

No business can ever be built on confusion

Submission from Richard Trudgen

of Why Warriors Pty Ltd

25/02/19

Inquiry into the Opportunities and Challenges of the Engagement of Traditional Owners in the Economic Development of Northern Australia

Having spent over 40 years working with the Yolŋu people of North East Arnhem Land I wish in many ways I had the time all over again as I would do things very differently. During this period I have acted as a community development worker/educator with Yolŋu people, devoting much of the time to learning their traditional economic and legal language so I could use it to educate Yolŋu communities in contemporary business practices.

In the early 1980's I became aware of how genuinely confused Yolŋu were about contemporary issues. Some of this I have already explored in the book "Why Warriors Lie Down and Die", which is still popular amongst mainstream professionals who work with Aboriginal people right across Australia.

I was also instrumental in the development of Yolŋu Radio, a service broadcast in Yolŋu Matha (Aboriginal language), and created to give Yolŋu people an opportunity to discover answers to many of the questions they have about contemporary culture and issues.

Yolŋu Radio was not initially well supported by government, with funding being cut during the intervention largely due to lack of understanding of the need for information in traditional Aboriginal language. Many of the programs at the time were of an economic and health nature, and so Yolŋu lost the opportunity to access good quality information to their questions in a language they could understand, and were denied their democratic linguistic rights as outlined by the United Nations¹. It was another 10 years before funding was made available again to develop more business programs.

This same limited funding has also allowed our company to build a website containing a whole range of educational and training material.

<https://www.djambatjmarram.com/>

While Yolŋu have access to their own traditional knowledge, mainstream dominant culture knowledge is delivered in English which is 5th or 6th language to most Yolŋu people. Additionally Yolŋu Matha language has only had an eighty-year interaction with English, so there are no complete dictionaries explaining the full meaning of English academic intangible terms and phrases.

¹ 61/295. United Nations Declaration on the Rights of Indigenous Peoples

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

This has presented a massive blockage to Yolŋu people understanding information at school or in tertiary education and training for many years. Most reach an English language ceiling at approximately year 9 and have great difficulty advancing past that level, with many leaving education and training for a life of alcohol and drug abuse.

This life destroying reality for Yolŋu people seem difficulty for many mainstream people to understand as they have never experienced such a massive learning disadvantage. Yolŋu people think and construct knowledge in their first language, Yolŋu Matha. And so, the only effective way for them to understand academic words and concepts is for them to understand them in their own language. An Original Australian language that is very capable of explaining these subjects and terms. The attached document 'Getting Yolŋu Back into Business' (Trudgen, 2014) has an extensive though incomplete word list which gives a glimpse into the level of the economic and legal language of Yolŋu people. (see p.48)

There is not a medical, legal or economic subject or concept that cannot be explained effectively in Yolŋu Matha. Sadly, the only thing stopping the development of adequate resources to overcome the English ceiling for Yolŋu people has been a lack of understanding and commitment by government.

Our latest website <https://www.djambatjmarram.com/hardwords/> has an inbuilt audio dictionary. Although it currently only contains 40 "hard English terms".

No government since colonization has provided a formal English language learning course for any Aboriginal language group in Australia. That is, a properly structured English learning course that teaches Indigenous people how to speak, hear, and understand English with instruction in their own language. There are many 'learn to read and write' English programs for Aboriginal people, but these are worse than useless. It's a waste of good money learning to read and write a language if you have no way of *actually understanding* that language. The government provides English learning programs for migrants to this country but not for the original Australians.

Most Aboriginal people have been forced to learn English without good instruction programs. This enforcement has included being whipped if they spoke their own language in the early 20th century, to being forced *not to speak* their own Original Australian Language in NT government schools in 2018. This was and is done without a formal English learning program that works from their traditional language to English. This should be seen as a national shame as it has locked Yolŋu and many other Aboriginal people out of the mainstream conversation, education, training and access to services and opportunities in business and employment. This is despite the fact that many Aboriginal people speak a number of languages and thrive at learning new ones when given half a chance.

Opportunities for Traditional Yolŋu Owners

The economic engagement opportunities for traditional Yolŋu landowners are enormous. Page 29 of the attached document 'Getting Yolŋu Back into Business' (Trudgen, 2014) contains an extensive list of potential industries.

As Yolŋu once traded internationally with Macassan traders they could do so again if the communication environment was to change.

