

Some Observations on Indigenous Policy and Family Violence

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Introduction

One session of this workshop was set aside to examine the issue of family violence in Indigenous Australia. Family violence does not occur in isolation and must be considered in the broader context of Indigenous affairs generally. A discussion of Indigenous affairs on a national and international level may also assist in understanding how programmes have failed to deliver meaningful outcomes at the local level.

Over the past 20 years numerous reports have been prepared on family violence in Indigenous communities in all States and Territories. Family violence is a national problem—it is the harsh reality that many Indigenous men, women and children live with on a daily basis.

A crisis in Indigenous communities

A report to the Australian Government from the National Committee on Violence in 1990 noted that the homicide rate for certain Queensland communities was 39.6 per 100,000 which was over ten times the Australian national homicide rate. Over a three-year period in South Australia Indigenous people made up 10% of the homicide victims, whilst in the Northern Territory, Aboriginal females were victims of 79 per cent of total deaths involving chargeable offences in 1987.

Recent research in Queensland indicates a high suicide rate for Indigenous males in the 15 to 24 age group, an appalling 112.5 per 100,000 compared with 30.8 per 100,000 for Queensland youth overall.

However, regardless of all the statistical analysis, the reality is that the violence is escalating. The community people and all the hundreds of others across the nation who have contributed to this extensive research, deserve answers—they have a right to expect that “something should be done” about the problem.

Family violence is but an element within the total dynamic of the Indigenous experience, and is part of the wider range of complex problems.

The suggested role of colonization

Indigenous peoples’ concerns, in Australia and in other countries, have been studied and written about from every perspective ranging from the local to the international level. It is often said that Indigenous peoples are the most examined of all populations on the face of the earth. This being so, it is reasonable to expect some answers.

However, many commentators on Indigenous affairs simply blame colonization for the problems confronting Indigenous Australians.

The majority of contemporary researchers, students and activists see Indigenous Australians as helpless victims of a shattered history where the full range of injustices

was perpetrated by the colonizers. Sadly, Indigenous Australians today are encouraged to view themselves still as these helpless victims. It is impressed upon them that nothing will change in their lives unless the colonizers make adequate reparation. It is not always clear as to what is meant by reparation.

It would be ingenuous to accept, without examination, the argument that the colonization process and non-Indigenous insensitivity is to blame totally for the present dysfunctional state of so many Indigenous communities.

Whilst accepting that colonization and misguided past policies have played a devastating role in the break-down of Indigenous communities, there must surely come a time where the past must be put aside, and the current problems considered in the context of contemporary circumstances.

ATSIC and other advances in Indigenous affairs

It is frequently said that little of significance has happened for Indigenous Australians and that they do not have a voice in their own or national affairs.

An objective examination of the activity and changes in Indigenous Australia over the last 30 years would suggest otherwise.

Since 1967, enormous progress has been made in Indigenous affairs. It is not just in monetary terms, though significant¹, but in terms of social justice and the recognition of citizenship rights and Indigenous rights, e.g. recognition of Land Rights and Native Title.

The Aboriginal and Torres Strait Islander Commission (ATSIC) was established to provide Indigenous people with a structure for running their own programmes. An independent Board of elected Indigenous representatives who cover the whole of Australia and the Torres Strait Islands controls it. ATSIC also has a major input into the shaping of national Indigenous affairs policy².

No matter what problems may be associated with ATSIC and its acceptance or not by Indigenous Australians, it is a significant factor in the recognition of Indigenous rights by the Australian government.

However, it is a fact that ATSIC is not always effective in helping communities to achieve their goals. Whilst it has a network of local Councilors and Regional Offices, in reality, most policy is determined at the national level by the Board of Commissioners.

¹ Since 1967 almost \$20 billion of Commonwealth funds has been allocated to Indigenous specific programmes. A record \$2.3 billion has been allocated in the 2000/2001 financial year. These figure exclude Social Security payments and royalty equivalents from mining, which are distributed through the NT Land Councils. Further significant allocations are made at the State and Territory level from state and Territory budgets.

² ATSIC also provides Coordination Comments on relevant Cabinet Submissions before consideration by Federal Cabinet.

The Board of Commissioners has devoted considerable resources to political activism both at the national and international levels. For example, it has been accepted as an NGO (Category II Status) by the United Nations. In this capacity, Commissioners and support staff travel to a number of major United Nations conferences dealing with human rights, environmental and political issues every year. This is an expensive exercise.

ATSIC speaks freely at these international conferences, and ensures that at every opportunity the Australian government is denounced for the violation of the human rights of Indigenous Australians. Perhaps the community that has been denied adequate support by ATSIC for family violence intervention programmes may be entitled to question ATSIC's priorities. The argument that ATSIC itself lacks adequate funding is weak as it receives in the vicinity of \$1 billion annually³.

