

## THE LACK OF INDIGENOUS CULTURAL KNOWLEDGE AND THE IMPAIRMENT OF NATIVE TITLE CLAIM ON ABORIGINAL CHILDREN AND IN THEIR LATER LIFE AS THE IMPACTS OF ASSIMILATION POLICY IN AUSTRALIA

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### Abstract

This paper discussed on the loss of indigenous cultural knowledge and the impairment of Aboriginal native title claim as the impacts of Assimilation policy on Aboriginal children in 1937 until 1970s and in their later life. This paper was an areal study of Australia by using historical approach. This study belongs to qualitative research. The data were collected and analysed by using library research. The method of representing the results of the analysis or the finding was written descriptively. The findings revealed that the Assimilation policy by the Australian government considering it could give benefits to Aboriginal children at that time, in fact, on the other hand it brought the negative impacts causing them to lose their indigenous cultural knowledge such as the Aboriginal language, characters, habits, skills and arts. The bad impacts did not only include those ones, they in the next generation lost their claim to the right on their native title lands.

**Keywords:** *Assimilation policy, indigenous cultural knowledge, native title claim, and Aboriginal children*

### A. INTRODUCTION

Australian is a multi-racial society. One of the racial societies in Australia is Aborigines. Tatz (1990) expressed that The Aboriginal ancestors first arrived in Australia around 40.000 years ago. They came from Southeast Asia. They were forming about 500 tribes with different languages and customs, and numbering among 250.000 and 750.000 at the British arrival in 1788. The immigrant population did not reach 700.000 until 1850. So the presence of Aborigines in Australia was quite sizeable.

However, Aboriginal numbers declined rapidly after British settlement. Settlement after the British arrival decimated the Aboriginal population, because the new arrivals did not accept that Aboriginal had any rights over the land they had occupied for many centuries. Many Aborigines perished because of the impact of introduced European diseases, for examples smallpox, influenza, whooping cough, mumps, measles, pneumonia, tuberculosis and venereal diseases.

Aborigines have some characteristics and they exhibit certain anatomic. They have dark brown hair that may be straight, wavy or curly. Their skin color ranges from tan to dark brown and almost black. Most Aborigines are of medium height and have slender limbs.

For much of Australian's community, the Aboriginal population has always been the most disadvantaged group in Australian social policy. Lack of interest in the 19<sup>th</sup> up to the early one-third of 20<sup>th</sup> centuries was so profound that colonial governments made no serious attempt to look after on the number of surviving Aborigines. As stated by Ward in the following quotation:

Regardless of where they live. The Aborigines lay far behind white Australians in Education and income. They also lack decent housing and proper health care. Comparison of social and economic statistics demonstrates that Australian's Aboriginal and Islander people are worse off than any other group of Australian citizen (1965: 905).

The quotation above clearly states that Aboriginal people have a lower social and economical status than the wider of Australian community. Those people had become an inferior caste and certainly they were identical with poverty, unemployment, suffering from malnutrition, disease, stupidity, etc. These levels of disadvantage on Aboriginal societies occur as a result of the white settlement of Australia. Australian history over the last 200 years had left a legacy of Aboriginal inequality. In fact, Aboriginal presence was unsettling and embarrassing to non-Aboriginal people. Government typically viewed Aboriginal people as a nuisance.

To overcome these Aboriginal problems, the Australian government in 1937 adopted 'assimilation' as the national policy on Aborigines. Native Welfare Conference in 1961 defined assimilation policy, as stated by House of Representatives Select Community on Aboriginal Education;

The policy of assimilation means that all Aborigines and part-Aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same

responsibilities, observing the same customs and influenced by the same beliefs, as other Australians (1985: 26).

The above definition means that all persons of Aboriginal blood and mixed bloods are expected eventually will live as other white Australians do. Those Aboriginal people will assimilate to the mainstream of Australian society by adopting the same manner, habits and having the equal status as whites' Australian.

