The paper examines the origins of reserve policy and practice as a means by which Indigenous lands were appropriated and the segregation and forced removal policies were enforced. It is written from an Indigenous world view using a colonizer and colonized approach.

The paper was initially inspired by an Oral History project that I conducted in the late 1970s which focused on the history of the Cummeragunja reserve (1889-present). The project was a personal journey from which I recorded over 60 taped interviews of reserve policy and practice from people who lived and experienced reserve life during the late 19th and early 20th Century—my parents and grandparents generation. The stories I documented in a Manuscript, ‘A Picture from the Other Side’, 1982, inspired me to search for the origins of what to me was an abomination of Aboriginal culture, human rights, fundamental freedoms and sovereign rights. Rights and freedoms that were enjoyed and often taken for granted by those outside the reserve, and particularly the freedom of association, choice, movement, religion, speech and land ownership.
The paper argues that the reserve system and the policy of forced removal and segregation, is a paradigm of British colonizing that was used to dispossess and to segregate traditional owners under a regime of controlled and regulated conditions. I will examine the history of reserve policy in North America under the Indian Removal Act, 1830 and then look at the way it was implemented in Ireland under the Cromwellian Colonisation of 1652-1660. This provides the framework for the analysis of British colonisation in Australia, using Cummeragunja, as the lens through which Aboriginal reserve policy and practice can be viewed.

Coming from an Indigenous family whose forebears were segregated on a Government administered reserve in traditional Yorta Yorta country, my search to find answers to the origins, and the mindset of this oppressive system has been a lifetime journey. At the time however, I didn’t realise that my obsession to find answers to the multitude of questions implicit in reserve history, would eventually take me in a full circle to North America the UK, Ireland, and back home to Yorta Yorta country. The project is a continuing work in progress.
After completing my undergrad studies and the Oral History project in the early 80s, I was successful in gaining an Overseas Study Award which allowed me to travel to North America and to learn more about the Indigenous American experience of colonisation. I was aware that soon after Britain had expanded its empire to North America in the late 18th Century, it was quick to introduce a policy of removing Indigenous peoples from the land and allocating reserve lands for their use. I was also aware of the previous invasions of the Celtic lands that were held by the Irish and Scottish tribes, and how Britain wanted to get its hands on lands that were occupied by the Irish, and the Scottish traditional owners of the Scottish Highlands and Islands—otherwise known as the Scottish highland clearances of the 18th Century.

These territorial and linguistic groups of Celtic speaking tribes held ancestral lands in the British Isles that were of strategic as well as economic importance. That these lands could be used as a striking point at the British Empire by foreign invaders was of extreme importance—the back door theory was a constant thorn in the Imperial conscience. Of equal importance to the British was the value of these lands for economic and agricultural purposes. The idea of having more superior methods of farming and the belief in individual property rights as opposed to collective ownership were other key justifications for the taking of Indigenous lands. It was these factors combined with the mindset of racial superiority that drove British colonization, and the removal of Indigenous peoples to reserved lands. They are the substantive issues that remained at the heart of my journey of enquiry which helped to provide a deeper insight into the Indigenous-Irish connection— not to mention the Guinness connection that Cath will share with us shortly.

It was from the North American visit that I was quick to learn that, the original occupants who had been in possession of their ancestral lands since time immemorial were brutally dispossessed and relocated on reserved lands.

The idea of separating American Indians and placing them on reserves underwrote the history of British colonisation in North America. After gaining control over most of North America in 1760, Britain proclaimed reserved lands for Canadian Indians. Powers to regulate and control Indian life and movement was sanctioned under the Indian Act, 1876 which empowered the Canadian Government to have control of land dealings and to oblige
Indians to renounce title to land in return for reserved lands. This was the pattern that followed for the next century in which Indigenous people were segregated from mainstream society under the out of site out of mind policies of Anglo and Australian laws.

Following the Canadian experience the United States introduced its system of land control and the allocation of reserve lands for American Indians. The reserve system was given legal sanction under the infamous Indian Removal Act, 1830, designed to facilitate the forced removal of American Indian tribes to reserve lands west of the Mississippi (Christie MacLeod, 1967:26–7; Personal communication with Professor Henry Dobins, Newberry Library, Chicago, 1981).