ATSIC has evolved over the decade since it was established in 1990 into a well-resourced, sophisticated and politically active machine. However, local Aboriginal and Torres Strait Islander people continue to complain about the quality of ATSIC's acknowledgement of their needs. Given ATSIC's prominence in Australia today, why are so many communities still so dysfunctional, and why has ATSIC failed to address their needs?

Of course, ATSIC is not alone on the national scene—there are numerous national and state Indigenous organisations, addressing health, legal, native title, housing, land, education and employment matters to name but a few. Most of these bodies are funded by ATSIC, so perhaps ATSIC should be requiring a stricter accounting for outcomes.

Returning to the premise that little has happened for Indigenous Australians and that they are largely excluded from shaping policy, it is worth noting that the reconciliation debate has kept Indigenous issues firmly on the national agenda. Also, Land Rights and Native Title matters have raised the profile of Indigenous Australians and their concerns not only in Australia but internationally.

International developments

It is interesting to look at how Indigenous peoples relate to the United Nations system and the international community. They have considerable support at that level, and it is important to note how Indigenous people are tapping into this resource.

The Indigenous peoples' mandate in the United Nations system is expanding rapidly. Indigenous affairs in the United Nations is a relatively new field and is a rich hunting ground for the multitude of academics seeking fresh fields to explore. International

³ ATSIC's allocation in the 2000-01 Federal Budget was \$1.1 billion excluding the 5 portfolio agencies (the Torres Strait Islander Regional Authority, Aboriginal Hostels Ltd, the Commercial Development Corporation, the Indigenous Land Corporation and the Australian Institute of Aboriginal and Torres Strait Islander Studies). If these are included, the allocation is \$1.27 billion. See *The Future Together—Indigenous-Specific Measures in the 2000-01 Budget Statement* by Senator the Hon. John Herron, Minister for Aboriginal and Torres Strait Islander Affairs, Commonwealth Government, 9 May 2000 pages 19 and 20.

human rights law is an evolving and expanding discipline, with the added bonus of fluidity. The cynic might even suggest that it may be manipulated to support whatever position is required.

Meetings of Indigenous NGOs in Geneva in the 1970s and 1980s urged the United Nations to give greater recognition to Indigenous peoples and to increase its efforts on their behalf. During that period, two significant developments raised the profile of Indigenous people in the United Nations system.

In 1971, with authorisation from the Economic and Social Council⁴, the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, appointed one of its members, Mr. José R. Martínez Cobo, to undertake a study of the problem of discrimination against Indigenous peoples⁵. His final report entitled “Study of the problem of discrimination against Indigenous populations”⁶ was a major report covering the Indigenous situation in over 30 countries.

In 1982, the Economic and Social Council authorized⁷ the creation of the Working Group on Indigenous Populations (WGIP) as a subsidiary body of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Its first session was held in July 1982.

The WGIP was given the task of examining the problems experienced by Indigenous people in the countries where they live and drawing up a document of human rights standards to be met by nations in their dealings with their Indigenous citizens.

In 1982, fewer than 50 persons attended the first Session. In recent years the WGIP has been attended by up to 800 delegates: Indigenous persons, representatives of observer Governments, representatives of UN agencies and members of the NGO and academic communities.

The WGIP commenced work on developing a Draft Declaration on the Rights of Indigenous Peoples in 1985. The work was completed at the Eleventh Session of the Working Group in 1993 and the Draft was presented to the Sub-Commission in 1994⁸. The Sub-Commission endorsed it⁹ and subsequently submitted it to the Commission on Human Rights in 1995.

The Draft Declaration is a wide-ranging document of 45 Articles, covering every conceivable political, civil, social, economic or cultural right that could possibly apply to Indigenous peoples.

⁴ ECOSOC Resolution 1589 (L), 21 May 1971, para 7.

⁵ Sub-Commission Resolution 8 (XXIV) of 18 August 1971.

⁶ E/CN.4/Sub.2/1986/7 and Add.1-4.

⁷ ECOSOC Resolution 1982/34 of 7 May 1982.

⁸ Draft declaration on the rights of Indigenous peoples as agreed upon by the members of the Working Group at its eleventh session: see document E/CN.4/Sub.2/1994/2/Add.1.

⁹ Sub-Commission resolution 1994/45

The Commission on Human Rights has established a Working Group of Governments in 1995¹⁰ to examine and revise the Draft Declaration. Indigenous NGOs also have speaking rights in this forum. This process could well take up to 10 years, before the member States of the United Nations are satisfied with the draft to the extent that they are prepared to recommend that the Commission on Human Rights accept it. Only after this lengthy process will the General Assembly of the United Nations be asked to consider the document for adoption.