Australian government at that time convinced that assimilation was the best policy for Aboriginal communities. Authorities sincerely believed assimilation would be in the best interest of Aboriginal children. Aboriginal children were believed have to be forcibly removed from their families and communities in order to get benefits among the whites. Through assimilation policy Aboriginal children were convinced in the future will grow to become the white's people and it can help them to enter the modern society. As stated by Sugiyanti in newspaper, *Republika*:

*Australia kala itu meyakini kebijakan itu merupakan langkah terbaik bagi komunitas Aborigin. Anak-anak Aborigin kala itu diyakini memang harus direnggut secara paksa dari keluarga dan lingkungan mereka demi mendapatkan keuntungan-keuntungan yang hanya bisa mereka temukan diantara keluarga-keluarga kulit putih. Lewat kebijakan asimilasi ini, diyakini anaka-anak Aborigin itu akan tumbuh menjadi orang-orang kulit putih (24<sup>th</sup> 1999, August: 4).*

The above statement emphasizes that the theory of assimilation policy is in the best interest of Aboriginal children. This policy dissociating the Aboriginal from (native) camp life that must eventually solve the Aboriginal problem. By forcible removal of Aboriginal children from family and relocation to white foster parents, white adoptive parents, or to assimilation homes, the superior standard of life would pave the way for the assimilation of these Aboriginal children into the general population. In the future, all such Aboriginal children taken from the camps should be brought as white communities.

From this time on, the greater numbers of Aboriginal children were removed from their families and communities under Child Welfare Legislation to advance the process of assimilation policy. The forcibly removed Aboriginal children could be put into white's institution or mission dormitory, fostered or adopted by white's families.

Assimilation policy finished in 1970s. National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families concluded that during those times (1937-1970s) between one in three and one in ten or at least 15.000 Aboriginal children were removed from their families and communities. The inquiry also found that between half and two thirds of Aboriginal children were removed in infancy (before the age of five years), and others were removed before the age of sixteen years (Human Rights and Equal Opportunity Commission [HREOC], 1997).

The National Inquiry was established by the Federal Attorney General in 1995. It was conducted by Human Rights and Equal Opportunity Commission. The inquiry visited every state and territory capital and most regions of Australia. The inquiry visited every state and territory capital and most regions of Australia. The inquiry took evidence in public and private sittings from Aboriginal children, government and church representatives, former mission staff, foster and adoptive parents, doctors and health professionals, academics, police and others. Aboriginal people also made written submissions.

A total of 777 people and organizations provided evidence or a submission. 535 were Aboriginal people who gave evidence or submissions about their experiences of forcible removal. Most had been removed as children, others were parents, siblings or children of removed Aboriginal children (HREOC, 1997).

The phenomena mentioned above is an interesting issue to discuss, so that the writer wants to analyze the impacts of Assimilation policy on Aboriginal children and in their later life on lack of indigenous cultural knowledge and impairment of native title claim in Australia. With that analysis, the writer wants to seek the relevancy between the theories and the practices of assimilation policy, which related to the negative side of impacts on Aboriginal children.

The writer hopes that this paper can give an understanding about Australian studies especially Aborigines. He also hopes that his writing can give a significant contribution to the Indonesian government or the authorities on it as a learning in making policies.

In discussing this topic, the writer focuses his research on Assimilation policy of Australian government on Aboriginal children from 1937 until 1970s, and in their later life. The previous paper published by the writer was related to the impacts of Assimilation policy on loss attachment from the primary carer. Dealing with this paper, he analyzes the impacts of Assimilation policy on lack of Aboriginal indigenous cultural knowledge and impairment of their native title claim in Australia.

To support the analysis of the topic above, the writer tries to seek the policies and practices on Aboriginal children during the process of Assimilation policy. Furthermore, he also tries to seek the impacts on Aboriginal people experiencing the assimilation policy during childhood in their later life.

