

Indigenous Australia
in the Anthropocene



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Australian Studies Journal
Zeitschrift für Australienstudien

39 / 2024

Edited by Dany Adone, Bentley James, Anna Gosebrink

published on behalf of the **German
Association for Australian Studies
Gesellschaft für Australienstudien**

ZEITSCHRIFT FÜR
AUSTRALIENSTUDIEN

AUSTRALIAN STUDIES JOURNAL

Bibliografische Information der Deutschen Nationalbibliothek:

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.dnb.de> abrufbar.

ISBN: see back cover

Druck: epubli – ein Service der neopubli GmbH, Berlin

Correspondence and manuscripts: journal@australienstudien.org

Reviews: reviews@australienstudien.org

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The Australian Studies Journal | Zeitschrift für
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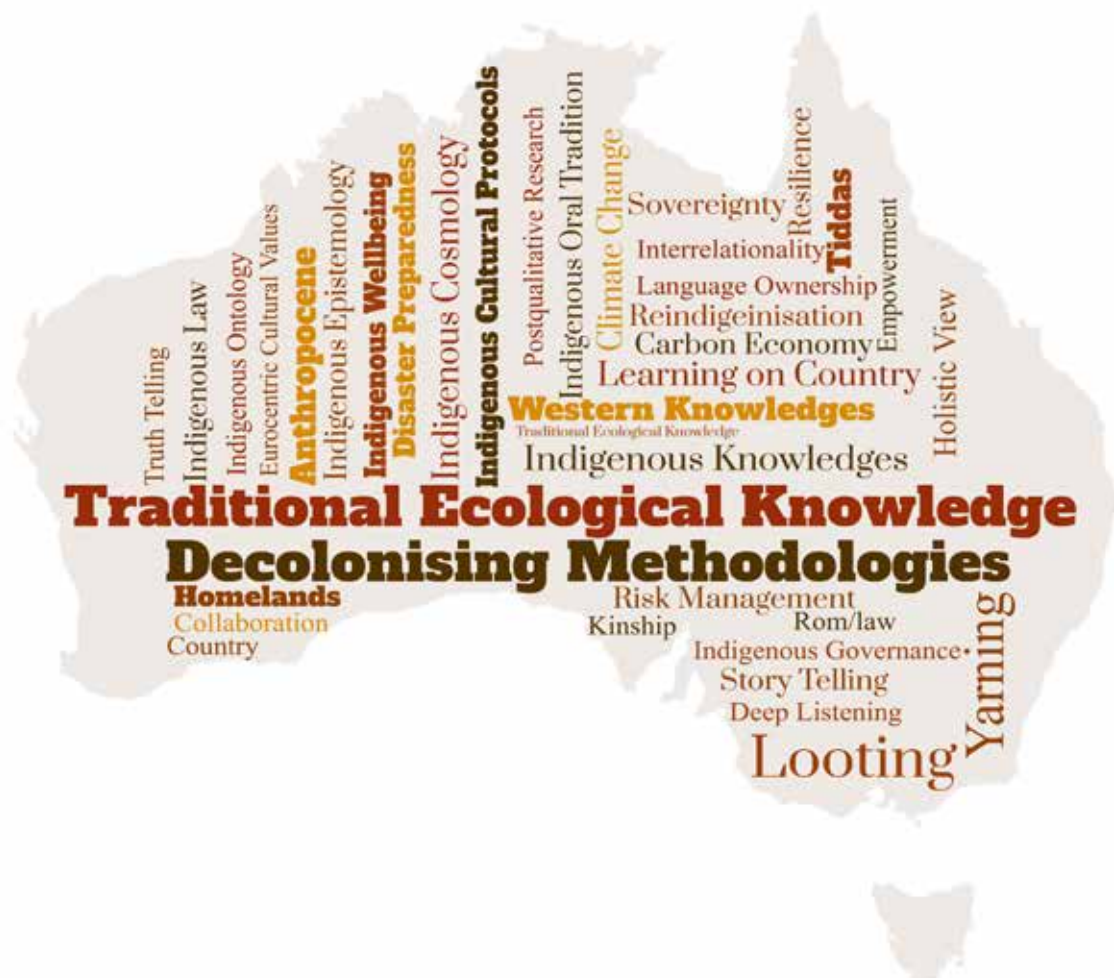
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Acknowledgements to the Traditional Owners and Custodians

We would like to acknowledge the Traditional Owners and Custodians of the many lands across Australia on which we conduct research. We pay our respects to the Elders, past, present and emerging.

Notice

Aboriginal and Torres Strait Islander readers are respectfully advised that this document contains the names and images of persons who have passed away, which may cause distress.



Acknowledgements

This special issue is the outcome of a longstanding collaboration between Indigenous Elders, community members, and academics working in various disciplines such as Linguistics, Environmental Studies, Indigenous Studies, Repatriation, Astronomy, and Theology. One goal of this collaboration is to encourage Knowledge Sharing and Braiding. We give our deepest thanks to several senior Indigenous men and women who shared their Knowledges with us on Country.

Special thanks go to Beate Neumeier for her helpful comments, and continuous support. We are also grateful to Beatrix Busse for her support. We thank Kathrin Schneider and Mareike Plenk for editorial assistance on drafts of this manuscript, and Thomas Batchelor for editing the interview with Glenn James. A special thank you to Beate Vossel-Newman of the recording studio at the University of Cologne for making the studio available for our recordings. We are grateful to the anonymous reviewers for their time and constructive criticism at the early stages of the process. We are also grateful to the contributors for the many discussions and ideas they shared with us while preparing the manuscript. We would like to thank Dr. Stefanie Affeldt for being patient with us. Finally, we are grateful to the German Association for Australian Studies for facilitating this special issue.

Dany Adone, Bentley James and Anna Gosebrink

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Dany Adone, Bentley James, Anna Gosebrink

Indigenous Australia in the Anthropocene

Introduction

We acknowledge the Anthropocene era as a geological and biophysical era and an imaginary, shaping human relations, to Mother Earth and to our environment. But our view of the Anthropocene era goes beyond. It aligns with the view articulated by Davis and Todd, in which colonialism is seen as the start date of the Anthropocene.¹ Indigenous peoples have argued that “the trajectory of contemporary planetary ecocide [has] obtained its footing over 500 years ago with the onset of global colonialism”.² We see this work as advancing inter- and trans-disciplinary perspectives on Australia reflecting current issues and changing human relations moved by accelerating planetary-scale environmental shifts.

This special issue covers three areas: *Indigenous Knowledges*, *Colonial Plunder/Looting and Contemporary Repatriation* as well as *Questions of Justice*. The contributions include articles, short interviews and testimonies by Indigenous Elders. These testimonies “hold within them knowledges while simultaneously signifying relationships”³ and are seen as key in the intergenerational transmission of knowledge. They also reflect Indigenous ‘ways of knowing’, thus promoting an appreciation for alternate views and modes of communication.

Indigenous Knowledges

The initial paper is on Indigenous participation in the northern Australian carbon economy. In their paper Bentley James, Glenn James and Dany Adone discuss Indigenous settler state relations, carbon economy, fire and ongoing struggles for ‘Country’ in the Anthropocene. Indigenous land owners/managers are using the carbon economy through reintroducing nuanced management of fire, concomitantly forging greater access to their Country – collectively about 70 per cent of the land area of north Australia. These ‘two-toolbox’ partnerships, incorporating local and Indigenous knowledge and Western style science, produce precious visits to Country, support for on-Country life projects, homelands, refresh cultural knowledge, language, psychological well-being and resilience, create new science and help stem global warming.

The interview with Glenn James focuses on Indigenous fire knowledge and emergent Western technologies tackling local and global issues. He also addresses e.g. the issue of carbon emission with respect to Indigenous land management

1 Cf. Heather Davis, Zoe Todd: On the Importance of a Date.

2 Deborah McGregor: Indigenous Environmental Justice, p. 416.

3 Cf. Margaret Kovach: Indigenous Methodologies.

and his role as a facilitator. Working closely with Indigenous community members and emergency management agencies can be seen as a contribution towards improving the outcomes in the hazard management sector.

In her contribution, Anne Pattel-Gray describes the cultural authority held by Aboriginal women in traditional society, a role regarded with great respect, holding the balance of spiritual and cultural relationships, a balance that must be maintained. Aboriginal women embrace significant roles as keepers, holders and teachers of sacred knowledge, law and wisdom, on Country. An Aboriginal woman's role was not such that they were dependent or dominated. It is a role of independence, responsibility, and authority, wherein they continue to struggle to enhance their power as Indigenous women. The roles and authority of Aboriginal women have been greatly impacted by British imperialism, invasion, and the ongoing colonial violence of the settler state. Forced missionisation and its imposition of Eurocentric cultural values, racism and misogyny were proximal causes of the erosion of Indigenous women's authority, power, and independence.

In her contribution to save Yolŋu Sign Language (YSL), Doris Yethun Burarawana, a Yolŋu Elder from Galiwin'ku, describes her passion to pass on her knowledge of YSL, Yolŋu languages, kinship and Country, in light of the extraordinary changes to life on Country, and the mission, in the modern era. Her living story speaks of the deep ancestral connections of kin, Country and YSL, 'lakaram gonḍhu' (Lit.: the hand speaks), and its resonance in the production and giving of an illustrated handbook of YSL for Yolŋu children, in schools and homelands across North-East Arnhem Land.

In his paper on Indigenous knowledges in astronomy, Duane W. Hamacher discusses the recognition of Indigenous nomenclature in astronomy and Meteoritics. As scientific organisations work to decolonise their respective fields, Indigenous languages, ontologies, and epistemologies are being recognised for their important contributions to the canon of human knowledge as well as the practice of scientific research. One of the initial steps taken by scientific organisations is to recognise Indigenous languages with special reference to nomenclature. The astronomical community is leading this effort by establishing protocols and guidelines for the naming of celestial objects and phenomena, and formally adopting Indigenous names for stars, planetary features, and asteroids, as well re-naming astronomical and space facilities, such as observatories. This paper focuses on designing protocols and guidelines for naming terrestrial meteorite craters.

Colonial Plunder/Looting and Contemporary Repatriation

Gareth Knapman examines looting and the taking of Aboriginal property during colonial time. He argues that police played an important role in the collecting of Aboriginal objects for colonial and imperial museums. Although ostensibly in a policing role, after 1835 the colonial police acted as a paramilitary force in frontier colonies enabling colonisation. Most scholars have noted the unequal

power relationship that occurred when police 'collected' Aboriginal objects on the frontier, scholarship has not previously explored the 'authority' of the police to collect objects. Recent research by Knapman and Boonstra has demonstrated that colonial plunder, far from being an unregulated activity – as previous scholarship has assumed – was actually highly regulated by Western law, although rarely enforced. The article examines the collecting activities of three colonial police constables: Harry Ord, Ernest Cowle, and William Wilshire. The taking of Aboriginal objects was theft under western law unsupported by any colonial legal regimes. The article argues that in many instances, police collecting was, thus, unlawful under western law.

In his paper, Michael Pickering discusses cultural processes and rights in repatriation in the context of Australia. Major museums across the world are being approached by Indigenous communities for the return of Ancestral Remains and other cultural property. Apart from a very small number of specialists, many museum professionals, in particular senior decision makers, have limited knowledge of the actual collections they hold and the cultural significance of those objects, both in the past, the present, and into the future. They, thus, often apply limited and restricted criteria in assessing the merits of an application for repatriation.

Questions of Justice

In tracing the roots of current Indigenous matters of disadvantage and injustice in the Anthropocene, we have the Indigenous perspective of a sovereign Budjiti woman Elizabeth McNiven from the Paroo River Country of Southwest Queensland. She questions the validity of the British and subsequent Australian claim to sovereignty and to the collective wealth of Aboriginal nations across the continent. The dark side of British colonialism in Australia sees a global power at war against a non-militarised, therefore weaker opponent, against families of Aboriginal peoples, against unarmed men, women, and children. This legacy of land theft and genocide, of Aboriginal socio-economic disadvantage, of social exclusion, of intergenerational trauma, of the denial of Aboriginal peoples' rights as defined in international law, is the blood on the wattle, is the stain Australia cannot remove and can no longer hide from the world. Over the past two hundred and thirty-five years, Aboriginal peoples in Australia refused to concede, to give up the fight. In presenting solutions, the article looks to international law to the enshrinement of Aboriginal peoples' rights and interests, in an international sovereign treaty, including reparation and compensation to the peoples of the Aboriginal nations.

Ghil'ad Zuckermann examines the link between language reclamation and Aboriginal wellbeing. He postulates heritage language as core to people's wellbeing, spirituality and happiness. Chandler and Lalonde reported a clear correlation between lack of conversational knowledge in the native tongue and youth

suicide.⁴ However, so far, there has been no systematic study of a correlation in the other direction, i.e. the impact of language *revival* on *empowered* wellbeing, *improved* mental health and *reduction* in suicide. This is partly because language reclamation is still rare. This article hypothesizes that just as language loss *increases* suicide rate, language gain *reduces* suicide rate, improves wellbeing and increases spirituality. The article focuses on the Barngarla Aboriginal language of Eyre Peninsula, South Australia. Barngarla became a Dreaming, Sleeping Beauty tongue in the 1960s. It belongs to the Thura-Yura language group, which is part of the Pama-Nyungan language family, which includes 306 out of 400 Aboriginal languages in Australia. The name of that family is a merism derived from the two end-points of the range: the Pama languages of northeast Australia (where the word for ‘man’ is ‘pama’) and the Nyungan languages of southwest Australia (where the word for ‘man’ is ‘nyunga’).

In the interview on the Referendum, Anne Pattel-Gray reflects on the Referendum of October 2023, in which the citizens of Australia decided on the recognition of Aboriginal people in the Constitution. She gives her perspective on the outcomes of the Referendum and addresses questions such as how to go forward after the vote and what the next strategy for Australia’s First Nations might be. However, the most important question remains – How can Aboriginal people reconcile with a nation under those circumstances?

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4 Michael J. Chandler, Chris E. Lalonde: Cultural Continuity as a Protective Factor against Suicide in First Nations Youth.

Indigenous Knowledges

Bentley James, Glenn James, Dany Adone

Two-way Tools, Fire on Country

Abstract: This work settles among transdisciplinary perspectives on Anthropocene era Indigenous relations to the settler state, carbon economy, fire and ongoing struggles for Country. Climate change is creating more destructive fires. Indigenous land owners/managers are engaging in the carbon economy through reintroducing nuanced use and management of fire, concomitantly forging greater access to their Country – collectively about 70 per cent of the land area of north Australia is under Savanna Burning (emissions abatement) projects. In the process, Indigenous land managers are reknitting cultural landscapes across borders. Working in the carbon economy requires ‘two-toolbox’ partnerships, incorporating local and Indigenous Knowledge and Western style Science. Fire is a central feature of looking after Country, it is bound by holistic systems of connection, knowledge and belief. Western Knowledge provides emissions accountability needed to access the carbon economy. From the outset of the ranger movement and subsequent engagement with the carbon economy traditional owners have sought firstly to care for their Country, kin and culture. Government support and then carbon dollars have been a means to this end. With the passing of senior cultural leaders core values are increasingly challenged by the need to meet external KPIs and ‘burning for money’. This collaboration produces precious visits to Country, supports on-Country life projects, homelands, refreshes cultural knowledge, language, psychological well-being and resilience. It creates new science, and helps stem global warming. These globally priceless benefits are available only if the state apparatus, policymakers, and industry commentators can loosen an ethnocentric colonial strangle-hold long enough to recognise this mutual value.

Spring and summer of 2019/20 were marked by large-scale bushfires in which a number of people lost their lives, millions of hectares of forest and many homes burned to a cinder, and an estimated three billion native animals perished. ‘NBC News’ reported: “Australian Wildfires declared among the ‘Worst Wildlife Disasters of Modern History’”.¹ Referred to as the megafires, the time is now known as ‘Black Summer’. But this was by no means the first or last summer of uncontrollable bushfires in Australia, and the situation is set to get worse. The intensity and frequency of these big fires, alternating in many places with severe flooding, is arguably a manifestation of climate change impacts. Wildfires have, however, prevailed over the last century.

This was not always the case. Before 1788, a different kind of fire prevailed. Indigenous fire practice created a verdant Australian landscape repeatedly described by early British explorers as an estate like a ‘gentleman’s estate’ or ‘parkland’. Bill Gammage obsessively details expert fire management routines at a continental level used to create precise and reliable abundances of vegetables and game in an environment that is now seen as harsh and forbidding.² The epi-present European mythology of an inhospitable land is the foreseeable outcome of destroying Indigenous patterns of caring for Country.

Where Indigenous people were dispossessed of their land, destructive wildfires became the norm. Over the last century, wherever possible, Aboriginal

1 NBC News, 28 July 2020.

2 Cf. Bill Gammage: Fire in 1788; Bill Gammage: The Biggest Estate on Earth.

people have sought to enliven their indissoluble connection to ancestral lands and re-kindle curative fire practices.

Climate change is exacerbating the wildfire scenario and the climate change discussion; gathering public momentum is (slowly) shaping government policy and corporate response. One such response has been the development of markets for greenhouse gas emissions reduction. This has fuelled the reinvigoration of Indigenous burning practice across the north of Australia, by enabling an income for reducing wildfires, which in turn supports more holistic values sought in looking after Country. By engaging in the carbon economy through reintroducing nuanced use and management of fire, Indigenous land owners have forged much greater access to their Country, collectively about 70 per cent of the land area of north Australia, reknitting the cultural landscape across borders. Working in the carbon economy requires partnerships and the incorporation of Western-style science, technology and organisation. To what extent all interests are served in this new way is the focus of this paper. We will discuss key aspects of Indigenous fire management and Western technical knowledge in nascent carbon reduction and abatement projects and some prospects for the future of Indigenous fire on the Indigenous estate.

In order to tell this story as deftly as possible we will briefly describe something of the ingenuous underlying principles of fire management deployed by Australian Indigenous people. In section three we discuss how Western knowledge (more precisely new technology) and Indigenous ecological knowledge are combined in a 'two-toolbox' approach. To understand how this collaboration can work, we provide the reader with information about life on-Country and Indigenous Law, that dictate the how, where, when and why, of burning. Section four focuses on the critical dimension of people on-Country and homelands, and the effects of settler state logics. Section five concludes with a discussion of prospects and opportunities.

Fire Management in Indigenous Australia

Pascoe writes:

the use of fire was so controlled that belts of trees separating grasslands were maintained, and even small copses were allowed to remain in an open plain by the judicious use of back-burning to protect them. The Aborigines were using fire to produce associations between plains, forests and copses. It was planned and managed to enhance returns for their economy.³

He describes five principles underlying the Indigenous approach to fire management:

Rotating mosaic pattern which controlled intensity and allowed flora and fauna to survive.

Timing depending on the type of Country to be burnt and the condition of the bush.

Weather type influencing the timing.

3 Bruce Pascoe: *Dark Emu*, p. 172.

Neighbouring clans were made aware of the fire activity.

Burning was avoided during the growing season of particular plants.⁴

Fire was purposefully managed to control animal and plant communities in order to create reliable abundance and predictability offered by the profusion of diverse environments across the continent. Australia is the second driest landmass on earth and many of its varied animal and plant communities have adapted to, or depend on fire, but more importantly, these complex communities require very precise kinds of fire, at very decisive times and intervals.⁵ When to burn grass might hinge on its varied growth from season to season, or on good rains or poor, and so associated tubers, annuals and seed-producing plants might be killed by fire, whilst others in the near vicinity may need fire to flower or to seed. Specifically, no place was ever 'not' managed, and all places were named, owned and referred to as kin.⁶

Bininj Kunwok traditional owners of the Wurrk tradition on the Arnhem land plateau have more than fifty words just for kinds of fire. The Bininj Kunwok detail categories and fine-grained terms encoding kinds of human interaction, affordances and hindrances in relation to fire and Country e.g. 'Bambarr': 'a dead-end gorge or valley where fire can trap kangaroos ready for spearing'.⁷ In the article 'The language of fire', Jimmy Kalarriya says

We elders need to teach these young people so they will gain this knowledge, because when we three have died [Bardayal Nadjamerrek, Jimmy Kalarriya, and Peter Biles] then it's up to young people to look after the Country [...] We can work together with non-Aboriginal people so that we use both our Aboriginal language and the English words together.

Narrbenbukkan yawurrinjba bu kabirri-bengkan like ngad maitbi ngarri-danjbik ngarri-dowen. Wanjh yawurrinj kabirribolknahnan kun-red. Karri-djarrkdurkmirri Balanda dorreng, ba Balanda kun-wok bedberre dja ngad ngarri-bulirri kun-wok ngarri-wokdi.⁸

Everywhere on Country people are working to build relationships with the wider society to diminish confiscation of their human rights, their resources, their language and culture, their opportunities and life projects and more recently to slow the rate of global warming. Not to put too fine a point on it, we are witnessing the most recent iteration of the life and death-struggle for the cultural survival of the oldest culture on earth.

Western and Indigenous Knowledge Systems

In the fields of Indigenous studies and environmental justice, we find discussion of a 'two-toolbox' approach to the mixture of Western science and what has been called variously local knowledge, or Traditional Indigenous Knowledge (TIK) or

4 Cf. *ibid.*, p. 166.

5 Cf. Murray Garde et al.: *The Language of Fire*; Peter Whitehead et al.: *Fire Management Futures*; Jon Altman, Seán Kerins: *People on Country*.

6 Cf. Ian D. Keen: *Metaphor and the Metalanguage*; Frances Morphy: *(Im)mobility*.

7 Murray Garde et al.: *The Language of Fire*.

8 ABC Catalyst 2006 in Murray Garde et al.: *The Language of Fire*.

what we will call Indigenous Ecological Knowledge (IEK).⁹ The struggle to find compatibilities is a matter of growing urgency for several reasons. A first step in the process of analysing commensurability is an acknowledgement of the coherence of such knowledge systems in terms of their ontology or worldviews and an understanding of the kind of questions they are posing and trying to answer. The view in Australia in the past has been that IEK is not on par with Western Knowledge Systems in terms of environmental services. This view has been outdated as the complex site-based efficacy of IEK is now being better understood by scientists, and is of key interest to us here, in the space of fire management on a continental level. Combining these two knowledge systems may pave the way to improve action to ameliorate accelerating environmental degradation and to slow the rapid pace of climate change. Perhaps, equally importantly for humanity, it may provide a window into the crucial place of cultural diversity in the struggle to save our planet and to open minds.

Reducing the intensity and frequency of fires in tropical savannas reduces Green House Gas (GHG) emissions, by decreasing overall emissions from fire. Cool fires sequester carbon in woody tissue, forest canopies and larger woody debris left on the ground. Wildfires have become the norm across Australia since colonisation and are intensifying with global warming to create an explosive mixture. Wildfires almost always result in crown fires, killing many mature trees, destroying seed resources and diminishing water resources. Fairly recently Indigenous traditional fire management styles have begun to be re-introduced in some places in order to diminish catastrophic wildfire destruction. This fire management system, unlike unmanaged wildfires, takes the form of patchwork or mosaic burning, mostly cool burning and generally early in the dry season to create fireproof areas that stop wildfires by varying the fuel load available to fire on the ground. Landscape-scale fire research in Northern Australia is looking for ways of delivering multiple benefits in a changing world.¹⁰

Fire ecologists, Geographic Information System (GIS) experts and other science and technology researchers have developed ways to measure, map and account for GHG and carbon benefits from traditional style burning at landscape scale, and the Australian government has legislated a carbon accounting methodology. The important economic development of the partnership between the Savanna Burning Methodology and an Australian carbon credits scheme allows Australian Carbon Credit Units to be generated and sold, creating much-needed economic relief in the remote and poorest areas of Australia. It has been in the past and is again becoming common practice for Indigenous people across north Australia to burn their Country according to their culture and tradition – in a small but growing number of places now supported by income from the sale of

9 Indigenous Ecological knowledge is one of several ways of defining similar research interests in the field of 'Traditional Knowledge' or 'Traditional Ecological Knowledge'. The term 'traditional' is said to draw attention to the agglomerative aspects of knowledge and so obscures the dynamism and adaptability of such knowledge, cf. Fikret Berkes, Carl Folke, Johan Colding: *Linking Social and Ecological Systems*.

10 Cf. Nancy M. Williams, Graham Baines: *Traditional Ecological Knowledge*.

(Savanna Burning) carbon credits. But there is much more to multiple benefits than a first glance suggests.

Indigenous Knowledge and Place

It is critical to understand that, unlike the portable 'toolbox' of science, local site-based Indigenous knowledge, about fire practice, is bonded indissolubly to long histories of ritual, economic and genetic association with a particular tract of Country. This site-based knowledge is inextricably linked to the world view of the local Indigenous people and therefore cannot be transposed, transported or 'outsourced' from elsewhere. Each political, economic, linguistic, and genetic group of people have a continuing connection to distinctive areas of land that go back in time multiple thousands of generations. Recently, human DNA obtained from an archaeological exhumation, dated around 40000 to 50000 years old, was found on examination to present near identical genetic markers to the current traditional owners of that land.¹¹ The ontological notion of a consubstantial spiritual connection to ancestral Country is the fundamental basis of the Australian Indigenous worldview that constitutes the 'Law'.¹²

This is a very important point, and its implications are not well understood by the broader scientific establishment, governing administration, or mainstream society in general. Local Indigenous links to Country are spiritual connections.¹³ The key driver of engagement in savanna burning is a deep unrelenting obligation to care for (familial) Country based on spiritual connection. A person is understood to be linked to their conception site and to the spirit of the ancestors in Country, to those who have gone before, and to those yet to be born, by an indissoluble, consubstantial spiritual link. This connection is not trivial. An Indigenous Australian person's linkage to the spirits of Country is utterly fundamental and as such comprises the ontological basis of their authority to speak for, and to manage their Country. This connection and knowledge of place must be passed on to the next generation. This is a dictum of the 'Law'.

