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Politics without morality damages Australia

POLITICS

Andrew Hamilton



In a reflective article in the Fairfax Press, Shaun Carney [argued](#) that it is not helpful to expect that politicians will treat the arrival of asylum seekers as a moral issue. Their decisions almost always involve compromise and conflict between professed values and actions.

I would like to argue that, whatever of political practice, we should ask politicians to consider the morality of their policies, and that to divorce politics from morality damages Australia.

Carney argues that although the refugee issue has moral aspects, governments can never fully embody moral positions. Politics is about compromise, so that moral rhetoric betrays government action and only alienates its support base. Nor does moral reflection resolve the questions which the government must grapple: the conflict between the needs of Australians and those of refugees, the decision about how many refugees we can take, the encouragement that generous policies may give to people smugglers who will then put more people's lives at risk, and our relative responsibilities to asylum seekers from different nations.

Carney canvasses the idea that governments should be expected to treat refugee policy as 'just politics', so removing the moral dimension in the way that business people do when they speak of 'just business'. This would avoid the inevitable disillusion that attends politicians whose actions do not match their words.

In this account moral reflection appears to be identified with simply insisting on universal principles. I would argue that moral reflection extends beyond this to negotiating how moral principles apply to the circumstances of each policy and decision. I have argued [elsewhere](#) that the universal moral principle at issue in our response to asylum seekers is that we have a responsibility, as persons and nations, to respect the human dignity of those who make a claim on us, and to help them live with dignity insofar as that is reasonably possible for us. Political decisions then need to consider the moral and other dimensions of 'what is reasonably possible'.

In making these decisions we need to take into account the wealth and resources of Australia relative to other nations, the relative burden borne by Australia imposed by on-shore asylum seekers, the needs of the Australian population, the relative needs of those who make a claim on us, and so on. In this reflection, the human dignity of those affected by our policy and decisions must remain in the foreground. For that reason, Sri Lankan asylum seekers make a claim on us, just as much as Iraqi and Afghan refugees.

The political challenge is to carry through this moral calculus into practicable policy. This is already done in the process of refugee determination, which establishes criteria for judging which asylum seekers are to be accepted as refugees. In the past it was also enshrined in concerted actions by which governments combined to stem refugee flows. They promised resettlement to those found to be refugees, and assisted the nations from which they fled to accept others back safely and without discrimination.

The principal moral demand placed upon refugee policy is that it respect the dignity of asylum seekers at each point of their journey. This forbids abusing their dignity as an instrument of policy. Indefinite and mandatory detention, the regime of Temporary Protection Visas, and the conditions of the Pacific Solution all involved abusing the dignity of asylum seekers in order to deter others. The Indonesian solution appears to involve the same abuse.

I agree with Carney when he insists that there is more to politics than morality. Politics is also about persuasion, about judging what is timely, about priorities in making resources available. In the case of asylum seekers, governments need to communicate and promote a humane policy.

But no government can be expected to act in moral ways against the strong and continuing opposition of its people. To propose and defend a humane perspective is the responsibility of groups and individuals within the community. If we finish with a popular but brutal policy towards asylum seekers, we need to reflect on our own shortcomings as citizens and not simply blame the government.

Finally, I believe it would be disastrous if we became content that governments should practise 'politics as usual'. The trust that citizens have in governments is based on the assumption that they will generally act in humane and principled ways. The government will be a model litigant, will not discriminate against its opponents, and will act in accordance with law. If people abandon these ethical expectations it will diminish the trust citizens have in the government, and ultimately in each other.

In the case of immigration policy, it also corrupts the sensibility, and ultimately the grasp of reality, of those who preside over immoral policies. We have already seen the consequences for the economy of tolerating 'business as usual'. It would be a pity to prostitute government in the same way.

Jim Wallis next to Obama next to God

VIDEO

Peter Kirkwood

Next month one of Barack Obama's key advisors on religious and ethical issues, and a vocal supporter of the American president, will be in Australia as one of the keynote speakers at the [Parliament of the World's Religions](#) to be held in Melbourne from 3–9 December.

Since the early 1970s, Rev. Jim Wallis has been a prominent progressive Christian activist in the US, but throughout the Bush era, he was a voice in the wilderness. With the ascendancy of Obama he has been brought in from the cold.

Wallis is one of the founders of the [Sojourners](#) Christian community, which commenced in the early 1970s and gave rise to the famous magazine of the same name. The organisation is based in Washington DC. Wallis is its president and CEO, and editor-in-chief of its magazine and vast website.

During Obama's election campaign, Wallis was an advisor on religious issues, and he now sits on the President's Advisory Council on Faith-based Partnerships.

He's running hard at the moment to support Obama's healthcare reform legislation, the centrepiece of which is the provision of universal health insurance. Currently, more than 45 million poor Americans have no insurance and very limited access to healthcare. The reform is one of Obama's central election promises.

Wallis recently organised a conference call with Obama on the issue, and a staggering 140,000 people participated. He's taken part in a round of media interviews lobbying for reform — the video featured here shows him on CNN's *Face Off* debating Tony Perkins from the [Family Research Council](#), a conservative Christian think-tank also based in Washington. Sojourners has even partially funded a [TV commercial](#) promoting reform.

The key sticking points for conservative Christians are that the legislation may provide for government funded abortion and euthanasia, and that it compromises individual choice and freedom with regard to insurance and healthcare. Wallis is also opposed to abortion and euthanasia, but he argues that the central issue is that poor people in the world's richest country are suffering and not being cared for, and that this must be addressed.

Wallis' style and presentation are strikingly similar to Obama's. Both men are articulate, measured, reasoned, even avuncular, rather than combative and confrontational. Wallis and the Sojourners community, well known in America for their social engagement, would have been an inspiration for Obama earlier in his career as a Christian social activist. In their collaboration there has been a meeting of hearts and minds.

Obama was brought up in a non-religious household, but he embraced Christianity as a young adult when he was working as a community organiser in Chicago. As he expresses in his book, *The Audacity of Hope*, the black church he joined 'had to serve as the centre of the community's political, economic and social as well as spiritual life; it understood in an intimate way the biblical call to feed the hungry and clothe the naked and challenge powers and principalities. In the history of these struggles, I was able to see faith as more than just a comfort to the weary or a hedge against death; rather, it was an active, palpable agent in the world.'

This is identical to what motivates Wallis and the Sojourners community. According to its website, 'the biblical metaphor 'sojourners' identifies God's people as pilgrims — fully present in the world but committed to a different order'. The focus of its activities has always been peace and justice issues, and it explains its mission as articulating 'the biblical call to social justice, inspiring hope and building a movement to transform individuals, communities, the church, and the world'.

For those wanting to understand the deeper theology that's one of the forces driving current US government policy, Jim Wallis' speeches, writing and TV appearances, and the Sojourners' website, are good places to start.

Another 'certain maritime incident'

POLITICS

Tony Kevin

While many refugee rights advocates and legal commentators were busily taking up positions on who should take responsibility for two boatloads of asylum seekers marooned in boats in Indonesian ports on interrupted attempted journeys to Australia, along comes pure tragedy.

This week's refugee deaths on the high seas, to the west of the Cocos Islands, remind us of what this is really about: desperate people prepared to risk their lives in perilous efforts to escape persecution and hopelessness in their home countries, and to try to build a basis for new lives for their children. It is about the efforts of our fellow human beings to survive, not for themselves, but for those who come after them.

Of a reported 39 (presumably Tamil) people on board a small vessel that sank *en route* from Sri Lanka to Western Australia, 27 were rescued. Three bodies were retrieved or sighted, and nine are missing, presumed drowned. The dead or missing include three boys aged 13, 14 and 15. The search for survivors has now ended.

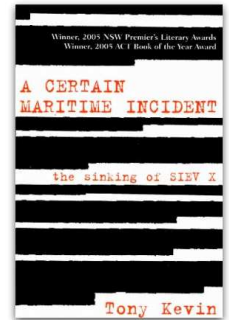
The sinking of this asylum-seeker boat again raises vexed questions about who is responsible for the safety of life at sea in cases of boats presumed to be carrying refugee applicants. Responsibility under the International Convention for the Safety of Life at Sea is unambiguous, and is not lessened even when the boats in distress are presumed to be asylum-seeker vessels.

In October 2001, Australian and Indonesian maritime safety and border protection authorities, to their mutual shame, played pass-the-parcel games with *SIEV X*, an overloaded and unsafe boat that departed from Sumatra and sank 30-odd hours later, in international waters but in Indonesia's search and rescue zone.

According to evidence tendered at the 2003 Senate Committee enquiry, neither country made serious attempts to locate or help the passengers who were clearly at risk; 353 people, mostly women and children, drowned. There are many unanswered questions. This huge tragedy continues to haunt Australians of conscience.

The latest tragic event is uncomplicated by issues of territorial seas, search and rescue zones, or responsibilities of those conducting border protection military operations. It happened in very remote international waters far to the west of Indonesia, to a boat on a direct ocean route to Australia, and in Australia's search and rescue zone.

The boat's distress call alerted nearby commercial shipping. Australia correctly sent out



RAAF *Orions* to help search for survivors. The survivors are now being taken to the processing centre at Christmas Island. It appears that Australia is doing the right things here.

There is no evidence of people smugglers being involved. Peter Costello [draws a long bow](#) in presuming that smugglers provided the boat. It could have been a cooperative venture, a boat owned and sailed by local Tamil mariners. I do not know what purpose Costello thinks he serves with this provocative red herring.

Once they have recovered from their trauma, the survivors will face the processing of their claims for refugee status. One hopes that what they have endured, in the loss of 12 of their fellow voyagers (possibly family members), will help generate a mercifully humane and speedy process.