Relating to this study, the writer needs data to analyze this topic. Since this study is the library research, so data for the study is obtained from some related books on Aborigines, especially Aboriginal children. Then the data are reviewed to get the sufficient information to the research. The first book is *Bringing Them Home*. This book talks about National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families and communities. It is written by Human Right and Equal Opportunity Commission, and published in 1997. The second book is *Genocide in Australia*, published in 1999 by Australian institute of Aboriginal and Torres Strait Islander Studies, and the author is Tazt This book discusses about Australian's forced assimilation on Aboriginal children by transferring indigenous children of the group to another group. The third book is *Apology Australia*, written by Anthony Shiplay and published in 2000. This book report about Australian apology to the stolen generation of Aboriginal children removed from their families. The fourth book is *The Lost Children*, written by Edward and Read Peter, and published in 1989. This book reviews about Aboriginal children taken from their Aboriginal families telling of the struggle to find their natural parents. The last one is from Republika's newspaper with the topic *Penyesalan "Aussie" untuk Aborigines dan Menggugat Dosa Masa Lalu Pemerintah Australia* by Sugiyanti in 1999. This newspaper reviews about Aborigine's children removed forcibly from their families and communities from 1888 to 1970s.

## B. METHOD

In analyzing this study, the writer employs the Historical Approach by library research because the phenomena of this topic that he analyses happened in 1937 to 1970s and in later life of forcibly removed Aboriginal children. The main resources are such as textbooks, encyclopedia, internet, and newspapers. According to Garaghan "Historical approach demonstrates the correct procedure to be followed in attaining to a specific kind truth in history" (1946:18). For the kind of the research, the writer uses qualitative since the writer talks about the natural data from books. Dealing with the method of writing, the writer uses descriptive one.

## C. DISCUSSION AND ANALYSIS

### 1. The Impacts of Separation from Aboriginal Community on the Lack of Aboriginal Cultural Knowledge

In this part, the writer analyzes about the impacts of separation Aboriginal children from the Aboriginal community on their lack of Aboriginal cultural knowledge. The laws, policy and practices that separated Aboriginal children from their communities, in fact have contributed directly to the alienation of them from their Aboriginal cultural knowledge. The lack of cultural knowledge means the fact or condition of not acquaintance enough with Aboriginal ideas, customs, habits, skills, language, arts, etc. One principal impact of the forcibly removal policies was the destruction of Aboriginal children cultural links. The separation Aboriginal children from their communities could interrupt the flow of cultural knowledge and understanding with respect to stages of Aboriginal child development. This was of course authorities declared aim. Culture, language, traditional law or responsibilities, religion and in many cases were to be stripped from the Aboriginal children in the hope that the traditional law and culture would die.

The responses of some separated Aboriginal people brought up to be white was to deny their heritage. In turn their descendants were disinherited. The Aboriginal children were to be prevented from acquiring the habits and customs of Aborigines. The removal of Aboriginal children from their communities has, in the majority of cases, prevented them from acquiring language, culture and the ability to carry out traditional responsibilities and in any cases has prevented them from establishing genealogical links. Submission of the Inquiry, Queensland; woman removed in the 1940s, proved that statement. As reported by HREOC in the quotation below:

My mother and brother could speak our language and my father could speak his. I can't speak my language. Aboriginal people weren't allowed to speak their language while white people were around. They had to go out into the bush or talk their lingo on their own, Aboriginal customs like initiation were not allowed. We could not leave Cherbourg to go to Aboriginal traditional festivals. We could have a corroboree if the Protector issued a permit. It was completely up to him. I never had a chance to learn about my traditional and customary way of life when I was on the reserves (1997: 154).

From the submission above, it is clearly seen that the overwhelmingly majority of Aboriginal children forcibly removed under assimilationist legislation and policies were separated from their culture, language and traditional responsibilities.

Other work of authorities on forcibly removal Aboriginal children were to renew their cultural links. Those Aboriginal children who were grown up in the institutions, missions and foster of adoptive families, were taught with the norms, custom and the habits which were common by the whites'. The intentions of the aboriginal children at that time were the young Aboriginal people will assimilate into

the present civilization and become worthy citizens, since it was not true. Evidence of the Inquiry, New South Wales; woman who lived from 5 month to 16 years in Cootamundra Girls' Home in the 1950s, approved the statement above. HREOC revealed it as follows:

I had to relearn lots of things. I had to relearn humour, ways of sitting, ways of being which were another way totally to what I was actually brought up with. It was like having to re-do me, I suppose. The thing that people were denied in being removed from family was that they were denied being read as Aboriginal people, they were denied being educated in an Aboriginal way (1997: 203).

