# Sovereignty

## A Way Forward


**Levi McKenzie-Kirkbright**

**2019 Young Thinker in Residence**

Youth Affairs Council Victoria

**YACVic respectfully acknowledges the traditional custodians of the Aboriginal nations within Victoria where our work takes place. We pay our respects to Elders both past, present and emerging. We acknowledge that Aboriginal sovereignty has never been ceded.**

## Youth Affairs Council Victoria (YACVic)

Our vision is that the rights of young people in Victoria are respected, and young people are active, visible and valued in their communities. As Victoria's youth peak body, we work across the state in the best interests of young people and the youth sector to:

- **Elevate voices:** amplify the voices of young people and youth sector to institutions of power
- **Promote solutions:** identify and recommend solutions on issues that affect young people
- **Build capacity:** resource high quality youth work, participation and leadership
- **Nurture connections:** convene groups and enable platforms for co-ordination, support and collaboration
- **Advance thinking:** partner on research and consultations on emerging youth issues

## Proudly sponsored by Koorie Youth Council (KYC)

The 2019 YACVic Young Thinker in Residence was sponsored by KYC. KYC is the representative body for Aboriginal and Torres Strait Islander young people in Victoria. Guided by our Executive of 15 Aboriginal and Torres Strait Islander young people and our state-wide network, KYC values the diversity and strength of young people as decision-makers. We advocate to government and community to advance the rights and representation of Aboriginal and Torres Strait Islander young people.

# Foreword
## YACVic CEO Katherine Ellis

Congratulations to Levi for his outstanding essay, and we look forward to continue supporting his ongoing endeavours and aspirations.

As the state of Victoria leads Australia in reconciliation and a treaty process, Levi's essay on Sovereignty presents a radical shift in thinking and positioning for Aboriginal and Torres Strait Islander young people. This shift is timely, underpinned by Aboriginal and Torres Strait Islander young people's increasingly proud engagement in their culture and community.

Throughout his writing and research as 2019 YACVic Young Thinker in Residence, sponsored by the Koorie Youth Council, Levi undertook his own exploration. He pitched his residency around supporting Aboriginal and Torres Strait Islander young people to more easily navigate two worlds when they move across country, using his own lived experience of someone who moved to Melbourne for university.

But the experiences of other Aboriginal and Torres Strait Islander young people piqued his interest in ideas of economic development, liberal thought and progress, brought together in this sharp, nuanced and provocative essay.

Levi's thoughts on sovereignty supersede the formal, bureaucratic and often politicised conversations between government and Aboriginal and Torres Strait Islander leaders. They also present the opportunity to reposition First Nations people in those processes.

As the Australian Government's instant dismissal of the ground-breaking Uluru Statement of the Heart show the state of Aboriginal affairs in national politics, Levi's ideas present a visionary way forward. He asks hard questions, and in seeking answers provides truth to power on sovereignty.

For policymakers and government, Levi's essay is an important conversation starter for advancing the reconciliation process and self-determination. I call on everyone to read this essay and reflect on how sovereignty can be recognised and respected for Aboriginal and Torres Strait Islander people in Australia and First Nations people around the world.

# About the Artwork

"Sovereignty: A Way Forward" was inspired by Levi's essay and represents a future where First Nations people of this land are free to practice culture and portray their identities authentically in a collaborative and inclusive society.

## About the Artist

Cheyenne Rain Travis is a Yorta Yorta and Wemba Wemba woman from the Day-Walker family who also recognises and respects her mother's connections to England. She is a digital illustrator, fusing both Indigenous and western art styles to reflect on her experience as a young woman in modern Australia. Cheyenne lives and works on the lands of the Bunurong people.


## Acknowledgements

I would like to formally thank Youth Affairs Council of Victoria (YACVic) and the amazing people who work there, particularly Sam Champion, the Participation & Development Coordinator.

I would like to acknowledge the Koorie Youth Council (KYC), who sponsored my Young Thinker in Residence placement. The deadly mob at KYC have dedicated so much of their lives to helping Aboriginal young people and do amazing work all over Victoria. Thank you.

Lastly, but very importantly, I would also like to acknowledge the Board of YACVic, particularly the young people on the board who are showing other sectors that meaningful youth participation in governance and decision-making is essential for any organisation touching the lives of young people in our country: Katerina Dandanis, Jacob Mildren, Kareem El-Ansary, Tessa Jenkins and Natasha Ritchie. Your leadership and contribution to youth representation is greatly appreciated.

