

INQUIRY QUESTIONS

How did the United Nations Universal Declaration of Human Rights come about? Why was it important?

What were key features and achievements of the US Civil Rights movement? Did these influence the struggles of Aboriginal and Torres Strait Islander Peoples?

What have been the main aims, methods and events in the struggles for rights and freedoms by Aboriginal and Torres Strait Islander Peoples?

Who have been significant individuals and groups in the struggles for the rights and freedoms of Aboriginal and Torres Strait Islander Peoples?

RIGHTS AND

FREEDOMS

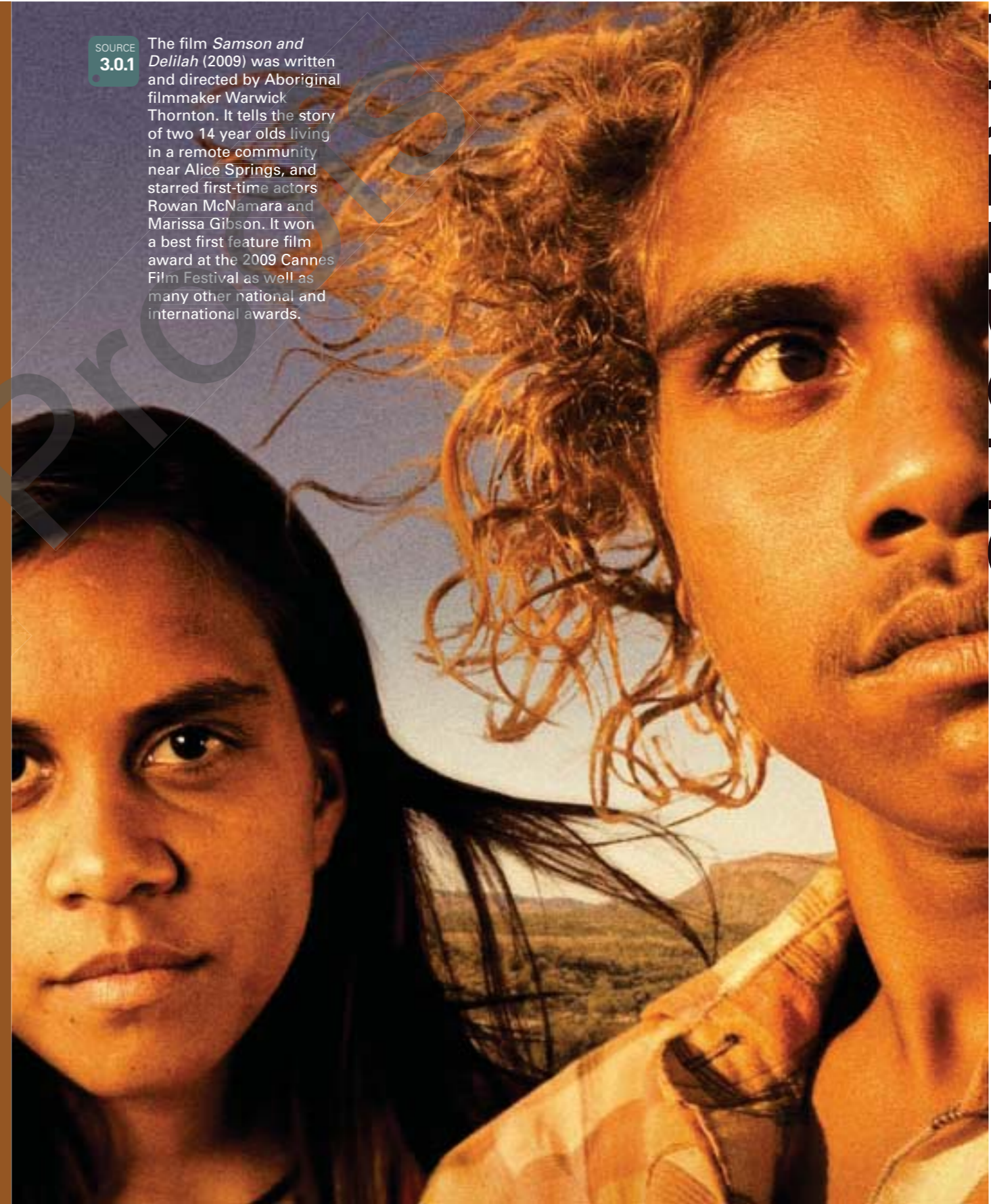
DEPTH STUDY X
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When the United Nations Universal Declaration of Human Rights proclaimed in 1948 that ‘all human beings are born free and equal in dignity and rights’, it signalled its support for the rights and freedoms of oppressed groups throughout the world. Two such groups that already had long histories of struggle were African Americans and Australia’s Aboriginal and Torres Strait Islander Peoples. At the same time as the US Civil Rights movement was gathering force in the 1950s and 1960s, Aboriginal and Torres Strait Islander Peoples renewed their efforts to overcome generations of dispossession and inequality. Although much has been achieved, the struggles for rights and freedoms by Aboriginal and Torres Strait Islander Peoples have continued into the twenty-first century.

ADDITIONAL NOTICE
Pearson seeks to treat Australia’s Aboriginal and Torres Strait Islander cultures and beliefs with respect. To many communities, it is distressing to show images of people who have died. These communities are warned that this chapter does contain such images.

SOURCE 3.01

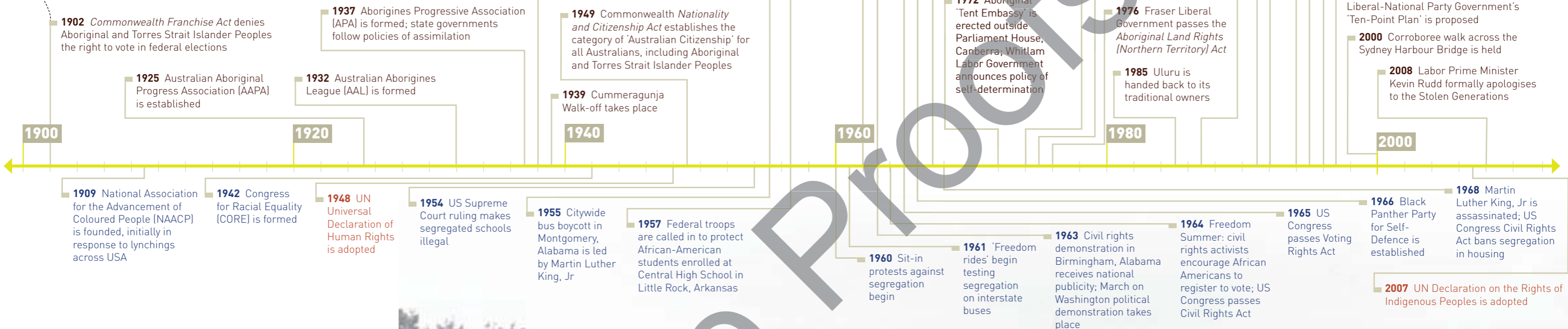
The film *Samson and Delilah* (2009) was written and directed by Aboriginal filmmaker Warwick Thornton. It tells the story of two 14 year olds living in a remote community near Alice Springs, and starred first-time actors Rowan McNamara and Marissa Gibson. It won a best first feature film award at the 2009 Cannes Film Festival as well as many other national and international awards.



SNAPSHOT 1902–today

SOURCE 3.1.1 Timeline of significant rights and freedoms events for Aboriginal and Torres Strait Islander Peoples, African Americans and indigenous populations

- **Brown** Australian events
- **Blue** US events
- **Red** Global events



WHAT RIGHTS? WHAT FREEDOMS?

The idea that groups of people had certain kinds of rights and freedoms dates back to ancient times. However, with the coming of the modern age, the idea of universal human rights and freedoms began to evolve. During the late eighteenth century, Enlightenment thinkers argued that, as human beings, all people had the same basic rights to equality and freedom, no matter what their place in society. It was also during this period that the idea of the nation-state gained prominence as the way for a whole society to be organised: as a community of citizens. So the idea of human rights and the idea of the nation-state became linked together. Both the American Revolution of 1776 and the French Revolution of 1789 were based on the linking of these two ideas.



SOURCE 3.1.2 Martin Luther King, Jr waves from the Lincoln Memorial to participants of the March on Washington, 28 August 1963. It was from this position that he gave his famous 'I Have a Dream' speech.

When the leaders of the new nation, the United States of America, declared its independence, they stated that:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

SOURCE 3.1.3 From the US Declaration of Independence, 4 July 1776

To better explain these rights, the new nation soon provided its citizens with a Bill of Rights. For example, its first statement read:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

SOURCE 3.1.4 From the US Bill of Rights, Amendment I, 25 September 1789

The leaders of the new French nation put forward a Declaration of the Rights of Man and of the Citizen. Its first two articles read:

- 1 *Men are born and remain free and equal in rights. Social distinctions may be based only on considerations of the common good.*
- 2 *The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are Liberty, Property, Safety and Resistance to Oppression.*

SOURCE 3.1.5 From the Declaration of the Rights of Man and of the Citizen, 26 August 1789

In the context of their times, these statements of rights and freedoms took for granted certain limits. For example, women were regarded as having an inferior place in society compared with men, and in the United States slaves imported from Africa had no rights or freedoms at all. Nevertheless, the basic rights and freedoms defined by these two new nations in the late eighteenth century set the standard for thinking about human rights and freedoms through the nineteenth and the twentieth centuries. One feature of these two centuries was the struggles by oppressed groups for human rights and freedoms. Such struggles have continued into the twenty-first century.

SOURCE 3.1.6 *Declaration of Independence*, by John Trumbull, oil on canvas, 1819. In this painting, Thomas Jefferson is presenting the document to John Hancock, president of the Congress, at Independence Hall, Philadelphia, 4 July 1776. John Adams, Roger Sherman, Robert Livingston and Benjamin Franklin are standing with Jefferson.



UNIVERSAL DECLARATION OF HUMAN RIGHTS

UNIT
2

During World War II, US President Franklin Roosevelt proposed the establishment of a new international body to replace the League of Nations. At war's end, this new body—the United Nations Organisation (UN)—was established in October 1945. Its **Charter** obligations were and continue to be:

- to preserve peace and eliminate war
- to remove the causes of conflict by encouraging economic, social, educational, scientific and cultural progress throughout the world, especially in under-developed countries
- to safeguard the rights of all individual human beings, and the rights of peoples and nations.

The unprecedented terror and destruction of life brought by the war itself had prompted the third aim to recognise and protect the rights of individual human beings, peoples and nations. An estimated 50 to 70 million people, most of whom were civilians, had been killed during World War II. This number includes about 6 million Jews who perished in the Holocaust. The post-war revelations of the Nazis' systematic persecution and murder of Jewish people gave rise to the UN Convention on the Prevention and Punishment of the Crime of Genocide in 1948. These revelations gave particular force to the UN's concern to define and protect an agreed set of **universal human rights**.

DRAFTING AND ADOPTING THE DECLARATION

In 1946, the first session of the UN General Assembly considered a draft 'Declaration on Fundamental Human Rights and Freedoms'. The General Assembly referred this to a Commission of Human Rights for review and refining. The commission consisted of eighteen members representing the United States, Britain, France, the Soviet Union and China as well as other countries, including Australia. The members came from a range of religious, cultural and political backgrounds. Eight members of this commission formed a drafting committee that wrote the wording for the declaration. The US Government appointed Eleanor Roosevelt, the widow of President Roosevelt who died in 1945, to head of the drafting committee.

Between 1947 and 1948, the committee drafted and re-drafted the '**Articles**' of the declaration. These articles were statements outlining the civil, political, social and economic rights to which every person was entitled, meaning they were universal in nature. By the time the



SOURCE 3.2.1 It is said that Eleanor Roosevelt regarded the Universal Declaration of Human Rights as her greatest accomplishment.

final draft was submitted to the UN General Assembly on 10 December 1948, it had been amended more than 160 times during at least eighty-one meetings. There were only two days left before the General Assembly finished for the year and luckily no more amendments were proposed that would have further delayed the passing of this important document. Six communist countries—the Soviet Union, Czechoslovakia, Byelorussia, Poland, the Ukraine and Yugoslavia—abstained from voting for the declaration along with South Africa and Saudi Arabia. The other forty-eight nations of the Assembly voted in favour of it.

DID YOU KNOW?
Prior to her role with the United Nations, Eleanor Roosevelt was active in other organisations that worked to improve the economic and social rights of disadvantaged people in the United States. She was an early member of the New York Junior League, which assisted poor people in the slums of New York. She was also a member of the Women's Trade Union League in the 1920s, and supported the rights of African Americans during the 1930s and early 1940s. She received a standing ovation from the General Assembly when the United Nations Universal Declaration of Human Rights was adopted.

ARTICLES OF THE DECLARATION

The first ten articles of the UN Universal Declaration of Human Rights indicate the key rights it seeks to protect.

- 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
- 3 Everyone has the right to life, liberty and security of person.
- 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

- 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- 6 Everyone has the right to recognition everywhere as a person before the law.
- 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.
- 9 No one shall be subjected to arbitrary arrest, detention or exile.
- 10 Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

On 10 December 1948, the United Nations Universal Declaration of Human Rights was adopted by the General Assembly. December 10 is celebrated as Human Rights Day around the world. The declaration is written in more than 360 languages and is used by various UN organisations to help people and countries understand what the international community has determined as the human rights all people are entitled to. It also became a point of reference for later international agreements, such as the UN Declaration on the Rights of Indigenous Peoples.



SOURCE 3.2.2 Dr H. V. Evatt signs the United Nations Charter, 1948

SOURCE 3.2.3 From the United Nations Universal Declaration of Human Rights, 1948

- Q**
- 1 List the types of rights that are emphasised in the first ten articles of the UN Universal Declaration of Human Rights.
 - 2 Look at the order in which these rights are listed. Give reasons why you think they are in this order.
 - 3 Do you think some of the rights listed are more important than others? Explain your reasoning.
 - 4 Write some quotes or words that show this document is 'universal'; that is, it applies to everyone in its application.
 - 5 Are there places in this document where the wording does not seem 'universal'? Why do you think this is the case? (Think about the era in which this document was written.)

AUSTRALIA'S ROLE

Australia's Minister for External Affairs Dr H. V. Evatt played a significant role as a delegate in the formation of the UN and later as president of the General Assembly. From the beginning, Evatt stressed the importance of including human rights in the UN Charter and even proposed an international human rights treaty to which all member nations would be legally bound. This was rejected at first, but when the UN was actually established, the relevance of a human rights declaration became more apparent. The appointment of an experienced Australian diplomat, William Hodgson, to the drafting committee was largely due to Evatt's enthusiasm for a human rights treaty. Evatt was president of the General Assembly when the Universal Declaration of Human Rights was presented and adopted.

INITIAL SIGNIFICANCE OF THE DECLARATION

The UN Universal Declaration of Human Rights came at an important time in the historical development of new countries. In the post-World War II years, a number of countries that were controlled by European powers were asserting their right to national self-determination. With its emphasis on equal rights, democracy, and freedom from servitude and discrimination, the UN Universal Declaration of Human Rights added moral authority to nationalists' demands for decolonisation. As an international organisation, the UN acted as a sort of 'umpire' that in several cases recognised the rightness of the nationalists' claims and helped such colonies to become independent countries.

Another example of the significance of the declaration in the post-war years can be found in the Anti-Apartheid movement in South Africa. In 1955, the African National Congress (ANC) brought together a number of organisations opposed to Apartheid and lobbied for a multiracial Congress of the People. Its purpose was to write a political charter outlining the rights and aspirations of all South Africans. The final version of what became known as the Freedom Charter contained statements about human rights and democracy similar to those in the UN Universal Declaration of Human Rights. The South African Government declared the Congress to be treason, banned the ANC and arrested its key activists, including Nelson Mandela. However, over the next three decades the Charter was secretly circulated, helping keep alive the Anti-Apartheid movement.

Mandela was finally freed in 1990 and, following the 1994 democratic elections, the ANC led by Mandela came to power in the South African Government. The new Constitution of South Africa included in its text many of the statements listed in the 1955 Freedom Charter, which was strongly influenced by the UN Universal Declaration of Human Rights.



Remembering and understanding

- 1 Define the terms below.
 - Articles (of the UN Universal Declaration of Human Rights)
 - (UN) Charter
 - universal human rights
- 2 Give two reasons why the United Nations saw the need for an agreed statement of human rights.
- 3 What roles did Eleanor Roosevelt and Dr H. V. Evatt play in the establishment of the UN Universal Declaration of Human Rights?
- 4 In your own words, explain two ways in which the UN Universal Declaration of Human Rights influenced international developments in the post-war years.

Analysing and evaluating

- 5 a Why do you think countries from a range of religious, cultural and political backgrounds were chosen to be involved in writing the UN Universal Declaration of Human Rights?
 - b Suggest some examples of other countries not listed in the text that could have made up the eighteen member commission.
- 6 a Why do you think South Africa, Saudi Arabia and some communist countries abstained from voting in favour of the UN Universal Declaration of Human Rights in 1948?
 - b Find out if they are signatories today and, if they are, when they became signatories.

Evaluating and creating

- 7 a Use the internet and other sources to find 3–5 recent examples, either within Australia or in other countries, where the rights listed in the first ten articles of the UN Universal Declaration of Human Rights have been violated.
 - b Choose one example that you are interested in to research further and write a feature newspaper article that explains the human rights violation, what (if anything) is being done about it, and what ordinary citizens can do to help.

SOURCE 3.2.4 Nelson Mandela and his wife at the time, Winnie, salute the crowd upon Mandela's release from prison, 11 February 1990.

AFRICAN AMERICANS PRIOR TO 1945

The modern movement for the rights and freedoms of African Americans—the **US Civil Rights movement**—emerged in the decade after the end of World War II and gathered force during the 1960s. To understand this movement, it is important to look back at earlier times.

LEGACY OF SLAVERY

African Americans were transported as slaves to US colonies from around 1619 to fill a widening labour shortage. Agriculture, particularly for export, dominated the Southern colonies of Maryland, Virginia, North and South Carolina and Georgia. In this region, cotton, tobacco, rice and indigo (a blue dye) grew very well but were labour intensive crops to plant, maintain and harvest. African slaves were cheaper labour over time than indentured or paid workers from Europe.

In the Northern colonies, a colder climate meant that grain crops such as wheat, oats, rye and barley were more commonly grown. These were less labour intensive and could be planted on smaller farms. A manufacturing industry also developed with the greater need for fishing, shipping and the export of timber or surplus agriculture products that could not be sold domestically. Thus from the beginning a division developed between the Northern and Southern regions of the United States. The North became more industrialised and diversified in its trade with Europe, while the South continued along the track of agriculture and became more dependent on a slave population to produce high yields of cheap crops for export.

SOURCE 3.3.1 A slave market, from an illustration in *Uncle Tom's Cabin*, by Harriet Beecher Stowe, first published in 1852



After the American colonies declared their independence from Britain and successfully fought the War of Independence (1775–83), they had no intention of abandoning slavery. The economy of the new nation, the United States of America, depended on it. So although the Declaration of Independence stated that 'all men are created equal', this was not meant to include slaves, and slaves were not counted as citizens with entitlements specified in the new US Bill of Rights.

CONDITIONS UNDER SLAVERY

Slaves would be sold to the highest bidder at a slave auction in which potential owners would inspect their teeth, limbs and genitals to determine their health and fitness. They worked in a range of situations, but the majority laboured on large farms or plantations. Slaves usually worked 11 hours a day, 6 days a week in the fields for no pay. Their housing consisted of log cabins with dirt floors and minimal furniture or bedding. On average, six to twelve slaves lived in each one-room cabin. Some were lucky and worked in the 'Great Houses' of the wealthy plantation owners doing domestic work or trades for their master. To learn a skill was seen as an advantage, but this was restricted to only a few slaves; the majority worked in the fields picking cotton or tobacco or growing crops.

Slaves were not allowed to own property or give evidence against 'white' people (descended from European colonists) in court cases. They could marry but these marriages were not legally recognised, meaning that husbands and wives could be sold off or separated. The children from slave marriages could be sold as well and when this happened most children never saw their parents again. Slaves were not allowed to go to school or learn to read. They could not leave the plantation or farm without permission and if they ran away would be hunted down and punished. There were no laws that governed how slaves could be treated by their owners because slaves were regarded as their property. Whippings, amputations of an ear or hand, burying alive or hanging, were all punishments slaves could receive.

OPPOSITION TO SLAVERY

Anti-slavery movements developed first in Britain and later in the United States, bringing attention to the inhumane treatment many slaves received. In 1807, slavery was abolished in Britain but it took a further sixty years to intercept illegal ships and eradicate the slave trade. By the 1820s and 1830s, Americans such as Benjamin Lundy and William Lloyd Garrison were willing to speak and write publicly about the appalling treatment of slaves. The New England Anti-Slavery Society (1831) and American Anti-Slavery Society (1833) were both created through the initiative of Garrison, and both organisations began in the North to abolish slavery across the United States. People and organisations that agitated to abolish slavery were called **abolitionists**.

The actions of professional slave catchers to hunt down and return fugitive slaves led to the formation of the **Underground Railroad**. Abolitionists would provide a safe house for slaves that planned to flee their masters and act as 'conductors', passing them from one house to another until they reached the Northern states or Canada where slavery did not exist.

DID YOU KNOW?

CONSEQUENCES OF THE CIVIL WAR

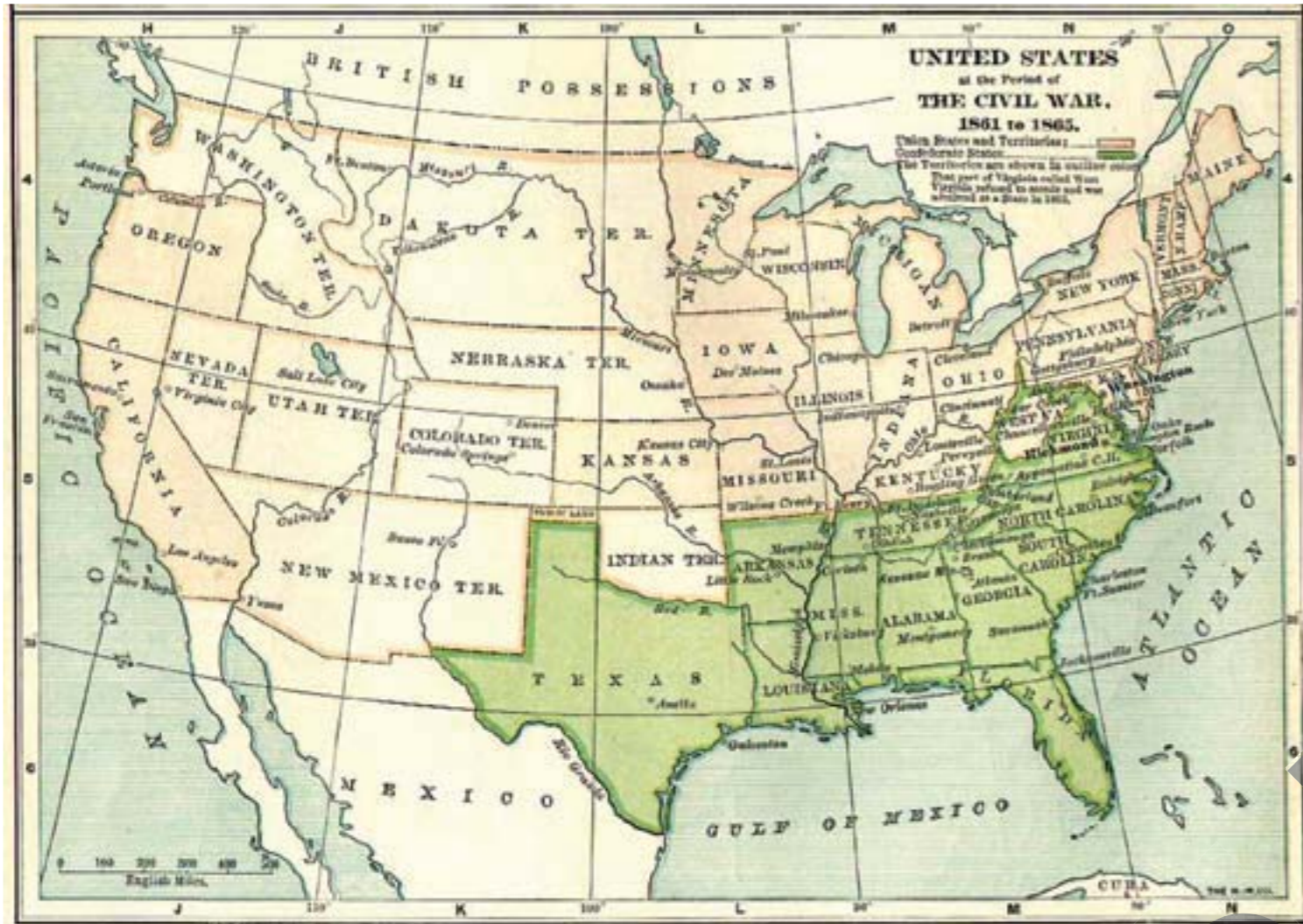
In 1861, a civil war between the Northern (Union) and Southern (Confederate) states broke out partly because of their different attitudes to the idea of slavery. Northern states that were more industrialised and relied less on slave labour supported the abolitionist cause. Southern states opposed abolition because slavery was the mainstay of their agriculture-based economies. President Abraham Lincoln fought a political and military battle for four years to keep the states united over the issue. By 1865, the eleven Southern states that supported slavery were defeated.

Laws were passed by the federal government that abolished slavery and gave some rights to African Americans. These were amendments to the **Constitution** (a document that sets out the rules of how a government should function in society). The Thirteenth Amendment (1865) abolished slavery across all of the United States. The Fourteenth Amendment (1868) gave all African Americans the right to citizenship and the Fifteenth Amendment (1870) gave all adult African-American men the right to vote. Yet these changes did not mean that African Americans were now free and equal. The quest for equality was just beginning.

SEGREGATION AND THE 'JIM CROW' LAWS

The term **segregate** means to separate one group from another. Southern states segregated African Americans from the 'white' population through a series of laws passed by their own state governments between 1870 and 1900. Gradually, African Americans found that they were not able to go to the same hospitals, schools or churches, or use the same drinking taps, toilets, train carriages or bus seats as 'white' people. They could not even be buried in the same cemeteries.

In 1896, Supreme Court judges ruled that segregation was acceptable if facilities were equally provided for both races. The 'separate but equal ruling' effectively made segregation legal. This decision led to an increase in segregation laws, which became known as the '**Jim Crow**' laws. 'Jim Crow' laws became common throughout the country. It was very difficult for African Americans to oppose these laws. As well as being legally punished if they did, they were subject to persecution by sections of the 'white' society.



SOURCE 3.3.2 Map showing the division between the Confederate and Union states of the US Civil War (1861–65). From *The Century Atlas of the World*, The Century Co., New York, 1900

Q Using the map, identify which states were in favour of slavery and which opposed it.

THE KU KLUX KLAN

The **Ku Klux Klan** was a white supremacist group; that is, they believed that the white race was superior to all others. Formed in Pulaski, Tennessee in 1866, the group was behind many of the vicious attacks on African Americans that occurred over the next eighty years. The act of **lynching** African Americans grew significantly in the South. Lynching involved a combination of whipping, hanging, mutilating and burning an African-American person said to have done something wrong. Because most members of the 'white' community supported the views of the Ku Klux Klan or feared them, the perpetrators were rarely arrested. Other activities by the Ku Klux Klan included the burning of houses, churches and shops owned by African Americans.

THE GREAT MIGRATION

From around 1910, increasing numbers of African Americans moved North to work in factories. Slowing European migration around the 1920s and the need for cheap labour meant that job prospects were better in the Northern states. A level of prejudice remained though. African Americans still found that they were restricted to poorly paid jobs, housing in run-down neighbourhoods and that their children were still segregated in schools. As in the South, barriers to advancement and racial tensions existed. Ghettos developed where African Americans lived and socialised together. In these communities, an African-American culture developed in which jazz music was born.

This migration of African Americans from the Southern to the Northern states was accelerated during the World War II years when their labour in factories was crucial to the war effort. This was also a time, however, of increased racial prejudice and violence in some Northern cities.



SOURCE 3.3.3 Man drinking at a water cooler reserved for 'Colored' people in Oklahoma, 1939. Held at the Library of Congress

Q What does this source reveal about the degree to which African Americans were segregated?

WORLD WARS I AND II

African-American men served in both World War I and World War II. However, they were not a part of integrated military units. During World War II, some African Americans were trained in specialist areas such as aviation as the demands on manpower grew, thus creating a greater sense of recognition and purpose. Others received medals for distinguished service in the army or air force. Yet most of the African Americans who served in World War II experienced racism, were often denied promotions and were allocated the most menial of tasks. Just after the war, in 1948, President Harry Truman signed an Executive Order to gradually disband segregated units.

THE NAACP

One of the earliest organised attempts to achieve equality for African Americans was the National Association for the Advancement of Coloured People (NAACP). William E. B. Du Bois (a Harvard University scholar) was dismayed by the lack of educational opportunities for young African Americans and the obstacles they faced in utilising the right to vote. He was also disturbed by the continued racial violence against African Americans. The NAACP was formed at a meeting in New York in 1909 attended by Du Bois, Mary White Ovington, Oswald Garrison Villard (the grandson of abolitionist William Lloyd Garrison), John Dewey (a philosopher) and several others.

Between 1909 and 1945, the NAACP established its own magazine *The Crisis*, conducted a thirty-year campaign against lynching, and became a legal advocate in court cases regarding the right to vote, employment, and segregation under the 'Jim Crow' laws. NAACP leaders also met with Eleanor Roosevelt during the 1930s and 1940s to enlist her support for the removal of discrimination in the armed forces, defence industries and government employment. The NAACP went on to be a vital force in the US Civil Rights movement in the decades after World War II.

US CIVIL RIGHTS MOVEMENT


 SOURCE
3.3.4

National Association for the Advancement of Coloured People Youth Council members pose on a building stairway in the 1930s.

LEARNING ACTIVITIES

Remembering and understanding

- 1 Define the terms below.
 - Constitution
 - 'Jim Crow' laws
 - Ku Klux Klan
 - lynching
 - segregate
 - Underground Railroad
 - US Civil Rights movement
- 2 List and explain the laws that were passed after the US Civil War. Did these changes give African Americans equal rights?
- 3 In your own words, explain the 'separate but equal ruling' of 1896.

Understanding and evaluating

- 4 a Why was there a difference in the use of slaves in the Northern and Southern states of the United States?
b How might this have affected their attitudes towards slavery?
- 5 a What was the outcome of the US Civil War for African-American people and for the Southern states?

- b How do you think this would have affected relations between:
 - i the North and the South
 - ii 'white' Americans and African Americans living in the South.
- 6 How did migration to the Northern states and World War II change the identity of African-American people?

Applying and creating

- 7 Use the internet and other sources to find out more about the National Association for the Advancement of Coloured People (NAACP) and its main founder, William E. B. Du Bois. Working in a group of three or four, create a multimedia presentation to show to the class that outlines:
 - a the events that led to the formation of this organisation
 - b the founders of the NAACP and their backgrounds
 - c the campaigns the organisation initiated between 1909 and 1945 to advance the cause of equality
 - d the obstacles faced as an organisation
 - e the effectiveness of this organisation in improving human rights at the time.

By the 1950s and 1960s, African-American activist groups set out to overturn the 'Jim Crow' laws that enforced the segregation of races in most aspects of US life. While different 'Jim Crow' laws existed across the US states, they were most prevalent and most rigidly enforced in the Southern states. Despite the 1896 Supreme Court 'separate but equal' ruling, the 'Jim Crow' laws resulted in inferior conditions for African Americans in a number of key areas, such as education. They therefore compounded the economic and social disadvantages experienced by the great majority of African Americans.

Attempts to abolish the 'Jim Crow' laws sparked the modern US Civil Rights movement. The courageous efforts of a few inspired greater numbers of people from both races to stand up for African Americans and their right to participate equally in all areas of society. This unit focuses on the methods used by US Civil Rights activists to achieve their aims and the effectiveness of these methods in the period from the early 1950s through to 1968.


 SOURCE
3.4.1

Elizabeth Eckford entering Little Rock Central High School, September 1957



- 1 Closely examine the faces of the different people in the photo. What emotions do you believe each person is feeling?
- 2 What beliefs about the situation do you think made each person feel this way?
- 3 What would life at school have been like for Elizabeth Eckford? Explain your answer.

ATTEMPTS TO DESEGREGATE EDUCATION

Thurgood Marshall, who was the legal director for the National Association for the Advancement of Coloured People (NAACP), saw an opportunity to challenge segregated schooling when, in 1950, Reverend Oliver Brown was not allowed on the basis of race to enrol his daughter in an 'all-white' primary school in Topeka, Kansas. Brown and seven other families sued the Topeka Board of Education; when they lost, they appealed to the US Supreme Court. Persuaded by Marshall's arguments, the Supreme Court unanimously ruled on 17 May 1954 that segregation of schooling come to an end. The court ordered school districts to **desegregate** and, by the end of 1955, over 500 schools were integrated; that is, no longer segregated.

However, many Southern states saw the Supreme Court ruling as the end of the 'Jim Crow' laws and they refused to comply. In these states there was also an increase in racial violence and intimidation. In 1955, the Supreme Court ruled that states did not have to desegregate schools immediately. So progress towards desegregated schooling in the South was slow.

In one case, in 1957, nine African-American students enrolled at the 'whites-only' Central High School in Little Rock, Arkansas. On the day of their arrival, the governor of Arkansas ordered the Arkansas National Guard to block the students' entry. An angry mob supported the governor's action and, over the coming weeks, the offices of the city school board were bombed and teachers who refused to agree with segregation were dismissed. President Dwight Eisenhower eventually intervened. Federal troops were sent in to escort the students to school and to their classes for a whole year before the local community accepted the results of the Supreme Court ruling. Other high schools in Little Rock were not integrated until 1962.

BUS BOYCOTTS

The NAACP targeted public transport as another area of desegregation. On 1 December 1955, Rosa Parks, an African-American seamstress and a member of the local NAACP, followed segregation rules and sat towards the rear of a bus in Montgomery, Alabama. As more 'white' passengers boarded the bus she was asked to move further back. She quietly refused and was arrested. The NAACP paid her bail until the hearing date and then organised a boycott of all the buses in Montgomery—African-American people refused to ride the buses until they were desegregated. Since 75 per cent of bus passengers were African-American and, despite hardship and intimidation, their boycott lasted more than a year.

The Montgomery **bus boycott** attracted national and international attention and the bus companies were dealt a serious economic blow, especially when bus boycotts began in other cities. After negotiations between the bus companies, Montgomery city counsellors and the boycott organisers faltered, the Supreme Court once more intervened and ruled on 13 November 1956 that the segregation of buses was unconstitutional and ordered Montgomery to desegregate its buses. This did not end racial violence or segregation in other areas of Montgomery life. Yet the success of the Montgomery bus boycott led to increased membership of the NAACP and encouraged further actions across the country.

MARTIN LUTHER KING, JR

One of the instigators of the Montgomery bus boycott was Martin Luther King, Jr. At the time, he was 26 years old and had recently become the pastor of a major Baptist church in Montgomery. At university, King had studied theories of spiritual values related to social justice issues; however, the most important influence on King was Mohandas Karamchand (Mahatma) Gandhi, who had led India's movement to national independence. King saw Gandhi's non-violent protests as a model for effective strategies African Americans could use to overcome the systematic injustices and racism they experienced. In 1957, King helped found a group of activist church leaders, the Southern Christian Leadership Conference (SCLC). In the

...But I have felt, and I still feel, that non-violence is the most potent weapon available to the Negro in his struggle for freedom. I will still raise my voice against riots and violence because I don't think that it solves the problem. I think that it only tends to intensify the fears of the white community while relieving the guilt. I think it is impractical because an old eye-for-an-eye philosophy can end up leaving everybody blind, and I think, in the final analysis, it is impractical because violence begets violence, hatred begets hatred. It's all a descending spiral ending ultimately in destruction for all too many...

SOURCE 3.4.2 From Dr Martin Luther King, Jr's speech at Ohio Northern University, 11 January 1968

Q In your own words, list at least two reasons why Martin Luther King, Jr advocated non-violent forms of protest in African Americans' struggles for civil rights.

closely contested 1960 presidential election, his public support for John F. Kennedy revealed the importance of the African-American vote in Kennedy's victory.

SIT-INS AND 'FREEDOM RIDES'

From 1960, encouraged by the success of the bus boycotts and inspired by King's non-violent message, groups of students of all races devised other ways of peacefully protesting against segregation. A small group began by staging a 'sit-in' when they were refused service at a lunch counter for 'whites only'. Across the South, others carried out 'wade-ins' at segregated pools, 'read-ins' at segregated libraries, 'stand-ins' at segregated cinema and 'kneel-ins' at segregated churches. In the North, others boycotted companies that had segregated facilities in the South. By the end of 1963, 930 protests had occurred and more than 20 000 people had been arrested. Many of these protests had been organised by the newly formed Student Nonviolent Coordinating Committee (SNCC), which had been set up by King as a youth arm of the SCLC.

In 1961, another civil rights organisation, the Congress of Racial Equality (CORE), began '**freedom rides**' to test the 1956 Supreme Court ruling against segregation on buses. A group of African-American and 'white' supporters boarded interstate buses from Washington, D.C. to the two most segregated US states, Mississippi and Alabama. They sat in 'whites-only' seats in the buses and at bus terminals. Once they reached the Southern states, they encountered mob violence and one bus was fire-bombed. Despite this, more civil rights activists did the same and were also attacked by angry mobs. Throughout the summer of 1961 about 1000 African-American and 'white' people took these freedom rides together, risking their own safety to desegregate interstate bus journeys. As a result, the federal government ordered Federal Marshalls to protect the freedom riders and banned segregation on interstate buses.



SOURCE 3.4.3 Sit-in protesters against segregation remain at a lunch counter in Jackson, Mississippi while condiments are being poured on them, 28 May 1963.

PROTEST MARCHES

Marches were another form of protest employed by civil rights activists. Protest marches particularly had an impact within the new television age. By the 1960s, television had become a vital means of conveying graphic images of the injustices experienced by African Americans. Throughout the United States, television news broadcasts of the violent reactions to bus boycotts, sit-ins, 'freedom rides' and the attempts to desegregate schools appalled large sections of the 'white' community, including many politicians, especially in the North. The same television broadcasts went global, harming the United States' claims of a country of equality and freedom. In this context, because protest marches involved thousands of people in public places, prime-time television coverage could be expected.

In April–May 1963 in Birmingham, Alabama, King and the SNCC led sit-ins and marches protesting against the widespread segregation that was still in force in this city even though in 1960 the Supreme Court had banned segregation in most public places. Alabama's

governor, who publicly opposed desegregation, had many demonstrators, including King, arrested. The authorities used fire hoses and police dogs against other demonstrators, among whom were well over a thousand children. Television viewers were horrified by the level of violence shown by authorities towards people in non-violent protests. As a consequence, President Kennedy decided to take a strong stand on civil rights and started planning a Civil Rights Bill to go before the US Congress.

MARCH ON WASHINGTON

Civil rights organisations were concerned that President Kennedy's Civil Rights Bill would get bogged down in lengthy debates in Congress. They planned a large march in the nation's capital, Washington, D.C., which would show 'white' as well as African-American support for the Bill. In August 1963, over 200 000 people, about a third 'white', marched to the Lincoln Memorial to hear a range of speakers explain why a Civil Rights Act was necessary. The final speaker, Martin Luther King, Jr delivered his now famous 'I Have a Dream' speech.

...even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood...

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I have a dream today...

SOURCE 3.4.4 From Martin Luther King, Jr's speech delivered at Lincoln Memorial, Washington, D.C., 28 August 1963.

- 1** Based on what you know about US rights and freedoms, what audiences would King have been targeting with this speech?
- 2** Discuss where the words quoted by King, 'We hold these truths to be self-evident; that all men are created equal', come from. What reasons do you think King had for using this quote?
- 3** How would you explain to a friend what King meant when he talked about his dream for his children?

CIVIL RIGHTS ACT, 1964

The March on Washington helped President Kennedy persuade influential groups within and outside of Congress to support the Civil Rights Bill, despite an increase in pro-segregation violence in the South following the march. But Kennedy himself was assassinated in Dallas, Texas in November 1963. His successor, President Lyndon Johnson, skilfully managed to gather enough support for the Bill for it to be passed by Congress early the next year. For the US Civil Rights movement, the Civil Rights Act of 1964 was a major achievement. Its conditions included the following:

- Discrimination on the basis of race in all public places was banned (including petrol stations, restaurants, hotels, cinemas and airports) with the exception of places that served less than five people.
- It was illegal for a business employing more than twenty-five people to discriminate on the basis of race, national origin, religion or gender.
- The Attorney-General could file law suits to ensure that desegregation, integrated education and equal voting rights occurred quickly in all states.

VOTING RIGHTS ACT, 1965

Yet civil rights organisations were not confident that the state authorities in the South would comply with the new laws. Of particular importance was the ability of African Americans to vote in order to help enforce change. In the United States, voting in elections is not compulsory and people have to register to vote. In the South, state legislation and often violence had long been used to stop African Americans from registering. A campaign by civil rights activists who travelled to Southern states to help African Americans register to vote resulted in weeks of violent backlash, including murders. Together with the SCLC, in early 1965, King organised a voting rights march in Alabama from Selma to Montgomery. It was halted twice as marchers were attacked by police and hundreds were arrested for taking part in an 'illegal parade'.

Partly influenced by the horrific television reports of the treatment of the marchers and a brief meeting with King, President Johnson ordered the National Guard to protect the marchers in the third stage. The original 300 marchers were joined by 25 000 more. Confident now that public opinion throughout most of the United States would support it, Johnson was able to get Congress to pass the Voting Rights Act, which made measures to stop African Americans from registering to vote illegal. This was another vital achievement for the Civil Rights movement, and a key step towards securing legal and political equality for African Americans. Between 1965 and 1975, the number of African Americans registered to vote more than doubled in the South.

BLACK POWER?

Despite the gains of the Civil Rights Act and the Voting Rights Act, by the mid-1960s, there were growing divisions within organisations of the Civil Rights movement over the aims of further change and what were the best strategies for achieving it. For some, the non-violent approaches advocated by King and his supporters, together with their efforts to work within the 'white-dominated' court system and US Congress, meant that the pace of change was too slow. In the meantime, violent intimidation of African Americans continued in the South, often supported by the authorities; and African Americans endured poverty and discrimination in run-down neighbourhoods in large cities, particularly in the North.

It was recognised that the legal and political rights now achieved, at least in principle, were only of limited value for African Americans unless they also had economic and social equality. Younger African-American leaders were urging more radical ways of going forward.

- Led by Stokely Carmichael, the SNCC broke from King and expelled its 'white' supporters. Using the term 'black power', Carmichael argued that African Americans had to fight back against 'white' resistance to civil rights and take control of their own local communities.

- Bobby Seale and Huey Newton formed the **Black Panthers**, an organisation that grew across the United States. Describing themselves as revolutionaries, they often wore military-like outfits and clashed with police. They ran community-based projects such as free health care clinics, breakfast programs for ghetto children and voter registration drives.
- The Nation of Islam, also known as Black Muslims, rejected the integration of African Americans with 'white' society and believed that African Americans had the right to defend themselves with violence against attacks. Its best-known leader was Malcolm X who rejected 'white' involvement in African-American affairs. After he modified his views in 1965, he was assassinated by three of his former followers.

King realised that the Civil Rights movement had raised expectations, among younger people especially, that were still far from fulfilled and that it needed to turn towards dealing with the problems of poverty, unemployment and racism in the North. His concern was heightened by riots in 1965 by African Americans in Los Angeles and other cities in the North. In 1966, he moved to a poor African-American area in Chicago where he and some colleagues began a campaign against segregated housing in the city that was met with great violence. In late 1967, he planned a Poor People's Campaign march from Marks, Mississippi to Washington, D.C. on behalf of all races, but it was postponed until mid-1968. The constructive relationship between King and his colleagues with President Johnson and his administration was damaged when, in 1967, King publicly criticised Johnson's massive escalation of the US war in Vietnam.



SOURCE 3.4.5 A Black Panther breakfast program in Kansas City

The US Civil Rights movement was dealt a severe blow on 4 April 1968. King had been visiting Memphis, Tennessee to lead a protest march in support of African-American garbage workers who were on strike for equal pay with their 'white' co-workers. On the balcony of the motel where he was staying, King was assassinated by a 'white' gunman. Whether or not the gunman was acting alone is still a matter of dispute. King's belief in non-violent protest was ignored when across the United States riots broke out, leaving approximately forty-six people dead and over 3000 injured. Two months later, the Poor People's Campaign march went ahead, but it was poorly organised and without King's commanding presence it made little impact.

LEARNING ACTIVITIES

Remembering and understanding

- 1** Define the terms below.
 - Black Panthers
 - bus boycott
 - desegregate
 - 'freedom rides'
 - sit-in
- 2** **a** In one or two sentences, explain what prompted the US Supreme Court to rule that all schools should be integrated.
 - b** Briefly explain why many schools in the South were slow to do this.
- 3** Give two reasons why bus boycotts were used as a form of protest against segregation.
- 4** List two or more common features of sit-ins, 'freedom rides' and protest marches.
- 5** **a** Briefly summarise why the March on Washington was a major achievement for the US Civil Rights movement.
 - b** Briefly summarise why the voting rights march from Selma to Montgomery was a major achievement for the US Civil Rights movement.

Understanding and applying

- 6** **a** What were the main conditions by the mid-1960s that led younger activists to adopt other attitudes about how best to achieve civil rights for African Americans?
 - b** In a Venn diagram, identify the ways in which their attitudes were the same as, and differed from, those of Martin Luther King, Jr and his supporters.

Analysing and evaluating

- 7** In small groups, discuss and make brief notes in response to the following questions:
 - a** What evidence in this unit supports the argument that the advent of television influenced the choice of tactics used by activists of the US Civil Rights movement in the 1950s and 1960s?
 - b** Can you think of examples in Australia or other parts of the world where television news reports have played a role in people's struggles for rights?

ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES PRIOR TO 1945

TRADITIONAL LAWS AND CULTURE

For at least 50 000 years, Australian Aboriginal and Torres Strait Islander Peoples lived in communities guided by complex social and spiritual laws handed down to them by their Creation Ancestors. These laws, which varied in different regions, guided every aspect of life, including where people could live, what they could eat and who they could marry. Most importantly, the laws laid out the obligations people had to each other and to the land that gave them life. Through adherence to these laws, Aboriginal and Torres Strait Islander Peoples developed rich, diverse cultures and a way of life that enabled them to survive in often harsh environments.

Traditional Aboriginal and Torres Strait Islander communities or tribes were based on well-ordered kinship systems and language groups. At the time of European occupation in 1788, it is estimated that there were more than 500 tribes and 250 language groups. These communities were deeply attached to the land for their identity as well as for their livelihood. They did not see themselves as 'owning' the land; it was passed down by their ancestors and they had a duty to look after it, including the sacred sites in the land of their ancestral spirits.

IMPACT OF EUROPEAN OCCUPATION

In the late the eighteenth century, the British Government declared the continent now called 'Australia' as *terra nullius*. This term meant that the land belonged to no one and could therefore be rightfully settled by the British colonisers. To this day, Aboriginal and Torres Strait Islander Peoples regard the British occupation or 'settlement' of the Australian continent as an 'invasion' of their land.

In keeping with Western thinking of that period, the British colonisers regarded themselves as racially superior to the Aboriginal and Torres Strait Islander Peoples. However, the official policy of the British Government was that, like the colonisers, the 'natives' were British subjects and were therefore entitled to the protection of British law.

As the colonisers increasingly took possession of the land, they cut off the existing inhabitants' access to food supplies and water and disregarded their sacred sites.

Bloody conflicts often followed, as Aboriginal and Torres Strait Islander Peoples fought to preserve the conditions of their way of life. When clashes occurred, especially in frontier areas, settlers took the law into their own hands, using their superior weapons and often with the assistance of soldiers and police. Massacres of large groups of Aboriginal and Torres Strait Islander Peoples took place and the offenders were rarely prosecuted.

DID YOU KNOW?
During the first hundred years of European occupation, conflicts between settlers and Australia's original inhabitants, plus the devastation caused by introduced diseases and alcohol, reduced the Aboriginal and Torres Strait Islander population from an estimated 300 000 to 60 000.

PROTECTION POLICY

A growing concern about the treatment of the Aboriginal and Torres Strait Islander Peoples led the British Government to appoint 'Protectors' in the colonies who were supposed to clamp down on the violence and ensure that those living on the outskirts of towns were provided with basic rations. This measure had little effect. By the late nineteenth century, when the ideas of social Darwinism had become influential, it was believed that the 'inferior' race would gradually die out. Added to this thinking was the general view that, in order to survive, Aboriginal and Torres Strait Islander Peoples should be separated from their 'uncivilised' culture and be 'Christianised'. Therefore, from the late nineteenth into the early twentieth centuries, legislation in the different colonies (later states) established Protection Boards to strictly govern their lives. The Chief Protector in each colony/state was made legal guardian of the Aboriginal and Torres Strait Islander population.

Under this **protection policy**, the majority were forcibly moved onto land set aside as reserves run by either by the government or church missionaries. Here they had no rights: traditional names and customs were not allowed; they were punished if they spoke in their own languages; they could not leave or marry without permission; the protection officials were the legal owners of any wages earned; and children had to attend special schools where the boys were prepared to become farm labourers or station hands and the girls to be domestic servants.



SOURCE
3.5.1

Students and a pastor from Poonindie Native Mission, South Australia

Q What conclusions/predictions can you make about life in this institution based on the look of the children?

As a result of the protection policy, some children, particularly so-called 'half-castes'—those whose mother, father or a grandparent was of European descent—were forcibly taken from their families and placed often far away in institutions or with settler foster families. These children were emotionally traumatised by the removal from their families and culture. They were usually given only limited education, endured poor living conditions and were made to work long hours. Many also experienced physical or sexual abuse.

WHAT FEDERATION MEANT

On 1 January 1901 when the Commonwealth of Australia was proclaimed, its new Constitution made it clear that, except for the Northern Territory, responsibility for Aboriginal and Torres Strait Islander Peoples was left to the states. It also indicated that they would not be included in the national census (count of the country's population); this meant that they were not entitled to Commonwealth Government regulations and benefits, such as basic wage rulings and pensions. In 1902, the *Commonwealth Franchise Act* excluded 'aboriginal native[s] of Australia, Asia, Africa or the Islands of the Pacific except New Zealand' from voting in federal elections.

'WHITE' AUSTRALIA

The first piece of legislation passed by the new Commonwealth Government was the *Immigration Restriction Act* of 1901, which became known as the White Australia policy. While partly concerned at first with protecting workers' wage standards from competition from Chinese immigrants, its main aim was to ensure that only people of European descent could migrate to Australia. This was based on a generally held belief in the superiority of the 'white' races and in the importance of racial purity for Australia's population. Although the White Australia policy was not directly to do with Australia's indigenous peoples, it indirectly reinforced the general view that Aboriginal and Torres Strait Islander Peoples were an undesirable, undeserving race that was not really part of Australian society.

EFFECTS OF THE GREAT DEPRESSION

During the 1930s Great Depression when times were tough for most of the population, Aboriginal and Torres Strait Islander Peoples experienced additional hardships. For example, in New South Wales many families lost the family endowment payments they had been receiving for a few years. The great many unemployed were denied access to relief work, and the Protection Board forced people back into the reserves so that they could not receive government welfare. The reserves and mission stations became more overcrowded. The practice of removing children from their families became more frequent.

When war was declared in August 1914, Aboriginal and Torres Strait Islander men were barred from enlisting. Yet around 400 served in World War I. Little is known of their war records, even though some were killed in action.

DID YOU KNOW?

...we accept no conditions of inferiority as compared with European people... the European people by the arts of war destroyed our more ancient civilisation... [and] by their vices and diseases our people have been decimated... But neither of these facts are evidence of superiority. Quite contrary is the case...

SOURCE 3.5.2 From Fred Maynard's letter to New South Wales Premier Jack Lang in 1927. Published in 'Fred Maynard and the Australian Aboriginal Progress Association (AAPA): One God, One Aim, One Destiny', by John Maynard, *Aboriginal History*, vol. 21, 1997

ASSIMILATION POLICY

By the mid-1930s, the Australian states and some voluntary bodies were demanding federal involvement in Aboriginal affairs. In 1937, the federal government reached an agreement with the state governments that each would adopt an **assimilation policy**. During the late 1930s and the 1940s, this meant that Aboriginal and Torres Strait Islander Peoples in settled areas, particularly those of 'mixed blood', were expected to abandon their own culture and languages and adopt the way of life of 'white' Australians (even though they did not have the same citizenship rights). Existing 'protection' measures such as reserves for the 'full-blooded' were maintained.

CONTINUED REMOVAL OF CHILDREN

The policy of assimilation continued the protectionist practice of removing many 'half-caste' children, based on the argument that it would be in the children's best interests to live in institutions or with European families where they would adopt the ways of the settler population. These children were not usually allowed contact with their parents; many were told their mother had willingly given them up or was dead; many were never told their birth names or knew whether they had brothers or sisters. Some were placed with families or in institutions with people who cared for them and gave them certain opportunities, but this did not compensate for the fundamental loss of birth family, culture and identity.

Many thousands of children were forcibly removed under these government policies, which continued until the early 1970s. These children have become known as the **Stolen Generations**.

EMERGING PROTEST MOVEMENT

AUSTRALIAN ABORIGINAL PROGRESS ASSOCIATION

The first Aboriginal protest organisation, the Australian Aboriginal Progress Association (AAPA), was established in Sydney in 1925 by Fred Maynard and it soon had eleven branches across New South Wales. In 1927, Maynard wrote to the New South Wales premier:

By 1928, the AAPA had to abandon its work due largely, it is believed, to harassment of its members by New South Wales police. It was reformed in 1938 by Jack Patten.

CUMMERAGUNJA WALK-OFF

At Cummeragunja Station, a large reserve on the New South Wales side of the Murray River, the Aboriginal residents had developed a productive communal farm. In 1915, the New South Wales Protection Board tightened its control, keeping the money raised by the farm and providing inadequate rations for the Aboriginal workers. By the late 1930s, an abusive manager was appointed to the reserve. The residents, who were not allowed to leave, had to live under appalling conditions that bred grave illnesses. Their petition to the Protection Board did not improve conditions significantly. In 1939, about 200 of Cummeragunja's 300-strong community walked off the reserve and the farm they had built up. Most never returned and settled mainly on the outskirts of some northern Victorian country towns. This was the first mass strike by Aboriginal people in Australia.

AUSTRALIAN ABORIGINES LEAGUE

Together with some other Aboriginal people who had already left Cummeragunja Station, William Cooper formed the Australian Aborigines League (AAL) in Melbourne in 1932. Other key members of the AAL included Doug Nicholls and Margaret Tucker, and it gained active support from some non-Aboriginal individuals. In 1937, Cooper sent the federal government a petition with 2000 signatures to be forward to King George V. The petition stated that Australia's Aboriginal and Torres Strait Islander inhabitants had had their land taken from them, that they had no legal status and that previous petitions to state governments had failed. It asked the king to intervene to prevent the extinction of the Aboriginal and Torres Strait Islander race and it requested that there be a member of federal parliament to represent Aboriginal interests. The federal government did not pass the petition on to the king.



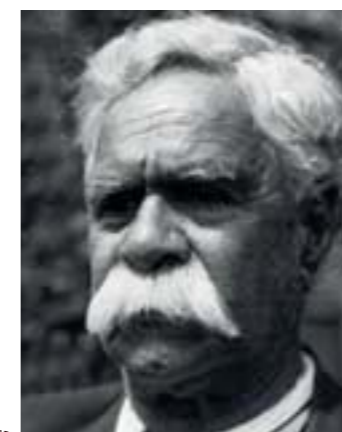
SOURCE 3.5.3 Murray River encampment at Cummeragunja Station, 1884. Held at the National Library of Australia

ABORIGINES PROGRESSIVE ASSOCIATION

In 1937 at Dubbo in New South Wales, the Aborigines Progressive Association (APA) was formed by an Aboriginal shearer and shed organiser in the Australian Workers' Union, William Ferguson, together with Pearl Gibbs and Jack Patten. The APA successfully campaigned to get the New South Wales Government to inquire into the policies and administration of its Aborigines Protection Board.

DAY OF MOURNING, 1938

Australia Day in 1938 marked the 150th anniversary of British settlement and grand events, including a procession of historical floats and a re-enactment of Governor Arthur Phillip's arrival, took place in Sydney. In this celebration of nationhood, the place of Aboriginal and Torres Strait Islander Peoples was ignored, except for the use of about twenty men brought in from outback reserves to play the part of the 'natives'



SOURCE 3.5.4 William Cooper (around 1861–1941)

encountered by the First Fleet. However, William Cooper had already proposed that 26 January 1938 be marked as a protest **'Day of Mourning'** by Aboriginal and Torres Strait Islander Peoples because, as he put it:

For us it is a Day of Mourning. This is the day we lost our land, lost our spirit culture, lost our language. Today we have no land. No rights.

A committee comprising of Cooper (AAL), Ferguson (APA) and Patten (APA, later AAPA) organised a lead-up campaign of public speeches, meetings and press interviews. On the day itself, about 1000 Aboriginal and Torres Strait Islander Peoples representing organisations from different areas met in the Australian Hall in Sydney. They produced a statement called 'Aborigines Claim Citizenship Rights'. In it they demanded that:

- the federal government take control of Aboriginal affairs to implement a national policy
- Aboriginal and Torres Strait Islander Peoples be granted full citizenship rights, including equal rights to education, equality with European workers in pay and conditions, access to pensions, and equal rights to own land, have bank accounts and receive cash wages.

The statement was presented to Prime Minister Joseph Lyons but, partly due to the federal government's concern about impending war in Europe, no actions were taken. However, this first Day of Mourning led to an annual event that continues today, reminding all Australians of the injustices Aboriginal and Torres Strait Islander Peoples have endured from the time of European settlement.



SOURCE 3.5.5 A large blackboard displayed by the Aborigines Progressive Association outside the Australian Hall in Sydney on the first Day of Mourning, 26 January 1938

WORLD WAR II EXPERIENCES

In 1939, when Prime Minister Robert Menzies announced Australia was at war, Aboriginal and Torres Strait Islander men were divided over whether to enlist. Some Aboriginal organisations believed that war service would help their claims for full citizenship rights. Others argued that Aboriginal and Torres Strait Islander Peoples should not fight for a country governed only in the interests of 'white' Australians. The federal government's Military Board had different perspectives on the same question.

While the war remained centred in Europe, the Military Board maintained its inconsistent views regarding Aboriginal and Torres Strait Islander recruitment. However, the threat posed to northern Australia by the Japanese in late 1941 led to the Military Board fully accepting the enlistment of Aboriginal and Torres Strait Islander men.

Over 3000 served in World War II. They experienced the same hardships as their European counterparts; many were killed in battle and some became prisoners of war, yet they were not recognised as citizens. In the Australian Imperial Force, segregated units of Aboriginal and Torres Strait Islander soldiers were formed and there were also some mixed units. Soldiers in segregated units were paid only about one-third of what those in mixed units earned.

'Enlistment of Aborigines'

...On the 6th May, 1940 in an instruction issued [by]...the War Cabinet it was stipulated that 'the enlistment of aliens or British subjects of non European origin or descent is neither necessary nor desirable.'

It is, however, understood that some aborigines have been enlisted in the A.I.F. ... attention of Command Headquarter was drawn to the existing prohibition but no steps have been taken to require the discharge of persons already enlisted...

It is not considered advisable that full blooded aborigines should be accepted for service in the Forces. On the other hand it does not appear necessary to exclude half caste aborigines when they are otherwise entirely suitable...

SOURCE 3.5.6 Minutes of the meeting of the Military Board, 30 July 1940, reflecting the discussion of those present

- Q 1** In your own words, summarise the three different views of the Military Board regarding the enlistment of Aboriginal and Torres Strait Islander men in 1940.
- 2** Based on what you have read in this unit, suggest reasons why each view was held.



SOURCE 3.5.7 Captain Reginald Saunders (right standing) was the first Aboriginal soldier to be commissioned as an officer in the Australian army. He served in North Africa, Greece and New Guinea. In 1971, he was awarded the MBE (Member of the Order of the British Empire) for his services work in Aboriginal communities. Held at the Australian War Memorial

Q Look closely at the photograph. From this piece of evidence, what conclusions could be made about relationships between Aboriginal and non-Aboriginal servicemen during World War II?

In December 1943, after two segregated companies refused to continue with their duties, the government raised the pay rates of segregated units but not to the level of the mixed units. It was feared that there would be problems after the war when Aboriginal and Torres Strait Islander soldiers returned to their civilian lives and would be required to work again for reduced wages.

At war's end, little recognition of the valuable contribution by Aboriginal and Torres Strait Islander servicemen was made. The Soldier Settlement Scheme that provided blocks of land to returned servicemen was not available to them. They were turned away from the Returned and Services League and other public organisations honouring the country's war efforts. They no longer had the comparative freedom they had experienced as members of the armed services.

LIMITED CITIZENSHIP GAINS

In 1941–42, the Commonwealth benefits of child endowment and aged and invalid pension payments were gradually extended to Aboriginal and Torres Strait Islander Peoples. From the 1940s, they could apply to state governments for citizenship certificates, which gave them exemption from state protection laws and some basic rights including the right to attend school and to vote in state elections. However, these certificates required them to abandon their communities and kinship groups and give up their traditional culture. Applicants had to demonstrate that they were sober, law-abiding and kept their homes clean. The certificates could be revoked at any time. Some people applied for them in order to achieve the benefits, despite the sacrifices they had to make. Others felt that the injustices outweighed the benefits and so did not apply.

Remembering and understanding

- 1 Define the terms below.
 - assimilation policy
 - Stolen Generations
 - 'Day of Mourning'
 - *terra nullius*
 - protection policy
- 2 In one or two sentences, explain why traditional lands have always been extremely important to Aboriginal and Torres Strait Islander Peoples.
- 3 List at least two actions taken by the British that support the view that they invaded an already occupied land.

Understanding and applying

- 4 a In point form, list the reasons why the Australian colonies adopted the protection policy.
b Construct a mind map that illustrates the impact of the protection policy on Aboriginal and Torres Strait Islander Peoples.
- 5 Imagine you are an adult Aboriginal person living in Australia in 1902. Explain how federal government legislation passed in 1901–02 has affected your hopes for equality in Australian society.
- 6 In a Venn diagram, identify the similarities and differences between the protection and assimilation policies.

Understanding and analysing

- 7 a Construct a timeline of the major events outlined in this unit that relate to the emerging Aboriginal and Torres Strait Islander protest movement.
b Summarise the contribution of William Cooper to this protest movement.
- 8 List the forms of discrimination experienced by Aboriginal and Torres Strait Islander servicemen both during and after World War II.
- 9 Explain the injustices that Aboriginal and Torres Strait Islander Peoples might feel about applying for citizenship certificates that could be revoked for the reasons given in this unit.
- 10 Construct a chart that shows what citizenship rights Aboriginal and Torres Strait Islander Peoples did and did not have from 1901 to 1945.

Analysing and creating

- 11 The first organised 'Day of Mourning' was held 26 January 1938. Using the internet and other sources, research how Aboriginal and Torres Strait Islander Peoples responded to the Australia Day bicentenary of 1988 and Australia Day 2012. In a table with the headings '1938', '1988' and '2012', outline what issues have recurred and what situations/attitudes may have changed over the years.
- 12 Using the internet and other sources, research an Aboriginal reserve established in the nineteenth or twentieth centuries. Some examples include: Aurukun (Qld), Bomaderry (NSW), Coranderrk (Vic.) and Yirrkala (NT). Present a report on your findings that includes:
 - when the reserve was established and how long it existed
 - what organisation was in charge of it
 - a map of its position in the state or territory
 - its facilities
 - the work done by the residents
 - other interesting information.
- 13 Imagine you are an Australian citizen living in Australia in 1940. Write a letter to the editor of a newspaper explaining why you think Aboriginal and Torres Strait Islander men should or should not be allowed to join the Australian armed forces. Begin with a statement about your gender, race, age and situation in society. When you are finished, compare your letter with a classmate who has taken a different point of view. Discuss the differences of opinion.

LEARNING ACTIVITIES

NEW STRUGGLES

THE POST-WAR DECADES

The *Nationality and Citizenship Act* adopted in 1949 established the concept of 'Australian' citizenship for all people born in Australia and former British subjects. This meant that Aboriginal and Torres Strait Islander Peoples were 'Australian' citizens by law, but this distinction did little to change their circumstances.

The twenty-year period following World War II was one of great change in most countries, including Australia. In Western societies, it was a time of economic growth, high employment and a lifestyle based on enjoying consumer products. However, Australia's Aboriginal and Torres Strait Islander Peoples were largely shut out of these 'good times'. Many still lived under the control of state and territory governments and missionaries on reserves. Others were exploited in rural industries, such as the cattle industry, and were paid only meagre rations or low wages. Those living in country towns experienced segregation where they were kept separate from the settler and European population. The practice of forced removal of some children continued.

Over these two decades, Australia's population changed markedly in size and composition. For economic and national security purposes the federal government embarked on strategies to greatly increase immigration while retaining 'White Australia' restrictions on it. Although the population of Aboriginal and Torres Strait Islander Peoples had steadily grown, they still made up only a small minority of the overall population. In order to manage the changing social composition, the assimilation policy that had required Aboriginal and Torres Strait Islander Peoples to shed their traditional cultures and adopt the British culture now also applied to non-British migrants. In 1961, at the Native Welfare Conference of federal and state ministers, it was agreed:

The policy of assimilation... means that all aborigines and part-aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians...

In 1949, the federal government granted the right to vote in federal elections to Aboriginal and Torres Strait Islander Peoples who had completed military service or who already had the right to vote in their home state. However, Western Australia, Queensland and the Northern Territory did not allow them to vote. In 1962, the *Commonwealth Electoral Act* specified that all Aboriginal and Torres Strait Islander Peoples could register to vote in federal elections. In contrast with the law for other Australians, it was not compulsory.

DID YOU KNOW?
In 1957, the greatly respected Aboriginal artist Albert Namatjira was granted Australian citizenship. In 1959, he was sentenced to six months imprisonment because he gave alcohol to a relative, something any other citizen could do. He served two months of his sentence and died soon after his release.

SOURCE 3.6.1 From a statement by the Minister for Territories, Paul Hasluck, Commonwealth of Australia, Parliamentary Debates (Hansard), House of Representatives, 20 April 1961

- Q**
- 1 Based on what you know, list the conditions that prevented Aboriginal and Torres Strait Islander Peoples from attaining 'the same manner of living as other Australians'.
 - 2 From the perspective of an Aboriginal or Torres Strait Islander person, explain what it would mean to adopt the same customs, beliefs, hopes and loyalties as 'other Australians'.



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MARALINGA NUCLEAR TESTING

The 1950s and 1960s period was marked by Cold War tensions and the nuclear arms race. For ten years from 1953, the Menzies Government allowed the British to test atomic bombs in remote regions of Australia. One site used for nuclear testing was Maralinga, a desert area on the Nullarbor Plain in South Australia, which was the home of Pitjantjatjara Aboriginal communities. The devastating effects of the atomic tests on the land and the people who lived there were made public much later. Both Pitjantjatjara people and non-Aboriginal Australian servicemen in the area at the time claimed the radioactive fallout caused loss of sight, skin rashes, radiation sickness and cancers. For the Pitjantjatjara people, a large area of their traditional land was no longer habitable.

In 1967, the British 'cleaned up' the Maralinga site they used to test atomic bombs. An Australian Royal Commission into these nuclear tests in 1984 found that attempts to warn the Aboriginal population in the region about the testing had been unsatisfactory and that the cleaning of the site was inadequate. Between 1995 and 2000, the site was properly decontaminated, but signs had to be erected to warn people that dangers still existed.

DID YOU KNOW?

STRIKES AND PETITIONS

In 1950–51, 250 Aboriginal workers employed in government departments in Darwin went on strike for better pay and conditions with support from the North Australian Workers' Union. The strike was not successful and its two leaders were imprisoned. In the Cold War climate of the time, the strikers were branded as troublemaking 'communists'. But setbacks such as this did not halt further struggles.

In 1957, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), made up of Indigenous civil rights and welfare organisations, was established. Its leaders included Faith Bandler, Chicka Dixon and Oodgeroo Noonuccal, the poet, who was then known as Kath Walker. It drew up petitions in 1958 and 1962, calling for constitutional changes to end the discrimination represented in the state and territory Aboriginal Acts.

YOLNGU BARK PETITION

In 1963, the federal government allowed bauxite mining to commence at Yirrkala in the Northern Territory. Yolngu leaders objected to the lack of consultation and secrecy surrounding the mining activities, and were concerned about the impact of mining on their traditional lands. They sent a petition mounted on bark to federal parliament; although the petition gained national and international attention, the government did not change its stance. The Yolngu leaders then took their case to the federal court in 1971. Bound by the principle of *terra nullius*, the judges had to dismiss it; however, they recognised that for centuries the Yolngu people had been connected with Yirrkala land.



SOURCE 3.6.2 The Yolngu bark petition is on display at Parliament House, Canberra, as a symbol of the birth of the Land Rights movement.

WAVE HILL STRIKE

Following pressure by trade unions, in March 1966, the federal Arbitration Commission ruled that Aboriginal and non-Aboriginal Peoples must be paid equally when doing the same jobs (although this did not apply to women). Pastoralists wanted this change delayed and were supported by the Menzies Liberal Government.

In May 1966, Northern Territory Aboriginal stockmen on the Newcastle Waters and Wave Hill cattle stations—which had been established on traditional Aboriginal lands—went on strike over the delay in gaining equal pay and their poor working conditions. This campaign was supported by the North Australian Workers' Union and several Aboriginal rights organisations, including the Council for Aboriginal Rights (Northern Territory) and FCAATSI. It continued to gain momentum until 200 Aboriginal families of the Gurindji language group, led by Vincent Lingiari, walked off the Wave Hill station where they had lived and worked since the 1880s. They made a camp and established a community at Wattie Creek, later called Daguragu.

The British pastoral company that owned the cattle station, Vestey's, soon offered more food and better (though not equal) wages. But Lingiari, speaking for the Gurindji people, rejected this offer; they now wanted their land back. By October 1966, the Gurindji people were claiming the right to 1300 square kilometres for their own cattle station on what was their traditional land.

The appeal to the United Nations was unsuccessful. Lingiari and the Gurindji people continued their struggle until 1974 when the Woodward Royal Commission recommended that Aboriginal Land Councils be established to represent the land claims of Aboriginal and Torres Strait Islander communities. In 1975, the Gurindji people won the first land rights claim. In a symbolic gesture, Labor Prime Minister Gough Whitlam handed back their land.

'FREEDOM RIDE'

In Western countries by the mid-1960s, new movements for social and cultural change were gathering force. One of these was the Civil Rights movement which, as explored earlier in this chapter, emerged firstly in the United States where it was concerned with achieving equality and full citizenship rights for African Americans. Through regular television and newspaper reports, Australians witnessed the events and gradual successes of the US Civil Rights movement. They also saw the strategies used by both the civil rights activists and their opponents. In 1965, a group of students at the University of Sydney, who had been active in expressing their support of the US Civil Rights movement, formed Student Action for Aborigines (SAFA) with Aboriginal student Charles Perkins as its chairman.

Our tribal lands have been taken from us and handed over to the big pastoral companies... [We are not after compensation], our people want to have a say in controlling and working the land...

On the big cattle stations of the Territory our people work long hours doing skilled, hard and often dangerous work mustering, branding and injecting cattle for a miserable pittance of six dollars sixty-six cents a week... This is happening in a country which is really ours and where even the poorest white man receives nearly 40 dollars a week...

Most of our people live in humpies without even minimum hygiene facilities. Their diet consists of the poorest parts of the meat, tea, flour and sugar... we are fighting for our very existence as a people.

SOURCE 3.6.3 From a letter by Vincent Lingiari to the United Nations. Cited in *The rebel chorus: dissenting voices in Australian history*, by Geoff Hocking, published in 2007 by Five Mile Press

- Q**
- 1 Based on what you have learnt about the United Nations in this chapter, suggest reasons why Vincent Lingiari wrote to this body on behalf of the Gurindji people.
 - 2 In this letter, Lingiari presents evidence to support his concerns. Which items of evidence do you think would have been most relevant to the United Nations? Explain your reasoning.

SOURCE 3.6.4 Prime Minister Gough Whitlam pours sand into Vincent Lingiari's hand in a symbolic handover of land rights to the Gurindji people, 16 August 1975. Held at the Powerhouse Museum





SOURCE 3.6.5 Students from the University of Sydney about to begin their 'freedom ride', 1965

SAFA aimed to draw public attention to the problems in health, education and housing faced by Aboriginal communities. Through student action, the group hoped to breakdown the discrimination Aboriginal communities experienced and encourage Aboriginal Peoples to resist discrimination themselves. To achieve these aims, SAFA adopted the principles of peaceful demonstrations and passive resistance as used by US civil rights leader Martin Luther King, Jr. The group also decided to follow the US example of a 'freedom ride', though their aims were different to those of the US 'freedom rides' in 1961. The Australian 'freedom riders' wanted to gather information about and to make better known the conditions in which Aboriginal Peoples were living in northern and north-western New South Wales.

Led by Charles Perkins, on 12 February 1965, thirty-three female and male students—only a few of whom were Aboriginal—set off on their two-week bus journey. Among them was Darce Cassidy who was a part-time reporter for the Australian Broadcasting Corporation (ABC) and regularly provided material for radio and television broadcasts. This gave the 'freedom ride' national and international press coverage. The students spent time in seven country towns where their activities included conducting surveys, picketing a Returned and Services League (RSL) club that did not allow membership for Aboriginal ex-servicemen, and protesting in a town where the local swimming pool segregated Aboriginal children.

They experienced support as well as hostility and violence from different sections of the townspeople.

OUTCOMES

- The 'freedom ride' showed Australia and the rest of the world the discrimination and disadvantages that Aboriginal Peoples in rural areas were experiencing. This was a shock to many city-dwellers who were ignorant of these realities. The increased awareness led to growing public support for attempts to abolish this inequality and mistreatment.
- In some towns though, counter-protests were held by those opposed the 'freedom riders' aims. These counter-protests succeeded in bringing even more publicity; however, some Aboriginal people at the time claimed that the movement created further suffering as they were left to deal with the community tensions and divisions after the bus left.
- Yet among many Aboriginal and Torres Strait Islander Peoples the 'freedom ride' provided motivation and the momentum for change. Seeing the actions of the 'freedom riders' and the media attention that resulted provided a sense that some people cared about their circumstances and that perhaps change could be achieved.

The Freedom Ride was probably the greatest and most exciting event that I have ever been involved in with Aboriginal affairs. It was a new idea and a new way of promoting a rapid change in racial attitudes in Australia. It brought, I think, to a lot of people, a confrontation with race relations in a very uncomfortable kind of way.

SOURCE 3.6.6 Charles Perkins describing his thoughts about the 'freedom ride'. From *Charles Perkins: A Bastard Like Me*, an autobiography published by Ure Smith, Sydney, 1975

- 1 Why did Perkins think the 'freedom ride' was a way to promote 'rapid change in racial attitudes in Australia'?
- 2 Explain the 'confrontation' that Charles Perkins is referring to.

ABOUT CHARLES PERKINS

Charles Perkins was the son of an Arrernte mother and Kalkadoon father. He was born in 1936 on the Alice Springs Telegraph Station Aboriginal Reserve in the Northern Territory. Perkins began his formal education on the reserve; when he was ten his mother arranged for him to go to St Francis House in Adelaide. He left St Francis at the age of fifteen and became a fitter and turner.

SOURCE 3.6.7 Charles Perkins, Secretary of the Department of Aboriginal Affairs (1981–88) takes part in a land rights march in Brisbane, 1982.

Perkins was a professional soccer player as a young man and in 1957 he played in England with the Everton club. He returned to Australia in 1959 and in the early 1960s moved to Sydney to play with the Pan-Hellenic soccer club. He was soon appointed captain-coach.

Perkins enrolled at the University of Sydney in 1963. At that time he was one of only two Aboriginal students enrolled and later became the first Aboriginal person to graduate from the university. Perkins then took a job with the Commonwealth Public Service. He was the first Aboriginal person to be made head of a government department when he became Secretary of the Department of Aboriginal Affairs in 1981. In 1988, he was dismissed over a dispute with the then Minister for Aboriginal Affairs.

In 1987, Perkins was awarded the Order of Australia and in 1993 he was named Aborigine of the Year. Charles Perkins died in 2000.



LOW RES

INTEGRATION REPLACES ASSIMILATION

By the mid-1960s, the federal government could see that Aboriginal and Torres Strait Islander Peoples, like Australia's new non-British migrants, were firmly attached to their own cultures. In 1965, integration became the government's policy for allowing Aboriginal and Torres Strait Islander Peoples (as well as non-British migrants) to fit into mainstream Australian society. This policy took the view that their cultures could be part of the broader 'Australian' culture. It also recognised that government programs were needed to deal with the discrimination and inequality that kept these groups on the edges of society. In 1972, a federal Department of Aboriginal Affairs was established. However, this could only have happened following the successful 1967 referendum.

LEARNING ACTIVITIES

Remembering and understanding

- 1 Explain the action that the Federal Council for the Advancement of Aborigines and Torres Strait Islanders petitioned as necessary between 1958 and 1962 to improve the lives of the Aboriginal and Torres Strait Islander Peoples.
- 2 a Summarise, using between 50 and 100 words, the views and actions of the Aboriginal stockmen and the Aboriginal rights campaigners in the lead up to and following the Wave Hill strike.
b How long had the people of the Gurindji language group lived and worked on Wave Hill station before they walked off in protest against wages and conditions in 1966?
c What was symbolic about the way Prime Minister Gough Whitlam gave the Gurindji people their land rights?
- 3 List examples of problems and discrimination experienced by Aboriginal communities that the 'freedom ride' highlighted in 1965.

Applying and analysing

- 4 Conduct an internet search to find and listen to Paul Kelly and Kev Carmody's song 'From Little Things Big Things Grow'. Write an analysis of the lyrics, focusing on how they tell the story of the strike at Wave Hill.
- 5 a Use the internet and other sources to research the activities of the 1965 'freedom riders' and the towns they visited in northern New South Wales.
b Draw a map recording the bus route, include the kilometres between towns. From your research, annotate your map with the key activities that took place in each town.

Analysing and creating

- 6 Make up four slogans that the 'freedom ride' protestors could have used during their two-week journey. Choose one slogan and create an eye-catching banner that they could have used to draw attention to their efforts.
- 7 Using the internet and other sources, prepare an illustrated report on the life and work of the famous Aboriginal artist, Albert Namatjira.

SOURCE STUDY

THE 1967 REFERENDUM

LIMITS OF AUSTRALIA'S CONSTITUTION

In 1901, Australia's Constitution gave the federal government no power to deal with Aboriginal and Torres Strait Islander Peoples. As a result, their rights varied according to which state they lived in, and the federal government could not interfere with this. For example, in 1962, when Aboriginal adults were given voting rights in federal elections, it was up to the states whether they allowed them to vote in state elections. Another limitation of the Constitution was that Aboriginal and Torres Strait Islander Peoples could not be counted in the national census. This meant that even if the federal government wanted to introduce other laws to improve their conditions it did not have reliable population figures to work with. In one state a person could be defined as of Aboriginal origin, but in another state their degree of Aboriginal heritage might mean that they were not considered of Aboriginal descent.

	NSW	VIC.	QLD	SA	WA	NT
Voting rights (state)	Yes	Yes	No	Yes	No	Yes
Marry freely	Yes	Yes	No	Yes	No	No
Raise own children	Yes	Yes	No	No	No	No
Move freely	Yes	No	No	No	No	No
Own property	Yes	No	No	Yes	No	No
Receive award wages	Yes	No	No	No	No	No
Alcohol allowed	No	No	No	No	No	No

SOURCE 3.71 'Rights enjoyed by Aborigines on settlements and reserves in five states and in the Northern Territory', referendum petition leaflet, Federal Council for the Advancement of Aborigines and Torres Strait Islanders, 1962

Change to the Australian Constitution is achieved through a set process; both Houses of Parliament need to support the change and a referendum is held. This requires all Australian citizens to vote 'Yes' or 'No' to the amendment. A successful referendum requires a majority of electors nationwide and a majority of states to vote 'Yes'.

TOWARDS CONSTITUTIONAL CHANGE

A growing number of Aboriginal and non-Aboriginal Australians believed that the best way forward was for the federal government to make national laws to improve the rights and conditions of Aboriginal and Torres Strait Islander Peoples.

In 1957, Jessie Street together with Doug Nicholls, Faith Bandler and others put forward a petition to the Menzies Government for a referendum to amend the Constitution. The petition was not acted on, but they were not deterred. With other like-minded people including Oodgeroo Noonuccal, they formed the Federal Council for Aboriginal Advancement, later renamed the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI). They presented another petition in 1962. Although it was also unsuccessful, it did result in greater public awareness of the need for constitutional change to achieve reforms.

Public awareness of the plight of Aboriginal and Torres Strait Islander Peoples was heightened by the media attention given to the New South Wales 'freedom ride' in 1965 and the Wave Hill strike in 1966. At the same time, there were international pressures at work. The US Civil Rights movement had made headlines throughout the world and there was widespread criticism of the Apartheid system in South Africa. In 1966, the United Nations published its International Covenant on Civil and Political Rights and its International Covenant on Economic, Social and Cultural Rights. Following Menzies' retirement, Liberal Prime Minister Harold Holt signed the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. Given all these circumstances, he had little choice but to agree to the referendum. The date was set for 27 May 1967.

1966 POPULATION FIGURES	NSW	VIC.	QLD	SA	WA	TAS.	NT	ACT	TOTAL
Aboriginal Australians	13 613	1 790	19 003	5 505	18 439	55	21 119	96	79 620
Non-Aboriginal	4 267 452	3 249 843	1 687 062	1 103 740	864 093	373 309	59 352	99 992	11 704 843

SOURCE 3.7.2 Australia's population by state in 1966. Non-Aboriginal figures from Australian Historical Population Statistics, 2008, (Cat. No. 3105.0.65.001), Australian Bureau of Statistics. Aboriginal population figures are official estimates.

CAMPAIGN FOR THE 'YES' VOTE

The campaign was led by FCAATSI but it received strong support from the trade union movement, the churches and the media. Because the technical elements of the required constitutional changes were quite straightforward, the campaign focused on moral and emotional appeals to the public. Campaign methods included public meetings and rallies, street parades, posters and music.

SOURCE 3.7.3 Aboriginal children in a protest rally campaigning for a 'Yes' vote, with support from the Queensland branch of the Builders Labourers' Federation. Held at the University of Queensland, Fryer Library Grahame Garner Collection



DID YOU KNOW?

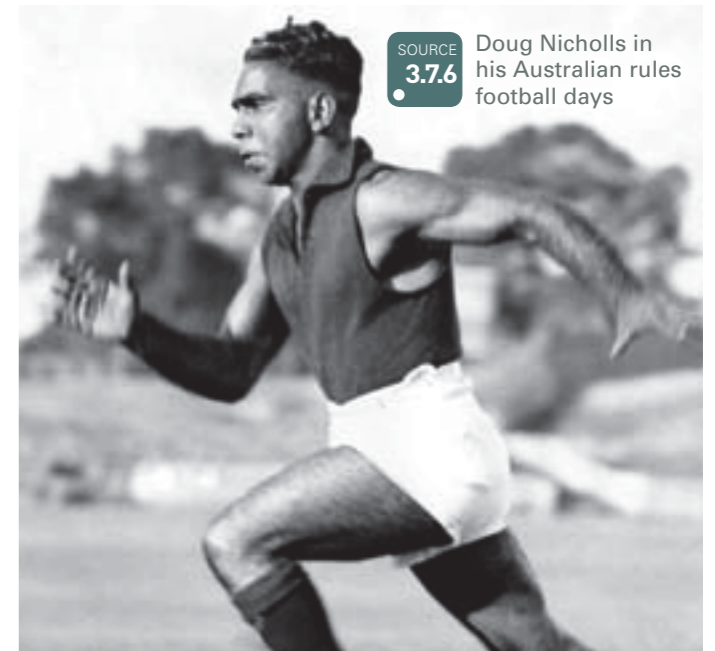
Faith Bandler was a leader of the New South Wales campaign for the 'Yes' vote in the 1967 referendum. Her father, Wacvie Mussingkon, had been kidnapped from present-day Vanuatu in 1883 and brought to Queensland to work as a slave labourer on a sugarcane plantation. In 1951, Bandler had visited communist Eastern Europe and as a result the federal government confiscated her Australian passport for ten years and tapped her telephone.



SOURCE 3.7.4 Faith Bandler (on right) at the Sydney Town Hall where people are casting their referendum vote, 27 May 1967

DID YOU KNOW?

Pastor Doug Nicholls was born in 1906 on the Cumeroogunja mission in New South Wales. When he was eight, Nicholls saw his 16-year-old sister Hilda forcibly taken from his family by the police. Nicholls was a talented Australian Rules football player. During the 1930s, he played with Northcote and Fitzroy. In 1968, Nicholls received the MBE (Member of the Order of the British Empire) and in the same year became a member of the new Ministry of Aboriginal Affairs in Victoria. In 1972, Nicholls became the first Aboriginal person to be knighted and, in 1976, he became the Governor of South Australia. Sir Doug Nicholls died in 1988.



SOURCE 3.7.6 Doug Nicholls in his Australian rules football days

...in the past, Commonwealth Parliamentarians have, unfortunately, interpreted the exclusion of the Aborigines from [their] power to mean that they must exclude Aborigines from special benefits of Commonwealth law.

Until 1961, for instance, Aborigines were excluded specifically from the benefits of the Social Services Act although they paid taxes and fulfilled responsibilities similar to other Australians.

The amendment of Section 51, paragraph XXVI will simply clear the way to enable the Commonwealth Parliament to provide special assistance, beyond the resources of some States, to help Aborigines bridge the tremendous economic and social gulf which exists.

As the Constitution stands, the Commonwealth cannot give direct assistance. In 1957 when the

WA Government appealed to the Commonwealth for pound for pound assistance to meet a tragic situation in central WA, where Aborigines were dying of malnutrition and starvation, the existence of this paragraph was used as one reason why direct aid was refused.

It is to be hoped that as far as laws discriminating against persons on the basis of colour or race are concerned that the Commonwealth will pass an act similar to South Australia making any discrimination against people because of colour or race an offence against the law of the land.

A Yes vote for Aborigines on May 27 will not only let us be included in the numbers of people in Australia, but enable the Commonwealth to share with the States in the responsibilities towards a minor section of the population.

SOURCE 3.7.5 From a letter by Doug Nicholls (Field Officer of the Victorian Aborigines Advancement League), published in *The Age*, 16 May 1967

STATE	YES		NO	
	VOTES	%	VOTES	%
NSW	1 949 036	91.46%	182 010	8.45%
VIC.	1 525 026	94.68%	85 611	5.32%
QLD	748 612	89.21%	90 587	10.79%
SA	473 440	86.26%	75 383	13.74%
WA	319 823	80.95%	75 282	19.05%
TAS.	167 176	90.21%	18 134	9.79%
TOTAL	5 183 113	90.77%	527 007	9.23%

SOURCE 3.7.7 1967 referendum results by states. Figures from Department of the Parliamentary Library, 'Parliamentary Handbook of the Commonwealth of Australia', 29th ed., 2002

CAMPAIGN SUCCESS

Voters from all states voted 'Yes' to amending Section 51 (paragraph XXVI) of the Constitution to allow the federal government to make laws for Aboriginal and Torres Strait Islander Peoples and to delete Section 127 so that they could be counted in the census. Nationwide, the 'Yes' vote was just over 90 per cent.



The Rights of the Australian Aborigines AND YOU

"All human beings are born free and equal . . . in dignity and human rights . . . and should act towards one another in a spirit of brotherhood."

ARTICLE 1. United Nations Declaration on Human Rights

WHAT CAN AUSTRALIANS OF EUROPEAN DESCENT DO TO MAKE THIS A REALITY FOR THEIR FELLOW-AUSTRALIANS OF ABORIGINAL DESCENT ?

Vote YES

in the Federal Referendum on Saturday, May 27, 1967

Appeal by . . .

THE AUSTRALIAN COUNCIL OF SALARIED AND PROFESSIONAL ASSOCIATIONS

SOURCE 3.7.8 A referendum vote 'Yes' document produced by the Australian Council of Salaried and Professional Associations, a FCAATSI affiliate. Held at the National Library of Australia

... A glance at the referendum figures suggests that not all Australians had been carried away by the excitement of the occasion, and there were some who were still not prepared to grant Aborigines a place among legitimate Australian interests. This reluctance appears to have been most widespread in those areas that had most direct contact with Aborigines. Even in the statewide figures the differences between the States seems to have been significant, for the three States with the highest proportions of Aborigines in their populations [Western Australia, South Australia, Queensland] were also the States that recorded the biggest 'No' votes...

This 'proximity' argument gains credence when divisional and subdivisional figures are studied. Most Aborigines were living in rural areas, and there was a marked difference between rural and urban returns, with 48 rural divisions returning a 13.15 percent 'No' vote, compared with a 7.4 percent figure in 74 urban divisions... Within divisions, the subdivisions with the highest and/or most obvious populations of Aborigines recorded the highest proportion of 'No' votes. The most spectacular was the subdivision of Georgetown in the northern Queensland division of Leichhardt, where there was actually a 62.92 percent 'No' majority. Elsewhere, particular towns such as Ceduna (SA), Moree (NSW) and Kalgoorlie (WA) returned 'No' votes well above their State figures... Many Australians were prepared to accept the Aboriginal case, but the greatest proportion of these came from urban areas on the eastern seaboard. Residents of rural areas or of the outlying States were less prepared to do so...

SOURCE 3.7.9 From *Aborigines and Political Power*, by Scott Cecil Bennett, published by Allen & Unwin, Sydney, 1989

REFERENDUM OUTCOMES

The referendum did not remove the states' powers to legislate with regard to Aboriginal and Torres Strait Islander Peoples. However, as Commonwealth laws take precedence over state laws, the federal government now had the power to override any state laws that were seen as discriminatory or contrary to the laws in other states. For Aboriginal and Torres Strait Islander Peoples then, the overwhelming success of the referendum was a vital and symbolic victory, recognising their worth and place in Australian society and boosting activists' efforts to achieve justice in areas such as health and land rights.

The referendum was not designed merely to remove discrimination against Aborigines; its purpose was to give the National Parliament and the National Government authority to grant especially favourable treatment to them to overcome the handicaps we have inflicted on them. Ninety-one per cent of the formal votes cast favoured the proposal. This was more than a mandate: It was a virtual command by 5 700 000 Australians that the National Government should take a lead to promote the health, training, employment opportunities and land rights of Aborigines...

SOURCE 3.7.10 From a speech delivered in the House of Representatives by Labor opposition leader Gough Whitlam, 13 August 1968

However, the federal government's new power was interpreted differently by the major political parties. In the years immediately after the 1967 referendum, the Liberal-Country Party Government opted for limited measures. It established an advisory Office of Aboriginal Affairs and appointed the first Minister for Aboriginal Affairs who was not given a Public Service department to work for change. Some disillusioned activists turned to more radical approaches. One of which was erecting the Aboriginal Tent Embassy outside Parliament House in Canberra in 1972. The Whitlam Labor Government, however, took the view that the referendum result required the federal government to take far-reaching initiatives.

After the Labor Government gained power in 1972, a number of major developments in relation to Aboriginal and Torres Strait Islander Peoples' rights began.

SOURCESTUDY QUESTIONS

UNDERSTANDING AND ANALYSING

- Examine Source 3.7.1, the table of 'rights' from a 1962 referendum petition leaflet.
 - In which states or territories are the greatest inequalities evident?
 - What was the only restriction in place for all states and territories?
- Examine Source 3.7.2.
 - In each state or territory, what was the percentage of Aboriginal population compared to non-Aboriginal Australians?
 - In one state the figure for Aboriginal population is extremely low. Which state is that? Why do you think this was the case?
 - What comparisons and connections can you make between the figures in Source 3.7.1 and Source 3.7.2?
- Examine Source 3.7.3.
 - Describe what you see in this photo.
 - What indications are there in the photo of non-Aboriginal support for the vote 'Yes' campaign?
 - With reference to the sign on the side of the truck, what other rights are these protestors seeking?
- Examine Sources 3.7.1, 3.7.2 and 3.7.7 and list the connections between these sources.

UNDERSTANDING AND EVALUATING

- Examine Source 3.7.5, an extract from a letter to a newspaper written by Doug Nicholls.
 - Describe, in your own words, what Doug Nicholls is saying about what has happened 'in the past'. What example does he give to support his argument?
 - Doug Nicholls included two pieces of anecdotal evidence to promote the 'Yes' vote. What were these and which do you think is the most compelling? Explain your answer.
 - From what you have learnt in this unit, do you believe that the information in this source is correct? Give reasons for your answer.

- Do you think this letter would have been published in the 1930s? If so, where? If not, why not?
- Examine Source 3.7.8
 -
 -
 -

ANALYSING AND EVALUATING

- Examine Source 3.7.9.
 - Write a comparison of the figures in Source 3.7.7 with those in Source 3.7.9.
 - How do you think the people of Georgetown in northern Queensland who voted 'No' would explain their decision?
 - What does the 'proximity argument', as stated in this source, infer about urban dwellers?
- Examine Source 3.7.10.
 - What does Source 3.7.10 suggest has happened between May 1967 and August 1968?
 - Consider Source 3.7.9 in relation to Source 3.7.10. What issue does Gough Whitlam not address in his speech?
- Evaluate the usefulness of all the sources in this unit. Select three that you feel would be the most useful to a historian who wants to interpret and draw conclusions about the significance of the referendum. Explain why you have selected these three sources.

SELF-DETERMINATION AND LAND RIGHTS

ABORIGINAL TENT EMBASSY

By the early 1970s, Aboriginal and Torres Strait Islander Peoples were becoming frustrated that changes that had seemed imminent after the success of the 1967 referendum had not eventuated. On 26 January 1972, Liberal Prime Minister William McMahon announced his government's new **land rights policies** that included a limited general purpose lease for Aboriginal Peoples, excluded all rights to minerals and forests and allowed companies to mine on Aboriginal reserves. By that afternoon, Redfern-based Aboriginal activists established a protest camp on the lawns of Parliament House in Canberra in the form of tents that they proclaimed the 'Aboriginal Embassy', commonly known today as the **'Tent Embassy'**. These activists included Gary Foley, Chicka Dixon, Pearl Gibbs and Paul Coe. By February 1972, the activists presented their five-point plan demanding \$6 billion dollars in compensation for lands not returnable, full land rights (especially in the Northern Territory), self-determination and sovereignty.

The 'Tent Embassy' existed intermittently on the lawns of the old Parliament House in Canberra for twenty years after it was first established in 1972. Since 1992 it has been there permanently.

DID YOU KNOW?

Throughout 1972, political reaction to this form of protest on the front lawn of the country's most significant government building was mixed. It was an embarrassment to the government, especially when slogans such as 'The Mission has come to town' appeared in front of the tents. Several politicians visited it, including thirty federal Labor politicians who pledged support. More than once police removed the tents and arrested people. Each time the 'Tent Embassy' was re-erected. In December 1972, the Labor Government under Gough Whitlam came to power and, a month later on the first anniversary of the erection of the original 'Tent Embassy', all charges against protestors arrested during the year were dropped.

SOURCE 3.8.1 The Aboriginal Tent Embassy, Canberra, July 1972

- What do you see as the key message of the 'Tent Embassy'?
- One of the placards reads: 'If you can't let me live Aboriginal why preach democracy'. What do you think this means?



POLICY OF SELF-DETERMINATION

When the Whitlam Labor Government came to power in December 1972, it was swift in introducing significant changes, including an upgrade of the Commonwealth Office of Aboriginal Affairs to ministerial level: the Department of Aboriginal Affairs. It also announced its policy of **self-determination**, describing it as 'Aboriginal communities deciding the pace and nature of their future development as significant components within a diverse Australia'. This policy of self-determination was consistent with the 1966 United Nations (UN) International Covenant on Civil and Political Rights and the UN International Covenant on Economic, Social and Cultural Rights, both of which Australia had signed. Self-determination was received positively by Aboriginal advancement organisations that saw it as a means for Aboriginal and Torres Strait Islander Peoples to have more say in their affairs and more input into the laws and policies that affected their communities. In September 1973, the Whitlam Government made further attempts to promote self-determination with the National Aboriginal Consultative Committee (NACC), which was to give Australia's first inhabitants a voice to assist and inform the government of their needs.

Over the following decades different federal governments continued to support self-determination, but often interpreted it differently. Malcolm Fraser's Liberal Government tended more towards self-management. After coming to power in 1975, they disbanded the NACC and established the National Aboriginal Conference (NAC) in 1977, appointing Lowitja (Lois) O'Donoghue as chairperson. After Fraser, governments continued to support various interpretations of self-determination.

In the past there has been a misunderstanding of what Aboriginal and Islander people have meant when talking of self-determination. What has always existed is a willingness and a desire by Aboriginal and Islander people to be involved in the decision-making process of government...

We must ensure that Aboriginal and Islander people are properly involved at all levels of the decision-making process in order that the right decisions are taken about their lives.

Aboriginal people need to decide for themselves what should be done—not just take whatever governments think or say is best for them.

SOURCE
3.8.2

From a statement to the House of Representatives by Gerry Hand, Labor Minister for Aboriginal Affairs, proposing the establishment of an Aboriginal and Torres Strait Islander Commission, December 1987

Q What possible interpretations of self-determination does Gerry Hand not include in this explanation of the policy?

LAND RIGHTS

The conflicts between Australia's Aboriginal and Torres Strait Islander Peoples and the country's colonial and European settlers have been numerous. Disputes about land have been among the most complex. Indigenous and European perceptions of land ownership have differed greatly.

Whilst the particular priorities with respect to land differ between Aboriginal people, they are united in their view that land, whether under the banner of land rights or not, is the key to their cultural and economic survival as a people.

SOURCE
3.8.4

From the Royal Commission into Aboriginal Deaths in Custody, 1991

Soon after coming into government, Whitlam appointed Justice Edward Woodward to conduct a Royal Commission into how land rights could be introduced in a way that would meet the needs of the Aboriginal and Torres Strait Islander communities and state and territory governments.

Woodward recognised that the aims of land rights were:

- to provide justice to those who had lost their lands
- to promote harmony and stability in the Australian community
- to provide land holdings to those he recognised as having no real opportunity of achieving an Australian standard of living
- to preserve the spiritual link with the land for Aboriginal and Torres Strait Islander Peoples
- to promote Australia to the world as a country that demonstrates fair treatment of an ethnic minority.

Woodward recommended these aims could be accomplished by:

- preserving and strengthening existing Aboriginal and Torres Strait Islander interests in rights over land, particularly those with spiritual importance
- providing basic compensation in the form of land for those who have been deprived of the rights and interests that they would otherwise have inherited from their ancestors
- further provision of land, to the limits the wider community can afford, in places where it will do most good to the largest number of Aboriginal and Torres Strait Islander Peoples.

The Whitlam Government adopted the Woodward findings as the basis for the proposed legislation on land rights; a Bill was before parliament when the government was dismissed in 1975. Initially, the Liberal-Country Party coalition promised that the Bill would be passed without amendment. However, as a result of pressure from mining and pastoral groups, Fraser's Liberal Government amended the Bill and passed it in parliament as the *Aboriginal Land Rights (Northern Territory) Act 1976*.

CLAIMING LAND RIGHTS

The *Aboriginal Land Rights (Northern Territory) Act 1976* passed by the Fraser Liberal Government recognised and protected the interests of Aboriginal and Torres Strait Islander Peoples by giving them legal ownership of land. Successful land rights claims resulted in grants of **freehold title** or **perpetual lease** to a community or organisation, not individuals. There are usually restrictions that ensure that it is passed down to future generations as part of the community's ongoing connection to the land. In some parts of Australia, Aboriginal and Torres Strait Island peoples have successfully claimed compensation where land rights have not been deemed possible.

Efforts to take up rights under the Act did not always go smoothly. In 1980, the Pitjantjatjara people travelled to Adelaide in buses and camped on the city racecourse in an effort to push the South Australian Government into settling a land dispute. Eventually, their council and the South Australian Government reached an agreement about how mining could be carried out and proceeds could be shared. Subject to certain conditions the Pitjantjatjara people were given freehold title in 1981.

In the Northern Territory there were disputes over land rights, including the land that incorporates Uluru. These were resolved in 1985 when Uluru (formerly called Ayers Rock) was handed back to its traditional owners and the national park land was granted to the Mutitjulu people. They in turn granted a lease to federal authorities to allow tourist access to continue.

LAND RIGHTS AND MINING

When Labor returned to power under Prime Minister Bob Hawke in 1983, it was hoped that there would be a return to the spirit of reform begun under Whitlam. In 1982, before the election, the Australian Labor Party said that if elected it would introduce national land rights legislation. Once in power, Hawke was greatly pressured by powerful mining companies, especially in Western Australia, and some state governments until eventually the proposed legislation was dropped. The subsequent legislation introduced by the Hawke Government meant that **Crown land** would not automatically be claimable as Aboriginal or Torres Strait Islander land if the claim was 'detriment to persons or communities'. It also avoided national legislation, often leaving decisions to state governments.

In 1981, there was a major clash in Noonkanbah in the Kimberley region, Western Australia, between the state's pro-mining Liberal government and protestors supporting the traditional owners of the land, the Yungngora people. A US mining company, Amax, wanted to explore for oil on land that contained sacred sites. The government sent hundreds of police to support Amax's activities and this resulted in violent confrontations between the police and the protestors. Amax succeeded in its aim. (It was not until 2007 that the Yungngora people gained native title over their land.)



SOURCE
3.8.4

Noonkanbah demonstration, Western Australia, 1981

THE HISTORIC MABO CASE

Eddie Mabo was born in 1937 on Mer Island (also known as Murray Island) in the Torres Strait. He was raised by his uncle Benny Mabo. As a young man, Mabo worked on pearling boats and cut sugar cane. Around 1960, Mabo was employed as a gardener at James Cook University in Townsville. He was never enrolled as a student but took part in university life by sitting in on classes and reading books from the library. In a conversation with two academics, Mabo spoke of Mer Island as if it belonged to his people. When they explained that Mer Island was Crown land, Mabo remained adamant that it was his people's inheritance and had belonged to their ancestors for generations. The realisation prompted Mabo to research the law and challenge the notion of *terra nullius*.

In 1981, Mabo attended a Lands Rights Conference and spoke against the idea of Crown ownership. A lawyer who heard Mabo speak suggested he take his claim against *terra nullius* to the High Court. Mabo's arguments were dismissed at a High Court ruling in 1982 on the basis that he was not the son of Benny Mabo and could not claim inheritance. However, the case continued in the years to follow as others argued that because unbroken generations of Mabo's people had lived on Mer Island the land was rightfully theirs and they held traditional **native title**.

[Our land]... it was handed down from generation to generation, they knew by the boundary lines and markers. There was a certain tree, or stones, heaps of rocks, different trees. They knew exactly where the place was.

SOURCE
3.8.5

Eddie Mabo speaking of his family's land on Mer Island



SOURCE 3.8.6 Eddie Mabo

Eddie Mabo died in January 1992; five months later the High Court reversed its original decision and the claim of *terra nullius* made by the British in the eighteenth century. The 1992 High Court ruling was a landmark decision that overthrew the legal notion of *terra nullius* and recognised the existence of native title for Aboriginal and Torres Strait Islander Peoples who continue to observe their land in accordance with traditions, laws and customs.

NATIVE TITLE ACT

On 1 January 1994, the *Native Title Act*, an initiative of the Labor Government under Paul Keating, came into force in an attempt to clarify the Mabo decision. It stated that ownership could only be claimed over vacant lands. Private property was never threatened by the *Native Title Act*, though media outlets and others promoted otherwise. Native title provided the means for Aboriginal and Torres Strait Islander Peoples to apply for formal recognition of their land interests. Native title representative bodies were created to research claims and represent claimants at the National Native Title Tribunal.

After the Mabo decision and the introduction of the *Native Title Act* there were still many questions. How was native title to be treated if governments saw the need to proceed with public works or give permission for private development? How should native title holders be compensated for loss or restriction of their rights? The *Native Title Act* also did not clearly define the situation for land under pastoral lease, which led to the Wik case.

WIK DECISION

The question of whether pastoral leases could be acquired by the descendants of traditional owners was tested in the Wik and Thayore peoples of Cape York in North Queensland case. They wanted more say over their lands, which had been granted pastoral leases from the Queensland Government.

In the Federal Court on 29 January 1996, Justice Drummond announced that the Wik people could not succeed because he believed that the grant of pastoral lease under Queensland law extinguished native title rights. The Wik people appealed to the High Court with a range of questions including: Does the pastoral lease confer right to exclusive possession by the pastoralist?

The High Court decision handed down in December 1996 found that a pastoral lease did not give pastoralists exclusive rights to the land. Pastoralists' rights include the right to farm livestock, build fences, bore for water, establish mills and attain accommodation. The High Court therefore decided that the Wik people and the farmers who leased the land could co-exist.

Negative reaction to the Wik decision was strong and widespread, especially from pastoralists and some politicians. In the decade following the passing of the *Native Title Act* and the Wik decision, those who opposed co-existence used scare tactics to rouse doubt in the Australian public, including the claim that private homes and gardens would be affected.

We don't want to keep people off our land. We want to share. We don't want to drive the pastoralists away. They are not our enemies. We helped to build that industry and we need it to be strong for our future too. We just asked the Court to find that we can live alongside pastoral leases on Cape York.

We want the government to recognise that we are the traditional owners of those lands. Our law is the first law...

SOURCE 3.8.7 From 'What the Wik Decision Means to Us', by Denny Bowenda in *Native Title*, edited by Kaye Healey, vol. 93, The Spinney Press, 1998

- Q 1 What does Denny Bowenda mean when he says, 'We helped to build that industry'?
2 What is the main argument in his words?

TEN-POINT PLAN

Because of pressure from pastoralists and mining companies, John Howard's Liberal-National Party Government introduced its 'Ten-Point Plan' in May 1997, which was followed by an amendment to the *Native Title Act* in 1998. The Howard Government sought to clarify what types of grants extinguish native title, and to tighten aspects of rights to negotiate. It reduced the amount of native title land that could be claimed by Aboriginal and Torres Strait Islander Peoples and put limitations on their ability to negotiate with industries, mining companies and others. These changes were introduced without consultation and Aboriginal and Torres Strait Islander supporters immediately saw this as a backward step in land rights.

...our [National Farmers' Federation] primary concern has always been certainty for the people who use the land for economic benefit—our farmers—and that means that they simply must have exclusive occupancy of their land. We've demanded that the Government legislate to overturn the Wik decision, because the concept of coexisting title is simply unworkable...

since the Wik decision, many farmers around the country can't [plan for and invest in the future of their farms] because their future ability to manage their [farms] is clouded...

50 per cent of Victoria is now under native title claim...

Australia's farmers understand that they are deeply involved in a crucial chapter in our country's history, and they feel a strong obligation to make sure that their decisions are in the best interests of all Australians, wherever they live.

SOURCE 3.8.8 From 'To conserve or farm?', by Donald McGauchie, published in *The Age*, 22 July 1997. Donald McGauchie was president of the National Farmers' Federation.

- Q Compare Sources 3.8.6 and 3.8.7. Write a brief explanation of the differences between the two sources.

Remembering and understanding

- Define the terms below.
 - Crown land
 - perpetual lease
 - freehold title
 - self-determination
 - land rights policies
 - 'Tent Embassy'
 - native title
- What were activists seeking for Aboriginal and Torres Strait Islander Peoples when they established the 'Tent Embassy' in 1972?
- How does the term 'self-determination' relate to indigenous peoples?
- What protest action did the Pitjantjatjara people of South Australia use to advance their push for land rights and what was the outcome?
- According to Eddie Mabo, how did the people of Mer Island distinguish between their land and the land of neighbouring communities?
- Explain the positives and perceived difficulties of the Wik decision.

Applying and analysing

- Working in pairs, research a person's involvement in Aboriginal and Torres Strait Islander land rights issues. Possible people include: Chicka Dixon, Gary Foley, Malcolm Fraser, Pearl Gibbs, Bob Hawke, John Howard, Eddie Mabo, Lowitja (Lois) O'Donoghue, Gough Whitlam and Edward Woodward.

Applying and creating

- Present your findings in the form of an interview, where one student asks the questions and the other answers from the point of view of the chosen person. Your questions and answers should focus on how this individual contributed to Aboriginal and Torres Strait Islander land rights.
- Perform your interview for the class.



MOVES TO RECONCILIATION

During the Commonwealth Games in Brisbane in 1982 and the 1988 Australia Day Bicentenary celebrations in Sydney, thousands of Aboriginal and Torres Strait Islander Peoples, together with non-Aboriginal supporters, held street marches and sit-ins to demand land rights and protest against the restrictions on the lives of Aboriginal and Torres Strait Islander Peoples. As expected, both mass protests attracted national and international media coverage that highlighted Australia's limited progress on the civil rights of its indigenous peoples. This put further pressure on state and federal politicians to find solutions that would be acceptable to all Australians.

Prompted by Aboriginal leaders, in 1988, Labor Prime Minister Bob Hawke considered the idea of a 'treaty' between the Aboriginal and Torres Strait Islander Peoples and the federal government. The treaty would legally recognise Aboriginal and Torres Strait Islander Peoples' claim to their traditional lands, their right to self-determination and the need for compensation so that they could overcome their disadvantages in areas such as health and education. However, it was clear that large sections of the Australian population would not support this idea.

COUNCIL FOR ABORIGINAL RECONCILIATION

Prime Minister Hawke was already turning to a different initiative: an organisation to promote **Reconciliation**; that is, improving the relationships between Aboriginal and Torres Strait Islander Peoples and the broader Australian community. In 1991, an Act of Parliament established the Council for Aboriginal Reconciliation, a body of twenty-five prominent Aboriginal and non-Aboriginal Australians first chaired by Patrick Dodson. It was given a ten-year period in which to consult widely with individuals and organisations before making its recommendations. New Labor Prime Minister Paul Keating supported this initiative. He also contributed to it indirectly by asking non-Aboriginal Australians to think hard about the legacies of the past.

Isn't it reasonable to say that if we can build a prosperous and remarkably harmonious multicultural society in Australia, surely we can find just solutions to the problems which beset the first Australians the people to whom the most injustice has been done...

...the starting point might be to recognise that the problem starts with us non-Aboriginal Australians.

It begins, I think, with that act of recognition.

Recognition that it was we who did the dispossessing.

We took the traditional lands and smashed the traditional way of life.

We brought the diseases. The alcohol.

We committed the murders.

We took the children from their mothers.

We practised discrimination and exclusion.

It was our ignorance and prejudice.

And our failure to imagine these things being done to us...

We failed to ask how would I feel if this were done to me?

As a consequence, we failed to see that what we were doing degraded all of us...

SOURCE 3.9.1 From Prime Minister Paul Keating's speech at Redfern Park, New South Wales, 10 December 1992, delivered at the Australian launch of the International Year for the World's Indigenous People

- Q** 1 **Much of what Keating refers to happened in the past, but he deliberately uses the word 'we' to connect this to non-Aboriginal Australians of the time. What do you think is intended by this?**
- 2 **What do you think Keating meant when he said 'we failed to see that what we were doing degraded all of us'?**

When the Council for Aboriginal Reconciliation was operational, other developments were occurring that made Reconciliation an even more complex matter. The Mabo and Wik decisions were being debated and a major inquiry into the Stolen Generations was taking place. There had also been a change in federal government. In 1997, many of the 1800 delegates at the Australian Reconciliation Convention were dismayed when Liberal-National Party Prime Minister John Howard took a different position from Keating.

"In facing the realities of the past, however, we must not join those who would portray Australia's history since 1788 as little more than a disgraceful record of imperialism, exploitation and racism... such an approach will be repudiated by the overwhelming majority of Australians who are proud of what this country has achieved although inevitably acknowledging the blemishes in its past history."

SOURCE 3.9.2 From Prime Minister John Howard's opening address to the Australian Reconciliation Convention, 1997

- Q** 1 **Based on what you know about past treatment of Australia's first inhabitants, list some of the 'blemishes' that John Howard is referring to?**
- 2 **Do you think that the word 'blemishes' is an appropriate way to refer to these events? Why or why not? Suggest other words that might have been used.**

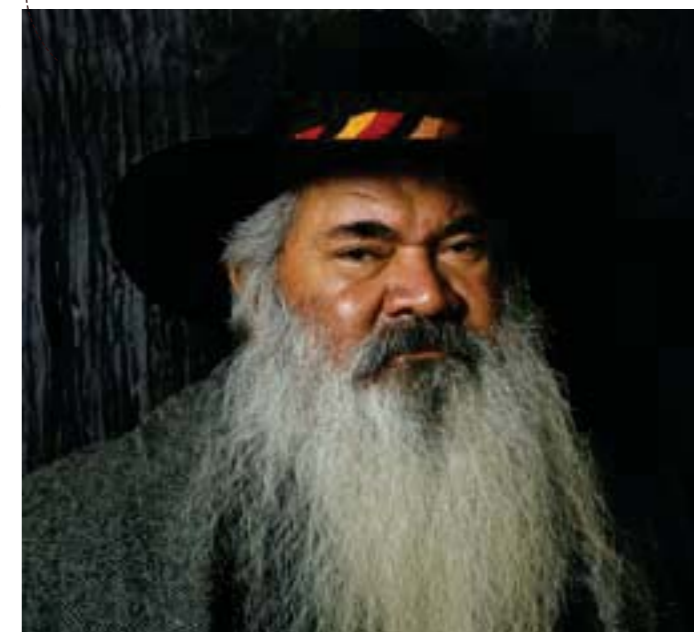
ABOUT PATRICK DODSON

Patrick Dodson of the Yawuru tribe was born in 1948 in Broome, Western Australia. Like his brother Mick Dodson, he was sent to a Catholic boarding school in country Victoria. He became Australia's first Aboriginal Catholic priest.

Upon leaving the priesthood in 1981, Dodson took on key roles seeking justice for Aboriginal and Torres Strait Islander Peoples. In 1989, he worked as a commissioner on the inquiry into Aboriginal deaths in custody and, in 2001, he established the Lingiari Foundation. In 2009, he became director of the Indigenous Policy and Dialogue Research Unit at the University of New South Wales.

Dodson has won several awards including the 2008 Sydney Peace Prize for his 'courageous advocacy of the human rights of Indigenous people and his significant contribution to peace and reconciliation'.

SOURCE 3.9.3 Patrick Dodson is sometimes called the 'Father of Reconciliation'.



SOURCE 3.9.4 The 'Sea of Hands' on the lawns of Parliament House, Canberra, 12 October 1997, was a protest in response to the Howard Government's proposed amendments to the *Native Title Act*. More than 120 000 plastic hands were signed by individuals to represent their strong desire for Reconciliation. Held at the National Library of Australia



OUTCOMES OF THE COUNCIL'S REPORT

The Council for Aboriginal Reconciliation released its final report at the end of 2000. Its recommendations included a formal recognition of Aboriginal and Torres Strait Islander Peoples as Australia's first peoples in a new preamble to Australia's Constitution, and a process to unite Australians by way of a formal agreement or treaty through which issues of Reconciliation could be resolved. The Howard Government took almost two years to officially respond to the Council's final report and rejected most of its recommendations. In January 2001, the Council for Aboriginal Reconciliation was replaced with a body called Reconciliation Australia. Federal government funding for it and the Reconciliation process was greatly reduced.

In its work over the next decade, Reconciliation Australia advocated for constitutional change to recognise the history, cultures and contribution of Aboriginal and Torres Strait Islander Peoples and gained increasing public support for this idea. In February 2012, Labor Prime Minister Julia Gillard announced that Reconciliation Australia would lead a national movement for a referendum to enable the Constitution to include such a preamble.

INQUIRY INTO THE STOLEN GENERATIONS

Under government policies of assimilation, many thousands of Aboriginal and Torres Strait Islander children were forcibly removed from their families. It is estimated that between 1910 and 1970 when this practice was at its peak, between 10 and 30 per cent of children were taken. It was not unusual for the children of a parent who themselves had been removed to then also be forcibly taken away. Until the 1990s, most non-Aboriginal Australians knew little about this practice or about its devastating effects both on the children and the family members and communities left behind.

This began to change as Aboriginal community leaders lobbied the federal government to take action. As a result, in 1995, the Keating Labor Government established the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families through the Human Rights and Equal Opportunity Commission. It took evidence and reviewed submissions from 777 people and organisations to produce the *Bringing them home* report.

I was at the post office with Mum and Auntie [and cousin]. They put us in the police ute and said they were taking us to Broome. They put the mums in there as well. But when we'd gone [about ten miles] they stopped, and threw the mothers out of the car. We jumped on our mother's back, crying, trying not to be left behind. But the policemen pulled us off and threw us back in the car. They pushed the mothers away and drove off, while our mothers were chasing the car, running and crying after us. We were screaming in the back of that car. When we got to Broome they put me and my cousin in the Broome lock-up. We were only ten years old. We were in the lock-up for two days waiting for the boat to Perth.

SOURCE 3.9.5 Confidential evidence 821 from the *Bringing them home* report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997. These removals occurred in 1935, shortly after Sister Kate's Orphanage in Perth was opened to receive 'lighter-skinned' children.

- Q 1** Do you think it would have been painful for the speaker to recall these experiences? Give reasons for your answer.
- 2** Suggest some reasons why the speaker agreed to give this evidence to a public inquiry.

...the consistent theme for post-removal memories is the lack of love, the strict, often cruel, treatment by adults, the constantly disparaging remarks about Aboriginality—and the fact that the child should be showing more gratitude for having been taken from all that—and of course, the terrible loneliness and longing to return to family and community...

SOURCE 3.9.6 Melbourne law firm Phillips Fox summarises the experiences reported by their clients in the *Bringing them home* report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997.

- Q** From this submission, suggest some effects that the treatment of most children would have had on their sense of worth and identity.

BRINGING THEM HOME REPORT

In 1997, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families released its report entitled *Bringing them home*. Its findings revealed that many officials and organisations believed that they were doing the right thing by forcibly removing children, that some institutions provided caring situations for the children in their custody, and that many of the removed children had happy lives with their adopted parents. However, it also recognised that most children were severely traumatised by their forced removal; many suffered cruelty, neglect and abuse, and their experiences have affected their adult lives, including their ability to

parent their own children and to trust institutions such as schools, police and welfare departments. The report found that these conditions have had a lasting impact on Aboriginal and Torres Strait Islander families and communities.

Indigenous families and communities have endured gross violations of their human rights. These violations continue to affect Indigenous peoples' daily lives. They were an act of genocide, aimed at wiping out Indigenous families, communities and cultures, vital to the precious and inalienable heritage of Australia.

SOURCE 3.9.7 From the conclusion of the *Bringing them home* report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997.

- Q** In what ways could this conclusion have been influenced by the work of the United Nations about fifty years earlier?

Among other things, the *Bringing them home* report recommended:

- acknowledgement of their responsibility and formal apologies from Australian parliaments, non-government organisations, police forces and churches for their roles in the forcible removal of children
- government funding to enable Aboriginal and Torres Strait Islander Peoples affected by the forced removal policies to record their histories
- establishment of a National Compensation Fund to provide reparations to Aboriginal and Torres Strait Islander Peoples who were victims of forced removal from families.

GOVERNMENT RESPONSES

When the *Bringing them home* report was released, a Liberal-National Party federal government was in power. Responding to some of its recommendations, the government provided funding for measures such as family tracing, counselling services and an oral history project. However, it rejected recommendations for monetary compensation to survivors and their families. While he expressed his personal regret about the forcible removal of Aboriginal and Torres Strait Islander children, Prime Minister Howard consistently refused to issue a formal apology to them and their families on behalf of the federal government. He stated that Australians of today should not 'accept guilt or blame' for actions of the past 'over which they had no control'.

State governments acted to fulfil certain recommendations of the *Bringing them home* report. For example, state health departments provided the means to support Aboriginal and Torres Strait Islander Peoples and their families with physical and mental health problems due to the forced-removal policies. In addition, each state premier gave a formal apology in their state parliaments for their government's involvement in the forcible removal of Aboriginal and Torres Strait Islander children.

SAYING SORRY

A formal apology with the use of the word 'sorry' was of great importance to the Stolen Generations and their families and communities. The *Bringing them home* report had a strong effect on most non-Aboriginal Australians. In response to one of the report's recommendations, a National Sorry Day Committee was formed at the grassroots level. In May 1998, a year after the delivery of the *Bringing them home* report, the first National Sorry Day was held. Over 1.5 million people participated in marches throughout Australia to honour the Stolen Generations and say 'sorry'.

SOURCE 3.9.8 Hundreds of thousands of people take part in a walk for Reconciliation across Sydney Harbour Bridge, 28 May 2000.



In the following years, public support for an apology by the federal government on behalf of the country grew steadily. By 2008, the newly elected Labour Prime Minister Kevin Rudd, delivered the much awaited '**Sorry Speech**'. On 13 February 2008, in a sitting of both Houses of the Commonwealth Parliament and with seventeen representatives of the Stolen Generations, he made a formal apology on behalf of the nation.

I move:

That today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history.

We reflect on their past mistreatment.

We reflect in particular on the mistreatment of those who were Stolen Generations—this blemished chapter in our nation’s history...

We apologise for the laws and policies of successive parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians...

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry...

to remove a great stain from the nation’s soul and, in a true spirit of reconciliation, to open a new chapter in this history of this great land, Australia...

There are thousands, tens of thousands of them: stories of forced separation of Aboriginal and Torres Strait Islander children from their mums and dads over the better part of a century...

we are the bearers of many blessings from our ancestors; therefore we must also be the bearer of their burdens as well...

We offer this apology to the mothers, the fathers, the brothers, the sisters, the families and the communities whose lives were ripped apart by the actions of successive governments under successive parliaments...

SOURCE 3.9.9 From Prime Minister Rudd’s ‘Sorry Speech’, 13 February 2008

- Q 1 a** Consider Prime Minister Rudd’s words, ‘... we are the bearers of many blessings from our ancestors; therefore we must also be the bearer of their burdens as well’. How would you express this statement in your own words?
- b** Do you agree with this statement? Give reasons for your response.

Although this apology was not supported by all members of the Liberal-National Party Opposition, it was welcomed and acclaimed by the great majority of Australians, many of whom watched it live on television. Some Aboriginal and Torres Strait Islander Peoples were disappointed that the apology was not accompanied by a promise of compensation to the victims of forced removal and their families. Despite this, across the country they rejoiced in an expression of their belief that the long process of personal and community healing could begin.

ABOUT LOWITJA (LOIS) O’DONOGHUE

One of the members of the Stolen Generations who was present in parliament for the national apology was Lowitja (Lois) O’Donoghue. She was born in the remote north-west of South Australia, and was taken from her mother in 1934 at the age of two. O’Donoghue grew up in children’s homes in South Australia where she was given the name Lois and trained to work in domestic service. While in secondary school, she decided she wanted to be a nurse; however, after initial training, the Royal Adelaide Hospital refused to accept her because she was of Aboriginal descent. O’Donoghue persevered and, in 1954, became the first Aboriginal trainee nurse at the hospital.

She left nursing to work in the Department of Aboriginal Affairs in 1967. In 1975, she was appointed its regional director in South Australia. She served as founding chair of the Aboriginal and Torres Strait Islander Commission from 1990 to 1996. O’Donoghue has received several important awards for her advocacy of Aboriginal and Torres Strait Islander rights, including being named Australian of the Year in 1984. In 1993, she was a leading member of the group that negotiated with the federal government on an agreement that provided the basis for the *Native Title Act 1994*. During that year, she was the first Australian Aboriginal person to address the UN General Assembly.

From the time of her forced removal from her family, O’Donoghue did not see her mother again for thirty-three years. When she found her mother, she was living in a corrugated iron humpy in Oodnadatta, South Australia. O’Donoghue was removed when she was still learning to speak and never had the opportunity to properly learn her tribal language. Her mother had never learnt to speak English, so the two could only express their emotions, and try to fill in all those lost years, through an interpreter.



SOURCE 3.9.10 Lowitja (Lois) O’Donoghue speaks at a forum to mark the tenth anniversary of *Bringing them home* report, 24 May 2007

Remembering and understanding

- 1 Define the terms below.
 - *Bringing them home* report
 - Reconciliation
 - ‘Sorry Speech’
- 2 Construct a table with the headings ‘Findings’ and ‘Recommendations’ to summarise the main points of the *Bringing them home* report.
- 3 What was Prime Minister John Howard’s perspective on the Stolen Generations and the *Bringing them home* report recommendations in terms of a formal government apology?

Understanding and analysing

- 4 Re-read Source 3.9.9. What words does Prime Minister Kevin Rudd use to pay homage to Australia’s Aboriginal and Torres Strait Islander Peoples?

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TWO RECENT CHALLENGES

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

During the 1980s, at least ninety-nine Aboriginal and Torres Strait Islander Peoples died while held in custody; eighty-eight were males and eleven were females. Sixty-three of these deaths occurred in police cells, three in youth detention centres and thirty-three in prisons. In August 1987, Labor Prime Minister Bob Hawke announced the establishment of a Royal Commission to investigate the high rate of Aboriginal deaths within the justice system.

In 1991, the Royal Commission's final report found that the deaths were not the product of deliberate violence or unprofessional behaviour by police or prison officers but were due to inadequate care and supervision. A large cause of death was suicide; some deaths were the result of injuries received before the persons were taken into custody; and a number of deaths were identified as a result of natural causes.

The main finding of the Royal Commission was that the racism experienced by Aboriginal and Torres Strait Islander Peoples was a major contributing factor to the high rate of detainees held within the justice system and the related deaths in custody. The report uncovered many similarities in the lives of those who died. Almost half had been taken from their families when they were children by state authorities and most were unemployed. The majority had histories of juvenile crime, mostly property related.

The Royal Commission's recommendations included the need to find alternatives to custody for Aboriginal and Torres Strait Islander Peoples, to implement strategies to address alcohol and substance abuse, to encourage involvement of Aboriginal and Torres Strait Islander communities in the justice system, and to make improvements on the operation of the criminal justice system and relations with police.

TWO DECADES AFTER THE ROYAL COMMISSION

According to the Australian Institute of Criminology, between 1990 and 2004 over eighty Aboriginal and Torres Strait Islander Peoples died in police custody, indicating the Royal Commission's recommendations had not had a serious impact on the situation. This was supported by a number of tragic cases that attracted national media

attention, including the death from serious injuries of a Palm Island resident that occurred while he was in custody in 2004. Following outrage by the local community, the officer in charge was put on trial in 2007 and again in 2009. Although the officer eventually admitted to causing the injuries, he was not convicted.

THE NORTHERN TERRITORY INTERVENTION

From the 1990s, there were growing concerns among welfare agencies and Aboriginal and Torres Strait Islander leaders about social issues such as youth suicide, substance abuse, domestic violence, child abuse and relationship breakdowns in Aboriginal communities in the Northern Territory. How these issues impacted on children were highlighted by the media and eventually prompted the Northern Territory Government's Inquiry into the Protection of Aboriginal Children from Sexual Abuse.

The Board of Inquiry was established in 2006 to research and report on accusations of sexual abuse of Aboriginal children. Its activities involved visiting communities, holding meetings and receiving sixty-five written submissions from individuals and organisations. The findings published in the *Little Children are Sacred* report revealed:

- Child sexual abuse is severe, widespread and often goes unreported.
- Aboriginal Peoples are neither only victims nor perpetrators of the crime.
- Much of the violence and sexual abuse is a reflection of past, current and continuing social problems in Northern Territory communities.
- Poor health, alcohol and drug abuse, unemployment, pornography, poor education and housing have contributed to the violence and sexual abuse.
- Government programs to help Aboriginal Peoples overcome the problems associated with poverty and violence need to work better and be better funded.

In 2007, the *Little Children are Sacred* report was released and presented ninety-seven recommendations to the Northern Territory Parliament. The federal government led by Liberal-National Party Prime Minister John Howard announced that it was treating the situation in the Northern Territory as a 'national emergency' and would intervene immediately.

CONDITIONS OF THE INTERVENTION

The **Northern Territory intervention** program involved the deployment of soldiers, senior public servants, teachers, doctors and other health professionals to remote Northern Territory Aboriginal communities. The government was to ensure improved medical checks for children in the Northern Territory. Where medical problems were encountered there were to be follow up services. Where it was found that child abuse had occurred the government promised that child protection would be improved and welfare payments to Aboriginal parents would be 'quarantined'. Suspension of native title claims in certain regions was another action initiated by the terms of the initial intervention program.

PERSPECTIVES ON THE INTERVENTION

Reactions by Aboriginal and Torres Strait Islander communities, the media and other sectors of the Australian public towards the federal government's intervention strategies were strong. Aboriginal Peoples perceived the intervention program as a way of non-Aboriginal Peoples telling their communities what was best for them rather than asking, 'How can we help?' It was seen as a move away from the right to self-determination.

Kerry O'Brien: ...Prime Minister, if we can talk about the legislation related to the Northern Territory intervention... can you think of any previous legislation of this importance or complexity, nearly 500 pages, that's been given less time for debate in the House of Representatives...?

John Howard: ...The important thing is that the principles of the legislation and what it enacts has been out there in the public domain for quite a long time.

Kerry O'Brien: Six weeks.

John Howard: Yeah, 21st June... It is something of an emergency. Action is already well under way, for example, there have been about 400 medical checks carried out already on children in the Northern Territory...

Kerry O'Brien: ...In the six weeks since that original announcement, the cost of your program has ballooned from the tens of millions of dollars that you estimated originally to more than \$500 million in this year alone...

John Howard: The original figure you quoted of tens of millions. That was not a scientific estimate... it was impossible to know right at the beginning how much it was going to cost, Kerry. If you're saying that this is without precedent, you're right, and when you act without precedent it's very difficult to estimate the cost of acting without

Aboriginal rights advocate and leader Patrick Dodson pointed out that Northern Territory intervention was not based on any consultation or partnership with Aboriginal Peoples in the remote communities. He argued that the program was like previous Howard Government policies that did not respect the rights and efforts of Aboriginal and Torres Strait Islander Peoples living on their traditional lands who were attempting to recover from generations of dispossession and rebuild their culture. Dodson believed that the Northern Territory intervention was a response to the crisis of child abuse in remote communities that intentionally undermined Aboriginal and Torres Strait Islander Peoples' right to self-determination and was a new form of assimilation.

SOURCE
3.10.1

Prime Minister John Howard talks with Kerry O'Brien on *The 7.30 Report*, broadcast on ABC television, 7 August 2007



- 1 Consider Kerry O'Brien's opening comment that draws attention to the number of pages in the legislation. What point is he making here?
- 2 Explain the meaning of the words 'precedent' and 'aggregate'. What do you think John Howard means when he uses these words in each context?

precedent. I would have thought the fact that we're putting \$500 million this year into this intervention shows how genuine we are, how we're in it for the long-term... So I don't apologise for that. I think it says to the Australian people we are very serious about this and we want to do the job properly.

Kerry O'Brien: Under your laws parents who are regarded as irresponsible in the basic care of their children will have their welfare payments suspended without the same rights of appeal available to non-Indigenous Australians who might have welfare revoked in a similar circumstance. How do you justify one rule for Aboriginal parents in that regard and another rule for the rest without being racially discriminatory?

John Howard: Well, the question of whether all of these measures are racially discriminatory has to be looked at in aggregate. In aggregate we believe these measures are overwhelmingly for the benefit of Aboriginal people... In relation to the quarantining of the welfare payments, we believe that the neglected children is so widespread in these communities, the only way that you can get a grip on the wasteful expenditure of money on alcohol in particular is to have a blanket approach...



LOW RES

SOURCE 3.10.2 Cartoon by Bruce Petty commenting on the Howard Government's Northern Territory intervention program 25 June 2007

LATER GOVERNMENT POSITIONS

In May 2009, Labor Prime Minister Kevin Rudd reaffirmed the federal government's commitment to the Northern Territory intervention. He promoted it as a set of policies that improved life expectancy, infant mortality and safety for Aboriginal communities, as well as enhancing the educational and health outcomes for Aboriginal Peoples.

In March 2012, Prime Minister Julia Gillard's Labor Government drafted legislation for the next phase of the Northern Territory intervention, calling it 'Stronger Futures'. This legislation included alcohol restrictions and a controversial program to cut the welfare payments of parents whose children do not attend school, known as the Student Enrolment and Attendance Measure (SEAM).

The current battle ground of the assimilation agenda is located on that vast new region of northern and central Australia where Indigenous people maintain their languages, own their traditional lands under Western legal title [native title], and practise their customs whilst seeking to survive on public sector programs whose poor design has resulted in entrenched dependency.

This is where the Howard Government is implementing its radical agenda of deconstructing and denying the abilities of Indigenous people to live in their settlements on traditional country.

SOURCE 3.10.3 From 'Whatever happened to Reconciliation?', by Patrick Dodson, in *Coercive Reconciliation*, Jon Altman and Melinda Hinkson (eds.), Arena Publications Association, 2007



SOURCE 3.10.4 Protestors march to the Sydney Town Hall, lobbying for the Rudd Labor Government to scrap the Northern Territory intervention program, 21 June 2008.

LEARNING ACTIVITIES

Remembering and understanding

- 1 Define the term 'Northern Territory intervention'.
- 2 List two or more reasons given for the high number of Aboriginal and Torres Strait Islander deaths in custody?
- 3 Re-read Source 3.10.1. How does Prime Minister John Howard defend the suspension of welfare payments as part of the Northern Territory intervention?
- 4 a Explain one of the concerns raised about the Howard Government's Northern Territory intervention program in 2007.
b How could aspects of the scheme be seen as being a reversal of self-determination?
c What do you think might be the benefits of the program? Give reasons for your response.

Applying, analysing and evaluating

- 5 In 2011, a federal parliamentary committee looked into the circumstances of Aboriginal and Torres Strait Islander Peoples in the justice system. Its findings did not report favourably on the rate of Aboriginal and Torres Strait Islander youths in detention. It recommended improving the training of police, encouraging incentives to increase school attendance rates and the introduction of mentoring programs. Which of these do you think would be most beneficial to Aboriginal and Torres Strait Islander youths? Explain your answer.
- 6 a Predict what will be the outcomes of Prime Minister Julia Gillard's Stronger Futures initiative.
b Use the internet and other sources to research the Stronger Futures commitment and write an explanation of how your predictions compare with the initiative's aims.

RIGHTS OF ALL INDIGENOUS PEOPLES

Today, there are more than 370 million indigenous peoples in some ninety countries worldwide. They share common problems related to their rights as the original inhabitants of their lands and experience disadvantages and discrimination as minority groups within their own countries. In the late twentieth century, many indigenous groups became more active in their efforts for recognition of the uniqueness of their cultures, their rights to their lands and in their battles for equality.

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

In 1982, the Working Group on Indigenous Populations was established by the United Nations Economic and Social Council. More than 100 indigenous organisations participated in the Working Group. In 1985, the Working Group began drafting a declaration of rights for indigenous peoples. More than twenty years later, on 13 September 2007, the United Nations Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly. It represented international agreement on the need to recognise, protect and support the rights of indigenous peoples throughout the world.

The declaration elaborated upon existing international human rights with a focus on indigenous peoples and their particular concerns. It aimed to promote full recognition of indigenous peoples and their unique contributions to the diversity and vibrancy of civilisations and cultures throughout the world. In its efforts to combat discrimination, the declaration promotes equality for all and encourages harmonious and cooperative relations between indigenous peoples, governments and the rest of a country's population.

The declaration set standards on a range of issues common to indigenous peoples in many countries, some of which include:

- Indigenous peoples are recognised as having the right to own, control and develop the land they have traditionally occupied. To support this, governments are encouraged to develop systems for the legal recognition of indigenous ownership of land and, where this is no longer possible, indigenous peoples should be compensated.
- Indigenous peoples have the right to maintain and strengthen their spiritual connection to the land. Both knowledge of traditions and artefacts should be protected and supported as part of their cultural heritage, which can be passed on to future generations.



SOURCE 3.11.1 David Choquehuanca Céspedes (left), Bolivia's Foreign Minister, speaks to journalists after the adoption of the Declaration on the Rights of Indigenous Peoples by the General Assembly at the UN headquarters in New York, 13 December 2007

- Indigenous peoples should have access to the same standard of health care and education as the rest of the population; they have the right to practise traditional medicine and receive culturally appropriate education in their own language.
- Indigenous peoples have a right to self-determination. Indigenous communities should be able to decide how they will develop politically, economically and socially, and it is the responsibility of governments to ensure that representatives of the indigenous population participate in decisions that will affect their community.

Being a signatory country of the declaration does not make its principles law in that country. However, as a show of their support and commitment, the governments of ratifying countries should work with their indigenous populations to achieve the standards set out in the declaration. It is hoped that governments will use the declaration as a framework to develop and implement government policies in line with the rights and needs of both their indigenous peoples and the broader community.

RESPONSES

Most countries became immediate signatories to the UN Declaration on the Rights of Indigenous Peoples at the time of its adoption in 2007. However, Australia, Canada, New Zealand and the United States, each of which has significant indigenous populations, withheld their support. Their governments were concerned about how the wording of the declaration could be interpreted. They argued that: the principles of the declaration could override laws within their own countries; and that indigenous peoples' claims to traditional lands, and to resources within those lands, could override existing ownership by non-indigenous people. Another area of concern for these countries was how the right to self-determination, as it applied to indigenous peoples, was now to be understood. Again, these countries wanted to maintain their own national approaches to handling their indigenous people's self-determination.

By 2010 though, all four countries had agreed to endorse the declaration. In doing so, their leaders made it clear that supporting the principles of the declaration would not mean compromising their own countries' existing laws, and that the principles of the declaration were simply goals for their countries to 'aspire' to in their ongoing policy-making. This position was reflected in Australia's statement.

SOURCE 3.11.2 From the Statement on the United Nations Declaration on the Rights of Indigenous Peoples, delivered by Jenny Macklin, Minister for Families, Community Services and Indigenous Affairs, 3 April 2009

Today, Australia takes another important step in re-setting the relationship between Indigenous and non-Indigenous Australians and moving forward towards a new future...

On 17 September 2007, 143 nations voted in support of the [United Nations] Declaration [on the Rights of Indigenous Peoples]. Australia was one of four countries that voted against the Declaration.

Today, Australia changes its position...

And with solemn reflection on our history and the failed policies of the past, we acknowledge Articles 8 and 10–1 quote:

Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

And I quote again:

Indigenous peoples shall not be forcibly removed from their lands or territories...

The Declaration is historic and aspirational.

While it is non-binding and does not affect existing Australian law, it sets important international principles for nations to aspire to...

We support Indigenous peoples' aspiration to develop a level of economic independence so they can manage their own affairs and maintain their strong culture and identity...

We also respect the desire, both past and present, of Indigenous peoples to maintain and strengthen their distinctive spiritual relationship with land and waters.

The Indigenous land rights movement has a proud place in Australia's history with a range of State and Territory and Federal laws recognising traditional ownership...

Australia's laws concerning land rights and native title are not altered by our support of the Declaration...

Today we celebrate the great privilege all Australians have to live alongside the custodians of the oldest continuing cultures in human history...

We celebrate the vital positive contribution of Indigenous culture to Australia...

In supporting the Declaration, Australia today takes another important step towards re-setting relations between Indigenous and non-Indigenous Australians.

Working together to close the gap.

Overcoming the legacy of the past and shaping the future together.

PRACTICAL APPLICATION

It is too early to be able to assess the long-term impact of the UN Declaration on the Rights of Indigenous Peoples on subsequent decisions made by the countries that agreed to it. National governments have to juggle many competing considerations and pressures. With regard to Australia, according to the Australian Human Rights Commission, progress by 2011 in implementing the declaration's principles had been limited.

... More recent statements made by the government on one hand assert that their laws, policies, and programs are consistent with the Declaration, while on the other hand, they assert that the Declaration is not legally binding, and as such the Government has no legal obligation to implement it. The Social Justice Commissioner is concerned that the Australian Government is using the [ambiguous] status of the Declaration to avoid their responsibility to implement human rights as they apply to Indigenous peoples...

The Declaration contains a number of rights and principles that Australian governments are finding it difficult to understand and implement in practice, particularly the right to self-determination and the principle of free, prior and informed consent. There is a need for detailed practical guidance at the international level to inform States on the content of these rights and principles.

SOURCE 3.11.3 From the Aboriginal and Torres Strait Islander Social Justice Commissioner's Submission on to the Expert Mechanism on the Rights of Indigenous Peoples, 4th session, Australian Human Rights Commission, 11 July 2011

CANADA'S ABORIGINAL PEOPLES

Indigenous peoples in Canada comprise of groups of people known as North American Indians, the Inuits and the Métis. North American Indians are commonly referred to as First Nations peoples; they migrated north from the United States and settled in Canada between 500 BC and 1000 AD. The Métis are of mixed First Nations and early European ancestry, particularly French. The Inuits, once referred to as Eskimos, migrated from Alaska around 1000 AD. Collectively they are known as Canada's Aboriginal Peoples. In the 2006 census, Aboriginal Peoples in Canada totalled 1 172 790 people, or 3.8 per cent of the national population.

From the late eighteenth century, European Canadians encouraged Aboriginal Peoples to assimilate in accordance with European culture, which they referred to as 'Canadian culture'. By the late nineteenth and early twentieth centuries, the policy was forced integration. As part of enforcing this policy, a residential school system was created that removed Aboriginal children from their homes and placed them in Christian-run schools.



SOURCE 3.11.4 The Nunavut territory occupies a land mass greater than that of Queensland.



SOURCE 3.11.5 Nunavut is slowly opening up to international tourism.

SOURCE 3.11.6 Inuit settlement of Pangnirtung on Baffin Island, Nunavut, Canada



During the late twentieth and twenty-first centuries however, Canada's federal government made attempts to achieve equality between Canada's Aboriginal and non-Aboriginal population. For example, in 1995, it announced the Inherent Right of Self-Government Policy allowing Aboriginal Peoples to shape their own forms of government to suit their particular historical, cultural, political and economic circumstances. In 2008, Prime Minister Stephen Harper issued an apology on behalf of the Canadian government and its citizens for any mistreatment of Aboriginal children in the residential school system.

NUNAVUT

In 1999, the Canadian northwest territory of Nunavut, meaning 'Our Land' in Inuktitut, was created to be governed by the Inuit people. It occupies an area of 2 million square kilometres and has a population of over 32 000, making it one of the most remote and sparsely populated regions in the world. Nunavut has a very harsh climate with an average temperature of -35 degrees Celsius in winter and 10 degrees Celsius in summer.

The territory was created in response to the Land Claims Agreement of 1993. The government was also formed under this agreement in which the Inuit received proportionate representation in the public service and in territorial management boards, ensuring that Inuit interests would be represented in the social, economic and environmental aspects of the territory. Nunavut is unique in that it is primarily governed by Inuit people.

Nunavut's economy is dominated by traditional subsistence activities that include the hunting of caribou, seals and whales for food and clothing. The government, mining and construction sectors make up the bulk of the employment and income for the territory. Tourism is also a growing industry, contributing almost \$30 million to the economy in 2010.

Despite advances in government policy, Nunavut's population is still disadvantaged. In comparison to the rest of Canada, Nunavut's population has a lower life expectancy for men and women, lower levels of literacy and numeracy, higher rates of alcoholism and drug abuse, and infant mortality rates approaching those of developing countries.

LEARNING ACTIVITIES

Remembering and understanding

- 1 What is the purpose of the United Nations Declaration on the Rights of Indigenous Peoples?
- 2 Is the United Nations Declaration on the Rights of Indigenous Peoples a binding agreement by law? How is the declaration intended to be used by governments of countries that have become signatories?

- a What does it see to be a problem?
- c What does it recommend to address this problem?
- d Do you think the Northern Territory intervention policies of the Howard, Rudd and Gillard federal governments may have influenced the views taken by the Australian Human Rights Commission? Give reasons for your answer.

Understanding and evaluating

- 3 a Identify the language used in Minister Macklin's statement (Source 3.11.2) that acknowledges the importance of Aboriginal and Torres Strait Islander Peoples and their place in Australian society.
 - b Does the statement appeal to people's emotions concerning Australia's past treatment of Aboriginal and Torres Strait Islander Peoples? Explain your answer.
 - c What is the main message of the statement?
- 4 a What do you think prompted Australia's change of position and its ratification of the United Nations Declaration on the Rights of Indigenous Peoples in 2009?
 - b What part do you think other events (e.g. Prime Minister Kevin Rudd's 'Sorry Speech' in 2008) played in this decision?

Applying and analysing

- 6 a Use the internet and other sources to find out more about the remote communities of the Nunavut in Canada and the Northern Territory in Australia.
 - b Compare and contrast the lifestyles and histories of these indigenous peoples.
 - c Present your findings in an appropriately labelled table.

Applying and evaluating

- 7 a Visit the United Nations website to view the Declaration on the Rights of Indigenous Peoples.
 - b Carefully read the articles and identify two that you think are most relevant to Australia's Aboriginal and Torres Strait Islander Peoples today. Be prepared to explain your choices.
 - c As a class, discuss each student's selections, considering the reasons behind similarities and differences of opinion.
- 5 a In your own words, explain why the Australian Human Rights Commission (Source 3.11.3) thinks that Australian governments have been able to avoid properly implementing the principles of the declaration.

INQUIRY TASKS

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SOURCE
3.12.1

Yothu Yindi is a multi-award winning band made up of Aboriginal members from the Yolngu homelands in the Northern Territory and non-Aboriginal members. The band combines traditional Yolngu music culture with Western rock style. Its lead singer, Mandawuy Yunupingu, was named Australian of the Year in 1992.

Page Proofs