So far, of the 45 Articles, language has only been agreed for three or four of the simpler ones¹¹.

Certain language, such as that concerning the right to self-determination will be subject to intensive negotiation for many years¹².

There are many other aspects of the United Nations work with Indigenous peoples, but, for the purposes of this discussion, it is sufficient to say that Indigenous peoples are a force within the United Nations, and that they are not without considerable influence when lobbying at the international level. This of course has wide-ranging domestic implications politically.

Certainly, the elite Indigenous leadership is well versed in using the international community to its political advantage.

It is not so clear how community people benefit from all this overseas activity. With regard to Indigenous specific programmes, Indigenous Australians could be drawing upon their strong links with, for example, the Maori, Native Americans and Canadian Aboriginals, in order to exchange information and learn from each other's experiences. Valuable lessons may be learned, but it is important to link community people in Australia with people from similar circumstances in other countries. It is pointless for the elite leaders to conduct such consultations. People who are conducting programmes on the ground would benefit mostly from such exchanges.

The problem with recommendations

As noted earlier, numerous major reports on Indigenous concerns have been presented to governments. Most of these reports recommend action that should be taken by governments and other agencies external to the troubled communities. Whilst most of these recommendations are sound, suggestions are rarely made for community-initiated

¹⁰ CHR Resolution 1995/32

¹¹ For example, Article 43 states "All the rights and freedoms recognized herein are equally guaranteed to male and female Indigenous individuals."

¹² Article 3 states "Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." This mirrors the language used in the International Covenant on Civil and Political Rights (G.A. Resolution 2200A (XXI), 21 U.N. GAOR Supp. (No.16) at 52, U.N. Doc. A/6316 (1966), 999U.N.T.S. 171 and in the International Covenant on Economic, Social and Cultural Rights (GA Resolution 2200A (XXI) of 16 December 1966.

action. Again, it appears that the communities are passive by-standers, entities that have *things done to them and for them*.

Indigenous communities are subject to both internal and external influences. Over the years, too much emphasis has been placed on outside intervention, resulting in the problems evident in the communities today. Because of this, communities have felt powerless to control their own affairs, natural leadership patterns have disintegrated and the vacuum created has not been filled.

Indigenous family violence is a community problem, and only individual communities can find the right solutions for themselves. Governments and external agencies should be prepared to provide resources and expertise as requested by the communities, but they cannot provide the solutions. Their role is to assist communities to achieve results.

For example, governments can help in the area of substance abuse, which is a major factor in violent communities. This is an area where many studies have been done, and a massive amount of information is available at the State, national and international levels. Although a massive amount of information is available, and many culturally sensitive programmes have been carried out, many communities are still unable to deal with the issue.

Sadly, communities that have decided to ban alcohol often have had their goals defeated by the sly-grog trade. Governments have a clear responsibility to do everything in their power to destroy the sly-grog trade.

To begin with, the existing laws and regulations should be strictly enforced with severe penalties being imposed on the grog runners. Sly-grog running is a very lucrative trade, so the penalties will need to be severe enough to break the back of the trade.

The need for long term planning

Dysfunctional communities did not develop overnight, so they will need time to heal. As stated previously, family violence is symptomatic of the dysfunction.

Unfortunately most programmes are tied to external budgetary processes, and are planned over short periods, usually from one to three years. Also, elections for Local, State and Federal governments are generally tied to a time frame of around three years, so there is a high turnover of representatives dealing with Indigenous issues. This lack of continuity is very damaging.

One of the biggest mistakes in Indigenous affairs over the past 30 years has been the lack of vision exhibited by all parties involved. Too much effort has gone into the short-term planning and 'quick-fix' solutions. Approximately every three years a new set of ideas is developed and resources and effort diverted in yet another direction. These constant distractions have prevented anyone from concentrating on any significant long-term planning. The effects are most noticeable at the community level.

It has been all too easy to confuse major philosophical and political policies, couched in idealistic terms, with the real action that affects the lives of ordinary Indigenous people in their daily lives. The righteous glow surrounding the good citizens immersed in the reconciliation process is an example. Thousands of people, for varied reasons, have walked across bridges, and feel that they have done something positive to bring peoples together. And certainly, breaking down barriers on both sides will assist Indigenous communities to grow and take their rightful place in the nation.

Many spokespersons have used this show of genuine goodwill to change the meaning of reconciliation into a hard-line political movement. But in communities far removed from the beautiful bridges gracing Australia's opulent capital cities, men, women and children continue to suffer horrendous abuse on a daily basis, whilst sad young men too often despairingly seek suicide to escape from their misery.

