel before the High Court of Australia.
removed a Commonwealth coat of arms affixed to old Parliament House and took it into Aboriginal custody. Embassy activist Kevin Buzzacott explained that the "use of the kangaroo and the emu on the coat of arms was offensive to indigenous people, because they were sacred images" (Herald Sun, 28 January 2002) and should not have been taken for use without Aboriginal peoples' permission. In this case, the Embassy activists were charged with theft of Commonwealth property (AAP General News, "Two to face hearing over coat of arms theft", 6 February 2002). This incident also led to renewed calls from conservative parliamentarians for the Embassy's removal, and suggestions that such actions by the Embassy protesters would threaten the process of "reconciliation." Rex Jory wrote in the Adelaide Advertiser, for example, that the Embassy activists' suggestion that White people should seek permission to use symbols such as the emu and kangaroo was a "narrow and selfish demand which sets back the cause of reconciliation. ... It is hard to preach racial tolerance when those fighting for equality invent such an absurd demand" (Jory 2002: 18).

These examples illustrate three important points. First, charging the Embassy activists with trespass further demonstrates the discursive construction of Indigenous delinquency, in that it constructs the Embassy activists (and the demands for recognition that their "trespassing" was designed to make) as criminal. Second, the notion of trespass as it is applied to the Embassy activists in these examples exemplifies the relationship between Whiteness and dominant conceptualisations of sovereignty: the White state is imagined to have legitimate control over, and underlying title to, the entire continent (including, as the emu and kangaroo example demonstrates, its flora and fauna). This is despite the fact that the White state was established and continues to be maintained via what could be described as a 200-year process of trespass. That is, the idea of trespass demonstrates the way that power is ordered in Australia to reinforce hegemonic Whiteness and to elide questions about the legitimacy of the Australian state's claim to sovereignty on which White peoples'

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86 See, for example, The Courier-Mail (31 January 2002: 4).
87 Similarly, Terry Sweetman has asserted in the Courier-Mail that the Embassy's reclamation of the coat of arms offers "nothing but an insult to those of good intention and [invites] a backlash from others" (Sweetman 2002: 15). Andrew Bolt claimed in the Herald Sun that the Embassy activists "have once again proved to many Australians that reconciliation isn't a movement, but a giant ride" (Bolt 2002: 19).
ability to exercise power over Indigenous peoples is based. Third, the application of trespass laws demonstrates again the anxiety caused by challenges from Indigenous people to White modes of control and thus to White sovereignty. Nicoll argues that the "reclamation of the Emu and the Kangaroo from the [coat of arms] forced attention on aspects of the unresolved conflict between Indigenous and non-Indigenous forms of Governmentality that have both everyday and historical dimensions" (2002: para.43). As such, the Embassy activists' retrieval of the coat of arms from old Parliament House can be read as their "temporarily quarantining the emu and the kangaroo from their everyday appropriation by white sovereignty" (Nicoll 2002: para.44). The charging of the Embassy activists with trespass suggests that they were perceived as some sort of threat: prosecuting them can thus be read as an attempt to suppress activism that challenges the legitimacy of the state's authority.

Conclusions

Fiona Nicoll argues that "rather than being a symbolic 'performance' of Indigenous sovereignty," the Embassy is "creating a working model of it, producing an alternative vision of a country in which non-Indigenous people are reconciled with the cultural and environmental prerogatives of the first nations" (2002: para.40). As such, she suggests, the assertion of sovereignty that "the Embassy embodies presents a direct challenge to white Australians who dismiss Indigenous sovereignty claims as 'dangerous' or 'simplistic'" (Nicoll 2002: para.42). This chapter has shown how White Australians have responded to the challenge Nicoll identifies since the Aboriginal Tent Embassy first issued it with a beach umbrella and cardboard placard in the early hours of 26 January 1972. In documenting and analysing White responses to the Aboriginal Tent Embassy and its demands since 1972, this chapter has mapped out various responses that the Aboriginal Tent Embassy has elicited from White people and the ways that these responses can be read in terms of the relationship between Whiteness, nationhood, and sovereignty.

The chapter has shown how White responses to assertions of sovereignty can be read as expressions of anxiety about the way that assertions of Indigenous sovereignty challenge the established order. It has also begun to document the various strategies and tools that White people employ in dealing with their anxiety, such as the various
strategies of marginalisation. These strategies simultaneously function as tools for the re-assertion of the dominant White constructions of nationhood and sovereignty. These tools keep the established order intact and therefore function to preserve White power and privilege in Australia. The chapter has also demonstrated the many continuities among the strategies and tools employed by White people to dispel the perceived threats to White sovereignty and nationhood that the Embassy’s 30-year presence in Canberra’s parliamentary zone has evoked. It has demonstrated continuities across time and across the various institutions that comprise White Australia: government, the media, and the non-Indigenous “public sphere” more generally. It has also demonstrated continuities across the various points at which White people position themselves on the political spectrum.

In outlining some ways that various tools within the discursive repertoire of Whiteness reinforce White constructions of sovereignty and nationhood – and, in turn, White power and privilege – this Chapter also demonstrates the importance of interrogating and challenging these tools and discursive strategies. It highlights the importance of critiquing the understandings of sovereignty and nationhood that they inform. As Chapter Two explained, the discussion of Indigenous sovereignty in this thesis is based on an ethics that has as its aim the theorisation of the relinquishment of White power and privilege. This approach employs Nicoll’s idea of the “ethical yardstick of Indigenous sovereignty” as its analytical referent (2001a). This is the idea that White policies and practices should be evaluated against the acknowledgment and recognition of Indigenous sovereignty. Although this chapter demonstrates the failure, for the most part, of White Australia to be motivated by such an ethics, in doing so, it demonstrates why it is important to develop an ethics that privileges issues such as legitimacy in discussions about sovereignty.

Approaches to sovereignty that elide questions about legitimacy reinforce White power and privilege. In my ethical framework, Indigenous peoples’ assertions of their sovereignty can be viewed as attempts to begin a conversation about the unresolved issues of sovereignty and legitimacy that continue to pervade Indigenous-White relations in Australia. When White people and institutions respond to assertions of Indigenous sovereignty by dismissing, marginalising, making invisible, and/or
ignoring Indigenous peoples' demands for recognition, we miss important opportunities, and silence alternative articulations of the relationship between Indigenous and White peoples in Australia. Taking up these opportunities requires interrogating, challenging, and ultimately dismantling White power and privilege. The following chapter further demonstrates this theme by investigating in more detail the way that the relationship between Whiteness, sovereignty, and nationhood is manifested in the institutions of the Australian state.