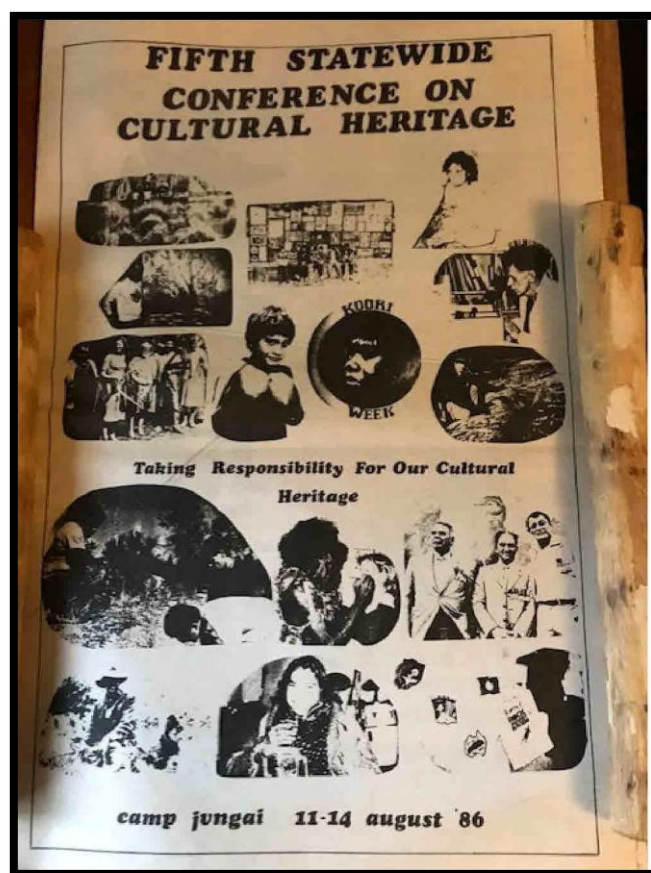


'Koori Cultural Heritage is Self Determination'



ICPR: Copyright: Koori Information Centre, Fitzroy: designed for Heritage Conference, Camp Jungai, 1986

This paper was written in 1986 when I was Acting President of the Koori Heritage Working Group (KHWG) that was responsible for reforming the draconian Cultural Heritage laws in Victoria. It was an historic struggle to reclaim our heritage from the legislation that was largely designed to advance the interests of Archaeologists and non Indigenous scholars at the exclusion of Victoria's Traditional Owners. The Archaeological Preservation Act, 1972 was introduced to protect Indigenous Cultural Heritage sites and objects, but it made no mention of Aboriginal people in the provisions of the Act. This was the call that created the establishment of the KHWG, a community based organization and Indigenous voice, mandated to reform the heritage laws and to reclaim ownership, control and empowerment of our Koori Heritage in Victoria.



Poster designed for Statewide Conference, Koorier2, 7<sup>th</sup> Edition, July, 1986

The paper was presented at the NAIDOC celebrations in 1985 as a lead up to the Consultation process that was held in Victoria and from which a Charter of Koori Heritage Rights was created. The Charter included the views of Koori people collected from local consultations around the state, that were used to articulate the guiding principles to the government, on the reform measures that were required to return Ownership, Control and Empowerment to Koori communities in Victoria. This was a fundamental Human Rights issue. The rights to culture were drawn from the International Conventions embracing Social, Economic and

**Cultural rights-the guiding principles of 'Self Determination'. The assertion 'Koori Cultural Heritage is Self Determination' is the title that was chosen for the paper and one that formed the foundational strategy for reform.**

**The theme that set the tone for the NAIDOC week, 1995 was drawn from the late seventies when the issue of Cultural Heritage ownership was being contested by Indigenous peoples. 'Putting culture back up front,' 'cultural revival is survival' and 'not to lose you my culture' and Koori Heritage Koori Control, were the slogans that drove the Heritage Struggle. It was a cultural revival that created the need to get back to a more holistic view of our Heritage and its inseparable relationship with land, identity and community based organisations.**

