



Land Rights — To the land, my mother

and rights are words increasingly heard in Australia. For some they are threatening, for others, justice.

Aboriginal land rights were not seriously considered until nearly ten years ago. An Aboriginal tent embassy outside Parliament in Canberra helped focus attention on what had happened to the Aboriginal people. Even the word, aboriginal, is a symptom of what has happened to the tangata whenua of Australia. It means native, and cannot adequately describe the tribal people who are one of the oldest native peoples on the earth. The people populated the enormous continent, with little contact between groups not living adjacent to one another.

Many languages thrived, some say over three hundred with as many dialects. Today perhaps one hundred languages survive. It's this diversity of the people that spelt their fate on contact with white people.

Because the most productive land was in the south-east of Australia the tribes living there suffered most from white settlement. Their traditional way of life was gone for ever and they had to adapt to European culture.

This adaptation meant being assimilated, losing one's own culture in the dominant culture. This assimilation was supported by an official government policy that took young children from their parents and placed them in hostels where they received 'education'.

It also had the effect of lumping dif-

ferent tribal groups together, who didn't have a common language and had no connections with that part of the country. This further confused the tribal person's identity, which was based on kinship and the land.

And because the tribal people did not see themselves as one united people, they were spared the trouble of negotiating a treaty as in New Zealand. Thus land rights today have to break new ground before serious debate starts.

In my time in Australia, which was sponsored by the Australian Government, I was told that the Whitlam government did little to advance the Aboriginal cause. Malcolm Fraser's government however, while not being seen as a champion of Aboriginal rights, was responsible for gazetting large areas of Northern Territory and smaller tracts in other States.

It's the present Hawke administration that has inherited the growing problem. Land rights may be threatening to some non-Aboriginal Australians because they see it as taking something away from them (land and privileges) and as having no relevance to today.

However supporters of land claims say that the dispossession continues today across Australia in Arnhem Land, Weipa and elsewhere and that the bad economic plight of the aboriginal people is directly related to that dispossession and loss of culture.

And the land claims won't dispossess, those legally holding titles. The claims are for unalienated Crown land

that Aborigines don't occupy. It's also land seen by non-Aboriginals as marginal or useless. Also the claims are for financial assistance to purchase the land with traditional association.

Because of the individual State governments being confronted with land rights claims, a national policy is being developed. The Northern Territory government has two pieces of legislation granting land rights, while other States are free to adopt their own policies.

The present struggle is necessary because Aboriginal title in pre-European times is not recognised by Australian law. Because the land was not cultivated by the tribal people, it was not seen as belonging to them. Thus the raising of the British flag on January 26, 1788 annexed Australia and all Aboriginal title to it.

This was upheld by the 1971 Gove Land Rights Case and later in the High Court in 1979 in the Coe case. This means that the present land rights movement is trying to get European title to Aboriginal land as Aboriginal title is not recognised. Thus it could be seen in New Zealand that although Maori land title was 'europeanised' (so that it could be sold) the white Australian settler government didn't even bother to legislate, preferring to create special Aboriginal reserves with no title.

In the midst of these land claims is the plight of the mixed-blood people, who have grown up away from their tribal areas. Even for those who have been able to trace their kinship ties to an area, because they haven't grown up there and kept the home fires burning, they are sometimes seen by traditional aboriginals as interlopers. And mixed-blood people I spoke to felt, in differing degrees, to be the 'meat in the sandwich', in a limbo world.

The present Minister of Aboriginal Affairs, Clyde Holding came to his position with a very pro-Aboriginal stance. However he's had to modify this under pressure from his own party and commercial interests. His 'preferred land rights legislation' has not been a big hit with Aboriginal people, who are calling for more control over mining on aboriginal land as well as legal title.

And one critic of Aboriginal Affairs suggested that the department, rather than encouraging Aboriginal independence, has taken over more Aboriginal advisory groups through control on funding. It's this mixture of reliance on government funding and independence for Aboriginal people that makes land rights so important.

With title and acknowledgement of an Aboriginal identity, the people may have a means to break the social and economic circle they find themselves in in their own country.