In the separate continuing dramas of the two groups of people refusing to disembark from rescue or transfer vessels at Indonesian ports, there are many complications to be sorted though, and many conflicting views on what is the right thing to do. But most of all, I feel relief that these people were not abandoned to die at sea.

It seems that proper safety of life at sea procedures were followed in both cases. This is a vast improvement on the barbarism of the Howard years, and I give Kevin Rudd public credit for it.

All human life is equally sacred, and the moral and legal obligations on mariners to save other mariners in distress, whatever the cause, is one of the things that allows us to call ourselves a civilised nation. We must never lose sight of those obligations again, no matter what the pressure.

Moral test of a strained marriage

FILMS

Tim Kroenert

***The Box* (M). Running time: 115 minutes. Director: Richard Kelly. Starring: James Marsden, Cameron Diaz, Frank Langella**



I want it to be brilliant. Despite years of disappointment, I am optimistic. The memory of a certain smart, moody little sci-fi film of nearly a decade ago remains sturdy, though it has since been marred by repeated let-downs; a filmmaker's apparent promise all-but proven to be a fraud. Tonight, yet another chance to redeem himself.

The film is *The Box*, and its writer and director Richard Kelly was once one of the most promising American filmmakers of the noughties. His 2001 feature debut, *Donnie Darko*, was arguably the best US indie film of the decade. It is dark, funny and utterly intriguing. Its sublime ambiguity demands repeat viewing.

All but the most optimistic film buffs will say it was a wonderful fluke. Kelly's follow-ups were not so great. *Domino* (directed by Tony Scott from Kelly's script) was a vacuous mess; *Southland Tales* an epic, visionary failure. Kelly even marred his own masterpiece when he produced a charmless, dumbed-down 'director's cut' of *Donnie Darko*.

The Box is one more shot at reclaiming greatness, and, damn it, I want him to succeed. Surely *Southland Tales* has reminded him of the art of restraint, and *Donnie Darko: The Director's Cut*, that less is more.

On paper, *The Box* sounds like treasure. A married couple (Marsden and Diaz) is visited by a disfigured stranger (Langella), who presents them with a gift, and a proposition: the wooden box contains a button which, if pressed, will cause someone they do not know to die. They will never know who. In exchange, they will receive \$1 million.

The first half of the film lives up to the promise of this morally charged premise. It unfolds slowly and creakily, taught and creepy as an episode of *The Twilight Zone*, as the cash-strapped Norma and Arthur meditate upon this morbid choice, and mediate the internal battle between logic, their consciences and self-interest.

There are portents aplenty. Norma, a schoolteacher, is humiliated by one of her students in front of the class. Arthur is driving their babysitter home when her nose suddenly starts bleeding and she begins blurting prescient warnings of doom. What's it all got to do with the box? Who knows, but it sure is compelling.

So far, so good. This is chilling stuff. It's Kelly doing his best David Lynch impersonation,

by finding terror and wonder in the subtle and surreal. Better yet, it's Kelly recapturing the best elements of what made *Donnie Darko* so good. It's all about humour and atmosphere and psychological tension. Just brilliant.

It doesn't last. Something happens. It's sign-posted by a weird-cum-silly scene in a library, which culminates in a metaphysical moment that is less mind-blowing than mind-numbing. This will lose most viewers. In an attempt to get them back, the film then starts, well, explaining things. Interest and intrigue start to dissipate. Bugger.

When *The Box* comes to an end, I frown. Perplexed? A bit. But I was the first time I saw *Donnie Darko*, too, although back then I also felt moved to deep reflection, and eager to watch it over again. Now I feel cold. Maybe I just need time to digest it? I must really be an optimist: even now I'm not ready to abandon hope.

I bump into a fellow reviewer on my way out of the theatre. We exchange tentative glances. 'What did you think?' he asks.

I hesitate, sigh, then shrug — not a good sign. 'I really wanted to love it,' I reply.

He nods: 'Me too.'

The spider-web fisherman

EUREKA STREET/ READER'S FEAST AWARD

Arnold Zable

I feel such solidarity with all things, it does not matter where the individual begins and ends. So wrote Einstein when contemplating death. His words encapsulate the state of being needed if we are to confront the great challenges of our age: climate change, the global financial crisis, and mass movements of refugees seeking new lives.



These challenges are interrelated and entwined. If we do not nurture a sense of wonder at life's mysteries, if we do not develop a concern that goes beyond our individual life spans, there is little chance we will succeed. Without a long-term vision we will remain becalmed in the moment, governed by the imperative to live for the day, for my self, my immediate family, and to hell with the rest.

Can we afford to save the planet? Better to ask, do we have the understanding required to save the planet? As Einstein's words imply, this understanding has something to do with our sense of the natural world. We can call this means of knowing the world, ecological awareness, a term that reflects a way of life I observed on Kitava, in the Trobriand Islands.

The Trobriands, now known as the Kiriwina Islands, are an archipelago of coral atolls off the eastern coast of New Guinea. On the first of three journeys to the island of Kitava in the late 1970s, I made my way by boat from Milne Bay to the town of Losuia, on the main island of Kiriwina. I met the boatmen of Kitava in the township and trekked with them to the east coast, where the boats were waiting — two magnificent outrigger canoes beached on the sand, beneath a thatched shelter, their hulls intricately carved, their furled sails of pandanus leaf.

I was impatient to get moving, to sail the ten miles further east to Kitava, my intended destination. 'We cannot sail today,' one of the men replied. 'Wind is boss.' Two days went by with the same reply. 'Wind is boss.' By that time I had begun to succumb to the leisurely pace, the languid passing of time.

At dawn on the third day I was suddenly awoken from my stupor. The men were shouting, we are leaving. The wind is up. There is no time to lose. Their demeanour had changed dramatically. Their bodies were tense; their entire being was focused on their immediate task.

They dragged the canoes to the water, pushed them through the shallows, and steered them through a gauntlet of choppy waves. They did not relax until the sails were set and the boats moving over open seas. Yet they remained alert, attuned to the shifts of the wind, the movements of the currents.

During my third stay on Kitava I joined Toganiu, a villager I had come to know on previous

journeys. We met, as pre-arranged, early morning, on the shores of the island. He constructed what appeared like the frame of an elongated squash racket from bamboo. When the racket was done he moved into the forest in search of spider's webs. I later learned that he was after the *Nephila*, commonly called golden-orb weavers, a genus of spiders distinguished by their impressive webs.

When he came upon the metre-wide webs, Toganiu thrust the racquet into the hubs and twirled the sticky strands around the bamboo frames. When the racket was full, he rolled them off and divided them into wads, about six inches in length. He fashioned a kite out of pandanus leaf to which he attached a line baited with a wad of spider's web. He launched his small outrigger canoe from the beach while I watched from the shore.

It is hard enough to maintain balance on a small outrigger, let alone manoeuvre it while flying a kite in strong winds. Toganiu positioned the kite so that the wad of webs skimmed over the water. The web acts as a lure, an imitation of a flying fish. It entices garfish to leap and grab the lure in its sharp needle teeth. The kite is reeled in and the catch secured.

It was while contemplating this means of fishing, and the way of life I had observed on Kitava, that I realised an alternative intelligence was at work, an ecological awareness born out of the islanders' relationship to the environment, a means of survival in which the elements are keenly felt, the turn of the seasons on open display.

In a recent speech that questioned the foundations of economic growth in our times, former Czech president, Vaclav Havel suggested: 'The world is a huge mystery, we should approach it with humility.' Speaking to an audience of European Union bureaucrats, non-government activists, and industry lobbyists in Brussels, Havel argued: 'It is not good to think that growth is something that can go on forever.' He returned to an idea famously promoted by the Club of Rome in a 1972 report entitled 'The Limits to Growth External'.

The report, written in response to a global oil crisis, made a considerable impact. It was one of a number of reports that acknowledged the finite nature of earth's resources, and argued for a model of economic growth based on this awareness. The call for a radical change in attitude towards the planet and its resources has been around for quite a while. It intensified and developed greater urgency with mounting evidence of the impact of climate change. Its principles can also be applied to a global financial system, which is currently based on an economic model that relies upon infinite growth.

Despite the current crises the model remains dominant. While politicians bicker, and the public wavers in the face of the contrary views of climate change sceptics, action is put on the back burner. The challenges seem too immense, the trappings of modern life too alluring.

An alternative model based on sustainable growth and renewable energy requires a major shift in attitude, a change in consciousness. On Kitava I observed in miniature, a way of life based on a simpler model. I saw that such a state of being could be nurtured if we are more

directly exposed to the elements and the sources of survival, and more attuned to the fine balance between human activity and finite resources. We have much to learn from such cultures if we are to survive on this planet.

Ironically, Kitava is one of a growing number of islands that are facing inundation by rising waters due to the impacts of climate change. The dangers can be sensed when approaching the island by sea. Kitava first appears, from a distance, as a flat disc on the horizon. As the canoes draw nearer, the disc rises and raised coral cliffs topped by tropical rainforests take shape.

It is a homecoming to an island of plenty. The job is not complete until the canoes are dragged ashore and secured under their shelters. We climb up a track from the shore and make our way into the rainforest. We walk for several kilometres until we reach the clearing in which the village houses are neatly arranged. The welcome is complete.

Consider this vision of the future, in which the impact of climate change and the mass movement of peoples intersect: The waters are rising, the people are in trouble, and in the cities of distant lands the opinion makers are arguing. Some say the changes are man made, others deny it is happening. Others argue there is little we can do but accept the cycles of nature. For those on the islands it is simple. The land is sinking. The acreage for crops and gardens are diminishing. It is time to lay plans for the journey.