**As momentum was growing for Indigenous affairs generally in the 1970s with the rise of community based organisations, much effort was being directed towards the establishment and control of these vibrant service delivery organisations. The Koori Heritage Working Group took the initiative to focus on fundamental rights based issues which included reclaiming our cultural heritage and land rights. Indeed it was an opportune time for reform with a newly elected Labor Government committed to land rights and self determination and a Minister for Aboriginal Affairs who was also the Attorney general, the late Jim Kennan. This certainly provided the impetus to put Culture and Land Rights back up front and to empower organisations to have control over their social, economic and cultural affairs.**

**Looking back one can say there was a cultural revival emerging, similar to the cultural Renaissance in Europe in the 15-17 century (middle ages), that saw the revival of art, literature, philosophy, and the restoration of heritage values. The cultural heritage movement in Victoria was at the forefront of Indigenous cultural revival in Australia which expressed itself in many similar ways to Europe and of much greater antiquity. Archaeological evidence alone had put Indigenous occupation at 120000 years Before Present (see- Use of Fire; Singh, 1981:45-6).**

**It was through art, literature, dance, theatre, music, sport, political and social activities, that Indigenous culture in Australia regained its rightful place as the embodiment of Indigenous identity and connections with country. Culture was seen not from a frozen in time view but from one steeped in tradition that had continually adapted to changing circumstances for at least 120000 years. Its antiquity is grounded in history, law and tradition and its most admirable achievement is its survival as the oldest living culture in the world. In critiquing the resilience and strength of our heritage one needs to recognise that this has been achieved against the devastating impact of invasion and colonisation. Both wreaked havoc on Indigenous populations and bloodshed across the nation. This is a traumatic legacy that is still to be dealt with in 21<sup>st</sup> century Australia. It is unfinished business and cries out for the resolution and truth telling of past and present injustices.**

**Looking back to the 80s, the cultural revival brought us to a point where Aboriginal Cultural**

Heritage was at the forefront of the Aboriginal struggle. It is perhaps the most significant issue Aboriginal communities across Australia saw as an integral part of their struggle for rights that were denied by past governments. This was ripe time for rectification and reform.

It is against this background that the Koori Heritage Working Group emerged with a mandate for change. The working group identified the key issues of concern to Koori people in Victoria in regard to themes of 'Koori Heritage and Self Determination' principles.

The working group took the initiative and developed its own philosophy and political strategy. It drew on the voice and achievements of past leaders and activists of the early civil and political rights movement that began in Victoria in the 1930s. A more holistic view of heritage than the narrow definition of the heritage laws was used to broaden the definition of heritage, so that it reflected the Koori world view, cultural values and relationship with land, and those sovereign rights that have never been ceded. Its first strategy was to create a 'Charter of Heritage Rights' that would provide the guiding principles for reform. The Charter included the following conditions.

1. Kooris should have full control and ownership of heritage and this includes places, artifacts, languages, history, songs, beliefs, custom and all other matters which Aborigines recognise as part of their Heritage.
2. We regard heritage an inalienable part of the Land Rights movement which is the single most important issues to be resolved.
3. All Victorian Kooris are invited to be members of the Koori Heritage Council – a co coordinating group to be elected annually from each community.
4. For this heritage Council to be recognised by State and Federal Governments as the Chief Representative for any matter concerning Aboriginal Heritage in Victoria.
5. To be responsible for establishing an Aboriginal Cultural institute or its equivalent.
6. To establish a state-wide system of investigating, preserving, protecting, monitoring and establishing custodians for sites and initiating appropriate employment of Kooris in a range of guardianship positions in communities and in government (state and local) departments.
7. To create an accredited educational programme in conservation of cultural heritage to serve the needs of custodians and guardians.
8. Recognise the importance of the educational responsibility to Koori families and organisations and therefore, to document, analyze and disseminate information as it comes to hand.

