01

Introduction for teachers



AMNESTY INTERNATIONAL



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Aboriginal and Torres Strait Islander people are respectfully advised that this resource contains images of Aboriginal and Torres Strait Islander people who may be deceased.

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Cover: "We moved away from the controls and measures. We walked off to where it is about freedom." Richard Downs at the opening of protest house at the Amperlatwaty walk-off camp, Northern Territory, 2010. © Jagath Dheerasekara

I bring with me many voices of concern, from my leaders who are custodians of our traditions and customs, passed down over generations, for many thousands of years; leaders who are the caretakers of our lands through our dreaming, mother earth, and spirits – still with us to this day, watching over all of us…

Since colonization we have endured much hardship, cruelty, theft, genocide, and destruction of our culture, traditions, customs and laws. We are people who are very easy to forgive and move on; this we have done for over 200 years, with no resentment and hatred, but always willing to extend our hands and welcome our fellow human beings to embrace them as one with our spiritual lands. Yet the governments and the agencies have always continued their false pretence of charity, giving a little, while still retaining the power and taking away everything they could with the other hand.

Indigenous people have always put people of different races and cultures first; above selfishness, above any personal wishes…

Today we see a great decline in all our species across the world; all the living creatures that we were to protect through our songs and ceremonies to ensure the cycle of life continues for all, and to ensure there was a place for them along side our human brothers and sisters across the world. But our friends have now moved on with others, continuing to follow, as we will all do one day.

This destruction across the world shows that we have not listened and we have not taken note of how best to protect our environment, species of animals and plants, cultures, languages, traditions and customs of all people.

Today, and since the introduction of the "intervention" in 2007, Indigenous people across the Northern Territory are facing a renewed and sustained level of destruction and denial of our basic human rights under the Federal government's Northern Territory Emergency Response, introduced under the guise of protecting children…

We seek the support of the UN Special Rapporteur, Prof. James Anaya, and other international human rights bodies…[to advise the Australian government to recognize Indigenous Peoples' rights, including adjudicating Indigenous Peoples' rights to land.]

Release the chains of control; give us our freedom; let us walk once again as free human beings on this earth (our mother), with our ancestors, spirits, songs, and ceremonies. Let us share our richness of cultures with others. We are all one blood and connected through our spiritual dreams of pathways, Earth, Water, Trees, Sky, and Wind, which carry our thoughts and spirits across all continents. Let us once again embrace our younger generation into our folds to show and give them guidance, as these are our next generation of leaders who are lost between two worlds (cultures) but are at the cross roads between light and darkness.

We have an opportunity and one chance in our life time to get it right. Let your hearts guide you, not your government policies which are at the core of the destruction of Aboriginal people.

Alyawarr leader Richard Downs
August 23, 2009

1 Richard Downs, August 23, 2009, Statement, Intervention Walkoff Blog, available at http://interventionwalkoff.wordpress.com/statements/

About this resource

This resource provides opportunities to learn about Indigenous Peoples' rights issues in Australia today, with a particular focus on the Northern Territory intervention as a key case study.

Themes raised in the resource include the place of Aboriginal and Torres Strait Islander Peoples in Australia after the apology to the Stolen Generations, coverage of Indigenous issues in the media, the policies of the intervention in relation to the historical relationship between Indigenous and non-Indigenous people in Australia, the Declaration on the Rights of Indigenous Peoples, self-determination, and rights to land.

The resource is designed for middle to senior secondary students to complement existing topics or to use as the basis of a study of the Northern Territory intervention and Aboriginal rights.

It can be used in other educational contexts including history, civics and citizenship, social education, English, Indigenous studies, legal studies, politics and media studies.

LEARNING OUTCOMES

As a result of this study, students will be able to:

- Discuss current relationships between Indigenous and non-Indigenous Australians in the context of the nation's history.
- Describe the significance of the intervention as a major event in the history of the relationship between Aboriginal Peoples and the Australian Government.
- Identify and evaluate arguments for and against the intervention and assess the evidence used in these arguments.
- Identify causal factors underlying contemporary cultural and economic circumstances of Aboriginal Peoples.
- Describe how human rights standards provide a basis for assessing government actions.
- Develop research and inquiry skills, including analysing primary and secondary source material.

