

Rachael Brown
Project report
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STS390

RESEARCH PROJECT

#2941041

Tutorial: Wednesday

1.30- 3.30pm

We, the People for Harmonious Relations¹ present a campaign on how we can achieve reconciliation between the Indigenous and Non-Indigenous people of Australia. This campaign outlines several methods that are directed towards our Government and the people of Australia, on how best to reach reconciliation. It has been forty years since the Indigenous people of Australia have been considered as people of this nation through the Referendum of 1967.² It was this action that began the process for reconciliation.³ It wasn't until the Mabo Decision of 1992 that the High Court of Australia addressed the consequences of European settlement and recognised the Aboriginal connection with the land.⁴ The Decision was a response to historical injustice⁵ and we need to continue to consider the rights and laws of the Indigenous population to continue to facilitate the process of reconciliation. We have outlined several methods of how we believe reconciliation can be achieved, so that the Indigenous people of Australia will no longer experience prejudice, social injustice or be without equal human rights.

The Constitution of Australia needs to recognise the Indigenous people of this country.⁶ The exclusion of Indigenous people from Australia's political and legal structure ignores their unique and important place in our nation. It indicates a failure to recognise their occupation, ownership and dispossession and furthermore, it averts

¹ This is an independent, non-profit organisation, consisting of both Indigenous and Non-Indigenous Australians who are respected in their field of study. This hypothetical organisation is modelled on the organisation 'Reconciliation Australia' www.reconciliation.org.au

² Lippman, L. 1994. *Generations of Resistance: Mabo and Justice*, 3rd Ed. Longman, Melbourne, pg. 30 The result of the 1967 referendum, allowed Aboriginal people to be counted in the national census and the Federal Government could pass laws in relation to Aborigines living in the Australian States.

³ Jackie Huggins, Aboriginal woman and Co-Chair of Reconciliation Australia, refers to the Referendum as the 'struggle that at some stage we started calling reconciliation', May 23rd, 2007. Accessed: <http://www.abc.net.au/news/stories/2007/05/23/1930518.htm>

⁴ 'The High Court Decision on Native Title', extracts from the Commonwealth Government's Discussion Paper, 1993, *Aboriginal Law Bulletin*, v.3.n.62. 'The High Court recognised native title and discarded the doctrine of terra nullius where Aboriginals have maintained their connection with the land through the years of European settlement'.

⁵ Lippman, L. 1994. *Generations of Resistance: Mabo and Justice*, 3rd Ed. Longman, Melbourne, pg. 172.

⁶ The preamble of the Australian Constitution outlines people of the federating states uniting as a Commonwealth, Commonwealth of Australia Constitution Act, 1990. Accessed: <http://www.aph.gov.au/senate/general/constitution/preamble.htm>

Indigenous people from being guaranteed certain rights.⁷ A preamble that would acknowledge Indigenous people would recognise their unique and distinct identities and histories as well as their prior occupation and ownership, continuing dispossession and particular status in contemporary Australia.⁸ Reconciliation requires the Constitution to be rewritten to recognise the status and history of Indigenous people.⁹ This change to the Constitution would be a symbolic step¹⁰ in entitling Indigenous people with the same equal rights as other Australians are given. This action symbolically communicates a co-operative relationship between the Indigenous and Non-Indigenous people, a relationship as a result of respect and understanding past differences.

Indigenous Australians have confronted generations of abuse to their human rights. It is necessary that our Government respects the Rights of Indigenous People as outlined by the United Nations.¹¹ This Declaration has been established as a tool for peace and justice, based upon mutual recognition and mutual respect.¹² It is important for the Australian Government to uphold the human rights outline by the Declaration, and ensure they are considered and implemented in future legislation.

These two actions would symbolically acknowledge the past injustices that Indigenous people have experienced, which is an important step in the process of reconciliation. However, people of Australia need to be aware of our Aboriginal history. It is necessary for people to understand the dispossession, suffering and abuse that the Indigenous people of this land experience. Also, to learn of their culture,

⁷ Clarke, G. 2002. Constitutional Change: Australian experience and future prospects for a treaty, *Labor Essays*. The Constitution was based upon the denial of Indigenous sovereignty and rights, drawing upon the theories of terra nullius.

⁸ Clarke, G. 2002. Constitutional Change: Australian experience and future prospects for a treaty, *Labor Essays*.

⁹ Williams, G. 2002. Five Reasons to Rewrite the Constitution, *Labor Essays*.