Challenges of the Engagement of Traditional Owners

States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 13 - 2. 61/295. United Nations Declaration on the Rights of Indigenous Peoples

The main challenge facing the traditional Yolŋu landowners is the issue of communication. Failed communication not only blocks almost all interactions with the Lands Councils and other bodies it also stops people having access to basic contemporary information and knowledge in relation to business functioning, market drivers and understanding the required government regulations for successful business operation. Without good communication none of these functions are possible.

This became evident again in 2017 when Why Warriors Pty (my Company) was contracted to produce business related radio programs for Yolŋu Radio, and also to employ education programs for a new website called Djambatjmarram (meaning 'skill yourselves up'). <https://www.djambatjmarram.com/>

Yolŋu people were employed to research the subject content for these programs in their home communities. This allowed them to raise the questions they or their peers had. These Yolŋu researchers were also co-producers for the programs, further controlling the direction of the conversations.

However, to help mainstream people understand the flow of the program development it became necessary to create and document exactly *why* the particular subjects were chosen. Due to the fact that Yolŋu come from a different language and world-view position to people from the mainstream dominant culture, the subject headings and the programs developed often appear "strange" or "out of place" or "irrelevant". (Please see attached; "Research Topics for Yolŋu Business Radio Programs 1 July 17 – 31 Dec 18"). The subject headings in this paper (attached) give the mainstream Australian reader a rare glimpse into the world-view and language confusion that Yolŋu people experience every day. They include the meaning of the words/concepts 'business', 'percentages', 'tax', 'purchase orders' and 'invoices'. These examples show just why Yolŋu are missing out on so many business opportunities.

The really big surprise occurred when Yolŋu researchers asked the question, "What does 'Closing the Gap' mean?" These researchers had participated in meetings with government officers in their home communities. In fact they had been used as interpreters in these meetings, tasked to explain what it meant to their own people. But, after ten years, they still did not understand what the phrase "Closing the Gap" meant (which literally translated as, closing the space, room or chamber) or what the program was about. (the other problem is the 'gap' is a statistical gap which is not in common with the Yolŋu world-view)

Around 18 radio programs were produced before the Yolŋu co-producers/interpreters had a clear understanding of what this confusing phrase meant. Interestingly they were also surprised to find out the government was in fact concerned about Aboriginal premature mortality rates, low school attendance, and unemployment in their communities. It seems a decade of the government trying to communicate these concerns has failed badly. (See subject 166 to 183 starting on page 40 of "Research Topics for Yolŋu Business Radio Programs 1 July 17 – 31 Dec 18" paper.)

This demonstrates just how chronic communication is. All mainstream organisations, even "Aboriginal organisations" like the Land Councils, fail in this area. This again became obvious when the Yolŋu researchers/interpreters explored the question, "Where does the NLC fit in, and where are the Traditional Land Owner rights?" (page 15, subject 50) and also "Some History about the Inter Tidal Zone". (subject 51). During extensive conversations with the Yolŋu researchers it became obvious that they had no real understanding of any of these subjects.

Currently only introductory programs have been produced on these subjects, and many more need to be created to close the 35 plus years of information vacuum in relation to the Northern Land Council and traditional land owner rights, and the 10 years vacuum of information in relation to the inter-tidal zone. The researchers were adamant that even the Land Councils members and executive are totally confused about the relationship between the NLC and the traditional land owners.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

61/295. United Nations Declaration on the Rights of Indigenous Peoples

Access to this sort of information in their own language is pivotal to engaging traditional Yolŋu landowners in any of the economic development opportunities in Northern Australia. At the present time they are being completely locked out of the conversation so all issues including the “principle of free, prior, and informed consent” do not exist.

Plus there is a legal requirement on Australian governments to make sure that Indigenous people like Yolŋu fully understand.

I’m of the view that no present “agreed” business contracts have been understood by Yolŋu as even the English term ‘contract’ has not been understood. We are talking about a chronic communication failure. This is despite the fact that Yolŋu have a term in their language that is equal to ‘contract’ which has been used for centuries between themselves and Macassan traders. Sadly, due to failed communication this term has not transmitted into contemporary times yet. (Please see attached “Research Topics for Yolŋu Business Radio Programs 1 July 17 – 31 Dec 18” paper, subject headings 10- 17, on page 4.)

Just use Interpreters

As explained, even Yolŋu people who are interpreters do not understand these subjects. And it’s not that they can’t understand them - they can; but only in their own language. In fact Yolŋu Matha is extremely capable at illuminating medical, legal, and economic subjects. The current problem we face is that there’s an enormous amount of information that has never been explained to Yolŋu people in their language. Also standard “self-learning tools” such as good English learning programs and complete dictionaries do not exist for Yolŋu people.