- Levi McKenzie-Kirkbright


## Disclaimers

The Young Thinker in Residence program provides a platform for a young person to express views on issues they care about. Given the timeline of the program, I felt the main opportunity, in my eyes, was to start a conversation amongst young Aboriginal people.

In Victoria, the term *Indigenous* has been rejected and instead the terms *Aboriginal* and *Aboriginal and Torres Strait Islander* are generally used.

I have used the word *Aboriginal* in place of *Aboriginal and Torres Strait Islander* for brevity's sake only. However, my commentary is relevant to and inclusive of Torres Strait Islander people.

- Levi McKenzie-Kirkbright

## About The Author
### Levi McKenzie-Kirkbright

Levi is a 26 year old proud young Aboriginal man with ancestry from Gadigal, Yuin, Worimi, Biripi, and Gamilaraay, and he belongs to the La Perouse Aboriginal community in Botany Bay, Sydney. His Masters is in software engineering, he is passionate about tech start-ups, and has community experience working with young adults and children. He is a current member of the advisory board to Swinburne University's Centre for the New Workforce and he is keen to investigate the experience of and give voice to marginalised youth in the conversations around the Future of Work. He is undertaking a research and consultation project to inform recommendations about possible tech solutions for engaging young Indigenous people and other marginalised Victorians in taking control of their place in the changing future of work!

"I believe in being passionate about a problem but dispassionate about a solution. I would like to commit time to first understanding the problems, attitudes, and perspectives of young people in shaping their early career and educational goals, skills, and opportunities."

## Sovereignty

Sovereignty was never ceded anywhere on the Australian continent by First Nations. With improvements in civil rights and race relations, younger generations of Aboriginal people no longer need permission to enact our rights, freedoms, and responsibilities. But what does sovereignty really mean? Fundamentally, it means that we view ourselves as a free people. Is the natural end of 'sovereignty' political separatism? The Uluru Statement from the Heart says plainly that our sovereignty is "a spiritual notion." But how do we as young First Nations people make concrete sense of this spiritual notion amidst the changing place of Indigenous people in Australia, the growing number of Native Title claims, and political discourse around Recognise, Makarata, and Voice to Parliament. How could our traditional sovereignty, which has continued unbroken across the continent since before 1770, be informed by geopolitical forms of sovereignty claimed and enforced by modern nation-states?

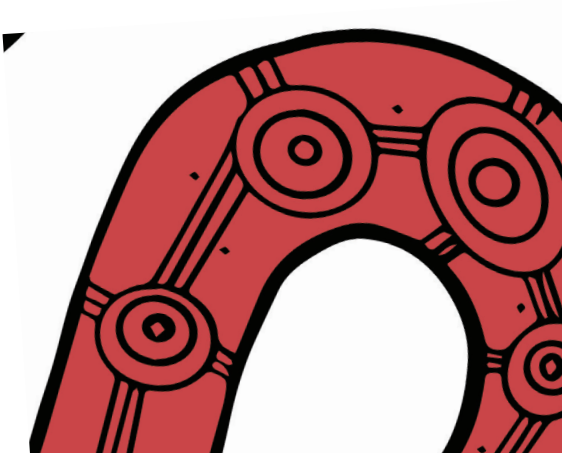
We are beginning to outgrow the need to beg for scraps from the table of Australia. For 250 years now we have fought - militarily, politically, and psychologically - against the imposition of a foreign entity over our bodies, our communities, and our Lands. The false dogma of terra nullius eviscerated our Ancestor's custodianship of Land and permitted colonisers to slaughter, dispossess, assimilate, and the use of racial theories to eradicate our people (Jones, R, The Conversation). Modern heirs of colonial institutions continue to destroy our claim to sovereignty through their doctrine of "extinguishment" in Native Title Law (Cawthorn, M., Prescribed Bodies Corporate) and to subjugate our people through imprisonment of our adults and removal of our children (Allam, L., The Guardian).

However, with the increasing self-actualisation, emancipation, education, and economic development of our young people, the Colony's refusal to understand and recognise our "spiritual" sovereignty is becoming a political red herring. The real problem is that we as First Nations peoples do not fully understand sovereignty. Understanding and embodying such a claim means we must act as sovereign people, regardless

of the multi-generational annexation and occupation of our Lands. Sovereignty in a modern, global context means erecting institutions, codifying social philosophies, executing economic strategies, and other functions of sovereign entities, without deference to a validating authority. In an Aboriginal context there are also cultural considerations to such "nation-building" endeavours, such as appropriately resolving any spiritual differences between communities during the creation process of an institution or the translation of our traditionally oral practices into written policy.

