

## A new politics of colonisation: Recent aboriginal education policies in Australia

Dianne Snow

### ABSTRACT

Damning criticism has, however, come from Linda Burney, President of the New South Wales Aboriginal Education Consultative Group, and Eleanor Bourke, Director of the Kurna Higher Education Centre at the University of Adelaide. Soon after the policy was released Burney mounted a scathing attack on what she described as 'the absence of an Aboriginal education philosophy' in the document. Such a philosophy was, she continued, present in the Report tabled by the Task Force that had been established to provide guidelines for constructing the national policy. The reason for this shift, she concluded, was that Aboriginal personnel were not involved in formulating the final policy. Bourke presented a similar case not long after, pointing out that while the Report of the Task Force emerged from a group of well known and respected Aboriginal people, the national policy was constructed by non-Aboriginal bureaucrats with the occasional assistance of junior Aboriginal staff. While both Bourke and Burney point to important differences between the Report of the Task Force and the National Policy which eventually emerged, neither provide any detailed analysis of either document. It is this sort of analysis that I want to focus on here, with a view to clarifying further the differences between the two documents and what the implications of this difference are for future action.

### Introduction

In 1989 Australia released a national policy on Aboriginal and Torres Strait Islander education. The move to a national policy is an historic first in Australia, not only for Aboriginal education but for education in general. Historically (and constitutionally) state governments in Australia have had responsibility for education. Although state governments in the past have adopted policies on the education of indigenous people in consultation with the commonwealth government, this policy is the first which explicitly seeks to co-ordinate state and commonwealth initiatives in order to address what has been identified as a crisis in Aboriginal education.<sup>1</sup>

This crisis has been recognised for decades by Aboriginal people and has been documented extensively and regularly in government reports since the 1970s (see, for example, Watts, 1982). A more recent report outlines the nature and extent this crisis, pointing to gross educational inequalities that remain in spite of recent government attempts to address the 'disadvantaged' position of indigenous Australians:

The educational opportunities available to many Aboriginal people are not equal to those available to other Australians, despite a number of actions taken by Governments in recent years.

This is illustrated by the fact that 13 per cent of 5 to 15 year old Aboriginal children and young people - those of compulsory school age - do not participate in schooling, and only 17 per cent of Aboriginal youth continue their secondary schooling to year 12, compared with a retention figure of 47 per cent for all students ... [I]n the compulsory school years, 1 in 18 Aboriginal children aged 5 to 9 years do not go to school or pre-school, and for those aged 10 to 15 years an appalling 1 in 6 do not have access to appropriate schooling. Moreover, access to and participation in education for Aborigines beyond the age of 15, whether in senior secondary school, technical and further education or higher education, remains at unacceptably low levels - generally at rates some 3 to 5 times lower than for the community as a whole ... This situation signals a crisis in the provision of education to Aborigines (Department of Employment, Education and Training, 1988: 1, 7).

For many Aboriginal educators this crisis is understood as the cumulative result of previous government policies. Consequently their response to the 1989 policy can be best described as cautious. Professor Colin Bourke (nd), for example, acknowledges that while there may be a potential for change in the policy, the assimilationist nature of education institutions presents enormous difficulties for bringing about real change. This is the context in which many of the apparently enthusiastic responses by Aboriginal educators for the AEP are situated - responses which seek to ascertain which specific areas of the policy provide opportunities for concrete action. These pragmatic approaches have returned verdicts that range from no probable change to substantial change (cf Jones, 1990; Morgan, 1991; McConnochie & Tucker, 1991). Much of the 'substantial change' enthusiasm has focused on opportunities made possible through the systematic introduction of Aboriginal Studies, which the policy heralds across all levels of education (eg Burney, 1990; Bamblett, 1991; Bin-Salik, 1992).

Damning criticism has, however, come from Linda Burney, President of the New South Wales Aboriginal Education Consultative Group, and Eleanor Bourke, Director of the Karna Higher Education Centre at the University of Adelaide. Soon after the policy was released Burney mounted a scathing attack on what she described as 'the absence of an Aboriginal education philosophy' in the document. Such a philosophy was, she continued, present in the Report tabled by the Task Force that had been established to provide guidelines for constructing the national policy. The reason for this shift, she concluded, was that Aboriginal personnel were not involved in formulating the final policy (Burney, 1990, cited in McConnochie & Tucker, 1990: 67). Bourke presented a similar case not long after, pointing out that while the Report of the Task Force emerged from a group of well known and respected Aboriginal people, the national policy was constructed by non-Aboriginal bureaucrats with the occasional assistance of junior Aboriginal staff. She went on to suggest that although the policy "does not reflect an educational philosophy let alone an Aboriginal philosophy", it is based on "the non-Aboriginal concept of equity and sameness" (Bourke, 1990: 5). What Bourke (and no doubt Burney) means by an Aboriginal education philosophy is education which is determined and managed by Aboriginal people; a philosophy of self-determination which speaks to the control of indigenous people over the social processes in which they are involved - a philosophy which is being articulated currently within the United Nations in relation to indigenous peoples. It is this concept of self-determination that Bourke suggests was present in the Report of the Task Force but was 'diluted' in the final policy.

While both Bourke and Burney point to important differences between the Report of the Task Force and the National Policy which eventually emerged, neither provide any detailed analysis of either document. It is this sort of analysis that I want to focus on here, with a view to clarifying further the differences between the two documents and what the implications of this difference are for future action.

## The Report of the Aboriginal Education Policy Task Force

### *Background*

The Task Force was appointed in April 1988 jointly by the Minister of Aboriginal Affairs and the Minister of Employment, Education and Training to "advise on all aspects of Aboriginal education in Australia, assess the findings of recent research and policy reports, and prepare priorities for the funding of existing programs and new initiatives" (Department of Employment, Education and Training [DEET], 1988: 3). Speed was of the essence, because the commonwealth government wanted to address these priorities for funding in its 1988-89 budget. Recommendations also needed to be in line with both the Labour Government's broader social justice program and the views of Aboriginal advisory bodies and communities (ibid: 4). Members of the Task Force added the need to complement the Aboriginal Employment Development Policy of 1987, as the latter policy included a commitment to enhancing Aboriginal education rates at all levels (ibid: 2, 17). Essentially then the Task Force was to draw together the vast amount of information which had already been collected by governments through various avenues, and assemble and distil this information with a view to providing very concrete recommendations that the commonwealth government could operationalise as a coherent policy with identifiable funding components.

Within the very limited time available to tackle this, the predominantly Aboriginal membership of the Task Force compiled a dense but coherent report. The report itself is divided into four sections: the first provides an overview of the rationale underpinning the report; the second contains statistical information which illustrates that while the participation of Aboriginal people in education institutions had risen over the past two decades, it nonetheless remained dramatically below that of non-Aboriginal people; the third, which is the most substantial section, discusses fifty-nine recommendations that should shape a national education policy; and the final section summarises the recommendations.

### *Framing language and concepts: a discourse of Indigenous Peoples' rights*

The rationale provided in the first discrete section of the Report - the Preface - maps out a framework which clearly has social justice and rights at its core. It begins by noting that in spite of recent improvements, "the disadvantages faced by Aboriginal people in securing their right to an education remain far more severe than for any other group in Australian society". Statistical data is deployed to demonstrate that an unacceptably high proportion of Aboriginal children do not have access to any formal education, in addition to extremely low rates of retention and success from the secondary level onwards. Two different sorts of rights are invoked in these preliminary passages. Provision of a basic level of education is presented as a human right, while 'at least ten years education, including early childhood education' is discussed as a citizenship right.