As the impact deepens it does not take much imagination to envisage vast armies of the displaced, wandering the seaways, fleeing across borders in search of new pastures. There will be fierce wars fought over lebensraum, driven by a tribal instinct for survival.

The nexus between climate change and the mass movement of refugee populations is already taking upon us. Most dramatically on Tuvalu, a small Pacific island nation made up of nine coral atolls. The UN's Intergovernmental Panel on Climate Change has projected a rise of up to one metre in the waters surrounding Tuvalu this century, due to melting glaciers and the thermal expansion of ocean. This represents a catastrophe for an island where much of the land is merely one metre above the high tide mark.

Already there are signs of climate change impacts. Land is being eroded on the cusps of the atolls, salt-water intrusion is adversely affecting drinking water and food production, and there are growing instances of lowland flooding. Islanders now talk of a need to find a place for their 11,000 potentially displaced inhabitants. New Zealand has been touted as a possible destination.

The stakes are higher in the Maldives, an archipelago in the Indian Ocean with a population of 311,000 living on 1196 tiny coral islands. Since taking office in November 2008, the country's newly elected president, Mohamed Nasheed, has spoken of plans to divert a portion of the country's billion-dollar annual tourist revenue into buying a new homeland as an insurance policy against climate change.

The plan is a response to UN forecasts that the seas are likely to rise by up to 59 cm by 2100, due to global warming. Many of the islands are barely two metres, or less, above sea level. Just a small rise in sea levels would inundate large parts of the archipelago.

The President has spoken of Sri Lanka and India as possible new homelands, because they have similar cultures, and of Australia, because of the amount of unoccupied land available. He has said: 'We do not want to leave the Maldives, but we also do not want to be climate refugees living in tents for decades.'

As I contemplate these figures, I return to just one figure, Toganiu, on the shores of Kitava. I see his lithe body as it moves so easily over rainforest paths. I see him balanced on a tiny outrigger, positioning his kite over the ocean. I see the star-filled night as I travelled with him and his fellow boatmen to neighbouring islands. The men travel light, unburdened by heavy baggage. All they require are the clothes they are wearing, and the pandanus leaf wallets with betel nut and cash to acquire what is necessary. I think of islanders throughout the Pacific farewelling their sinking homelands, seeking asylum, and forced to rely on the dictates of others.

There are no easy answers, but the way we educate our young is critical. It is their generation who are going to face the consequences. They will have to know how to live with finite resources. They will have to relearn how to move in the world, and come to know the fragile balance that underlies ecological systems. Havel has pointed out that while technological measures and regulations are important, 'equally important is support for education, ecological training and ethics — a consciousness of the commonality of all living beings and an emphasis on shared responsibility'.

Yet we have nothing to offer the young if our generation does not feel obliged to look beyond the immediate future. That, in turn, will require a sense of life's fragility and mystery. The people of Kitava know it through their daily encounters with nature. Einstein acquired it through decades of contemplating life's deepest mysteries. His scientific explorations deepened his sense of reverence. In turn, he developed a vision that extended far beyond his individual self, a sense of solidarity with all things.

Why Australia needs the Vatican

POLITICS

John Warhurst



Paul Kelly, in his new book, *The March of Patriots*, tells a version of a well-known story. It is John Howard's instruction in 2003 to his then Minister for Education, Brendan Nelson, a Catholic: 'Don't create any problems for us with the Catholic schools'.

Howard left Nelson in no doubt that he didn't want him aggravating that sector. He wanted a good harvest of Catholic votes.

Don't Get the Catholics Off Side is a theme to keep in mind when considering the politics surrounding Tim Fischer, former Deputy Prime Minister and National Party leader under Howard, in his current new role in the Vatican, known as the Holy See in diplomatic parlance.

Despite his political background on the conservative side of politics (or perhaps because of it, if he is seen as a political turn-coat), Fischer's appointment as the first Australian appointed solely as Ambassador to the Holy See continues to be viewed with skepticism in parts of Canberra. It still generates vocal Opposition criticism.

For some, including his former colleagues, Fischer, a prominent Catholic, has been bought off by Kevin Rudd with a non- or half-job in order to suck up to the Catholic community. It is seen not just as a thank-you to Fischer for bipartisan services rendered at the 2020 Summit and elsewhere, but also as a ploy to help deliver the Catholic vote.

South Australian Liberal Senator Alan Ferguson has used Senate estimates to criticise Fischer's role. Ferguson doubted in no uncertain terms whether there was anything useful to do at the Vatican, a state he described as one you could walk around in a good morning. Furthermore, he argued that the Vatican has no parliament or government as we normally understand it — how, therefore, can Fischer find enough to keep himself occupied?

Department of Foreign Affairs and Trade officials explained that Fischer's recent work included discussions on security, food shortages and climate change.

These criticisms by Ferguson show a great deal of ignorance. The Vatican may have no parliament but it certainly has an extensive bureaucracy. Cardinals act as ministers presiding over expert staff. The Australian Ambassador to the Vatican is responsible not just for interrogating a few acres in Rome, but for ensuring an Australian entrance into a huge global church.

Fischer's defence of his position and his outline of the intelligence networks available only in the Vatican, which I heard first hand recently as part of a delegation organised by Catholic

Social Services Australia, sound credible.

Fischer spoke of the Vatican as a hub of power and information. He stressed its strengths in assisting Australian entr e to Central and Latin America. When Rudd visited the Vatican Fischer was able to coordinate a meeting with religious leaders, including 11 Australians based in the Vatican as heads of their respective religious orders.

Whether or not the Opposition criticisms are well-founded, the question remains whether Ferguson and company in the Senate are forgetting Howard's dictum. There are political risks, and very few obvious benefits, involved in waking a sleeping giant. Rudd certainly lives by Howard's advice.

One can only wonder whether Malcolm Turnbull agrees with the tactics of his senators in attacking Fischer, questioning the legitimacy of the Australian position in the Holy See, and ultimately perhaps disturbing the sensitivity of some Australian Catholics who see their team under fire.

One also wonders what Cardinal George Pell thinks of all this criticism, as he certainly takes the Vatican seriously and knows its bureaucracies very well. Far from being affronted he may even think that he himself, rather than Fischer, should be Rudd's main intermediary between Australia and the Vatican.

Like Howard before him Rudd certainly wants to keep Catholics on side. It is not clear whether criticising Fischer and the Vatican job will damage Opposition relations with the Catholic community, but the possibility is certainly worth Turnbull's attention.

Hot body

POETRY

Various

'Half-awake at 5 a.m....!'

Half-awake at 5 a.m. —

listening

to the intermittent conversations
of a softly spoken rain.

— *Thom Sullivan*

Manners:

He leers at me with every turn
of his head.

Had I his manners, I'd cut him
dead.

— *Marisa Wikramanayake*

Bits and pieces

The sun is a hot body
It warmly makes love to me
The soldier outside the academy winks at me
As I soldier on

— *Isabella Fels*

clouded haiku

today's clouded sky

is a gauze bandage
to heal this infection
— *Tim Heffernan*

Kottis Ottily

the great hero
they named it after
the branch library
superb with the lame
till our face falls off
— *Christopher Mulrooney*

My Life in a Rhyming Couplet

Rejection, fear and loneliness, pursued me in my prime,
My pain was transferred to a pen, thus began my life of rhyme.
— *Damian Balassone*

Poem

On a college notice-board a sign:
The swans play jazz when you are not looking.
— *Gwynith Young*

ever after

this once upon a time rain,
spattering louvres,
calling up hours musty and

troubled, a dog-eared fable
propping afternoon,
ink running *ever after*
— *Kevin Gillam*

parrot

the green parrot
in the red bottlebrush
along a side street
where the railway line
curves towards the city
we cling to this edge
& wait for the train
in uniforms of weary transfer
remembering the green parrot
in the red bottlebrush
— *Rory Harris*

Two Tanka

my Lord, my peace
I long for you—
in these familiar places
in all the absent faces
I look for you
driving through
deeply shaded avenues
pockets of truth

shadow-hidden between
bright shards of sunlight
— *Julie Thorndyke*

Boobs, booze and Muslim feminists

SPORT

Ellena Savage

We all know this image: A young, orange-tinted woman, dressed in a pale satin ribbon, teeters drunkenly in soaring heels. She is eating chips, smearing the sauce on her knuckles, and is occasionally yelling obscenities at her boyfriend. We laugh at her, but forgive her, because, well, it's been a long day of drinking at the races. Her boyfriend is just as drunk, and is urinating at a tram stop. But for some reason we don't really notice him.



Although her behaviour indicates she'd rather be wearing thongs and jeans, she feels compelled to dress like a sexual Christmas tree for the Spring Carnival. This compulsion probably has a number of roots, one being an earnest desire to be desired. Another more cynical reason is that her desire to be desired on the terms of the depth of her cleavage is nominated by the designs of the men in her society, and upheld by the women.

Weeks ago, some friends were coming to pick me up to take me to the Muslim festival of Eid in Broadmeadows. One called to remind me to wear something loose and modest. I rifled through my wardrobe, and realised how difficult it is for me to dress modestly, actually modestly, without looking like a loaf of bread. I settled on a long floral dress from the late '60s, which once belonged to my Aunty, and waited in my living room.

To its credit, the Spring Carnival is an excuse for everyone to dress and behave like a celebrity (regardless of what indiscretions this might entail). Everyone gets dressed up, then they get drunk and fall over. This in itself isn't wrong. There are always a few amazing outfits, and a good many awful ones. And some that inspire disgust.