KEY QUESTIONS

- What are some significant human rights issues affecting Aboriginal Peoples in Australia today?
- How can these issues be addressed? What do solutions look like?
- Why is the intervention a significant event in Australian history? How is it similar to or different from government actions earlier in Australian history?
- What are the consequences of the intervention for Aboriginal people?
- How do governments relate to Aboriginal communities in Australia today? How would students feel if a government related to them in the same way?
- If you find out about an issue through the media, how do you develop an informed opinion?
- Do aspects of current government policies breach Indigenous Peoples' rights? If so, what should change, and how can change come about?



An elder at her tent in the Walk-off Camp. Ampilatwatja, NT. 2010
© Jagath Dheerasekara

Indigenous Peoples' rights in Australia today

In recent years Australia has taken some important steps forward in recognising Indigenous Peoples' rights. Examples include the national apology to the Stolen Generations, the Federal Government's support for the United Nations Declaration on the Rights of Indigenous Peoples, and plans to recognise Aboriginal and Torres Strait Islander Peoples in Australia's Constitution. Back in 2000, more than 300,000 people joined the walk across Sydney Harbour Bridge in support of reconciliation, indicating that there is a strong constituency in Australia in favour of a new relationship between Indigenous and non-Indigenous people.

Despite this, the effects of continuing racism, both between individuals and within the structure of society, show how much still needs to be done to make the vision of Indigenous Peoples' rights a reality in Australia.

Examples

- In 2009, a 12-year-old Aboriginal boy from Western Australia was charged with receiving a stolen Freddo Frog®. The charges, while described as "technically okay", were later withdrawn.
- An Indigenous child born in Australia today can expect to die up to 20 years earlier than a non-Indigenous child, according to the 2010 UN report, 'State of the World's Indigenous Peoples'.
- Since 2007, the Australian Government has imposed the Northern Territory Intervention on Aboriginal communities. The Racial Discrimination Act (RDA) 1975 was suspended to make it possible to implement policies based on race.

These issues are described in more detail in the Starting Points section of the resource.

WHY FOCUS ON THE INTERVENTION?

The Northern Territory intervention became the focus of national attention when it was launched in 2007 and has been prominent in the news and public discussion ever since.

The intervention continues a long history in Australia of governments imposing policy on Aboriginal Peoples. While the Federal Government has offered more doctors, nurses, police, health professionals and anti-violence programs, it has also acquired Aboriginal-owned land, undermined rights to land by abolishing the permit system, and managed Aboriginal people's income, regardless of whether they manage it well or not.

These measures were applied on the basis of race. To make it possible to implement the intervention, the government suspended of one of the core protections for human rights in Australia, the RDA. Former Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma has described the ability of the government to lawfully racially discriminate as evidence of an under-developed human rights culture in Australia.[1] More recently, the RDA has been reinstated; however, the policies of the intervention continue to discriminate against Aboriginal Peoples.

1 Calma, C. 2010, *How Can Human Rights Education Benefit Indigenous Australians?* Paper presented at the International Conference on Human Rights Education, University of Western Sydney, 6 November 2010

Case study: the intervention

Teaching about the intervention provides an opportunity to focus on key themes in Australian history and society.

The intervention is a significant event in the relationship between Aboriginal Peoples and government in Australian history.

Issues raised by the intervention are integral to the debate in Australia about Indigenous Peoples' rights and the relationship between the Australian Government and Aboriginal and Torres Strait Islander Peoples. The intervention also raises broader issues like equity, human rights and citizens' entitlements.

The debate about the intervention is directly linked to all the unresolved issues that Australians have been dealing with since the bicentenary, the Mabo and Wik decisions of the High Court, the rise of the 'history wars', the 'Bringing them home' report and the national apology to the Stolen Generations. All of these issues trace back to what happened during the colonisation of Australia and what justice for Australia's Aboriginal and Torres Strait Islander Peoples really means.

The debate has very practical outcomes for people in Aboriginal communities in the Northern Territory and elsewhere in Australia, as the intervention model is extended into other regions.

