

Developing a

Covenant

***as an expression of the relationship between the
UAICC and other parts of the Uniting Church***

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Preface

The 2003 Assembly caused deep sadness for members of the Uniting Aboriginal and Islander Congress. They felt that their voice had not been heard within the Assembly debates. It was a time of serious reflection as Congress leaders spoke of their continuing relationship with the Uniting Church.

The Synod and Assembly General Secretaries set out to ensure that there was an avenue for ongoing conversation. They talked with Congress leaders, and over a number of meetings the main issues were put on the table, and reaffirmation of the Covenant became central to the discussions.

The group set out to develop a theological foundation for a renewed covenant, and to suggest practical changes to the way in which the UAICC could have a place within the Uniting Church.

The work on a theological foundation is being offered to the Church at this time for study and discussion. There are two theological documents:

- i. This study document.
 - ii. A longer “Foundational Document” that explores some issues in greater depth.
- The study document points readers to parts of this Foundational Document, which will be available on the Assembly Website. For those without web access, a copy can be obtained by contacting the Assembly office.

While we have been the actual writers of the two documents, the ideas have emerged and been refined in the meetings held between the UAICC and the General Secretaries. We also owe particular thanks to John Adams (a national staff person of the UAICC) for his writing on justice, and Clive Pearson (acting-Principal at UTC, Sydney) for his comments on the way the material has been organised. Neither, of course, can be held responsible for what has finally emerged.

The purpose for us writing this paper is not so that you will have another document for study. It is to challenge you to a new commitment, to ask how this issue of covenant addresses you in your place. It is to seek to open your imagination, and to give you material that might help build a new relationship between Indigenous and non-Indigenous Australians.

Our prayer is that each member of the Uniting Church will take an opportunity to explore the way we relate to and with Indigenous people and the UAICC in particular, that we may contribute to a more just church and nation.

Chris Budden & John Rickard
March 2006

9d Developing an Impact Statement

The Executive of Congress has suggested that there needs to be an Impact Statement provided for major decisions, that shows that the body developing the proposal has considered all the ways in which the activity will impact on Indigenous people in general, and the Congress in particular.

10. Conclusion

It is important that this covenant does not simply occur in the councils of the church, but shapes the life of people and local congregations. There will be many ways in which this will be able to occur, depending on the local situation and the way in which people allow themselves to be led by the Holy Spirit. Some specific suggestions include:

- Encouraging all congregations to acknowledge the Aboriginal spirituality that belongs/belonged to their district.
- Identifying visual symbols and reminders of Australia’s ancient spirituality that can be beneficially incorporated into their church buildings, grounds, worship and general activities.

9b *A new structural relationship*

Before establishing the new structures many principles will need to be examined. Some of these principles include:

- Appropriate mechanisms will need to exist to deal with issues where the covenanting partners are unable to agree.
- The new structures will need to provide Congress with the powers to actually carry out their responsibilities.
- The UAICC will need to own and control its own property and financial resources.
- The new structures will need to ensure that appropriate power sharing between the partners is possible and that such a right is protected.
- The structures will need to allow Indigenous people to maintain the sort of relationships they wish to maintain with other parts of the uniting Church.

9c. *Equality in resource sharing*

To expect the Congress to be funded from out of the annual budgets of the Synods is no longer tenable nor equitable. With shrinking membership and financial giving such a funding model would condemn the Congress to an ever decreasing recurrent budget that makes creative programming impossible. Another funding model is required.

In some Synods, Congress is funded by a mechanism that is related to Property Sale Proceeds. Here a percentage of each sale of property is allocated to Congress. Sometimes this is a percentage of the actual sale price. At other times it is a percentage of the net value left after re-disbursement of resources.

It is suggested that a flat 10% of all Property Sale Proceeds in the Uniting Church be allocated to Congress at the point of settlement.

Such an action would go some way toward returning the some part of the value of the land (if not the land itself) to its original owners as an act of Jubilee.

In some situations it may be more important to actually return the land itself. These situations would need to be negotiated between the Congress and the UCA on an individual basis.