For me, the disgust is not that of a woman's body dressed in a tasteless outfit. What's disgusting is that even in this day, a woman's success, and in many cases her only public interest, is determined by the vulgarity of her outfit, and the social position of her male partner.

Even other women who are not dressed quite so tastelessly are essentially present to facilitate their men; to consolidate their success not only in business and wealth, but also in acquiring attractive female possessions.

In this context, women are not celebrated, but objectified. Australian sporting events are celebrations of boobs and booze. They overlook the important aspects of sport like family, community, and honest achievements.

Being publicly visible is very important for Western women. The liberty for women to bare all has developed alongside a firm set of principles of equity, political and social freedoms.

But if you take the public visibility out of its context, and simply line up scantily clad women and (literally) quantify their worth out of 10 (those ranking a 10/10 are inevitably long, angular and golden), then the women possess very little real worth. Or, their worth is limited to a world where masculine men drink, brag and play footy, and feminine women do nothing much except hold their men's hands and forgive their indiscretions.

While fashionable women strut in the arms of wealthy men at sporting events, Muslim Australian women and their families celebrate their festivals in a very different manner. Even the women who are otherwise secular Muslims dress appropriately for the celebrations: long gowns and layered scarves of hues dependent on their cultural origin (rich and floral from West Africa, dark and sombre from Saudi). Those who resist covering their heads nonetheless observe an austere fashion for a religious festival.

To some other Australian women, the fashion might seem outdated. There is a compelling argument that the hijab, or headscarf, is a symbol of female oppression. Arguments levelled against covered women are that, whether or not they are aware of it, they are submitting to the unreasonable demands of male family members and stronger patriarchal social structures. It is also argued that covering the body is denying its existence, that it privatises women's experiences, or that it is for keeping the body virtuous for her sexist husband.

Sadly, this might be true for many women. However, these arguments can only be levelled from a Western liberal feminism that embraced the body and that must now face a grim reality of a cult of self-loathing and deception built around the body as commerce.

Feminist or not, enforced or chosen, traditional and modest fashion gives a sense of coherence to the Muslim-Australian community. The loose and elegant traditional and modern outfits worn by Muslim women assert that their worth not be determined by the depth of their cleavage, but by other measures.

These two opposing modes of dressing, one exhibitionist, one prohibitionist, both inevitably result from men's expectations of women. On one side of the world, it seems, men want to undress their women, and on the other, they want to cover them up.

In the Western undressing of women, there is an element of sexual design. The most desirable kind of woman in the Western popular media is sexual and available. The alternative, to hide the body altogether, is based upon avoiding design, or leaving it in the hands of the community.

At the Muslim festival, modestly dressed young women and men eat and chat, dance and spend money, as they would at any other festival. Young smokers hide from their relatives who could be anywhere, and flirting is kept subtle. While it might be a religious festival, it's obvious that it's more about community and the Arab tradition of hospitality and celebration than dogma or compulsion.

There's no booze, and no visible boobs, but everywhere, there is pastry. Modestly dressed, loudmouthed women eating pastry.

Are they feminists? Many are not. But that does not preclude the hijab, or alternative fashions from subverting patriarchy in some contexts.

It might do us well to consider what celebrations are really about. There's nothing wrong with booze or boobs, but are they meaningful enough to warrant celebration?

'Indonesia solution' is immoral

EDITORIAL

Andrew Hamilton



The circumstances in which the Sri Lankan asylum seekers have found themselves in an Australian ship off the coast of Indonesia are dramatic. And the arguments about the legality of the steps by which they have found themselves there are complex.

But this incident is part of a clear policy to prevent asylum seekers from arriving by boat in Australian waters, and to transfer responsibility for housing them, adjudicating their claims and ensuring protection for those found to be refugees, from Australia to Indonesia, in concert with the United Nations High Commissioner for Refugees.

Given the stridency of the arguments about the issue, it may be helpful to review the moral claims that asylum seekers in boats make on Australia, and the morality of attempting to prevent them from making those claims by transferring responsibility for them to Indonesia.

The core of the argument that we have moral obligations to asylum seekers lies in the responsibility we all have to one another by virtue of our shared humanity. When people come to us in need, they make a claim on us. Where their lives and safety are at risk, we are responsible for helping them insofar as is reasonable.

The difficult moral questions arise in assessing honestly what is reasonable. The obligation we have to try to save the life of a child who has fallen into a river, for example, will be affected by the fact that we cannot swim.

The responsibility to help those in need of protection also falls on us as a society and nation. It is acknowledged in our incorporation of the United Nations Convention on the Status of Refugees and Protocol into our domestic legislation. The UN also provides a framework for sharing the burdens of protecting asylum seekers. Australia, as a wealthy nation with considerable resources, helps by processing and accepting off-shore some refugees from nations where they face danger on return. These have recently included Myanmar, Sudan and Afghanistan.

The Convention also provides ethical ways of responding to people who make claims for protection on-shore. It allows for processes to discern those with strong claims for protection from those whose claims are weak.

Not all people in urgent need are covered by the grounds set out in the Convention, a fact that is recognised in forthcoming Australian legislation on complementary protection. But the Convention and the prospective legislation recognise that morally the reception of asylum

seekers is to be judged primarily by the human reality of those who seek asylum, and not by the will or convenience of those on whom they make a claim.

The political challenge posed by asylum seekers who come to Australia by boat is not that they are not refugees, but that most are refugees. Even by the unsatisfactory processes of adjudicating claims on Nauru and on Christmas Island, the majority of claims for protection have been upheld.

So the only valid ethical grounds on which Australia could refuse to accept for adjudication claims made by boat people for asylum are that they would impose an unreasonable and disproportionate burden on Australia.

This case is difficult to make when we compare the number of asylum seekers making claims on Australia with those who are received in other nations, and the relative resources of these nations. It is also hard to sustain when we compare the numbers of those arriving by boat with the number of immigrants and of visa overstayers that Australia tolerates each year.

It's even more difficult to argue that Australia is entitled to transfer its responsibilities to Indonesia. The transfer does not guarantee effective protection to refugees, and Indonesia is less well resourced to provide protection, both financially and culturally, than Australia. Together these mean that asylum seekers held there will face a long and dehumanising period of detention, beset by fear, insecurity, and inability to live fruitfully.

The asylum seekers will not enjoy effective protection in Indonesia, which is not a signatory to the UN Convention and is unlikely to embody it into its domestic law. Without that measure, those found by the UN to be refugees have no guarantee that they will not be returned to persecution in the nations from which they fled.

Nor will an agreement with Australia promise resettlement outside Indonesia. On the evidence of those detained in Nauru, other nations will see it as Australia's responsibility to protect asylum seekers held in Indonesia at Australia's instigation.

It can be expected then that Australian policy will ensure asylum seekers found to be refugees will wait long in Indonesian detention centres under harsh conditions. Their future will be precarious, with no prospect of returning safely to their own countries, little possibility of resettlement and almost no opportunity to begin a new life in Indonesia. The human damage done by long detention is well documented. It damages human beings in ways that last long after they have been detained.

One argument put tenaciously by the previous Australian government, and still retailed, was that treating asylum seekers arriving by boat punitively was necessary to curb their exploitation by people smugglers and the dangers they would face at sea. Like the argument for deterrence by indefinite detention, this argument effectively involves abusing the human dignity of people in need in order to deter others.

Unless the Government establishes effective ways in which desperate people can find protection in Australia without the need for using people smugglers and accepting the risks involved, the argument is cant. It would also have told against accepting Jewish refugees from Nazi occupied lands and Indochinese refugees after 1975.

The moral argument must begin with the humanity of the asylum seekers and their need, with consideration of what demands are reasonably made on Australia. By these standards the Indonesian solution is morally unjustifiable.

Getting the balance right on border protection

HUMAN RIGHTS

Kerry Murphy

One of the key issues in the debate about asylum seekers is the balance between sovereignty and human rights. This question is not about whether asylum seekers should be allowed to make claims, but about what restrictions should be made on those who arrive without a visa, and whether boats should be interdicted and applications processed outside Australian jurisdiction. The issues are clear for advocates, but for politicians it is harder to find the balance.



Kevin Rudd talks of being 'tough on border protection' and 'humane for asylum seekers'. The Opposition calls any boat arriving a 'failure in policy' without stating what they would do differently. The Howard Government policy was temporary protection visas (TPV), excision, interdiction and processing in Nauru and PNG for those arriving by boat. Despite hints at returning to some of this, the Opposition is struggling to present a serious policy alternative.

The TPVs were shown to have serious harsh effects such as forced separation from spouse and children for years at a time, without the option of even visiting them in a third country and subsequently returning to Australia. This went against not only the UNHCR's policy of family reunion, but also the ICCPR and Convention on the Rights of the Child. Processing in Nauru was done outside the Migration Act, and the processing times were very long.

Some reforms were made of the old system by the Howard Government. These started in 2004 and 2005 after other serious flaws in the Migration portfolio were highlighted by the detention of Cornelia Rau and the forced removal of Australian citizens like Vivian Alvarez. Later the Ombudsman reported on over 200 cases of unlawful detention, some of Australian citizens. The 'tough' policy had clearly gone too far.

Processing of protection cases was sped up to 90 days, unless applicants were waiting for security checks. This did not apply to those 'excised cases', but did speed up a process that had for too long been bogged down.

The abolition of the TPV was necessary as it caused serious trauma for those caught up in it. Some waited seven or more years to get their permanent residence. The cruel policy of the separation of families under TPVs probably caused significantly more women and children to arrive in boats in 2001. To put your family at risk in a boat was the only way to achieve a family reunion.