The template of removing Indians and using reserves as a means by which the land could be opened up for European settlement continued from its antecedants in 17th Century Ireland. While there was a major difference in the geo-political context of North America, the general nature and mind set that drove the reserves system was analouges to the Irish and Australian connection.

American Indian, scholar Wilbur Jacobs reflects on American Indian experience. Like the Irish and Indigenous Australians, the American Indian was often portrayed as a nomadic heathen having no connection with the land in accordance with European views of land use. Under this reasoning it was held that those Indigenous groups, who held communal ownership of the land, must give way to a Christian agricultural civilised society. Much of this ideology rested upon Anglo centric and biblical quotations which were used to justify the misguided belief that white people had prior rights to the land because they used it according with the intentions of the creator. The argument that hunters and collectors could be forced to alter their subsistence economy by an imposed agricultural or pastoral people reflected the Anglo centric ideas advanced in British policies towards Indigenous peoples (Jacobs, 1972:140-141).

Forced removal, segregation and incarceration was part of the larger jigsaw puzzle that I was trying to piece together and the North American experience helped to illuminate the puzzle. It was patently obvious that the policy of removing the original occupants and placing them on reserves went hand in glove with colonization and was the means by which dispossession, was sanctified by Anglo law. Not only was it clear that this scheme of things
had been around long before it reached Indigenous Australian soil, but had evolved from a formidable amount of prior experience. That is the formula was pretty well down pat before it reached Indigenous Australia in the 18th Century.

Using the American lingo to examine this question in more detail, it soon became a question of … well if the god dam thing was here? Where the god dam hell did it come from before it got to here? Quite an open ended question I thought and one that did produce positive outcomes. Luckily and by chance an American scholar, working in the Newby Library Chicago, was able to enlighten me on the origins and the practice of reserves long before they reached America and Australia. Professor Henry Dobins pointed me to research materials that linked the reserve system in North America and Australia with that practiced by the British under the Cromwellian Colonisation of Ireland 1654-1658. (Personal communication with Professor Henry Dobins, Newberry Library, Chicago, 1981). I will now head down that track and examine the British policy of forced removal, segregation, and control in more detail and then look at how this connects Indigenous Australia with the reserve system as it was trialed and shaped in Ireland.
At least two centuries before Australia was colonised, reserves were used to dispossess traditional Irish groups. This was officially sanctioned by the Act of Settlement of Ireland, 1652 which gave Oliver Cromwell the power to dispossess the Irish of their traditional lands 1652-1660. Cromwell’s ruthless colonisation of Ireland is described by Peter Berreford Ellis in his book, ‘To Hell or Connaught’, as a story of cruelty and terror which still reverberates after more than three hundred years. His book chillingly recreates the curse of Cromwell, the executions and mass transportations, the confiscation of lands and the banishment of Irish landowners under the Hell or Connaught scheme (Beresford Ellis, 2000). The subtext of this scheme was horrific. That is if you didn’t ‘transplant’ yourself from the fertile lands, and replant yourself in the poor and less productive reserve lands, west of the Shannon River you would be put to the sword. Malacht Chromail (the ‘Curse of Cromwell’ is a saying still used in many parts of the country (Ellis, 2000:8, 89,116). The policy of transplanting one group and planting with another is a convenient euphemism for
dispossession. Rivers and water courses played and important part in the arbitrary location of reserves.

Before the ‘Hell or Connaught’ scheme the planting of colonists on Irish lands was common practice in Ireland. In the province of Ulster in the early 1600s the Indigenous Irish were driven off large areas of their traditional land which was divided into estates for the purpose of planting the colonists. This resulted in large scale land theft and conflict. The division between the planters and the transplanted created an environment of tension and an atmosphere in which people lived in a state of what Professor OEithir describes as ‘physical and mental siege’ (OEithir, 2003:25).