¹⁰ 'Howard's New Reconciliation,' *The Australian*, October 12, 2007. Prime Minister Howard stated, 'This is reconciliation based on a new paradigm of positive affirmation, of unified Australian citizenship, and of balance - a balance of rights and responsibilities; a balance of practical and symbolic progress,' in regards to including the Indigenous people in the Australian Constitution.

¹¹ The United Nation's Declaration on the Rights of Indigenous People was adopted in September 2007, Accessed: <http://www.iwgia.org>

¹² Statement made by the Chairman of Global Indigenous Caucus, Les Malezer on September 13th, 2007. Accessed: <http://www.iwgia.org> His statement embodies the attitude needed in a relationship between people to achieve reconciliation.

language and way of life that has shaped our cultural heritage. Non-Indigenous Australians need to be educated and informed of our past.¹³ Educating society on past relationships, we believe, will develop an understanding of empathy and appreciation for the Indigenous culture. This understanding will breed a society that is tolerant, respectful and willing to develop a co-operative relationship between the Non-Indigenous and Indigenous people. At present, school children are required to learn about Aboriginal history, but our society has deeply ingrained prejudice and racism towards Indigenous people. It is an attitude that has been passed through the generations. To combat this prejudice, we suggest the need for education that will reach the wider community. Non-Indigenous people of our country need to be engaged with Indigenous people, in celebrating and commemorating significant events in their past and celebrating their culture. We suggest the need for community events and projects that will foster a co-operative and respectful relationship between the Indigenous and Non-Indigenous people of Australia.¹⁴

To achieve reconciliation Indigenous Australians must also be given equal opportunities and rights to Non-Indigenous people. Presently, Indigenous people in Australia experience social injustice in the areas of health, education, employment and housing.¹⁵ Thus in promoting a positive relationship between Indigenous and Non-Indigenous people requires our Government to initiate practical methods of reconciliation.¹⁶ This demands our Government to make an increasing effort to allocate considerable resources and assistance to the Indigenous people of Australia,

¹³ Holding, C. 1995, 'Combating Racism and Prejudice', *Without Prejudice*, n.8. Holding explains 'Once children understand Australia's 60, 000 year old tradition and the spiritual relationship of our Indigenous people to their land, their history of resistance, and refusal to die out, then many of the falsifications in our history will be corrected and the process of reconciliation that has now commenced can be accelerated'.

¹⁴ Altman & Hunter, 2003. '*Monitoring 'practical' reconciliation: Evidence from the reconciliation decade*' Accessed:

http://online.anu.edu.au/caepr/Publications/DP/2003_DP254.pdf 'True Reconciliation requires a dialogue between equals whereby each party comes to accept the diverse aspirations and belief of the other.'

¹⁵ Australian Bureau of Statistics Report, '*Disadvantages remain for Aboriginal and Torres Strait Islander peoples, but some health and other gains*,' 2007. Accessed: www.abs.gov.au

¹⁶ Altman, J.2004. 'Practical Reconciliation and the new mainstreaming: will it make a difference to Indigenous Australians?' *Dialogue (Academy of Social Sciences in Australia)*, v.23, n.2, pg. 35-46 The 'practical reconciliation' approach was the direction taken by Prime Minister Howard, on his election victory speech in 1998. His belief was that the Labor Government had focused too heavily on symbolic reconciliation, which had jeopardised practical outcomes. The dichotomy associates the symbolic with a commitment to social justice and the recognition of both historic injustice and Indigenous rights, whereas the practical focuses on statistical equality.

to ensure they have equal access and opportunities. These changes need to be incorporated into Government policies.¹⁷ A failure to implement such policies is a failure in providing Indigenous people with basic human rights.¹⁸

The process of reconciliation is a continuing process that requires the co-operation of both Indigenous and Non-Indigenous people. We urge the Government to implement both practical and symbolic methods, in which the Indigenous people of our country are treated with tolerance, respect and understanding. We strongly believe the need for the Government to deliver equality to Indigenous people, by recognising their history and identity through our Constitution and to changes in legislation. These actions will facilitate opportunities for Indigenous people to receive equal human rights and experience social justice. The Government should also attempt to eliminate the entrenched prejudice towards Indigenous people, through education and community projects and events. This will generate co-operation and respect for each other's differences which will develop positive relations between Indigenous and Non-Indigenous Australians.

