# Dealing with unfinished Indigenous business: The need for historical reflection

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*The commitment by both major political parties to the abolition of the Aboriginal and Torres Strait Islander Commission symbolises profound problems that continue to bedevil movement towards meaningful reconciliation in Australia.*

*Unlike Australia, long-established treaties in Canada, the United States and New Zealand as well as greater theoretical clarity in identifying the process of colonisation and its ill-effects on Indigenous peoples have provided stronger foundations for policy and more positive outcomes.*

*This article provides a theoretical framework for understanding the effects of colonisation in Australia, and policy prerequisites for redressing its damaging effects. These include a treaty, improved economic resources and stronger political, intellectual and property rights.*

Recent problems within Aboriginal and Torres Strait Islander Commission (ATSIC) leadership have provided government with a politically acceptable basis for destroying the organisation in total, and with it perhaps the chance of forging any viable alternative to it in the foreseeable future. The political will to do this has been evident since 1996, when ATSIC began to be portrayed by the incoming federal Coalition government as inefficient and not financially accountable. While these views provided a rationale for dismantling ATSIC, they lacked a firm basis in evidence according to Ivanitz (2000).

This raises the question of reasons for the government's criticisms and more recent acceptance of their political legitimacy. Without such an understanding, the purported unworkability of ATSIC may be seen as the problem, and the failure to offer Indigenous Australians any alternative political voice as acceptable. However, as Sir William Deane recently emphasised, meaningful reconciliation has to include effective Aboriginal political representation and participation (Deane 2004).

Australian governments are well aware of the magnitude of Indigenous despair and ill-health in Australia (Australia 2000 and 2001; ABS 2003), and that ATSIC was established to empower Indigenous peoples to redress past and continuing inequities. Evaluating present-day policies and manifestations of long-term Indigenous oppression requires greater historical awareness of colonisation and its consequences, however, than is apparent in the current political and parliamentary context. As the Canadian Indigenous scholar Monture-Angus (2000) notes:

> Without a clear understanding of colonial causation and the subsequent multiplication of forms of social disorder, such remedies, as they are incomplete, do not offer any real change. The need for historical honesty is not a need to blame others for the present-day realities, but…the opportunity to deal with all the layers and multiplications of oppression that permeate Aboriginal lives and Aboriginal communities today.

The process of colonisation has been conceptualised by US and Canadian scholars as a complex, multi-layered phenomenon, consisting of seven distinct parts (Frideres 1998; Havermann 1999). This framework is adaptable to the Australian context, where colonisation has also had multiple

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ill-effects on the Indigenous population. By distilling a complex historical process into a simpler form, the framework highlights policy prerequisites for securing more substantial equality between Indigenous and non-Indigenous Australians (ATSIC 2001).

## Recognising the truth of the past

Incursion by the colonising group into a geographical area began the process in Australia in 1788. Destruction of the social and economic structures of Indigenous groups, the second part of the process, followed, including by land dispossession, the suppression of Indigenous languages and religious systems on missions (Alford 1999a), and the destruction of family and kinship networks in the Stolen Generations (Goodall 1996:88, 104–5; HREOC 1997; Manne 1998). In the 1870s in the Goulburn Murray area of northern Victoria, for example, 'the process of decimation …proceeded with a withering march' according to one mission manager describing the dispossession of the Yorta Yorta people (cited in Cato 1993:51; see also Federal Court of Australia 1998).

The third part involved increasing external political control, by, for example, refusing to enfranchise Indigenous peoples at Federation, and treating them as akin to children and idiots for electoral and political purposes (Dodson 1994). More recent examples have included the imposition of excessive standards of scrutiny and accountability of Aboriginal organisations, fiscal threats to their independence and in 2004 the abolition of ATSIC (Fletcher 1999; Aboriginal and Torres Strait Islander (ATSIC) Social Justice Commissioner 1999; Ivanitz 2000).

Increasing Aboriginal economic dependence on the mainstream, for wages or welfare, is the fourth part of the colonisation process. Direct results include high rates of poverty and unemployment (Alford and Gullo 2000; Hunter 2001), and a health profile that is 'Third World within a First World Nation' (O'Donoghue 1999; ABS 2003). Indirect and accumulating effects are more psychological and spiritual, including a high incidence of mental health problems such as depression, risk-taking behaviour such as substance abuse and other expressions of poor self and community esteem.

