



FORUM

Centre For Citizenship & Human Rights

Dr Damien Kingsbury: Advisory Officer to the GAM's Negotiators, Helsinki Peace Talks

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Centre for Citizenship & Human Rights

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Following the tsunami in Aceh on 26 December 2004 and the consequent move to resolve the territory's twenty nine year long separatist conflict, the CCHR's Dr Damien Kingsbury was invited to the Aceh peace talks to advise the Free Aceh Movement (Gerakan Aceh Merdeka) on achieving a political settlement with the Government of Indonesia.

The invitation was a result of Dr Kingsbury's work on Indonesian politics and the role of the Indonesian military, and the contacts he made with GAM during this process.

Dr Kingsbury said: 'It has been an honour to be asked to assist in the process of trying to reach a negotiated political settlement to the Aceh conflict.'

'Trying to resolve a conflict that has existed for almost three decades cannot occur quickly,' Dr Kingsbury said. 'However, we have been able to make real progress, and assuming that the current goodwill remains, a comprehensive and sustainable negotiated political settlement is possible.'

Dr Kingsbury said that many difficult details remained to be resolved, and that one of the major obstacles to achieving peace was the intransigence of the Indonesian military (TNI), which has opposed the peace talks. However, he said that the assertion of civilian authority over the TNI, with the support of the international community, could address this problem.

Dr Kingsbury advised GAM during the first round in an unofficial capacity, but was formally an adviser to the GAM delegation for the second round of the talks. Following the relative success of the second round, Dr Kingsbury has been invited to attend further rounds aimed at addressing the substantive issues of a negotiated peace settlement.

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Women Working Through Community Development

(Paper delivered by Professor Sue Kenny to the Islamic Woman's Welfare Council of Victoria, Annual General meeting held on 9th December 2004 in Melbourne)

Over the last 20 years I have worked with non-government organisations (NGOs) in Australia and in a number of other places in the world. I want to talk about the changes in the way in which they work and the inspiring women's organisations and organisations run by women.

NGOs have traditionally had two roles. First, the provision of welfare services. Second, they have also provided sites for resistance and activism and they have provided a voice for disadvantaged people.

Welfare services

In regard to the provision of welfare services, they have provided welfare as charity and welfare as welfare professionals. One of the main problems with the welfare approach is that the giver and receiver generally understand themselves in an unequal relationship. This allows the giver to decide what is 'best' for the receiver.

The most recent example of this approach is to be found in 'capacity-building'. Capacity-building tends to be based on what is known as the deficit-based approach, which assumes that disadvantaged communities have no capacity and require an 'expert' outsider to come in and build it up for them. The deficit approach can actually further undermine the existing capacities of communities by sapping away existing confidence and pride in communities. Capacity-building also assumes that communities are homogenous and glosses over diversity. Responding to needs and issues is rarely a short-term process. When 'experts' come into a community they have short-term contracts. There is little scope for the time for reflection which is so necessary for the development of skills and knowledge.

Of course this does not mean that NGOs should not be involved in providing knowledge and material support to communities. It does mean though that they should be sensitive to the ways in which this knowledge and material support can be patronising and undermine existing skills.

Resistance and activism

If there are some problems with the role of NGOs as providers of welfare, what about their role as sites for resistance and activism? Certainly NGOs have been really important, in Australia and internationally, in fighting to ensure that the human rights of people who are disadvantaged and powerless are guaranteed. But again, it is important to be sensitive to the ways in which advocates 'speak for' the powerless.

development describes a particular way of working with communities to shape their development. It involves:

- Community members deciding together what their issues are and how they should be resolved;
- Community members deciding together what their priorities are and how they should be fulfilled;
- Community members deciding on what they want from outsiders (if anything) in assisting them;
- Community development practitioners working with and for communities within the community's terms of reference.

I have found that women's organisations are particularly good at working with community development methods. They have an instinct for collective work where it is the communities themselves who decide on what is to be done. Women community development practitioners tend to be drawn from the communities in which they work. They understand that they are working with and for communities. They have patience. They are prepared to listen and reflect before taking action.

In many countries women's organisations and organisations run by women have provided an inspiration to women struggling for equality and respect. For example, the Revolutionary association of the Women of Afghanistan, in Afghanistan and Pakistan and Maria's Children in Moscow.