Human rights are at the core of these debates and directly relate to the experience of the people who are involved: members of Aboriginal communities, government officials, and the general community in whose name the policies of the intervention have been implemented.

To be informed and thoughtful citizens in an Australian democracy, students need an understanding of our social history, key contemporary issues in society and how Australia might develop in the future.

The important task for teachers is to help students to understand a range of perspectives on the intervention, including the opinions of Aboriginal Peoples, federal and state governments and those who critique government actions.

Important note: when talking about the intervention, teachers will need to be sensitive to the vulnerability of some students when talking about issues of abuse, neglect or family separation.

There are many reasons why the intervention is an appropriate focus for analysis and critical reflection:

- It has been a focus of public debate.
- It engages students with issues of major social and political significance.
- It develops students' ability to research, compare and critique different sources of information and weigh evidence before forming balanced opinions.
- Students are likely to have heard about the intervention in the media and will be forming their own views.
- It offers a range of sources for analysis and comparison.
- There are competing views within and across sources.
- The national curriculum requires all learning areas to embed Indigenous perspectives in their content descriptions and elaborations.

Alyawarr kids sit on the rail as Aboriginal stockmen unload brumbies at the Arlparra stockyards.
© AI/Rusty Stewart



The intervention: a variety of views

Supporters of the intervention point to the urgent needs in Aboriginal communities, particularly the needs of women and children.

They have called for measures including extra resources for policing and health as well as income management, restrictions on alcohol, re-taking control of Aboriginal land and the suspension of the Racial Discrimination Act in order to implement these policies.

Critics of the intervention do not dispute the urgency of the needs in Aboriginal communities, but call for different solutions and oppose the way in which the government has responded – often warning that the intervention has been making things worse.

Amnesty International has a position on the intervention and this comes through clearly in sections of this resource. However, these materials provide opportunities to learn about a range of perspectives. There are articles from commentators who support the government's outlook, as well as those who are opposed to the government's actions. There are opinions from people in affected Northern Territory communities and other Indigenous commentators. The Media Debate section of this resource profiles the range of opinion about the intervention.



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AMNESTY INTERNATIONAL'S POSITION

Amnesty International acknowledges the positive aspects of the Intervention, resulting in:

- more doctors, nurses, police and health professionals and more health checks
- resources to refurbish housing
- measures to reduce alcohol-related violence
- improved domestic violence programs
- school nutrition programs.

However Amnesty International believes that all of these are possible without policies that breach human rights, such as:

- the government managing 50 per cent of Aboriginal Peoples' income, whether they manage it well or not
- requiring Aboriginal Peoples to give up rights to land in order to receive basic services such as housing, which other Australians receive without these conditions
- abolishing the permit system
- using compulsory leases giving the Federal Government exclusive possession of Aboriginal land for five years which allows Aboriginal people to control who enters land that they own
- imposing policies on Aboriginal communities instead of working in partnership with Aboriginal people who are already actively addressing community needs.

Amnesty International believes a different approach is possible – something reflected in successful Indigenous-led programs around Australia. Australians have shown that they can support progress on Aboriginal and Torres Strait Islander rights. The challenge today is to ensure that Australia moves forward rather than returning to negative patterns of the past.

Teaching about human rights

Human rights have been described as the conditions we all need to thrive. A focus on human rights belongs in the classroom. Human rights are important for students' own wellbeing and for the quality of life of all people.

Australia's human rights framework and internationally agreed statements create a strong basis for teaching human rights.

The human rights framework, which was adopted by the Federal Government in 2010, focuses on:

- reaffirming a commitment to our human rights obligations
- the importance of human rights education
- achieving greater respect for human rights principles within the community.

There are different understandings of what human rights mean and how they should be applied, however, a great deal is at stake in debates about human rights. As the materials in this resource show, the debate about the intervention is about human rights, and what principles should guide the relationship between Indigenous and non-Indigenous communities. Major consequences result from the approach that is chosen.

The Universal Declaration of Human Rights, created after the horrors of World War II and at the beginning of de-colonisation, provides a basis for approaching human rights education.