Excising of territory remains. It is one area where advocates for asylum seekers remain critical of current policy. Excision creates a fiction. If a boat arrives and is taken to Christmas

Island, all detainees become 'offshore entry persons' by landing on 'excised territory' after the 'excision time'. They are then processed in a system not regulated by the Act, but by Ministerial discretion.

The use of language also influences the debate. Rudd referred to 'illegal immigrants', but this term is unknown to Migration Law. A person in Australia without Australian citizenship is described in the Migration Act as either an 'unlawful non citizen' (no visa) or a 'lawful non-citizen' (with a visa). 'Illegal' has a number of adverse connotations that do not move the debate forward, but to the fringes.

The UN Convention on Refugees provides that a country should not punish a person for arriving without a visa. This is because most refugee movements are uncontrolled and done without a visa.

The Opposition has been more careful in this respect, but has promoted the idea of a refugee 'queue'. This myth has been around for many years, and was created to try to give order to a process that is by nature disorderly. Refugee resettlement is not like waiting for the bus. Refugees are fleeing persecution, not bad coffee. The factors that force people to leave can arise quickly but can also remain threatening for years.

The Opposition claims the Government has become 'soft' on border protection. The fact is that when the enforcement of a law shows the law to be too harsh, reform is needed. Even the former government realised this when in 2004 it made changes to the TPV in order to give these refugees the chance to apply for other visas instead of simply waiting for permanent protection.

Both the Government and Opposition have tried to out-vilify the other on 'people smugglers'. But it is only in the last decade that the actions of those who organise the trips have been criminalised. We did not hear of prosecutions of organisers of the Vietnamese boat people in the 1970s and 1980s.

The focus on 'people smugglers' diverts attention to a particular group, but risks tarnishing the reputations of refugees by association. The activity may be criminal but if your life and your family are saved by getting help from a 'smuggler' you see it differently.

The psychological effect of fear and of the process are difficult to understand without experiencing them. For some, the experience or fear of persecution will remain with them forever. Providing temporary and uncertain futures only adds to the strain, and reduces the ability of people to contribute to and be part of their new country.

In the political balance between 'border control' and 'human rights' sometimes we forget we are dealing with people. Treating people with dignity ought to be an overriding concern in this debate.

Bosnian war criminal's strategic repentance

POLITICS

Binoy Kampmark



'I ask my brothers, Croats, to forgive us, their Brother Serbs, and I pray for the Serb people to turn to the future ...' – DraÅ¾en Erdemovic, 24 January 2004

The only woman convicted by the International Criminal Tribunal for the Former Yugoslavia has returned to Serbia. Biljana PlavÅ¡ić, former Bosnian Serb President (1996–8), had spent two thirds of her 11-year sentence in a Swedish prison after being convicted for a single count of crimes against humanity.

As with so many things with the administration of justice, her guilty plea formed part of a bargain, another sign that guilt and punishments are often matters of tactics and basic arithmetic. Charges such as genocide were dropped. She agreed to testify against some of her colleagues, excepting Slobodan MiloÅ¡ević.

On sentencing, her speech suggested a change of heart. The pro-nationalist victimiser and ideologue had turned into a mourning figure of repentance. 'The knowledge that I am responsible for such human suffering and for soiling the character of my people will always be with me,' she said.

She also insisted, in her 2005 book *I Testify*, that Radovan KaradÅ¾ić, himself awaiting trial, and Ratko Mladic, surrender to the UN court. Her argument about Mladic was simple: render unto Caesar the things which are Caesar's. Being a 'great' soldier, it was fitting he now sacrifice himself before the people at The Hague.

Her comments for KaradÅ¾ić were less charitable. 'Nothing surprises me ... he is a man who was never willing to make sacrifices.'

The victims of that particularly savage war will not be so gracious. Their understanding of Swedish penal law and leniency, or how PlavÅ¡ić passed her time in prison baking at leisure, will be beside the point. Memories of slaughter tend to be elephantine, especially in the Balkans. 'PlavÅ¡ić is a disgrace and her release is a disgrace,' claimed an indignant Hajra Mulic, who lost her son at the Srebrenica massacre in 1995.

The former Bosnian Muslim president [joined](#) the chorus, complaining about the scarcity of justice in the system. Chairman of the Bosnian Presidency, Å½eljko KomÅ¡ić cancelled his visit to Sweden on Tuesday in protest.

The politics of releasing high profile criminals, notably political ones, offers societies chances to reflect and move on. The President of the Hague Tribunal, Judge Patrick Robinson,

had [noted](#) ‘substantial evidence of rehabilitation’. The Tribunal’s first trial — that of DraÅ¾en Erdemovic, who had killed dozens of Bosnian Muslims at Srebrenica — witnessed a shattering confession of crimes that could not be undone. He had been asked not to testify by Milan Babic, leader of the Krajina Serbs. He refused.

Babic himself was eventually moved to repentance. As he [told](#) the Tribunal on in January 2004, ‘I can only hope that by expressing the truth, by admitting to my guilt and expressing remorse, [I] can serve as an example to those who still mistakenly believe that such inhumane acts can ever be justified.’

When handled poorly, such cases merely incite anger and the desire for more retribution. KomÅ¡ic is not one of those who would have liked mercy to be shown to PlavÅ¡ic. ‘That kind of mercy’, he [said](#), ‘shown to a person who as a Bosnian Serb war leader committed the worst crimes against humanity and participated in planning, creating and implementing the destruction of Muslims, Croats and other non-Serbs in Bosnia, would be a great mistake.’

Might she become a figure of Serbian pro-nationalist sentiment, despite her guilty confessions at sentencing in 2003? Will she herself be safe? No one knows. Serbia’s current interests, focused on European integration, will be directed away from this incident. The days of slaughter are now replaced by commercial dictates and institutional debates. The less said about such releases, the better.

This approach would be a mistake, a far cry from various moving statements of contrition, which, even if made by those whose hearts were in the dark house, are essential to the healing of a nation.

'Communist' Bishop's prophetic vision

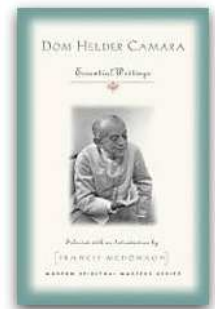
BOOKS

John Battle

**Francis McDonagh (ed.): *Dom Helder Camara: Essential Writings*. [Orbis Books](#), 2009.
ISBN: 9781570758232**

Real 'prophets' don't predict the future; they read the complex signs of the times that spell out how people, structures and systems generate poverty and lock out the poor, denying their status and dignity as brothers and sisters in Christ.

The late Brazilian Archbishop of Recife, Dom Helder Camara (1909—1999) was one of the great prophets of the 20th century. Living through an era of military dictatorship, he championed the poor of Brazil and the rest of the world, and influenced the Second Vatican Council, subsequent gatherings of Latin American Bishops, and even the latest papal encyclical, *Caritas in Veritate*.



More a pastor marked by a deep spirituality than an academic theologian, he left behind reflections, prayers and writings, chosen and collated by Francis McDonagh in *Dom Helder Camara: Essential Writings*. In true prophetic voice, Dom Helder's words remain as relevant to today's world as they were to the time in which they were written.

What is remarkable about this latest addition to the Modern Spiritual Masters series is just how contemporary its analysis of reality — especially of poverty — feels today, in a world of rapid transition in which globalisation, economic integration, and the gap between rich and poor have intensified with our communications.

Despite the differences between the economic and social climates of the present day and the time of writing, Dom Helder's insights into causes and structures can still speak to the financial crisis and challenge us to address the issue of basic justice for the poor on an international level.

McDonagh presents a brilliantly compact account of Dom Helder's life. He traces Dom Helder's early ministry, which was devoted to improving Catholic education by preaching, lecturing and organising Catholic action.

In setting the scene of Brazilian politics in the 1930s and 1940s, McDonagh gives a taste of the detailed history of the Church's role in making tackling poverty a priority. Reading his introduction, 'Dom Helder in context', left me eager to read more of McDonagh's knowledge of the Church in 20th century Latin America — is there scope for a book on the history of the 'preferential option for the poor'?

Here, however, the focus is on Dom Helder's writings, in particular *The Church and Colonialism* (1969), *The Desert is Fertile* (1974) and *Through the Gospel with Dom Helder Camara* (1986), with carefully chosen selections from each annotated and organised into four key themes: 'A Church of Service and Poverty'; 'From Paternalism to Liberation'; 'Walking with God'; and 'The Unity of Creation'.

Each brief passage is titled, allowing this book to be used as a meditation manual for anyone doubting the direction of the Church post-Vatican II. *Dom Helder Camara: Essential Writings* is a book to keep close by, to read regularly and prayerfully, clarifying the signs of our times and helping us to remain faithful.

Time to start worrying about fish

ENVIRONMENT

Sarah Burnside



As Peter Singer and Jim Mason noted in their 2006 book *The Ethics of What We Eat*, even conscientious omnivores can find it difficult to concern themselves with animals who occupy remote underwater places and are, on the whole, decidedly not cute.

In the Australian context, fishing and aquaculture are the nation's fifth most valuable rural industry. The website for the Department for Agriculture, Fisheries and Forestry [notes cautiously](#): 'The challenge is to develop the industry while ensuring the sustainability of Australia's marine ecosystem.'

There is a growing awareness that the scale of the global fishing industry is unsustainable. Fishing is second only to climate change as the greatest environmental threat to marine ecosystems.

The excesses of the fishing industry — a product of the focus on short-term financial gain over long-term sustainability — have [dramatically depleted](#) the ocean's supply of fish. Impacts on ordinary consumers, the global fishing industry and whole species of underwater creatures could be devastating.