Research that I have undertaken at the CCHR has revealed that it is important that organisations are open and egalitarian and that they provide a welcoming trusting and sharing atmosphere. These are features of the hundreds of women's organisations I have been involved with internationally.

And here today we have an inspiring example of an organisation that exemplifies the features of a real community-based organisation. An organisation established by Muslim women for Muslim women...

Research Grant Awarded to CCHR

CAUS – Communications Aid Users Society

This project, funded by an outside body aims to develop a tool to support people with Communication Speech Difficulties (CSD) and, in collaboration with their Advocate, to audit their level of participation in key life areas. This objective is based on the principle that people who have communication difficulties have the human right to express themselves and to be heard, as well as the commitment to fundamental social and cultural change within the general community to eliminate the disabling barriers that impact on people accessing their rights. Key project assessments will thus be based on developed benchmarks for community access/ denial to key life areas.

Voices in the Wilderness- An evening with Gus Dur & Michael Leunig

(held in Melbourne on 11 December 2004, sponsored by CCHR)

An inspiring evening was had by all who attended the conversation between Abdurrahmin Wahid (Gus Dur) former President of Indonesia, and Michael Leunig, well known cartoonist at *The Age*, at St. George's Anglican Parish hall, Flemington. The evening began with the facilitator, Morag Fraser, opening up discussion of the factors in their upbringing that influenced the life directions of the two speakers. Gus Dur was raised in a very traditional, religiously conservative environment. However he was given significant freedom to explore the many ways of living. Alongside his commitment to Islam he developed his interest in local non Islamic and Western cultures. This ability to explore many ideas, he argued, is foundational to a well-rounded education, one that is based on tolerance and learning throughout life. This is essential to the development of empathy and understanding of other people's viewpoints. It produces a pluralism that is not just based on personal experience, but is also intellectually grounded. Michael Leunig picked up on the importance of understanding other ways, and of the need to empathise with the underdog. In particular it is important to imbue children with an understanding of the simple pleasures of life. It is important for them to know about the joys of life and to equip them with an exploring and creative mind. Both speakers have, in their different activities, demonstrated their commitment to a tolerant world, where people are receptive to new ideas and seek out insights from non-expected sources. Both would rather understand than judge, even when confronted with the horrors of the modern world, including hatred and modern warfare.

■ **Professor Sue Kenny & Assoc Professor Greg Barton Deakin University**

NGOs and the Development of Civil Society: Comparing Indonesia and Russia

Professor Sue Kenny presented a paper '*NGOs and the development of civil society : comparing Indonesia and Russia*' at the Wahid Institute in Jakarta in January 2004. Sue was in Indonesia as part the ARC research that she is undertaking with Associate Professor Greg Barton into capacity building in Indonesian Islamic NGOs (non-government organisations). Being in Indonesia just after the tsunami that had devastated parts of Aceh, Sue was involved in a consortium of NGOs concerned to establish community development processes for the distribution of humanitarian aid.

Iraq and the Challenges for Human Rights

To my surprise, the Symposium, 'Iraq and the Challenges for Human Rights' last year (Friday 1 October, 2004) at the Arts Centre began with the drama of one of my comrades, unrecognisable in an unaccustomed suit, tie and trimmed beard leaping towards the opening speaker, the Minister for Foreign Affairs, The Hon. Alexander Downer, and attempting to perform a Citizen's arrest, as he in turn was leapt upon by a cohort of security guards. An unintended, albeit successful strategy for attracting media attention to this important seminar!

The presentation by the President of the Iraqi Academy of Sciences, Dr Al-Shahristani, kept in solitary confinement and torture for eleven years for refusing to join Saddam Hussein's nuclear weapons program who currently runs the Iraqi Refugee Aid Council and the Iraqi Academy of Sciences was sobering and powerful. I was all too conscious that Iraqi friends and colleagues were viewing his graphic slides of torture under Saddam Hussein, as painfully familiar in contrast to what to me was utterly beyond my own experience.

A panel discussion explored the situation of Iraqi refugees in Australia. Prominent speakers from Iraq, UK and Australia gave detailed analyses of various human rights issues. These included a historical perspective, constitutional and human rights guarantees in the building of the new Iraq, women's empowerment, (Speaker Dr Salma Al-Khudairi), and AIF and the treatment of refugees (Dr Hussain Al-Shahristani).