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1. Introduction

Twenty one years ago the Uniting Church recognised the Uniting Aboriginal and Islander Christian Congress as a body that is, in the language of the Constitution of the Uniting Church, “recognised by the Assembly as having responsibility for the oversight of the ministry of the Church with Aboriginal and Islander people of Australia”. (Section 3)

The UAICC exists to encourage Indigenous people to be a sign of the kingdom or reign of God, a people of wholistic evangelism, a people able to exercise self-determination and access support and resources.

Congress came to birth out of a claim by Indigenous people that, in too many ways, the structures and relationships in the church reflected the oppressive situation in society. Indigenous people had little say in their own lives and the life of their churches, and the relationships were less than equal and fair.

The existence of the Congress is a constant challenge to the UCA to think about what it means to be a church in this country, and how our mission life takes seriously the claim of Indigenous people to be the First Peoples in this land.

In 1988 the Assembly sought to give expression to the UCA’s relationship with Indigenous people and, particularly, the UAICC by establishing a covenant that committed the UCA to struggle for a more just and equitable church and society.

Over time there has been a growing awareness that the present covenantal relationship does not provide adequate opportunities for ministry and mission that allow Indigenous people to be faithful to Christ, and have control of their own lives.

Members of the Uniting Church have struggled to honour a covenant relationship in a situation in which racism still exists, the UAICC still does not share fairly in the way resources are distributed, its has less than adequate oversight of ministry and mission among Indigenous people, and its voice is not heard at crucial times in the Councils of the church.

- The UAICC’s view of Australian spirituality and its role within the UCA will need to be respected, welcomed and supported by the general membership of the UCA.

The building of this Covenant will require deep trust in God, a growing respect for and trust between members of the UAICC and other members of the UCA, and a willingness under the guidance of the Holy Spirit to take risks as we seek to be a sign of the reign of God.

9. What might this new Covenant include?

A Covenant has practical implications for the way we live together and treat each other. Here are some issues that we need to explore as we move to work out the practical implications of covenanting:

- i. Guarantee of self-determination
- ii. New structural relationships
- iii. The challenge of equitable resource sharing
- iv. Developing an impact statement

9a *Guarantee of self-determination*

What does it mean in practical terms that we take serious account of Regulation 3.6.40 which states that the “**Uniting Aboriginal and Islander Christian Congress shall have responsibility for oversight of the Church’s life and mission with and for the Aboriginal and Islander people of Australia.**”

There has been a diversity of interpretation of this Regulation, particularly when related to community services. A series of Protocols have been developed to facilitate a common interpretation. The ASC resolved to endorse the protocols and adopt them as guiding principles under Constitution Paragraph 38(b) (i) for the Church. (03.29.02 / 03) in March 2003.

There has still been some resistance in the implementation of this Regulation and the Protocols arising from it. Any new covenantal agreement should ensure that negotiations take place to implement this desire for self determination in all areas of Indigenous ministry.

- The working at and documenting of the covenant agreement requires a balanced input from both parties. The ‘working together’ is a fundamental principle of the covenanting process.
- Both the process and the covenant document have possible value as a model for the rest of the nation.
- Specific areas of divergence need to be acknowledged and documented – for example, different views of hierarchy in the organization of the church’s life.
- That the right of the UAICC to pursue the policy of self-determination with regard to the shape and nature of its ministry with Indigenous people be respected and supported by the UCA.
- That despite the disparity in membership numbers and resources (in particular, financial and property resources), the Indigenous people of Congress be enabled to participate in the building of God’s kingdom in Australia as equals with others in the UCA.
- That the ‘renewal’ of the covenanting process fully embrace a commitment to address all constitutional, regulatory and structural issues that currently prevent Congress from participating as an equal partner within the UCA.
- That Congress be adequately resourced to enable full and equitable participation in the whole life of the UCA, and that there be more equitable distribution of current UCA resources.
- That Congress own and control its own property and financial resources.
- How the two partners relate to each other to form a truly Australian church body, will need to be clearly spelled out (through, for example, a Memorandum of Understanding, perhaps with each Synod or region).
- The mission of each covenanting partner needs to be a shared responsibility of both.
- Each of the covenanting partners should be able to call the other to account for the way it is fulfilling its commitment.
- The covenanting relationship should operate in a bi-cultural way between the first Australians and all those who came after. This is not to be confused with the extensively multicultural nature of the second group of Australians.