Indigenous Connection and Obligation to Country

A site-based historical and ontological association with the land underwrites the cultural images, knowledge and ceremonies constituting Indigenous knowledge

- 11 Ray Tobler et al., Aboriginal mitogenomes reveal 50,000 years of regionalism in Australia, demonstrate what Indigenous people have always said about their ongoing and elemental connection to their land, so is it so surprising that Aboriginal mitogenomes reveal 50000 years of locality based genetic and cultural continuity in Australia?
- 12 In the Eucharist of catholic doctrine, the notion of consubstantiality affirms the idea of essential sameness, i.e., the bread and the wine of the Eucharist ritual are elementally the same as, of *the same substance as*, the body and blood of Christ.
- 13 All organisms affect their environments, but the uniquely human conscious construction of meaning in the interaction with environments produces the culturally defined images, languages and significances that produce key ecological relations.

systems. The Law contains, among other things, the practices linked to managing the land, and intimate local fire knowledge enshrined in ancestral edict. Laurie Baymarrwaja, a Yolŋu elder from North East Arnhem Land, explains in Yan-nhaŋu, the ancestral language of the Crocodile Islands:

Why do we burn saltwater Country? It's the law!

Always watching the Country and listening to the winds, we must follow the knowledge of the ancestral spirits when we burn. Don't burn anytime or anywhere but with the law. These are signs of the ancestors for the rangers to follow in their burning as they care for the (Crocodile) islands.

Dhabiya naŋapuluma dhulmiyama wangalaŋa limalama? Wanhaba ŋupanaba romnha! Binmunu wanha napuluma bayŋu ŋupanba rom ŋatjiliyanumuru. Binmunu wanha yana bayŋu garrana bilyanaŋurranha ga nhama wangala. Nhunu gurrku rom ŋupanaba burthalagu dhulmiyamagu. Rulka dhungulyun babalaway. Walirmiri dukuyu ŋumunku rangersgu djamagu dhulmiyamagu bayŋu mana nyininha.¹⁴

Indeed, mythological narratives, ritual and ecological relations comprise a powerful ideational system at the heart of Yan-nhaŋu life. This system produces the actual physical behaviour by which ecological relations are determined. In this way, the practices and symbols of human ecological relations reveal deeper metaphysical themes.¹⁵ The anthropologist Ian Keen describes how 'ancestral laws' shaped the organization of human and ecological relations in four primary ways: Firstly, they framed the regional orders of law that provided the foundations of social order. Second, they were implicated in the ownership and control of access to land and waters and their resources. Third, people believed, on the basis of these doctrines, that they could tap ancestral and magical powers to enhance the supply of resources. And fourth, many economic rights, obligations, prerogatives, and prohibitions were framed explicitly in terms of ancestral law.¹⁶ For Yolŋu people these cosmological doctrines are understood to be the endowment of the ancestor spirits.¹⁷ This locality-based ancestral law, often called 'the dreaming', is consistent across Indigenous Australia.

There is also an intricate relationship between Land-Language-People that complexifies the study of Indigenous Australian societies and languages. In Australia, Indigenous language ideology postulates that a group's ancestrally endowed language is directly related to their inherited land.¹⁸ Stanner characterises the relationship to land as inherently spiritual as he observes

place was the source of a person's life-force, and he or she was inseparably connected with it. This indissoluble connection of person and place by means of a spiritual link externally manifest in land as an outward and visible sign.¹⁹

Linguist Francis Morphy describes how a clan's language is closely bound to a "pre-existing ancestral geography".²⁰ The method of investment of a language

14 Laurie Baymarrwaja to Bentley James, p.c., 1999.

15 Cf. Roy Ellen: *Environment, Subsistence and System*, p. 206.

16 Cf. Ian D. Keen: *Aboriginal Economy and Society on the Threshold of Colonisation*, p. 210.

17 Cf. Frances Morphy: *Dajpu, a Yolngu Dialect*; Ian D. Keen: *Definitions of Kin*.

18 Cf. William E. H. Stanner: *The Daly River Tribes*; Ronald M. Berndt: *Ceremonial Exchange in Western Arnhem Land*; Geoffrey Bagshaw: *Gapu Dhulway, Gapu Maramba*; Ian D. Keen: *Aboriginal Economy and Society on the Threshold of Colonisation*; Bentley James, Laurie Baymarrwaja: *Yan-nhaŋu Atlas and Illustrated Dictionary of the Crocodile Islands*.

19 William E. H. Stanner: *On Aboriginal Religion*, p. 2.

20 Frances Morphy: *(Im)mobility*, p. 366.

in the people and the land is recorded in a complex and profound body of creation myths, i.e. foundational myths in which the ancestors are believed to create the topography and endow it with language, as an integral part of the cosmogonic act of creating the land and seascape.²¹ Those inheriting possession of the ancestral geography also inherit the language. The owner group and their 'ritual managers' retain the authority to speak about, for, and share details of this language with outsiders, e.g. researchers. This elemental connection between Land-Language-People is not just associative but a profound and binding ontological reality.

These foundational laws, remembered in the songs and stories of the ancestors, are uniquely fixed in the language of the ancestors. The following is a translation of a rare recording of the Yan-nhanju song of the winds, these winds, linked to seasonal burning of the islands and the spirit ancestor called the 'Gurrimirriṇu', were sung by the elder Laurie Baymarrwanja:

When lira ṇanka (north west wind) blows the Gurrimirriṇu lights a grass fire at Gurriba. When we see this smoke, it reminds us that we must light up the Country. He, as always, the Gurrimirriṇu [...] sings the song, my song, [...] lights fire on the islands [...] tells us of the people before [...] tells of the way of Gurrimirriṇu.

Lira ṇanka dhuptana marragalbiyanay ga marradumbarramaw gurru dhulmiyama mulmu dhambananiṇ burthara dhakal nhanku Gurriba. Lima nhama Gurrimirriṇugu ṇawurru lima nhambaka wangalanga gurru dhulmiyama mulmu dhambananiṇ. Gurrimirriṇu manikay [...] ṇarraku (manikay) binwanha [...] da [...] da [...] gurtha gurru gama, buthara nhanju butharanhara nhanju [...] runu-runu dhakal dhakal dhapanyina.²²

For Indigenous people in Australia, the obligation to care for Country *is* based on the notion of never-ending ancestral laws in essence linked to life on Country. These elemental connections are created by countless generations of adherence to an ancestrally inherited, kin-based view of the world. A view that rests on enduring links to a pre-existing network of ancestral sites, associated spiritual entities and the residues of their essences and power on their Country.²³ The notions of universal kinship, pre-existing ancestral geography and the potent locality-based nature of ancestral language provide the ontological bedrock of life on Country.²⁴ It is these foundational notions that underwrite shared practices across Indigenous Australian societies. For Indigenous people from different groups, speaking different languages, everything, spirit, land and language, is understood to be ancestrally inherited. That is why the spirit of the people and the land are inseparable.²⁵ Consequently, it is *the people of the land, and sea, who must burn the Country*.

21 Cf. W. Lloyd Warner: A Black Civilization; Nancy M. Williams: The Nature of 'Permission'.

22 Sound Recording Murrunga Laurie Baymarrwanja (Gurtha-Fire-Galiwin'ku 1 April 1997, 21 mins) author's collection.

23 Cf. Frances Morphy: Invisible to the State.

24 Cf. Bentley James, Melanie A. Brück, Dany Adone: Yan-nhangu Language of the Crocodile Islands.

25 It is of no surprise then that the notion of ancestral language is so crucial to cultural survival and the first thing the settler state moves to destroy. In *Vanishing Voices*, Daniel Nettle and Suzanne Romaine demonstrate that Australia is still leading the world in the destruction of Indigenous languages.

Creating Opportunity through Collaboration

In the early 1990s senior Indigenous land owners in West Arnhem Land and ecological scientists began working on a significant challenge facing Indigenous people living in far-off diasporas. Namely, how to support a return to homelands and to facilitate ways to reduce the destructive wildfire regime, that had become the norm since custodians of those homelands had been dislocated to distant Aboriginal towns. Indigenous land owners had the nuanced and holistic knowledge of Country and fire technologies to re-introduce effective traditional burning practices (typically early dry season patchwork burns tailored to different vegetation types etc.). Their non-Indigenous collaborators brought an understanding of potential carbon offset opportunities and the science and technologies to measure abated emissions from replacing wildfire with ‘cooler’ managed fires and the means to develop mechanisms to formally account for abated greenhouse gases. This began a long-term collaboration to refine this opportunity, return to Country and convert the carbon/GHG benefits to cash through offset agreements and then in the marketplace.

Given the similarity of the biome across north Australia and correspondences in Indigenous local knowledge and incentives around re-igniting fire management on homelands, the opportunity has spread to Western Australia and Queensland, generating around \$40mil per year. Indeed, the successful collaborative model of traditional knowledge holders (TKH), science and policy practitioners has now been introduced to Indigenous peoples in other parts of the global sub-tropical savannas (e.g. southern Africa, Brazil, and parts of Indonesia). These TKH et al. are now developing their own version of Savannah burning to achieve similar cultural, environmental and economic outcomes and returns.²⁶

The Ranger Movement and Realising the Opportunity

There are currently multiple similar fire programs operating successfully in Northern Australia. Those operations range from conducting landowner consultation and planning, implementation of on-ground and aerial ignition burning, to fighting wildfires, an area in which Indigenous land managers are at the forefront. Indigenous land managers have also been leading the development of savanna-burning initiatives, which combine the Traditional Ecological Knowledge with Western technology and knowledge to reduce GHG emissions. This ‘refreshed’ and ‘collaborative knowledge’ about fire is then shared across Country to reduce destructive late-season wildfires.

Ranger programs have become the preferred vehicle for the delivery of carbon abatement programs on Country. Compromises are often required between the management of local ranger group-operated fire programs and senior traditional owners’ assertions of authority and specific interests over the care and use of

26 Cf. Jeremy Russell-Smith et al.: Culture, Ecology and Economy of Savanna Fire Management in Northern Australia; Peter Whitehead et al.: Fire Management Futures.

their customary estates. For example, end-of-dry-season fires used for hunting may reduce income from credit production because of the 'methodology' used for Savanna Burning (SB prescribes no burning after the end of July). Further complexity in managing all the partners and players in this space (researchers, regulators, investors, and other community groups) requires culturally appropriate, high-level governance mechanisms and skills: not always easy to find and secure. The overall development of this Indigenous-led Savanna Burning activity, however, is an overwhelming success, delivering many tangible benefits to Indigenous communities and traditional owners. Practical meaningful dividends include jobs, and the reinvigoration of knowledge forms, and importantly, deeper access to Country and spiritual attachment associated with familial landscapes. The emerging cooperative fire space is providing important substantial and sustainable opportunities for physical and cultural survival.

In the recent period of funding available for Ranger programs to enact practices to limit carbon emissions, there is revived assistance for the regeneration of knowledge linked to Country and its management (less so for direct outcomes for languages). More broadly, across the Northern Territory, Indigenous knowledge and skills are being rekindled in light of the depopulation of the landscape and the demise of the homelands. The continuity of Indigenous knowledge and skills linked to fire management practices are only but emphatically constrained by the number of people that live on Country. Also, those people currently on Country may or may not have been part of a generation that traditionally 'hunted and gathered' their resources, in the last twenty to forty years (given that everyone a generation ago on all those homelands interreacted daily with traditional activity). Today, participants in carbon abatement projects possess various levels of knowledge about fire, with younger people often having much to learn. Continuity in residence and interaction with Country, elders and sacred sites is necessary to maintain 'connection' and meet obligations to cultural responsibilities. Obligations to cultural, linguistic and metaphysical values improve biodiversity. As homelands are pivotal to this work they need support from scientists and policy makers. Across society we must engage and celebrate the expertise of this rare cultural knowledge. This cultural ensemble is providing a raft of services to the nation for no cost.

Modern programs are currently developed to map out how to do carbon science on Country with the new mix of Indigenous and scientific ways of burning Country. Science is influencing and helping continue practices of traditional fire burning with vital outcomes in the production of a fertile environment, rehabilitation of degraded bioregions, livestock damage, weeds, pests, and the reduction of greenhouse gases. Importantly, scientists are providing descriptive and quantitative models for measuring the impact of different seasonal burning and its intensity. Methodologies for measuring the dynamics of various vegetation types, burning rates, timing and intensity of fires, and ranges of composition and structure are necessary so that a catalogue of the fire sensitivity of various plant species can be mapped. Furthermore, remote sensing technology (GIS) has allowed scientists to be able to map where fires have been and the patterns of fire regimes. The integration of relevant information into large databases, consequent

interpretation and communication of such information to broader policy-making instruments is having a real influence on carbon abatement project stability. One of the great successes of modern fire management is the methods for estimating the emissions from Savannah fire burning.²⁷

The benefit of such scientific methodology and technological practice produces more refined environmental management and measurement tools which increasingly improve the confidence with which estimates of the offsets for fire-related activity can be produced and integrated into the commercial markets. Such capability facilitates the identification of new potential sites where reductions in emissions are possible and can lead to new markets and regional remote prosperity. This two-way methodology, the marriage of modern Western and Indigenous knowledge systems, provides a body of associated practices and social, cultural and economic systems that promote the ability, in some places, for Indigenous people to return to live on their homelands. Accelerating the setting up of Ranger programs is tentatively attracting support from government and private investors. What is important for the revival of key criteria for Indigenous people, is the authentic commitment to cultural practices and engagement with familial landscapes, enhancing their Indigenous worldview on their Country.

The Contribution of Science, Technology, Economy and Policy

The Western ontological perspective emphasises the importance of continuity in quality data gathering and research. The rational coordination of linkages with local, regional and national Indigenous organisations, and the negotiations between and within such Indigenous organisations must aim to avert potential conflicts of interest and enhance the ease of information sharing. In 2008, a key Indigenous organisation, the North Australian Indigenous Land and Sea Management Alliance Incorporated (NAILSMA), an Indigenous knowledge and science sharing platform, facilitated meetings with North Australian Indigenous land councils, philanthropic organisations and businesses, examining research governance and planning for engaging with a carbon economy, across the top end of Australia (including West Australia in the Northern Territory and Queensland). Insights gained from this critically important platform for the trading of Indigenous knowledge ideas, technology and how they work together, put new working groups in the carbon space into a better position to engage.

Within the associated industries and opportunities developed in the carbon abatement space, there is the need for institutions that can create and network collaboration across the particularly broad and disparate geographical and political domains of North Australia. As the fire and carbon industry grows it will be more important to address issues of property rights, decisions about eligibility and partnership, with comprehensive dispute resolution mechanisms. These complex land ownership, multiple needs and disparate ideological perspectives,

27 Cf. Jeremy Russell-Smith et al.: Culture, Ecology and Economy of Savanna Fire Management in Northern Australia; Peter Whitehead et al.: Fire Management Futures.

will need to be harmonised. Structures need to be put in place to manage disputes. More broadly, institutions must be developed to engage with governments, industry, philanthropic groups and others, to validate the performance and quality of this work. The NAILSMA organisation is particularly well placed to intersect with this space although it is not yet well enough resourced to coordinate the entire space.

There is a strong need for governmental institutions to re-imagine the role of remote Australia as a key player in the management of the national greenhouse gas emission profile. It is time to clarify the roles of the Australian government and private sector investors and potential purchasers of environmental services. An untapped resource exists in new generations of Indigenous people engaging with the land they own that can be operationalised with proper cooperation. Unfortunately, an ideologically driven and uncooperative administration prevails.

Why Engage in the Carbon Economy?

The struggle of Indigenous people to conserve, rehabilitate and re-invigorate the metaphysical links of their ancestral inheritance is of world-wide significance. From the perspective of cultural, linguistic, biophysical and climate change mediation this work is crucial. This ancestrally inherited system of seasonal life activities was the cultural background from which Savanna Burning activities emerged – part of the seasonal round of caring for and living on Country. People are committed to the struggle to retain and rejuvenate the whole system of cultural and linguistic practices around living on Country and celebrating the gifts of the ancestors. Activities that deliver carbon offsets are ostensibly the same activities that deliver holistic well-being to their practitioners, their families and their Country. The carbon outcome creates the income that supports these ongoing beneficial activities. There is long-term prospect in this system that supports people, land and life projects. Sustainable projects with the proper reverence for life and Country. The implications of which are positive for more than just the intergenerational transmission of language and culture but for the entire planet.

Benefits and Co-Benefits

As mentioned, there are opportunities through engagement in this carbon economy to value-add to the GHG emissions outcomes in the form of what non-Indigenous players tend to describe as co-benefits, such as increased employment and income, biodiversity benefits, water quality, health outcomes, strengthening kin and cultural systems. Indigenous people consider such benefits as core benefits – promoting their ownership of land, providing rights to control projects that respect their laws, people and their traditions, paying due attention to the spirits of Country and helping educate the wider society to accept their world

views. Re-introducing traditional style fire/land management is now used to promote regional and remote prosperity through the sale of carbon credits – a unique opportunity to achieve significant outcomes of mutual benefit to Indigenous and non-Indigenous society, encouraging settler society institutions and policy makers to include savanna burning practice in the mainstream economy. Few other Indigenous-led activities have been so successful.

Local Cultures and the Drivers of Participation

Emerging Savanna Burning projects, following the SB Methodology, allow Indigenous fire managers to use their knowledge of fuel types and the dynamics of seasonal burning etc. (e.g., when grasses are cured enough to burn at low intensity, where to start fires, how to create mosaic breaks in the landscape) to lower carbon emissions from the wildfire baseline. This fire knowledge is now heavily discussed within the context of Australian landscape fire. However, as previously mentioned, for Indigenous people in the north of Australia, non-Indigenous interest in the carbon economy and climate change mitigation per se were not the main drivers for this re-introduction of traditional style burning practices to savanna woodlands.

It was the opportunity to re-engage with cultural landscapes and practices of care for Country, opportunity to care for spiritual obligations to ancestral sites of significance, and to pass this law onto a new generation growing up in the footsteps of the ancestors. This is most often stated by Indigenous land owners as the key driver to engage in savanna burning activities. Indigenous land owners have repeatedly spoken about the core principles that frame their interests and decisions about Country. Settler state threats to these core values may be increased by interactions with a carbon economy. The question is then, can these principles survive the cross-cultural engagements of the carbon economy?

To know the answer, it is necessary to develop an approach to monitoring activities and tools based on traditional owner values as such cross-cultural engagements with Indigenous enterprise. The traditional owners we have spoken to in the North of Australia emphasise local values in their decision making and planning. This emphasis on core local values gives confidence in balancing donor, market and other 'outside' interests and values in the way they manage enterprise. Care and continuity for these core areas is a critical driver of participation for the future. In brief we have grouped these values into five broad areas: Connection, Identity, Knowledge, Power, and Seasonality. These are not definitive categories but resonate with Indigenous land managers' core interests as interpreted locally. They are considered important local values to be maintained and enhanced, particularly in cross-cultural, e.g. business, governmental institutions, for setting goals and monitoring the condition of these core areas as they are passed on to new generations. We summarise these value sets as follows

- *connection* – often expressed in terms of one's place in networks of kin, by implication also to specific inherited customary land estates. This establishes obligations and responsibilities, protocols governing relationships

in local and even wider networks of people and Country. Social organisation and rules for behaviour for example depend on such connectivity. Competence with and respect for this is inherently valuable and by extension appropriate connection to non-Indigenous society is of measurable value.

- *identity* – a value with many and varied qualities, but often expressed in relation to one's own language, ancestry, 'dreamings', affiliation to Country and community which in turn underpins confidence and authority to act locally and in wider society.
- *knowledge/skill* – local and traditional knowledge systems enable effective management of land and sea Country, connecting the physical, social and spiritual world. This knowledge foundation generates confidence to take on Western style knowledge and skill, enhancing adaptive capacity to, for example, participate in the wider contemporary economy.
- *power/empowerment* – the extent to which Aboriginal people feel able to draw on spiritual affiliation, apply customary, local and acquired knowledge to decision-making, and to manage their interests locally and further afield is a strong expression of empowerment and authority.
- *seasonality* – knowledge of and synchronicity with the land and its seasonal cycles is a strong demonstration of health and adaptability of Indigenous societies. The dominant influence of seasonal patterns and processes on life is reflected in the social and spiritual systems.

It is these core values and their associated practices that traditional owners are struggling to enhance and pass on to the next generations. This potent historical and elemental connection to Country and burning, drive participation and the potential of burning. Collaboration from the science sector, environmentalists and economic drivers from carbon economy entrepreneurs are prominent and well evidenced. This diverse ensemble of characters is working hard to achieve the enormous opportunity and dire need for carbon abatement. The challenge now appears to be the persistent ideologically driven settler state logics and comiserate disunity of administrative arrangements that have haunted Indigenous enterprise in Australia since colonisation. Examples of how these settler values continue to intersect with the life projects of Indigenous people in the domains of health, education, legal, economic, spiritual and political domains are frustrating and ubiquitous. A telling example in the North of Australia is the homelands movement of Arnhem Land in the Northern Territory.

Homelands, the Significance of Living on Country and Settler State Logics

In the early 1970s a vibrant and powerful movement of Indigenous land owners decisively moved away from the ex-missions and settlements (relics of colonial occupation) and back to their traditional Country across Arnhem Land in remote Australia. A wholly Indigenous movement emerged partially in response to two

distinctive and related Settler State policies, the 'White Australia' policy, and Aboriginal 'Assimilation' policies.²⁸ The thrust of the homelands movement is to replenish the profound metaphysical links, practices and knowledge of spirit in Country, to re-engage with cultural landscapes, to care for kin and Country, and the critical intergenerational transmission of these spiritual obligations to ancestral sites of significance. Spiritual practice is at the very heart of relations to land and the 'Law'. The homelands movement remains a powerful symbol at the enduring frontier of Indigenous resistance and the fight to hold the Country. Importantly for us here, it is within these core practices of spiritual and ecological knowledge that fire knowledge is embedded.

Altman observes that in the Northern Territory alone, in the 1990s, some 10 000 Indigenous people were dependent on homelands with more than 40 000 people connected to them.²⁹ This is 30 per cent of the Northern Territory's, and a substantial proportion of North of Australia's Indigenous population.³⁰ Starting in the 1970s, the high-water mark of Australia's recognition of Indigenous land rights, the government at that time provided some funding stream to homelands.³¹

This funding diminished to near nothing during the 1990s and barely remains.³² Homelands are places where Indigenous knowledge is embedded in the intricate web of relations linked to residence on land and the daily rounds of activity.³³ In continuity with the pattern of tens of thousands of years people continue to reside on their traditional lands in small family groups with their partners and children. Daily activities are organised around economic activities dealing with traditional kinds of living on the land; men, women and children, going out to hunt and collect various seasonally available resources and burn Country in ways they have done following the pattern of the ancestors. Some modern technologies are used to support that project, i.e., access to the motor car, rifles, solar lighting, bore water etc. as residence on Country is critical to the intergenerational transmission of culture and language.

Among the benefits of homelands are the reduction of chronic overcrowding and social tension in larger communities, improved wellbeing through reinforcing engagement and responsibilities to Country and family, maintaining community networks and social structure, and strengthening identity.³⁴ Elders often

28 White Australia policy allowed only 'white' migrants from Britain, and assimilation focused on absorbing Aboriginal people into white society through the process of removing children from their families and to destroy Aboriginal society.

29 Cf. Jon C. Altman: *The Indigenous Hybrid Economy. A Realistic Sustainable Option for Remote Communities?*

30 Cf. Amnesty International: *There's No Place Like Homelands*.

31 A homeland is populated by one or two related family groups living together on their Country care for kin, family and ancestral connections unlike communities which are colonial artifacts where many clans were coerced and forced to work.

32 Altman et al. say, "the estimated 500 outstations/homelands, with approximately 10 000 people associated with them and another 40 000 people linked to outstations/homelands" are being stripped of support, Jon Altman et al.: *Why the Northern Territory Government needs to support Outstations/Homelands in the Aboriginal Northern Territory and National Interest*, p. 2.

33 Cf. Robyn McDermott et al.: *Beneficial Impact of the Homelands Movement on Health Outcomes in Central Australian Aborigines*.

34 Cf. Jon C. Altman et al.: *Policy Research Why the Northern Territory Government Needs to Support Outstations/Homelands in the Aboriginal, NT and National Interest*, p. 1.

refer to the health benefits of living close to sacred sites.³⁵ The critical point is the underlying pattern of people's culture supporting continuity of linguistic types, child-old age care, religious observance, conservation, education, socialisation and arts on Country. All of this is not supported by the state. It is squandering the enormous opportunity and value inherent in the system. These crucial cultural goods and services are provided at virtually no cost by homelands people for the collective benefit of all Australians.³⁶

This exceptional system of local connection captured in the language of place and linked to sites and activity on Country comprise the library of, and the medium for intergenerational transmission of the culture of the land.³⁷ These distinct metaphysical links cannot be replaced with the English language, and therefore land owners' urgent desire to speak their languages.

During the 1990s the opportunity for people to live on their homelands gradually disappeared. Along with dysfunctional agency coordination, unfunded policy, dismantling of useful programs like the Community Development Employment Program (CDEP), punitive programs aimed at 'normalising' Indigenous life worlds undermining the fragile homelands infrastructure.³⁸ Compulsory English only education was mandated by the Northern Territory education department. In 2007, John Howard's government Intervention introduced a series of measures undermining Aboriginal rights.³⁹ Homelands children were denied education on the homelands and parents forced to move away into chronically overcrowded community housing.⁴⁰ The systemic logic of the Settler State and its disunified administrative functions continue to weaken Indigenous opportunities to pass on their local cultural values, language and inheritance and destroy their economic and political opportunities.

Timid and indecisive investment by the settler state in the carbon economy is following the same ideological patterns as mentioned previously. Land owners are forced to accept significantly diminished opportunities to access Country, inadequate, over governed, and underfunded community services and compromised

35 Bentley James worked on homeland for 25 years. Elders often told him about the spiritual and energetic powers of revivification present in the vicinity of sacred sites.

36 Cf. Glenn James, Bentley James: Saltwater Burning.

37 Decline in the significance of language use and identification impacts a younger generation unfamiliar with their homelands. Homeland life provides strong links of Language to Country.

38 Cf. Jon C. Altman et al.: Policy Research Why the Northern Territory Government Needs to Support Outstations/Homelands in the Aboriginal, NT and National Interest.