Dr Sahib Al-Hakim, President of the London based Organisation of Human Rights in Iraq and recipient of the Ambassador of Peace award for his humanitarian activities to assist the recovery in Iraq after many years of exile, spoke of how Iraqi people have endured more than three decades of large-scale violations of human rights that took the form of mass killings, torture, long-term imprisonment and ethnic cleansing. Following the collapse of the former regime, the scale of the atrocities has become more evident with the uncovering of hundreds of mass gravesites throughout Iraq.

The closing Panel discussion on refugee policies, moderated by Peter Mares, with Panellists: Di Sisley, Dr Sev Ozdowski, Dr Fethi Mansouri, Mueen Al-Briehi and Dr Khairy Majeed brought it all together with vigorous discussion in the context and lived experiences of Iraqi refugees present at the forum.

■ **Cate Kyne**

ICG Public Seminar Series

The Institute for Citizenship and Globalisation and CCHR presented 2 sessions within the annual ICG Public Seminar Series in December at Deakin's Melbourne campus.

Professor Fethi Mansouri presented a paper: *Islam, Modernity, and the Discourse of Human Rights*

Associate Professor Greg Barton presented a paper: *Islam, Liberal Democracy and Civil Society*. Ahmad Su'adi from the Wahid Institute, Jakarta, Indonesia, responded to Professor Barton's paper.

Professor Mark Lyons and Professor Sue Kenny presented: *The Promises of the Third Sector: Some contemporary research*.

Forthcoming ICG Seminars

March 2nd, speaker: Colin Long *Resurrecting the Lost Promise of Revolutionary Havana*

March 9th, speaker: Lyuba Zarsky *Rights Without Rewards: Foreign Investment, Sustainable Development and the Governance of International Investment*

March 16th, speaker: June Factor *The Australian Army during WWII: a cradle of multiculturalism and radicalism?*

March 23rd, speaker: Lynne Star Reading, *No Man's Land*

April 6th, speakers: David Benyon and Sambit Datta *Tracing the Links between Nagara tradition and early Southeast Asian temples*

April 13th, speakers: Rosetta Moors and Lynne Alice *Multinational Corporations and Human Rights*

April 20th, speaker: Joost Coté *Colonial Utopias*

April 27th, speaker: Fethi Mansouri *Global Pedagogies for Cultural Difference and Inclusive Schooling*

May 4th, speaker: Joan Domicelj *Tbc*

May 11th, speakers: Michael Leach, Fethi Mansouri and Sam Traeis *Acculturation Experiences of TPV Refugees*

May 18th, speaker: Quynh-Du Ton-That *Hue, Vietnam*

May 25th, speakers: David Bridge and Jehan Loza *Corporate Social Responsibility and Public/Private Education*

June 1st, speaker: Alexandra Haendel *Cambodia/Indonesia Comparisons*

(for further information, email kazumi@deakin.edu.au)

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Books available for reviewing (reviewers retain the copy)

Violent Democracy, by Daniel Ross

Falun Gong: The end of days, by Maria Hsia Chang

Post-Communist Democratization, by John S. Dryzek & Leslie Holmes

The State and International Relations, by John M Hobson

Us and Them: Anti-Elitism in Australia, by Marian Sawer & Barry Hindess

The Rise and Fall of Communism in Sarawak 1940-1990 by Vernon L Porritt

Guantanamo: What the world should know, by Michael Ratner & Ellen Ray

Authors Take Sides: Iraq and the Gulf War, edited by Jean Moorcroft and Cecil Woolf

Well Done, Those Men: Memoirs of a Vietnam veteran by Barry Heard

to obtain a copy, contact

anne o'keefe

ph 03 5227 2113 email aok@deakin.edu.au

Stealing Timor's Oil

During the traditional Australia Day long weekend, many television viewers were watching Alicia Molik play Venus Williams in the fourth round of the Australian Open Tennis Championships. They were taken by surprise during the commercial breaks when one of the advertisements accused the Australian government of stealing \$2 billion in oil revenue from the East Timorese. According to subsequent press reports, the ad was paid for by a businessman named Ian Melrose, who owns a chain of optometrists. Melrose agrees with the goals of the Timor Sea Justice Campaign, which is a network of individuals and groups trying to achieve a fair division of the natural resources under the Timor Sea. His advertisements are an important auxiliary to the Timor Sea Justice Campaign. Melrose has said that he intends to target every high-profile event at which Prime Minister John Howard and his government would ordinarily try to gain publicity:

Say, for example, ANZAC Day, Australia Day, all those sorts of events where the Government tries to gain glory, we will be advertising the poor conduct of the Australian Government in relation to East Timor¹.