From this point, however, the discussion articulates both of these rights quite specifically to the idea of an *appropriate* education - where 'appropriate' means *culturally appropriate*:

Aboriginal society has existed in Australia for over 40 000 years and provided for its members a unique social and educational system of learning. In contrast, during the last 200 years of colonisation, successive Governments and their education systems, with a quite clearly established sense of purpose and goodwill, have failed to provide the environment and the resources to allow Aboriginal Australians to attain a level of education of their choice, while maintaining their unique cultures and traditions. The Task Force considers it imperative, therefore, that all Australians join with the Government in a national commitment to eliminate these injustices. Nothing is more fundamental than the right of all Aboriginal children to an *appropriate* basic education (ibid: 1, my emphasis).

Having linked the idea of an appropriate education with cultural maintenance, the document points to 'racism' as a 'key factor' mitigating against higher participation rates by Aboriginal people across all levels of education; racism which involves 'cultural estrangement' and 'alienation'. While this

alludes to racism as a problem between people, it more explicitly points to structural implications. In fact, the document goes on to indicate that education is based on the culture of the "majority group" in Australia, that this has been "imposed" on Aboriginal people, and that both serve the interests of the majority group. At the very least this positions educational institutions as a crucial site in the process of cultural alienation, and therefore in urgent need of reform:

Perhaps the most challenging issue of all is to ensure education is available to all Aboriginal people in a manner that reinforces rather than suppresses their unique cultural identity. The imposition on Aboriginal people of an education system developed to meet the needs of the majority cultural group does not achieve this (ibid: 2).

By highlighting the assimilationist nature of existing education institutions the Task Force concludes that a new approach to education is crucial. This new approach, it suggests, not only needs to involve Aboriginal people as central players in educational decision-making, but is the only way that culturally-appropriate education can be both determined and achieved:

a new approach to Aboriginal education can only succeed if the Aboriginal community is fully involved in determining the policies and programs that are intended to provide appropriate education for their community (ibid: 2).

While this new approach would involve setting particular objectives and re-negotiating state commonwealth arrangements, in order to address these identified difficulties government needs more precisely to establish a framework that "enables Aboriginal people to effectively exercise their right to self-determination in education" (ibid: 2). Within the Preface the idea of 'self-determination' therefore pulls together and signifies a range of related issues and concepts - especially those of a culturally appropriate education which is decided upon by Aboriginal communities themselves. Hence the task of government is to facilitate a completely new educational process in which Aboriginal communities are the fundamental organisational and political unit.

As a recent document from the United Nations illustrates, the language and concepts associated with the signifier of 'self-determination' in the Report of the Task Force are central to an emerging discourse on the rights of indigenous peoples:

Respect and support for the internal organization of indigenous peoples and their cultural expressions constitute an essential consideration for any arrangement aimed at securing appropriate participation by indigenous communities in all affairs which affect them. Consequently, Governments must abandon their policies of intervening in the organization and development of indigenous peoples, and must grant them autonomy, together with the capacity for controlling the relevant economic processes in whatever way they themselves consider to be in keeping with their interests and needs ... Self-determination, in its many forms, is thus a basic pre-condition if indigenous peoples are to be able to enjoy their fundamental rights and determine their future, while at the same time preserving, developing and passing on their specific ethnic identity to future generations (Cobo, 1987: 20).

Within the brief space of these skilfully crafted two pages the Report of the Task Force thus grounds the reader in a familiar discourse of 'human' rights then shifts this through a serial argument which reconstructs the terrain as one of 'indigenous' rights. It is to this terrain that the remainder of the Report is articulated.

### *Elaborating a discourse on Aboriginal education in relation to the rights of Indigenous Peoples*

The second section of the report provides a range of statistical information on Aboriginal access to, and participation in, education to focus on the issue of equity. Rather than letting the statistics speak for themselves, this section locates the crisis in Aboriginal education (which is made obvious through these statistics) with the inadequate ways in which education has been provided. Two areas highlighted in relation to this inadequacy are firstly, the extent to which Aboriginal communities have *not* been involved in educational decision-making and secondly, culturally inappropriate

courses and teachers (DEET, 1988: 8). Equity is therefore constructed in relation to changes that will involve Aboriginal communities in decision-making and culturally-informed teachers in pedagogy, in order to render education culturally appropriate.

Nominating these two areas of inadequacy serves to reinforce what is required instead. Essentially this is what the informed reader would understand as 'two-ways' education, or education that is culturally relevant and that will also equip Aboriginal people with those skills and qualifications they deem necessary for successful negotiation with, and competition in, mainstream Australian society (see, for example, Harris, 1990). In the Report of the Task Force these ideas are invoked by discussing two areas together. One is gaining educational qualifications to facilitate employment in the Australian labour market, while the other is gaining skills to facilitate the economic development and management of Aboriginal communities. Importantly, however, the term 'two-ways' education does not appear in the text: Instead these ideas are associated throughout the third section of the report with enhancing choice of education. Changes suggested at the tertiary level, for instance, are seen to hinge on "the need to ensure that Aboriginal youth and adults are able to gain access to a sufficient range of education and training opportunities to enable them to make decisions and choices about the way in which they will participate in the Australian economy". The example provided to illustrate this is involvement in community enterprises along with the 'complex demands of community management and administration' (DEET, 1988: 29). Thus it is not assumed that all Aboriginal people will want to compete in the mainstream labour market, or that if they do then this is the only arena they will be involved in. The 'right' to engage in the mainstream is, however, clearly presented through the recommendation that education should be provided in ways that preserve rather than close off options. Clearly the absence of the term 'two-ways' education is quite deliberate. By silencing this notion, the Task Force is closing off the need to tie education *necessarily* to *both* mainstream education and cultural education. Instead it is tying choice to any form, or mixture of forms, of education that a particular community might see as appropriate.

A similar emphasis on opening up a range of options is found in relation to other sites of education. Recommendation 11, for example, urges government to fund exploration into alternative ways of providing secondary education, at both the system level and the school level, while recommendation 16 points to the need for government to fund independent Aboriginal schools and community education centres. Such recommendations are couched in the argument that while non-Aboriginal Australians have been able to choose from a range of cultural, academic and religious types of schooling for their children, this has not been the case for Aboriginal people. Most schools, the Report continues, "do not reflect their values, customs and traditions - the very basis on which other Australian parents choose the schooling for their children". Hence this section reiterates the need for "significant change" in ways that are 'consistent with self-determination' (ibid: 24).

A number of other recommendations include terms or phrases that speak clearly of, and to, the notion of self-determination. For instance, Recommendation 14 seeks the development of a national Aboriginal languages policy, a policy that would accept the "validity of Aboriginal English as a legitimate and real form of communication" while increasing the availability of bi-lingual/bi-cultural programs to those whose first language is not English. It further states that 'Aboriginal communities have the right to determine the form such programs should take' (ibid: 26). Similarly, Recommendation 2 suggests the appointment of an additional (to the Aboriginal and Torres Strait Islander Commission) consultative and advisory body to federal government. The discussion preceding this indicates that this body should consist of Aboriginal people and that use should be made of existing Aboriginal education consultative committees, as these committees are "a major expression of Aboriginal self-determination in education" (ibid: 18).