9. **Work closely with the V.A.E.C.G., the A.R.C. and other Koori agencies to correct the misinformation of the past and to work on a public information campaign to create a better understanding of Aborigines and their heritage.**
10. **Bring the National Museum's Anthropology section, the Victorian Archaeological *Survey* (and all other relevant public organisations to do with Aboriginal culture) under the control of the Koori Heritage Council.**
11. **Any archaeological and other related research focused on the Victorian Aboriginal Community should be done in constant consultation and approval of the Cultural Heritage Working Committee which has been set up to establish a Koori Heritage Council.**
12. **There should be heritage impact investigations in all development and construction sites in Victoria to ascertain whenever there are any Aboriginal cultural properties which ought to be protected or preserved.**

**Decided at a meeting of the Koori Cultural Heritage Working Group, 29th of February 1984. Chairman: Ron Johnson, Secretary, Robbie Thorpe, Koori Information Centre, Fitzroy.**

**A much broader and holistic view of Koori culture was used to unlock it from the narrow definition that was applied by the Government and its Heritage agencies which includes the following elements. Koori Cultural Heritage was about:**

- **your sense of being and belonging as a Koori person**
- **what being a Koori is all about - your Aboriginality and loyalties to your kin group.**
- **your tribal land, your family, your children and grandchildren.**
- **determining your own futures and maintaining your own cultural values and way of life.**
- **the Aboriginal struggle for real self determination and justice; Koori organisations, Koori humor, Koori sporting ability, Koori politics and Koori survival as a people.**
- **those distinctive spiritual, material, intellectual and emotional features that together make up our present and past identity as Aboriginal people.**
- **not just the arts, monuments and written works, but our way of life, our basic rights as human beings and our values, beliefs and traditions. This encompasses both physical and non physical things e.g. our tribal land, sites - sacred significant and historic, burials, skeletal remains, artifacts, art, oral traditions, language verbal and non-verbal, ceremonies, documentary evidence and archival materials.**

It was from this background of the Koori heritage reform movement that the relationship with Cultural Heritage and Self Determination was developed and used as one of the key guiding principles. The right of Self Determination was a foundational principle of the Koori Heritage Struggle and the Charter of Rights articulated.

**Self Determination:**

The relationship between Cultural Heritage and Self Determination was defined by the KHWG as being a fundamentally inseparable part of the struggle for reform. It extended the debate beyond the context of domestic politics to the International arena, drawing on those standard setting instruments and conventions that gave substance, jurisdiction and more hitting power to the Koori voice as a collective.

The versions of Self Determination bandied about by Governments are different to those of community expectations. Achieving the same level of equality as that enjoyed by most Western democracies is the bench mark of Self Determination still to be fully delivered. For decades Aboriginal communities in Victoria have raised the importance of being able to define what self-determination means to them, rather than having imported constructs imposed upon them. There is a framework of Self Determination under international law that has been enshrined in Indigenous rights-based legal frameworks. These are more consistent with the version of Self Determination that Indigenous Human Rights advocates have been calling for under International law. They are also articulated in the *Declaration of Indigenous Peoples Rights* invoked by the Working Group of Indigenous Peoples at the United Nations Indigenous Council.

The right to Self-Determination provides that peoples are able to 'freely determine their political status and freely pursue their economic, social and cultural development'. It is about community control and rights that enable people to determine their own destiny and have control over their own affairs. The emphasis of 'freedom to do and to enjoy and to practice' on an equal footing, translates to communities having the same degree of control over their Affairs as other peoples. It implies that it is a fundamental right that exists without the domination of others, and challenges those versions of Self Determination that are ultimately controlled by Governments. Real self determination requires that states 'give access to and ensure representation of such groups in the democratic process, particularly in relation to decision-making on issues affecting traditional land, economic development and cultural responsibilities'.