Its preamble describes human rights as a 'common standard of achievement for all peoples and all nations', and calls for 'every individual and every organ of society' to 'strive by teaching and education to promote respect for these rights and freedoms … to secure their universal and effective recognition and observance.'

Article 26.2 states:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups.

More than 100,000 Sydneysiders took advantage of a beautiful Sunday morning to walk the bridge for reconciliation on 28 May 2000. © AAP/Dean Lewins



Teaching about Indigenous Peoples' rights in Australia: themes you can focus on

The issues below provide some possible threads to weave through the investigation into Indigenous rights and areas for further inquiry.

THE RELATIONSHIP BETWEEN INDIGENOUS AND NON-INDIGENOUS PEOPLE IN AUSTRALIA

- What principles should guide the relationship between governments and Aboriginal and Torres Strait Islander Peoples?
- The apology to the Stolen Generations spoke of the need to "turn a new page in Australia's history by righting the wrongs of the past" and move "forward with confidence to the future." What does this mean for us today?
- To what extent does the intervention represent a return to the paternalistic policies of the past?
- What goals and aspirations do Aboriginal and Torres Strait Islander Peoples have for their own lives and communities and for the future of Australia? What are Aboriginal people saying about the intervention?
- What is necessary for trust, goodwill and mutual respect to be established?
- What is the place of consultation and consent in government decisions affecting Aboriginal Peoples?

EQUITY AND CITIZENS' ENTITLEMENTS

- Current realities in Aboriginal communities resulting from past practices.
- The difference between how Indigenous and non-Indigenous Peoples are treated.
- Who is entitled to a 'fair go' and who receives conditional government payments.
- Are all Australians entitled access to basic healthcare and welfare support or should we have to earn it?

HISTORY

- What do students know about colonisation and protectionist policies of the past?
- What do they know and what could they find out about major movements for Indigenous rights in Australia's recent history?

INDIGENOUS COMMUNITY DEVELOPMENT

- What initiatives are proving successful in Aboriginal and Torres Strait Islander communities?
- What do these success stories tell us about ways forward?
- Given differences between communities, can successes in one Indigenous community always be applied to another?

HUMAN RIGHTS

- How do the policies of the intervention rate by human rights standards?
- Has the intervention treated Aboriginal people in ways that would not be acceptable to others in Australia? If so, how?
- In what ways have Indigenous Peoples' rights already been recognised in Australia and in what ways are they being undermined?
- Why was it necessary to suspend the Racial Discrimination Act to implement the intervention?

Useful DVDs, publications and websites

Visit www.amnesty.org.au/wheredoyoustand for a detailed list of useful links.

USEFUL LINKS

Useful links and resources are available at Amnesty International's website.

They include links to Aboriginal media, DVDs, newspaper reports and online video.

See www.amnesty.org.au/wheredoyoustand

DVD

***Our Generation* (2010)**

Our Generation explores Aboriginal rights from colonisation until the present day. It looks at Australia's ongoing policies of paternalism and assimilation, Aboriginal disadvantage, and declares the right of 'first peoples' to dignity, culture and empowerment. The film features young people, men, women and elders from remote communities in the NT.

Find out more at: www.ourgeneration.org.au

WEB

Collaborating for Indigenous Rights

This site, developed by the National Museum of Australia, focuses on campaigns for Aboriginal rights during from the 1950s to the early 1970s. Its key themes are the struggle for land rights and the fight for civil rights. It includes profiles of Indigenous and non-Indigenous people who were active in these campaigns and profiles how members of both groups collaborated to achieve campaign goals.

http://www.indigenousrights.net.au/

REPORT

Will They Be Heard?

This report features verbatim transcripts of government consultations on the intervention. It provides perspectives of people in Indigenous communities about the intervention, and of what happened in the dialogue between them and government officials who came to ask their views and present the government's position. It is highly detailed but worth investigating for in-depth research.

Available at: www.childjustice.org/docs/will_they_be_heard.pdf

Alyawarr women collecting ntyeny anterrng (red mallee seeds), Utopia homelands, August 2009.
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