As the latter recommendation suggests, many of these recommendations seek both directly and indirectly to increasing the involvement of Aboriginal people in decision-making, preferably

through the community. Indeed, of the fifty-nine recommendations in the report, ten explicitly address this issue. Together these cover a range of educational sites and situations. Recommendation 42, for example, seeks the continued support of the Australian Institute of Aboriginal and Torres Strait Islander Studies in order to promote increased research into Aboriginal education. But it also suggests that research projects should be initiated and managed in co-operation with Aboriginal people, that the majority of staff should be Aboriginal, that research should reflect community rather than academic needs, and that the operations of the Institute should be decentralised. In the same vein but touching on a very different area, part of Recommendation 27 calls for 'programs that will assist community school councils to develop skills in teacher selection' (ibid: 29). And Recommendation 52 seeks "the agreement of higher education institutions to increase the level of Aboriginal input and management of their programs for Aborigines" and "the employment of increased numbers of Aboriginal people through direct employment and career development strategies" (ibid: 40).

Increasing the number of Aboriginal staff in educational institutions is nominated in the Report as another direct means of increasing Aboriginal involvement in decision-making, especially over educational programs. Thirteen recommendations aim at appointing Aboriginal teachers and support staff, from the early childhood sector through to various areas of higher education. Increasing the number and involvement of Aboriginal staff is also linked across the Report with enhancing pedagogy in culturally appropriate ways. In the early childhood sector in particular it is noted that high Aboriginal staffing levels "increases the benefits to children from interacting with adults who share the same cultural background" (ibid: 22).

Employing more Aboriginal people across educational sites is not seen as sufficient on its own, however, to render educational institutions culturally-appropriate. Curricular and pedagogical change are targeted as particularly necessary. Eleven recommendations specifically address the need for such change. Recommendations 12 and 13 illustrate the overall thrust of these:

That the Government continue to provide a particular focus on appropriate teaching strategies. Evidence suggests that current pedagogical approaches are not always compatible with Aboriginal learning styles, requiring more action research into appropriate pedagogy ...

That the Government continue to provide curriculum reform aimed at the cultural relevance of curricular and teaching materials and the development of cultural studies programs for Aboriginal students. Aboriginal Studies programs across primary and secondary school curricula remain a major policy issue for the Aboriginal community and these should provide the basis for such reform. It is hoped that these programs will also provide information for a concerted attack on racism (ibid: 25).

Together these clearly suggest that Aboriginal students should have access to programs which not only 'value' their Aboriginality but which build on their own cultural knowledge and skills in pedagogically-appropriate ways. These also indicate very clearly that such programs should be primarily constructed for, and directed at, Aboriginal students. Indeed, the rider on this recommendation, which suggests that these programs might *also* be useful for dealing with racism (presumably of non-Aboriginal students and staff), is the only part of *any* recommendation that suggests a need for programs for non-Aboriginal people.

It is to these key areas of existing education being inadequate, the need to develop culturally-appropriate education, and the crucial role of Aboriginal communities as both a decision-making and organisational site that the sixteen recommendations concerned with access and participation rates - and additional recommendations regarding their funding and co-ordination - are also articulated. Although these key areas are not inscribed within the recommendations themselves, they are discussed in the surrounding text. Here it is suggested, once again, that low success rates are the direct result of education systems being geared around the 'dominant Anglo-European culture':

Evidence available on the reasons for low success rates among Aboriginal students ... emphasises the gap between schools which reflect a dominant Anglo-Australian culture and the students' Aboriginal heritage. Aboriginal homes and communities strongly reflect Aboriginal cultures, values and lifestyles. When a school does not recognise these differences, or when a child can find little if any evidence of his or her own cultural background in the school or classroom, learning is impeded (ibid: 19).

By juxtaposing this against the educative capacities of indigenous communities - "Aboriginal communities have traditionally carried out an important educative function, and Aboriginal community life today embodies many features which can significantly contribute to the education of community members" (ibid: 17-18) - the inadequacies of existing mainstream education institutions are doubly emphasised. At the same time this positions Aboriginal communities as not only more authoritative but as a more reasonable site for deciding about and managing educational change.

To achieve equity then, the Report calls for "affirmative action measures" (ibid: 16); measures that necessitate structural reform across all sites of education from decision-making processes to pedagogical practices. A two-stage process for managing these reforms is delineated in the final three recommendations. These call for a first phase entailing reviews of existing programs, structures and funding, followed by a second phase involving the establishment of an implementation mechanism which ensures "that the expectations and priorities in education of Aboriginal people are fully taken into account" (ibid: 43). Ultimately the Task Force therefore locates government accountability for any policy with Aboriginal people themselves. As the Report itself consists of a solidly-grounded and well-received distillation of Aboriginal views, the final recommendations indicate that any national policy devised by government(s) would need to follow closely the main thrust of the Report itself. In spite of the clarity and coherence of the Report, this is not what happened.

## The National Aboriginal and Torres Strait Islander Education Policy

### *Background*

The National Aboriginal and Torres Strait Islander Education Policy was released in October 1989, following hot on the heels of the Report of the Task Force. Although the policy is referred to as if it is one document it is in fact a package of documents, consisting of a main document, the Joint Policy Statement (DEET, 1989a), an implementation booklet (DEET, 1989b) and a summary booklet (DEET, 1989c). Compared with the Report of the Task Force these documents are constructed very poorly indeed. This is especially the case for the Joint Policy Statement, which is divided into five sections that overlap (what is the difference between a foreword, an introduction, a purpose, and principles?), that have few explicit links with each other, and that appear to re-arrange priorities. In fact, it was only after two readings of all documents that it became clear as to which statements were the stated goals of the policy and which were simply surrounding text. Moreover, it is only in the introductory section to the implementation booklet that we find the policy claims to be "based on the results of extensive consultations with Aboriginal people and the findings of many enquiries into Aboriginal education needs conducted throughout the 1980s. In particular the AEP responds to the Report of the 1988 Aboriginal Education Policy Task Force" (DEET, 1989b: 3).

While the national policy, commonly referred to as the AEP, does 'respond' generally to the Report of the Task Force and earlier investigations, it does so in very particular ways. This was not evident on my first reading of the policy which, like many of those who have written on the document, was the pragmatic approach of an educator who expected areas to be shifted and was concerned primarily to locate what might be left that would provide a basis for change. Expecting shifts I was surprised that terms like 'cultural maintenance' and 'Aboriginal involvement in decision-making' were evident, although the term 'self-determination' was noticeably absent. A closer reading indicated that this silence was an integral part of a process which reconstructed each of the

key areas of the Report onto a new terrain; a terrain articulated to 'human rights' rather than 'the rights of indigenous peoples'.

*Framing language and concepts: a discourse of human rights*

Within the Foreword to the main policy document a series of brief paragraphs establish human rights as the signifier of the entire policy. Together these paragraphs formulate an argument which begins by suggesting that while 'Aboriginal and Torres Strait Islander cultures are rich and important', their 'historically-developed education processes have been eroded for a variety of reasons'. Moreover, the education arrangements established from non-Aboriginal traditions "have not adequately recognised and accommodated the particular needs and circumstances of Aboriginal people". It continues that this has led to disadvantage for Aboriginal people, as well as a lack of appreciation by Australian society of the significance of Aboriginal culture. As Australia is signatory to several international documents which protect universal human rights (and are listed in the policy), and as "education is fundamental in enabling Aboriginal people to exercise their rights and participate fully in Australian society", the policy represents a "co-operative effort to develop more effective processes for the education of Aboriginal people" (DEET, 1989a: 5).