The unapologetic tone of the ads indicates that the campaigners are confident of public support across conventional political divisions. It signals their assessment that the Australian government finds it difficult to play the nationalist card on this issue. The government's response therefore had a defensive ring to it; it suggested that Ian Melrose should be spending his money on projects in East Timor, not on advertisements in Australia. Anonymous officials also claimed that Melrose's figure of \$2 billion was deceptive and misleading because Australia had received no more than \$15 million from the Joint Petroleum Development Area. In these circumstances, maps are highly informative but – unfortunately – not widely available.



I therefore include the above map with the permission of petroleum engineering specialist Geoff McKee, who has three decades of experience in the field. McKee, who lectures occasionally at the University of New South Wales's School of Petroleum Engineering, points out that the largest resources lie *outside* the Joint Petroleum Development Area. While the Australian government agreed to take only 10% of East Timor's resources inside the JPDA, it profits from all the resources outside the JPDA. For example, the large Greater Sunrise field and the smaller

Laminaria-Corallina and Buffalo fields are much closer to East Timor than to Australia, but are mostly outside the JPDA. Australia therefore receives 100% of these royalties, even though the Greater Sunrise reserve is just 80 km from the south coast of East Timor but 450 km from Darwin.

When Australian officials, anonymous or otherwise, claim that Melrose's figure of \$2 billion in stolen revenues is deceptive because Australia only receives \$15 million from the JPDA, they are evading the central point of the advertisements! The JPDA, in any case, is based on the now-discredited Timor Gap Treaty of 1989, which saw Australia receiving the largest share in return for its recognition of Indonesia's illegal annexation of East Timor. In March 2002, just two months before East Timor became independent, Australia withdrew unilaterally from the maritime boundary jurisdiction of the International Court of Justice (ICJ) and the International Tribunal on the Law of the Sea (ITLOS). Its withdrawal was based on the optional clause of the Statute of the ICJ and Article 298 (1) of the United Nations Convention of the Law of the Sea (UNCLOS), and reflected its assessment of the weakness of its own legal position².

A Newspoll commissioned by Ian Melrose found that 77% of Australians believed that Australia should allow an independent body (such as the International Court of Justice) to determine its maritime boundary with East Timor. 10% were opposed and 13% were undecided³. With these indicators, the task facing activists and other concerned citizens is clear – more education of the Australian public, and more pressure on the Australian government. Until a final resolution of the permanent maritime boundaries, all Australian revenues from the disputed areas should be placed into escrow.

■ Clinton Fernandes

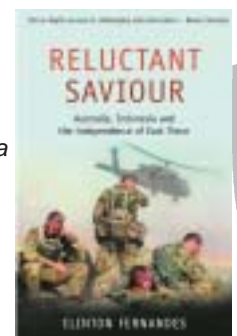
Endnotes

- 1 Lee, J., *Businessman wins ace in campaign for Timor*, Sydney Morning Herald, 27 January 2005.
- 2 Bugalski, N., *Beneath the sea: Determining a maritime boundary between Australia and East Timor*, Alternative Law Journal Vol 29, No 6, 2004.
- 3 Michelmores, K., *Most Australian support ICJ determining Timor boundary: poll*, AAP Newsfeed, 7 October 2004.

Clinton Fernandes's recent publication:

Reluctant Saviour: Australia, Indonesia and the independence of East Timor

will be reviewed in the June edition of *Forum*



***Social Justice and the Politics of Community*, by Christine Everingham, Ashgate Publishing Ltd, Aldershot, 2003.**

'Community' appears to be one of the more over-used yet under-defined terms in the Australian political vocabulary. We discuss 'communities' of people, with spatial, political, cultural or national implications. Yet this is often done without explicating what it is that integrates a particular group of people into a community. Activists, advocacy workers, academics, politicians and policy-makers employ the term regularly to advance often hugely divergent political causes.