39 The health and protection of children was a key justification for the 2007 intervention, but no evaluative framework nor intention, of measuring its effectiveness was made in its 400 odd pages. Its bulk is focused on land tenure changes. Its genocidal intent is now plainly visible, as Pat Anderson, one of the authors of the report, stated publicly that none of the recommendations of the 'Little Children are Sacred' report have been enacted. She correctly predicted, as did others, that the Government's response will result in more children being abused, more domestic violence, higher levels of substance abuse, lower levels of educational attainment, greater marginalisation of the Aboriginal people from broader Australia, worse health outcomes, higher suicide rates and worse employment participation rates. She was correct.

40 Aboriginal Housing Office: National Partnership Agreement in Remote Indigenous Housing.

ability to interact with their Country.⁴¹ These same fiery land owners are resisting cultural annihilation by creatively using the opportunities, like ranger programs and access to a carbon economy, to forward the spirit and practice of their Law on Country. The fledgling carbon economy may well be the last chance they have for the revivification of the homelands and more broadly enhancement of the environmental and cultural values of the Indigenous estate. So where does that leave the extensive historical value and potential continuities in Australia's Indigenous burning practices, engagement with global warming and opportunities to alleviate Indigenous disadvantage more broadly?

Conclusion, Connection, Obligation and the Opportunity to Educate Wider Society

As we have seen, the key for Indigenous people is the opportunity to re-engage with cultural landscapes and obligations to care for Country. Indigenous opportunities to forward the spirit and practice of the law on Country is of global significance to the history of all mankind. Ancestral connection to Country is a key driver of engagement in savanna burning, a deep unrelenting obligation to care for kin and Country. The ancestrally inherited land, language, songs, dances, ceremonies, and traditions of the people on Country are understood to be elementally connected to them in every way, materially and spiritually. The cultures here engendered over tens of thousands of years of intimate coexistence with the spirit of Country producing culture, language and religious observance in the only known and reliable blueprint for survival in this place. This is a priceless inheritance for all mankind, a jewel of human invention and ingenuity. We must make a wider world aware of the danger of its imminent destruction by ill-considered decisions taken in the settler state institutions. How to shift this ponderous ideologically driven settler logics is a question we cannot answer here but we can look at the opportunities and prospects.

The Scope and Prospects for the Sector

The Indigenous estate covers more than 20 per cent of the continent comprised of globally significant cultural values and biodiversity. The values created by Indigenous fire management systems have been in operation before 1788.⁴² The

41 Closing the Gap in the Northern Territory Monitoring Report January – June 2011, as foreshadowed, school enrolment and attendance has declined from 64.5 per cent in February 2009 to 62.7 per cent in February 2011, despite rapid population growth. Income support recipients have increased from just on 20000 in June 2009 to nearly 24000 in June 2011. Reports of child abuse in Northern Territory Emergency Response (NTER) communities have increased from 174 in 2007–08 to 272 in 2010–11; as have domestic violence reported incidents, from 1612 to 2968. Suicide/self-harm incidents have increased from 109 in 2007–08 to 227 in 2010–11 in NTER communities.

42 Cf. Bill Gammage: *Fire in 1788*; Jon C. Altman et al.: *Policy Research Why the Northern Territory Government Needs to Support Outstations/Homelands in the Aboriginal, NT and National Interest*.

Savanna Burning land management sector currently extends right across the north of Australia. In the near future the collaboration between Indigenous and Western knowledge systems will extend this into Australia's rangelands (between 400 and 600 mm annual rainfall). Other Methodologies are planned to capture sequestration in different rainfall zones and a broader move towards ecosystem services is emerging.

At an organisational level, fire practitioners (often Indigenous rangers) are supported in various ways by a fledgeling second tier of Indigenous organisations, offering various services to the sector. This is set to grow and strengthen in the future, maturing the sector in Indigenous hands (albeit within the policy, law and market mechanisms allowed by the State) and creating a well-connected and a more secure sector, which promotes grass roots, local autonomy, and decision-making on Country by traditional owners.

Two-way Partnerships onto the Future

As previously mentioned, Indigenous peoples have indissoluble connection to their customary estates. The collaboration between Traditional Owners and skilled partners in the Savanna Burning space is born out of the holistic features of this connectivity and the science and technology from the broader society. From early beginnings based on respect, trust and good will, the burgeoning Indigenous Savanna Burning sector, now worth tens of millions of dollars a year has had to grow on a realisation of common interest where cultural traditions of caring for Country, climate change mitigation and the (carbon) economy momentarily go hand in hand. The sector has proven to be highly successful, maturing support mechanisms around it like cooperative marketing, insurance, developmental support for new projects, industry lobbying, communications and PR, national fora, bespoke monitoring and evaluation models.

The science partnership continues as this carbon-based fire management economy develops new methodologies that account for carbon and GHG benefits in other biomes, and from other outcomes from traditional-style fire management (e.g. Carbon Sequestration mentioned above). The future of this dynamic collaboration with many partners is challenged by the need to secure the opportunity for Indigenous engagement in this economy on their own terms, allowing fire and land managers to grow their cultural knowledge and well-being as well as enjoying the financial advantages.

To this end, the sector, having started with carbon mitigation through fire management, seeks to push the perception of common value across cultures beyond fire and carbon into the more encompassing delivery of Ecosystem Services like biodiversity benefits, water quality, erosion control, feral animal and weed control, natural hazard risk reduction. A deepening collaborative effort is emerging to generate the measures, the methodologies, the policy shifts and markets that will allow a much broader appreciation for the culture, knowledge, skill and connectivity that Indigenous people hold with their land and support for on-Country life projects, including homelands.

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Dany Adone, Thomas Batchelor

Interview with Glenn James on Indigenous Engagement in Fire Management

Dany Adone: It's a pleasure to have Mr. Glenn James with us today. Mr. James works in the Northern Territory with Indigenous Rangers and is involved in fire management programmes. Could you tell us about your work?

Glenn James: Thank you and thanks for the invitation to speak with you. It's a pleasure to share some of the experience that I've had in the Northern Territory and across the north of Australia. By way of introduction, I spent about 10 years in the Tanami Desert or on the edge of it, living and working in an Aboriginal community called 'Yuendumu'. I then came to Darwin and worked for one of the Northern Territory's four Aboriginal land councils, the Northern Land Council. I spent nearly a decade working across the Top End of the Northern Territory with the Land Council before joining an Indigenous organization called the 'North Australian Indigenous Land and Sea Management Alliance', which is a mouthful, but basically, it is an organization whose land management and enterprise development foci crosses jurisdictional boundaries across the north of Australia, aiming for some gravitas for Indigenous voices in land management in particular. I spent almost a decade working there.

I've since, in the last several years started a (very) small consulting company doing project management, sacred site surveying, cross-cultural facilitation and various other bits and pieces. So that's kind of me in a nutshell, three lots of 10-year stints. I don't know why, but that's just how it seems to have happened.

I have a particular interest in the emissions management space – the carbon space in relation to Indigenous land management. I have also recently spent quite a bit of time working with Indigenous community members and emergency management agencies to improve social, cultural and economic outcomes in that natural hazard management interface. This is an important focus for relationship and partnership development across much of Australia, though significantly challenged by 'business as usual' structures and practices. I'm trying to keep tabs on all these things – they are very different fields but connected by fairly common themes in Australia's colonial history and treatment of Indigenous people, both challenges and opportunities. That's pretty much where I'm at, at the moment.

Thomas Batchelor: How has your work engaged in lifting Indigenous voices for change?

Glenn James: I always see myself as a facilitator, really, and I see my role as a facilitator as understanding that often murky intercultural zone where utterances and meaning become uncertain, and helping to find spaces and pathways for trust

and clearer communication. So, in my case, I really try to bring my thirty-odd year history (working with Indigenous Australians in the desert, in the Top End, Western Australia and North Queensland) to bear on projects that are of interest to traditional Aboriginal landowners. I think I have something to offer, in a sense, to give back and so I've engaged in quite a few different sorts of projects in the last number of years that have really been geared towards, as you say, giving voice to, facilitating space for or helping empower Indigenous people who have a particular agenda or interest that I may be able to assist with, such as those I mentioned, in the carbon space, enterprise, emergency management.

My interest in carbon was not carbon per se. It was to help people understand that entering into an emissions reduction or carbon economy by getting back out on the Country and reinvesting in traditional-style burning also means that they're necessarily engaging in a business-type economy, involving ostensibly Anglocentric type business structures, notions of economic success, and a range of partners (researchers, funders, community organisations) ... a kind of transcendental shift from being customary landowners caring for their Country to landowners caring for their Country and earning/managing a commercial income. It's really important to be able to promote confidence in Indigenous proponents of this kind of enterprise that they can put their values first, reaffirming their own strengths and then using that to try and negotiate a pathway into being effective actors in the economic sphere. So, the carbon space has been one. Another has been, as I mentioned, the emergency management arena, where remote community people have a great deal to offer in the preparation, management and reconstruction phases of natural hazards events, but they are almost invariably left out of the equation.

Emergency management as a sector tends to ignore the values and the assets that Indigenous communities have to participate in and effectively collaborate in preparation for and in response to natural hazards. So the conversation that we're trying to grow here is one where emergency management agencies start to recognize the value of decentralizing some of their responsibilities to remote Indigenous communities by speaking with them directly about the sorts of assets that they have to offer, including local knowledge and cultural networks of communication and language, for example. These are some of the ingredients needed to build effective partnerships, to improve the effectiveness altogether of emergency management in the face of natural hazards. There are a few really quite successful projects across north Australia that we collectively now are wanting to help develop further and share the experience of other remote community groups and state/territory agencies alike, to learn from.

Dany Adone: It is not really the academic community here, it's people doing work like you, consulting and also those who've been working in these institutions, how can they contribute in the process?

Glenn James: Yeah, it's an interesting one because there's still a strong tendency within the academic and research world (the ethnocentric structures, administrations and practitioners) to be paternalistic. And this is one of the key challenges for us as supporters, partners, interested thinkers, to first of all, recognize

the insult and cycles of dependency that are most often an outcome of such approaches, and then find pathways with our Indigenous partners to avoid these rather abstract 'western' practices of 'needing to understand and document', 'wanting to fix', 'playing by the rules', overlaying systems of governance, and failing to be self-reflexive. We should not just be doing things for people or just doing research for example on them. So, research is a classic example, where we need to develop systemic approaches to be doing things with Indigenous community members that are of value to them (directly and indirectly) – that they want, and that's the key. We tend by nature – unless we develop our own faculties of self-critique – I think, to be Anglocentric in our approaches to working with Indigenous communities. We find ourselves, as I often do, in that murky intercultural zone between Indigenous values (the way that they articulate them, their interests and aspirations) and government (or other organisations) KPIs (Key Performance Indicators) and policy prescriptions, thinking that we know better than those we cannot really understand. We can contribute more or better to promoting Indigenous voices by engaging in a healthy critique of our (state) presumptuousness and learn to listen and respect their voices, other ways of seeing, other modes of living and other life spaces.

We (people like me who have the privilege to work in Indigenous Australia) should try to grow long-term relationships with mutual trust such that we can find ways to develop a nuanced understanding of white-fella society through that murky intercultural zone. It's really quite critical. There's a generation of Indigenous people growing up who are getting better and better at that all the time but the rate at which governments and others are imposing their own agendas on top of communities in the name of welfare, in the name of 'their development' and in the name of opening up Indigenous land to enterprise and all that sort of thing, is incredibly complex and there need to be facilitators, wherever they stem from, who can play a role to assist navigate that cultural interface – to help interpret both ways.

Another thing I think is important is to recognise there is not just one Indigenous Community. The stereotype 'Community' has justifiably been unpicked by many over the last few decades but somehow a demeaning sense of it hangs on in the functioning of the relationship between State and Aboriginal society. We can't really get too deep into it here but each community (town, village, homeland etc.) is unique, with its own geography, history, linguistic and cultural peculiarities, leadership, land tenure, access to resources and on and on. We cannot assume to approach different towns with one approach, one generic set of goals or process.

There are however some important commonalities that you can draw on to help you as an agent, an academic, a researcher, facilitator, to help you develop a model or a framework for approaching communities in general. So, some of those commonalities include a general state of economic underprivilege compared to the mainstream, the imposition of many layers of government and other agency-conceived governance arrangements, complicating if not suffocating local/traditional-style authority and practice, a deep sense of identity and connection to land lore and culture.

Regardless of the critical need to respect common challenges in unique circumstances every agency and service provider, whether it's the police, the school, the health department, the local sporting group, State Emergency Services group, local council etc., operates with their own agendas, rules, administration and so on, quite separately from each other and from local tradition. And I don't mean that necessarily in a negative way, I just mean they have their own way of acting out their own purposes, their own protocols. Collectively, these are like layers of blankets, if you like, smothering local Indigenous authority structures and suffocating initiative and action to (re)construct community authority with cultural integrity and purpose. Local authority is difficult to (re)build in these culturally complex diasporas, and increasingly so with the pressure and 'busy-ness' from all these service provider agendas.

That's one reason why it's critical to be able to see the unique qualities of each community to help unpack some of those layers of external service provider authority so that you might have a sense of acknowledgement and respect for the local authority structure underneath, which is most likely not perfectly intact or functioning well under the 'warm blanket' of colonial governance, but that's what I think we ought to be trying to do, is to say okay, we recognize there is something underneath here where our local leaders are really trying to reclaim some Indigenous authority within the community that's being suppressed by what is effectively the legacy of the colonial process by external governance.

So, that's the difference between some common characteristics and recognizing unique qualities we need to work within. Recognising commonalities gives us a capacity to develop scalable strategies and approaches for partnership building for example (to make way for locals to put land, lore and people at the centre of community governance). Respect for uniqueness demands that we co-develop approaches with certain groups of people we want to work with in order to suit their needs.

Dany Adone: Could you please tell us something about the emergency management/disaster preparedness?

Glenn James: Yes, so in the emergency management space, there has been a tendency for national state and territory governments of the day to operate in an almost militaristic way. It's a kind of efficiency thing and it's pretty effective at the level of life and property protection. This has been born out, especially in recent years with massive and often recurring bush fires, floods and cyclones every year. Communities that I have worked with, that have suffered significant natural hazards speak highly of and gratefully for government emergency management agency responses. They have however found it very difficult to recover/develop their social, economic and emotional capital, and emergency management agencies are not geared up to be able to assist them very well to do this. Part of this is engagement at a cross-cultural level. The agency epithet 'build back better' is difficult to do if you don't know what that looks like in terms of things like cultural strength, health of family and Country, relative autonomy, prosperity etc. from a local perspective.

Government perception of Indigenous values, and their subsequent agency response in the last little while has seen a big push to try and incorporate Indigenous knowledge systems in emergency management practice – traditional-style landscape burning is a core example. Agencies are challenged to broaden their knowledge and skillset in relation to social capital with Indigenous people. They recognized that a reintroduction of fire for example, into the northern landscape has reduced wildfires by some extraordinary percentage – something in the order of thirty per cent overall and much higher in some specific areas. I can't give you a reliable figure on it, but it's indicative and I can tell you that in the north of Australia (from North Queensland, through the Northern Territory to the Kimberley in northern Western Australia), up to about ten to fifteen years ago, about seventy per cent of the land area burned each year ... it's enormous. It's a much higher percentage of land area that burns than in the south – though in the southern states of Australia, the destructive capacity is greater because of much greater population densities, denser forests, much more infrastructure, and all that. Much of this has been driven by engagement in the carbon economy.

So, the reintroduction of traditional-style burning has reduced that dramatically. So much so that the conservative emergency management agencies recognize some level of value of traditional knowledge, even though I think, on the whole, they don't really know what that means in practicality. It's an interesting thing ... can you cherry-pick and separate out bits of traditional knowledge that you think are useful (like patchwork burning in the early dry season) and then apply them in other places? It has been expressed to me in various ways that traditional knowledge is embedded completely in local lore, culture and society, such that if you try to take something of it to use elsewhere you separate it from the system of knowledge, the local place, language and people that give it meaning and make it work.

There are too many complex ideas wrapped up in this to talk through here. It is clear that Indigenous Australians (particularly those who still have access to their Country) have technologies and cultural responses to natural hazards. Think about intimate knowledge of Country, familial responsibility and custodial relationships with the Country itself, metaphysical beliefs and practices that guide behaviour, historical knowledge of changing weather and impacts, networks of connected kin across vast landscapes, nuanced local languages that reach everyone, and so on.

The sort of anthropomorphism in the relationship between people and their Country is a very powerful driving force, not only for caring for Country, but for receiving sucker from it. And that has led to many different kinds of what we might now see as management responses, that can assist in the emergency management space. Language is no small part of that, which is also a fascinating and a large topic of conversation.

So, the governments of the day are now grappling a little bit with how to engage with traditional knowledge in emergency management such that they might partner with reliable efficacy with Indigenous communities and move away a little bit from the highly autocratic and almost militarist *modus operandi*

that has been the norm. I think the model is changing, but it's a slow process, not only of finding avenues for Indigenous voices in this space ... and they have been there unlistened to for a long time, but also a process of changing the culture and practice within EM agencies. It's a very interesting, sometimes frustrating, time to be working around this interface.

Dany Adone: Thank you very much, Glenn.

Anne Pattel-Gray

Tiddas Residence

Combating Racism, Patriarchy and Misogyny within Colonial Australia

A Deep Sense of the Sacred

We, Aboriginal peoples of Australia, are profoundly religious in our character. The formalities of our life, the mode of our life and thought, and our every act have spiritual significance. Our most deliberate words and deeds revolve around religious considerations. We have a highly developed sense of the sacred, and our views of ourselves and of the world are pre-eminently religious.

We have always centred our lives in the spiritual-natural world. We are deeply committed to the Creator and our Ancestors and to creation in consciousness and instinct. Only through our spiritual connection to Country and creation can we continue in our own identity. Therefore, we conceive of ourselves in terms of the land. In our view, the earth is sacred. It is a living entity in which other living entities have origin and destiny. It is where our identity comes from, where our spirituality begins. It is the Ancestral Narratives! It is where stewardship begins, and it is where the life source is sustained. We are bound to the land in our spirit. By means of our involvement in the natural world, we can ensure our own well-being.

One of our greatest strengths lies in our ability to communicate with the spiritual world around us. This is manifested in our extensive use of symbolism, in our visionary experiences, in our Spirituality, and in our use of language. These forms of communication and these symbols have clear expressions in our Ancestral Narratives, the initiation ceremonies, the sacred sites, the healing rituals and the ceremonies. They are evident in our oral traditions.¹

Our perception of ourselves and our world – whether it is physical, emotional, or spiritual – is not fragmented. Rather, these elements all co-exist together. The importance of this connection between us and other living forms of creation is expressed through totemism. The ritual performance associated with our totemism influences and ensures the reproduction of both the natural and the human continuation and the natural cycle of seasons.

A Strong Bond with the Environment

Through many thousands of years, Aboriginal Nations have developed an intimate relationship between ourselves, land and our environment. Through our

1 Cf. Anne Pattel-Gray: *Through Aboriginal Eyes*, p. 157.

Spiritual interconnection with the natural world, we do not see ourselves as separate from it but as inextricably bound to it. Our place and survival in this world come as a direct result of this close relationship with our natural environment. Our relationship with our environment is not one of domination or manipulation. We do not erect huge religious cathedrals, churches, or synagogues to highlight the significance of sacred areas. Instead, our Sacred Sites are natural land formations where our Ancestral Spirits interacted with creation and therefore based Aboriginal ownership on our Spiritual identification and association with our lands, water, and sea.

Through the bestowal of land by the Creator Spirit to our Spirit Ancestors, the Aboriginal Nations share in maintaining our interconnections, through shared responsibilities and obligations through our totemic relationships or as custodians of a certain Sacred Site. This is done through rituals and ceremonies continually performed at the exact time each year. These cannot be done by just anyone; they can only be done by those responsible as custodians of that particular site. These may be done, however, by more than one language group. Those who share in these obligations may be custodians of a specific section of the ritual relating to a site through their totemic association and through shared ownership of sacred knowledge. Cooperation or sharing is an important factor in any Aboriginal society, not only between gender but also between clans and tribal language groups. The division of labour is shared amongst the community as well as the responsibilities and obligation of sacred rituals and ceremonies shared between clans and tribes as each may have ownership of a certain section of a particular ritual.

Ancestral Narratives

For Aboriginal Nations, our Ancestral Narratives are the embodiment of truth as they detail the beginning of creation and the life of all living things. It is the basis on which Aboriginal Nations' connection to land, water and sea is associated and through which it is symbolised. Ancestral Narratives are maintained in an oral tradition and told and retold by elders to the next generations and the Ancestral Narratives are recorded within the land, water and sea of the Creator's actions and interactions with our Ancestral Spirits in the creation of our world. They describe the birth of our humanity, the essence of our religious beliefs, laws, ceremonies, and rituals derived from our Ancestral Narratives. They hold time immemorial and are the eternal nexus to our Spirit Creator and Ancestral Spirits to the past, present and future generations.

Ancestral Narratives are the embodiment of truth, and the authenticity is never questioned. They are not written in some books; our lands contain the stories, markings and narratives of the Spirit Creator and Ancestral Beings found in our Ancestral Narratives. Through our ceremonies and rituals, Aboriginal Nations sing and dance the Ancestral Narratives into life, to give praise to the Creator which ensures the rejuvenation of the creation.

The 'Dreaming' Concept

The Ancestral Narratives for Aboriginal Nations are both real and concrete and are the basis upon which Aboriginal people's identity and relationships with the Spirit Creator, Ancestral Spirits, land, water and sea, environment and humanity are established. The 'Dreaming' is a term constructed by White male anthropologists to describe Aboriginal Nations Ancestral Narratives and religious life.

The following are Aboriginal women scholars responding to some of this so-called 'Western scholarship'. Cynthia Rowan highlights a time when

The Dreaming is a term that was pulled apart and psychoanalysed by people like Freud in *Totem and Taboo* (1960), and Roheim in *Australia Totemism: A Psycho-Analytic Study in Anthropology* (1971) and *The Eternal Ones of Dream: A Psychoanalytic Interpretation of Australian Myth and Ritual* (1945). They attempted to define what was 'true' or 'real' in terms of their own cultural perception.²

These fundamental Aboriginal aspects differ greatly from Western concepts of dreaming; all Western preconceptions should be purged from the mind, in order to begin with an openness and a willingness to view our Aboriginal Nations' religious and spiritual world with different eyes and understanding. Christine Morris explains,

In Aboriginal societies such as the *Arrente* of Central Australia, the Dreaming was the time of 'power'. *Arrente* Dreaming stories are told, danced, and sung with the intention of re-creating, and I stress, *re-creating* the Dreaming or power. Every time the Dreaming is re-enacted it is re-created. Or, to put it another way, every time the *Arrente* women re-enact the Honeyant Dreaming they are creating the honeyants and the food supply associated with it.³

Even though historically we have seen many cases where the West has failed in such an attempt to have an open mind, however, we encourage the readers to try and open themselves to the unique spiritual and religious lifeways of the original peoples of Australia. Patrick Dodson describes the Dreaming in the terms of Law,

to offer some understanding of the deeply spiritual nature of Aboriginal people through an explanation of the Dreaming. An understanding of the concepts of the Dreaming is essential to any understanding of the Australian First Nations worldview. The English word 'dreaming' can be misleading because the concepts which it translates are extremely complex, and largely are unrelated to the English meaning of the word. These concepts often are alternatively described as the 'Law'. They are a coherent and all-encapsulating body of truths which govern the whole of life. 'The Dreaming' or 'The Law' includes the past and ongoing activities of creative and life-giving forces which always retain a sense of immanence and transcendence, of the actual potential. Western understanding of time is beautifully confounded by these concepts.⁴

To provide a greater understanding of the historical development of the use of the word Dreaming, and where it came from, requires us to cover the early interactions of White anthropologists and Aboriginal Nations. One of the biggest difficulties confronted by anthropologists was the many languages of the

2 Ibid., p. 14.

3 Ibid., p. 29 (emphasis in original).

4 Patrick Dodson: *The Land Our Mother, the Church Our Mother*, pp. 83-88.

Aboriginal Nations. Spencer and Gillen were amongst the first to begin using the term 'Dreaming' or 'Dreamtime', in describing in English the term referred to by the Aranda people from Central Australia as 'Alchheringa' or 'Altjiranga' in describing the time in which the Creator through the Ancestral Spirits shaped the land and environment and handed down the Law and lifeways, still being followed today by Aboriginal Nations. The Aranda term 'Altjiranga ngambakala' means, 'having originated out of one's own eternity', 'being immortal', and it is this that forms the fundamental basis of the term 'Dreaming'. Also, the Aranda 'Altjirarama', means 'to see or dream eternal things.' Another Aboriginal Nations language group, the Karadjiri people from the Kimberleys at the north of Western Australia, say 'Bugari'.⁵ In Northwest Australia the Ngarinyin people refer to the 'Dreaming' as 'Ungud' and the Yolngu people of Northeastern Arnhem Land speak of it as 'Wongar' and the Pitjantjatjara people refer to it as 'Tjukurpa'.

As a result of linguistic problems encountered by these anthropologists, it was easier for them to use this simple term 'Dreaming' in describing this very Spiritual and religiously complex aspect of Aboriginal Nations tradition. Although the term 'Dreaming' or 'Dreamtime', was the English way to describe Aboriginal Nations' understanding and belief, this reference is now used widely by Aboriginal people right across Australia, when speaking to non-Aboriginal people.

For Aboriginal people, the creative and life-giving forces are still very much alive. The land is full of the Ancestors of all humans, plant and animal life are represented in the landforms. This extends to celestial forms such as the planets and the stars, the moon and the sun. There are stories and songs throughout the land which relate to these things. Sites where events of great significance occurred are holy places-sacred sites. Some places are so important that their story can only be told by the fully initiated people.⁶

The relationship with the Creator and our Spirit Ancestors is of vital importance for Aboriginal Nations as it is the source of our Spirituality and beliefs, the time of the Creator and the beginning of everything: the beginning of time, the creation of life, the birth of humanity and the ordering of all things. It is the remote past of the Spirit Ancestors. This past lives on in ceremonies and rituals that have been passed down by word of mouth from generation to generation for over 110000 years – the time that the Aboriginal people have lived on the land now called 'Australia'.