One such species is the [critically endangered](#) southern bluefin tuna. A recent [scientific report](#) presented at last week's meeting of the Commission for the Conservation of Southern Bluefin Tuna in South Korea reveals that the tuna's spawning stock has shrunk dramatically. It is now a mere 5 per cent of its level in the 1940s.

There are currently moves in Europe to list the northern bluefin tuna as a critically endangered species so that its capture and export are banned entirely. Notably, the situation of the southern bluefin tuna is direr than that of its northern equivalent.

At last week's Commission meeting, the Australian Government's [opening statement](#) was stark: 'this is an unacceptable situation for any fishery from a biological and economic perspective'.

The Commission, which includes representatives from Australia, Japan, Taiwan, Korea, New Zealand and Indonesia, ruled that the 'catch' allocated to each nation be cut by 20 per cent — significantly less than the 50 per cent cut pushed by Australia.

Australia — which has the highest quota of tuna at 5265 tonnes per year — has elected to reduce its intake by 30 per cent. Southern bluefish tuna is Australia's largest fishing industry. The decision to reduce the quota has been greeted with [outrage](#) by some industry members. In

particular, there is anger that Japan (which has the second highest quota of 3000 tonnes per year) will only be cutting its intake by the mandatory 20 per cent.

The timing of the decision has also been criticised, with industry stalwart Hagan Stehr characterising it as '[absolutely ludicrous](#)'. The industry season recommences on 1 December 2009 and millions of dollars have already been spent in preparation.

As with the Federal Government's proposed Emissions Trading Scheme, the familiar (and often reductive) dichotomy of local jobs vs global environment is being played out.

There is resistance to the uncomfortable logic of the consequences of overfishing, partly as a result of dependence on the industry in particular geographic locations. Over 90 per cent of Australia's tuna catch comes from the waters surrounding Port Lincoln. Mayor Peter Davis predicted that 'lay-offs will occur' and called for the scientific report to be scrutinised by people other than '[bureaucrats and red-eyed greenies](#)'.

Conversely, there is concern that the reduction will not even be effective. Fishery quotas are notably difficult to enforce in international waters where [Greenpeace](#) is effectively [the only police](#). Greenpeace campaigners argue that pirate fishers are helping to drive the species [toward extinction](#): it estimated a decade ago that almost a third of the global catch of southern bluefin tuna was illegal, unregulated or unreported.

It has been [suggested](#) that Japan in particular has taken 200,000 tonnes above its allowable catch over more than two decades. As with other marine issues — such as whaling — Australian sources express impatience with what is seen as intransigence from Japan.

It has been suggested that Japan [benefited](#) from the Commission's decision by having its quota increased (as a result of New Zealand selling its own increase) and escaping any penalisation for past overfishing.

Notwithstanding these concerns, the South Australian government has [accepted](#) the reduction in catch quota and undertaken to work cooperatively with Port Lincoln residents to minimise damage to the local fishing industry.

Even this reduction in the quota, however, [may not be enough](#) to save the species. Some suggest the southern bluefin tuna fishing industry simply has no sustainable future. Conservation activists now await the decision (due in April 2010) of Federal Environment Minister Peter Garrett whether to list the fish as an endangered species.

The southern bluefin tuna is an example that illustrates the broader problem of humanity's 'harvest' of the oceans. If you haven't already started, you might consider worrying about fish.

The pope, the mole and the architect

FILMS

Tim Kroenert

It Might Get Loud (PG). Running time: 94 minutes. Director: David Guggenheim. Starring. Jimmy Page, The Edge, Jack White

This is a film about the electric guitar. It unites three of the instrument's most prolific proponents of the past four decades. While they may share a musical instrument of choice, three more diverse musicians you could hardly hope to find.



Jimmy Page, lead guitarist of 1960s and '70s English heavy metal pioneers Led Zeppelin, seems to draw his gift from a divine conduit. The former session musician reflects that, with 'the Zep', he relished the freedom to build and accelerate towards an ethereal aural plateau. If rock music is spiritual, somewhere between sex and prayer, then he is its pope.

The Edge is described as a sonic architect. As lead guitarist of Irish rock band U2 for more than 30 years, he layers simple chords with myriad guitar effects, so that each song sounds subtly or strikingly different; stark, shimmering or sublime. A guitar tech enthuses that during a set of 36 songs, The Edge might not use the same guitar sound twice.

With due respect to The Edge, Jack White, frontman of 2000s American indie bands The White Stripes and The Raconteurs, says technology is the enemy of creativity. He is a musical mole, burrowing into history, dragging back his favourite blues influences, and spreading them, still muddy, across his backyard. At the start of the film, White is shown constructing a rudimentary guitar from a lump of wood, a glass bottle and a length of wire. To him, less equals pure.

It Might Get Loud gathers these three diverse talents, and their guitars, in a warehouse, where, both together and apart, they reflect upon their backgrounds, their influences, their evolution as musicians, and, most importantly, their philosophies about music itself.

This is not a chronology, although there are scraps of history. We see the high school notice board that famously drew the members of U2 together, and the concrete platform in the schoolyard that was their first stage. We visit Headley Grange, the Victorian homestead in East Hampshire, England, whose acoustics lent a distinctive sound to the recording of Led Zeppelin's fourth album.

And we revisit the sources of seminal songs, such as the political violence in Northern Ireland that inspired The Edge to write 'Sunday Bloody Sunday'. White, in silent awe, plays us a recording of his own favourite song, a stark blues track — nothing but a lyric, an attitude,

and some arrhythmic handclapping — which, he says, is the song to which he aspired with every new White Stripes song he wrote.

Mostly, this is a meditation, and certain moments will stay with you: The Edge finding an old tape of him laying down the dexterous lick from ‘Where the Streets Have No Name’, with Bono counting time in the background; the blood smeared across White’s guitar following a rip-roaring Raconteurs guitar solo (all that digging takes its toll).

More important are the moments that simmer celebrity and artistic pretension down to basic humanity: see the look of wonder on The Edge’s and White’s faces as Page belts out the trademark riff from ‘Whole Lotta Love’, and Page playing air guitar to his own favourite songs, grinning like a kid the whole time; even idols have their idols.

The film’s director, Guggenheim, is the man who brought Al Gore’s climate change lecture to the big screen in *An Inconvenient Truth*. That film married Gore’s blunt and captivating message, to insights into Gore’s own nature. The stakes in *It Might Get Loud* are not as high, nor the motive as serious, but the result is as memorable.

It takes more than hope to save the world

ONLINE

Francis Keaney



I recently became the holder of a dual citizenship. Upon recommendation from a friend, last week I became a 'citizen of [Hopenhagen](#)'. I'm one of over 300,000 people worldwide to have done so.

The citizenship was easy enough to get. No queues or re-directions or anything like that. I just followed the website link and signed up. A few clicks and I was a citizen.

But what would this new citizenship get me? Was I entitled to vote, to apply for social benefits? It sounded like it was somewhere in Scandinavia, so I was quietly confident that I'd stand to gain a few Euros or Kroner or whatever they had there. And could I move there for the summer?

It didn't take long before the penny dropped. This place was not so much a city-state as a state of mind.

On the homepage, a map of the world had messages of hope scattered over it. Someone from Canada had posted, 'The future gives me hope'. 'Hope gives me hope' read another. It was all becoming a little more conceptual than I'd initially contemplated. Not to worry, I thought, perhaps this citizenship was still going to be of some value.

The site invited me to sign the UN Climate Change petition, which urged world leaders at the upcoming climate change negotiations in [Copenhagen](#) to do the right thing by our planet. So I did. I agreed with the idea. And certainly, it was no skin off my back.

But I couldn't help but be reminded of that [Make Poverty History](#) campaign of a few years back.

Certainly, just like that one, this flashy campaign, launched by the UN and the International Advertising Agency, would do well to attract support. Soon enough it would be splashed all over Facebook, and any company wanting to display its social responsibility would provide the link on its website. Celebrities would be wearing T-shirts for the *en vogue* cause. Channel 9 would jump on board and soon Richard Wilkins would be interviewing Madonna.

But I don't wear my Make Poverty History wristband anymore. I suppose it's somewhere in my top drawer. It wasn't a conscious decision to stop wearing it, and it's not like I no longer agree with it. But one day I looked down at my arm, and I just wasn't wearing it anymore. Nor was anyone else, it seemed. The concerts had finished, the G8 summit in Gleneagles had been held, Bob Geldof had stopped doing press conferences.

Reflecting upon that campaign, I couldn't help but wonder what would become of my Copenhagen citizenship. The specific targeting of the Copenhagen summit would likely mean that a use-by-date loomed.

And that wouldn't be a problem, provided that the campaign could meet the goals of creating awareness and putting pressure on world leaders. But again, I had my doubts. What awareness would it actually promote? At least Make Poverty History had drawn attention to those [Millennium Development Goals](#). This one didn't promote a whole lot other than the actual campaign, as if it were a virtue in itself.

Rather than offer any working plan or framework for the negotiations at Copenhagen, the petition I signed urged good will on the part of the leaders. It was hard to see how, in a debate marked by slicky political arguments, this sentiment could translate into real political pressure.

And while I could of course bank on a few celebrity comrades taking up arms on this issue, what real clout would they have? I remember Bono being careful not to be too radical in his meetings with Bush in 2005. There, his pro-bono work seemed to take a back seat in favour of a more cordial, pro-Bono approach.

With the significance of my new citizenship declining at a rapid rate, I decided to pop over to [LookToTheStars.org](#) for some guidance. All this climate talk was getting a bit passé. I needed a better cause to get behind.