Christine Everingham's *Social Justice and the Politics of Community* provides a thoughtful, accessible and timely investigation into the term, taking 'community' well past simple rhetorical expressions. In Everingham's book, an analysis of community is undertaken in relationship to the Australian state, civil society and notions of social justice. The book moves through three parts, 'Challenging Narratives of Community Decline', 'Community as a Terrain of Political Contestation' and 'The Search for a New Social Consensus'. It achieves three key discursive interventions into the politics of community in Australia: conceptual clarity around the notion of community, an exploration of the manipulations and shifts in the use of the term, and an analysis of the relationship between civil society, capital and the state in negotiations over social justice in Australia.

Across the book, Everingham argues that the community has been the key political terrain upon which civil society and the state have traditionally negotiated issues of social justice. Historically, the welfare structures of the Australian state have attempted to ensure a consensus between organised labour and capital based on the state's protection of social justice. Political struggles have been fought over the boundaries of the ideal norm of community that has underpinned social welfare policies in Australia—a community comprised of "self-reliant individuals living in economically self-sufficient family units" (p.18). In the 1960s and 1970s, Everingham argues, community activists challenged this norm on several fronts. They contested the homogenising repressiveness of the norm, particularly its effects of excluding women and ethnic minorities. Also challenged was the static and narrow view of democratic participation it engendered. Community activists demanded social justice from the state in the form of greater democratic participation and material redistribution for an increasingly more diverse range of communities.

Everingham contends that economic globalisation coincided with excessive demands on welfare structures to place the Australian state under great pressure. Under the advent of globalisation from the 1980s onwards, the Australian state has been less able than ever to control economic conditions. At the same time, more and more communities are organising to demand greater participation in the decisions that shape their lives and a more equitable distribution of economic, social and

cultural resources. Everingham argues that the social consensus reached through the welfare structures of the state has been stretched beyond limits. In the Australian state's attempts to re-define its role in an era of globalisation, it has increasingly used notions of community to ensure social control, rather than social justice. Hence Everingham maps the process by which welfare communities have been progressively forced to ensure delivery of key social services under a competitive, corporatised system, while their activist and advocacy roles have been tightly managed and undermined by state political processes.

Everingham's book posits a methodical and ultimately convincing argument that social justice in Australia can no longer, and never really could, be achieved through the structures of the welfare state on the political terrain of community. Everingham's arguments about the evolution of the welfare state under new economic conditions has clear parallels with Habermasian notions of 'legitimation crisis': ensuring the democratic legitimacy of the state and ensuring individuals are integrated into the nation-state, despite the state's reluctance or inability to control the socially disintegrative effects of capital.

However, Everingham's exploration of the political manipulation of notions of community to ensure the Australian nation-state's legitimacy is lacking in one key respect. Constructions of cultural definitions of the national community now appear to play a key role in ensuring social integration and the legitimacy of the Australian nation-state. Think, for example, of the power of Howard Government-style Anglo ethno-nationalism and the representation of cultural threats to a narrowly-defined Australian community. Ghassan Hage (see *Against Paranoid Nationalism: Searching for Hope in a Shrinking Society*, Pluto Press Australia, Annandale, 2003) has powerfully argued that recent governments' abilities to claim to protect the Australian nation from cultural threats have provided the grounds to overcome a potential crisis in the democratic legitimacy of the state. Hence it may be that the cultural grounds of the nation are gaining in importance for governments, as the welfare structures of the state are less and less able to successfully integrate people into an Australian nation. Given the contemporary salience of this political usage of community, Everingham would have been better to either pay this greater heed or to explicitly rule it beyond the terms of her book.