From the outset then the space in which we would expect 'self-determination' to appear is transformed in significant ways. Perhaps the most obvious way this transformation occurs is by invoking the term 'rights' only in relation to "universal human rights", then setting this in concrete by nominating several United Nations documents on human rights. In other words, *where the Report of the Task Force begins, the national policy stops*- and in so doing constructs a very different discourse on the nature and purpose of change in Aboriginal education.

By invoking human rights the document calls out commonsense understandings that Aboriginal people are entitled to *the same* rights as 'other Australians' and that as these are not being met it is the responsibility of government to mediate social processes to ensure they are. Calling out these understandings therefore involves establishing an axis of relationships between individuals and governments (see, for example, Laguer & Rubin, 1979: 62; Cooray, 1985 : 6). These understandings and the discourse of human rights in which they are embedded emerged historically in the west as an integral part of the process of reconstructing the social, political and economic world from feudalism to the modern nation state. During the seventeenth to nineteenth centuries in particular this discourse underpinned an entirely new set of understandings about political governance; a set of understandings which were grounded in an ideology of liberalism and which detailed, amongst other things, the 'right' of all individuals to be represented by a government of their choice, and to have their interests protected by this government. Any discourse of human rights is therefore grounded in liberalism and has a political relationship between the modern nation state and individuals at its core (see, for example, Hall, 1986).

Within the AEP the relational axis between individuals and governments is enhanced by positioning the government as the legitimate manager of rights because it is government which has signed international documents on rights. At the same time this enhances the authority of government, bringing government itself to the centre of authority. This axis and its concomitant enhancing of the authority of government stands, however, in stark contrast to the earlier Report, which posited the indigenous community at the centre of authority. To deal with this the AEP goes beyond merely constructing an alternative relationship between individuals and government to engage in a process of actively destabilising and undermining Aboriginal communities as a legitimate and functional contemporary site.

Aboriginal communities are in fact undermined in the two opening sentences of the document. Here "distinctive Aboriginal cultures" are posited as "part of the nation's living heritage"; historical relics worth preserving (in their natural state) in spite of having been 'eroded'. The term 'eroded' is important in this context, for it conjures an image of damage by natural causes - an image that is



reinforced by the causes being nominated as 'a variety of reasons'. Together these position Aboriginal cultures-communities at the very outset in ways that preclude any serious consideration that culturally relevant organisational bases for managing educational change might still remain. This positioning is reinforced further by the word 'community' appearing only in connection with the words 'living heritage'; after this the term 'Aboriginal people' is deployed. Thus indigenous forms of social and political organisation are frozen and held captive at the beginning of the text, enabling a shift to terminology which suggests a collection of individuals.

What holds this collection of individuals together (after cultures-communities have been eroded) involves a reconstruction of 'the problem' from the politics of cultural survival for indigenous peoples because of assimilationist practices by colonising groups, to the politics of discrimination against a group of individuals who share the same racial characteristics. The racialisation of what the Task Force discussed as culture occurs directly by naming a particular international covenant (on the Elimination of All Forms of Racial Discrimination), and indirectly by the emphasis on Aboriginal 'people' rather than communities. Both regroup Aboriginal peoples as individuals who are united by their racial - rather than their cultural - similarities. In other words, what remains after culture has been 'eroded' is the biological unity granted by 'race', or at least the unity granted by the experience of discrimination that particular people have shared as a result of the belief in racial difference.

Two specific sorts of discrimination are indicated in the Foreword. One is a general lack of understanding by 'Australian society' about Aboriginal cultures. While it is a relief that culture is not depicted as being encoded genetically (and hence available to Aboriginal peoples regardless of its 'eroded' state), this positions both Aboriginal and non-Aboriginal people in an equal state of ignorance about Aboriginal cultures. This serves to reinforce the image of Aboriginal cultures-communities as eroded, while at the same time allowing non-Aboriginal people to be elevated to a position where they have an equal need to 'appreciate' (eroded) Aboriginal culture. Combined with the racialisation of Aboriginality this suggests an educational imperative for non-Aboriginal people - because it is they who have, through their ignorance, discriminated against Aboriginal people.

The other type of discrimination is preventing Aboriginal people from 'exercising their rights' and 'participating fully in Australian society'. The educational solution this suggests fails to speak of cultural revitalisation and maintenance, and in so doing links education more directly and quite exclusively with the right to participate in Australian society. This is signalled earlier through the positioning of Aboriginal communities as 'eroded', which (logically) leaves 'Australian society' as the only viable site for participation. It also flows 'logically' from the articulation of disadvantage and social justice to a framework of 'human rights'. On this terrain the measure of both disadvantage and justice is reformulated around the extent to which people can and do participate in mainstream society.

This dual process of constructing participation in Australian society as the policy's main intention and stripping Aboriginal communities of their cultural and political possibilities renders the assimilationist nature of mainstream educational systems - which the earlier Report consistently pointed to - a non-issue. De-fusing this issue also occurs at two specific points. One is when the text suggests Aboriginal education processes have been 'eroded' for 'a variety of reasons', and then proceeds to the next point without actually indicating any reasons. The other is when the text suggests that 'non-Aboriginal educational traditions have not adequately recognised and accommodated the needs and circumstances of Aboriginal people'. In the absence of any specific needs being noted, we are left to assume - particularly in light of 'eroded' communities and 'cultures' reduced to a 'living heritage' - that these revolve around the only viable path: participation in Australian society. The failure to speak of culture maintenance alongside what is, when all is said and done, a minimal discussion on human rights, the report deflects any need to talk of how education might act as a site of cultural oppression. Overall it is only by downplaying this feature of

mainstream social institutions (along with the fossilising of Aboriginal cultures) that *full* participation in Australian society can be presented as a non-discriminatory aim of the policy.

Thus the dialectical process of silencing particular aspects of the earlier Report and highlighting others enables a different logic of rights to be constructed in the AEP. This logic of 'human rights' is one which speaks of accessing Aboriginal people to mainstream institutions *alone*. It also speaks of accessing *all* Australians to Aboriginality. One particular linguistic strategy deployed in this process is to construct Aboriginality through images of decay. Another is to revitalise Aboriginal culture, or to provide it with an understandable presence in the present, only when speaking of 'Australian society'. A third, which holds these two together, is to juxtapose terms in unconventional ways (eg the traditions of non-Aboriginal education). Strategies like these facilitate the movement from a logic of 'indigenous' rights to a logic of 'human' rights; a movement which is elaborated in the remainder of the document(s) and which serves to shift every key area of the earlier Report.

### *Elaborating a discourse on Aboriginal education in relation to human rights*

Perhaps the most significant of these shifts appears around the need to involve Aboriginal people in educational decision-making. While this need is undeniably emphasised in the policy, it moves from the 'right of self-determination' to the 'right to be involved'. This occurs through several related avenues.

One avenue continues the process of destabilising the community. Having stripped it of its cultural and political significance in the Foreword, there is no attempt to articulate this in alternative terms throughout the rest of the policy or its supplementary booklets. Thus the occasional references to communities that do appear in these documents are read as a collection of individuals. This permanent silencing of Aboriginal meanings of 'community' is facilitated further by interspersing other social categories alongside 'Aboriginal', such as 'parents', 'representatives' and 'groups'. The process of reconstruction therefore involves construing Aboriginal people in social categories familiar to non-Aboriginal society.

