



CHARTER OF ABORIGINAL & TORRES STRAIT ISLANDER RIGHTS

As amended by the special policy conference on May 26, 2013, and as further amended by the 10th National Conference of Socialist Alliance, June 7-9, 2014.

Introduction

In 1788 Australia was invaded and colonised, but the sovereignty of the original inhabitants of this country was never ceded. Across the continent the Indigenous peoples resisted. But treaties were never negotiated over the use or settlement of the land, and the colonisers invented a legal fiction – terra nullius – to justify their illegal and violent annexation. By pretending that the land wasn't inhabited by a "civilised" people, the likes of James Cook and Joseph Banks laid the basis for two centuries of racism and oppression.

For the past 220 years, mothers, fathers and children have suffered the trauma of invasion, enslavement, assimilation, genocide, racist exclusion, land theft, the destruction of life, language and culture, and the denial of basic human rights. Under successive governments, whole populations were forced into missions, denied their language and culture, and given diseased blankets, and tea, flour, and tobacco to live on. In many areas, hunting parties were paid a bounty to chase down and kill those who refused to accept the new order.

Throughout the last century, Aboriginal children were removed from their families and communities, in order to "assimilate" what was deemed a "failed race" into the broader Australian population. These children were lied to about their heritage, and were used as slave labour – as housemaids, or on cattle stations – and were frequently abused. These children – collectively known as the Stolen Generations – still suffer from the effects of their separation, and are still waiting for meaningful reparation for their pain.

The Apology

The apology given by Kevin Rudd to the Stolen Generation was an important and necessary symbolic step forward—if long overdue. However, it does not mean that official racism is dead. Without compensation for the Stolen Generations and immediate action to overcome the inequality suffered by indigenous Australians, the apology will become just more hollow words from white Australia.

In 1992, the High Court finally laid to rest the white colonial fairytale that there was no such thing as Indigenous land ownership, that the country invaded in 1788 was terra nullius. But despite a world of promises, in the 16 years since Mabo Indigenous Australia remains without adequate recognition, often living in Third World conditions and with land rights inadequately recognised and respected. Deaths in custody and endemic racism continue,

reinforced by negative media coverage and racist government legislation, such as the Howard Government's Northern Territory intervention in 2007.

The Northern Territory intervention—the new paternalism

The Howard government used the 2007 Little Children are Sacred report on the sexual abuse of children in Aboriginal communities to justify its intervention with police and army into Northern Territory Aboriginal settlements. There was no consultation with Indigenous communities, the Northern Territory's land rights law and the permit system were suspended, welfare payments “quarantined” and employment projects cut.

The pretext for the intervention was not even mentioned in the legislation that enabled the intervention, and only a handful of actual charges of abuse laid. Northern Territory Aboriginal leaders maintain that the incidence of child molestation in their communities is less than in the broader community. If the concern about inadequate protection of Aboriginal children had been real, it would never have produced that intervention.

The intervention and the quarantining of welfare payments has forced people out of their communities, leading to increased homelessness (“long-grassing”), suicide and petty crime. This new paternalism, which continues under Rudd and state Labor governments, will only reproduce the same results as the old paternalism—poverty, alienation, powerlessness and hopelessness.

The only way to solve the problems facing Aboriginal communities across Australia is to work in coalition with the communities themselves, to provide the resources, training, and support to enable the communities to take control of their own affairs, instead of relying upon hand-outs or being pushed around at the point of a gun or pen.

Our basic approach

Aboriginal and Torres Strait Islander peoples continue to be the victims, not the creators, of the policies which affect them. That is why the Socialist Alliance's basic “policy approach” is to provide solidarity and support to all struggles for justice by Aboriginal and Torres Strait Islander people.

We stand for:

- Reconciliation and compensation
- Recognition of rights and the building of awareness
- Full economic and social equality – close the gap within ten years
- A treaty and real land rights
- Aboriginal control of Aboriginal affairs

1. Reconciliation and Compensation

Socialist Alliance does not support Constitutional recognition in the current form put forward by the government and *Recognise*. Constitutional recognition must be accompanied by sovereignty, land rights and a treaty. Justice for Indigenous Australia must begin with a frank and full acknowledgement of the fact that “White Australia has a Black history” and a determination to make amends wherever possible. Former Prime Minister Rudd's apology to the Stolen Generations on February 13, 2008, was a necessary start, but more concrete steps have to be taken. **That requires:**

- Constitutional recognition of the sovereignty of Aboriginal and Torres Strait Islander people as the original and ongoing inhabitants of the land, and the negotiation of a treaty or binding agreement enshrining Indigenous rights in law;
- Full reparation for the Stolen Generations;
- Full implementation of the recommendations of the 1997 National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (the “Bringing Them Home” Report);
- Full and immediate compensation for the stolen wages and for traditional lands ravaged by mining;
- Full implementation of the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody.