Through her analysis, Everingham makes some key suggestions for the debate. She calls for a new consensus regarding social justice to be reached between the state and civil society that displaces the economic growth paradigm. She provides the seeds of a new way of thinking about how to achieve social justice in an era of globalisation. However, one of the major flaws

(continued on page 8)

***Asia: Cultural Politics in the Global Age*, by David Birch, Tony Schirato, and Samjay Srivastava, Sydney, Allen and Unwin, 2001.**

Asia: Cultural Politics in the Global Age is an important and timely enterprise. The book, in nine main chapters, analyses how the public sphere (media including the Internet) reinforcing and being shaped by religion, gender and sexuality, and ethnicity and is influencing the 'postmodern' Asia through globalization (Chapter 3) and 'informationalism' (Chapter 4). The main purpose of the exercise is to help the readers achieve 'cultural literacy' i.e. the knowledge of 'meaning systems' (policies, contexts, discourses, ideas, ideologies, beliefs, traditions and narratives), recognizing the cultural differences, and developing ability to negotiate those systems (p.x). To understand the underlying cultural politics ("the ways in which certain types of thinking, acting, perceiving, and interpreting are constructed in and by different social groups as being important and, in some cases, required, either by law, religious decree, moral standards, social pressures of varying kinds, educational practices, and so on, to be practiced, accepted and often 'naturalized' as the 'norms' of society") is one of the most effective means of engaging with different cultural literacies (p. xi). There is a need for understanding the themes and issues in terms of their context. Thus the book highlights the non-Western discourses of modernity suggesting that Asians may become modern, without having to become westernized so the 'new woman' in Asia "may be 'modern' but she is not 'western': that is underneath her confident modernity she retains the 'essential' values of her culture" (p. 140). The authors, by discounting possible threats posed by 'globalisation' to the sovereignty of the nation-state, and to the viability of some 'local' cultures, suggest that 'globalisation' does not necessarily mean a homogenizing of all culture because the diminishing of the sovereign states' authority may allow 'glocalisation'-that is 'local' cultures that have been buried by the state will reemerge (p. 70). They then argue that "the idea that the globalization of the media means a 'free market' of ideas is erroneous because, for example, giants like Rupert Murdoch's News Corporation has to accept the fact that to run STAR in China, it has to follow the government's line and keep BBC out from the network (p.98). Thus national governments will continue to regulate public sphere in the interests of 'national unity and stability' (p. 98).

The recent voluntary news black out in many liberal democracies vindicate their assertions that not only the governments other 'norms' of the society will continue to influence the public sphere. Some of these 'norms' are created or reinforced by endo-colonialism. Major manifestations of 'endo-colonialism', to the authors, are the 'reclamation' of Hong Kong by China and, less subtly, the continuation of 'caste-based' apartheid in India (p. 49).

Though the authors correctly assert that the "most common Indian referent of caste is *jati*", nevertheless,

"there may exist a caste system among certain Muslim communities" especially in Punjab, is essentially a wrong assertion. The fact of the matter is the authors' reference to 'caste' in Punjab is not varna or jati- they are merely lineage and do not influence day to day activities or social relationships and are factors, as correctly identified by the authors, linked only "to the arrangement of marriage alliances" (p. 123). The authors are very correct in asserting that there is a distinction between religious ideologies and "practices generated by the history" and also it is meaningful to speak of "a shared composite culture of groups living in proximity to each other, rather than attempt to discover sharply delineated religious identities" (p. 123). Thus, irrespective of religious beliefs Punjabis, in general, are very strict about their group incongruence at matrimony. Talking about contextuality and understanding, the authors could have been a bit more considerate analyzing some other issues like the case of Bumiputera (not only a "policy which privileges the Malays" (p. 166), it is also a device to correct the injustices done to the Malays in the past, or of Pancasila ("which has been used against ethnic Chinese as well as Islamic groups", p.166). In reality, however, due to the inclusive policy of the Pancasila Chinese businessmen have been influential in Indonesian economy and this influence created an outrage among the unemployed disaffected Malays during the anti-Suharto campaign.

The book accomplishes many of the proposed analyses. However, it leaves some gaps. For example, a major aim asserted in Chapter 5 is to demonstrate that "A country with a high per capita GDP is not a 'better' country or a more 'civilized' one than one with a low GDP" (p. 96). It is not accomplished. Further, in Table 1 (p. 97) and in the corresponding discussions the per capita GDP figures are in PPP\$ terms (which are 5/6 times higher, for example, in south Asian countries, than the actual dollar figures), but since this is not mentioned, it may give a wrong impression to the readers who are not familiar with the actual economic situation in the respective countries. Further, though "there is no such thing as Asia" (p. 1) to identify "the main economies of Asia" (p. ix), the book omits West Asia and the Gulf states, qualifying 'Asia' with South, Southeast, and East Asia.