This depiction shows that separated Aboriginal people had to learn again about his/her culture, language and lots of thing about Aboriginal. It was directly impacts of the teaching that they received in childhood that was merely about whites'.

A three-year longitudinal study undertaken in Melbourne during the mid-1980s revealed the numerous differences between Aboriginal respondents removed in childhood (33%) and those who were raised by their families or in their communities (67%). Those removed were less likely to have a strong sense of their Aboriginal cultural identity, more likely to have discovered their aboriginality later in life and less likely to know about their Aboriginal cultural traditions. Many separated Aboriginal children who bear witness spoke of their strong sense of not belonging either in the Aboriginal community or in the non-Aboriginal community.

This loss of culture has ramifications for separated Aboriginal peoples' well-being and in turn for the well-being of their families. That information as expressed by HREOC in the quotation below:

The alienation from culture can create an increase in anger and frustration which can also lead to increases in violence and lawlessness, and we're talking here about a profound sense of alienation... a lack of ego strength, a lack of the capacity to test reality (1997: 204).

Based on the quotation above it is clearly seen that there was a connection between loss of culture and experience of lawlessness and being gaoled on separated Aboriginal people. Then losing that sense of cultural identity within the context of that very big institution and the experience of total alienation from themselves, resulting in death.

In summary, the intentions of Authorities by removal of Aboriginal children from their families were to eliminate or alienate Aboriginal culture and inserting white's ways on Aboriginal children. Many forcibly removed Aboriginal children had loss Aboriginal customs, habits, skills, language, identity, arts, etc.

## **2. The Impacts of Separation from Aboriginal Community on The Impairment of Native Title Claim**

Lastly in this part the writer analyzes about the impact of separation Aboriginal children from Aboriginal community on their impairment of native title claim. The laws, policy and practices that separated Aboriginal children from their communities, in fact have contributed directly to the alienation of them from their native title claim. Impairment of native title claim here means the separated Aboriginal children were damaged from asserting rights on their native title lands. The separation Aboriginal children from their community have dramatically affected Aboriginal land entitlements as summarized for the Inquiry by the legal firm Corrs Chambers Westgarth. In all jurisdictions the ability to bring a native title claim will generally be extinguished by forced removal. The full Court of the Federal Court considered an analogous situation in the case of *kanak* in 1995 and concluded that, as quoted by HREOC in the quotation below:

... native title can be enjoyed only by members of an identifiable community who are entitled to enjoy the land under the traditionally based laws and customs, as currently acknowledged and observed, of that community. Individuals may have native title rights that are protected, but these rights are dependent upon the existence of communal native title and are carved out of that title (1997: 205).

From the quotation above one can see that the only persons entitled to claim native title are those who can show biological descent from the Aboriginal people entitled to enjoy the land under the laws and customs of their own clan or group.

Establishing biological descent is the first hurdle for Aboriginal people who were removed as children seeking to re-establish their relationship with their land. The separated Aboriginal people must be able to trace his or her family and the family's community of origin must be known. Although a separated Aboriginal person is unlikely to be able to sustain a native title claim independently (and native title claims are collective claims in any event), an Aboriginal person who has been accepted back into his or her community of origin may participate in a claim brought by the community. That information as affirmed by HREOC in the following quotation:

It is possible for Aboriginal people who were removed from their traditional families to become a participant in a collective claim by a group or clan of Aboriginal. However, in order for this to happen it would first be necessary for them to be accepted as a member of the Aboriginal community which has collectively maintained the requisite use and spiritual and cultural ties to the land that have allowed the group's native title to survive (1997: 206).

Based on that quotation as a matter of practically, Aboriginal people who have been removed from their families may be accepted back into Aboriginal communities. The issue is one for the Aboriginal clan or group to decide. However, there may be traditional laws and customs which govern the acceptance of people in the community and it is possible they may be refused permission to rejoin a community, or refused recognition as a member of a community. Because they have not participated in the traditional and cultural activities of that community for a length of time. If this is the case, the disentanglement to claim as a member of a group would be a direct result of the forced separation of those Aboriginal people from the community as a child.