Instead, we find our great leaders and finest minds too often spending scarce energy and resources on doomed negotiations. The well is poisoned: the Colony's structural interest is to deny and eradicate our claim to sovereignty, as it once tried to deny and eradicate us, and asking it to do otherwise is to ask it to act against its own survival. In a breathtaking anticlimax, the Uluru Statement from the Heart was swept aside like tissue from the benches of Parliament. The Statement was one of our peoples' greatest collective political feats since the 1967 Referendum, which removed sections 51 (xxvi) and 127 of the Constitution, thus preventing the states from implementing assimilationist and segregationist policies (Thomas, M., Parliament of Australia).
The uneventful reception of the Uluru Statement shows clearly that our conceptions of and claims to sovereignty are trivial to Australian political leaders. Parliament's attitude shows that constitutional recognition, treaty, and reconciliation are solutions to the wrong problem: how might we as First Nations be validated by the Colonial state and its subjects?

But why should we seek validation from the Colonial state? Such a request is self-refuting. We are implicitly admitting to ourselves how deeply confused we really are.



A people's attitudes and self-perceptions are the foundation of their claim to sovereignty. However, previous generations had shackles around their throats preventing them from viewing themselves as free; those shackles have been passed on in the form of unliberated minds in young First Nations people. Many of our recent Ancestors were forcibly alienated from their Land, culture, communities, the fruits of their labour and the bodies that produced those fruits, and their spiritualities. Given the history of race relations between Settlers and First Nations, from violent displacement to religious indoctrination to wage and child theft, it follows that so many First Nations people were born with a limited perspective of sovereignty.

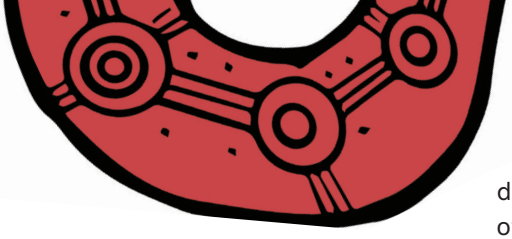
To counteract this historical conditioning, today young Aboriginal and Torres Strait Islander people must understand that we are living in the sunrise era of freedom for our peoples. I am the first generation of my mother's line of the family to be born after the 1967 Referendum and I am the first generation to be raised outside a mission or other Aboriginal ghetto, except in cases where children were forcibly removed and raised outside of community altogether. I take my freedom incredibly seriously because it is not freedom that my mother experienced. As young people, our perspective of individual liberty and community self-determination must be approached both intergenerationally and internationally. Therefore, in order to fully understand the depths of the word "sovereignty" we must frame the discussion of sovereignty in relation to both our ancestors and contemporary nation-states.

From an intergenerational perspective, young people can express their cultures and identities in ways that were inconceivable to our parents and grandparents. Our relative freedom and rights relative to past generations can be seen, for example, in the contrast between the recent movements to save traditional languages in New South Wales and Victoria, as compared to the brutal assimilationism and culture-cide faced by our people as late as the 1930s (AIATSIS). Since the creation of the United Nations Declaration of the Rights of Indigenous People the conversation is slowly

moving away from securing basic human rights towards realising self-determination, such as in the emerging field of Indigenous "data sovereignty" (Kukutai, T., and Taylor, J., 2016) investigating the practical implementation of rights for the use of data for community-level governance. We have greater access to powerful new technologies from the globalized world, improving outcomes in Western education, and a burgeoning cultural renaissance as young people reclaim and practice anew the ways of our Old People. In light of such seismic changes, we should question whether a "spiritual" notion of sovereignty is enough to continue to improve tangible outcomes for our families and our communities, and to communicate effectively amongst ourselves and with other Australians.

There is still immense work to be done to address many challenges across Black Australia, such as alleviating the suffering of so many First Nations people still living in abject poverty (Burin, M., 2018). However, when viewed from a multi-decade perspective, while some outcomes are arguably not improving - such as Indigenous child mortality versus non-Indigenous child mortality, other outcomes are improving, such as early childhood education (Department of the Prime Minister and Cabinet, 2019). Now is the time for Aboriginal young people to begin considering how enacting their sovereignty on both an individual and community level can help amplify these pockets of progress.