Another avenue complements this shift towards the familiar. Essentially it involves representing Aboriginal people as lacking the skills and knowledge necessary to contribute in any substantive way to educational decision-making. Two of the long term goals speak directly to this, namely to develop 'the skills of Aboriginal people to participate in educational decision-making' and 'parent education programs' (DEET, 1989a: 14 & 16; DEET, 1989c: 2 & 4). Just as the community was destabilised as an authoritative and reasonable site for decision-making, so too are (individualised) Aboriginal people.

A third avenue is through the specific language utilised within the goals and surrounding text. Instead of being 'self-determining', Aboriginal people are able to "participate", often in an 'advisory' capacity. These two terms are the only ones that appear in the six goals on decision-making, and the meanings they suggest are clarified as such in those sections of the documents which discuss the structural arrangements for policy implementation. Here Aboriginal 'representatives' and 'groups' appear only in relation to the 'triennial strategic plans' each state/territory government is required to formulate, monitor, and report to the commonwealth government on. And here Aboriginal representatives are simply one of an exceedingly long list of government and non-government bodies and agencies who are required to be involved in the development of these strategic plans. Reducing Aboriginal involvement in decision-making processes to one of a large field of players effectively reduces the capacity of 'representatives' to influence decisions. This reduced capacity for influence is particularly clear in a statement which makes it incumbent on state level governments to "hold discussions" with Aboriginal education consultative groups. Nowhere, however, do we find that it is incumbent on governments 'to act on their advice' (DEET, 1989a: 17-19; DEET, 1989c: 5, 16).

A fourth and final avenue draws these together so that ultimately governments are positioned as the central players in the "co-operative effort" required to put the policy into effect. This was

presaged in the Foreword, elaborated as a running theme through statements like "Australians generally expect that policies and programs will be developed by the governments" (DEET, 1989a: 6), and clarified beyond doubt in those sections on the arrangements for policy implementation. Here we find a host of elaborate relationships delineated within the boundaries of existing government structures; relationships such as the fiscal power of the commonwealth government being balanced by 'respecting the autonomy of the states and territories' and the responsibility of Premiers for co-ordinating implementation procedures. More telling than this, however, is a statement which vests authority for decisions to change the AEP in an agreement between the commonwealth government and any individual state/territory government (ibid: 17). Decision-making about policy reformulation is clearly not only a government right, but it is a right that may be exercised in the absence of Aboriginal involvement.

Bringing governments to the centre of the policy implementation and reformulation process clearly enhances the authority of these agencies in ways that are consistent with the notion of human rights. Yet because of Australia's increasingly public history of excluding indigenous peoples from formal decision-making processes (indeed, Aboriginal people were only included in the Australian census and hence citizenry from 1969), it is necessary to 'redress' this by incorporating Aboriginal people explicitly in the educational decision-making process. Governments nonetheless retain their right of ultimate authority.

The upshot of these shifts is obvious. While the Report of the Task Force delineated the role of government as facilitating structural changes that would allow for Aboriginal self-determination at the community level, the AEP delineates the role of governments as responsible for all final decision-making. Moreover, by locating governments at the centre of decision-making, existing structures and power relations are both preserved *and* legitimated.

A related key area is also transformed in ways which ultimately preserve and legitimate existing structures. While the earlier Report carefully avoided invoking 'two-ways' education in order to construct choice around the right of each community to decide which mainstream knowledge and skills were required, and whether or how they would participate in mainstream society, the national policy explicitly discusses 'two-ways' education. Following the very broad thrust of the Report this is discussed in the AEP in terms of maintaining cultural identity and enabling participation in Australian social and economic life. Departing significantly from the Report, however, is the AEP's presentation of 'participation in Australian social and economic life' as the penultimate Aboriginal need and aspiration. While the irony of this particular placement in the text is not lost, neither is the fact that this placement speaks to the intention of the policy that was outlined in the Foreword, and that together these indicate precisely what the Report was at pains to avoid. Put plainly this is a simplistic reduction of the complexities surrounding the concept of 'two-ways' education; a reduction which ensures that education will *necessarily* be directed towards participation in mainstream society. This reading of the meaning of two-ways education is not only signalled in the Foreword but is clarified in the two long term goals which mention culture. These two long term goals on culture address the need for programs that will enable Aboriginal students to 'appreciate their culture, history and identity' and non-Aboriginal students to 'respect and understand' Aboriginal cultures. Besides the differential language (which links programs for Aboriginal students with emotional and aesthetic development and programs for non-Aboriginal students with moral and cognitive development), these indicate the purpose is *not* for Aboriginal revitalisation or maintenance of their own cultures. Instead it is primarily to develop non-Aboriginal access to knowledge about Aboriginal culture. Clearly the term 'two-ways' education has taken on an additional meaning in the AEP.

The three preceding goals take on similar meanings, even though each appeared (usually through different wording) in the Report. The goal of developing Aboriginal Language programs, for example, is a gesture towards non-discrimination rather than an attempt to ground students in cultural knowledge - for elsewhere in the policy we discover that this program will run alongside

expanded bi-lingual, bi-cultural and especially English as a second language (ESL) programs (ibid: 11, 13, 15). Both the inclusion of ESL programs and the emphasis on them in the AEP is an important departure from the Report. As the Report recommended an increase in bi-lingual and bi-cultural programs for students whose first language was not English and did not even mention ESL programs, this departure clearly signals that Aboriginal Languages will supplement becoming proficient in English in the first instance, and that this will equip Aboriginal students for a necessary participation in Australian society in the second instance.

Similarly, the goals of adult and community education move in a direction of reconstruction. While the goal on increasing adult proficiency in English language and numeracy appeared in the Report, its different context in the AEP signals aims that are *not* based on communities deciding how much of these they need, and for what purpose. Reinforcing this is the goal on community development, which states that programs will be supplied that will enable skill development for community management - rather than the devising of skills-based programs with communities to enhance community management. Although I would not want to push these two goals too far in the direction of reconstruction, they nonetheless take on slightly different meanings in the context of both an expected 'full participation in Australian society' and other goals which are not concerned with cultural maintenance.

These meanings also permeate and construct the ten goals on equal access, participation, retention, graduation and employment (within education). These goals are not only expressed in statistical terms of achieving parity, but indicate that statistical parity is an end in itself (ibid: 14-15). Because the policy has already established the need for full participation in Australian society, and because educational institutions are part of society, increased rates of access and so on by Aboriginal people to mainstream education actually constitute greater participation without any need for additional change.

Together these fifteen long term goals on equity establish a particular view of equality that is consistent with human rights. This centres on Aboriginal students participating in education to the same extent as 'other Australians' while being permitted to 'appreciate' their identity (like other students), in order to ultimately participate in Australian society. To facilitate this governments need to take responsibility for decision-making (while allowing Aboriginal people to participate), and non-Aboriginal students need to learn more about Aboriginal cultures (and in so doing become less racist).

Several other areas for facilitating this view of equity are mentioned in the text which immediately precedes these goals. These include an improvement in the "co-ordination and delivery of services", a "supportive home environment", the 'attitude of teachers and principals', the ability of teachers to give students "clear directions on their responsibilities and constructive feedback on their performance", and the employment of Aboriginal staff who will inspire students to success by acting as "professional role models" (ibid: 13).