Including a removal of Aboriginal people who has yet to be fully reintegrated into the traditional laws relating to the land in a claimant group may jeopardize the land claim under some legislation, for example the Aboriginal Land Rights (Northern Territory) Act 1976. Although the Inquiry received no evidence that this has occurred. However, once a claim is successful (for example under the Pitjantjatjara Land Rights Act 1981. It is entirely up to the traditional owners to decide whether they will accept an Aboriginal people taken away in childhood and permit him or her to share in the enjoyment of the land.

Where collective land ownership is vested in an association, the rules of the association usually provide for the acceptance of new members (for example Aboriginal Land Grant Act 1986, Aboriginal Land Rights Act 1983 (NSW). Under some legislation a requirement of a period of uninterrupted residence is imposed before the separated Aboriginal people can become a member of the land-owning group (for example with respect to Framlingham forest, Victoria, under the Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987. Evidence of the Inquiry, Victoria; the man whose mother was removed from Lake Tyers as a child, mother buried at Lake Tyers, related his evidence to the statement above. As conveyed by HREOC in this quotation:

I have no legal claim to come back here. I can't speak on the board of management, I'm not living member out here on this mission. What right have I got to speak out here? And this is the way that a lot of the Aboriginals living on this mission see me – as a blow-in, a blow-through. Yet I've got family that are buried out here on the mission... and I have no rights. As an Aboriginal I don't have any rights out here (1997: 207).

That evidence tells that the separated Aboriginal people cannot even claim for that land, because they are not living on it. But that's not their fault. The government took them off their land, so how can the separated Aboriginal people get land rights when this is what the government has done to them

Although they may not be able to make land claims based on traditional connection to the land, some separated Aboriginal children may succeed by proving a historic association instead. Queensland (Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991, New South Wales (Aboriginal Land Rights Act 1983) and the Northern Territory (Pastoral land Act 1992 with respect to pastoral excisions for community residential areas) all recognize this as a basis for claim. Thus, an Aboriginal group dispersed from their traditional lands and detained on a mission station may be able to reclaim the mission land on the basis of historical association.

Queensland also permits claims based on an Aboriginal group's need for economic or cultural viability. The Aboriginal group's land claim may succeed if it shows the land would assist in restoring, maintaining or enhancing the capacity for self-development and the self-reliance and cultural integrity of the Aboriginal group.

A number of governments have established funds to permit the acquisition of land for Aboriginal groups or communities, regardless of their traditional or historical ties. The primary basis for these land purchases will be cultural or economical need. Such land would also usually be held collectively. The principal fund is the Commonwealth's Indigenous Land Fund established in 1995 for the purchasing of land for Indigenous corporations. The New South Wales Aboriginal Land Rights Act 1983 also established a fund from which a land could be purchased for economic or other purposes.

As the conclusion, many forcibly removed Aboriginal children had lost their lands. In most places, forcibly removal may prevent or seriously impair the ability to make a native title claim. The Aboriginal people who were removed from their families as children and sent into non-Aboriginal community therefore, prevented or seriously prejudiced from successfully asserting rights under land rights or native title legislation.

## REFERENCES

- Garaghan, Gilbert. 1946. *A Guide to Historical Method*. Winsconsin University.  
Guralnik, David B. 1972. *Webster's New World Dictionary of the American Language*. New York: The World Publishing Company. 2nd College Edition.

- House of Representatives Select Committee on Aboriginal Education. 1985. *Aboriginal Education*. Canberra: Australia Government Publishing Service.
- Human Rights and Equal Opportunity Commission. 1997. *Bringing Them Home*. Canberra: Sterling Press Pty. Ltd.
- Sugiyanti, Rini. "Penyesalan 'Aussie' untuk Aborigin dan Menggugat Dosa Masa Lalu Pemerintah Australia." In *Republika*. August, 24<sup>th</sup> 1999.
- Tatz, Colin. 1999. *Genocide in Australia*. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies.
- Ward, Russel. 1969. *Australia*. Sydney: Ure Smith.