Indigenous affairs needs a generational plan. Indigenous Australians should be seeking visionary solutions planned in stages, over a 30-to-50-year timeframe.

On one level, Indigenous Australians have needs similar to other Australians. The ordinary person at the community level hopes that all members of their family will be healthy, housed, educated and employed, and ultimately economically independent.

Unfortunately, many members of dysfunctional communities have no guarantee that their families will achieve these goals.

Governments have a responsibility to fund the elements of practical programmes and provide the resources to ensure that all communities have access to the health, housing, education and employment opportunities that will assist their members to live healthy productive lives.

If the will is there, planning the strategy to ensure the provision of this practical infrastructure over a long period is easy. Ensuring that it makes a difference at the community level is another story.

The need for change

There will be no positive results unless change happens on another level. As has been seen in the past, the provision of millions of dollars worth of practical infrastructure has failed to make much difference in countless communities.

On this level, communities need to rebuild, and take control of their present and their future. Two of the essential elements required are the re-establishment of respect for the elders and the development of strong internal leadership. If people are to control their own lives, then they need to decide for themselves what they need to do to establish this control.

An area that has received little attention to date has been economic development and economic independence. The majority of Indigenous people in Australia have always been economically dependent, always the first to be severely affected by economic downturns in the national economy and have the highest unemployment rates. In general, Indigenous Australians have not enjoyed a place in the economic life of the nation.

Indigenous Australians have rarely been in the position to create their own wealth. The majority of individuals living on discrete communities do not have the option of actually owning their own home or business, and building an estate that will be an asset for their heirs to inherit. For good reasons, Aboriginal land is vested in Land Trusts. There is some scope here for Land Trusts to examine ways of leasing land to individual members of a community, much as the land in Canberra is leased to residents wishing to purchase blocks of land to build homes or establish businesses.

This is a long-term economic strategy. Such an idea that would need to be examined very carefully, but, if a workable solution could be found, then there would be an incentive for Indigenous people to save for an asset. In turn, there would be an incentive to care for their property better than they would for a rented community asset.

Also, long-term social development programmes have the potential to play a significant and creative role in the life of communities. Social development programmes that build capacity throughout the community will achieve more positive results than many of the programmes that have been imposed on communities by external agencies, both Indigenous and non-Indigenous.

Properly constructed social development programmes, drawn up in consultation with community representatives, have the potential to turn communities around, over time. Lives must be rebuilt and people need to gain confidence in their capacity to control what is happening to them. As people begin to set goals and achieve them, self-esteem grows and hope returns.

Conclusion

It is a reality that contemporary Indigenous Australia is an integral part of a nation about to enter the 21st Century. It is a reality that modern solutions must be found for the problems of today. Indigenous Australia should question the value of further development in isolation from the life of the wider community. Whilst treasuring, respecting and preserving their unique culture, it is a matter of survival for Indigenous Australians to engage in the wider life of the nation in a meaningful way.

It is impossible to offer any easy, quick solutions to contain the escalation of family violence in communities. As previously noted, the problem developed over generations, so intelligently planned long-term measures are required to turn the situation around in communities. All the stakeholders from Governments down are well aware of the extent of the problem. All have mounted programmes at various levels.

Senator the Hon. John Herron, the long-serving Minister for Aboriginal and Torres Strait Islander Affairs in the Howard Government has worked steadily towards coordinating efforts at Government levels and has ensured that substantial funds¹³ have been allocated for Indigenous family violence projects. The Minister has held a number of workshops¹⁴ attended by Indigenous experts and community representatives from every State and Territory to assist in the development of policies. It is to be hoped that given their combined experience, these experts will be able to provide sound practical advice that will assist in bringing positive change to the troubled communities.

It is unlikely that there will be any reduction in the incidence of family violence until there are substantial changes in the lives of the communities as a whole. Sound social development programmes, improved educational, employment and economic opportunities are needed together with the provision of better health and housing services. Healthy and prosperous communities where there is hope for the future will be less vulnerable to dysfunctional influences.

Further it should not be forgotten that spiritual health is probably the most important influence of all. Respect for the elders and strong leadership will flourish in a community that is spiritually healthy. But the journey towards achieving this result is one that Indigenous community members must embark upon themselves.

¹³ Under the Federal Government's *Stronger Families and Communities Strategy*, Senator the Hon. Newman, the Minister for Family and Community Services, has allocated \$20 million for Indigenous communities to fight family violence.

¹⁴ The last Roundtable was held on 24 October 2000. The Roundtable convenes every 6 months.