This discussion on equity is disturbing in that it sets out 'educational principles' which inform the goals in ways that bear no resemblance whatsoever to recommendations in the earlier Report. It is also disturbing because of the extent to which it shifts the purpose of education towards full participation in mainstream society (especially through 'professional role modelling'). But it is most disturbing because of the way it shifts to a terrain which is marked by assumptions that the problem is located with government efficiency, teacher attitudes, and, most importantly, Aboriginal deficiencies. Rather than opening up possibilities for self-determination, these principles open up possibilities for the re-establishment of compensatory education programs in the name of equality. Indeed, these possibilities are signalled elsewhere in the AEP through discussion on the need for 'parent education programs', school-based 'nutritional programs', and programs for equipping 'communities with skills for decision-making'. They are also clearly indicated in discussion on school attendance. In the earlier Report low attendance rates across all educational sites are linked explicitly with the culturally-alienating effects of educational institutions. In the AEP this becomes

'truancy'; a term which is evocative more of unsupportive home environments, negligent parents and delinquent children than it is of culturally-alienating institutions.

These new problematics do not flow directly from a discourse of human rights. Instead they flow from the ideology of liberalism which informs and constructs this discourse. This ideology focuses on individuals and the need for every person to have the same structural opportunities, while assuming that these structures are themselves inherently neutral. Liberalism is linked with human rights at the point of political governance, for both assume that the modern nation state is elected democratically by all individuals within its citizenry and that the state (and its related structures) is neutral because it represents the interests of all people equally. By assuming state and structural neutrality the problem is therefore located elsewhere - with individuals, attitudes, and artificial barriers that preclude entrance to a society's institutions.

Within the discourses of human rights and liberalism, if a case can be made for the existence of artificial barriers then it is incumbent upon government to protect the interests of the individuals being discriminated against by dismantling these barriers. It is this case above all others that has been taken up by the national policy. Most of the goals in the AEP focus on achieving statistical parity between non-indigenous and indigenous Australians, which is to be met primarily by the provision of additional resources so that more indigenous Australians have greater access to mainstream education institutions. At the pre-school and compulsory school levels this translates mainly into providing additional schools, whereas at the post-compulsory level this translates primarily into devising new access programs. Thus the goals in the AEP articulate an artificial barrier, define this barrier as the inaccessibility of mainstream education to Aboriginal and Torres Strait Islander peoples, and posit a remedy which seeks to have more Aboriginal and Torres Strait Islander peoples in mainstream education institutions.

In essence then the AEP seeks to preserve both existing structures (increasing the access of indigenous Australians to mainstream education is *the* primary goal of the AEP) and the integrity and legitimacy of existing 'Australian society'. This is especially so in relation to modes of political governance that keep governments central and that allow governments to be seen to be acting on behalf of the interests of *all* Australians. The plan which emerged initially from DEET to operationalise the AEP indicated this liberal ideology (and all it implies) in no uncertain terms. Its title, 'a fair chance for all', signalled a concern for government to be seen to be acting in the best interests of both Aboriginal and non-Aboriginal Australians - even though the AEP is about Aboriginal education (see McConnochie & Tucker, 1990). Not surprisingly, this chance was to be had by maintaining existing educational institutions which simply required a little tinkering around the edges. In this plan emphasis was placed, as we might expect, on promoting Aboriginal students' greater participation in existing education institutions, and on the development of Aboriginal Studies programs for both non-Aboriginal and Aboriginal students. This emphasis has continued essentially unreconstructed in DEET documentation produced since the release of the 1989 policy (see, for example, DEET, 1992).

By preserving the integrity and legitimacy of existing structures, including mainstream education, the fundamental assimilationist nature of existing educational institutions which the earlier Report highlighted is both concealed *and* legitimated. Attention is deflected elsewhere and those sites which the Report identified as problematic remain unassailable *and* unreconstructed. Thus the way in which educational institutions act in the interests of the 'majority group', and maintain relations of dominance and subordination, are also obscured in the national policy. And thus the AEP is able at the same time to validate these relations while appearing to do quite the opposite.

The 'sameness' which Bourke (1990) spoke of in relation to the AEP therefore flows from grounding the AEP in the commonsense and comfortable understandings of equity posited by liberalism, and revolves around a number of axes. These axes include:

- providing Aboriginal children with the same education as 'other Australians',

- for the same ultimate purpose of full participation in 'Australian society',
- through the same processes of
- ensuring non-Aboriginal people are incorporated firmly into any new educational programs
- denying Aboriginal people the possibility of utilising education for cultural maintenance or cultural revitalisation
- positioning governments as the ultimate authorities in Aboriginal education
- positioning Aboriginal people as devoid of culture (but full of deficiencies); and
- ultimately of preserving the same structures and power relations that existed before the AEP.

Overall this leads us down the same path of education acting as a site of colonisation. This late twentieth century discourse of colonisation is, however, more insidious than any earlier policies. Rather than speaking directly to cultural genocide or assimilation, the AEP has reworked the social justice and equity framework of the earlier Report of the Task Force so that it offers - for the first time ever - the possibility of all Australians 'appreciating' Aboriginal identity and of Aboriginal people participating fully in Australian society. By speaking directly to social justice while simultaneously silencing the possibility of Aboriginal self-determination the policy is both subtle and seductive. Both the subtlety and the seduction operate, however, to actively undermine Aboriginal communities in the past, present and future. Indeed, by articulating social justice through a logic of human rights Aboriginal people are ultimately conferred with the same right they have been offered since 1788 - the right to be assimilated.

### **A New Politics of Colonisation and Implications for Future Action**

The shift between the Report of the Task Force on Aboriginal Education and the National Policy on Aboriginal and Torres Strait Islander Education is a shift from a discourse of Aboriginal empowerment to a (new) discourse of colonisation. Part of this shift involves working racist assumptions about Aboriginal inferiority into the AEP. That these assumptions are located primarily in the section entitled 'educational principles' is, if we can retain a sense of humour, laughable. These might provide a clear target for initial and short-term reform.

The long term target for reform, however, clearly lies with what was at the heart of the shift. In brief this was a movement away *from an Aboriginal notion* of the relationship between indigenous people and their own communities as the fundamental political, social and organisational structure of society *to a non-Aboriginal notion* of the individual and their relationship with government as the fundamental political, social and organisational structure of society. The specific frameworks in which these were elaborated were indigenous peoples' rights and human rights. Although the implications of these two frameworks require further exploration, there is sufficient evidence from this analysis that a human rights discourse is essentially a new politics of assimilation which serves to maintain the privileged position of the dominant cultural group. Given the subtlety of this new politics the most appropriate long term solution obviously involves the (re)formulation of the national policy towards a framework of indigenous people's rights.

The route to this (re)formulation is, however, by no means clear. There can be no doubt that by constructing the AEP in terms of human rights the education of Aboriginal people will improve. Substantially more Aboriginal people will have greater access to mainstream institutions in ways that have been denied them since non-Aboriginal invasion of Australia. Some of the curricular changes - particularly those relating to Aboriginal Studies and Aboriginal Languages - are also changes that Aboriginal Education Consultative Groups and others have struggled to achieve for some time. Such changes, along with the promise the policy holds of allowing Aboriginal students

to 'appreciate' their identity and of involving Aboriginal people systematically in educational decision-making, are in fact unique historic firsts in Australia. To simply dismiss the AEP is therefore to dismiss the advantages the policy brings. It is also to dismiss the commitment to social justice and equity that the policy is framed within.