There, I was pleased to find the Celebrity Paw Prints Campaign, which was for a cat charity or something. Anyway, it included the likes of Phil Collins, painting pictures of cats! Phil Collins! Painting a cat!? Imagine that!

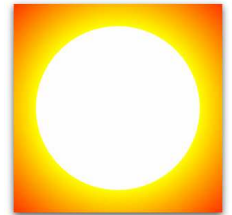
I forwarded the link on to my friend, and from there, was able to move on to address the other pressing issue of the day, namely, what I was going to have for lunch.

Dark day for solar

ENVIRONMENT

Greg Foyster

The sun beats down upon the necks and arms of 200 people facing a brick building by the banks of Melbourne's Yarra River. The rays don't seem to worry the onlookers. The sun's power is, after all, the reason they're here.



The building houses Solar Systems, a company that was, until recently, developing a way to put sunlight to good use. A world leader in its field, the renewable energy start-up spent [15 years and \\$150 million](#) designing and demonstrating a 154-megawatt solar farm in Mildura that would have produced electricity for [45,000 homes](#).

Then the dark day came. Short of funds to keep afloat, Solar Systems sank into [receivership](#) on 7 September. Now more than 100 jobs are gone and intellectual property decades in the making is at risk. So engineers and environmentalists have come to show support, the sun on their necks a reminder of what they stand to lose.

The protestors say the government is letting Solar Systems slip away — and with it the chance of a home-grown renewables sector. Energy and Resources Minister Peter Bachelor has distanced himself from the collapsed company. A spokesperson for his office [told](#) *New Matilda* that 'the Government supports the demonstration of technology, but is not in the business of giving loans to private companies with taxpayers' money'.

History begs to differ. Several federal and state governments have rescued large projects left floundering in financial straits.

In 2001, when the Australian Magnesium Corporation failed to raise enough equity for a \$1.7 billion magnesium mine and smelter, the Federal Government agreed to guarantee a \$100 million loan. The Queensland Government then launched its own lifeline, offering \$100 million to secure dividend payments for investors.

Two years later the smelter had been dogged by cost blow-outs and was on the verge of collapse. Queensland's premier at the time, Peter Beattie, clung to his vision, saying 'this project is worth fighting for'.

Despite the cooler climes, southern politicians display the same hot-headed stubbornness to pursue a pet project. In June this year, the \$3.5 to \$4 billion Wonthaggi desalination plant [stalled](#) because the two bidding consortiums had trouble securing funds during the financial crisis.

When the new consortium AquaSure was announced, the government [offered](#) to be 'lender

of last resort', effectively guaranteeing the plant's construction. Victorian Premier John Brumby had such faith in the project he hazarded the biggest public private partnership since the financial crisis.

More recently, Peter Bachelor [trumpeted](#) the construction of a 'Dual Gas' power station in Morwell. Closer inspection revealed it was actually a brown coal power station that fell through due to lack of [investment](#), among other things. The Energy and Resources Minister had attempted to resurrect a failed project under a new name.

And let's not forget the Federal Government's madcap scheme to supplement the big four banks with a big fifth. The nicknamed 'Rudd bank' had a specific purpose: to finance commercial property projects, which is very much 'the business of giving loans to private companies with taxpayers' money'.

Solar Systems is not just a private company in need of funds, it's an important infrastructure project — a perfect candidate for a public private partnership. The technology is further along than that of the magnesium smelter or 'Dual Gas' power station, and the estimated cost of the solar farm is about an eighth of the desalination plant.

So why isn't it receiving the same financial guarantees and government support as these other ventures?

Solar was never really on the Victorian Government's agenda. A 2004 position paper titled 'The Greenhouse Challenge for Energy' [states](#) that 'To achieve its objectives [of reducing emissions], the Government will pursue policies which ... ensure the Latrobe Valley's long-term future'.

In other words, any green energy solution in Victoria must integrate coal.

Recent [revelations](#) in *The Age* back this theory. Premier Brumby is pressuring the Federal Government to secure extra emissions-trading compensation for Victoria's brown coal power stations. A consultant said, 'I think Brumby and a couple of his ministers do more lobbying than the industry'.

Brumby's plan to pay out big polluters will receive a friendly reception in Canberra. The Federal Government already hands the coal industry billions in taxpayer subsidies each year. In 2008 Australian Conservation Foundation executive director Don Henry [said](#) government-controlled funds were 'investing \$47 in fossil fuels and uranium for every dollar they invest in renewable energy'.

Nowhere is this [bias](#) more apparent than in the Howard Government's Low Emissions Technology Demonstration Fund. Established to 'deliver long-term large-scale' greenhouse gas reductions, the fund now supports only fossil fuel technologies. Four of the five projects involve coal or gas, including a retrofit of the notoriously polluting Hazelwood power station. The fifth project is the Mildura solar farm, now likely to be shelved. Solar Systems was

promised \$125 million from state and federal governments but only [received](#) \$500,000.

Our politicians suffer from a sort of carbon-induced myopia. Their obsession with digging up fossilised carbon blinds them to our nation's other abundant energy resource: sunlight.

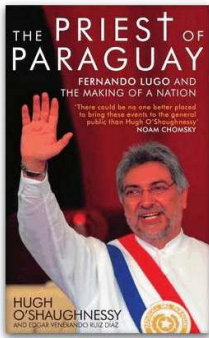
It's no surprise that our 'sunburnt country' has some of the best conditions for solar power in the world. At the Solar Systems protest, that power is evident everywhere. It bounces off the building's empty windows. It glints on a locked metal gate. It rebounds off the roller doors, shut for the foreseeable future.

There's hope in those flashes. But while this building lies dormant, the sunlight outside — and the technology inside — is going to waste.

Bishop sex scandal can't keep a good reformer down

POLITICS

Hugh O'Shaughnessy



Amid damage caused by conservative political opponents and his own sexual activity, Fernando Lugo, formerly a Divine Word Missionary and a diocesan bishop in Paraguay, is today his country's elected president, beginning to make a country of paupers ruled by oligarchs a bit juster and more productive.

Born in 1951 to a railway worker and his schoolteacher wife, Lugo was always an ambitious person. As a teenager he set his heart on a military career. Then supporters of the dictator General Alfredo Stroessner told him his family were suspected of disloyalty and he should find something else.

After a period as a teacher he joined the Divine Word Order in 1970. Ordained priest in 1977, he was sent off to Ecuador where he fell under the influence of Leonidas Proaño, the devoted bishop of the Andean diocese of Riobamba. Back home the Order saw he was a big asset to them — but so did the dictatorship. Consequently his superiors felt he would be better kept out of the way again studying in Rome.

He came home in 1987 and by 1994, with Stroessner overthrown, he was appointed bishop of San Pedro, like Riobamba, a rural slum.

He resigned in 2005 and, against Vatican opposition, stood for the presidency and won by a landslide last year.

As a politician Lugo has faced squabbling and racial tension. His revelation at Easter that he fathered a child with a woman who worked in his diocese created headlines in Paraguay and other countries. Yet it does not seem to have done his reputation lasting harm. He is good at politics and his skills as a reformer keep him popular still in a poverty-stricken country where marriage very often loses out to co-habitation.

Conservative politicians who sought to make capital out of his failing have been rebuffed. Recriminations by those who put sexual morality above all else have had to yield to the popular support for his efforts to mend a society which cannot provide the essentials of life for most of its seven million inhabitants.

Appearing at his inauguration in native dress, he has prioritised the majority who have indigenous ancestors and prefer Guaraní- to Spanish. He is chasing the potential of Paraguay's sunny climate and well-watered land. Lugo is completing 14 months in office and beginning to make dreams realities.

In the past few decades Paraguay has become one of the world's biggest producers of soya thanks to the efforts of immigrants from neighbouring Brazil. Called Brasiguayos and well provided with investment capital, they have started farming intensively, pushing up acreages and yields.

But the trouble is that the corrupt dictatorship, and the lack of a land register have meant that land title is often questionable and contested. It could not have been otherwise: Stroessner sold off the same ranches to a succession of buyers, collecting the bribes from each and leaving them to fight for possession.

Only now is a constitutional government — which in 2008 took over from the Colorado Party that had been in power longer than the Communist Party had controlled China — starting to promote the serious exploitation of the soil. 'I want Paraguay to be a serious country,' Lugo told me in Asunción, the capital, last year.

He is extending health and social security where he can. In past weeks he has made coverage for domestic servants, previously confined to Asunción, compulsory nationwide. Since 1 September state hospitals are offering more services, including dental care, free.

He still lacks control of Congress and is often hamstrung. The rich will *not* pay income tax so there is no money for a land register. The big landowners don't want one because that would raise the spectre of land reform and parcels of land going to the landless, the little people. Much better, say the ranchers, if the government were kept on the edge of bankruptcy.

But in July Lugo pulled off a coup. He persuaded President Lula of Brazil to triple to \$360 million the payment the Brazilians pay Paraguay for the electric power generated by the Itaipu hydro-electric scheme. This is the world's largest and owned jointly by the two countries. The Paraguayans cannot possibly use their half share, and have to sell much of it off to energy-hungry Brazil.

Once ridiculed as a simple, flawed cleric he is today being seen as a political maestro.

Latin bruise and purgatory itch

POETRY

Jennifer Harrison

Port Fairy Folk Festival

Like praying mantises, the stilt walkers glide along
Port Fairy's streets, carnival meadows adrift with balloons.
A statue busks for animation and, later, we sit with him
on the Post Office steps where he washes off his face paint
with a towel. A British actor, with a back complaint,
I can't bend anymore, he says; and we sympathise
with his damp grass bones, having listened all day
to the Tent 3 bands: The Mojos from New Orleans;
the Habibis, Zydego Jump and from New Zealand:
When the Cat's Been Spayed.