When we talk about Cultural Heritage and the right to Self Determination we need to remember that Aboriginal people have always enjoyed and practiced this right up until the

**Colonial Invasion. Prior to the invasion of our land and the appropriation of our Heritage, we exercised freely our political, cultural, social and economic rights within the framework of our territorial and linguistic sovereignty. It has only been in the last 150 - 200 years - a very small chapter in the context of this country's Indigenous occupation - that these long standing rights have been denied and falsely assumed by people from a different cultural background.**

**This injustice has been duly acknowledged by some of our prominent politicians and legal representatives.**

**Speaking to the Aboriginal Relics Act in 1980, and the reforms being proposed by the KHWG, Minister Race Mathews said 'It must be extraordinary for our Aborigines that the history, culture and art of this race should automatically be entrusted to the care of the people from a completely different background' (Victorian Hansard: 1980, 7516).**

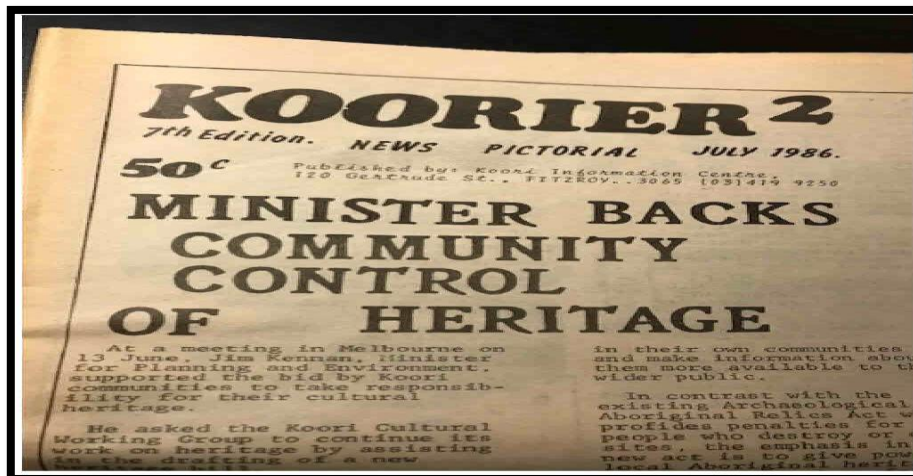
**In handing down his judgment in the Alcoa case in 1980, Justice Jenkinson slammed the heritage laws, saying that they showed 'no concern for the relationship to Aboriginal people'. He argued that they were more directed to facilitating the scholastic and educational activities of a western European community planted on alien soil (Alcoa case, 1980:17-18). The concepts 'planted on alien soil' and 'appropriation of our heritage by others' go directly to the question of prior occupation, territorial sovereignty and ownership of cultural property.**

**The right of Aboriginal people to determine their own social economic and cultural development has been an integral part of Indigenous affairs policy of Self Determination. In reality however the amount of resources allocated to culture is less than 5% of the Department of Aboriginal Affairs (DAA) budget - substantially less than that allocated to the oldest and original culture of the land. By comparison the Colonial Heritage including Arts and the restoration of the Cultural Heritage property is favorably and substantially resourced and protected. This imbalance highlights the practice of inequality in resource distribution between the Colonial Overlay, and Aboriginal Heritage which is given token representation and treated as a lesser interest (personal communication - Mike Collins DAA. 1986). That aboriginal people should be given the right to run their own affairs which includes our cultural affairs is indisputable. To deny that right is equal to denying us our identity and sense of being as the original and first nations of this country which is a crime against humanity?**

**Over the past two years the KHWG, has been actively involved in the struggle to regain control of our cultural heritage and trying to change the inequality that has been created. It has been instrumental in raising the level of cultural awareness to the point where it is now the most significant issue is discussed in the community. Aboriginal people are aware of their cultural rights and are demanding more than token gestures and false promises. Moreover, the question**

of empowering local communities to practice and enjoy their self determination requires adequate resources to enable them to establish their own cultural centre's and programs.