2. Recognition of Rights and Building Awareness

Socialist Alliance supports the creation of a treaty or compact in order to enshrine and protect the rights of Aboriginal and Torres Strait Islander peoples. This is more than just a formality – in countries where treaties have been negotiated, and have provided a means to exercise genuine self-determination in Indigenous communities, health and other social problems have improved.

The Socialist Alliance says:

- Ensure all legislation is in line with the United Nations Declaration of the Rights of Indigenous Peoples, the UN Committee on the Elimination of Racial Discrimination and the rulings of the UN Commission on Human Rights;
- Guarantee protection of sacred sites and artefacts, and the return of all stolen heritage items – both here and overseas – to their rightful custodians;
- Protect the cultural and intellectual property rights of Aboriginal Australia;
- Change planning laws and regulations so that the decision as to what is a heritage site in need of protection belongs to the Aboriginal and Torres Strait Islander people concerned;
- Make the study of the history, culture, languages and customs of Indigenous peoples part of the core education curriculum; make Indigenous studies mandatory in teacher training; and develop curricula in Aboriginal languages;
- Start a program for the reviving and popularising of Aboriginal and Torres Strait Islander place names to stand alongside (or replace) the place names arising from colonial settlement;
- Extend Aboriginal and Torres Strait Islander programming on the ABC, SBS and community broadcasting; end the racist and destructive portrayal of Aboriginal and Torres Strait Islander people, organisations and communities in some sections of the media.

3. Social and economic equality

In health, housing, employment and education Indigenous Australia still lags, often shockingly, behind the rest of the population. Indigenous babies and children have twice the rate of low birth weight, seven times the rate of sudden infant death and seven times the death rate from childhood infectious diseases and accidents as non-Indigenous children.

The life expectancy of Aboriginal and Torres Strait Islander people is 17 years below that of

non-Indigenous Australians, and at present rates of change it will never reach that of the non-Indigenous population! This contrasts shamefully with the progress in life expectancy of the Maori people in New Zealand and the First Nations peoples of Canada. To make things worse, for years, Indigenous health has been under-funded by at least \$500 million annually. This must be turned around immediately.

We need to end the genocide taking place by neglect, by extending and improving Indigenous health and other community needs through fully funded and targeted services controlled by Indigenous Australians and their communities. The Socialist Alliance calls for an emergency campaign to “close the gap” in life expectancy within a generation, and to eliminate Indigenous social disadvantage and inequality across the board within a decade.

The Socialist Alliance calls for a ten-year target for Aboriginal students to match or better the educational development of Australian students as a whole, and aim for similar targets in health, housing and employment. A properly funded program of positive discrimination for Indigenous people in education and training and a real Indigenous job creation campaign could have started to solve the problems of Aboriginal communities’ hopelessness years ago.

Funding for programs that have been shown to reduce social and economic disadvantage must be kept up and increased. Any real plan to achieve social and economic equality for Indigenous people must include the following measures, developed and overseen by the appropriate Aboriginal and Torres Strait Islander communities and organisations. Aboriginal control over the administration of Aboriginal affairs must be the practice, not just on paper.

The Socialist Alliance says:

Health

- Implement an emergency campaign around child health. Boost funding to community-based child-care services and boosted training of more Aboriginal pediatric health professionals;
- Boost health resources in both community-run and mainstream services, including training of Aboriginal health professionals in all fields;
- Strengthen community initiatives to address violence and abuse, establish safe houses and properly resource Indigenous women’s centres and legal services;
- Implement the recommendation of the Little Children are Sacred report, the Combined Aboriginal Organisations of the Northern Territory Emergency Response and Development Plan, as well as the recommendations in the 1997 HREOC Social Justice Report.