From an international relations and colonisation perspective, there are two extremes on a spectrum of sovereignty: assimilation, the complete annihilation of pre-contact sovereignty, and separatism, the political secession of Aboriginal and/or Torres Strait Islander communities from Australian governments and institutions (in whatever form that may take). Aboriginal and Torres Strait Islander people have consistently rejected various forms of assimilationist policies and practices, most potently demonstrated through our rejection of colonial child removal practices that destroyed families and absorbed Aboriginal children into mainstream Australia (Human Rights And Equal Opportunity Commission, 1997).



For the sake of intellectual exploration, not political division, we can run a thought experiment with the alternate extreme, separatism, to examine potential opportunities and challenges of "sovereignty."

The separatist thought experiment is framed as such: if we were to establish our own separate government, based on sovereign nation-states recognised by the United Nations, what sort of institutions would we have to create? By comparing tools of nation-states, such as sovereign wealth funds and militaries, we can analyse and argue the political feasibility and desirability of institutions and instruments of modern sovereignty entities.

An Australian First Nations sovereign wealth fund for economic development is clearly an instrument that Aboriginal and Torres Strait Islander communities should explore creating. Many countries have seen Norway reaping public benefits from their Government Pension Fund Global, which deposits surplus revenues from offshore petroleum exploitation to "safeguard" the economic future of Norwegian citizens (Norges Bank Investment Management, 2019). The proper establishment, contribution to, and management of a First Nations Australian sovereign wealth fund could see our communities safeguarding our economic interests from the state and federal mismanagement of Australian natural resources that left Australia missing out on long-term benefits from the mining boom (Cleary, P., 2016). An instrument such as a sovereign wealth fund, and appropriate governance to properly oversee its management, are worth serious consideration from Aboriginal and Torres Strait Islander community and national leaders to build and secure the long-term political and economic autonomy of our peoples.

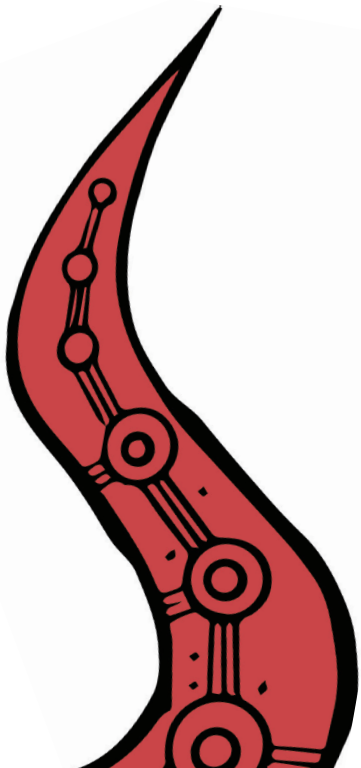
However, some institutions of nation-states are clearly not politically feasible or even desirable. For example, an Aboriginal military (or paramilitary) would undoubtedly cause significant tensions and can likely be dismissed out of hand as not only unhelpful

but potentially disastrous. As such, by looking at the parts, institutions, powers, and policies of nation-states we can systematically begin to establish or eliminate new tools for securing the continued long-term development of Aboriginal Australia.

After centuries of foreign occupation, the full meaning of the word “sovereignty” is only now being fully grasped and Aboriginal and Torres Strait Islander young people are increasingly achieving the educational and economic outcomes to push the conversation forward into unexplored territories. The long-term outcome of such conversations, whether politica or economic, is the eventual paradigm shift between Indigenous and non-Indigenous Australia: the colony should one day seek validation of its sovereignty from us, not vice-versa.

Future negotiations will not be characterised by disenfranchised and disempowered First Nations treating with illegitimate post-colonial governments for scraps and fire extinguishers.

Instead, future negotiations will be conducted by economically and politically autonomous First Nations and the Commonwealth who will determine how the descendants of Settlers, new Australians since Federation, and the Children of the Dreaming may together peacefully and prosperously co-create a republic.