I have heard many monolingual English first language mainstream Australians make comments like, “the interpreters just need to literally translate, they don’t need to understand the words”. People who make such comments know less than nothing about translation or interpreting. Tangible words can be literally translated because they are tangible. Academic or cognitive affective level words, phrases and concepts are intangible. This makes it absolutely impossible for them to be literally translated. The interpreter needs to fully understand their semantic meaning in English before they can be translated in their own language.

Due to a lack of understanding on behalf of many monolingual English-speaking Australia's these complex issues are trivialised and so the people miss out on vital information.

Although Chinese and other nationalities can access 'English to their language' dictionaries, that translate all English words to an academic level, (eg. <https://dictionary.cambridge.org/dictionary/english-chinese-traditional/>), Yolŋu and other Aboriginal people cannot because no complete dictionaries exist at this academic level. There are many partial resources in different places, but nothing completed and fully competent. As mentioned we are just developing a new online audio dictionary for Yolŋu. This will give Yolŋu students and adults easy access to understanding "Hard English" terms via the internet. At the moment it contains approximately 40 words. <https://www.djambatjmarram.com/hardwords/>.

For free and open access that allows 'self-learning' information to reach across Yolŋu communities and become deeply imbedded we need government support for many more Yolŋu Radio and podcasts and to develop a complete Yolŋu Matha to English learning program.(This English learning program could then be used to develop English learning programs for many other Indigenous languages across Australia). Plus we need to be able to fully develop the "Learning Hard English Words" resources on platforms like <https://www.djambatjmarram.com/hardwords/>

EXAMPLE

As an example of the breadth of the communication gap highlighted below are the English words that almost all Yolŋu interpreters will have difficulty understanding, and consequently would have trouble participating in any way as Traditional Owners in this inquiry. That is why the inquiry will receive no submissions from Yolŋu Traditional Owners even though I know they are extremely interested in this subject.

Highlighted words/phrases that almost every Yolŋu interpreter and Yolŋu professional will have problems understanding.

The Joint Standing Committee on Northern Australia will inquire into and report on the opportunities and challenges associated with land rights, native title and other land-related agreements (together with payments, benefits and access arrangements under these agreements) for the purpose of engaging Traditional Owners in the economic development of Northern Australia, including, but not limited to:

1. The current engagement, structure and funding of representative bodies, including land councils and native title bodies such as prescribed body corporates;
2. The role, structure, performance and resourcing of Government entities (such as Supply Nation and Indigenous Business Australia);

3. Legislative, administrative and funding constraints, and capacity for improving economic development engagement; and
4. Strategies for the enhancement of economic development opportunities and capacity building for Traditional Owners of land and sea owner entities.
5. The principle of free, prior, and informed consent.
6. Opportunities that are being accessed and that can be derived from Native Title and statutory titles such as the Aboriginal Land Rights (Northern Territory) Act 1976.

Article 32 - 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

61/295. United Nations Declaration on the Rights of Indigenous Peoples

It should be the first responsibility of government to make sure these clear communication resources are available for all First Australians. This is especially so where a colonial language has now become the dominate language used in all mainstream communications. English has also become the dominant language in "Aboriginal institutions" like the Lands Councils. This is not a problem for Aboriginal people who now speak English as their first language, like many who now run these "Aboriginal" institutions, but this leaves Australian citizens like Yolŋu way out of the communication loop.

Without 'closing the gap' in communication, development of the massive resources on Yolŋu estates will not happen. Sadly though high death rates, high incarceration rates, low employment and educational attainment will continue. How could anything else be possible when confusion reigns.

Some more interesting Articles from the 61/295. United Nations Declaration on the Rights of Indigenous Peoples that relate to this conversation.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

None of the above can be met without good communication. Good communication can only be achieved through communication programs and strategies like the "Business Radio Programs and the <https://www.djambatjmarram.com/> website. When the people understand the background to the issues and all the connecting information around them, then communication has less chances of becoming bog down in confusion.

The complete development of the 'Hard English' audio dictionary and a complete English learning program with instruction in Yolŋu Matha also needs to be built on this website to truly empower Yolŋu Matha speakers into the future and go a long way to meeting the Governments responsibilities in relation to Yolŋu citizens.

No business can ever be built on confusion and at the moment confusion reigns!