¹⁷ Tinker, R. 2001. *Taking a Stand: Land Rights to Reconciliation*, Allen & Unwin. It is important for key objectives for the well-being of Indigenous people needs to be enshrined in legislation to survive as an ongoing process despite the changes in Government.

¹⁸ The United Nations Declaration of Human Rights, 1948. Accessed: <http://www.un.org/Depts/dhl/landmark/pdf/a-pv183.pdf>

A Discussion by two members of the independent, non-profit organisation, 'People for Harmonious Relations', debating methods to achieving reconciliation between the Indigenous and Non-Indigenous people of Australia.

Jan: Did you know what I heard on the news today; Prime Minister Howard wants to include Indigenous people in the preamble of the Constitution.¹⁹ My, I would never have thought, our Prime Minister would contemplate such an idea.

Dave: Yes, it is really unlike the policies we have seen Mr Howard suggest. He has always focused on practical solutions for healing the relationship between the Aboriginal and Non-Aboriginal people.²⁰ He always mentions 'closing the gap' by focusing on health, education, employment and housing. If he could manage to achieve such a thing, the Aboriginal people wouldn't experience such social injustice.

Jan: Social injustice? I thought we were talking about reconciliation? Isn't it more important to change the Constitution, our political framework, to include Aboriginal people? It would recognise their occupation, ownership and dispossession of the land before European settlement. Wouldn't that foster reconciliation? Aboriginal people would be acknowledged in our systems of law, as being as equal citizens, and being guaranteed rights.

Dave: Yes absolutely, and that's just what we want, when we think of reconciliation.²¹ But isn't it also justice? Our law system can acknowledge that they are equal Australians, but this is no good to the Aboriginal people in our community if it means they can't receive the same level of education as others and find a job, if the health system doesn't cater for them or if they can't afford housing. There's no equality in that, no social justice.²²

¹⁹ 'Howard's New Reconciliation,' The Australian, October 12, 2007.

²⁰ Prime Minister Howard refers to 'more resources being invested and with a great focus on practical outcomes, the Government has contributed to improving the wellbeing of Indigenous Australians'. Accessed: http://www.pm.gov.au/government/indigenous_australians.cfm

²¹ Achieving Social Justice for Indigenous Australians, address by Mark Leibler, Co-Chair, Reconciliation Australia (1/8/2006). Accessed: http://www.reconciliation.org.au/downloads/156/Mark_Leibler_1August.pdf. In the speech delivered he stated; "Social justice is, of course, an absolute pre-requisite for reconciliation. As we make progress in one, by definition we will be making progress in the other".

²² Morris, P. 2002. 'The Capabilities Perspective: A Framework for Social Justice', *Families in Society*, v.83, n.4. The concept of social justice is understood by the theories of John Rawls in which he describes the aim in achieving a just society is an 'institutional framework that embodies a set of basic freedoms and rights'.

Jan: So when you say reconciliation, your definition includes social justice? I always understood reconciliation to be making amends between the differences between people, being tolerant, having a mutual respect and understanding of these differences so we can live peacefully.

Dave: Yes of course, that is what I believe reconciliation is too, and I only hope that one day we can achieve that here in Australia. But to live in peace and have a respect and tolerance of differences, I think we can include a degree of social justice. No one can live peacefully, without equality can they? There is no respect or equality, if the Aboriginal people still have a life expectancy 20 years less than all other Australians,²³ we should consider how important having social justice is in our plight for reconciliation.

Jan: So if we were talking about this in the terms used by Howard, there isn't a dichotomy between symbolic and practical reconciliation.²⁴ The symbolic is about Aboriginals being recognised, such as in the preamble of the Constitution²⁵ and the practical is about finding solutions to the inequalities we witness in society.

Dave: Yes I think so. I don't know how they ever thought they could divide the two ideas. Having such symbolic representation is such a significant form of communication; the events that have been held, such as 'The Walk for Reconciliation' and 'The Sea of Hands' are a way of having a voice. They communicate to people that we understand, that we are here to make a difference, we are here to show our support. Symbolism is important because it will have real effects on people's psychological wellbeing and behaviour.²⁶ But like I said before there is no purpose in having these symbolic representations without practical changes in our laws and policies.