In all too familiar fashion the Act for the Settlement, provided Cromwell with the power to legitimise his terror and to further dispossesses the Irish of their lands. It also provided him with powers to deal with the Irish rebels who fought for emancipation and for land justice.
The Act provided for the summary execution of the leaders and supporters of the Irish Struggle and for the confiscation of sufficient land in Ireland as was necessary to repay the London based capital investors of the colonization project and to reward the soldiers who had fought for the English in the land wars. This was achieved by the confiscation of almost all Catholic owned land in Ireland - something that also served to punish Irish Catholics for their rebellion and war against the imposed system of British control (Act of Settlement of Ireland, 1652)

The reserve system also served other social and economic factors, such as the provision of labor and domestics service for settler interests. It’s most crucial function as a colonizing process however was that it sanctioned the appropriation of land from the traditional owners and once removed to a reserve, it was the control mechanisms that could be invoked to regulate the lives, movements, beliefs and behaviors of reserve residents. It was a well honed tool of colonisation, practiced in the Ulster plantation and used extensively as a colonizing force against the Celtic speaking tribes of the Scottish Highlands and Islands in the early 19th Century. Some historians have argued that the ideology of colonization and land appropriation that was eventually transported to North America was often conducted by the same colonists who dispossessed the Irish and Scottish people (Bohannan & Plog, 1967).

With the collapse of the Cromwellian regime and the restoration of Charles Stuart to the English throne 1660, the Cromwellian transplantation scheme had failed and was subsequently revoked. The heroic resistance of the Irish to British overlordship and the refusal of many to leave their ancestral lands and move to the reserve land were the main reasons for its failure (Ellis, 2000:237-248). Similar patterns and strategies of Indigenous resistance and survival would re-enact themselves in Australia.

The Indigenous resistance to land appropriation and the strategies that were employed to defend their territorial and sovereign rights need to be revisited. Those Historians, who have attempted to understand and to interpret the events as they occurred form the other side of the frontier, have found that the resistance to land theft and incarceration are natural responses of a people faced with the reality that colonization and British rule imposed. The Irish resistance to British invasion and control was an organized response to the attack on Irish sovereignty and the wholesale dispossession of their ancestral lands.
Likewise the Indigenous American and Australian resistance struggle was and continues to be about the assertion of territorial and sovereign rights to land ownership and self determination.

The Yorta Yorta Experience

I will now return to the Australian context and examine the background to the reserve system focusing on Cummeragunja as a government controlled reserve from the late 19th century to the mid 20th Century.

Like Ireland and North America the colonisation of the Australia was driven by notions of racial superiority, and Anglo centric views of land ownership. This mindset played a critical role in shaping colonial policy and in underwriting the theft of Indigenous land. Because Indigenous people used different ways of gaining returns from the land to that of English modes of production, they were treated as not owning the land. Indigenous land rights,
validated by the creation ancestors and vindicated by 60,000 years of occupation use and enjoyment, were struck out by the application of the legal fiction of terra nullius.

Unlike North America and Ireland where the British could not ignore prior occupation and ownership of land, Australia was treated differently in that it was regarded as unoccupied and uninhabited land for which the legal fiction of terra nullius was applied. This was a convenient and fraudulent deception applied by the British to remedy the reality of 60000 years prior Indigenous occupation. When confronted with the reality of Indigenous occupation across the length and breadth of the country, and the resistance to the uninvited intrusion by the traditional owners, the British were quick to draw on the reserve paradigm to prop up their misguided perception of prior occupation. Like the Indian Removal Act and the Act of Settlement in Ireland, the British passed laws to sanctify occupation, and ownership of the land and to remove the traditional owners to reserves. This is the key connecting point in the reserve story in that while there were major geopolitical differences in the way policies and practices were applied, the hypothesis of this paper is that when sanctioned by the imported Anglo law the reserve system becomes the means by which dispossession and forced removal was enforced. I think that is the essence of the Indigenous Irish connection that came home to me during the journey of learning process which has not ended.

There are many other social and cultural parallels that one can draw upon in relation to the Indigenous Irish connection that are important branches of this story, which you can follow up in our writings on my website.

http://waynera.wordpress.com/

I will conclude this part of the study project with a summary of my paper.

Summary:

- The paradigm of the reserve system varied in the way it was applied in other former British colonies but when sanctioned by the Anglo legal system become equally formidable in legitimizing land theft, forced removal and the domination and control of traditional owners- the key characteristics of British colonisation.

- British colonization was driven by a mindset of racial superiority, segregation and control which underwrote the dispossession and forced removal of the traditional owners.
• Reserves were the means by which forced removal policies were applied so that the land could be planted by settler society without hindrance from the traditional owners.

• Policy was practiced and refined from experience in other former British colonies before it reached Australia—the formula was pretty well down pat.

• Reserve system and the policy of segregation and control as it was applied in Indigenous Australia went hand in glove with dispossession, and was the means by which the legal fiction of *terra nullius* was legitimised.

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