Creator Beings

The different Aboriginal language groups/Nations have different names for the Creator Spirit that embodied both the masculine and feminine nature of the Creator Spirit, such as the masculine father figure Baiame, Yiirmbal, Bunjil, Paayamu, Biiral, Wandjina, Daramulun or Nurelli and the feminine mother figure Birrahnooloo, Mutjingga or Imberombera. We embrace both masculine and

5 Max Charlesworth, Howard Morphy, Diane Bell: Religion in Aboriginal Australia, p. 9.

6 Patrick Dodson: The Land Our Mother, the Church Our Mother, p. 22.

feminine identities of the Creator Spirits as our Ancestral Narratives will outline and depict.

This personal view of the Creator Spirit is the primary Creator-beings in Aboriginal religion, and the actions of the Ancestral Spirits played a secondary function in the act of creation. An essential aspect of this understanding for Aboriginal people is that every person incorporates part of the sacred essence of these supreme Creators – masculine/feminine, into their being. It is important to note that this definition is based on Men/Women business.

Baiame, Bunjil, Yiirmbal, Paayamu, Biiral, Wandjina, Daramulun or Nurelli

Throughout Victoria, New South Wales and parts of Queensland Aboriginal Nations held to the belief of a Supreme Being; although referred to by different names such as Baiame, Bunjil, Yiirmbal, Paayamu, Biiral, Wandjina, Daramulun and Nurelli, all is considered by Aboriginal people to be the embodiment of the Creator Spirit, a masculine and creative Sky-Father and paternally related to all men. He is acknowledged as the Creator Spirit, and as having powers beyond those of humanity; it is believed that the Creator Spirit lived on the earth and then ascended to the sky, where he continues to be to this day.

Birrahgnooloo, Mutjingga or Imberombera

Like the Creator Spirit Baiame, Bunjil, Yiirmbal, Paayamu, Biiral, Wandjina, Daramulun and Nurelli, the feminine Supreme Being is given great reverence, and amongst the Murinbata, she is called 'Mutjingga', and she is also referred to as the 'Kale Neki' and by other Aboriginal Nations language groups as 'Birrahgnooloo' and 'Imberombera', 'the mother of us all'.⁷ The All-Mother is one and the same as the All-Father in terms of kinship and is considered by Aboriginal Nations to have the same relationship to all. The All-Father is male, the All-Mother is female, and both lived on the earth, and when the All-Father rose into the sky, the All-Mother descended into the water.

For the Kakadu people and their neighbours in north-west Arnhem Land. Imberombera (All-Mother) landed at Malay Bay after walking through the sea with a stomach full of children and dilly bags filled with yams. As she travelled about the Country, she deposited yams, bamboo and Cyprus bulbs; formed hills, creeks, animals and plants; and left spirit children, whom she instructed in what language to speak. [Accordingly] Imberombera was the original great Ancestress from whom other Spirit Ancestors emanated. They helped to produce and distribute Aborigines and their culture, but their creativity derived from her [Imberombera] and they acted at her [Imberombera] behest [...] Other variants in the All-Mother belief include her portrayal as a pair of sisters or as a mother with daughters. Some of the All-Mother's attributes, especially the snake-like appearance with which she

7 Cf. William E. H. Stanner: *On Aboriginal Religion*, pp. 40 ff.

is sometimes credited and her frequent association with water, are reminiscent of Rainbow Serpents, probably the most important figures in Aboriginal mythology.⁸

In most cases, the sacred rituals and symbolism associated to certain rituals relate equally to women and men. As most of the rituals and ceremonies relate to rejuvenation and reproduction of the life cycle of flora, funaná and humanity, the fertility of life is of great importance. Women's relationship to fertility is considered important, if not dominant, in some areas. In different parts of our Country, Aboriginal Nations' Ancestral Narratives quite often refer to the female Ancestors and their power and authority with reverence and great respect. The understanding of our Ancestral Narratives and belief is not limited to a memory of the past, it is also the reality of the present and the creator of the future. From our cosmogony comes the Laws that the Creator gave our Ancestors and passed on through the rituals and ceremonies, Laws, Spirituality, and culture which are carried out even to this day.

Spirit, Land and People

Our Ancestral Narratives mean the eternal link between the Creator and Ancestral Spirit(s) and Aboriginal humanity, the creation of life and the sustaining of life, the connection to land through totems and sacred places given to us by the Creator through our Ancestors and the relevance of the nexus between the there-and-then to the here-and-now. In this creative period, everything was different to how we view this land today. This was long ago, in the time when everything was being formed when the world was featureless. This is the time of the Creator Spirit that moved into action through our Spirit Ancestors shaping and creating the environment as we see it today.

Often this act of creation came as a result of Spirit Ancestors that may have left a part of themselves in this process of creation, making significant features in the landscape. The Spirit Ancestors, for example, leave a backbone in the form of a ridge or an eye which is marked by a waterhole, and a tail which became a tree. This period of creation is viewed as being very sacred to Aboriginal people. These links between Aboriginal Nations, the Creator and the Spirit Ancestors are embodied within our religious beliefs.

During this time of creation, the relationship between Aboriginal peoples and the Creator and the land, environment, and the earth and sky, and the Spirit world and the human world – all are intertwined, forging the eternal link which forms the basis of Aboriginal religious belief systems. Also found in the Ancestral Narratives, the creation of some origins of animals are described, for example, the quarrel between two Spirit Beings in which one hit the other with a stone on the back and became the first turtle; or the one in which another Spirit Being is speared and the spears turn into quills; or the first echidna, in which red ochre or pipeclay is found today, as a result of the Spirit Beings spilling blood, milk or semen on the ground during the time of the action and interactions of the Spirit

8 Kenneth Maddock: *How to Do Legal Definitions of Traditional Rights*, pp. 293-308.

Ancestors. A perfect example of a creation narrative that describes the Land. This Ancestral Narrative provides an Aboriginal view and understanding of creation.

Wangarr – The Ancestral Past

The Yolngu Nations of Northeast Arnhem Land make a clear distinction between the time when only Wangarr (Ancestral past) beings existed and the time, up to the present, when the earth has been inhabited by human beings 'Yolngu Yuwalk' (lit. true human beings, to be distinguished from Ancestral beings who took human form). These two periods overlap, so the first 'Yolngu Yuwalk', the founding human ancestors of each clan, interacted with many of the Wangarr beings associated with their clan territory.

In a sense the Ancestral past continues into the present, for although they are no longer seen wandering the earth, the Wangarr beings are still influential. They manifest themselves in the form of sacred objects, designs and power names. Their spiritual power ('Marr' or 'Ganydjarr') is thought to be a vital force in ensuring the continued reproduction of human groups and in maintaining the fertility of the land. In the Ancestral past, before human beings were created, the Wangarr beings, frequently in groups, travelled across north-east Arnhem Land on epic journeys, during which they encountered other Wangarr beings travelling in different directions.

In their journeys the Spirit Ancestors created, through their actions, the form of the landscape. The routes they took became water courses, lines of trees or sandbanks. Where they cut down trees, valleys were formed. Where they dug in the ground, water flowed, and springs were formed. Where they bled, ochre deposits were created. And where they died, hills and rock formations remained. Every action of theirs had a consequence on the shape or form of the landscape which remained as a sign or evidence of their action.

The Spirit Ancestors took many different forms; some were anthropomorphic, others had the shape of plants or animals, while still others were inanimate objects such as rocks. They were not, however, bound by the constraints of the everyday world: if they were trees, they could walk, and if they were stones, they could speak. Furthermore, they could change their shape and form. In this way the Spirit Ancestors were able to transcend the boundaries of the everyday world, dissolving the distinctions between animate and inanimate forms and between one species and the next. As well as creating the form of the world they gave it order by naming the species of plants and animals that they saw on their journeys, and by establishing rules of behaviour and cultural practices that they expected the human groups who succeeded them to follow.

Creation – The Djungguwan Ceremony

In the next creation narrative, the Gumatj Nations detail how their Clan groups were formed and the rules that govern their culture, language, relationships, ceremonial life, obligations and responsibilities came into being.

Once the Creator defined the order of the Gumatj Nations world, the Creator through our Ancestral Spirits instructed them to live according to the rules they had made. In the case of the Dhuwal moiety, the Djang'kawu sisters, two female Spirit Ancestors, created the first members of the respective Dhuwal moiety clans by taking them from their own bodies, together with the sets of sacred objects associated with the land. Similarly, for the Yirritja moiety the creation myths are more localised and less explicit, but the link with Ancestral creativity is still acknowledged. The founding human Ancestors of each Clan group were instructed by the Creator through their Spirit Ancestors in the performance of ceremonies associated with the land. For example, they were taught the songs that the Ancestors had sung, that told the events of their journeys and they were shown how to make the ceremonial objects, grounds, physical artwork etc.

One of our greatest strengths lies in our ability to communicate with the spiritual world around us. This is manifested in our extensive use of symbolism, in our visionary experiences, in our Spirituality, and in our use of language. These forms of communication and these symbols have clear expressions in our Ancestral Narratives, the initiation ceremonies, the sacred sites, the healing rituals and other ceremonies. They are evident in our oral traditions.⁹

Our perception of ourselves and our world – whether it is physical, emotional, or spiritual – is not fragmented. Rather, these elements all co-exist together. The importance of this connection between ourselves and other living forms of creation is expressed through totemism. The ritual performance associated with our totemism influences and ensures the reproduction of both the natural and the human continuation and the natural cycle of seasons.

The Cultural Authority of Aboriginal Women

The role of Aboriginal women in traditional society was one of great importance and regarded with great respect by Aboriginal men as the balance of spiritual and cultural relationships is critically important and must be maintained. Aboriginal women hold significant roles within their community as senior law women, keepers and holders of sacred knowledge and the wisdom teachers on Country.

The societal structure of Aboriginal Nations is founded on an egalitarian base where Aboriginal women have their own cultural and religious authority of 'Women's Business' equal to that of 'Men's Business'. In 'Women's Business' Aboriginal women are keepers of sacred knowledge relating to particular ceremonies and rituals. Aboriginal women share and participate in leadership,

9 Cf. Anne Pattel-Gray: *Through Aboriginal Eyes*, p. 157.

decision making, and importance is given to their cultural authority and equal representation on elder councils, where they share equally the administration of customary law and other important decisions that are mutually beneficial to the collective. Aboriginal women's role is not one in which they are dependent or dominated. "It is a role of independence, responsibility and authority wherein they are enhanced as women".¹⁰

The basis of Aboriginal women's authority in Aboriginal society is very complex and applies equally to the men. When undertaking research within Aboriginal communities it is important to note that one does not ask an uninitiated young woman about important ritual matters as young women do not know the content of the secret law and it is extremely inappropriate to ask questions relating to these matters. It is important to understand the different levels of knowledge and the perception of the system. The senior women have greater knowledge, are regarded as the repositories of Ancestral Narratives and are responsible for managing customary law. Customary law as understood by Aboriginal women embodies both the governing rules which are supported by religious restrictions and regulates relationships and laws that govern a person's behaviour. A major portion of customary law is secret, and the power and jurisdiction are held by the senior women and men elders and the rights, responsibilities and obligations of the law, as articulated by the Ancestors are organised through highly complex kinship systems. The law is learnt by children through Ancestral stories, and the rules are taught at the same time, as are the restrictions which support them. One of the central functions of customary law in Aboriginal societies is to maintain law and order and balanced relationships in a manner acceptable and deemed equitable to the language group. Our Spirituality and cultural identity are carved into the very land that was bestowed upon us by our Ancestors. Our lifeways are rich in tradition, and our society is based on an egalitarian structure where women and men's business are equal, and the balance of power is critical to our spiritual lifeways.

Aboriginal women have religious and spiritual relationships with the land that are only accessible to women where certain ceremonies and rituals are enacted at particular times of the year and where young girls are taught important knowledge associated with the Spirit Ancestors. Children watch the behaviours within their extended family group and learn by imitating them, being instructed by family members and learning from them. Girls are instructed by their extended female family members and the boys by their extended male family members. The instructional societal system was most formalized in the separate initiation process of girls and boys into the religious ceremonial and spiritual aspects of language groups which is often referred to as the 'rites of passage'. Through the initiation process the girls and boys are instructed on various Ancestral Narratives, ceremonial songs, dances and the induction of the girls and boys into the sacred ceremonial life of their language group, which was and still is very formal and considered to be of significant ceremonial importance. Also, the girls and boys were and are still taught more specific abilities relating to the everyday

10 Diane Bell, Pam Ditton: *Law: The Old and The New*, p. 14.

social and economic skills such as gathering, hunting, artifact making – tools, weaving and learning the tribal obligations and responsibilities were taught in a formal way. Nothing was left to be ad hoc with the tuition of their children.

The religious and spiritual importance of land is of great significance for Aboriginal women, as this has substantial impact on their social and economic life. Land is the source of life as Mother Earth sustains us, both physically and spiritually as it is the essence of our being, and the existence of our identity. The centre of Aboriginal religion is the spiritual connection to Country and its focus is the re-creation and preservation of Ancestral Narratives and to act as a catalyst in revitalising these Ancestral Spirits and this connection. We, Aboriginal women see our past mergers into our present which influences our future as we are always mindful of our Ancestors and our connection to Country. This relationship between Aboriginal women to animal and place is symbolized through the totemic aspect of religious life. In Aboriginal Ancestral Narratives there are both patriarchal and matriarchal Ancestral Spirits who through our Creator Spirit acted in the creation of our humanity and world. These spirit stories are told by women and are given great importance in the authority of women and their religious rites and practices. Diane Bell writes about the Kaytej women's relationship with Country: "Their relationship to land is being constantly reaffirmed through the use and the obvious fertility of their Country. This is of economic, religious and psychological importance".¹¹

Aboriginal women hold certain places as sacred to only women and these sacred places give importance and legitimacy to the power, authority and respect held by women and within Aboriginal social structure there are areas allocated for only females and the same for males. Young girls, single and widowed women find a safe place away from the humbug of men and the broader social demands.

Diane Bell speaks of her experiences in Warrabri while undertaking her research with Warlpiri women and attending the 'yawulyu', her first women's ceremony and the women's place called 'jilimi'.

"The yawulyu and the jilimi embody much that is dear to women: both provide visible proof in the wider society of women's separateness and independence. It is from the jilimi that women's ritual activity is initiated and controlled, and it is in the jilimi that women achieve a separation from men in their daily activities. A refuge, a focus of women's daily activities, an area taboo to men, a power base, and expression of women's solidarity, the home of the ritually important and respected women, the jilimi is all this and more".¹²

Aboriginal women were and are still independent and autonomous members of their communities and their role was different from the men but fundamentally they jointly shared and maintained complementary roles where law was and is considered unchanging and all-powerful strength within their lives. Both men and women play an important role in teaching and sustaining this law. The basis of women's authority rested upon ritual knowledge and expertise, rights in land and seniority. Mary Graham describes this relationship to land,

11 Diane Bell: *Daughters of the Dreaming*, p. 81.

12 *Ibid.*, p. 17.

The land is a sacred entity, not property or real estate; it is the great mother of all humanity. Dreaming is a combination of meaning (about life and all reality), and an action guide to living. The two most important kinds of relationships in life are, firstly, those between land and people and, secondly, those amongst people themselves, the second being always contingent upon the first. The land, and how we treat it, is what determines our human-ness. Because land is sacred and must be looked after, the relationship between people and land becomes the template for society and social relations. Therefore all meaning comes from the land.¹³

The Ancestral Narratives depict the time our Spirit Ancestors created our world, and these stories were and are still handed down through our oral traditions. For Aboriginal women our belief is that the spiritual, natural, sacred and human world are part of one vast unchanging network of relationships which can be traced to the great Spirit Ancestors. The spiritual lives of Aboriginal people today and the ancient era of creation are enacted in ceremonies, rituals, songs and dances.

The spiritual significance of these Ancestral Narratives has been and is still passed on from generation to generation by our elders. Songs, accompanied by clapsticks, relate the story of those early times and bring to the power of the Spirit Ancestor to bear on our life today. The Ancestral Narratives are our understanding of the world and its creation that inform us of this time and embed in us our laws and are the beginning of knowledge, from which came the laws of existence. For survival these laws must be observed.

Sadly, the role and function of Aboriginal women were to be greatly impacted by the British invasion, colonisation and missionisation. Eurocentric cultural values such as patriarchy and misogyny combined with racism would lead to the erosion their authority, power and independence.

The Impact of Colonisation

Over the past two and half centuries the Aboriginal nations of Australia have faced invasions, forced colonisation, the theft of our lands, genocide both physical and cultural, the oppression of racist colonial powers, violence, and subjugation from the West.

The denial of Aboriginal peoples' humanity in the face of colonial greed to take what did not belong to them through whatever means were necessary and to destroy and persecute Aboriginal people as they, the Colonisers, deemed them inferior and demonised every aspect of their humanity, spirituality and religious culture because it had no value to them. Rowley notes:

The categorical imperative of the missionary allowed for little compromise; and colonial administrations at best, tended to see themselves as extending the boundaries of the Kingdom of God as well as the power of the nation state. This quite fundamental intolerance, by discounting the native systems of belief, paved the way for more debased ideologies of colonisation.¹⁴

13 Mary Graham: *Some Thoughts about the Philosophical Underpinnings of Aboriginal Worldview*, pp. 106.

14 Charles D. Rowley: *The Destruction of Aboriginal Society*, p. 11.

This racist impact and destruction of Aboriginal Nations, worldview and cultures throughout Australia is still felt to this very day as their racist oppression is still perpetuated upon the life we live. The theft of our Aboriginal lands and the forced removal of our Aboriginal people from their traditional homelands; the genocide of hundreds of thousands of our Aboriginal men, women and children; the rape of our men, women and children; the theft and forced removal of our Aboriginal children and the institutionalization of generations upon generations of our children; the cultural genocide committed against our cultural traditions by the state, church and academia.

The non-human terms with which Aborigines were labelled now became codified and legalized. The Aborigines were to have no rights at law except in the person of their protector. They could be moved bodily from one place of abode to another, forbidden to move from the new abode, forbidden to enter the new abode if partially white, forbidden to move south of a certain arbitrary 'leper line', forbidden to own their own land, forbidden in many cases to rear their own children, unable to marry without permission, and even forbidden to decide how to spend the paltry wage they were sometimes allowed to earn. No longer was the prejudice against Aborigines a result of personal social interactions; it had become institutionalised – the very structure of the law had written into it discrimination against the Aboriginal race.¹⁵

The Australian government created laws that denied Aboriginal people their humanity and that subjugated, imprisoned and oppressed them and the church as an instrument of the government which tried to crush our spiritual and cultural practices. Laws were imposed that made Aboriginal languages outlawed, Aboriginal people were rounded up and imprisoned in compounds maintained by both government and church and the academic world claimed Aboriginal people to be nothing more than the missing link in evolution.

There were several factors such as the period of 'enlightenment', and the emergence of 'scientific racism' that were of significant influence during Western colonial expansion that shaped Western treatment of Indigenous people and this correlation appears to be a critical aspect in the establishment of Western racism.

The most obvious one was colonial, capitalist exploitation itself with its flagrant violence and usurpation of natural assets such as land and mineral or agricultural resources, and the exploitation of indigenous labour. The overwhelming factor in this exploitation, of course, was the slave trade.¹⁶

The period of 'enlightenment' and 'scientific racism' formed the bedrock of the Australian Eurocentric attitude of superiority, patriarchal values and tainted their view and cultural bias which permeated all social and political structures, policy and systems which influenced and dominated Western Christianity. "The historical coincidence of exploitation, rationalization and a scientific basis for denying humanity to enslaved or exploited peoples provides the foundations for Western institutional racism".¹⁷

The application of this racist ideology¹⁸ translated by successive Australian governments in the form of racist institutionalization saw the construction of

15 Keith R. McConnochie: *Realities of Race*, p. 81.

16 Ibid., p. 41.

17 Ibid., p. 45.

18 Cf. Anne Pattel-Gray: *The Great White Flood*, p. 312.

legal policies being placed on Aboriginal people that denied them all rights except those given to their protector. The white male Protector literally dominated every aspect of an Aboriginal person/people life. The Protector could forcibly move any Aboriginal person/people from one place to another where they were held against their will and forbidden any right to leave. An Aboriginal person/people was forbidden to own land and forbidden to raise their own children in most cases their children were taken from their mothers and sent to various government and church run institutions and in most cases never to see their mothers again, unable to marry without permission of the white male protector and forbidden to spend their measly earnings if they were lucky to receive any. In most cases the white male Protector would remove all young and strong Aboriginal men from the community leaving only the old men and little boys. This left Aboriginal girls and women extremely vulnerable to white male sexual violence and abuse. "Europeans kidnapped black children, or received them, with remarkably clear consciences".¹⁹ Australian historian Henry Reynolds states,

Aboriginal children were kidnapped in all parts of Australia. Boys as young as five and six were taken to be 'bred up to stock work'; girls only a little older were abducted to work as servants and to double as sexual partners. The trade in children probably began in the first half of the nineteenth century and developed rapidly during the settlement of north Australia between 1860 and 1920 [...] two [white] Europeans had stolen two boys, locked them in a hut and then taken them to the gold diggings to sell. He [a squatter] feared the practice would continue 'because it pays so well'.²⁰

If this was not disturbing enough the missionary Lancelot Threlkeld documents other accounts of barbaric colonial violence of little Aboriginal girls:

heard at night the shrieks of Girls, about 8 and 9 years of age, taken by force by the vile [white] men of Newcastle [...] There are now two government stockman that are every night annoying the Blacks by taking their little Girls.²¹

Threlkeld documents another account of colonial violence and sexual attack

describing a grotesque massacre of a group of about thirty Aboriginal people by stockmen: 'the stockmen came, ripped open the bellies of the blacks, killed the women, took the children by the legs and dashed their brains out against the trees, they then made a triangular log fire to burn the bodies, and reserved two little girls, about 7 years old for lascivious purposes and because they were *too small* for them they cut them *with knives*'.²² [emphasis in original]

These horrific acts of violence happened all over Australia and Aboriginal women did everything to protect their children but to no avail as their digging sticks were not enough to defend themselves from the sexual violence and physical abuse of the white men of the colony. Lorna Lippmann shares another incident,

Dame Mary Gilmour [...] saw an aboriginal man and his wife bathing in the river. A passing white settler, on his way home from an unsuccessful rabbiting expedition, raised his gun and shot the woman, for no reason other than for 'sport'.

19 Ibid., p. 19.

20 Henry Reynolds: *Frontier*, p. 74.

21 Lancelot Threlkeld: *Memoranda of Events at Lake Macquarie*, p. 88.

22 Lancelot Threlkeld: *Report of the Mission to the Aborigines at Lake Macquarie, for 1837, pp. 1832-1844.*

When the husband with a cry of anguish went to his wife's assistance he also was shot and killed.²³

Aboriginal women suffered extremely horrendous treatment by the White invading society. They suffered such physical violence as being beaten, or worse, having their waterholes, sugar and flour poisoned, and even being shot down like dogs.²⁴ It is well documented that White men committed atrocities against Aboriginal women, such as repeated assaults, pack rapes and enslavement.²⁵ If the Aboriginal women and young girls were unlucky enough to survive such savage attacks – when the men had finished with her, or rather when she had 'served their purpose' – the men then shoved spears into her vagina until she died.²⁶ Women whom this was perpetrated against ranged in age from grandmothers to very young girls.

The blood runs deep throughout our billabongs in Australia and the cries of Aboriginal people can still be heard today as all of this happened within living memory and not in some distant time. Aboriginal women speak about the violent abuse they either witness or experienced over the decades.

As the decades rolled on the colonial violence became less obvious, but the Coloniser would find new ways to get rid of us with high level of incarceration, the taking of our children and the marginalization of our people. The goals became the institution where high numbers of Aboriginal deaths and police violence became the new norm, and our human rights still denied and racist laws and practices are still perpetuated against Aboriginal people. Racism, patriarchy and misogyny permeated are areas of colonial society and its influence is visible in church behaviour and academia.

Academic Racism

Many Australian academic researchers held a fascination about Aboriginal people and their primary focus of study was into the cultural and religious practices and societal structures relating to only Aboriginal men. Most research undertaken has been predominately white males who brought a Western cultural bias that was not only racist but misogynistic and who held no importance for the role, function and authority of Aboriginal women. White Western men did not recognise the importance of their own women in their society, as they had no authority and white women were excluded from all decision making and they were simply property to own and dominate as this was accepted as the norm in their culture. So, it is no surprise that this was the looking glass in which the Coloniser viewed all women and added to this view was the racist lens that saw Aboriginal women as even less than their own women. Because of the Western cultural bias which held no value for their own women this influenced historical

23 Lorna Lippmann: *Words or Blows*, p. 23.

24 Cf. e.g., Bruce Elder: *Great Events In Australia's History*; Noel Loos: *Invasion and Resistance*, pp. 57 f., 61.

25 Cf. Henry Reynolds: *The Law of the Land*, pp. 70 ff., 73 f.

26 Cf. e.g., Jan Roberts: *Massacres to Mining*, p. 19.

research which saw Aboriginal women being largely overlooked in most major research and this comes as no surprise because most missionaries and anthropologists were white males. Their research was more than often viewed through Western cultural biases which tainted their view on Aboriginal women from a racist, patriarchal and misogynist lens. Aboriginal women were either ignored or thought to have no relevance to societal structures and leadership. The Eurocentric male view was the man is the head of the house and leaders, so Aboriginal women were delegated to the lowest rank in society.²⁷

Through colonial expansion racism became socially significant in the building of Eurocentric structures and institutions where racism being the founding factor to define social stratification that was and still is beneficial for themselves and allowed exploitation of Aboriginal people. Keith McConnochie states,

The historical coincidence of exploitation, rationalization and a scientific basis for denying humanity to enslaved or exploited peoples provides the foundations for Western institutional racism [...] It appears likely that the Christian religion, with its intolerance of religious diversity, and the intensity of missionary activity it encouraged, may have provided a sense of moral virtue to the colonizer; after all, the locals were being enslaved and civilized for their own good. They may have lost their land and their culture, but in return they stood to gain a mansion in Heaven.²⁸

Their cultural blindness delegated Aboriginal women to subordinate roles with no cultural authority so there is very limited research depicting the significant status, resilience, strength, and religious authority and senior leadership of Aboriginal women.

This would leave Aboriginal women extremely vulnerable to the racist attitudes and actions of the white dominate society.

