
Jabiluka Revisited: Negotiating needs

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Traditionally activism has concentrated on making arguments for change aimed at mobilising support and compelling decision makers to change. Often this is done by appealing to the 'rights' of a disenfranchised party, and by taking direct action causing some kind of coercive disruption to the current status quo. I will argue that activists need to spend less time advocating for rights and coercing power holders into recognising and upholding them, and more time listening and communicating skilfully, to facilitate collaborative negotiation of mutual needs. Here I examine some personal experiences of blockading, with a view to illustrating an alternative way of doing activism.

Much activism seems to be based on the idea of rights. Activists often work to identify the rights of an individual or group, label the failure to legitimise or uphold these rights as injustice, and mobilise and demand that power-holders validate the rights in question. Whilst many of us perhaps would like to find ourselves in a 'win/win' world where everybody's rights are recognised and upheld, sadly, many rights seem to exclude or interfere with others. The approach to ethics I will suggest here acknowledges the centrality of context to ethical decision, and is thus presented interwoven with narratives from activist experience.

At Jabiluka in the Northern Territory, Australia in the late 1990s, I was involved in just such a scenario, where the rights of the Traditional Owners of the site were legally over-ruled by the rights of Energy Resources Australia (ERA) to mine the land for uranium. Activists, myself included, waged a campaign to overturn this decision. The rights of Traditional Owners to decide what happened on their land and the right of all Australians to a safe and clean environment were the two main arguments we used in our information strategy to try to convince people and governments to change what was happening at Jabiluka. This strategy was placed in tandem with our occupation of the site, with intent to physically prevent or forestall the operation of the mine.

Here I reflect on my experiences during this occupation as a way of demonstrating an alternative way of 'doing' activism, founded on negotiating needs rather than arbitrating rights. Much of the tactical concern of the activist has traditionally been how to influence decision makers. At Jabiluka, few of us believed we would ever have the resources to physically prevent the establishment of the mine, though making this establishment more difficult and costly, to make future ventures of this nature less attractive, was definitely part of the strategy. The

deeper aim was to bring the issue to the attention of a wider audience and by their agitation coerce or persuade decision makers to recognise and protect the rights of the Traditional Owners.

The approach I will suggest here shifts activist attention from arbitration to negotiation. Successful activism is not where we 'win' the debate and establish our preferred reality, but where all parties collaborate to meet needs. Thus, in taking direct action, our primary focus becomes negotiating the needs of all those who become involved, both present and 'unpresent', as we simultaneously make our contribution to public debate. This idea will, I hope, have application in most areas of life, even as a response to actual violence. Importantly mutual recognition, as an aspect of moral behaviour rather than its sum, is contextual in its application. It does not present itself as a universalist morality, but an important and often ignored aspect of moral relationship — an aspect I suggest that could, in some cases, be more important than or indeed part of the instrumental outcomes of justice.

The intention to meet the needs of those I do politics 'with', as well as those I do politics 'for', will change the way activists approach direct action. At Jabiluka, whilst not in favour of uranium mining, my deepest purpose was to support the Traditional Owners (the Mirrar People) in their ability to decide what happened on their land. Whilst not devoid of moral interest, and still subject to codes of conduct, the needs of the people we encountered whilst blockading were placed in a secondary position, where they tended to become an object or a means to an end. My new way of 'doing' activism would abandon this hierarchy of moral interest. The needs of all those with whom I actively engage whilst on blockade, and those whom I came to Jabiluka to support, would receive the same attention.

Like the concept of rights, meeting needs is also an approach to securing human dignity. In pursuing this as a moral compass, I am not claiming it is better than other potential ways of constructing ethics, but rather illustrating how such an idea might work, for those who are interested in attempting this way of relating. The central philosophical tool for the realisation of this project is 'Mutual Recognition', as envisaged by Jessica Benjamin (1988). For the functional tools to practise recognition, I draw heavily on the strategies of the Alternatives to Violence Project (AVP) (Garver and Reitan 1995), itself grounded in the ideas of Restorative Justice, and the critique of competition found in the work of Alfie Kohn (1992). The process I describe involves the building of the personal skills of reflection, self awareness and empathy, and the use of communication skills to create, sustain and repair social contexts where these skills can be practised by all to collaboratively meet the needs of all.

Events at Jabiluka

As part of our strategy to bring public attention to the problems of uranium mining, particularly that conducted on Aboriginal land without the proper consent of Traditional Owners, we decided to stage a one day blockade of the nearby Ranger uranium mine. The event was also to some extent a decoy, to allow Traditional Owner Jackie Katona to symbolically 'trespass' on the Jabiluka site. By four o'clock in the morning on the appointed day, about forty activists arrived at the mine, four people locked themselves to the gates of the mine with the locks being hand held inside forty-four gallon drums filled with concrete. My own role, in concert with others, was to talk to the drivers of vehicles as they turned up at the gates, inform them of what we were doing and why, and deal with their responses. We had all taken part in nonviolent training, and it was our intention to blockade without using violence or intimidation.

As the first car arrived we approached the bemused looking driver and delivered our spiel, and requested that the driver (who was a cleaner at the mine) turn around and go home, and call his employer and tell them that he was unable to attend work, and why. In keeping with our nonviolent aspirations we spoke quietly and mildly, assured him that it was not personal, and apologised for any inconvenience. The cleaner was clearly upset, and kept repeating that he had to go to work. Eventually he turned his car around and began to leave. As he did so, the group of activists loudly cheered. We were celebrating our first success. This cheer compounded the distress of the cleaner, now clearly angry, he sped his van away, squealing tyres and spitting gravel in his hurry to leave. The practice of openly celebrating each successful 'block' in full view of the people 'blocked' continued for the duration of the blockade.

Later in the demonstration, disciplined communication gradually declined and by the end activists were openly yelling political slogans at vehicles trying to gain access to the site, many of which were simply going to the airport, and had to pass through the gate which led to the mine. Blocking people from entering the site was our way of taking a stand against the mine, and the people blocked became means (objects) in this process, with their needs and feelings mostly assumed and/or disregarded.

A couple of hours later, some workers ended their shift and wanted to leave the site, and the new shift of workers began to arrive. The arriving workers, assisted by ERA employed security guards, attempted to breach part of the fence adjacent to the gates to allow people to enter the site. A scuffle ensued, with some low level violence, involving a lot of pushing and shoving, and a little verbal abuse. Eventually the attempt to enter the site this way was abandoned, but a contingent of activists remained stationed at the breached section of the fence. Finally the Tactical Response Group (TRG) arrived, and with welding and cutting equipment, removed and arrested the four locked-on activists, and arrested many of those who physically remained blocking the road. Most of the rest of us were issued with trespass notices, which could be used against us should ERA choose to pursue charges against us. Apart from (successfully) negotiating the leaving of those ending their shift, the rest of the interactions with workers and TRG were openly hostile, though (scuffle excluded) without verbal abuse or physical violence. Bystanders (people travelling to the airport in particular) witnessed much aggression and hostility from both 'sides' of the encounter.

Jabiluka revisited

To analyse this experience, I will use the AVP (NSW) Restorative Practices model. The core belief of the restorative justice model is that we give attention to fixing the damage done by what has occurred, rather than finding and punishing a 'wrongdoer' (Bischoff 2003). The AVP (NSW) application of the Restorative Practices model involves asking a series of questions, of oneself or, in a conflict resolution situation, of all parties. The questions are 'What happened for me?', 'What was the hardest part of this?' 'What would I do differently?' and 'What needs to happen to restore any damage done by these interactions?' These questions, particularly when addressed skilfully, with good listening, and use of 'I' statements (Cornelius & Faire 1989, 60-68), can open up opportunities for participants to relate collaboratively, and restoratively, and reflect on what has happened in ways which may lead to personal insight and personal and political transformation. Done in partnership with others, it can approach the conditions which Jessica Benjamin describes as Mutual Recognition (Benjamin 1988, 23), where people can relate with a balance of assertion of

personal needs and active listening to the needs of others, which hopefully reduces the power struggles which often lead to domination. Ideally all present in the scenario above would work through such a process together. In this case I shall demonstrate how this process works with an exercise in personal reflection.

'What happened for me?' is an invitation to reflect on, and share with others, personal feelings. Feelings are often an indicator of our needs, and understood deeply can be useful information not only to separate needs, interests and desires, but to control the unhelpful behaviours which often arise from poorly understood and inarticulate feelings (Lindner 2009). Evelin Lindner points out that people who are damaged in their ability to understand their feelings often make disastrous social decisions and damage their relationships. It follows that poorly understood and uncontrolled feelings contribute negatively to situations of conflict (Lindner 2009, 8).

At Jabiluka, I was unhappy because what I was doing was plainly causing distress to others. It simply felt wrong to be making no effort towards understanding or satisfying the needs of those we were preventing from entering the site. Jessica Benjamin calls this desire to recognise the needs of others, mutuality: a condition of 'attunement' created by mutually recognising one another (Benjamin 1988, 28). This experience where I flouted mutuality with militancy has been pivotal in my adoption of mutuality as a guiding ethic for not only activism, but social interaction in general. I see now that the hardest part of all this for me was the lack of any space or time to reflect on what was happening, and a corresponding lack of foreseeable means to address the lack of recognition and competing needs.

So what would I do differently? I would try to open possibilities for mutual recognition and reflexivity among all of those touched by the circumstance. There were opportunities to do this before, during, and after the event. Before we blockaded I would share my idea of mutual recognition with other activists, starting with those who are sympathetic, so by the time the idea reaches the wider group of activists it will be an idea that already has some support, and this will minimise the chances of the idea (and the person or people championing it) being treated as marginal, and quickly dismissed. Having shared the idea, I would get together and practise skills for applying the theory to what is likely to happen, with those activists interested in relating this way. It is also important to negotiate with other activists and make sure that the approach we take does not undercut or compromise the group endeavour. If the idea has support I would also look at opportunities to discuss the ideas with police and even representatives of the mine, if it can be done without

compromising the surprise element needed to begin the specific blockade.

The next part of what I would do differently is to practise and demonstrate the skills for establishing mutual recognition in politics during the blockade. This entails making every engagement an opportunity for us and all involved to mutually recognise each other by listening to each other, trying to work out our collective needs, and collaboratively work out ways for all of our needs to be met. The skills pertinent to this are communicative tools, and via a reconstruction of the previously described events I will now try to demonstrate what a mutually recognitive exchange might have looked like in this context.

Originally when we greeted the cleaner as he arrived, we presented him with a *fait accompli*: he was told we were stopping him from going to work. We made no attempt to find out his feelings or needs, we merely gently apologised for denying them. A mutually recognitive approach would be to share our feelings about why we are blockading, and ask him how he would feel about not working today. This both models a statement of our own needs and invites him to share his own. These could be, for example; that he can't afford to lose a day's income, or he's angry at being prevented from carrying out his lawful business. If he is unpersuaded by our cause as we share our reasoning for stopping him working, the next step is to negotiate how we can both get our needs met: ours, to make a public point about opposition to the mine, and his to go to work. This may have revealed that in demonstrating our commitment, we had nothing further to gain by preventing him from working, and it may have been both wise and ethical at an interpersonal level to allow him through (as we did later with workers leaving the site).

This sort of approach has a number of advantages over what actually happened. Firstly by taking the time to engage with his feelings, at least we demonstrate some interest in his feelings and needs – vital for a person to feel recognised. In actually changing our intended behaviour we lose little if anything. The blockade was never going to last very long: the forty or so isolated people did not have the resources to block the mine against the forces of the Northern Territory government. To let him through, as well as meeting his needs, does little to diminish ours.

It is possible to apply this idea to every interaction during the blockade, whether with the differing needs of workers, managers or security officials, or conflict within our own group. Would we have gained equally or more from a dialogue with each person attempting to enter the site about our reasons for blockading (our needs) and their reasons for working at the site (their needs) followed by us allowing those to enter the site who were going to be financially or emotionally damaged by the loss of a day's

work? We could have both made our point about listening to Traditional Owners and the problems with the uranium industry with far less damage to the needs and interests of people working at the mine, and thus possibly had more chance of winning their 'hearts and minds' for our cause.

Even if we had not elected to let him through there is more we could have done. With awareness of his feelings made plain, we could have been mindful of his feelings and delayed our celebration of our first 'victory' until he had left, sparing him the unpleasant experience of being emotional collateral damage. This awareness of feelings could have also guided our answers to the question of what we could do to restore relationships after the events. We could have tried to raise money to diminish the financial damage caused by our actions, as we did later for ourselves, raising thousands to pay for court cases and fines for activists.

The critical part of negotiation of needs is expression and comprehension of feelings. In this model, communication skills, and a framework within which to practise them, become the centrepiece of 'good' activism. When greeting the driver of the first vehicle, after greeting and expressing our needs (our reasons for blockading) as an 'I' statement (or in this case as there were two activists, a 'we' statement) we should leave space for him to speak, and then facilitate his expression of his feelings. This could be a question such as, 'how do you feel about not going to work today'. Space can be created by simply not speaking or by saying, 'If you need time to think about this, that's okay'.

Part of establishing mutuality is to recognise power imbalances and respond in ways which support the weaker positioned party to negotiate for their needs (Benjamin 1988, 26). As blockaders in this situation we were clearly the more powerful, and indeed our numbers and the confrontational position of blockading are likely to intimidate a sole individual. Skilled communication, such as the two examples above, demonstrate our commitment to understanding the needs of the 'other', and use our communication 'powers' collaboratively.

With this one event I have tried to give a sketch of the kind of process that could be used to create the event as an ongoing negotiation about needs, rather than a strategic act in a debate about rights, where the actor on the ground is devalued to the status of object by being treated as a means to our end. Perhaps the most critical shift entailed by this approach is the move from only arguing 'our' case, as activists, to listening to the feelings and needs of those involved in the situations in which we intervene. Implied in this change is that we engage in a skilful way, using communicative power to create collaborative situations,

where the needs of those affected by the changes we seek as activists are taken as seriously as those whose perceived needs call us to action.

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