As part of the cultural awareness education, the KHWG held several Statewide Conferences over the period of 18 months. The last one at Camp Jungai , 1986 saw over 200 people come together to discuss heritage issues and the Government's proposed legislation, that will replace the racist Archaeological Preservation act, 1972. It was from discussions leading up to the first draft of this bill, that the Minister and Attorney General, Mr. Jim Kennan, committed himself to introducing legislation that would give Aboriginal people Self Determination and Ownership and Control over their Cultural Heritage. In saying that however I don't want to raise the expectations of Koori people that this will be a reality. My understanding of government promises past and present and our history of the continued struggle and the importance of maintaining ones cultural integrity makes me too cautious to raise such hopes.



From Statwide Meeting, Camp Jungai, 1986.

The extent to which this commitment will be honored can only be gauged by looking at the Victorian Government's track record over the past three years, which the Minister himself is willing to admit hasn't been too good. Land Rights are still on the agenda and little has been delivered or enacted though legislation. Given the intimate relationship between land and heritage the opportunity to reinstate this delicate relationship calls on the Government to exercise a more lateral and broader vision in the reform measures proposed.

In considering any of the options open to the government in its commitment to new legislation, the final question comes back to the principle of Community Control and to the undeniable right of Aboriginal people to the ownership and control of our heritage as a fundamental Human Right.



Whatever course the government takes, it must respond to the ever increasing cultural demands of the KHWG and the community. The present situation is an irreversible one. We know what our heritage rights are about and there is no turning back until the issue is resolved satisfactorily. The reality is that Koori people will continue to pursue these demands until Koori Cultural Heritage as the title of my paper suggests becomes Self Determination in practice rather than rhetoric.

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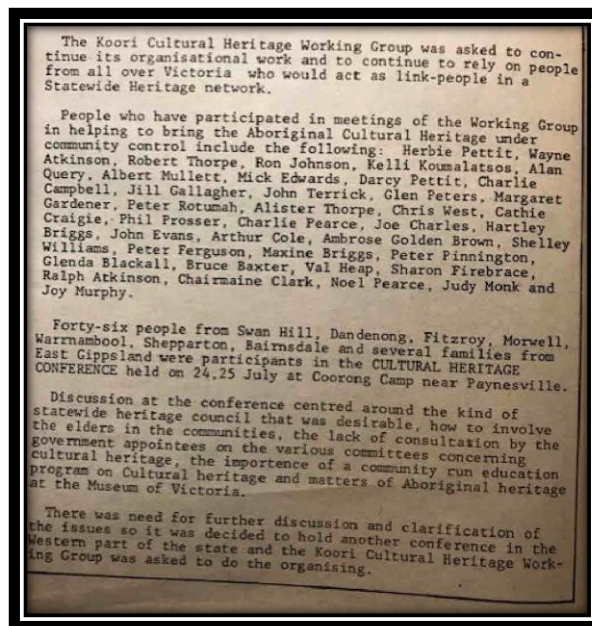
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Some of the original members of the KHWG, 1986, Koorier2, July, 1986

## The Statewide Conference On Cultural Heritage

This was the first of the four and fourth sessions of the program was the "Cultural Heritage" - Nov. 15-16, 1982.

Attention was focused 1982 on the "Cultural Heritage" - Nov. 15-16, 1982.

There were two days of the monthly published journal "Cultural Heritage" and other materials will be distributed to all participants.

The conference consisted of two full working papers were prepared and ready to go.

It was decided to have a special session which highlighted the use of computers in the study of the history and the past of the State of North Carolina.

When it was required to be done within two hours (with the use of the video) it was decided to have a special session on the use of computers in the study of the history and the past of the State of North Carolina.

Other features discussed at the conference included a press release, a poster, and a book titled "The Cultural Heritage of the State of North Carolina" which had been prepared by the North Carolina Historical Society. The book is being published by the North Carolina Historical Society, Inc., P.O. Box 10171, Raleigh, NC 27615.

