

The Jumbunna Indigenous House of Learning: A balancing act between law and land

1. Summary of the impact

The Jumbunna Indigenous House of Learning was approached by the traditional owners of the Muckaty Land Trust, the Warlmanpa People, for support of their campaign against a proposed nuclear waste disposal site on their land.

The team of researchers joined forces with the community and legal teams to assist with a case for the federal court in addition to lobbying, media outreach and creating a documentary that amplifies the voices of the Warlmanpa throughout the nation.

As a result of the growing pressure created by this campaign, the proposal to dispose nuclear waste on this land was withdrawn by the federal court and the new proposed sites do not target specific Aboriginal land which is held under the Northern Territory Land Rights Act.

2. Problem

The key issue the project aimed to address was the consistent targeting of Aboriginal land for the disposal of nuclear waste and the continuing of a tragic history in Australia whereby large areas of Aboriginal land are being contaminated through legislative action by the federal government.

In particular, the National Radioactive Waste Management Act, which was introduced in 2005, explicitly discriminates against Aboriginal people by making changes to the operations of the Northern Territory Land Rights Act. This amendment weakened the power of Aboriginal people to have control over their own land. In addition, under this legislation a stretch of land on the Muckaty Aboriginal Land Trust was nominated as nuclear waste disposal site despite the widespread objection of many Warlmanpa traditional owners.

3. Beneficiaries

The campaign was launched in support of the Aboriginal clans which comprise the Muckaty Aboriginal Land Trust in the Northern Territory.

4. Approach to impact

The research philosophy among the staff at the Jumbunna Indigenous House of Learning is centred around community self-determination. As such, rather than researching Aboriginal communities for academic purposes, the Jumbunna team is impact-driven and invites communities to approach them to get assistance with legal, desktop and academic research to support their case.

In 2008, Jumbunna was approached by traditional land holders, the Warlmanpa People, who were concerned that their voices and objections were being ignored by the Northern Land Council and the Federal Government.

Jumbunna Senior Researcher Paddy Gibson was the first member on the ground to be invited to join their existing campaign which was being coordinated through the Beyond Nuclear Initiative. In particular, the community required help to better understand the complex legal and political environment in which they were operating and raise awareness of this issue among the wider Australian public. Gibson was joined by senior Jumbunna researcher and practicing solicitor Craig Longman to assist with the interpreting legislation, policy submissions and other legal services to strengthen the ability of the community to make its case. Most importantly, the team was able to assist in securing legal representation for the Warlmanpa, which was challenging considering the remote location lawyers were required to travel to.

One of the main issues which arose was the lack of equity and legitimacy of the legislative framework and approval process for this nuclear waste disposal site. In response to this, the research team assisted the legal representatives in preparing a strategic case which was presented to the Australian Federal Court. The team also served as an important point of liaison, facilitating the communication between the elders, who speak English as a second language, and the legal team.

According to Longman, the community's self-determination is at the forefront of all Jumbunna-led activities. In cases like these, justice is not merely a legal outcome but rather a strengthening of the self-determining vision of the community, and enabling them to take control of the land which they rightfully own. As such, any document, form or decision is first run by the community before any action is taken to ensure that they are properly engaged with the legal case.

While legislative action was taken, Gibson stresses that it was just as significant to educate the general public about this issue and gain advocacy beyond a team of solicitors.

As such, the Jumbunna team adopted a research methodology which gave the community a voice through a documentary, *Protecting Manguwangku*. The team brought together the expertise of Aboriginal film makers, directors and photographers to bring the deeply spiritual significance of the land to life. Most importantly, the documentary was created in a way that does not speak on behalf of the community and translates their worldview into a white, legal context. Instead, it allowed the land owners to explain their vision and culture in their own words and ways, and share it with the broader Australian community. Through this film, the Warlmanpa people were able to not only express what they want to happen, but also why this is important.

One of the key aspects the researchers focused on was the land as a central character in the lives of Aboriginal people. This approach was spearheaded by Jumbunna Senior Researcher Jason De Santolo, an Aboriginal film maker from the Garawa people in the Northern Territory, who directed *Protecting Manuwangku*. According to Gibson, non-Aboriginal Australians often fail to recognise the deep connection between Aboriginal people and the land. The documentary aimed to shift the conversation from individual power and legal steps towards this relationship to the land, and the urgent need to protect it.