²³ Australian Bureau of Statistics Report, 'Disadvantages remain for Aboriginal and Torres Strait Islander peoples, but some health and other gains,' 2007. Accessed: www.abs.gov.au

²⁴ Altman & Hunter, 2003. 'Monitoring 'practical' reconciliation: Evidence from the reconciliation decade' Accessed:

http://online.anu.edu.au/caepr/Publications/DP/2003_DP254.pdf

'Physical and psycho-emotional needs must be satisfied simultaneously. One of the major problems with the practical reconciliation agenda is that it fails to recognise that many of the practical outcomes highlighted are driven, directly and indirectly, by social, cultural and spiritual needs.'

²⁵ Griffiths, M. 2006. *Aboriginal Affairs 1967 – 2005: Seeking A Solution*. Rosenberg, Australia, pg. 164. Refers to; 'a battle centred on symbolism took place, when it was proposed that a new Constitution would have a Preamble containing the fundamental values which undergirded the nation.'

²⁶ Altman & Hunter, 2003 'Monitoring 'practical' reconciliation: Evidence from the reconciliation decade', pg 15.

Jan: Yeah I agree. Symbolism is a powerful form of communication; it's a significant way to indicate to people our position, and our view in a very peaceful way.²⁷

Especially in cases where there are slogans and signs used; they begin to take on new meanings.

Dave: You're right Jan; remember when we had the Sea of Hands on the grass at Parliament House?²⁸ It was literally a sea of red, black and yellow which communicated a fight for Aboriginal Rights. It gets people thinking and aware of issues that they may not have known about. Communication is very important in non-violent action to opponents, third parties and to other people in the group.²⁹

Jan: Non-violence? We should be discussing communication in the process of reconciliation.

Dave: I consider non-violence as a method of achieving reconciliation. Non-violence includes a number of methods usually divided into non-cooperation, intervention, and protest and persuasion.³⁰ We have used protest and persuasion in some of our events, such as The Walk for Reconciliation,³¹ in which there were banners, signs and symbols that peacefully demonstrated our cause to society. Those non-violent actions of protest were very empowering forms of communication which comes from the experience in an action against the injustice of the Indigenous people, which showed that we could make a difference.³²

Jan: Yeah, I saw a lot of proud people that day, marching and showing their support for an issue they truly believed in. We definitely need to see more events like that in our community; it keeps Indigenous issues in people's minds. What I particularly love

²⁷ Ramirez, J. 2007. 'Peace Through Dialogue', *International Journal on World Peace*, n.24, i.1 'To achieve peace and concord there is nothing better than communication and personal contact'.

²⁸ The first Sea of Hands was held at Parliament House on October 12, 1997 where plastic hands in the colours of the Aboriginal flag, carried signatures from a petition on Native Title. Accessed: <http://www.antar.org.au>

²⁹ Martin, B & Varney, W. 2003. *Nonviolence and communication*, Accessed: www.uow.edu.au/arts/sts/bmartin/03jpr.html

³⁰ Sharp, G. 2002. 'From Dictatorship to Democracy: A Conceptual Relationship for Liberation', The Albert Einstein Institute, Accessed: <http://www.aeinstein.org/organizations/org/FDTD.pdf>

³¹ The People's Walk for Reconciliation was held on 28th May, 2000, in which a quarter of a million Australians participated in a march across the Sydney Harbour Bridge. 'The long walk to reconciliation can't jump stages', *Indigenous Law Resources*. Accessed: <http://search.austlii.edu.au/au/other/IndigLRes/car/2000/car259.html>

³² Martin, B & Varney, W. 2003. *Nonviolence and Communication*, Accessed: www.uow.edu.au/arts/sts/bmartin/03jpr.html

about organising and participating in those events is the way the Indigenous and Non-Indigenous people are both involved. For me, that's how we are going to achieve 'reconciliation'.

Dave: Exactly. That co-operation between people, establishes a relationship that is founded on respect, understanding and tolerance. People begin to see each others as individuals and not as a foreign race. The interaction between the Indigenous and the Non-Indigenous breaks barriers and hinders stereotypes.

Jan: These community events are definitely a start to more peaceful relations. It is difficult to eliminate the racism and prejudice that is entrenched in our society. Racist ideology is not a relic of Australia's past, it is a part of the fabric of the Australian identity, how we are governed and how we respond to the claims of Indigenous people in contemporary debate.³³

Dave: Sadly, it's true. The opinions of Indigenous people since European settlement have been passed down through the generations. It's so difficult to try and rid these false stereotypes from society, and find ways to encourage people to open their mind.

Jan: Well, education is a start. So often I hear generalised remarks about the behaviours of Aboriginal people, and usually it's just because they aren't informed. If more Non-Indigenous people were aware of the past histories and injustices they had experienced, gradually people would be more willing to make amends and develop a peaceful relationship.³⁴

Dave: Children at school these days are taught Aboriginal history, which is really great that they are aware of what has happened. But I truly believe that the education needs to be more widespread, so that everyone is informed about our history.

Jan: That is not an easy task. But I think the best place to start would be with all those community projects. As you said, it is a form of communication and a peaceful form of protest and persuasion that is really empowering.

Dave: Yes, and the more people who become involved, the more pressure there is on the Government to achieve social justice and uphold equal human rights for

³³ Dodson, M & Strelein, L. 2001. 'Australia's Nation-Building: Renegotiating the relationship between Indigenous people and the State', *University of New South Wales Law Journal*, v.24, n.3

³⁴ Interview with Indigenous woman, Vanessa Cavanagh on 10/10/07. She believed reconciliation would be achieved 'when the national consciousness has knowledge of, and ownership to, the complete history of Australia, and the legacy of injustices that are party to that history. Then we as a nation can come together with an honest and well informed mindset to heal present generations and nurture our future leaders.'

Indigenous people. Only last month, the United Nations adopted a Declaration of Rights for Indigenous Peoples, which does place international pressure on the Government to enforce these rights.³⁵

Jan: Yeah, but Australia was one of only four other nations who voted against the Declaration. There is going to have to be a lot of pressure from activists and independent organisations like ours, to change legislation in this country so that it will benefit Indigenous people. The Mabo Decision was one of the most significant changes to our law system in dismissing the notion of terra nullius, and recognising the connection and rights Indigenous people have with the land.³⁶

Dave: And that decision was made in 1992, twenty-five years since Australia voted ‘yes’ on the referendum to allow Aborigines to be counted as citizens. That decision also aroused a furore of controversy³⁷ that led to a lot of debate about the complexity about negotiating claims for native title.³⁸

Jan: Yes, but it did acknowledge Indigenous people and their rights. It was a symbolic step towards reconciliation. Furthermore, it was achieved through the processes of our legal system which gives us great hope to the future about the possibility for changes in our legislation. We must express the importance of achieving reconciliation through legislation to achieve social justice and equality.³⁹

Dave: Indeed, and this will only happen if we continue to use non-violent action to protest and persuade people to recognise Indigenous rights. If we keep communicating the importance of reconciliation to the community, more people will be aware and hopefully become involved, which would encourage changes to Government policy.

³⁵ The United Nation’s Declaration on the Rights of Indigenous People was adopted in September 2007, Accessed: <http://www.iwgia.org>

³⁶ Tinker, R. 2001. *Taking a Stand: Land Rights to Reconciliation*, Allen & Unwin. ‘It is true that, with the abolition of the notion of terra nullius and the enactment of the various Aboriginal and native title statutes, we have made great progress towards addressing the immediate issue raised by the dispossession’.

³⁷ Griffiths, M. 2006. *Aboriginal Affairs 1967 – 2005: Seeking A Solution*, Rosenberg Publishing, Australia. The Mabo Decision aroused controversy of legal, social and economic dimensions.

³⁸ Interview with Indigenous woman Vanessa Cavanagh on 10/10/07. She commented on ‘The constant re-positioning of the goal posts regarding the rightful ownership of land by Aboriginal people’ as one of the most unsuccessful actions in reconciliation.’

³⁹ Interview with Indigenous woman Vanessa Cavanagh on 10/10/07. Our discussion revealed the importance of Government policy in leading positive changes; ‘It takes policy direction to enact change especially where resistance to that change exists, and negative attitudes present obstacles.’

Jan: Yes! And we can't forget how important the role of education is to creating an understanding, respect and tolerance for Indigenous people by learning their history.⁴⁰ Community projects and events will also help foster these co-operative relationships as Indigenous and Non-Indigenous people interact.

Dave: Reconciliation is a journey to achieve equality, respect and harmonious relationship between the Indigenous and Non-Indigenous people of Australia.

⁴⁰ Speech by Prof. Mick Dodson Director Reconciliation Australia for the *Reconciliation: Taking the Next Step Luncheon*, 25/7/07, states 'There are things that we will need to discuss over time for our partnership to be strong and respectful – things to do with the land, stolen generations, constitutional arrangements.'

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