In the fifth part of the colonisation process, the now economically and socially dependent colonised groups are provided inadequate social services in areas like health and education. For example, per capita health expenditure on Indigenous people's health and welfare from all sources is barely higher than for non-Indigenous people, notwithstanding substantially higher morbidity and mortality rates (Deeble *et al.* 1998; Mooney 2000). Community views that 'buckets of money' go towards Indigenous people's health (ATSIC) stand in stark contrast to those of clinicians and health experts who urge that proportionately much more money should be spent on Indigenous people's health, given their greater health needs (Ring and Firman 1998; Mooney 2000). In education, assimilation policies have ignored Indigenous needs and views, and fostered high drop-out and illiteracy rates (ATSI Social Justice Commissioner 1999; Alford 2003).

Deteriorating social interactions between Indigenous and non-Indigenous peoples, the sixth part of the process, have been reflected in the growth of racism. In the seventh and final part, Indigenous peoples' resistance to the accumulating effects of colonisation is weakened over time. This does not deny that resistance to land dispossession has occurred (Reynolds 1987; Cowlishaw 2004), and that Indigenous political organisations have been established to counter the ill-effects of colonisation (Goodall 1996). Rather, it highlights the powerful destructive force of colonisation, and its layered effects on Indigenous peoples' material, emotional and spiritual wellbeing over a long period.

The effects of racism are particularly insidious. Racism represents an underlying ideology or set of distorted attitudes that perpetuate myths and myopic policies. While it can breed in ignorance, it is also bred more consciously by colonising groups who attempt to justify their actions. It almost always results in a refusal to assess meaningfully the damage wrought by history and, simply but eloquently, to say sorry to the colonised group.

In the past 10 years, the so-called (by the Prime Minister) black armband reconciliation movement has highlighted this need. Historical honesty is a necessary prelude, not to shame-and-blame the colonisers, but 'to deal with all the layers and multiplications of oppression that permeate Aboriginal lives and Aboriginal communities today' (Monture-Angus 2000).

## Seeking a shared future based on justice

The formal reconciliation movement of the 1990s culminated in large-scale peaceful marches in

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cities across Australia on the eve of the new millennium. This indicated widespread grassroots support for reconciliation and that, in the words of the distinguished Indigenous leader Patrick Dodson, 'many Australian have come to terms with the past and are seeking to provide a shared future for all our children' (Dodson 2000).

The government-sponsored Council for Aboriginal Reconciliation ceased operations on 31 December 2000. Its successor, the independent foundation Reconciliation Australia, focused on violence and sexual abuse within Indigenous families (Reconciliation Australia 2001). This narrowing of the focus from a macro to a micro level, together with an apparently related 'blame the victim' syndrome, was evident in responses to racial riots in inner-city Redfern in February 2004, following the death of a young Aboriginal male and some evidence of police provocation. The outpouring of community grief and rioting led to a 'forget the past and move on' series of media commentaries and public responses. In one leading Australian newspaper editorial, for example, government and Aboriginal leaders were exhorted to 'integrate dysfunctional… Aboriginal communities…into the real world economy rather than leave them to stew in their grievances of historical dispossession' *(The Australian* 2004).

Without devaluing the importance of family and Indigenous community-based problems, this focus may have diverted attention from macro-social, systemic issues, and in the process has led to a 'blame-the-victim' ethos rather than to a more reflective historical analysis or to a search for cures for Indigenous community problems.

It may therefore be timely to reintroduce broader and more substantive 'unfinished business', as Patrick Dodson has termed it (Dodson 2000), into the equation. If reconciliation is to become an enduring and equal relationship between the first Australians and subsequent settlers, at least six essential policy requirements are needed.

### *Policy prerequisites for a better future*

The first is the possibility of a treaty that would provide a political mechanism for codifying Aboriginal rights, including to self-determination, and their limits (ATSIC 2001). Treaties have contributed to the improved health and well-being of Indigenous populations in the United States, Canada and New Zealand, according to Ring and Firman: 'Treaties, no matter how loosely worded, have appeared to play a significant and useful role in the development of (health) services, and in social and economic issues'(1998). In Australia, a treaty may provide a vehicle for formally acknowledging the past, reconciling differences and recognising the particular history and culture of the separate Indigenous groups or nations in Australia (Ring and Firman 1998; Hays 2001).

The Australian government opposes a treaty on the basis that it can only be formed between two or more nations. While this rationale has been challenged (Langton 2000), it does, nonetheless, go to the heart of the matter. Historical domination does not (or should not) extinguish the sovereign rights of Aboriginal people. Recognising this is a prerequisite for a treaty. It may also enable Indigenous and non-Indigenous people to meet on terms of greater equality than ever before (Reynolds 1996:178). The appropriate level for codifying 'nation' to 'nation' relationships is the federal rather than state political arena.

The second requirement is more economic resources. Treaties and reconciliation are meaningless in practice if one party remains in a situation of extreme deprivation and low income relative to the other party. This was emphasised in the Aboriginal and Torres Strait Islander Social Justice Commission Report (1999) to the Commonwealth:

> When we have the advantaged and the disadvantaged, the haves and the have nots, treating people identically, as if they are the same when clearly they are not, ensures that the disparity in enjoyment of human rights endures. It may even result in an increase in the inequality faced by that group.

Economic wellbeing is critical. Lack of it affects not only physical health, but also social status and leads to a denial of the possibility of full participation in social and economic life (Wilkinson *et al.* 1998; Phillips 1999:88). This requires a political commitment to reallocate resources, to change priorities. This is yet to happen. Public expenditure on Indigenous health, education, employment assistance and housing all fall well short of that required to redress the substantial inequalities of Indigenous compared with non-Indigenous Australians (Neutze *et al.* 1999; Commonwealth Grants Commission 2001). 'Governments do not need

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to be apologetic about adopting differential treatment to redress disadvantage, for it is required in order to achieve equality in Australian society' (ATSI Social Justice Commissioner 1999).

The wellbeing of individuals and communities is not achieved merely by providing or reallocating material resources. It is also about building and strengthening local and regional communities, which is the third requirement for moving forward. As the former chairperson of ATSIC Lowitja O'Donoghue put it: 'Good health begins in the family and in the local community. It does not begin in Canberra. It cannot be delivered from on high. Good health means working with the local people. It means community control' (1999).

The fourth requirement relates to ownership of intellectual property. Endless research into Aboriginal communities appears to have achieved little, except perhaps career advancement for White academics and bureaucrats (eg Mak *et al.* 1998). As the first Social Justice Commissioner Mick Dodson noted: 'Since their first intrusive gaze, colonising cultures have had a preoccupation with observing, analysing, studying, classifying and labelling Aborigines and Aboriginality… In the construction of "Aboriginality", we have been objects to be manipulated and used to further the aspirations of other peoples' (1994).

Informed consent is not enough to ensure the legitimacy of such research. Indigenous community needs and wishes should inform the research at the outset, it should include ongoing communication and liaison between researchers and communities, and ownership of data should vest with the community. There are some signs of progress in this area. The National Health and Medical Research Council now has guidelines on ethical practice for conducting research on Indigenous issues, and many universities, for example the Koori Unit at the University of Melbourne, have established guidelines for Indigenous research, with all projects having to comply with these protocols (VicHealth Koori Health 2000).

The fifth requirement is also about property, namely recognition of native title. While the 1992 and 1996 Mabo and Wik High Court judgments represented a milestone, these were eroded in 1998 by the federal government's amendments to the 1993 native title legislation following Mabo (ATSIC 1999; Alford 1999b). A United Nations Committee found that these amendments breached Australia's obligations to its Indigenous peoples, and lacked their 'effective participation' in the process leading to the amendments' design and passage (UN Committee on Elimination of Racial Discrimination 1999). Indigenous communities regarded them as another poignant reminder of the 'continuing and profound exclusion of Aboriginal people from the Australian polity' (Langton 2000).

Even prior to these amendments, Australia's native title legislation appeared unable to support native title claims in longer established, economically productive regions, for example that by the Yorta Yorta nation in the Murray region in 1994. The claim was rejected by the Federal Court of Australia in 1998, the appeal rejected in 2001 (Federal Court of Australia), and the final appeal to the High Court in December 2003. This may reflect a degree of colonialist vested interests inherent in court judgments and government legislation, which allows Indigenous successes in native title claims in isolated areas but failure in more populated and productive parts (Alford 1999a; Toussaint 2004).

There is some support for this view. Monture-Angus (2000), among others, believes that colonisers' views and agendas have dominated the discourse surrounding Indigenous land rights in America and Canada. As a result, the definition of land rights is overly narrow, limiting and incongruous with Indigenous beliefs. These include a holistic view of landholding, enshrining not merely occupation but also spiritual occupation or connection, communal as well as individual rights, and a role as custodians of the land rather than merely as owners (Monture-Angus 2000; Wakerman *et al.* 2000).

As a result of the spiritual, social and economic significance of traditional land to Indigenous peoples, their legal dispossession of it has had enduring ill-effects. As Justice Brennan of the High Court noted, it has made Indigenous peoples 'intruders in their own homes and mendicants for a place to live' (cited in Gaita 1999:44). The Australian anthropologist W. Stanner described the process of dispossession in these terms: 'When we took what we call "land", we took what to them meant hearth, home, the source and locus of life, and everlastingness of spirit' (Stanner 1969).

Legal and political recognition of native title would accord with the development of standards of human rights relating to Aboriginal peoples at international law. The recognition of Indigenous sovereignty is consistent with the maintenance of national sovereignty, notwith-

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standing apparent fears that the latter is threatened if the former is granted. As Pearson has argued: 'Recognition of … local indigenous sovereignty could exist internally within a nation-state, providing that the fullest rights of self-determination are accorded' (Pearson, cited in Langton 2000). The alternative is to perpetuate the plight of Australian Aborigines as an 'entrapped nation' subsumed within the political power of a colonialist state. This may provoke divisive calls by some within the Indigenous community for a separate nation (Falk and Pearson, cited in Langton 2000).

For non-Indigenous peoples, such recognition would achieve the worthy goal identified by the non-Indigenous Australian philosopher Raimond Gaita: 'Our rising, in truthful response, to the moral significance of what we have become caught up in — in this case, the history of our nation' (Gaita 1999).

A sixth requirement is for the creation, in consultation with the Indigenous community, of a political mechanism for ensuring that Aboriginal people are heard, and that their claims, issues and needs are recognised and addressed. This requirement was highlighted in Sir William Deane's recent public address on reconciliation (Deane 2004). It is regrettable that the current drive in the political mainstream is towards the dismantlement of one mechanism, however imperfect, for achieving this. A government minister's tirade (in April 2004) against ATSIC as emblematic of apartheid may win conservative votes but is a pyrrhic victory, in which a First Nation 'minority within the majority' falls further behind in reaching the elementary milestones of a civilised First World society. Continuing extreme inequality, poverty, poor health status and social exclusion are not fertile breeding grounds for promoting Aborigines' 'integration into the real world'. Racial alienation and animosity are much more likely. Tragically, the ingredients of the 2004 Redfern racial riot exist throughout urban Australia. Dismantling ATSIC may indeed fuel a racial fire.

## Conclusion

As Mick Dodson (1994) put it: 'the past cannot be dead, because it is built into the beings and bodies of the living'. Current relations between Indigenous and non-Indigenous people remain 'infused with historical overtones because of the failure of the wider society to acknowledge and come to terms with this history' (ATSIC 1999). The 'truth of our past' (Dodson 2000) needs to be acknowledged honestly. The reconciliation process can then move forward, reinforced by a treaty, improved economic resources in Indigenous communities and Indigenous political and property rights.

The abolition of ATSIC foreshadows a (further) erosion of Australian Indigenous peoples' rights to self-determination and to developing an organised political platform. It also symbolises the continuing historical myopia that seems to blight race relations in Australia, and provides a barrier to a more reflective and honest historical reappraisal. Ironically, Australians are encouraged to be aware of and commemorate official wars and past conflicts involving Australia. However, the national ethos of 'Lest We Forget' is overturned when it comes to recognising the weight of colonialist history in Australia and its enduring ill-effects on Aboriginal health and wellbeing today.

Redneck racism continues to exist, but this arguably is fringe foolery and not nearly as detrimental to Indigenous wellbeing as the increasingly politically acceptable form in which recognition of Indigenous political independence and cultural difference is ignored, in favour of a spurious notion of equality. Equality for Indigenous peoples, Patrick Dodson (2000) stresses, is not 'being the same as the white man. What we have sought is to have substantial equality… in the quality of life that we can enjoy in keeping with our own values and societal ways…Lives where our human and cultural rights are respected by governments that have told the world they would respect them'.

Contenders for government in Australia today appear to be saying the opposite. In the contest for political office, the mainstream political parties are vying with each other to complete the dismantling of Aboriginal political representation and deny a voice to a First Nation race and culture in the name of promoting equality and efficiency.

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