# References


*Jones, R. (2011). 'Eugenics in Australia: The secret of Melbourne's elite', The Conversation, 21 September. Available at: https://theconversation.com/eugenics-in-australia-the-secret-of-melbournes-elite-3350 (Accessed: 23 June 2019).*

*Cawthorn, M. (2018). 'Native title, rights and interests', Prescribed Bodies Corporate, 9 August.*

*https://www.nativetitle.org.au/learn/native-title-and-pbcs/native-title-rights-and-interests (Accessed: 24 June 2019)*

*Allam, L. (2019). 'Governments accused of inaction and backflipping on Indigenous justice', 28 March. https://www.theguardian.com/australia-news/2019/mar/28/governments-accused-of-inaction-and-backflipping-on-indigenous-justice (Access: 12 Feb 2020)*

*Thomas, M. (2017) 'The 1967 Referendum', 25 May. https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2017/May/The_1967_Referendum (Accessed: 12 Feb 2020)*

*AIATSIS. 'Aboriginal people will live as white Australians'. https://aiatsis.gov.au/exhibitions/aboriginal-people-will-live-white-australians (Accessed: 12 Feb 2020)*

*Kukutai, T., and Taylor, J., (2016). Indigenous Data Sovereignty. ANU Press.*

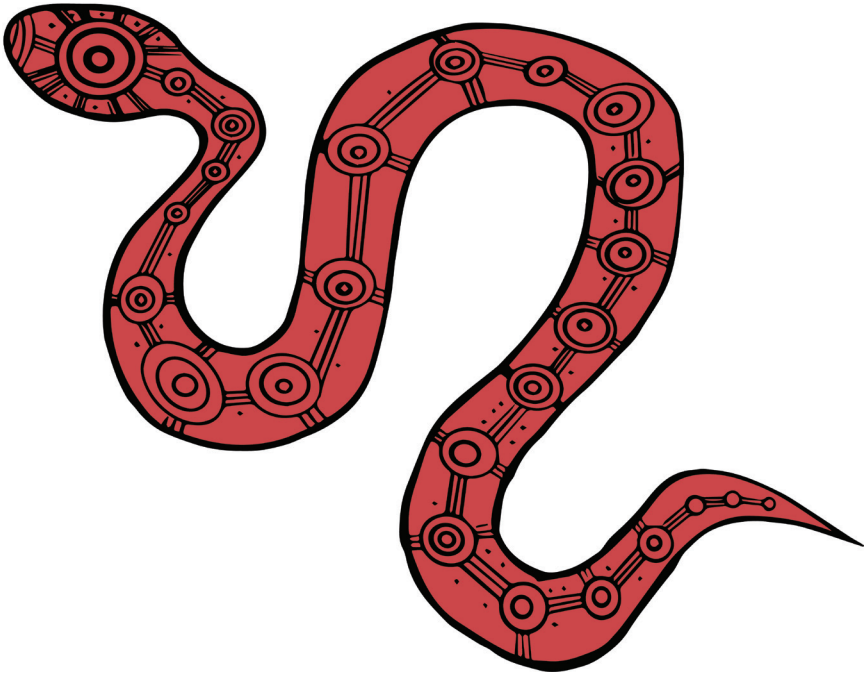
*Burin, M., ABC News. 2018. Third-world life in the heart of a first-world city. [ONLINE] Available at: https://www.abc.net.au/news/2018-02-20/one-mile-dam-indigenous-community-darwin/9445160. [Accessed 8 July 2019].*

*Australia. Department of the Prime Minister and Cabinet. (2019). Closing the Gap 2019 Report. Available at: https://ctgreport.pmc.gov.au/*

*Australia, 1997. Bringing Them Home: Report Of The National Inquiry Into The Separation Of Aboriginal And Torres Strait Islander Children From Their Families (parliamentary Paper). Human Rights And Equal Opportunity Commission.*

*Norges Bank Investment Management. 2019. About the fund. [ONLINE] Available at: https://www.nbim.no/en/the-fund/about-the-fund/. [Accessed 8 July 2019].*

*Cleary, P. (2016) 'What Australia could have learnt from Norway's sovereign wealth bonanza', ABC Radio National Late Night Live, 31/08/2016. [ONLINE] Available at: https://www.abc.net.au/radionational/programs/latenightlive/what-australia-could-have-learnt-from-norway-sovereign-wealth/7797560. [Accessed 8 July 2019].*




**Published by Youth Affairs Council Victoria**
**Sponsored by Koorie Youth Council**
**Artwork by Cheyenne Rain Travis**



**yacvic.org.au** **koorieyouthcouncil.org.au**

YACVIC
Youth Affairs Council Victoria

KOORIE YOUTH COUNCIL

**Level 2, 235 Queen St**
**Melbourne VIC 3000**
(03) 9267 3700
info@yacvic.org.au