The Resilience of Aboriginal Women

In some way being ignored enabled Aboriginal women to play a bigger role in community as they became the protectors, food providers, the strong matriarchs of Aboriginal society. Through the period of segregation and then assimilation Aboriginal men were forcibly removed from their families and communities and sent to work hundreds if not thousands of miles away from their land as indentured labourers. This left the old people, women and children defenseless and vulnerable to the whim of racist patriarchal and misogynist government policy in which the church participated in the implementation and denigrating practices that re-enforce their dominance and power over the lives of Aboriginal women.

For so long, Australian history has been told by the dominant colonial powers and the story they tell is one of peaceful settlement and about a land that was 'Terra Nullius' which has since been exposed through the High Courts of Australia as a lie. The treatment of Aboriginal people has been kept a secret and

27 For further research, see Anne Pattel-Gray: *The Great White Flood*, p. 312.

28 Keith R. McConnochie: *Realities of Race*, pp. 44f.

certainly not told in any educational system or included in any curriculum and has kept Aboriginal voices silent until now.

Aboriginal women soon took charge of their situation and they become the stalwarts of their rights and their resilience which is captured in so many books written by strong Aboriginal women over the decades documenting their hardship and the treatment they have had to endure. The literature of Aboriginal women such as bibliographies by Merlan (1988), Horton (1988) and Hooton (1990) reveal a wave of Aboriginal women's life stories. Autobiographically based narratives began in the late 1970s and gained momentum with publications such as Oodgeroo Nunukul 'Stradbroke Dreamtime' (1972), Margaret Tucker 'If Everyone Cared' (1977), Monica Clare 'Karobran: The Story of an Aboriginal Girl' (1978), Ella Simon 'Through My Eyes' (1978), Shirley Smith and Bobbi Sykes 'Mum Shirl' (1981), Ida West 'Pride Against Prejudice' (1987), Marie Kennedy 'Born a Half Caste' (1985), Glenyse Ward 'Wandering Girl' (1988) and 'Unna You Fullas' (1991), Ruby Langford 'Ginibi's Don't Take Your Love to Town' (1988) and her two other publications 'Real Deadly' (1992a) and 'My Bundjalung People' (1994a), Della Walker and Tina Coutts 'Me and You' (1989), Ellie Gaffney 'Somebody Now' (1989), Patsy Cohen and Margaret Somerville 'Ingelba and Five Black Matriarchs' (1990), Doris Pilkington 'Garimara – Caprice: A Stockman's Daughter' (1991) and 'Follow the Rabbit-Proof Fence' (1996), Mabel Edmund 'No Regrets' (1992), Alice Nannup 'When the Pelican Laughed' (1992), Evelyn Crawford 'Over My Tracks' (1993), Dulcie Wilson 'The Cost of Crossing Bridges' (1998), Doris Kartinyeri 'Kick the Tin' (2000), Veronica Brodie 'My Side of the Bridge' (2002) and Sue Anderson 'My Ngarrindjeri Calling' (2008), Jackie Huggins 'Auntie Rita' (1994), Rosemary van den Berg 'No Options. No Choice!' (1994), Anita Heiss 'Who am I? The Diary of Mary Talence' (2001), Fabienne Bayet-Charlton 'Finding Ullagundahi Island' (2002), Tara June Winch 'Swallow the Air' (2006), Larissa Behrendt 'Home' (2004), Terri Janke 'Butterfly Song' (2005), Jeanine Leane 'Purple Threads' (2011), Dylan Coleman 'Mazin Grace' (2012) and Marie Munkara 'Every Secret Thing' (2009).²⁹

Most of these Aboriginal women I have had the privilege of knowing personally are women of great strength and leadership. They would have a significant influence on my life and shape the woman I would become. These Aboriginal women would also have a profound impact on the lives of other Aboriginal women which would break the long intergenerational silence in the telling of their lived experiences. These publications would challenge white Australia's account of history and begin the process of Aboriginal women reclaiming their cultural authority and rights.

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Doris Yethun Burarrwaṇa

Keeping YSL Alive

A Yolṇu Woman's Story

This is the story of my struggle to teach children their languages, Yolṇu Sign Language (ḷakaram goṇdhu) and links to kin and Country.

Dhuwanydja dhāwu ṇarrakuṇu nhāwiku marṅgithinyaraw djamarrkuḷiw, dhiyak dhāruk ga ḷakaram goṇdhu djākaw limurrukalanaw wāṇaw ga gurruṭuw.

My name is Doris Yethun Burarrwaṇa.

Yākuny ṇarra dhuwala Doris Yethun Burarrwaṇa.

I am a Yolṇu woman who has spent many years working to save the many languages of my people including our remarkable Yolṇu Sign Language (YSL). I will describe what YSL is and some of its fascinating linkages to kin and Country through a little something of my life. I hope you enjoy this story and want to learn more about my world and Yolṇu languages and people. It is so very important to understand the deep bonds in Yolṇu experience to connections of place and each other as kin through language. Our deep connections to place, sites, songs and kinship form a network of relations that join us to Country and our languages, languages like YSL. Yolṇu language is a vital part of the story and why it is so important to pass on.

YSL is the sign language of our Yolṇu community. YSL is an alternate language of sign for hearing Yolṇu people, and a primary language for our non-hearing people. YSL helps us communicate and respond to the beautiful Yolṇu ritual and religious life, reflecting our intimate relationship with the ancestral presences in us and our places. YSL is used during periods of mourning when speech is culturally forbidden, around things sacred, sacred objects and sacred sites, during ceremony and around avoidance relationships with kin. We use it for communication over distance, secrecy or for silent hunting practice. In the past, we learned it from birth along with spoken language, but its intergenerational transmission has been undermined by a quickly changing world and settler colonialism. I learnt YSL from my father and mother and my brothers and sisters when I was young. At this point in time, many years later, I have been working for nearly thirty years with my classificatory brother Bentley, and sister, Marie Carla, to create books to record YSL for the children. Times have changed and I remember how I came to learn the precious gifts of my language. I will tell you this story in language.¹

When I was young up until about the age of seven years old, I would travel around with my parents to different places in the Country. I would help my father make fire and do things. I really like stories. I would sit on my father's

1 Some parts of this story have appeared in works that Bentley, Marie Carla and I have done before, for example: Bentley James, M. C. Dany Adone, Elaine L. Maypilama: *The Illustrated Handbook of Yolṇu Sign Language of North East Arnhem Land*.

knee, and he would tell me stories about his life, our family and the Country. At different times of the year, we would travel to different places and there we would learn the names of the Country and the stories of the places.

Ga yan bili ŋunhi ŋarra marrtjin ŋuthar ga goŋ-märrma' ŋarrany gan malthurra Yan ŋarrakalaŋaw ŋäŋdimirriŋuw ga bapamirriŋuw ga marrtjinay napurr gan liw'maraŋal wiripuŋuli ga wiripuŋulil wäŋalil ga ŋarra ŋuli guŋgayun ŋarraku bapamirriŋuny, yurr gurtha djäma ga wiripu mala ŋarra ŋuli ga guŋgayun, yurr mirithirnydja ŋarra ŋuli gan djälthin dhäwuw ŋänharaw. Darra ŋuli mulkurr ŋalyun moriwal bala ŋayi ŋuli dhäwun lakaram ŋarraku ŋunhi nhältjarr ŋayi gan marrathin, ga gurruḍu mala ŋarraku ga wäŋa mala ga nhä ŋayi ŋarraku yuwalk ŋunhi wäŋa, ga bitjarri bili yan marrtjin wiripuŋulil ga marŋgithin yan marrtjin.

I heard the story of where I was born from my father. He told me I was born 20 October 1958 in the mangrove near Doltji at a place called Lathanjaŋur near where the big pearl farm on Cape Wilberforce is now situated. When I was born, I was wrapped in paperbark to keep warm.

Dunhi ŋarra yothu yan ŋarra ŋäkul dhäwu ŋayi gan bapamirriŋuy lakaraŋal ŋarrakal. Gaŋirri Burarrwaŋa ga ŋäŋdimirriŋur Wapulkuma Gurrwiwi. Dayi lakaram ŋarrakal ŋunhi ŋarra dhawal-guyaŋirr 20.10.58 gathulŋur galki Doltji wäŋaŋur yäkuynŋur Lathanjaŋur ŋunhi dharrwa mala ga ŋorra Gulawu Cape Wilburforce-ŋur. Dunhi ŋarra dhawal-guyaŋinany dhurrthurryurra ŋarrany raŋandhun gurrmurkuŋala. Darra guḥḥumirr mala gan nhinan Lathanjaŋur ga ŋunhal Beyaljaŋur.

My mother and father and family stayed at Lathanjaŋur yurr räŋiŋur munatha wiyin'ŋur on the long beach called walit. It was there that my father gave me the names Lathanja and Beyalja. My family put me into the canoe my father had made and paddled back down the coast to the homelands at Maŋamaŋa. We had two canoes, one called Djulpan and the other called Bamaŋuka. We travelled altogether. Here is a picture of us at Maŋamaŋa when I was a little girl (Fig. 1).

Darraku gurruḥumirr rulaŋthurr ŋakulil ŋarrakal bapamirriŋuy djäma marrwala bala yarrupthurra Peninsular-kurra balan roŋiyirra balan Maŋamaŋalil napurr ga ŋayatham märrma' ŋaku yäku djulpan ga wiripuny yäku Bamaŋuka bukmak napurr ga rrambaŋi marrtji, dhuwal mayali' wuŋili napurr ŋunhal Maŋamaŋaŋur dhuwal napurr mali' ŋunhi ŋarra yothu.

What is most important are the stories of the Country. All of the different Countries have stories and languages and colours and dances and ceremonies. These dances and ceremonies and colours are the linkages that tie all the people of this place together and to the land. It is a network of links to our ancestors and their stories and their creations that make us all one people. It is these understandings about the importance of our myths, about our languages, that are so critical at this time when the Balanda (non-Indigenous people) are taking over our Country. This is the work that I do, that I love because I understand how important it is to be related to Country, and to know and pass on the stories and language of my Country.

Nhä dhuwal mirithirnydja manymak limurr dhu ga marŋgikum ga dhäwu märram' dhiyak wäŋaw, bukmak dhuwal mala dhäruk, minytji', bungul ga ŋula-nha mala ga ŋayadham. Ga dhiyaŋ mala bungulyu ga manikayu ga dhäruk dhu ga wäŋay ga waŋany manapan yolŋuny malany. Dhuwandja nhäkun balanya rulwaŋdhunawaynha walalaŋguŋ ŋälapalmirriwun ŋäthilyunawuy bitjarr walal gan wäŋan ga dhiŋgaŋal walal. Dhuwandja nhäkun dharaŋanaraw nha yuwalk, dhiyak napurruŋ yolŋuw mala dharaŋanharaw bäpurruw malaŋuw bala ga balandany buna bala ga gulmaraman ga yakayuna dhiyak malaw bala ga Djawyuna ga



Fig. 1: Me (baby in arms) and my dad and family at Maṭamaṭa 1959

djāma mala ga gurrupan ga wiripun djāma mala Balanya mala ṇarra ṇuli ga djāma dhiyal wukirrinṇur dharanjan ga manapan balayi wāṇjalil.

We are sharing the language of YSL for kin and Country, for culture, language and for the future of our Country. This is the language necessary to follow in the footsteps of the ancestors and care for each other and our languages and our Country.

Dhuwandja ṇunhi marṇgikunharaw dhuwandja dharuk goṇdhu marṇgikunharaw nhaltjan limurr dhu marṇgikum limurrṇ djamarrkuṭiny' walal dhu nhāma nhā ga ṇorra ṇunhi nhe ga bāyṇu nhāma nhokal mel-yu ga ṇāma dhiyanṇ dhukarryu nhe marṭji dhu ṇuthanmaram nhunuwuy walṇa ga dhiyak matha ga wāṇjaw nhinanharaw ga djāmaw.

I am working with a team of Yolṇu and non-Yolṇu people committed to record, retain and pass on YSL. We are brothers and sisters in our commitment to passing on this language to the children and for the future of Yolṇu society. The following is an expression of the aims of our shared project to save YSL because “Yolṇu have always told stories by hand sign” (Yolṇu'-Yulṇuy ṇuli ga ṭakaram dhāwu goṇdhu).

We are working hard to keep the precious knowledge about our world fresh and pass it on to a new generation following in the footsteps of our ancestors. Many great people have come in front to show us how to live and pass on this important knowledge. We must continue to show the way for those who come behind. We are the people who are the guardians of the land and the knowledge

for the new generations and so we have created a resource for the children called ‘The Illustrated Handbook of Yolŋu Sign Language of North East Arnhem Land’.²

Rumbal-yu dhäruk, dhuwandja djourra’ Yolŋuw ga Yolŋu yan, yuṭaw djāmarrkuḷiṯw’yalalaŋumirriw. Djāmany napurr balandawal mala dhuŋgarra nupan ga mārryu ḡapmaram Djalkiri Rom, ga nhāmunha wāŋa limurruŋ riŋgitjkurr. Duruŋi yolŋuy wala gan nhāŋal ga ṇākul nhaltjarr gan ṇaḡapaḡmirr limurruŋ nhinan baman’. Limurr dhu dhārra ga mel-gurruapan limurruŋguwuy djāma mārr walal dhu yuṭay Yolŋuy nhāma ga marŋgithirr limurruŋgal. Ga balanyamirriy napurr ṇunhi dhāwuny lakaram nhaltjarr gan limurruŋ ṇaḡapaḡmirr nhinan baman’birr, napurr yuṭakum dhuwal dhāwumirr djourra’marŋgikunharaw yuṭaw Yolŋuny. Napurr Yolŋuy dhu marŋgikum yuṭany Yolŋuny ga dhārray walalaŋ ga marŋgikum yan yuwalkkum Djalkirriw Romgu walalany, ga dhu marŋgikum yuṭany Yolŋuny dhiyakukurr ‘Illustrated Handbook of Yolŋu Sign Language of North East Arnhem Land’ kurr. Nhā dhāwu ga lakaram dhiyal djourra’ṇur ga nhāpuy?

What this book is for and about? This book is about the language we Yolŋu use to communicate with each other when we don’t want to speak. Before, every Yolŋu child would grow up learning sign language as they learn to speak their language. We learn to speak and sign. People who can’t hear and people who can all use this language. We have a number of names for this alternate language of signs. We call it ḡakaram goŋdhu.

Dhiyal djourra’ṇur ga lakaram dhärukpuṯy ga nhatha ṇuli limurr bāki. Yuṭa Yolŋu dhu marrtji ṇathan ga marŋgithirr nhaltjan dhu dhäruk bāki rumbal-yu yan ga balanyakurr marŋgithirr waŋanharaw nhaltjan napurr dhu waŋa goŋ’dhu yan. Durukaliyi ṇunhi ṇayi buthurumiriw ga dhärukmiriw yolŋu, wiripuṇuy yolŋuy mala ṇuli bāki dhäruk rumbal-yu ga goŋ’dhu. Napurruŋ ga ṇorra’ barrkuwaṭj yāku mala nhakun dhäruk-miriw ga dhoŋulu, yan rumbal-yu ga goŋ’dhu napurr dhu dhäruk dhawaṭmaram walalaŋgal.

Here is a language we use in dance, in ceremonies celebrating the ancestors. We follow their actions and movements, we mimic the way that they created the world we live in. We perform the characteristics of the ancestors in signs that celebrate their gifts to us in the form of the world, language, in the way we live our lives.

Dhäruk napurr ṇuli wiripuny dhawaṭmaram buŋgulkurr goŋ’dhu ga rumbal-yu napurruiŋgal rrambaŋi yan Djalkarikurr Romgurr, dhuwalatjan napurr ṇuli ṇamaṇamayun napurruŋguwuy ṇaḡapaḡmirriny. Waŋanhamirr wiripuny napurr ṇuli rumbal-yu ga goŋ’dhu ṇunhi napurr ṇuli nhina ga muṇa-muṇany yan, bawalamirrṇur, balanya nhakun wakir’ṇur, buŋgulṇur wo wakalmirri’ṇur.

This is a way of talking when silence is needed, in hunting, in ceremony, for fun. It is a natural part of life, signs show our connection to each other, to our Country, it is part of our heritage. It is something we want the children to know.

Dhārranayṇu nhininyṇu dhuwal rom napurruŋ. Napurr wāŋa nhininyṇuy ṇuli ga nhāma, wāŋa ga marŋgi nhaltjan napurr ga nhina rakikurr ṇunhi ga ṇayatham wāŋay ṇarakay, mārr dhu djāmarrkuḷi’marŋgithirr dhiyaŋ dhāwuy.

‘The Illustrated Handbook of Yolŋu Sign Language of North East Arnhem Land’ describes the grammar, vocabulary, structure and conventions of YSL in a beautiful full-colour guide for learning. ‘The Illustrated Handbook of Yolŋu Sign Language of North East Arnhem Land’ has been distributed, free of charge, to

2 Bentley James, M. C. Dany Adone, Elaine L. Maypilama: The Illustrated Handbook of Yolŋu Sign Language of North East Arnhem Land.

the children of North East Arnhem Land schools and Homelands. This is our gift to the new generation.

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Duane W. Hamacher

Recognising Indigenous Knowledge when Naming Meteorite Craters

An Australian Case Study

Abstract: As scientific organisations work to decolonise their respective fields, Indigenous languages, ontologies, and epistemologies are being recognised for their important contributions to the canon of human knowledge as well as the practice of scientific research. One of the initial steps taken by scientific organisations is to recognise Indigenous languages with special reference to nomenclature. The astronomical community is leading this effort by establishing protocols and guidelines for the naming of celestial objects and phenomena, and formally adopting Indigenous names for stars, planetary features, and asteroids, as well as re-naming astronomical and space facilities, such as observatories. This paper focuses on designing protocols and guidelines for naming terrestrial meteorite craters.

UNESCO established 2019 as the International Year of Indigenous Languages, providing an opportunity for the world's leading scientific organisations to reassess how the scientific community can better recognise, include, and promote the importance of Indigenous languages globally. The initiative met with such success that the United Nations declared 2022-2032 as the International Decade of Indigenous Languages.¹ A push by the scientific community to acknowledge Indigenous and traditional names and nomenclature is part of a larger movement to decolonise science and its practices.²

For the scientific community to engage in collaborative research on a global scale, it is important to formalise names for objects, phenomena, concepts, and placenames to achieve clarity and precision when these objects or ideas are the focus of scientific study. A lack of standardised names leads to error, misidentification, conflation, and confusion, which can significantly hinder research, and negatively impact associated outcomes. This creates a need for the scientific community to standardise the names of objects and phenomena, such as stars, planets, constellations, and other celestial bodies. In the (Western) scientific realm, each of these have a unique and consistent name, or clear boundaries set, for example, to denote the precise locations of constellations. Because Indigenous knowledges are holistic, multifaceted, and developed locally, this creates challenges when applying naming practices using Indigenous terms, particularly when scientific research involves people from cultures across the globe – each with their own unique ontologies, practices, and expectations.

Names have power and Western science has historically given overwhelming preference to names from cultures that are politically attributed to establishing

- 1 Cf. UNESCO: Upcoming Decade of Indigenous Languages (2022-2032) to Focus on Indigenous Language Users' Human Rights.
- 2 Cf. Glen S. Aikenhead, Dean Elliott: An Emerging Decolonizing Science Education in Canada; Rohan Deb Roy: Decolonise Science; Artwell Nhemachena, Nokuthula Hlabangane, Joseph Z.Z. Matowanyika: Decolonising Science, Technology, Engineering and Mathematics (STEM) in the Age of Technocolonialism.

the canon of Western scientific thought.³ Non-Western cultures of the world possess their own traditional names for celestial objects and terrestrial landscape features, but many have been subject to a form of palimpsest. When colonial powers ventured to the south seas and viewed groups of stars previously unknown to them, the stars and constellations were assigned names devised by European explorers rather than names adopted from the cultures with which they came into contact and later colonised.⁴

Today, scientific organisations are involved (to various degrees) in the process of decolonising science – that is, to move away from framing the practices, ontologies, epistemologies, experiences, and outcomes of science largely or exclusively in terms of European or Western hegemony.⁵ This effort is a small part of a larger movement to right wrongs of the past and change the practice, trajectory, and outcomes of scientific endeavours to be more inclusive and supportive of Indigenous ways of knowing.

Imperialism and colonialism brought complete disorder to colonised peoples, disconnecting them from their histories, their landscapes, their languages, their social relations and their own ways of thinking, feeling and interacting with the world.⁶ ‘Decolonising science’ contests and reframes narratives about the histories of Indigenous communities and the effects of colonial expansion, cultural assimilation, and exploitative Western research.⁷ This approach takes a critical stance towards research practices and discourse that centralise Western approaches and ontologies, with the goal of repositioning the development of knowledge within Indigenous cultural practices.⁸ The failure to recognise Indigenous knowledges, which include names and meanings for natural objects, only furthers cultural dispossession. It is important to acknowledge, as part of this process, that decolonising science is not about “a total rejection of all theory or research or Western knowledge”.⁹

A small but important part of this process involves nomenclature, particularly placenames. Australia is home to over 250 distinct Indigenous languages, with over 800 dialectical varieties; but only thirteen are still passed to Aboriginal children today.¹⁰ About 150 are spoken to various degrees, with some communities having only a handful of fluent first speakers remaining: primarily elders and older generations. Language contains strong cultural roots, generations of knowledge, and personal and spiritual connections to culture and Country. Many Indigenous languages have been pushed to the brink of extinction, having not been spoken for decades (some communities refer to the language as ‘sleeping’),

3 Cf. Gwyneth Heuter: *Star Names*.

4 Cf. Edward B. Knobel: *On Frederick de Houtman’s Catalogue of Southern Stars*.

5 Cf. Linda T. Smith: *Decolonizing Methodologies*; Michael Elliott: *Participatory Parity and Indigenous Decolonization Struggles*.

6 Cf. Linda T. Smith: *Decolonizing Methodologies*.

7 Cf., e.g., Artwell Nhemachena, Nokuthula Hlabangane, Joseph Z.Z. Matowanyika: *Decolonising Science, Technology, Engineering and Mathematics (STEM) in the Age of Technocolonialism*.

8 Cf. Linda T. Smith: *Decolonizing Methodologies*.

9 *Ibid.*, p. 41.

10 Cf. Australian Bureau of Statistics: *Census of Population and Housing*.

with a subset of those undergoing various stages of restructure and revitalisation (sometimes termed an 'awakening' of the language).¹¹

Across Australia, colonial placenames are being changed back to their traditional Indigenous names. Famous Australian landmarks have undergone formal name changes over the last few decades, such as Ayer's Rock to Uluru and the Olgas to Kata Juta,¹² while airports in recent years have begun listing both Indigenous and colonial names for cities, such as Naarm for Melbourne, Boorloo for Perth, and Gimuy for Cairns.¹³ In the world of astronomy, landscape features on other planets have received Indigenous Australian names.¹⁴ In recent years, astronomical facilities have been re-named using Indigenous words in collaboration with local Aboriginal communities. An example is the Parkes Radio Telescope, being renamed Murriyang, a local Wiradjuri word meaning 'Skyworld', the home of the prominent creator spirit Biyaami.¹⁵ Five asteroids were named in honour of prominent Indigenous elders, academics, and a community involved in Indigenous astronomy research, education, and public engagement,¹⁶ including Yiman woman Professor Marcia Langton, Naghir man Professor Martin Nakata, Meriam elder Uncle Segar Passi, Senior Euahlayi Law Man Uncle Ghillar Michael Anderson, and the entire Meriam community of the eastern Torres Strait. This was an important action to recognise those who have contributed significantly to the study of Australian Indigenous astronomy and is an important element of the 'giving back' process of working with Indigenous communities.

In 2016, the International Astronomical Union (IAU) Working Group on Star Names (of which the author is a founding member) set the goal of officiating a single name for each of the visible stars in the sky.¹⁷ The Working Group adopted many of these stars' common names, which are primarily Arabic, Greek and Latin. When the Working Group set out to formalise star names within the scientific community, almost no stars with names from Indigenous cultures were part of this canon. The Working Group set out to include a wide range of Indigenous names, of which six star names from Australian Aboriginal cultures were included: Larawag (Epsilon Scorpii), Wurren (Zeta Phoenixis), Gudja (Kappa Serpentis), and Ginan (Epsilon Crucis) from the Wardaman language near Katherine in the Northern Territory and provided by Senior Elder Yidumduma Bill Harney, Guniibuu (36 Ophiuchi) from the Euahlayi language of far northern New South Wales/southern Queensland and provided by Elder Ghillar Michael Anderson, and Unurgunite (Sigma Canis Majoris) from the Wergaia language of north-western Victoria. An additional star was named from the Boon Wurrung

11 Cf. Kirsten Thorpe, Monica Galassi: *Rediscovering Indigenous Languages*.

12 Cf. Harold Koch, Luise Hercus: *Aboriginal Placenames*.

13 Cf., e.g., Katherine Scott: *Tourism Australia to Use Indigenous Names in Marketing for Major Cities and Tourist Hotspots*.

14 Cf. Alice C. Gorman: *The Cultural Landscape of Interplanetary Space*; Alice C. Gorman: *Australian Aboriginal Place Names in the Solar System*.

15 Cf. Phil Mercer: *Iconic Australian Telescope Celebrates Indigenous Astronomy*.

16 Cf. Duane W. Hamacher: *Native American Traditions of Meteor Crater*.

17 Cf. Eric Mamajek, Beatriz Garcia, Duane W. Hamacher, Thierry Montmerle, Jay Pasachoff, Ian Ridpath, Xiaochun Sun: *Bulletin of the IAU Working Group on Star Names*, No. 1.

language of south-central Victoria, which was approved as part of the IAU's 'Name ExoWorlds' campaign.¹⁸

Meteorite Craters

Over 190 meteorite impact sites are scattered across the globe, with many more discovered annually. The names assigned to these craters are an important element that is often overlooked or regarded as less important than the scientific information their study can reveal. For many cultures, these structures have meaning and agency, serving as sites of cultural heritage. They are regarded variably as points of cosmogony, places of taboo, and spaces of sacred significance.¹⁹

Approximately thirty confirmed impact sites are spread across Australia, mainly found in desert regions of low erosion rates.²⁰ Four of them bear traditional Aboriginal names specific to the crater or a prominent feature of the crater, although they are known in the scientific literature by their Western names (Fig. 1): Henbury (Tatjakapara), Gosses Bluff (Tnorala), Liverpool (Yingundji), and Wolfe Creek (Kandimalal).²¹ By examining the meanings of these sites in local Aboriginal traditions, we can appreciate that these are places of longstanding cultural association and gain a better understanding as to why this is the case.

Henbury Meteorite Crater Reserve (Tatyeye Kepmwere / Tatjakapara)

The Henbury reserve is a crater field consisting of more than a dozen craters of various sizes (ranging from 10 m to 160 m in width) scattered over a square kilometre, about 160 km south of Alice Springs.²² It lies near the border of the Luritja and Arrernte Country, with each group maintaining unique traditions about the site's meaning and formation. When the craters were first identified by Europeans, no local Aboriginal names were reported. The earliest published record regarding Aboriginal traditions of the site comes from a newspaper article that reported that the largest pair of overlapping craters were called the 'Devil's Punch Bowls' by non-Indigenous people, with local Aboriginal people calling them 'Blackfellows' waterholes' that formed when a 'bigfella rat' was dug out

18 Cf. Eric Mamajek, Beatriz Garcia, Duane W. Hamacher et al: Bulletin of the IAU Working Group on Star Names, No. 2.; Eric Mamajek, Beatriz Garcia, Duane W. Hamacher et al.: Triennial Report of the IAU Working Group on Star Names; Duane W. Hamacher: The Stories behind the Aboriginal Star Names Officially Recognised by the World's Astronomical Body.

19 Cf. Sixto R. Giménez Benitez et al.: Meteoritos de Campo del Cielo: Impactos en la Cultura Aborigen; Duane W. Hamacher, John Goldsmith: Aboriginal Oral Traditions of Australian Impact Craters.

20 Cf. John Spray, Beverley Elliott: Earth Impact Database.

21 Cf. Duane W. Hamacher, John Goldsmith: Aboriginal Oral Traditions of Australian Impact Craters.

22 Cf. Peter W. Haines: Impact Cratering and Distal Ejecta.

by ancestors, forming the craters we see today. The author mentions that “the bottom of one is a hard clay pan, which holds a fair amount of water after rain”.²³

When scientific interest in the craters intensified in the 1920s and 30s, University of Adelaide geologist Arthur Alderman claimed that Aboriginal people seemed to have “no interest” in the craters,²⁴ nor any explanations regarding their origins (the possible reasons for this will be discussed in Section 4.2). In 1931, local prospector J. M. Mitchell provided the first detailed information about Aboriginal traditions of the site, having been told by older Aboriginal people that they referred to the craters as ‘tjintu waru tjinka yapu tjina Kurdaitcha kuka’, which roughly translates to ‘the place a fire devil ran down from the Sun, set the land on fire, and killed the people as punishment for breaking traditional Law’.²⁵ The event created the large craters we see today, and it was reported that Aboriginal people would not collect rainwater that filled one of the craters in fear that doing so would cause the fire-devil to fill it with a piece of iron again.²⁶ This is a clear indication of a witnessed event handed down in oral tradition for some 4700 years.

The words were linguistically analysed by Hamacher and Goldsmith who identified the language as Luritja (Western Desert language family),²⁷ which is a very different language from Arrernte (Arandic family). Arrernte traditions of the craters exist today, which are called ‘Tatyeye Kepmwere (Tatjakapara)’.²⁸ Unlike Luritja traditions, Arrernte traditions do not describe it as having formed from a cosmic impact.²⁹

Gosses Bluff (Tnorala)

Gosses Bluff is a 22 km-wide, 142 Ma impact structure, which lies 175 km west of Alice Springs.³⁰ The crater is highly eroded, with the only prominent component being the complex crater’s central uplift, which is seen today as a ring-shaped mountain range 4 km wide and 200 m high that formed from differential erosion. It is named ‘Tnorala’ (meaning ‘Father of the Mountains’) in the eastern Arrernte language³¹ and traditions teach that in the beginning of the world, a group of women were dancing a ceremony as stars in the Milky Way. One of the women placed her baby in a turna (wooden cradle) and sat it on the edge of the galaxy. As the women danced, the Milky Way shook and the turna slipped off. The baby tumbled down and crashed to the land as a falling star. The impact

23 F. R. F.: *Life in Central Australia*.

24 Arthur R. Alderman: *The Meteorite Craters at Henbury, Central Australia*, p. 28.

25 Cf. the addendum by L. J. Spencer in: *ibid.*, p. 31.

26 Cf. *ibid.*

27 Cf. Duane W. Hamacher, John Goldsmith: *Aboriginal Oral Traditions of Australian Impact Craters*.

28 Cf. Parks and Wildlife Commission of the Northern Territory: *Henbury Meteorites Conservation Reserve: Draft Plan of Management*.

29 Cf. Duane W. Hamacher, John Goldsmith: *Aboriginal Oral Traditions of Australian Impact Craters*.

30 Cf. Daniel J. Milton et al.: *Gosses Bluff*.

31 Cf. Warwick Thornton: *Tnorala*.

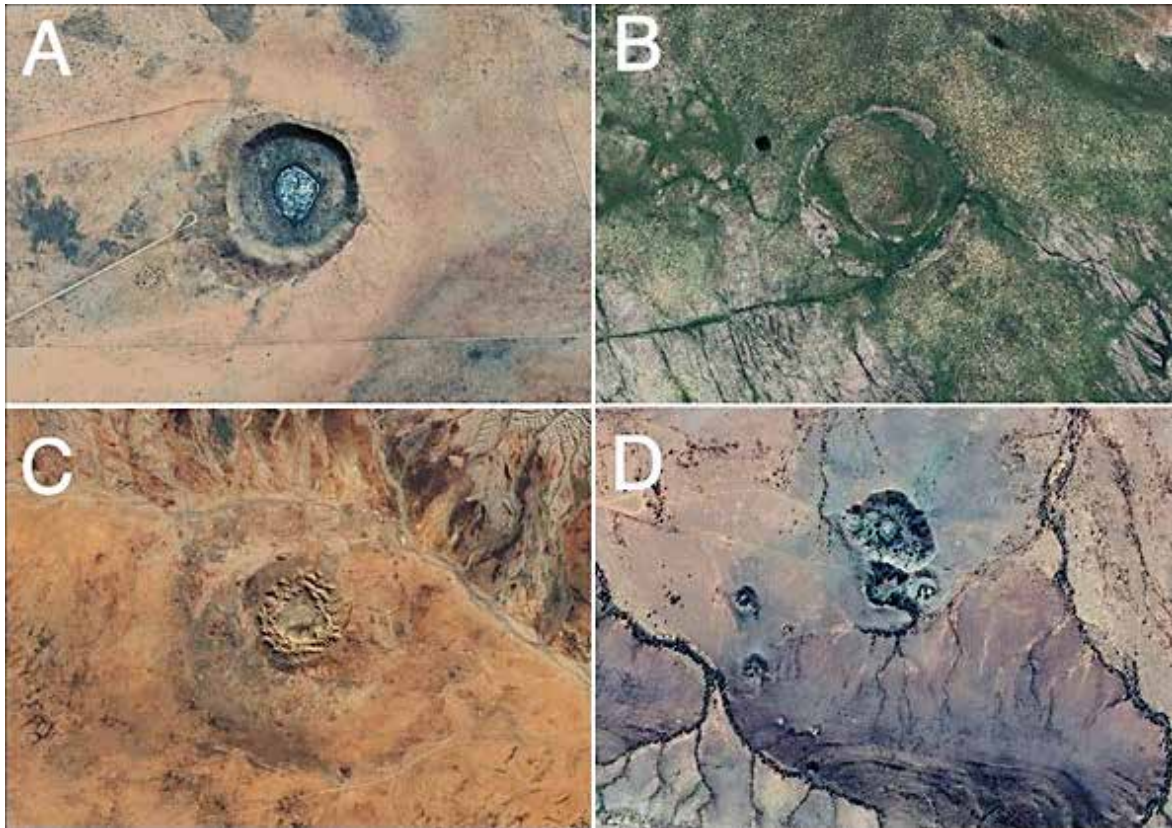


Fig. 1: Satellite images of the 5 known craters bearing Aboriginal names: (A) Kandimalal/Wolfe Creek, (B) Yingundji/Liverpool, (C) Tnorala/Gosses Bluff, and (D) Tatjakapara/Henbury. Google Earth.

drove the rocks upward and the turna fell on top of the baby, covering it. The baby's parents, the Morning and Evening Stars, take turns searching for their lost baby to this day. Today, the turna is visible tumbling out of the Milky Way as the arc of stars in the constellation Corona Australis.

Although the mountain range was long known to the Arrernte, the Englishman Ernest Giles named the structure Gosses Bluff in 1872, after Henry Gosse, the brother of Australian surveyor William Gosse.³² Gosses Bluff was accepted by the scientific community as an impact structure nearly a century later.³³ This traditional knowledge was passed down by Hermann and Mavis Malbunka, Arrernte custodians and caretakers (*kurturngula*) of the Tnorala story, as documented by her nephew Warren H. Williams³⁴ and Aboriginal filmmaker Warwick Thornton.³⁵

In terms of spelling, Tnorala is the currently accepted version. In 1909, Carl Strehlow recorded the spelling as 'tnorula' in the Arrernte language, referring to both the excrement of ingunanga grubs and the name of Gosses Bluff.³⁶ In the neighbouring Luritja language, it is spelled 'anurulu'.

32 Cf. NT Place Names Register: Place Names Register Extract for 'Gosses Bluff'.

33 Cf. Daniel J. Milton et al.: Gosses Bluff Impact Structure.

34 Cf. Warren H. Williams: *The Stories, The Songs*.

35 Cf. Warwick Thornton: *Tnorala*.

36 Cf. Carl Strehlow: *Comparative Heritage Dictionary*, p. 347.

Wolfe Creek (Kandimalal)

Wolfe Creek in the northeast of Western Australia, at nearly 900 m wide, is the second largest crater in the world bearing meteorite fragments after Meteor Crater in Arizona.³⁷ In the local Jaru and Walmajarri languages, the crater is known as Kandimalal, the meaning of which is reported to mean 'place of no (bush) potatoes' as yams will not grow in or near the structure.³⁸

Aboriginal communities of the area share a variety of traditions explaining the craters' formation, ranging from the place a Rainbow Serpent emerged from the ground to where a star fell from the sky after getting too close to the Moon, shaking the ground and causing a deafening boom.³⁹ In 1999, Jaru elder J. Jugarie explained how the crater formed:

A star bin fall down. It was a small star, not so big. It fell straight down and hit the ground. It fell straight down and made that hole round, a very deep hole. The earth shook when that star fell down.⁴⁰

Jaru elder S. Sturt recounted a similar version:

That star is a Rainbow Serpent. This is the Aboriginal Way. We call that snake Warnayarra. That snake travels like stars travel in the sky. It came down at Kandimalal. I been there, I still look for that crater. I gottem Ngurriny – that one, Walmajarri/Jaru wild man.⁴¹

In 2019, a team of geoscientists published a paper based on their work re-dating the site,⁴² showing the age of the crater is less than half of the upper limit of the original estimate of 300 000 years, as proposed by Eugene Shoemaker and colleagues.⁴³ The motivation of the Barrow teams' study was driven, in part, by Jaru traditions describing its formation,⁴⁴ an idea proposed by a team led by Susan Hopper.⁴⁵

Liverpool (Yingundji)

Liverpool, or Yingundji in the Kunwinjku language of Western Arnhem Land, is a circular 1.6 km wide, 150 Ma structure in the far north of the Northern Territory.⁴⁶ In the traditions of the local Kurulk clan, the crater was described by

37 Cf. Eugene M. Shoemaker, Francis A. MacDonald, Carolyn S. Shoemaker: *Geology of Five Small Australian Impact Craters*.

38 Cf. Erin Parke: *Why Wolfe Creek Crater attracts scientists, Indigenous traditional owners and horror movie fans*.

39 Cf. John Goldsmith: *Cosmic Impacts in the Kimberly*.

40 Peggy R. Reeves-Sanday: *Aboriginal Paintings of the Wolfe Creek Crater*, p. 26.

41 *Ibid.*, p. 15.

42 Cf. Timothy T. Barrows, John Magee, Gifford Miller, L. Keith Fifield: *The Age of Wolfe Creek Meteorite Crater (Kandimalal), Western Australia*.

43 Cf. Eugene M. Shoemaker, Carolyn S. Shoemaker et al.: *Ages of Australian Meteorite Craters*.

44 Cf. Duane W. Hamacher, John Goldsmith: *Aboriginal Oral Traditions of Australian Impact Craters*.

45 Cf. Susan Hopper, Ray L. Frost, Wayde Martens: *Kandimalal Geomorphology*.

46 Cf. Eugene M. Shoemaker, Francis A. MacDonald, Carolyn S. Shoemaker: *Geology of Five Small Australian Impact Craters*, p. 479.

two brothers as the nest of a giant catfish. While visiting the site to film a documentary, Eugene and Carolyn Shoemaker learned about this from two Kurulk brothers and found rock art depicting catfish on the walls of the crater.⁴⁷ This is a common rock art motif in the region and the crater lies near the Liverpool River system, which is inhabited by large catfish.⁴⁸

Establishing Protocols and Guidelines

The scientific community has not yet established any guidelines or protocols for naming meteorite craters. Any attempt to accomplish this requires the development of informed protocols. Some geological organisations have established similar protocols, as have certain countries such as Sweden,⁴⁹ but no policy with regard to the international community has accomplished this to date. The International Meteoritics Society's Committee on Meteorite Nomenclature (est. 1980) sets out detailed guidelines for naming meteorites and fall sites,⁵⁰ but impact craters do not fall under these guidelines.⁵¹ Instead, naming craters is based on a loose set of historical practices. To propose protocols for naming meteorite craters, it is important to address why this is important, how it could be done, what things need to be considered, and what challenges may be faced in this process, informed by lessons learned in the process of naming stars.

Tatjakapara, Tnorala, Kandimalal, and Yingundji are craters that have special significance in the knowledge and traditions of the local Aboriginal communities. They are sites of cultural heritage, and it is positive that scientists are beginning to use the traditional names in their published research, such as Timothy Barrows' team who titled their paper 'The Age of Wolfe Creek Meteorite Crater (Kandimalal), Western Australia'⁵² and J.N. Dunster's team who included the traditional name and story in the title and text of their geological report of the crater: Gosses Bluff (Tnorala) impact structure.⁵³

Establishing appropriate guidelines and protocols can be achieved by taking guidance from local regions where similar guidelines have been established. For example, The Government of South Australia published guidelines for naming geographical places within the state.⁵⁴ The Intergovernmental Committee of Surveying and Mapping set out detailed guidelines by the Committee for Geographical Names in Australasia,⁵⁵ which focus on five main areas: Recognition,

47 Cf. Eugene M. Shoemaker, Carolyn S. Shoemaker: Notes on the Geology of Liverpool Crater, Northern Territory, Australia.

48 Cf. Paul S. C. Taçon: Identifying Fish Species in the Recent Rock Art of Western Arnhem Land.

49 Cf. Risto A.: Guide for Geological Nomenclature in Sweden.

50 The Meteoritical Society: Guideline for Meteorite Nomenclature.

51 Cf. The Meteoritical Society: Guidelines for Meteorite Nomenclature, Section 2.1b.

52 Cf. Timothy T. Barrows, John Magee, Gifford Miller, L. Keith Fifield: The Age of Wolfe Creek Meteorite Crater (Kandimalal), Western Australia.

53 Cf. John N. Dunster, Peter W. Haines, Timothy J. Munson: Gosses Bluff (Tnorala) Impact Structure.

54 Cf. The Government of South Australia: Guidelines for Naming Geographical Places.

55 Cf. Committee for Geographical Names in Australasia: Policy Guidelines for the Recording and Use of Aboriginal and Torres Strait Islander Place Names.

Preferences, Writing System, Education and Procedure. They emphasise the importance of consulting with relevant Indigenous communities throughout the process from the start, obtaining their permission, and establishing mutually agreed upon terms, such as spelling, pronunciation, and understanding how the names will be used globally in the scientific literature.

Like the IAU's Working Group on Star Names, the establishment of nomenclature guidelines will require the formation of a committee of experts, which should either include or directly consult Indigenous scholars, Indigenous organisational representatives, and/or personnel with expertise in Indigenous heritage, languages, and knowledges. The development of guidelines for naming craters on Indigenous lands should consider the following primary factors:

- a. Identifying the relevant registered Indigenous organisation(s) that represents the community that owns or manages the land on which the crater(s) is found. There may be more than one organisation as a large crater may cross different language or community boundaries.
- b. Identifying any names of the crater that exist in the public domain.
- c. Consulting with the relevant Indigenous organisation(s) or community to find out if traditional names exist and are appropriate to use.
- d. Seeking and obtaining permission to use a traditional name. If granted, ensure it is clear how the name will be used in the scientific literature, presentations, and public communication.
- e. Agreeing on a standardised spelling and pronunciation (phonetic text and audio).
- f. If no traditional name for a crater on Indigenous lands exists, the relevant Indigenous community should have the opportunity to propose one.
- g. The committee must ensure local or regional rules and laws are followed regarding establishing placenames. This may involve seeking the involvement of other interested/concerned groups, such as land councils, local government authorities, or language centres.

Considerations

It is critical to acknowledge that a range of challenges, sensitivities and restrictions related to knowledge and traditions of impact sites may arise during this process, as is reflected in the guidelines set out by the Committee for Geographical Names in Australasia.⁵⁶ Below, specific considerations are raised that relate to meteorite craters and meteoritic phenomena.

- a. Any use of names of Aboriginal or Torres Strait Islander origin should be made following consultation and approval, with appropriate recognition.
- b. A recognition to be given to the use of traditional names for places and localities bearing an officially or recorded name from another source.

56 Cf. *ibid.*, 3.3.1a.

- c. A recognition that more than one Aboriginal or Torres Strait Islander place name may exist for any particular feature, both within a specific language group and from two or more language groups.
- d. A recognition that Aboriginal and Torres Strait Islander place names were in use prior to European occupation.
- e. A recognition that the recording of placenames in Aboriginal and Torres Strait Islander oral traditions has equal standing with written recording.
- f. A recognition that some Aboriginal and Torres Strait Islander place names may be subject to restrictions that must be respected. This may apply to some names in common usage which are of a very sensitive nature – either sacred or offensive. Names in this category will be revealed following the establishment of good relations between the communities and the nomenclature authorities and should be negotiated on an individual basis.
- g. A recognition of Aboriginal and Torres Strait Islander cultural expectations. This particularly applies to methods of contact, community structures, respect for community wishes, etc.

Existing Placenames

The committee must work with the relevant Indigenous community(s) before using a proposed Indigenous name in media releases or publications, as the proposed name may already be in use by that community for a different landscape feature. In initial publications, such as those reporting the discovery of a meteorite crater, it is generally acceptable to refer to the proposed crater in terms of the region, such as the Connelly Basin structure. Historically, this is the way most meteorite craters have been named. However, the selection of a proposed Indigenous name must go through the formal process. Otherwise, one may unintentionally cause offence. It is important to share lessons learned about this process candidly.

As an example, during the author's early PhD research on Aboriginal astronomy, he read about an Aboriginal tradition that described a star falling from the sky and landing in a waterhole named Puka.⁵⁷ Curious if the story described a witnessed event, he examined the area using Google Earth and identified a unique bowl-shaped escarpment in the area. He assembled a team of colleagues and conducted a geophysical survey of the site, with permission from the governing body which approved research access in the region.

The initial findings found possible evidence for an impact origin of the structure,⁵⁸ and the team issued a press release,⁵⁹ where the author proposed naming the crater after the waterhole in the traditional story. Concerns about the name's use were later raised by the area's representative Aboriginal organisation, as

57 Cf. Géza Róheim: *The Eternal Ones of the Dream*, p. 183.

58 Cf. Duane W. Hamacher, Andrew Buchel, Craig O'Neill, Tui R. Britton: *An Impact Crater in Palm Valley, Central Australia?*

59 Cf. Deborah Smith: *Google, Dreaming lead to ancient crater.*

another site in the region already bore that name and the author had not sought consultation about proposing a placename with the local community.

'Sorry Business'

Restrictions with placenames or physical sites might relate to what is considered 'Sorry Business'. This is when a loved one passes on, and time is dedicated to mourning and ceremony.⁶⁰ It can also relate to a place or situation that may relate to death, such as a massacre site or a place of natural disaster. Places associated with sorry business may be considered taboo to visit, discuss, or name out loud.

Aboriginal traditions of the Henbury craters describe them in such a way as to indicate they may have been considered a sorry place. Those traditions also showed that the people living in the area more than 4000 years ago may have witnessed the impact firsthand, with the stories being passed down through oral tradition.⁶¹ When scientists first began investigating the crater field, they realised that local Aboriginal people would not venture near the site and feigned disinterest or ignorance about the place. The reasons for this were later clarified when local Aboriginal men shared traditions describing it as the spot where people were killed by a fire devil running down from the sky as punishment for breaking traditional law, which was recorded in the Luritja language.⁶²

The motif of fiery stars as punishment for not following traditional law is common in Aboriginal traditions across Australia.⁶³ Examples include a fiery star that was cast to Earth near Lake Macquarie, north of Sydney, as punishment for breaking Law;⁶⁴ a Wardaman story describing a spirit named Utdjungon who will cast down a falling star to destroy the people if laws are not followed;⁶⁵ and Wurundjeri traditions of a cavern near Melbourne called 'Bukkertillibe', where the sky-ancestor, Bunjil, caused a star to fall from the sky and strike the Earth, creating the hole and killing people for doing things that displeased him.⁶⁶

At Tnorala, Arrernte traditions describe how a small community once lived inside Tnorala, long before the arrival of Europeans.⁶⁷ One day a man went hunting for kangaroo. When he returned, he discovered that everyone had been murdered by Kurdaitcha men – fierce warriors who lived in the desert to the south. The man informed neighbouring communities and they formed a party that tracked down and killed the Kurdaitcha men. Because of the massacre, Tnorala

60 Cf. Bronwyn Carlson, Ryan Frazer: *It's Like Going to a Cemetery and Lighting a Candle*.

61 Cf. Duane W. Hamacher, John Goldsmith: *Aboriginal Oral Traditions of Australian Impact Craters*.

62 Cf. *ibid.*

63 Cf. Duane W. Hamacher, Ray P. Norris: *Australian Aboriginal Geomythology*; Duane W. Hamacher: *Recorded Accounts of Meteoritic Events in the Oral Traditions of Indigenous Australians*; Duane W. Hamacher, John Goldsmith: *Aboriginal Oral Traditions of Australian Impact Craters*.

64 Cf. Lancelot Edward Threlkeld: *An Australian Grammar*, p. 51.

65 Cf. William E. Harney, Adolphus P. Elkin: *Songs of the Songmen*, pp. 29 ff.

66 Cf. Robert B. Smyth: *The Aborigines of Victoria*, p. 456.

67 Cf. Duane W. Hamacher, John Goldsmith: *Aboriginal Oral Traditions of Australian Impact Craters*.

is known as a 'sorry place' and the centre of the crater is considered sacred ground.⁶⁸ Although a small area in the crater's interior is open for visitors, most of it is fenced off from the public, with access forbidden.

Men's Business and Women's Business

Some sites may relate to information that is restricted by gender, dubbed 'Men's Business' or 'Women's Business'.⁶⁹ In fact, one of the craters bearing an Aboriginal name is related to certain information that is regarded as Women's Business (the identity of which is not discussed here to protect that association). One famous example of Women's Business related to Aboriginal star knowledge involved a legal battle in the 1990s between land developers and a group of Ngarrindjeri women regarding the construction of a bridge between the mainland and Hindmarsh Island in South Australia's coastal Coorong region, as the island was a place of secret Women's Business related to the Pleiades star cluster.⁷⁰ In some communities of the Pilbara region of Western Australia, astronomical knowledge is highly restricted to initiated men only.⁷¹ Communities are equipped to let you know if the site or related traditions are considered men's or women's business.

It is also important to consider that some places may be considered secret-sacred, which are only to be visited by selected people within the community, such as senior elders. In other cases, placenames relating to certain ancestral figures bear restrictions. In some Aboriginal communities of New South Wales, the name of the creation ancestor is not to be uttered by women or uninitiated men between certain months of the year. Instead, they use an alternative name.⁷²

Taboo, Death, and Evil

Meteors, meteorites, and impact craters are often linked to death, omens, and evil⁷³ and the taboo associations may present challenges when seeking a formal name. Meteors are commonly viewed as spirits of the dead (both benign and malevolent) and evil spirits (often in the form of serpents and monsters). In the Torres Strait, bright meteors are called 'Maier' and are seen as the spirits of the recently deceased going to (or returning from) Beig, the land of the dead.⁷⁴ In Aboriginal communities of the Top End, meteors are variably described as the manifestations of evil beings, such as the ghoulish Papinjuwari in Tiwi traditions,⁷⁵

68 Cf. *ibid.*

69 Cf. Hannah R. Bell: *Men's Business, Women's Business*.

70 Cf. Margaret Simons: *The Meeting of the Waters*.

71 Personal communication with Pilbara Elders (unnamed) in 2020.

72 Cf. Duane W. Hamacher, Ghillar M. Anderson: *Solar Eclipses in First Nations Traditions*, p. 18.

73 Cf. Duane W. Hamacher, Ray P. Norris: *Meteors in Australian Aboriginal Dreamings*.

74 Cf. Carla B. Guedes, Duane W. Hamacher, John Barsa et al.: *Death and Maier*.

75 Cf. Charles P. Mountford: *The Tiwi*, pp. 144 ff.

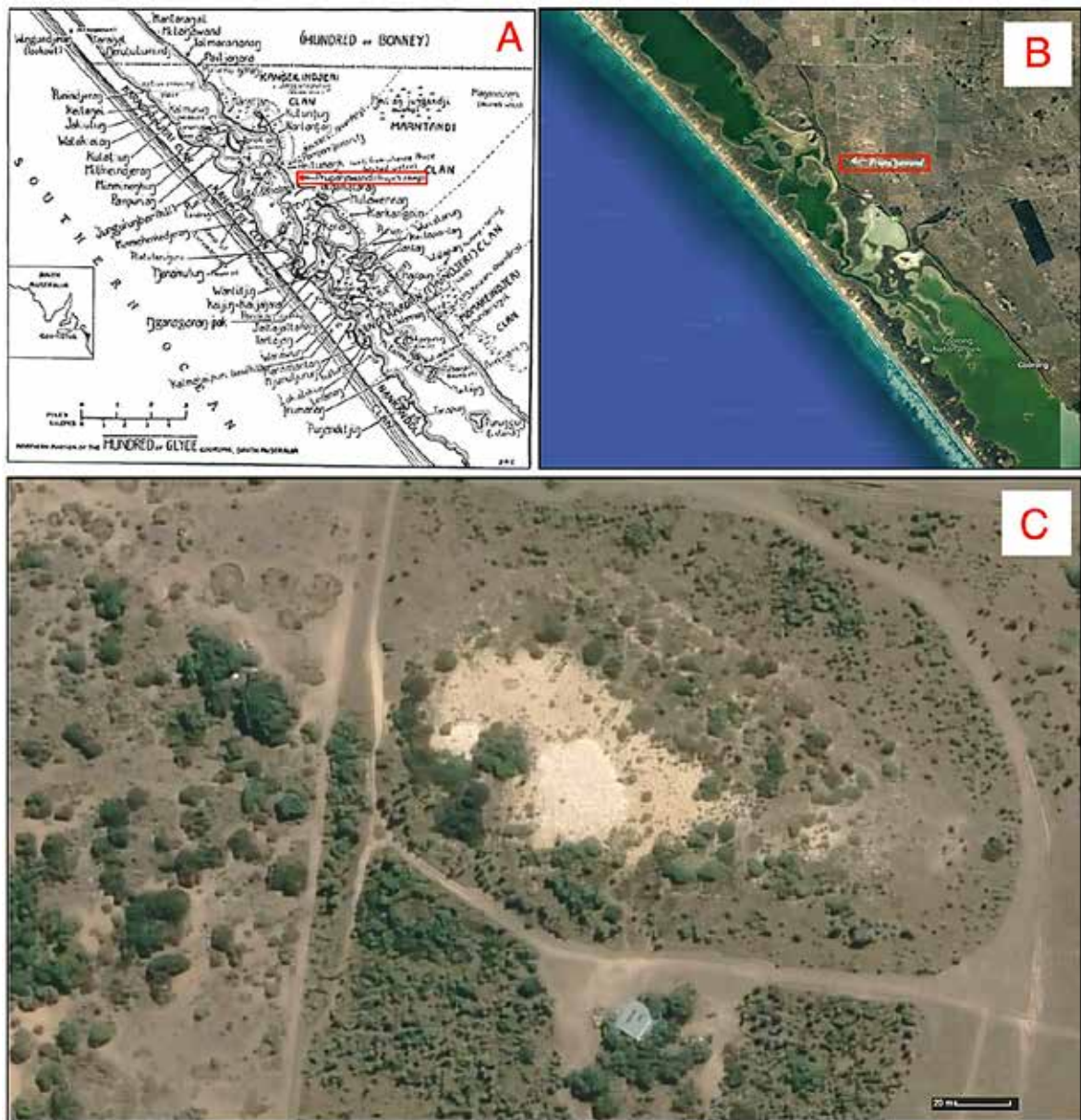


Fig. 2: The location of Prupa'jawand from the Ngarrindjeri story of Prupe and Koromarange:
 (A) Placenames in the Ngarrindjeri story of Prupe and Koromarange, after Tindale;
 (B) Google Earth view of the Tindale map; (C) Google Earth view of Prupa'jawand.

the wolverine-clawed Namorrorddo in Kuninjku traditions of Arnhem Land,⁷⁶ or the serpentine Thuwathu in Lardil traditions of the Wellesley Islands.⁷⁷

Some of these traditions describe places where meteor/falling star spirits came down to the earth. Traditions of this sort may identify the specific location where such an event occurred, with some of them corresponding to known meteorite craters (such as Tatjakapara, Tnorala and Kandimalal) or meteorite falls.⁷⁸ The Wardaman traditions of Utdjungon tell how the falling star will cause the earth to shudder, the trees to topple and turn, and everything to go black, turning day into night.⁷⁹ Similarly, nearby Ngarinman traditions tell of “a large black stone”

76 Cf. Luke Taylor: *Seeing the Inside*, pp. 189f.

77 Cf. David McKnight: *Of Marriage, Violence and Sorcery*, p. 209.

78 Cf. Duane W. Hamacher: *Recorded Accounts of Meteoritic Events in the Oral Traditions of Indigenous Australians*.

79 Cf. William E. Harney, Adolphus P. Elkin: *Songs of the Songmen*, pp. 29ff.

that was thrown from the sky by Utdjungon,⁸⁰ indicating that Aboriginal people may have experienced meteorite falls and impacts firsthand.

In Gurudara traditions of the Northern Territory, the bright star Nyimibili fell from the sky, burning all the grass and trees and causing death.⁸¹ Yolngu traditions of Arnhem Land describe how the fire-spirit Goorda (who lives in the Southern Cross) fell to the earth as a star, bringing fire to the people of the Gainmaui River. When he touched the ground, he set the grass ablaze, which spread, causing death and chaos.⁸²

A large depression, called 'Prupa'ñawand' at Magrath Flat homestead in the Coorong of South Australia, is the location of a Ngarrindjeri tradition that describes it as where fire was kicked down by an evil woman named Prupe onto the camp of her sister (Fig. 2).⁸³ In the story "a great pit took the place of her camp".⁸⁴ Tindale writes that the site of the story relates to "a strange circular depression about thirty metres in diameter and ten deep of unexplained origin". Tindale elaborates:

According to one suggestion this may be a meteorite crater; its form being such as to encourage this view. However, there is no evidence of the presence of meteoric material on the surface near the supposed crater, and the suggestion cannot be accepted until confirmation is forthcoming; nevertheless, definite association exists between such a depression and a story of a catastrophic event accompanied by a blaze of fire. It seems possible that the story, in its present form, may be the dramatisation of an actual meteorite fall at this spot.⁸⁵

To date, no evidence has been published that physically links the depression to a meteorite impact. These associations with death, destruction, and taboo (such as with Henbury) mean that selecting or even enquiring about their traditional placenames should be considered carefully, delicately, and respectfully. A non-response from a local community organisation or Land Council may not be *accidental*. When working with Indigenous communities, silence can be as informative and telling as words.

Offensive Names

One of the more common practices is to name meteorite craters after a local place or landscape feature. This may include a river, body of water, mountains, cattle/sheep stations, or national parks. In some cases, the landscape features were named after people in Australia's colonial history, and this could raise concerns. For example, Foelsche crater is named after the nearby Foelsche River, which in turn is named after Paul Foelsche (1831-1914), the first police officer of

80 Ibid, pp. 72ff.

81 Cf. Ronald M. Berndt, Catherine H. Berndt: *The Speaking Land*, pp. 25ff.

82 Cf. Louis A. Allen: *The Time Before Morning*, p. 109.

83 Cf. Norman B. Tindale: Prupe and Koromarange; for the placenames in the Ngarrindjeri story of Prupe and Koromarange, see p. 18.

84 Norman B. Tindale: Prupe and Koromarange, p. 24.

85 Ibid, p. 18.

Port Darwin, Northern Territory. He was known to have developed an interest in Aboriginal language and culture, but his actions reflected a much darker side.

Historian Tony Roberts described Foelsche as “the man who masterminded more massacres in the Territory than anyone else [...] he was cunning, devious and merciless with Aboriginals”.⁸⁶ He later criticised an exhibition of Foelsche’s life that was on display in the Northern Territory parliament house library:

Foelsch masterminded and orchestrated massacres of innocent Aboriginal people in the northern half of the Territory for 30 years. If he were alive today, Paul Foelsche would be prosecuted by the United Nations for crimes against humanity.⁸⁷

In Australia, some local placenames bear offensive terminology. In 2017, ten placenames in Queensland featuring the ‘N-word’ were re-named after a long-fought campaign by Aboriginal communities.⁸⁸ An example with respect to impact structures is Piccaninny Crater in Western Australia, which takes its name from the local Piccaninny Creek in Purnululu (Bungle Bungle) National Park.⁸⁹

‘Piccaninny’ is widely considered to be a pejorative, racist term used to refer to black children in several parts of the world, including the United States, Australia, and New Zealand.⁹⁰ Its origins derive from the Portuguese term ‘pequeno’, which was used for any small child (of any race or colour). However, its offensive use derived from the 17th-century trans-Atlantic slave trade.⁹¹ Although the term is regarded as an ethnic slur in many parts of the world,⁹² some Aboriginal communities do not consider it to be offensive. Given that crater names will be used globally, it would seem reasonable to caution against using placenames that bear generally offensive terminology.

Spelling and Pronunciation

Close consultation with the community through the appropriate organisation (such as the Registered Aboriginal Party or Land Council) will ensure the correct use of language and spelling. It is important to know that in some places, due to language revitalisation, orthography can be an ongoing work in progress, and issues can arise.

Phonetic pronunciations in Aboriginal languages can pose issues for English speakers. In the case of Kandimalal, speakers may generally pronounce it as ‘CAN-di-MAL-al’ with a hard C when the K is pronounced in Jaru and many other Aboriginal languages as a hard G, as in ‘GAN-da-ma-lal’.

As mentioned above, in terms of spelling, Tnorala is the current version in common use. In 1909, Carl Strehlow recorded the spelling as ‘Tnorula’ in the Arrernte language,⁹³ referring to both the excrement of ingunanga grubs and

86 Tony Roberts: *The Brutal Truth*.

87 ABC News: *Glossing over History*.

88 Cf. Meghna Bali: *Racist Place Names in Queensland’s North to be Wiped off Maps*.

89 Cf. Glenn M. Beere: *The Piccaninny Structure*.

90 Cf. Adrian Room: *A Dictionary of True Etymologies*, p. 130.

91 Cf. Philip H. Herbst: *The Color of Words*, pp. 178 f.

92 Cf. Eric Partridge: *Piccaninny*.

93 Cf. Carl Strehlow: *Comparative Heritage Dictionary*, p. 347.

the name of Gosses Bluff. In the neighbouring Luritja language, it is spelled 'Anurulu'. Pfitzner spells it 'Tnurrele'.⁹⁴ In eastern and Central Arrernte, a similar word, 'tnerurre', refers to the ridge of a hill or range.⁹⁵

In the Arrernte language, the letter combination 'tn' uses an apico-alveolar sound (made with the tip of the tongue touching the hard ridge behind the upper teeth) as a pre-stopped nasal, similar to the 'tn' in 'chutney'.⁹⁶ Thus, Tnorala is pronounced 'NOR-ala'.

Can Names be Changed?

Changing names of meteorite craters, even after long periods of use, is a precedent that has been set by the meteoritics community in the past. Informally, the scientific community uses the colloquial name 'Barringer Crater' for the officially named 'Meteor Crater' in Arizona, after Daniel Barringer, a miner and businessman who promoted the meteoritic origin of the structure.⁹⁷ Formally, three craters have undergone 'official' name changes to date:

1. Teague Crater (or Teague Ring) in Western Australia was 'formally' changed to Shoemaker Crater to honour Eugene Shoemaker, a celebrated geologist and planetary scientist who was killed in an automobile accident in 1997 in the Northern Territory while studying meteorite craters.⁹⁸
2. Prince Albert Crater in Canada's Northwest Territories was originally named after the Prince Albert Peninsula when it was first reported in the media but was later changed to Tunnunik, the traditional Inuvialuit name for the inlet in which it was found.⁹⁹ The name Tunnunik appeared in the first publication about the crater.¹⁰⁰
3. The Pretoria Saltpan (or Soutpankrater in Afrikaans) is a crater in north-eastern South Africa, whose name was changed in the 1990s to Tswaing, a word in the Tswana language that means 'place of salt'.¹⁰¹

In two cases, the English name was changed to a local placename in the local Indigenous language, although it was not necessarily the traditional name for that structure (if one existed). The Pretoria Saltpan was described in the scientific literature under this name for twenty-five years, from 1971 until around 1996, when it was changed to Tswaing.¹⁰² The name 'Teague' was in use for twenty-three years, from ca. 1974 to 1997. In both cases, Teague and Pretoria Saltpan were used in the scientific literature for over two decades before being changed.

94 Cf. Gavan Breen, John Pfitzner: *Introductory Dictionary of Western Arrernte*, p. 55.

95 Cf. John Henderson, Veronica Dobson: *Eastern and Central Arrernte to English Dictionary*, p. 553.

96 Cf. Neil Broad: *Eastern and Central Arrernte Picture Dictionary*.

97 Cf. Duane W. Hamacher: *Native American Traditions of Meteor Crater, Arizona*.

98 Cf. Franco Pirajno, Aandrew Y. Glikson: *Shoemaker Impact Structure Western Australia*.

99 Cf. Gordon R. Osinski et al.: *Structural Mapping of the Tunnunik Impact Structure*; Gordon Osinski et al.: *The Prince Albert Structure, Northwest Territories, Canada*.

100 Cf. Keith Dewing et al.: *Newly identified "Tunnunik" Impact Structure, Prince Albert Peninsula, Northwestern Victoria Island, Arctic Canada*.

101 Cf. Robert C. de Jong, Wolf U. Reimold: *The Tswaing Crater Museum*.

102 Cf. *ibid.*

Summary

The act and process of recognising Indigenous nomenclature in the astronomy, space and planetary science communities is important to decolonising science and recognising the contributions and importance of Indigenous knowledges. This paper explored how this was accomplished by the astronomical community regarding star and asteroid names, including challenges faced and lessons learned, which can be used to guide similar processes for naming meteorite craters. This paper lays out the foundations and reasoning behind the proposal to establish a set of protocols for naming meteorite craters in Australia and potentially considering some for re-naming. The process will not always be quick or easy, and guidelines will inevitably need to be updated and developed further as time passes, but it is important for the scientific community to show meaningful respect to Indigenous people and culture, and to acknowledge their ancient knowledge systems. There is much we can learn from these systems of knowledge, and it is arguably the right thing to do.

Acknowledgements

I wish to thank (in alphabetical order) Rowena Ball, Phil Bland, Aaron Cavosie, John Goldsmith, Alice Gorman, Stacy Mader, Eric Mamajek, David Nash, Craig O'Neill and Brad Schaefer for their assistance, critical review, input, and commentary. Special thanks go to Dany Adone, Anna Gosebrink, Bentley James, and the Australian Studies team at the University of Cologne for the invitation to contribute this paper as a Partner Academic in their program.

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Colonial Plunder/Looting and Contemporary Repatriation

Gareth Knapman

Looting on the Frontier

Colonial Police and the Taking of Aboriginal Property

Abstract: Police played an important role in the collecting of Aboriginal objects for colonial and imperial museums. Although ostensibly in a policing role, after 1835 the colonial police acted as a paramilitary force in frontier colonies, enabling colonisation. Although most scholars have noted the unequal power relationship that occurred when police 'collected' Aboriginal objects on the frontier, scholarship has not previously explored the 'authority' of the police to collect objects. Recent research by Knapman and Boonstra has demonstrated that colonial plunder, far from being an unregulated activity – as previous scholarship has assumed – was actually highly regulated by Western law, although rarely enforced. This article examines three police collections to investigate the formal powers that police had to abide by in order to collect objects at the time. The article examines the collecting activities of three colonial police constables: Harry Ord (who sent Aboriginal cultural material to the British Museum), Ernest Cowle (whose collections are in the South Australian Museum and Museum Victoria) and William Willshire (whose large collection has disappeared but some objects were purchased at an auction by the South Australian Museum in the 1990s). The article argues that in best case scenarios, police collecting may have represented an unequal exchange, but more than likely police collecting was illegal under Western law and can be better described as illegal plunder. The taking of Aboriginal objects was theft under Western law and unsupported by any colonial legal regimes.

Colonial police were a key collecting agent of Aboriginal cultural material for Australian and international museums. Police played an important role as intermediaries between the colonial state, the settlers, and Aboriginal people on the colonial frontier. Although ostensibly in a policing role, their task was to enable the colonial grazier industry to occupy new lands. As a force to enable grazier colonisation, the police took on a paramilitary structure and increasingly saw themselves as fighting a war with Aboriginal cattle killers.¹ With this paramilitary structure in mind, to what extent are police-acquired collections of Aboriginal material a consequence of plunder and loot, by which I mean the taking of property unlawfully by force, not dissimilar to military forces plundering property in the context of war?

The strongest examination of colonial police and collecting has concerned their role in the taking of Ancestral Remains. Paul Turnbull, Cressida Fforde and Gareth Knapman have all examined the central role colonial police and coroners played in supporting the collecting of ancestral remains for comparative museum collections in Australia.² In many instances, curators would scour the morning newspapers and look for notifications of the discovery of Aboriginal remains and then write a letter to the police station asking for the remains.³ The

1 Cf. Chris Owen: *Every Mother's Son is Guilty*, pp. 16, 165 ff.

2 Cf. Paul Turnbull: *Science, Museums and Collecting the Indigenous Dead in Colonial Australia*; Gareth Knapman, Cressida Fforde: *Profit and Loss*, p. 357; Gareth Knapman, Paul Turnbull, Cressida Fforde: *Provenance Research and Historical Sources for Understanding Nineteenth-Century Scientific Interest in Indigenous Human Remains*, p. 570; Cressida Fforde, June Osca: *Australian Aborigine skulls in a loft in Birmingham, it seems a weird thing*.

3 Cf. Gareth Knapman, Cressida Fforde: *Profit and Loss*, p. 375.

museums also created standing relationships with Commissioners of Police to send any remains directly to the museums. Turnbull has argued that some of the remains in Australian museums more than likely were a consequence of police killings. Certainly, Queensland and Australian museums actively procured Ancestral remains from officers associated with the Queensland Native Police.⁴

Surprisingly, considering the central role of the police in frontier violence, there has been very little attention on the role of police in the collecting of Aboriginal objects. In the text 'The Makers and Making of Indigenous Australian Museum Collections', edited by Nicolas Peterson, Lindy Allen and Louise Hamby, the police are a continual reference point for contributing authors.⁵ For example, the chapter on E.H. Roth – who gained his position in the colonial administration as Protector from the Commissioner of Police – mentions the word 'police' 39 times.⁶ However, in each of the contributing chapters, the police are never a central focus. In his recent book on Ethnographic collections and source communities, Howard Morphy noted that "the making of collections has always been entangled with the politics of the frontier" and that there is "considerable evidence that some objects in museum collections are there as a consequence of frontier violence".⁷ To illustrate the point, Morphy quoted the letter from Mounted Constable Harry Ord to the British Museum, discussed below. Morphy however maintained (without referencing any statistical evidence, other than his extensive experience with museum collection) that "the people who contributed most significantly to museum collections in the latter part of the 19th century were missionaries, pastoralists, government officials, and professional people employed in the regions after they had been 'settled'".⁸ In this regard, Morphy is emphasising a relatively benign view of collecting practices. However, none of the ethnographic databases from Australian museums are openly available. Therefore, it is difficult to provide the kind of quantitative evidence required to determine the relative frequency and number of donations/accessions provided by different types of people.

Morphy's career has focused on key anthropological collections such as Baldwin Spencer, Francis Gillen and Donald Thompson. Yet Spence, Gillen and Thompson all conducted their research with the support of police. Police officers actively collected for them at different times. We also do not know the extent of the police as a source of objects being sold in the curiosity shops that eventually made their way to the museums or the private collecting market. The objects Ord donated to the British Museum were those left over from the auction of his possessions.⁹ Therefore many items in Ord's possession or collection were presumably sold into the ethnographic market and therefore largely lost their provenance

4 Cf. Paul Turnbull: *Ramsay's Regime*, pp. 108-121.

5 Cf. Nicolas Peterson, Lindy Allen, Louise Hamby: *The Makers and Making of Indigenous Australian Museum Collections*.

6 Cf. Kate Kahn: *The Man Who Collected Everything*, pp. 163-189.

7 Howard Morphy: *Museums, Infinity and the Culture of Protocols Ethnographic Collections and Source Communities*, p. 26.

8 *Ibid.*, p. 27.

9 Cf. Harry Ord: M. & LA in letters 1899-1902.

in police acquisition. The extent and nature of police collecting is still therefore a significantly under-researched topic.

An exception is the work of Ian Coates. Coates' focus on police collecting in Western Australia bookends his career. It began with his 1989 honours thesis and concludes with a recent chapter co-authored with Peter Yu.¹⁰ In 1989, Coates examined the Forrest Collection of Aboriginal artefacts from Western Australia held by the Museum of Victoria. The collection was organised by John Forrest, explorer and government Lands Commissioner and eventual Premier of West Australia. In 1898, the museum had approached Forrest to procure the collection for £100. Forrest negotiated with the Western Australian Police Commissioner and came up with a cost breakdown of: "total cost of the weapons etc was £33/12/6 and the cost of collecting has been fixed at the balance of £66/7/6". The money was "distributed amongst the constables in the respective districts within which the weapons etc. were collected at the rate of about £2 to each constable".¹¹ The breakdown means approximately 33 constables were involved in the collecting. Coates concluded from two examples (which he was able to find in Parliamentary papers) that the 'acquisition' was a result of 'opportunistic episodes' from police operations against Aboriginal camps. Such banal terminology hides the frequency of these raids and also the systematic violence they represented. Reflecting 30 years later, Coates wrote many objects were "taken explicitly as a method of punishment and retribution [...] objects were confiscated on raids to rob Aboriginal people of their tools and weapons, giving them an 'object lesson' in European law and morality".¹² While Coates explicitly identifies confiscation as the type of acquisition used by police, his work does not explore how confiscation was regulated (see below).

In 2000, John Mulvaney with the assistance of Alison Petch and Howard Morphy, published 'From the Frontier: Outback Letters to Baldwin Spencer', in which many of the surviving letters from Ernest Cowle were transcribed. Mulvaney had previously noted that "Spencer's interest prompted Cowle to collect ethnographic objects including large numbers of ceremonial items".¹³ In total Cowle provided the National Museum of Victoria with 367 objects.¹⁴ Mulvaney et al. note that Cowle responded to Spencer's requests with "zest" but used "unorthodox methods" such as forcing "neck-chained" prisoners to carry objects for Spencer.¹⁵ They concluded that the cultural material sent to the "South Australian Museum and the National Museum of Victoria represent significant collections".¹⁶ Mulvaney documented the connection between violence and collecting, however, he labelled inquiries into the ethics of collecting as "the intellectual fashions of post-colonialism and post-modernism" and that people like Spencer

10 Cf. Ian Coates: *The Social Construction of the John Forrest Australian Aboriginal Ethnographic Collection*; Ian Coates, Peter Yu: *Rough Justice on the Kimberly Frontier*, pp. 183-195.

11 Ian Coates: *The Social Construction of the John Forrest Australian Aboriginal Ethnographic Collection*, p. 17.

12 Ian Coates, Peter Yu: *Rough Justice on the Kimberly Frontier*, p. 183.

13 D. John Mulvaney, John H. Calaby: *So Much That is New*, p. 127.

14 Cf. Nancy Ladas, Manager: Data Supply Letter to Gareth Knapman.

15 D. John Mulvaney, Alison Petch, Howard Morphy: *From the Frontier*, p. 37.

16 *Ibid.*, p. 53.

and Cowle “should be assessed within the conceptual space-time of his field-work, not only from post-modern vantage points”.¹⁷

The research of Coates and Mulvaney points to an unequal relationship of exchange that occurred when police ‘collected’ Aboriginal objects on the frontier. However, neither author investigates the legality of police action. Heritage literature, as well as popular understanding, has failed to investigate the legitimacy of police activities under Western law, largely because the taking of material by colonial forces appears generally thought of as opportunistic, chaotic, unregulated, and normal. Such views assume that looting by the military and the police was acceptable in the 19th century because there were no laws to say otherwise.¹⁸ Recent research by Knapman and Boonstra has demonstrated that colonial military looting, far from being an unfettered activity, was actually highly regulated although rarely enforced.¹⁹

This article extends the enquiry by Knapman and Boonstra by using the case studies of South Australia and Western Australia to investigate the regulations associated with police collecting and whether or not they were followed, a topic that has been hitherto unresearched. The article is limited to the collecting activities of three police officers: William Willshire, Earnest Cowle and Harry Ord. Willshire and Cowle were members of the South Australian Mounted Police and operated in the Northern Territory, while Ord was a member of the West Australian Mounted Police and operated in the East Kimberley. These three police officers were known to have engaged in paramilitary (meaning they conducted military-like operations outside of standard legal procedures) activity and also acquired substantial collections of Aboriginal objects. However, before turning to the activities of these police officers, I first examine the legal powers and/or legal instruments that police had to abide by in order to legally acquire objects or movable property of colonial subjects (which included all people living in the colony). I then examine the collecting practices of the three men in detail. In best-case scenarios, police collecting may have represented an unequal exchange, but in many instances, police collecting represented the unlawful stealing of Aboriginal property for personal gain by officers charged with upholding property rights.

Common Law, Legislation and Legal Instruments Enabling Police to Seize Weapons in South Australia and Western Australia

British law focuses on rights, in particular rights to property or rights to use property. Consequently, the protection of property is at the centre of British law. Property in the early 19th century was divided into unmovable and movable goods. An example of unmovable property was a building, construction or

17 D. John Mulvaney: *Annexing All that I Can Lay Hands on*, p. 155.

18 Cf. Ana Filipa Vrdoljak: *International Law, Museums and the Return of Cultural Objects*, p. 67; Irini A. Stamatoudi: *Cultural Property Law and Restitution*, p. 236; Janet Blake: *International Cultural Heritage Law*, pp. 18 ff.; Tiffany Jenkins: *Keeping Their Marbles*, p. 126; Zareer Masani: *The Elgin Marbles and the Rot of ‘Decolonisation’*.

19 Gareth Knapman, Sadiah Boonstra: *Plunder and Prize in 1812 Java*.

land that could not be moved. Movable property corresponds to what can now be described as material culture. Movable objects included everything from a piece of rope, a horse, a spear, or a Renaissance painting – all these objects were property that somebody possessed. Property and control over property therefore framed the understanding of British law.

Graziers on the frontier continually complained that their movable property (cattle) was killed by Aboriginal people. The colonial police had the task of prosecuting transgressions of graziers property – or stopping the killing of cattle by violent force.²⁰ In 1899, Ernst Cowle explained the graziers (squatters) predicament to early anthropologist Walter Baldwin Spencer:

A stock phrase of the cult is 'Put yourself in the Blackfellow's Place'. Well, suppose you and Gillen put yourselves for a while in the 'Squatter's Place'. You rent the Country and if the Government does not prevent the blacks from destroying your property wholesale, do you not think you would feel inclined to do so?²¹

Settlers and the colonial governments argued that Aboriginal people needed to abide by colonial British law. The role of Police and Protectors was to tell Aboriginal people this colonial decision and enforce this colonial policy. Cowle noted the importance of Aboriginal people obeying colonial law in exchange for their protection, writing in his correspondence to Spencer that "if they (Aboriginal people) have the protection of our laws, they also must conform to the others".²² However, did the colonial authorities recognise the private property of Aboriginal subjects?

From 1835 onwards, colonial governments recognised Aboriginal people as being subjects of the colonial state, who as subjects had theoretically equal legal protection as the colonial settlers.²³ Colonial authorities limited their understanding of Aboriginal property to movable items. One of the first legal cases that involved Aboriginal people in the colony of South Australia was when two colonial settlers "named Moon and Hoare" were "charged with stealing spears and waddies from certain natives".²⁴ The case was heard in the Court of General Gaol on 8 July 1837, the report noted that "the proof of the theft was not conclusive" and that "the judge ordered the prisoners to be discharged on recognizance" with "the property to be restored to the natives". The Judge spoke to the Aboriginal men through an interpreter called 'Cooper' and "assured them [the Aboriginal victims] that their persons and property should be held inviolate". He went on to explain to the Aboriginal men "the nature of property, and pointed out to them that as their own property would be held sacred, they must in their turn respect the property of others".²⁵

As the above case demonstrates, Western law recognised Aboriginal objects as the property of their Aboriginal owners. Movable objects such as sacred artefacts,

20 Cf. Chris Owen: *Every Mother's Son is Guilty*.

21 Ernest C. Cowle: 10 June 1899, p. 129. Francis Gillen (1855-1912), Postmaster at Alice Springs post office, special magistrate, Aboriginal sub-protector in Alice Springs and pioneering ethnologist. See below for further information.

22 Ernest C. Cowle, 17 April 1898, p. 109.

23 Cf. Alan Pope: *One Law For All*.

24 *South Australian Gazette and Colonial Register: The Natives*, p. 4.

25 *Ibid.*

weapons, spearthrowers, baskets, pitchers and other tools, as well as clothing or movable physical ornaments, were all considered private property and therefore protected by British law. However, although private property was protected under British colonial law, the police and the government had the power to seize or take possession of movable private property under certain circumstances. Those legal powers to seize private property are divided into common law powers and legislated powers. In both cases, these powers are limited to specific conditions and require oversight of either Justices of the Peace or Magistrates. In both cases, the police were not entitled to take seized property for themselves.

Common Law Powers

Common law powers to seize property predate the existence of the police and these common law powers reflect the feudal relationship between the king and subject, whereby in most instances the King had the right to seize movable property. In 1720, the legal scholar Thomas Wood published 'The Institute of the Laws of England Or, The Laws of England in Their Natural Order, According to Common Use', in which he listed eight categories under which common law allowed for the seizing of movable property.²⁶ Wood listed these six categories as the "Liberties of Seising [sic] Goods and Chattels of Felons, Fugitives, and of those put in the Exigent. Also Liberties of Seising [sic] Deodands, Treasure-Trove, Waifs, Estrayes, and Wreck of the Sea".²⁷ The first three powers (or liberties in Woods' 18th-century language) relate to what would constitute police activities, while the other activities relate to how subjects could claim abandoned property.

In Wood's account, the chattels of felons and fugitives could be seized by the state in the name of the King. Felons could have their property "forfeited by conviction, and sometimes without conviction".²⁸ However, the seizing of property needed to be recorded by a court. Fugitives from the law could also have their property seized but only by legal officers (the Lord of the franchise), "when the flight is found of record".²⁹ The final area of seizure was when a person was charged with a felony but had evaded trial and become an outlaw. This category of seizure was termed 'exigent', whereby goods could be seized while was an outlaw. In each of these instances, the taking of property was regulated and overseen by courts.

By the late 19th century, the common law on police powers had not changed. Barrister R.S. Wright wrote in 1888 that although the law could seize, "possession remains in the owner of the things, who is merely restrained as to the use of them and maintain trespass or trover against a stranger who takes them out the pound".³⁰ Therefore, officers taking on the role of police could not seize the property of felons, fugitives or outlaws for their personal use, instead, the property

26 Cf. Thomas Wood: *The Institute of the Laws of England*.

27 *Ibid.*, p. 224.

28 *Ibid.*, p. 224.

29 *Ibid.*, p. 224.

30 Frederick Pollock, Robert S. Wright: *An Essay on Possession in the Common Law*, pp. 202 f.

went on record by the court and was taken by the King and disposed of by the King's pleasure.

Legislated Powers Specific to the Police

By the 19th century, colonial jurisdictions were not just relying on common law inherited from the Middle Ages. The colonial parliaments in Australia were legislated and defined police powers with various Police Acts. New South Wales enacted the 1830 Robbers and Housebreakers Act, which empowered "Constables" who had "reasonable cause for suspecting" a person to "be a robber or housebreaker and to seize and to secure all fire-arms and other arms or instruments of a violent nature and all goods and chattels which such Constable or Constables shall have reasonable ground for suspecting and believing to be stolen" and take "all persons arms goods and chattels so found seized and apprehended" to a "Justice of the Peace for examination and to be further dealt with according to law".³¹ In 1833, the Sydney Police Act was passed. It gave further powers to seize property in the form of unauthorised street stalls. When perishable goods were seized as part of the street stall, they were to be handed over to the "superintendent of the Benevolent Asylum" for distribution with the "inmates of the said Asylum" while non-perishable goods were to be held until the owner "paid the penalty" if "convicted".³²

In 1851, the Port Phillip District separated from New South Wales and became the colony of Victoria. In 1854, the colony legislated the Town and Country Police Act, which enabled Police to seize any "articles which shall have been unlawfully taken".³³ Stalls erected outside of shops could also be seized, but only upon "conviction". In each instance, the powers in New South Wales and Victoria only granted police the right to seize movable property and had it over to another authority recognised by the court.

Western Australia introduced a specific Police Act in 1861, while South Australia did so two years later in 1863.³⁴ Both of these Acts gave further powers to the police to seize objects. The clause relating to "idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue" provided the most extensive authority to police to seize objects.³⁵ The wording of the clause relating to vagabonds in the South Australian act is identical to that in the West Australian act. The Acts gave the power of the police to search the possession of any person they believed was an "idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue" and seize those possessions. Their possessions can then be sold to cover the cost of their arrest and detention. Police actions needed to be ordered and overseen by the Justice of the Peace or Court. Before the police

31 New South Wales Acts: Robbers and Housebreakers Act 1830 No 11a, pp. 223f.

32 New South Wales Acts: The Sydney Police Act 1833, p. 426.

33 Victorian Historical Acts: Town and Country Police Act 1854, p. 63.

34 Cf. South Australia Numbered Acts: Police Act (No. 10 of 26 and 27 Vic, 1863); Western Australian Legislation: Police Act 1982.

35 Ibid.

could take the money or property to cover costs, the police needed to ‘apply’ to the Court or Justice of the Peace and surplus money to, “be returned to the said offender”. Consequently, the police could not take objects and make them their personal possessions.³⁶

The legislative acts required police to go through an orderly process of searching and recording property, largely following the traditional common law processes. For both common law and under legislated powers, individual police were not allowed to take objects for their own possession. The objects could be seized and made public property (in order to defray the costs of the police), but the police were not allowed to commandeer property for their own personal use. Western Australia and South Australia also legislated specific acts relating to Aboriginal persons. These acts however did not mention their movable property and gave police no powers to seize Aboriginal property.

Mounted Constable Craven Harry Ord

Inspector Craven Harry Ord (Harry Ord) entered the Western Australian Mounted Police on 15 December 1893 at the rank of sergeant. He had previously been an Associate Judge in Malaya and had held the rank of inspector in charge of the Sikh Police unit in Singapore. His uncle was Major-General Sir Harry George Ord, who had served as Governor of the Straits Settlements (Malaya and Singapore) from 1867-1873 and Governor of Western Australia from 1877-1880, and these connections were probably the basis of Harry Ord gaining posts in Straits Settlements and Western Australia.³⁷

On 1 August 1895, Ord was promoted to the rank of sub-inspector and was placed in command of the West Kimberley Police District, headquartered at Derby. During this time, Ord directed operations against Jandamarra, Bunuba resistance fight and former ‘Black tracker’ whom the police called an outlaw.³⁸ Ord’s time in the Kimberley coincided with a period of open warfare between the settlers and Bunuba and other First Nations in the Kimberley. The police pursued a policy of what they termed ‘dispersing’ Aboriginal people. In practice, this meant punitive raids against Aboriginal camps and hunting down perceived cattle killers. The language of ‘dispersal’ was also used by the South Australian mounted police as a euphemism for raiding.

In 1899, Ord donated a collection of 92 Aboriginal objects to the British Museum. The collection included weapons, tools and clothing. He initially sent the collection to the museum without any context with the listing appearing like an invoice. The curator Charles H. Read wrote to Ord asking if he expected payment or was the collection a gift. Ord responded that the collection was intended as a gift to the museum, that the objects were from his personal collection which he had been auctioning off and he had selected some from the auction to send

36 Western Australian Legislation: Police Act 1892.

37 Cf. Chris Owen: *Every Mother’s Son is Guilty*, pp. 289 f.

38 Cf. Howard Pedersen, Banjo Woorunmurra: *Jandamarra and the Bunuba Resistance*.

to the museum, writing: "The lot I sent you was a mixed one put together at my auction and I do not remember of what it consisted of".³⁹

Ord went on to provide some additional details to the context of the collection. He wrote that it had been created during a period of bitter conflict between Aboriginal tribes, the settlers and the police:

I had been stationed in the Far Nor [sic] West on the arduous and unpleasant duty of arresting or dispersing the blacks out back from Derby who were responsible for a number of murders of whites who were opening out new Country.⁴⁰

The collection was assembled in the context of Ord's operation as part of police 'dispersals' which meant raiding of Aboriginal camps and the shooting of people who presented any form of resistance, including running away. Ord added that 'the weapons are genuine native weapons of the day taken by the police from native camps'. In no part of the correspondence did Ord suggest that the objects derived in his possession from any other means, we only have references to violence to demonstrate the context of how the objects were collected.

The West Australian police used easily transparent euphemisms, such as dispersal, to enable the murder of Aboriginal people.⁴¹ The fact that they got away with murder demonstrates nobody was going to object to the stealing of Aboriginal property by the police. However, Ord did not have the authority to take Aboriginal property and make it his own. The West Australian Police Act did not authorise him to take objects and make them private possessions. Any objects he took as part of his dispersal raids should have passed through to the Western Australian Justice system as evidence. Ord was thus acting in contradiction to the police act, and his taking of these objects, particularly for his personal financial and social benefit, was illegal.

Mounted Constable Willshire

Mounted Constable William Henry Willshire (1852-1925) commanded a corps of Native Police in Central Australia during the 1880s. He was notorious for tracking down cattle killers and brutally enforcing colonial authority.⁴² He had joined the South Australian Police Force in 1878 when he was 26 years old. In 1882, he was posted to Alice Springs and the following year was promoted to first-class mounted constable. Late in 1884, he took command of a native-police detachment of six armed men. Willshire was transferred temporarily to the Daly River where his troop 'pacified' that region.⁴³ Returning to Alice Springs, in 1886, he established the police station at Heavitree Gap, building an outpost at Boggy Hole on the Finke River downstream from Hermannsburg. He produced three books

39 Harry Ord to Charles Reed: M. & LA in letters 1899-1902.

40 Ibid.

41 Cf. David Marr (Killing For Country, p. 246) gives the account of evidence in an 1861 select committee inquiry into the Native Police force in Queensland. The colonial Treasury asked Lieutenant Frederick Wheeler: "What do you mean by dispersing?"; Wheeler answered "Firing at them".

42 Cf. Amanda Nettelbeck, Robert Foster: In the Name of the Law.

43 Cf. D. John Mulvaney: Willshire, William Henry (1852-1925).

on Central Australia.⁴⁴ Willshire saw himself as an adventurer providing ethnographic details stating that his purpose for writing his first two books was to supply Sir James Frazer at Cambridge with “information regarding ‘uncivilized or semi-civilized peoples’.”⁴⁵ While he was a police employee, Willshire actively collected Aboriginal objects for himself and for the Australian Natives Association and the South Australian Geographical Society.⁴⁶

Today there are only eight items of Willshire’s Aboriginal collections known to exist. The objects had been in the Willshire family’s possession until the 1990s, when they were purchased by the South Australian Museum via an Adelaide auction house.⁴⁷ However, Willshire exhibited a large collection in November 1895 that merited an expansive article in the ‘South Australian Register’.⁴⁸ The exhibition of Willshire’s collection was part of a display organised by the literary and scientific societies in South Australia to welcome the arrival of the new Governor, Thomas Fowell Buxton. Willshire displayed his collection as part of the Royal Geographical Society of South Australia stall within the exhibition at the Jubilee Exhibition Building. The ‘South Australian Register’ published an account of Willshire’s considerable collection.

We have been shown a most interesting collection of native weapons obtained from some of the wild tribes on the Victoria River – principally from the Peltenurra tribe. These were brought down by Mounted-constable W.H. Wiltshire, who was stationed at Gordon Creek, Victoria River, 1700 miles north from Adelaide. The specimens consist of spears, mulla mullas [nulla nullas], stone and iron tomahawks, message sticks, necklaces, ornaments, and other native nic-nacs.⁴⁹

The question that concerns us is: How did Willshire construct this collection? Was it through trade and gifts (in the context of his power as a coercive police officer), or was it direct theft related to Willshire’s punitive raids? In the two accounts Willshire published in 1895 and 1896 (after his trial for murdering two Aboriginal men), he avoided describing his personal looting always preferring to describe Aboriginal desecration of the whiteman’s property.

In his semi-fictionalised book, ‘The Wilds of Australia’, published in 1895, Willshire maintained objects were given to him as “present[s]”.⁵⁰ Willshire told his readers that the aim of these presents was to win the whiteman’s favour or distract the whiteman with the aim of killing him and looting “his property”.⁵¹ At Uluru (Ayers Rock) he was given “two hundred-weight of native weapons of all sorts”, as a bribe.⁵² On another occasion he recounted a fictionalised story in which Oleara (the fictionalised white hero of the story) was offered “presents of spears and emu eggs” by a group of Aboriginal males who entered his camp.

44 Cf. William Henry Willshire: *The Aborigines of Central Australia*; id.: *The Land of the Dawning*.

45 William Henry Willshire: *The Land of the Dawning*, p. 3.

46 Ibid.; *South Australian Register*, 23 November 1895, p. 6 (Welcome to the Governor: A Grand Conversation, A unique Spectacle).

47 The items were purchased from Theodore Bruce Auctions in 1996. Alice Beale, personal email communication.

48 Cf. *South Australian Register*, 15 November 1895, p. 5 (Native Weapons).

49 Ibid.

50 William Henry Willshire: *A Thrilling Tale* pp. 21, 39.

51 Ibid. p. 21.

52 Ibid. p. 39.

Willshire narrated that such gestures were “generally a bad sign”. He attributed the motives of these men to trying to “obtain knives, tomahawks, blankets, etc” and after “prowling about with the intention of making an attack, and murdering Oleara, and confiscating his property”.⁵³ In his other semi-fictionalised book ‘The Land of the Dawning’, ‘Being Fact Gleaned from Cannibals in the Australian Stone Age’ published in 1896 he wrote a story of launching a revenge attack on an Aboriginal camp, in which he failed to find the Aboriginal Camp but did shoot a lone warrior who belonged to a tribe that Willshire called the ‘Crimson Cuirassiers’. The killing was in Willshire’s narrative self-defence. After the encounter, he retired to his camp, then writing that “some of my lads came home the following day with a fine collection of spears and boomerangs – they had evidently been amongst them”.⁵⁴

To understand the circumstances and veracity of Willshire’s innocuous claims that his collecting was a result of gifts or bribes, we need to examine Willshire’s notorious history of violence and fabrication of evidence. Willshire was one of the few police officers charged with murdering Aboriginal people in the colonial period. In 1891, Willshire’s men attacked a group of Aboriginal men and their wives camped at Tempe Downs station. Willshire had claimed they had killed a bullock and were resisting arrest and attempted to assault Willshire. Therefore in self-defence, Willshire shot two Aboriginal men named Donkey⁵⁵ and Yaraminta (Roger). Willshire and his native police then cremated bodies which prevented further examination by the coroner or Justice of the Peace.

On 11 April 1891, Willshire chose to publish his account of the killings in the *Adelaide Observer*.⁵⁶ The publication was part of a long complaint about “the depredations made by the blacks” in Central Australia and stated that the deceased, Donkey and Yaraminta (Roger), along with two other men, Dick and Chookey Chook, had previously “murdered Naimi, the father of a black tracker named Larry”, who was one of Willshire’s men. Willshire went on to state he had requested Warrant on 4 March for the arrest of Dick and Chookey Chook for the murder as well as warrants for “Aribi, Peter, and Racehorse for cattle-stealing at Tempe Downs on January 19, 1891”. The Attorney-General, Robert Homberg, responded that a warrant is “not needed by Willshire to enable him to arrest the natives”. A rival newspaper, *Evening Journal*, thought Willshire’s account strange and opened their report: “[I]t is to be hoped that full enquire will be made by the Government into the circumstances attending the death of two natives named Donkey and Roger [Yaraminta]”.⁵⁷ Homberg’s suspicion was also raised and he requested an inquest into the deaths of the two men. Homberg also asked Francis J. Gillen the Postmaster in Alice Springs and sub-protector of Aborigine to undertake a second investigation.

The evidence Gillen took pointed to Willshire fabricating stories and lying about warrants. The story that Willshire presented was initially corroborated by

53 Ibid., p. 21.

54 William Henry Willshire: *Land of the Dawning*, p. 21.

55 Only his pejorative name appears in the historical record.

56 Cf. *Adelaide Observer*, 11 April 1891, p. 32 (Trouble with the Natives).

57 Ibid.

his native police trackers. His problem, however, was the question of the warrant – which had raised Homberg's suspicions. Willshire maintained Charles Gall, the Station Manager and Justice of the Peace at Owen Springs, had issued a warrant for the arrest of Donkey and Roger [Yaraminta]. Gall denied he had issued a warrant when interviewed by Gillen. More damning was that Gall rejected ever issuing a warrant to Willshire or to the police for the arrest of any Aboriginal people in the previous 16 months:

I have not since the first of last year⁵⁸ issued any warrants for the arrest of Natives. I have never issued a Warrant for the arrest of Donkey or Roger [Yaraminta]. The Police have never applied, for a Warrant for their arrest, to me. Mounted Constable Willshire has never applied to me for a warrant for Donkey or Roger [Yaraminta], or any other Natives.⁵⁹

Willshire must not have known of the extent of Gall's rejection of Willshire's use of due process. When Gillen reinterviewed Willshire over the warrant, he changed his story stating:

I was under impression that the warrant was signed by Mr Gall JP but since I have discovered that the warrant was not signed [...]. I went into Owen Springs for loading and intended to get it and another signed, but being busy with the loading I forgot it and came away under the impression they were signed, hence the mistake.⁶⁰

Willshire's correction would have been acceptable under normal circumstances, but Gall had demonstrated that Willshire had never asked him for any warrants. Gillen then interviewed Teegwa (known as Native Constable Thomas) who had not previously been examined. Thomas gave new evidence that pointed to a Willshire lying about the cattle killings and pointed to a conspiracy to kill Donkey and Yaraminta [Roger] as payback:

I did not see any dead cattle on the way out. I did not see any cattle speared [...] Mr Willshire been yabber along road he look out for Donkey and Roger them been kill old man 'Naiuai' [...] Mr Willshire send Jack and myself to Roger's Camp. Mr Willshire been yabber supposed Roger run away you shoot him. Neither Jack nor I had handcuffs.⁶¹

The fact that Willshire had lied about the warrant, followed by Teegwa's evidence and other discrepancies in the stories, Gillen sent a telegram to Homburg: "Case most serious and revolting, police should be instructed arrest Willshire who is here at once".⁶²

Gillen made further interviews. The biggest challenge to Willshire's story was the evidence from Yaraminta's [Roger's] wife who stated:

I am Roger's Lubra, his native name was Yaraminta. I slept with him at Kempe Downs on the night before he and Donkey were shot. At daylight I hear shots fired. And Roger jumped up and started to run, and was shot by Tracker Thomas – I saw Thomas shoot. Before he was shot he sang out to me get up. Get up policeman are

58 Therefore 16 months from April, when Francis Gillen conducted an inquiry on 20 April 1891.

59 William Willshire Inquiry, p. 9, repeated p. 63.

60 Ibid., p. 63.

61 Ibid., p. 11.

62 Gillen to Homburg, 27 April 1891.

shooting. Roger had no spears nor boomerangs. Thomas did not speak to Roger before firing. I ran away to lubra's camp.⁶³

Gillen then began re-examining the Native Constables. Coognalthika (Archie) was first to change his story:

In my previous evidence I did not tell the truth Mr Willshire having told me what to say what I did. I will now tell the truth. I went to Tempe Downs with Mr Willshire where Donkey and Roger were shot. There were no dead Cattle on road and we did not see blackfellows tracks going out. [...] Willshire stopped close to the station Larry went to Donkey's Camp and shot him while he was asleep, he did not see Larry before he was shot. Another Blackfellows was with Donkey, he got away. I was a little way off and did not fire we took no handcuffs or neck chains. Mr Willshire did not tell us to Catch Donkey. I heard Mr Willshire tell Thomas and Jack to go to Roger's Camp and shoot him. Did not see Thomas shoot Roger but saw him after death. I heard three shots in direction of Roger's Camp. Willshire said he wanted to shoot Donkey and Roger because they killed a black-fellow at his Camp [...]. Mr Willshire Billy Abbott, Jack and I took the bodies away on a Camell to different spots and burnt them, took Donkey first.⁶⁴

Each of the native constables corrected their story. They now stated that there were no cattle killings and that Willshire had told them to kill Donkey and Yaraminta (Roger). The last of the native constables to be re-examined was Raemalla (Larry), who gave his testimony to Gillen assistant, Mounted Constable South. Raemalla concluded: "all us Trackers were afraid Mr Willshire would shoot us if we did not obey him".⁶⁵ South was so disturbed, that he sent a telegram to the Commissioner of Police saying: "Evidence against Willshire appalling, shews he went into Donkey and Yaraminta's (Roger's) camp at Tempe Downs at Daybreak with trackers Archie, Jack Larry and Joe. Donkey shot while asleep, Roger whilst running away". South then arrested Willshire for wilful murder.

To defend Willshire, the pastoralists hired John Downer, who was a Queen's Council and an opposition MP and had previously been the Premier and Attorney-General of South Australia. Willshire stood trial on 23 July 1891, he was acquitted on the same day after both Downer, as Defence Council, and the Crown Prosecutor argued Aboriginal evidence could not be relied on.⁶⁶ The jury deliberated for 10 minutes and found Willshire not guilty.

In light of Willshire's fabrications and wanton violence, it is hard to believe his collections were a product of mere gift-giving or exchange. We know that Willshire concocted stories to present his innocence in the murder of Aboriginal people. We also know that he raided Aboriginal camps. There is also some evidence from his own words and reports in newspapers pointing to Willshire plundering Aboriginal property.

The 1895 'The South Australian Register' article on his collection exhibited to honour the arrival of Governor Buxton indicates that Willshire raided Aboriginal camps and took objects: "Some of the most curious articles were found by Mr. Willshire while searching for the body of a man killed by the blacks on the

63 William Willshire Inquiry, p. 78: Yaraminta could not speak English and her testimony was translated by Reverend Kempe at the Hermannsburg mission.

64 Ibid., p. 80.

65 Ibid., p. 87.

66 Cf. Amanda Nettelbeck, Robert Foster: *In the Name of the Law*.

Lower Victoria. They were left in the camp by the blacks in their flight".⁶⁷ The use of Fear of, and actual violence to enable the collection of weapons is a theme that Willshire also directly wrote about. In his 1891 book, 'The Aborigines of Central Australia', Willshire noted that

the natives generally throw away their weapons if hard pressed; sometimes they retain their spears and boomerangs, but not often; and it is only after one of these chases that there is a chance of collecting native weapons, by going back over the ground when the scrimmage is over.⁶⁸

The account frames the interaction that the objects were left, with the implication that they were abandoned, but this was clearly not the case – they were only abandoned because Willshire was pursuing their owners on a punitive raid. Consequently, Willshire took the opportunity to take the Aboriginal possessions after frightening them away.

Mounted Constable Ernest Cowle

In 1894, Mounted Constable Ernest Cowle escorted the Horne scientific Expedition, where he met Walter Baldwin Spencer, Professor of Biology at the University of Melbourne and soon to become a pioneering anthropologist and Director of the National Museum of Victoria, as well as Edward Sterling, the director of the South Australian Museum. Cowle would become a collector of natural history and ethnographic specimens for both men. Cowle's accounts of life as a Mounted Constable on the frontier survive in the archive collections left by Spencer and Sterling.⁶⁹ Cowle provided three instalments of objects to Spencer at the National Museum of Victoria. The first was a donation of a spear in October 1899; followed by 228 objects in February 1901 and a further 138 objects in February 1903. The second two instalments were listed as "field collection" and therefore Cowle possibly received payment or reimbursement of costs for those larger collections.⁷⁰

Cowle joined the South Australian Police on 1 February 1889 and was immediately deployed to Alice Springs, rather than undertaking the normal entry training in Adelaide. His prior education was at a school for the Adelaide elite and he had close to 10 years working as a stockman in Northern Victoria, and northern parts of South Australia and the Northern Territory is a possible reason why he did not undertake preliminary training.⁷¹ Not long after Cowle reached Alice Springs, Willshire was sent to establish a remote police post on the Finke River from which he launched his notorious raids resulting in his arrest in 1891. