

HISTORY OF GOVERNMENT POLICIES AND EFFECT ON INDIGENOUS COMMUNITIES

‘PRACTICAL RECONCILIATION’

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The purpose of this contribution is to give a quick overview of the history of government policy in Indigenous policy and to give a few personal thoughts thereon as a one time bureaucrat and sometime consultant.

As the theme for this particular session suggests, there are indeed two realities for Aboriginal people in Australia today.

One of the realities for us is the daily fact of being a blackfella. Being Aboriginal and not revelling or wallowing in, or constantly reflecting on that status, but just *being*. As Xolela Mangcu put it: ‘living with our memories and our knowledge of ourselves’.

The other reality is one that called to mind something I read a couple of decades ago when I was a callow undergraduate but which has remained with me since then. It was from the writings of W. E. B. Dubois whose works aren’t particularly well known in Australia in an Indigenous context. He was one of the great African American thinkers and a pioneer of modern African American intellectual life:

‘Between me and the other world there is ever an unasked question. Unasked by some through feelings of delicacy; by others through the difficulty of rightly framing the question. All nevertheless flutter around it. To the real question, how does it feel to be a problem? I seldom answer a word. It is a peculiar sensation this double consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by a tape of a world that looks on in amused contempt and pity.’

That, in a nutshell, summarises the second reality for us. This sense, this reality, of being a perennial national problem child, and an intractable one at that.

In terms of state prescriptions for dealing with this problem child status, the remedies obviously have varied over the course of Australian history, in form if not actually in intent. The forms have been various, but the intent in one way or another, has always been to make us more tractable, less problematic and, when it is all said and done, more like our better behaved siblings, namely the majority of you folks out there. There’s only rarely been a sense that this "national problem

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child" might actually turn out not to have been an intractable problem, but may in fact be responding to two centuries of abuse.

Most of you would be aware in general, if not in specific terms, of the chain of sometimes contemporaneous philosophies, and sometimes successive philosophies, or policies that have guided governments and administrators during that time. 'Policies' is probably dignifying the chain of *ad hoc* philosophies that were introduced to deal with our status as the problem child, but we will continue to call them policies for the time being.

In the earliest days of colonisation, Governor Arthur Philip was given an instruction from King George III to 'conciliate the affections of the natives', but despite the very thoughtful abduction of a couple of Aboriginal men and quite a few children to assist him in the process, the initial conciliation process was something of a failure. In very broad terms, for at least a century thereafter, official policy involved a delicate moral dilemma for the state. It involved, on one hand, a convenient willingness to turn a blind eye to massacre and manifest oppression and, on the other, an occasionally sanctimonious, sometimes actually genuinely held view that there was a nobler Christian mission to be achieved by the master race.

Nowhere in the history of state policy towards Aboriginal people is this notion of us as a problem child more evident than with the "protection" policy and its instruments. The local protectors of Aborigines were usually local police sergeants, certainly in the part of the country that I come from.

The policy of protection was followed by assimilation and its less evil twin, at least in the outward form, integration. Like previous and subsequent policies those policies were administered by individuals of varying competence, varying motivations and degrees of goodwill, ranging from the better intentioned and religiously inspired to downright racist and eugenicist bureaucrats. Whatever the competence or benign personal attributes of these individuals may have been, the object of assimilation and integration, without a question, was the elimination of Aboriginal people as distinct peoples. Elimination, not by pogrom and massacre but, just as surely, by the implementation of a state sanctioned eugenic policy. No apologist can gloss over the words of one of the most eminent of the so-called protectors, Mr Aubrey Octavius Neville, the Western Australian protector of Aborigines who asked the question, 'Are we going to have a population of one million blacks in our Commonwealth or are we going to merge them into our white community and eventually forget that there were any Aborigines in Australia?'

Assimilation's little relative, integration was only seemingly more benign. Having conceded that Aboriginal people could not, and would not, be white, the emphasis shifted to making us less visible in other ways. By segregation and confinement to missions by this minute bureaucratic regulation of our lives outside of the white folk. Officially, what it meant was that we would, 'choose to adopt

the lifestyles and standards of other Australians.' One way of establishing that we were of the requisite intelligence, character, sobriety and moral uprightness to show that we had passed muster in terms of the integration policy was the issuing of a Certificate of Exemption, popularly known then and even now as a "dog tag". There are a number of examples of these particular certificates and I am sure that our friends here from South Africa might recognise some disturbing similarities with the pass laws they had to live with for so long under the obscene apartheid system. The point to draw from all this is that Indigenous people have, at best, an indifferent view of governments, and more often a deep mistrust and well founded suspicion of bureaucracies. And, I have to say it, also of those in the philanthropic sector, which were in many instances (particularly church-based charities) an agent of government intrusion and oppression. That necessarily brief history takes us up to the early 1970s.

That brings us to the great experiment of Indigenous affairs - self-determination. Like any philosophy which challenges widely held perceptions of an established order, self determination has its critics. This is probably a bit of an understatement.

There is a steadily growing number of journalists who have read ten years worth of AAP wires on Indigenous Affairs, have formed an opinion on that basis and seem to think that their opinion is worthy of unleashing on the public in the form of a book, some of them occasionally readable. The thing I tend not to joke about so much is the fact that some of our brightest and best have become so disheartened by the alleged failure of self-determination and so called 'progressive' policy in general, that they seem prepared to give almost anything else a go. In doing so, they tend to allow any debate about rights to fade to black as it were in favour of the advocacy of some of the more glib arguments that have been put about. In essence, the basic argument, whether used by our brightest and best or others, is that the philosophy notionally underpinning Indigenous policy for most of the past thirty years has been self-determination; self-determination necessarily involves consideration of rights as a foundation for physical, economic, social and emotional wellbeing; after thirty years we have not made much progress. *Ergo*, the pursuit of rights has actually been the *cause* of failure in Indigenous public policy.

Where that becomes extremely disheartening and downright evil I would suggest is in the artificial distinction between, as Larissa Behrendt pointed out and several other speakers alluded to, the so called "rights agenda" and so called practical reconciliation and in the absurd notion that those of us who advocate pursuit of a better life for ourselves on the basis of inherent rights are also somehow advocates of welfare dependency, or even worse, "*unconditional* passive welfare".

Unconditional passive welfare is something to be decried, but the use of the term presupposes in the views of some commentators that it is actually almost universal in Aboriginal society. And it is not. CDEP schemes and the policy

underlying it has critics, but whether or not you are an unreserved fan of CDEP the fact is that it is the single largest employer of Aboriginal people in remote communities and, for better or worse, it was actually the model for Howard's 'Work for the Dole' scheme. It is hardly passive and it is certainly not unconditional.

Similarly, with substance abuse and endemic violence against (particularly) women and children. I actually find it quite personally offensive that those of our leadership who have been best known in the public eye for advocating a rights based approach to Indigenous policy are, by inference, accused of neglecting the "real" issues. There is a false dichotomy at work here but more of that a little later. I know that people like Michael Dodson and Patrick Dodson and David Ross and Peter Yu and Marcia Langton - and any number of people you care to name who are prominent because of their advocacy of a rights based approach to Indigenous policy - are equally compelling advocates of improvements in the delivery of services to and physical conditions of life for Aboriginal people.

Reconciliation, of course, has been the other great theme of Indigenous policy since Robert Tickner gave the term political currency in the early 1990s. Unfortunately, it has run contemporaneously since 1996 with such pseudo-Thatcherite nonsense as "self empowerment" and "practical reconciliation".

Xolela Mangcu made the point this morning that language is extremely important. One of the most memorable passages in Mick Dodson's annual social justice reports posed a question something like this: "If you do not advocate social justice, what do you advocate? Social injustice?" So with reconciliation: if you try to recast the debate in terms of *practical* reconciliation, the sly inference is always there that any other form of reconciliation must necessarily be *impractical*.

I think that is a particularly insidious use of language and it has its roots in the deliberate confusion between necessity and sufficiency. Rights are necessary for any group in any society to live functional and meaningful lives. They are not however sufficient in themselves. Rights are not just about symbolism, they are the motivating principle behind any beneficial change and they are supposed to encourage change. It strikes me as quite pathetic that we have a Prime Minister who wallows in the symbolism of non-Aboriginal Australia but who values as nought any suggestion that we might have symbols, memories and aspirations that are equally sincerely held and equally valid. There is rarely a photo shoot of a cricketer or footballer or swimmer within coo-ee of the Prime Minister that he does not impose himself on. He jumps out from behind lampposts at any wreath laying ceremony that is going. He is fast running out of people in uniforms to farewell or welcome home from the most recent.

All that is obvious hypocrisy to us. The man denies any aspect of our struggle for our aspirations that have something to do with, not just mere symbolism, but giving our lives meaning. Mere symbolism is "shallow" and is somehow intrinsically less important than his you-beaut practical reconciliation

agenda. I will give a couple of examples in, first, Aboriginal health, about which I am not an expert, and secondly, government policy on land matters.

Whether or not you believe that Aboriginal people should be able to choose the manner and the most appropriate way of delivery of health services for their community depends on your view of the right involved, which is obviously the right to self-determination. It is just dishonest to assert that those who insist on determining the *manner* of delivery are somehow not focussing on the main aim of the game like alleviating the immediate and on-going effects of outrageous levels of violence and ill health. Now for that to occur, resources, whether you see those resources as welfare or something else, are as necessary as the rights, which allow those resources to be used to best effect.

Some commentators would have us believe that advocating the return of land *as a right*, particularly in the wake of the *Mabo* decision in 1992, is the same as advocating the type of welfare dependency often found on Aboriginal owned land, as though there is a causal connection between land rights and poverty on Aboriginal land. The factors that give rise to welfare dependency on Aboriginal owned land are precisely the same factors that give rise to welfare dependency in the western suburbs of Sydney, or Orange or Bathurst, Bathurst Island, or central Australia. They may vary in the detail, *but they are essentially the same causes* and ownership of land is not the central consideration.

To recast the issue slightly differently, I'll ask the question, "How long would Australian home owners, as a group, remain silent if it were suggested that the trade off for their material comfort, continued high levels of home ownership and so forth was to be restrictions on their freedom of movement or some detraction from the rights they enjoy as Australian citizens?" Not for long, I would suggest. We have all heard of states where health care and education are free and universal, but as civil societies in which to live they are probably not everyone's first choice. Rights without resources are as meaningless - and lead to inequity - as surely as resources without rights.

It *is* possible to talk about rights and a practical agenda simultaneously. More than that, it is impossible to separate the two.

To quote again from W. E. B. Dubois, this time describing the plight of the newly emancipated slaves in the post Civil War United States:

He felt his poverty without a cent, without a home, without land, tools or savings, he had entered into competition with rich, landed, skilled neighbours. To be a poor man is hard, but to be a poor race in the land of dollars is the very bottom of hardships. Nor was his burden all poverty and ignorance.'

To paraphrase that, the burden of Indigenous Australia is not all bound up with our economic and physical existence, it consists also of the legacy of history and dispossession and the need to address that legacy, not just by addressing its

outward manifestations - poverty, illness, lousy education statistics, and so forth and so on – but by addressing the factors which actually gave rise to them as well.

Let's touch briefly now on where the philanthropic sector might fit into all this. You will have to excuse the pun here but, as with most aspects of human existence, there are few areas of black and white. Dichotomies such as “rights” versus “welfare” in which much of the public discourse about Aboriginal affairs now takes place are false dichotomies. They obscure solutions rather than provide them. The current century has seen us shake off the overarching dichotomy of world history of most of the last century, that is, the bad communists versus the good capitalists. That particular dichotomy has disintegrated in a way that has thrown up a lot of discussion about third ways. You have, for example, the Tony Blair and the Bill Clinton versions of a third way although time will tell whether they are genuine third ways or merely variations on existing political themes.

I suppose the object of this gathering is to define a role for the philanthropic sector, which has been described as the third sector: something that is neither government nor entirely business but which sits somewhere between the two and draws something from both sectors. According to one of the contributions to the third sector round table, which was held recently in Melbourne, one of the distinguishing features of the philanthropic sector is the centrality of *values* to the work that they do.

All governments, including ours, profess certain higher values but, when you take electoral considerations and the very nature of politics into account, those higher values are to say the least extremely malleable.

By way of contrast, business is actually brutally honest about what motivates it in its business only capacity. Not when it comes to its philanthropy, but when it comes to business they are motivated by profit above all else and are refreshingly transparent about that.

The two values that best characterise the philanthropic sector are altruism and mutuality, values which are in depressingly short supply in the current debate about Indigenous policy.

I am not trying to build up an idealised picture of the philanthropic sector as the ultimate solution to successive failures by governments to adequately address Indigenous people's needs and concerns. Some of you here would know better than me that the philanthropic sector is as replete with egos that need to be nurtured and stroked as any other field of human activity.

There is also vigorous competition within the sector for a shrinking pool of donor funds in a sector which is rapidly expanding with, apparently, a new charity or philanthropic foundation launched on average every three or four days in Australia. This will obviously have consequences for fundraising. Combined with this rapid expansion of the philanthropic sector, there is a shrinking of the public sector in line with notions of mutual obligation and a tacit view that the social safety net is something governments can progressively retreat from.

In terms of engagement with Indigenous Australia, the main challenge to the philanthropic sector is that very few third sector organizations out there actually have much practical experience with Indigenous Australia. There are, of course, exceptions, including notably a handful of the older church-based charities.

Even where there is an element of goodwill and an altruistic desire on the part of the philanthropic sector to do good works, however, the sector is ultimately composed of individuals whose beliefs and particularly their political views are shaped by history. Not surprisingly, they are daunted and often confused by the debate in Indigenous affairs and are consequently reluctant to engage. Obviously this conference may do something to address that.

For those philanthropic organisations that do wish to engage, the philanthropic sector has several things in its favour. Fred Chaney referred to one when he talked about the flexibility of the philanthropic sector compared with bureaucracies and the private sector. Largely because the rules have not been written yet or the organizations themselves are sufficiently small not to have become overly bureaucratic, there is a degree of flexibility and openness to change. On the other hand, there are certainly some philanthropic bodies who see flexibility as a threat to the existing order and in their case, flexibility is obviously not so highly valued.

The second point I make is that, despite the handicaps that may be faced by the philanthropic sector, there is a genuine desire to engage with Aboriginal Australia, without the legacy of multiple failures which governments cannot plausibly claim, nor the private sector for that matter. To varying degrees, governments have been less than willing to engage with Indigenous Australians except on their own terms, and the private sector only engages with Indigenous Australia through sheer, unavoidable commercial necessity, often as an afterthought or through their own corporate philanthropic entities.

As I said before, one of the other things the philanthropic sector has going for it is the core value of mutuality, which is a value that permeates Aboriginal society and Aboriginal culture. While it is not sufficient in itself, this broadly shared worldview is actually a foundation for good relationships at least, and hopefully for some productive partnerships between Indigenous Australia and the philanthropic sector.

The philanthropic sector has the potential to be a huge regenerator of social capital at a time when there is more need than at any time in the last half century for our social capital to be regenerated. Governments on the other hand, and the current federal government is a good example, see Australia less and less as a civil society to be nurtured and increasingly as an economy to be managed. Any notion of a civil society occurs at the edges when victims of the economy drop off the edge of the radar. That is when the notions of civil society become important. The "real game" is seen as 'the economy stupid'. Of course, if there was ever a sector of the Australian community that was beyond the metaphorical radar screen, it is Indigenous Australia.

Finally, to go back to the point that I started on, there is a desire on the part of Aboriginal Australians to be seen as something other than this perennial national problem child. That is a desire which means retaining our diverse identities, but as partners rather than as outsiders or others or as passive beneficiaries of non-Indigenous society. The potential for the philanthropic sector to become such a partner is so far largely untapped with some very notable exceptions.

The philanthropic sector must allow itself to be guided by the words of a great man Jack Patten who said in 1938 at the original Day of Mourning, 'Protection, no thanks. We've had one hundred and fifty years of that. All we ask is that you listen to us, let the Aborigines themselves tell you what they want.'