One possible route which would retain this commitment while simultaneously providing a firmer basis for the eventual rearticulation of the policy to a framework of self-determination is, oddly enough, to have future DEET, state, and institutional policies and plans even more clearly delineated in terms of human rights. Indeed, the AEP extends the range of educational sites from which this struggle can operate - from the school level through to commonwealth and state organisations and policies. Each of these sites presents the possibility for engaging with the discourse of human rights which is outlined in the AEP but which, at the end of the day, remains a series of unlinked statements which have to be scrutinised closely for their implications. The point of having this discourse articulated clearly through other sites is so that we are not left to deal with suppositions and implications; rather, what human rights means in terms of Aboriginal education would be spelled out clearly.

This route would not only help to expose the limitations of a human rights framework but it would maximise the historical context in which the policy has emerged. It is not a quirk of fate that the AEP emerged as one of a number of reforms for Aboriginal people in the late 1980s. Aboriginal communities and organisations have been calling formally for the sorts of changes recommended by the Report of the Task Force since the 1967 referendum (which 'granted' Aboriginal people full citizenship in Australia). These calls have been documented regularly in government corridors since the early 1970s (see Watts, 1982), with a 1985 report urging commonwealth intervention (Australian Government, House of Representatives Select Committee on Aboriginal Education, 1985). Yet it was not until 1988 that a Task Force - as constituted (in haste), with a mandate to return recommendations for a national policy (in haste). The speed at which all Australian governments then moved to implement this historically unique joint policy was breathtaking. This speed was matched only by the speed with which other plans, policies and committees addressing areas as diverse as the labour market and the justice system were implemented.

The reason for this hasty initiation of a raft of reforms in relation to Aboriginal peoples was, at one level, quite simple. The lead up to, and the 'celebration' of, Australia's bicentenary in 1988 crystallised Aboriginal discontent with two decades of government inaction. Aboriginal communities, organisations and people utilised the international media coverage around these 'celebrations' to expose Australia's history of systematic maltreatment of Aboriginal people to the world. Perhaps the greatest embarrassment caused to governments throughout Australia at this time was through the issue of 'black deaths in police custody'; an embarrassment that reached its height when organisations like Amnesty International publicly condemned Australian governments. Not surprisingly, a Royal Commission into Aboriginal Deaths in Custody was instituted with even more indecent haste than the education policy process. This was in spite of the fact that Aboriginal people had been pointing to the need for investigation long before the Royal Commission was established. In fact, even though the commonwealth government has had the capacity to legislate on behalf of Aboriginal people in any area - regardless of state constitutional 'rights' - since 1967, generally it has refused to do so.<sup>2</sup> This neglect to act has been in the face of report after report being tabled in the corridors of government which have borne witness to the unacceptable legacy of assimilationist policies which has left Aboriginal people living in Third/Fourth World conditions. These conditions have included an appallingly low rate of Aboriginal participation in and success through formal education institutions, together with equally appalling rates of disease, mortality, imprisonment, unemployment, poverty, and welfare dependency. These conditions have also included many Aboriginal people living on the cultural fringes - with limited access to mainstream society and fragmentation of their own societies due to colonisation (see, for example, Australian Government, Commission of Inquiry Into Poverty, 1975; 1976: 183- 226; Watts

1982; Australian Government, House of Representatives Select Committee on Aboriginal Education, 1985; Australian Government, Royal Commission into Aboriginal Deaths in Custody, 1991).

While 'embarrassing' Australian governments on an international stage was deployed to good effect, the issue had a much broader and deeper basis than mere discomfort. Essentially Aboriginal activism during 1987-1988 precipitated a major crisis of liberalism. This crisis was one of a late twentieth century representative democracy (which has prided itself on its image of egalitarianism) severely failing to act in the interests of an identifiable group within the national polity, and having this failure exposed to the entire world. Failure to cater for the Aboriginal section of Australian society went far beyond denying them access to a range of social, civil and economic institutions, and fell instead into the categories of failing to provide the conditions through which many could sustain even the most basic of living conditions and of policing Aboriginal peoples so heavily that international organisations deemed them 'political prisoners'. In this way Aboriginal activism during the late 1980s exposed the gap between Australia's constructed image of itself as a democratic nation state and the (historical and contemporary) lived situation of an identifiable group of people within its confines.

Both international and Aboriginal organisations have discussed this gap as breaches of fundamental human rights. Not surprisingly it is in these terms that Australian governments have initiated policies in order to be seen to be addressing the problem in relevant ways. Indeed, the commonwealth government has more recently introduced a broad policy, and accompanying legislation, which now frames all others related to Aboriginal peoples. This policy on Aboriginal Reconciliation states:

Australia's treatment of Aborigines could no longer be regarded as a purely domestic matter and its statements on human rights would be more severely tested by other countries (Department of the Prime Minister and Cabinet, 1991a: 6).

Like the national policy on education, the Reconciliation Policy was supported by all governments in Australia. Unlike the national policy on education, the later policy of reconciliation explicitly recognises that changes to the relationship between Aboriginal people and Australian society "lies at the heart of Australia's identity as a nation" (Department of the Prime Minister and Cabinet, 1991 b: 1). That all Australian states as well as the commonwealth signed the AEP and legislated for a Reconciliation Council, and that they did so with such haste, indicates the enormity of the crisis facing the 'identity of Australia as a nation'. And it is this move to devise policies which specifically seek to address the issue of rights which needs to be capitalised on by having Aboriginal education policies articulated more firmly to a discourse of human rights.

Capitalising on human rights will serve to tie Australian governments and their various educational institutions more closely to a broad framework of rights. This needs to be done at the level of policy because Australia does not have any human rights legislation nor does it have constitutional guarantees of civil, social and economic 'people' rights. A policy push in the direction of human rights would dovetail with the activities of one internal mechanism which has recently begun to monitor Australia's commitment to observing human rights - the high court (a commonwealth institution whose task is to interpret cases in relation to the Constitution). Indeed, cases brought to the high court by Aboriginal people in particular since 1982 have been crucial in tying Australian legal decisions more closely to those international human rights documents which the commonwealth government has signed in the past (see Tay, 1986).<sup>3</sup>

A more solid policy push in the direction of human rights would take advantage of the uneasy position Australian governments have been placed in through both internal (high court) and external (bicentennial etc) arenas during the 1980s. This uneasiness is clearly illustrated in the recent Mabo case, which granted an indigenous community 'Native Title' to land for the first time in Australian history. Since the final decision was handed down on this case, Prime Minister Keating and the commonwealth government has oscillated between the historically new need to be seen internationally to be supporting the rights of indigenous people, the historically entrenched needs



to support the interests of both capital and all Australians, and the constitutional need to maintain the boundaries between 'state' and 'commonwealth' areas of interest.

This uneasiness is also illustrated through Australian governments making grand public statements about intentions to sign further United Nations documents on human rights. An excellent example of this is the stated intention to sign the optional protocol to the International Covenant on Civil and Political Rights (which entitles those with a grievance about human rights to take this grievance to the relevant United Nations forum):

The government believes that accession to the Optional Protocol and the making of a declaration under Article 14 would further enhance Australia's international human rights reputation by demonstrating willingness to submit our human rights performance to international scrutiny (Whitlam, 1992: 35).