5. What has changed as a result of this work?

5.1. The Outcomes

The Jumbunna research team produced a number of outputs to support the case of the Warlmanpa People.

One of the key achievements has been the production of the documentary “Protecting Manguwanku”. Using their research to help tell this story was a significant outcome and de-colonising strategy because it enabled the vision of the community to be heard and explained. According to Longman, it also helped shift the policy debate in Australia away from the idea that Aboriginal land could be sacrificed because the film helped non-Aboriginal Australians better understand the connection between people and land.

The team also reached out to policy makers, the general public and the media in a number of ways. As a result of their research, Jumbunna staff was able to issue a number of academic articles as well as blogs, media releases and other realms, some of which were co-authored by members of the Indigenous community.

Numerous public events and demonstrations were also held in locations across Australia, and enabled partner organisations to visit the remote area which was being targeted for the nuclear waste disposal project. From a legal standpoint, the Jumbunna team drew together its legal expertise, helped secure representation for the federal court case and assisted in meetings with government representatives, and lobbied for clear policy statements in support of the Warlmanpa people.

5.2. Impact

The single most tangible impact of this campaign was the withdrawal of the proposal to dispose nuclear waste on this land. Most importantly, this was not a federal court ruling but a withdrawal of the nomination due to the broader pressure across multiple layers which eventually became too overwhelming.

In addition, sites of the new proposed nuclear waste grounds do not target specific Aboriginal land which is held under the Northern Territory Land Rights Act. As such, the campaign was not only able to stop this particular site from progressing, but also to shift the policy debate away from targeting protected land.

Less explicit impacts also include the fact that the community was able to exercise power in the Australian landscape in which they are historically and systematically disempowered and ignored.

Longman also adds that the work has had an arguably unquantifiable impact – children in this community will now be able to foster their relationship to this land and grow up in an unpolluted environment. Their connection to their land, and to their culture, will not be disrupted thanks to the efforts and achievements throughout this campaign.

6. What has helped you accomplish this work?

6.1. Personal enabling factors

Jumbunna has a unique combination of expertise across the academic, political and legal realms, and can deploy it on behalf of communities without undermining their self-determination. The team consists of Aboriginal and non-Aboriginal staff members with expertise in legislation, filmmaking, research, story-telling, politics and grassroots movements. According to Longman, this makes the unit uniquely skilled to contribute to sophisticated, holistic and complex social justice campaigns, and to do so in a way that is culturally appropriate because it is always driven by the Aboriginal community.

Longman adds that thanks to the collaboration between Aboriginal and non-Aboriginal staff members, worldviews and values can be challenged and reflected upon to understand where and why they originated. Being able to carefully evaluate such personal assumptions and ensuring that approaches are not blurred by bias and prejudice is a key strength within the team. In addition, the staff have extensive and longstanding professional relationships with legal and social justice advocacy organisations which can be drawn upon in support of the campaigns.

According to Gibson, it is also the support and advocacy which Jumbunna has expressed in the past and a strong commitment to public advocacy matters that affirms Aboriginal people's trust in Jumbunna, that fact it is active and present. It is one of the main reasons why communities feel encouraged to approach Jumbunna researchers.

6.2. External enabling factors

The Jumbunna Indigenous House of Learning is fully funded and supported by UTS and receives institutional support in all matters related to Aboriginal welfare. In addition, the team secured a distribution agreement with NITV and has generated some income through screen rights.

Both Gibson and Longman credit the success of their campaigns to the UTS leadership team, both within the unit and the wider university. The unit is autonomous and flexible in the way funding is used, and although the matters and campaigns are often controversial, the team feels fully supported by the institution.

Gibson argues that Jumbunna is able to be successful in its campaigns due to the fact that it has institutional support to take a stance on what is right in Aboriginal matters. Thanks to this support from the university, the team can be bold, focus less on publishing and adopting academic neutrality, and instead use their efforts to enable the communities to articulate what is right while making sure their voices are amplified across the nation. It also means that research is impact-driven, rather than driven primarily by the need to produce traditional academic outputs.

7. Challenges

While the Jumbunna Indigenous House of Learning is fully funded and has access to the resources needed to be successful in its campaigns, many organisations and individuals lack the resources to help remote Indigenous communities. This is especially difficult in legal matters because many solicitors and researchers work pro-bono and cannot dedicate the time and resources required to achieve meaningful outcomes.

8. Associated research

9. References

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