After some other brief cultural heritage working groups were organized and the conference was over. The conference was a success and all participants were very satisfied.

Participants for the next conference were offered by representatives from the State of North Carolina and other states. It was expected to include the use of the North Carolina Historical Society's "Cultural Heritage" and the North Carolina Historical Society's "Cultural Heritage".

A conference on education would also be held with people from the State of North Carolina and other states. It was expected to include the use of the North Carolina Historical Society's "Cultural Heritage" and the North Carolina Historical Society's "Cultural Heritage".

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A paper prepared for the conference called "CULTURAL HERITAGE" was well received and there was a lot of discussion of the basic philosophy of how to carry over cultural heritage.

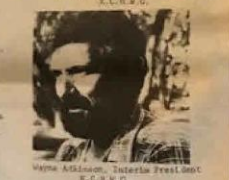
The major plan of discussion was to do with cultural heritage and the use of computers in the study of the history and the past of the State of North Carolina.

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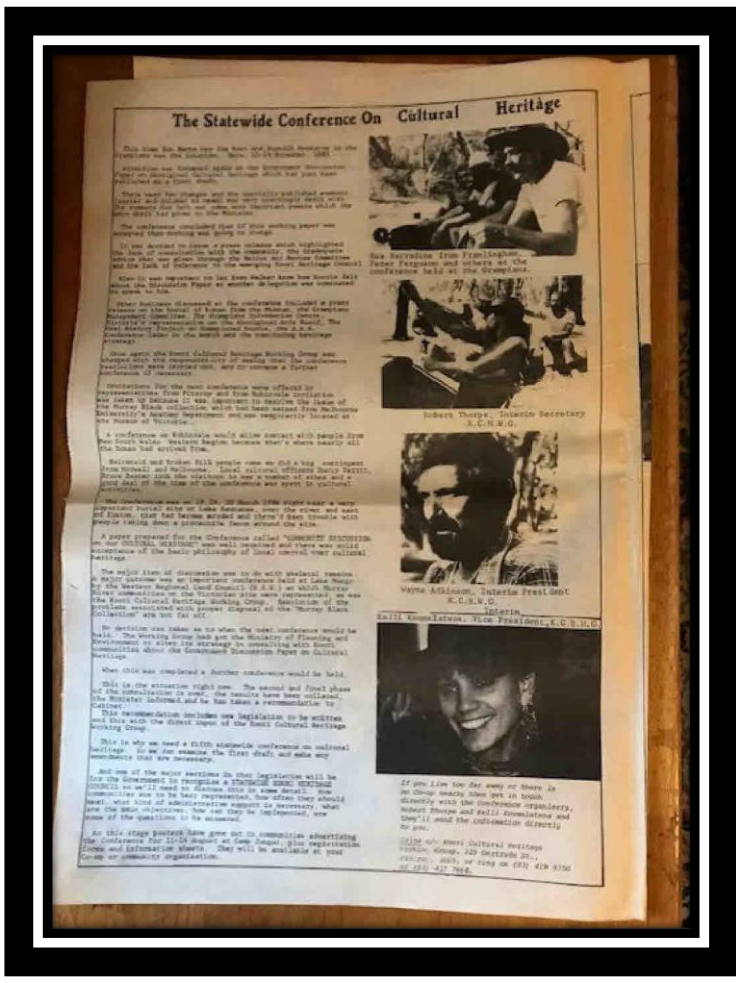
Robert Thompson, Editor Secretary  
K.C.S.V.C.



Wayne Robinson, Interim President  
K.C.S.V.C.



Bill Kimmelman, Vice President, K.C.S.V.C.



Poster designed for Statewide Conference, Koorier2, 7<sup>th</sup> Edition, July, 1986



Full statement of Ministers commitments to Koori Heritage Reforms, Camp Jungai, 1996



Uncle Albert Mullett rallying the cause for Heritage Conference in Ganai Country, 1996