That Australia still has not signed the protocol, and that Prime Minister Keating and various Australian governments are still concerned to protect the interests of capital when mediating Mabo-related land claim cases, indicates the extent to which Australian governments appear to be more concerned with *being seen* to be addressing problems raised by Aboriginal people than they are about redress which aims to tackle head on the issues raised by Aboriginal people.

It is in this context that the National Policy on Aboriginal and Torres Strait Islander Education and the strategies for future action can be located. Like the Reconciliation Policy, the AEP is a 'claytons' policy. *It is a policy which is constructed more around the need to be seen to be doing something about rights than it is about actually constructing rights.* This perhaps accounts for the reasonably slipshod way in which the remainder of the AEP documents fail to articulate clearly to the introductory framing concept of human rights, and for the subsequent inclusion of racist 'principles'. By tying the AEP more closely to human rights, Australian governments will be forced into a position where they have to take the issue of rights more seriously than they have done to date. In the process the racist educational principles enunciated in the policy can be more easily addressed. Clearly this will be more achievable on a terrain that is familiar to policy makers - ie one of human rights rather than indigenous peoples' rights.

Staking out this terrain more clearly and tying governments to a human rights framework has potential advantages that go far beyond extracting a much needed, short term, genuine commitment by governments to a discourse of rights. It would also construct Aboriginal education in a framework of rights which speaks clearly and precisely to a recognised international discourse of rights. What is most significant about this is that the available international discourse of rights is increasingly being recognised as insufficient to address the concerns of indigenous peoples throughout the world, and is consequently being transformed at this very moment. A draft declaration of the Rights of Indigenous Peoples has been formulated already (see United Nations, Economic and Social Council, 1989), and will, over the next few years, reach the status of a full declaration. If Australian governments have been positioned in a way that ties their dealings with Aboriginal education very explicitly to human rights, then it will be much easier in the long run to shift these from human to indigenous peoples' rights.

## Notes

1. Following contemporary writing conventions I use the term 'Aboriginal' in this discussion to include peoples from Aboriginal and Torres Strait Islander communities, although it is recognised that this obscures important differences - not only between Aboriginal and Torres Strait Islander peoples, but also between Aboriginal communities.
2. Exceptions here are limited health and land legislation - yet most land legislation has occurred through state governments.
3. The rationale for this is that as the commonwealth government has the constitutional right to decide upon and monitor Australia's external relations, and as the signing of international documents is a

matter of external relations, the high court is obliged to interpret what these international documents mean for internal Australian practices.

## References

- Australian Government. Royal Commission Into Aboriginal Deaths in Custody (1991) *The Royal Commission into Aboriginal Deaths in Custody. Final Report* (Australian Government Publishing Service: Canberra).
- Australian Government. Commission of Inquiry Into Poverty (1975) *Poverty Among Aboriginal Families in Adelaide* (Australian Government Publishing Service: Canberra).
- Australian Government. Commission of Inquiry Into Poverty (1976) *Poverty and Education in Australia. Fifth Main Report* (Australian Government Publishing Service: Canberra).
- Australian Government. House of Representatives Select Committee on Aboriginal Education (1985) *Aboriginal Education* (Australian Government Publishing Service: Canberra).
- Bamblett, P. (1991) 'Developing Aboriginal Studies and Torres Strait Islander Studies for Schools', *Aboriginal Studies Association Journal*(1): 14-16.
- Bin-Salik, M. (1992) 'Aboriginal Studies and Academic Reconciliation', *Kaurna Higher Education Journal*(2): 1-7.
- Bourke, E. (1990) 'Towards 2000: The rights of indigenous people', *Kaurna Higher Education Journal*(1): 1-5.
- Bourke, C. (nd) 'The National Aboriginal Education Policy (AEP)', Unpublished manuscript (Faculty of Aboriginal Studies, University of South Australia: Adelaide).
- Burney, L. (1990) 'Aboriginal Studies - the Eternal Question: Community involvement - how and why and why is it so difficult to achieve?', in R. Craven & N. Parbury (Eds) *Aboriginal Studies in the 90s: Where to now?* (University of New South Wales: Sydney).
- Cobo, J. (1987) *Study of the Problem of Discrimination Against Indigenous People. Volume V Conclusions, Proposals and Recommendations* (United Nations: New York).
- Cooray, L.J.M. (ed.) (1985) *Human Rights in Australia. Commonsense Perspectives on Public Issues* (Australian Council for Rights: Sydney)
- Department of Employment, Education and Training (1988) *Report of the Aboriginal Education Policy Task Force* (Australian Government Publishing Service: Canberra).
- Department of Employment, Education and Training (1989a) *National Aboriginal and Torres Strait Islander Education Policy: Joint Policy Statement* (Australian Government Publishing Service: Canberra).
- Department of Employment, Education and Training (1989b) *National Aboriginal and Torres Strait Islander Education Policy: Implementation* (Australian Government Publishing Service: Canberra).
- Department of Employment, Education and Training (1989c) *National Aboriginal and Torres Strait Islander Education Policy: Summary* (Australian Government Publishing Service: Canberra).
- Department of Employment, Education and Training (1992) *Report to the Parliament of the Commonwealth of Australia. Aboriginal Education Strategic Initiatives Program - AESIP 1990 and 1991* (Australian Government Publishing Service: Canberra).
- Department of the Prime Minister and Cabinet (1991a) *Aboriginal Reconciliation – An Historical Perspective* (Australian Government Publishing Service: Canberra).
- Department of the Prime Minister and Cabinet (1991 b) *Council for Aboriginal Reconciliation - An Introduction* (Australian Government Publishing Service: Canberra).
- Hall, S. (1986) 'Variants of Liberalism', in J. Donald & S. Hall (Eds) *Politics and Ideology* (Open University Press: Philadelphia).
- Harris, S. (1990) *Two Way Aboriginal Schooling. Education and Cultural Survival* (Aboriginal Studies Press: Canberra).
- Henry, M. (1993) 'Higher education for all? Tensions and contradictions in post-compulsory and higher education policy in Australia', *Journal of Education Policy*(7): 399: 413.
- Jones, K. (1990) 'Aboriginal Support Programs in Higher Education', *Kaurna Higher Education Journal*(1): 59-62.
- Laguer, W. & Rubin, B. (Eds) (1979) *The Human Rights Reader* (Meridian: New York).
- McConnochie, K. & Tucker, A. (1990) 'Aborigines and Higher Education - Implications of the national Aboriginal education policy', *Kaurna Higher Education Journal*(1): 63-72.
- Morgan, B. (1991) 'Some Thoughts on Aboriginalisation in Higher Education', *Aboriginal Studies Association Journal*(1): 7-9.
- Tay, A. E.-S. (1986) *The Human Rights Reader* (Australian Government Publishing Service: Canberra).

- Watts, B.H. (1982) *Aboriginal Futures. A Review of Research and Developments and Related Policies in the Education of Aborigines* (Australian Government Publishing Service: Canberra).
- Whitlam, G. (1992) 'Australia and Human Rights Conventions. Extract of a Speech by the Right Honourable Gough Whitlam at the Launching of Amnesty International Week, Freemantle, 12 October, 1991 ', *Kaurna Higher Education Journal* (2): 33-36.
- United Nations. Economic and Social Council (1989) *United Nations Report for Summer 1989* (Mimeograph.)