The book, in general, is a good work. The authors very intelligently use media (advertisements) to illustrate many points under discussion. The authors' scholarship, however, is hampered with unsubstantiated assertions, subjective generalization, and absence of references. The authors do not provide references even after suggesting that there is a growing body of literature and debate (p.121) or what research from India suggests (p.123). In fact, a poor referencing to information and data undermines the arguments and frustrates the readers' opportunity to probe further.

(continued on page 8)

***Honour Among Nations? Treaties and Agreements with Indigenous People*, by Marcia Langton, Maureen Tehan, Lisa Palmer and Kathryn Shain (eds), Melbourne University Press, Melbourne 2004 pp354, ISBN 0-522-85106-1, paperback**

In the current political climate of the 'unfinished business' between Indigenous Australians and the Australian nation-state *Honour Among Nations?* is a timely and important contribution to the growing debate on agreement, negotiation, treaties and reconciliation. Over 300 pages long, the book is divided into four sections:

- a historical overview of Indigenous agreement making and governance,
- recognition and resolution in treaty making in settler states,
- negotiating beyond Native Title,
- the opportunities and constraints of agreement making.

A consistent theme in the book, as the editors point out, is 'the intersection between pursuing the legal rights, international and domestic, of Indigenous people and pragmatic means for furthering Indigenous aspirations and goals outside of the formal legal conclusion of these rights'(p. 24). This issue encourages the researchers to examine the contradictory relationship between international law, which had come under the influence of a positivist approach to the law of the nations and was concerned with the rights and duties of the nation-state, and alternative traditions of governance and sovereignty.

Another important theme of interest to students of politics, citizenship and cultural democracy is the difference between the legal and political subjecthood of Indigenous people. Julie Evans explores this question in the context of two British colonies, Natal and Western Australia, and although her research is historical the questions she asks are still current in many nation-states today. Evans found that in the case of Natal, Indigenous people's legal subjecthood (under native title) was used to diminish their political subjecthood, thus effectively excluding them from political power. In Western Australia, pre-existing laws and customs were not recognised. But despite the presence of British law and Britain's 'theoretical commitment to equality between its subjects' Indigenous peoples found themselves under a separate system of criminal law that contradicted their status as equal subjects before British law. Evans concludes that although 'the colonial legal systems of Natal and Western Australia differed, they operated to produce similar discriminatory provisions that would secure settler privilege at the expense of Indigenous peoples' (p. 72).

The paradox of globalisation and local diversity is another vital issue considered in this book. Bruce Harvey argues that one phenomenon drives the other. In situations where individuals see themselves 'losing control over their daily economic lives' they respond by assuming and expressing greater control over their 'cultural, social and spiritual lives' (p. 246). Indigenous peoples are not only 'finding a voice', but their cultural presence is being recognised and protected by sovereign law. Harvey cites the legal recognition of customary land connection through native title

in Australia, the recognition of and inclusion of traditional environmental knowledge in environmental impact assessment in Canada and Maori consultation enshrined in development processes in New Zealand as examples of co-operation between Indigenous people, business and governments.

■ **Dr. Inta Allegritti**
School of Social Sciences
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Social Justice and the Politics of Community

of the book is arguably its little-explored assumption that meaningful social justice *can* be achieved singularly through the nation-state. Everingham calls for a form of social justice that ensures active recognition of diverse peoples, their meaningful participation in democratic decision-making, and the addressing of multiple injustices. Paying heed to this politics of difference, she also desires that a new form of social justice find meaningful ground for solidarity between diverse communities and ensures their equal access to economic, social and cultural resources. Fulfilling this rich definition of social justice may necessitate thinking beyond the realm of the nation-state, rather than just within it.

■ **Anna Trembath**
Research assistant, CCHR

Asia: Cultural Politics in the Global Age

Overall it is worth reading for those who do not want to become a cultural expert of a specific Asian society or tradition, but want to "develop a cultural literacy with regard to the major themes, issues and contexts that characterize the cultural politics of 'contemporary Asia'" (p. xiii) because the book has truly achieved its main purpose.

■ **Samiul Hasan**
CACOM, University of Technology, Sydney