



Reconciliation requires respect

RECONCILIATION between Indigenous and non-Indigenous Australians - once again a focus of public debate – can be achieved through cooperation, mutual respect and the building of relationships.

The same principles apply to the resolution of issues about native title.

Groups around Australia are increasingly choosing to resolve native title issues through negotiation and agreement. More and more groups are reaching native title agreements rather than going down the long and divisive path of litigation.

Such agreements can be described as reconciliation on the ground.

This year, the 15th anniversary of the High Court's historic Mabo decision, is a good opportunity to look at how far we have come with native title and how we can best meet the challenges ahead. The Mabo decision of 1992 recognised native title under Australian law for the first time, paving the way for Indigenous groups across Australia to have their rights to their traditional lands recognised.

The native title process has brought Indigenous and non-Indigenous Australians together at the negotiating table to discuss their rights and agree on a way forward that benefits all involved.

Native Title and You



**By National
Native Title
Tribunal
President
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Achieving native title recognition has not been easy. Groups who have had their native title rights recognised often speak of the challenges, tears and frustration they experienced along the way. Other parties also talk about the difficulties they encountered before reaching agreements where each party recognises and respects the rights and interests of the other.

Over the past 15 years people have gained a greater understanding of the process and have reached a variety of outcomes that others can follow or aspire to. We've seen a shift in attitude amongst mining and exploration companies and governments which now recognise the

value of negotiating with Indigenous groups and involving them in projects, such as mining and infrastructure.

The law has been clarified by the courts and the Australian Parliament. People are now clearer on what has to be done to prove that native title exists and on what Indigenous Australians can realistically achieve.

Hundreds of agreements have been made between Indigenous groups and other parties around Australia to resolve native title issues. More than 100 native title determinations have been made, two-thirds of which recognise that native title exists. Most of these determinations have been reached with the consent of all parties involved or have been unopposed. There are currently 297 indigenous land use agreements on our register.

Successful negotiations build understanding and mutual respect. In some cases, where previous relationships have been adverse or non-existent, the process can help parties to reconcile their differences and develop constructive relationships and partnerships.

Through cooperation and agreement-making, barriers can be broken down, relationships built up and significant steps taken towards reconciliation.