At night, from the football oval where campers
pitch their Macpac igloos beneath the pale March moon,
we hear drinking songs wrecked on a reef of guitars,
the slurred thirst of music's love-loneliest voices.

By day, we stroll past stalls selling plastic beads
and AFL-themed Harlequins, face-painters brushing
children's eyes with colour, as though fun is faÃ§ade
and glitter maternal. A small violinist plays Twinkle
her cap at her feet. Here, music rises
to be day's first memory and its last. Here sleep is cloud-free,
dreamless, the near earth cold. Soon the locals, relieved,
will tear down the posters and reclaim the glass-free zone.
It's Sunday with Eric Bibb. Only one more day to go.

Wristband non-transferable, invalid if tampered with
or broken, on my way to the gospel gig, I watch
the bible buskers Trucking for Jesus on Sackville Street

Francis Bacon

The melting pope is a postcard favourite,
cherubic angels forgotten in the hustle
of Soho's unconscious dreaming.

To enter a painting you might need
to understand how the artist destroys
each canvas, destroys the past, and begins
again to tidy a workspace. Once, I heard
a priest say, perhaps in a dream,
It's useless to nail oneself to the wall.

I'm not a self portrait.

I see, now,
how he nuzzled his bruise of Latin colour
and stroked the small purgatory itching
behind his art's framed scapulae.

In the gallery, now, a woman walks by
and I notice her headache's neon lapidary
as if an MRI has been conjured from her mind
by implication. Later, in the dark
before sleep, you touch my face, tracing
its contours with one finger, as if
to reassure me that I am not melting.

Haunting the serenade

i.m. Amanda Wilson

Before the funeral we visit Rick Amor's show
at the Langwarrin Gallery. The day scowls
through rolling storms: one for silent thought.
A kind of void rises from the paintings
as though an invisible Ozymandias
broods, yet, over desolate beaches and abandoned cars.
Skinny trees haunt the carpark and a sketched
charcoal breeze digs down beneath our collars.
I'm glad of my friend Alex's presence
the quiet polish of his voice and his silences
as though we are both oil-scarred, scraped
by grief, yet restored to the distant loneliness
that only a funeral's chatter of loss makes real.
Memories haunt our White Lady serenade
and rituals. Words, like jazz, familiar,
improvised, make solid the frame of our days.

Mildura flight

Like Circe the plane overhangs earth's patchwork.
In the cabin we're contained by signage: seatbelts clasped
by two illuminated hands. EXIT signs latched at the end
of the carpet's thin red line will lead us out, safely, we're told,
if the plane stalls, burns, or falls. A couple play chess,
their tray table laminated, sleek as a laptop. Their laughter
thin, pitched high beside the more anxious travellers who
lean back into their headrests, hands clenched, eyes closed,
taut.

Below, the Murray's sinuous silver startles awake

as the morning licks clarity from dawn's forms. Restated
antiquity, the river's indifference etches itself
against archipelago trees, the desert's barren ochre blot.
Listing suddenly, the earth below swings out and away
as the plane turns down into Mildura's flat green glare,
into the vineyards, the gardens and the houseboats
tucked along the river, moorings seen as dots along the shore.
The sun unrolls a blushed carpet, swimming pools like the
siblings
of gods, touched by italicised gold. Who can see us here
settling out belts, brushing crumbs from jackets and trousers
tray tables put away, the cabin becoming quiet
as we fall purled, embodied — down into the shadowlands
the pools of bruise hovering beneath clouds?

Dogs at risk in Rudd's 'big Australia'

EDITORIAL

Michael Mullins

Prime Minister Kevin Rudd went on the ABC's *7:30 Report* last week and [talked up](#) population growth, saying he 'believe[s] in a big Australia'.

He was responding to predictions from Treasury Secretary Ken Henry, who [told](#) a Brisbane business forum that Australia's population is likely to rise to more than 35 million by 2050.



Rudd said: 'It's good news that our population is growing. Contrast that with many countries in Europe where in fact it's heading in the reverse direction.'

But Rudd's 'big' assertion looks vacuous alongside Henry's statement the same day of his pessimism about the ability for Australia's natural environment to sustain such population growth.

He said: 'Our record has been poor and in my view we are not well placed to deal effectively with the environmental challenges of a population of 35 million.'

Henry stressed that the way we deal with climate change will have 'profound implications for the pattern of human settlement' and could produce the largest structural adjustment in economic history.

For example, in his review of the taxation system, Ken Henry is arguing that our system of paying for our roads needs to be reconfigured to account for population growth and environmental sustainability. This points to punishing congestion taxes that would cause drivers to reconsider their need to use busy suburban and inner city routes. Among the many other aspects of our lifestyle that will need careful evaluation, he listed pet ownership.

From these two examples alone, it's clear that the major challenge will be political. Leaders must persuade Australians to accept that they are obliged to make serious sacrifices so that future generations may simply live.

Already we are off to a lamentable start, with the inability of politicians from either side to enact meaningful legislation to curb carbon emissions because it would be detrimental to our current prosperity. Such an attitude amounts to destroying the lifestyles of future generations in order to preserve our own.

A recent Lowy Institute [survey](#) showed that Australians are feeling less inclined to even talk about climate change than they were previously. In 2006, 68 per cent thought the nation should take steps to tackle climate change even if it involved significant costs. But the figure fell to 48 per cent in the 2009 survey.

However there is a precedent that suggests Ken Henry's pessimism may not be entirely justified. One of the reasons that Australia appears to have suffered less from the global financial crisis than other developed countries is that we embraced a range of tough structural reforms to our economy that began under the Hawke and Keating administrations. We endured short-term pain for long-term gain, and it worked.

It's time for our current prime minister to do the same, so that his 'big Australia' vision may be realised.

How the High Court failed native title

INDIGENOUS AFFAIRS

Sarah Burnside



In popular discourse — particularly in mining states such as Western Australia and Queensland — native title is often viewed as bureaucratic red tape that holds back industry.

Along with obligations under Aboriginal heritage protection and environmental legislation, native title is seen as yet another box that miners need to tick before being granted permission to get on the ground. The old ‘State’s rights’ hackles still bristle in the West; a recent [review of approvals processes](#) in WA characterised legislation such as the Native Title Act as an ‘intrusion’ by the Commonwealth Government.

What tends to be forgotten in the concern about native title ‘[slowing down industry](#)’ is the fact that the Native Title Act has never given Aboriginal people a right of veto. Native title claim groups cannot simply elect to prevent a mining lease being granted or a project taking place.

It should also be noted that this month, the High Court refused [a native title claim group’s application](#) for leave to appeal the Full Federal Court decision of *FMG Pilbara Pty Ltd vs Cox*. [FMG vs Cox](#) concerned a mining lease in the Pilbara — the remote North-West of Western Australia.

FMG vs Cox concerned the company’s obligation to negotiate in good faith with two native title claim groups whose traditional country was included within the lease. The Court held that FMG had discharged its duty to negotiate in good faith despite the fact that there had been no substantive negotiation on the mining lease in question with either group. Indeed, discussions with one of the claim groups had largely focused on a negotiation protocol rather than a final agreement.

This decision sets an unfortunate precedent for negotiations with traditional owner groups. The main reason mining companies ‘come to the table’ to negotiate with native title claim groups is precisely because the Native Title Act obliges them to do so: before certain mining and other tenures can be granted, the proponent and the relevant government must negotiate in good faith with any registered claim groups within a period of six months with a view to reaching an agreement.

If negotiations do not bear fruit, the proponent can apply for a determination that their interest in land may be granted. There is no requirement to enter into an agreement, no obligation to pay mining royalties or hire local traditional owners, and the statutory

requirement of good faith negotiation applies equally to native title claimants as to mining companies.

Only [once](#) in its 15 years of operation has the [National Native Title Tribunal](#) determined that a mining lease must not be granted, an event hyperbolically characterised by industry commentators as evidence that native title continues to '[cast a long shadow over the country's mining sector](#)'.

The Tribunal can only proceed to make a determination whether a tenement can be granted if the grantee and government parties have negotiated in good faith. The Tribunal has noted that surface compliance with the formal steps of the NTA, with no genuine attempt to reach agreement, will not constitute good faith negotiation. Determining the sincerity or otherwise behind a proponent's conduct is no easy task: the Tribunal is, sadly, not a mind-reader.

Previous decisions have clarified that proponents need not make reasonable substantive offers, assist in funding the negotiation process, or even, necessarily, meet personally with the native title claim group. Further, in only four cases has the Tribunal found that a grantee or government party has failed to negotiate in good faith. Such parties are not punished by being deprived of their tenement but are simply sent back to the negotiating table to try again.

Native title rights, including the right to negotiate, are more than '[processes requiring effective and efficient administration](#)'. The industry discourse which sees native title as mere bureaucratic regulation belies its nature as [property law](#); the recognition of proprietary rights existing under Aboriginal and Torres Strait Islander laws and customs.

For this reason, the meaning of negotiation in good faith is not an esoteric legal question. This statutory entitlement is the only opportunity for native title claimants and holders to be involved in decisions about their traditional country and to attempt to derive benefits from any profitable activity within it. The relative ease with which companies can access land without substantive engagement with native title claimants and holders is a matter of concern for anyone who cares about equality under the law.

The Native Title Act is premised on the resolution of disputes by agreement and there is a preference on the part of most players in the system to avoid recourse to the courts. Unfortunately, the increasing limitations of the right to negotiate suggest that claimant groups will need to take a more adversarial approach to negotiations in order to preserve and maximise their procedural rights.