The ASC believes that now is an appropriate time for us to renew that covenant relationship. This document seeks to respond to four questions:

- Why is the issue of Covenant crucial to our attempt to be Christian community in Australia and to be faithful to Jesus Christ?
- What are the faith/ theological foundation for our ongoing relationship?
- What might a Covenant look like, and what principles should underpin such a Covenant?
- What might a Covenant imply for the way we live together as the Church?

2. *Why is a Covenant crucial to our ability to be the Church in this country?*

The relationship which exists between us (Indigenous and non-Indigenous members of the UCA) is based on the claim that we are created together in the image of God, and the fact that we share faith in Jesus Christ as Saviour and Head of the Church. We believe that God both frees and forgives us out of deep love, and forms us into a pattern of living that reflects that freeing love. We seek to live lives where God’s grace takes actual shape among people.

For the Uniting Church in Australia how we put our faith into practice must necessarily involve our relationship with Indigenous people. This is not simply an issue of social justice, although that is important. The issue is:

how does a church that entered this country as a result of invasion and forced settlement answer the question of who Jesus Christ is for us in this place and this time?

The issue is one of redemption, healing, wholeness, reconciliation and forgiveness. It has to do with integrity between what we claim about Jesus Christ and how we relate to Indigenous people.

It is recognised that, as Christians seek to be faithful to God, we share a relationship which has been distorted by colonial history and its ongoing impact on Australian society and the church. Nonetheless the people of the Uniting Church share a common struggle:

- to discover how as people of different cultures we might embrace the otherness, the difference we find in each other as people of shared faith, and
- to discover from each other what it means that the central and first part of our identity is always that we are ‘Christian’, and in some ways alien to our own culture.

As a Church we have to make sense of the suffering of Indigenous people as a result of colonial history in which the church shares, and to find a new foundation for our relationship.

3. *The theological foundation of our relationship*

What should shape and be a foundation for the relationships which exist within the Uniting Church. It seems helpful to begin our reflection by thinking about the nature of God who is revealed in the suffering of Jesus and whose life is best described as Trinity (i.e. Father, Son and Holy Spirit in community).

3a The suffering heart of God

Jesus reveals to us the heart of a God whose life is suffering love, rather than sheer might or power.

As Douglas John Hall says:

If we posit a God who both wills the existence of free creatures and the preservation and redemption of the world, then we must take with great seriousness the biblical narrative of a God whose providence is a mysterious internal and intentional involvement in history; a God, therefore, who is obliged by his own love to exercise his power quietly, subtly and, usually, responsively in relation to the always ambiguous and frequently evil deeds of free creatures; a God who will not impose rectitude upon the world but labor to bring existing wrong into the service of the good; a God, in short, who will suffer¹.

Paul reminds us that power is made perfect in weakness (2 Cor 12: 9). God does not lack power, and could at any time have rescued Jesus and saved him

¹ John Douglas Hall *The Cross in Our Context: Jesus and the Suffering World* (Minneapolis: Fortress Press, 2003) p. 87

- i. A statement about who the parties are that enter this covenant. It is suggested that a covenant between the Congress and other members of the UCA would need to recognise Indigenous people as First Peoples, their spirituality and connection with the land, the experience of invasion and dispossession, the impact of ongoing racism and oppression, and Congress’ experience of the UCA. It would need an acknowledgement that the other members who enter this covenant are the people who came after, who live on Indigenous land, who seek to be open to a relationship with Congress and are committed to a shared ministry and mission in this country. It would need to acknowledge that there are many partners within the other part of the UCA, and that they are not all equal.
- ii. A Statement of our relationship and its foundation. For example, in the Covenant God made with Israel, the relationship was based on God’s gracious call and liberation of the people. In marriage, the covenant is based on love and a desire to create a new relationship. Our relationship is based in our common faith in God revealed to us in Jesus Christ. How would we spell this out?
- iii. What we promise to, and desire of, each other. That is, what does the covenant mean in real terms, in terms of how we will live together and treat each other. In part it is this that is picked up in the third section of this document.

What members of the church are encouraged to do as you study this material, is to see what you would say in each section. What would a covenant look like if you were writing it? How would that reflect your understanding of our history, relationships, and beliefs?

The renewing of this Covenant will require deep trust in God, a growing respect for and trust between members of the UAICC and other members of the UCA, and a willingness under the guidance of the Holy Spirit to take risks as we seek to be a sign of the reign of God.

8. *Developing the actual Covenant*

In developing a covenant, the following principles need to be honoured:

In the Bible the primary covenant is always God's covenanting relationship with humankind and, in particular, with Israel. Any covenant we enter into within the UCA will always presuppose God's action and intention.

There are at least four significant points in the Bible where God expresses God's covenanting intention and purpose:

- i. The creation represents the primary covenant between God and the whole creation, and expression – as was suggested in the theological foundations – of God's deep love and hospitality that flows out of the life of the Father, Son and Holy Spirit. In creation God commits God's life to a relationship with humankind, and in so doing chooses to live within the limitations imposed by that relationship.
- ii. The covenant with Abraham and the people of Israel through which God deals with one people to bring the promise of salvation to the earth.
- iii. The covenant with Moses, that not only re-inforces the promises made to Israel in terms of their special place in the heart of God, but more clearly spells out the responsibilities that are involved in that covenant (see, for example, Exodus 34: 27, Deuteronomy 5:2, 9:9, 26: 16-19, 29).
- iv. The new covenant established through the life, death and resurrection of Christ, in which people are called into a new creation, into an alternative way of life, and into unity in the Body of Christ.

Biblical covenants arise from the gracious care of God and call the whole community into the promises and obligations of the covenant. They are more than legal obligations, but arise from a loving relationship, commitment, mutuality, joint histories and shared 'fates'. They arise from the passion of God that will never cease to name people as God's children.

A covenant of the kind we are being asked to consider within the Uniting Church requires that both parties express what they understand our relationship to be, and what we commit ourselves to. This discussion paper is part of the way we reflect on what is needed in the Covenant.

A Covenant has three parts:

from his suffering (see, for example Matthew 26: 53). Yet if the purpose of God is that we be God's people in a close and wonderful relationship, if the point is to change and renew and befriend us, then love not power is the only way. St Francis knew this in his life as he sought to give expression to his understanding that God was in an non-hierarchic solidarity with God's creatures.

If we follow a God who is found in suffering, and in constant reaching into the life of the world with a compassion that calls us back into God's life, we will build relationships, the community of the church and the structures that shape us on the basis of co-operation and sharing, and the desire to struggle together, rather than on hierarchical power and the need to force people to follow our wills.

For further reflection on this claim see Foundational Document p. 7

3b God as Father, Son and Holy Spirit.

Central to the Church's claim about God is its claim that God is three-in-one, a community of 'persons' which we describe as Trinity. Here we have an image of relationship, of God whose life is not splendid, solitary isolation, but three persons in open, joyful, hospitable interaction. This is a community of love which flows out into the whole world, a community united in a divine dance. Here unity is found not in sameness, but in an ever-changing, emerging, celebrating relationship.

As Christians we speak of God in this way because, in the light of Jesus Christ, and the outpouring of the Holy Spirit, we need to find ways to speak of God whose heart is costly love that journeys into the far country of human existence, sin, broken-ness, misery and struggle in ways that bring life, liberation and renewal.

See pp. 7-9 of the Foundations paper for a fuller exploration of this idea.

To be made in the image of this God, to be human, is also to be in community.

3c *The Incarnation*

At the heart of God's Trinitarian life, and the life of Jesus Christ, is God's generous reaching out into the life of creation. It is the story of incarnation, of becoming a particular life among a particular people. Incarnation expresses God's concern for embodied living in particular times and places. It is God's participation in the daily, earthly, fleshly existence of people. Incarnation challenges the way we see God, and the way we exercise power. It calls us to build relationships, to care for particular embodied people, to deal with real struggles and lives together.

For further reflection on this claim, see pages 9-10 of the Foundations paper

3d *Shared faith in Christ*

The deep heart of the relationship between Indigenous Christians and other members of the UCA is our common faith in Christ. We are brothers and sisters in Christ who share a commitment to being followers of the crucified and risen Saviour, to be people whose lives are formed by our fellowship with Christ, and who are committed to God's love for the whole world.

For further reflection on this claim, see pages 10-11 of the Foundations paper

3e *Hospitality and Mission*

It has been usual to see the relationship between the UAICC and other parts of the church in terms of the organisational unity of the church, and in terms of rights and obligations, and polity and structure. In this document we wish to suggest that the heart of God is 'hospitality', and it is this hospitality that is expressed in the life of Christ. It is a making space for the life of others, and a welcoming of others into our lives. As a Church we might do well to see our relationship more in terms of hospitality than organisational concerns. How can we be hospitable to each other? How can we provide welcome and space for life particularly if that life is different from our own? How can we ensure that Indigenous people really belong in the church, in ways that express the extravagant hospitality of God's love for all people? How can our relationship be understood as one of *mutual* hospitality that opens us up in new ways to the

For the UAICC the Covenant is a commitment to share faith in Christ with other people, to share what Indigenous people know of God in this land so that the faith of others might be enriched, to be an Indigenous Church community, to be the 'different other' who challenges the church to be just, hospitable, compassionate and kind.

For other parts of the church the Covenant is a reminder of the place of Indigenous people among us, of past injustice, racism, exclusion and inequity, of the challenge we have to be the church of Jesus Christ the crucified friend of all, of the need to take seriously a spirituality found in many thousands of years of relationship with God in this land.

As members of the Uniting Church, we will enter into this renewed relationship that we might become friends, that we might learn to sit together and learn from each other, that we might have time to hear of each others stories and struggles and faith. We will enter into this renewed relationship so that our faith might be deepened, our lives be made more just, our church more hospitable, caring and inclusive.

The call for a new covenant between Indigenous and other members of the Uniting Church, and for new structures that reflect that covenant, is based in our sense of the wondrous grace of God, the call for human community that reflects the community of the Holy Spirit, and the need for justice in our relationship. It is a call that seeks to explore a relationship of hospitality, of welcome and inclusion and open-ness to difference, that understands the way in which the UCA is actually an uninvited guest in Indigenous land that is also God's land.

7. *The shape of Covenant*

A covenant is an expression of commitment between two parties, a statement of their intention to relate to each other in particular ways. It is a promise of faithfulness. It is a statement of what one offers to, and seeks from, the other. Covenants bind the parties to each other in mutual commitment and call the partners to certain obligations.

a redistribution of the capital held, or even a waiving of the interest on money borrowed by those who are poor in the pursuit of ministry?

For further reflection on this claim, see pages 16-18 of the Foundations document

6 **Why do we need to renew the Covenant?**

The Uniting Church seeks to be a Christian community within a nation whose modern life began in the forced settlement by Europeans of land whose original people had been placed here through the gracious purposes and actions of God. To be truly church in this land we need to respect the place of Indigenous people in this community and in the church, and to build a relationship of trust and justice that allows the voice of all people to be heard. It is, this document has been suggesting, a relationship that reflects our shared faith and the way God is among us as the incarnated and crucified One. It is a relationship that is modelled on the compassion and justice of God, and recognises our shared humanity and our common faith, where we struggle together with open-ness and honesty to find justice for all people.

The Uniting Church has taken important steps in the past as we have recognised the UAICC, entered into the original Covenant, made an apology for the stolen generations affected by our past practices as a church, and expressed our shame at the failure to stand by the people of Mapoon in North Queensland whose community we allowed to be shut down, the people removed and the houses and buildings burned by the Queensland government in 1963.

Now it is time to take further steps, to renew the Covenant and to organise our life in ways that are more just for the Congress and its members.

As a Church, we seek to renew this covenant relationship as a sign of our desire to remain together despite our differences and disagreements about matters of faith and justice. In the covenant we name each other as brothers and sisters in Christ, whose relationship is forever shaped by our place in Christ. We acknowledge that because of this relationship we cannot exist without each other. Our lives are incomplete, we are named wrongly when we name ourselves without the other. We seek to create a hospitable space in our lives for each other.

hospitality of God? How can we see our relationship and the structures of the church as a way of finding 'at-homeness', rather than a structure that all must fit into in some way?

For further reflection on this claim, see pages 11-14 of Foundations document

3f *God addresses us in our diversity and difference*

God addresses us not simply as individuals, but as a community of women and men, people of different cultures, languages and locations in the world. It is as we are community, as we are a diverse and yet inclusive people together, as there is joyful and open interaction between us, that we are God's image in the world. Diversity and difference becomes our starting point, for we are a people bound together in a relationship whose heart is God, and not some false claim to unity and sameness.

4. **Indigenous Australians as unique Peoples**

There is a need to affirm as strongly as possible that Indigenous people are the First Peoples of this land, and all others of us are those who came after. Indigenous people were and remain those who lived in this land for over 60,000 years as its owners and custodians. They are not, nor will ever be merely another member of the diverse multi-cultural community that is Australia.

4a *Indigenous people knew God before the rest of us arrived.*

As the First Peoples of this place, Indigenous people lived in a relationship with God which was recognised and honoured in the Dreaming and the laws and lives of the Indigenous community. There is no spiritual equivalent of *Terra Nullius*, no claim that the land was empty and unoccupied by God. We wish to affirm that God was known and active among Indigenous people, and Christ both affirms and questions that experience and way of seeing God, as is the case in all cultures and communities. As Indigenous people come to understand who Christ is for them, it will always be as a people who have shared life with God, and who have experienced God working uniquely with them.

4b *Indigenous occupation was not a matter of chance or accident*

How do we, the people of today, view the occupation of this continent for so many thousands of years, by an ancient indigenous civilization? The author of Acts would suggest that the presence of Indigenous Australians was not a matter of chance or mere accident.

[God] “made all nations to inhabit earth,
and he allotted the times of their existence,
and the boundaries of the places where they would live
so that they would search for God ... “
Acts 17:26 (NRSV).

Congress argues that it was God who determined that the Australian continent would be first occupied by the Aboriginal and Islander peoples. Indigenous Australians were led into and developed a strong relationship with both God and the spiritual. For all Australian churches this raises an important series of theological questions. If Indigenous Australians were ‘made to’ dwell in this part of the world, in fulfilment of God’s purposes for this continent, what might such purposes be? What possible contribution could such a people, the ‘first peoples of this nation’, bring to the 21st century? In what way can they enrich current Australian church life? In what way is the ultimate destiny of Australia tied to the destiny of its Indigenous people?

4c *Indigenous spirituality not acknowledged*

In the Australian context, the rich spiritual heritage and journey of Aboriginals and Islanders has frequently been ignored or forgotten, sometimes even by the first peoples themselves. Somehow their spiritual heritage is over-ridden by, or forgotten, trampled on by the spirituality they received from those who have come later.

The question to be considered here, is whether there should be a special acknowledgement of the contribution the special revelation to the first peoples makes to the ongoing spiritual life of the nation.

5. Our Foundations and the Christian Life

5a. *How do we see Justice?*

Jesus not only brings us salvation. He suggests to us a new way of life that reflects the new life we find in him, and mirrors the life of the Trinity in human community. The heart of that new life is reflected in the Beatitudes (e.g. Matthew 5: 1-12) It is also reflected in the way in which we see justice.

There are a number of ways to understand justice:

- retributive (where the goal is punishment for a breach of the law),
- restorative (where the goal is restoration of relationships after a crime),
- distributive (where all people are treated the same),
- and what is called end-pattern justice (where all people have an equal opportunity to achieve the same results, which may imply special assistance for some).

Ched Myers² and others have suggested that in the Scriptures justice is more accurately described as ‘**redistributive justice**’. Redistributive justice has to do with reconciliation, forgiveness, and reparation; it is about the shifting of resources of power and wealth from the rich and powerful to the poor and oppressed in order to create a fair and equal society.

For a fuller exploration of this theme see Foundation Document pp. 14-16

5b *Jubilee*

One of the ways in which that is expressed in Scripture is through the law of Jubilee (Leviticus 25: 8, 10-11. See also Luke 4: 18-10 ‘The day of the Lord’). Jubilee is about what needs to be done, over time, to ensure a just and inclusive society, and to return that society to its Covenantal glory. It is about both the proper distribution of income, and the transfer of capital.

There is a deep challenge in this for the relationship with exists within the UCA between Indigenous Australians and those of us who came after. When will there be a Jubilee in this country? When will there be a return of the land,

² Ched Myers *Who will roll away the stone?* (New York: Orbis Books)