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SUBMISSION TO THE HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

THE REEVES REPORT

In this submission confine myself mainly to anthropology and some of its implications for the recommendations.

The Reeves review of anthropological arguments about Aboriginal territoriality over the last 120 years is sound and perceptive. The important observation is that the atomistic and formalistic preoccupations of early and classical anthropology in Australia have in the modern period been moderated by a growing concern with pragmatics and process. While the broad structural outlines sketched by Radcliffe-Brown and his followers in the first half of the century remain a useful introduction to traditional land ownership, they are unhelpful and sometimes misleading in predicting associations, alliances and interests in the politics of land control and use.

When the Aboriginal Land Rights Act of 1976 became law it was generally supposed by anthropologists that the expression "local descent group" in the definition of traditional Aboriginal owners meant a small patrilineal clan of the kind widely reported in the literature as the basic unit of land ownership. Why "local" was used rather than "patrilineal" was unclear and (given a growing consensus that clan males did not normally constitute a residentially discrete corporation) probably unfortunate. Perhaps the legal draughtsman wished to keep technical terms to a minimum. On that assumption, the concept accorded well enough with anthropological thinking at the time and served the purpose of providing an empirically well-attested starting point for claims and grants.

As the Reeves report makes clear, once questions of control and management had to be addressed alongside those of ownership, patrilineality emerged as too narrow a criterion to accommodate valid traditional interests. Indeed, for such purposes the notion of any kind of bounded descent group came to be seen as inappropriate. Political associations, traditionally as well as in modern times, depended on factors such as marriage, residence, language, trade, and ritual as well as descent; and they expanded, contracted, and fluctuated according to context and history. English-speaking Aborigines have for a long time designated modal political communities as "mobs". They usually encompass a number of 'local descent groups', occupy and range over the 'estates' of the component clans, may speak what they consider to be a distinct dialect, and share a common religious culture.

Retaining the definition of traditional owners in the ALRA of 1976 will do no great harm so long as the local descent group is not regarded as the basic political unit of traditional Aboriginal society. Radcliffe-Brown thought it was. In his atomistic conceptualisation, land ownership, common residence, and government coalesced in a unit he designated as the patrilineal, patrilocal, and patriarchal horde. This turned out to be a taxonomical phantom. Although few anthropologists working in Aboriginal studies nowadays take the model seriously, some still seem to harbour a sentimental attachment to it.

The Reeves report is to be commended, then, for placing our understanding of the traditional conventions of land use and control on a firmer footing than it was a quarter of a century ago. However, the extent to which the shift in anthropological theory justifies a shift in policy from centralisation to regionalisation in the administration of Aboriginal land in the modern state of the Northern Territory is another matter. No doubt the ramifying networks emphasized in recent studies accord better with regional bodies than did the autonomous units embedded in the 1976 Act. But it would be a difference of degree, since the regions proposed in the report are all beyond the scale of pre-colonial political integrity. Aboriginal people might

feel more comfortable with Regional Councils as compared with the Northern or Central Land Councils, but such devolutionary organizations would still be non-traditional constructs imposed from above (making allowance for the special cases of Tiwi and Anindilyakwa).

This leads me to question the wisdom of accepting the 16 regional committees of the NLC and CLC as the foundation for the new system without extensive consultation with Aboriginal communities throughout the Northern Territory. Encouraging regional growths where they occur spontaneously is to be commended; imposing them by fiat seems dubious.

I also have reservations about the recommendation that the decision-making processes of each Regional Land Council should be those which members consider accord most accurately with Aboriginal tradition (p.2 10). Given the title of the report, I would have expected that the possibility of breaking with Aboriginal tradition, even radically, would be left open for the next generation to decide.

Furthermore, given that the structures themselves are alien, I believe it would be entirely appropriate to educate Aborigines in the varieties of alien decision-making process open to them to choose from. For instance, a right of veto might be deemed desirable to protect weak groups within the region from domination by the strong.

The political economy of traditional Aboriginal Australia was characterised by chronic tensions between egalitarian and hierarchical tendencies, and as well as between altruism and acquisitiveness. If the processes set in motion by the Land Rights Act or the Native Title Act happen to foster hierarchy and greed, I can see no good argument against introducing counter-measures promoting equality and generosity. Indeed, although the first **pair** are intrinsic, the second are elevated in Aboriginal culture to the status of dominant values.

Before colonisation, all Aborigines had a roughly equal stake in the land. The 1976 ALRA restored rights to many but through accidents of colonial history some remain alienated. Furthermore, narrow interpretations of the 'local descent group' could exclude certain categories of Aborigines in future generations e.g. offspring of white fathers and black mothers.

The political consolidation of traditional owners threatens to create a radical division of Aboriginal Territorians into two classes - one propertied, privileged and enfranchised, the other propertyless, under-privileged and disenfranchised. Accidents in the distribution of mineral and other natural resources are likely to create further gross inequalities within the former group. All this would be as incompatible with the core values of the traditional Aboriginal polity as with the equalitarian ideals of modern democracy.

Inasmuch as the recommendations of the Reeves report are aimed at counter-balancing current trends towards an entrenched and closed elitism, they deserve support. Leaving things as they stand will almost certainly encumber the next generation of Aboriginal Territorians with widespread internal conditions of political unrest.

(signed)
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