Housing

- As part of expanding social housing, develop and adequately fund an Indigenous housing plan to address unmet need (17% of people using homelessness services are Indigenous as against less than 2% for the population as a whole);
- Implement an emergency repair and upgrading plan for Indigenous households;

- Help Indigenous communities maintain and improve their housing stock by providing the necessary training and resources and develop local production of building materials;
- Provide housing opportunities that meet cultural and community needs.

Education

- Ensure that the Department of Education and Training has the resources, staffing and teacher-training programs adequate to provide Aboriginal and Torres Strait Islander students with the necessary attention;
- Implement programs to support Aboriginal parents and caregivers with children in the formative 0 to 5 year period
- Increase the numbers of Aboriginal teachers and education administrators;
- Increase the level of community involvement in schools and TAFEs, through such programs as “in-class tuition” that brings Aboriginal parents into schools to work with and raise the awareness of non-Aboriginal teachers and children;
- Value the unique knowledge of Aboriginal people and create programs that enable Aboriginal people to transmit this knowledge through the classroom to Aboriginal and non-Aboriginal students to foster pride and understanding.

Employment

- Ensure that all programs and services in Indigenous communities employ qualified people, and provide training and development for community members;
- Establish affirmative action quotas in apprenticeships, TAFE and university entrance and all levels of government;
- Require government agency programs to increase Aboriginal and Torres Strait Islander participation;
- Provide funds and other needed assistance for social sector economic activity by Aboriginal and Torres Strait Islander people;
- Help Aboriginal and Torres Strait Islander people to retain and or reclaim use of traditional fisheries;
- Abolish work for the dole. Reinstate Community Development Employment Programs (CDEPs) as a transition to real employment, especially in remote in Aboriginal communities, employing all workers on locally negotiated award wages based on community consultation.

Indigenous Australians in jail

Indigenous Australians make up less than 2% of the population, but make up 26% of the jail population. There can be no social justice and equality for Aboriginal Australians until problems that cause this situation are tackled by:

- Implementation of all the 339 recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody, and full investigation into the scores of avoidable deaths since;
- Full implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody;
- Boosted funding to Aboriginal Legal Services;
- No to the privatisation of prisons and prisoner transport;

- Thorough training of court officials, police and prison officers in Indigenous culture and values;
- Proper representation of Indigenous communities on law reform bodies;
- Greater Indigenous representation on juries;
- Indigenous community policing;
- Greater use of suspended sentences and circle sentencing through Aboriginal Community Justice Groups.

4. Sovereignty, Treaty and Land Rights

After three decades of Land Rights, and 15 years of Native Title, it is clear that consecutive governments and legislation have failed to meet the aim of increasing the rights of Indigenous people to live on traditional lands. The National Native Title Tribunal has failed to secure Indigenous rights in the face of corporate, especially mining, interests. The Howard government's abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) and attack on Land Rights in the Northern Territory shows the vulnerability of Indigenous rights in the face of hostile Governments intent on a racist land-grab. Socialist Alliance stands for full Land Rights and compensation for land taken, and recognises the existence of Indigenous self-governance and the right of Indigenous peoples to self-determination.

Socialist Alliance also calls for increased funding and support for Indigenous community-run services to overcome the lack of necessary expertise among local communities. The Socialist Alliance approach is to strengthen the economic and skills base of the land councils system and local communities, and in this way support Indigenous people in the creation of sustainable, self-managed communities.

Socialist Alliance says:

- Restore the permit system in full, under community control, not white manager control;
- No to 5-year and 99-year leases. The use of Aboriginal land for community development is possible without breaking it up and forcibly introducing individual property relations onto a communitarian culture;
- Provide support, funding and the necessary specialist training for the development of community cooperative enterprises;
- Assist communities in developing leadership and other skills, with a special focus on encouraging youth participation;
- Guarantee democratic processes in the selection of Aboriginal leadership positions
- Block the disposal of land of spiritual or cultural value without support by land councils and traditional custodians;
- Encourage and resource the development of democratic Indigenous representative bodies at regional and national levels;
- No forced amalgamations or closure of land councils;
- No to the "mainstreaming" of Indigenous services;
- Repeal the Native Title Act, abolish all racist land laws and renegotiate Indigenous Land Rights as part of a constitutionally entrenched Treaty, binding on Federal and State governments.

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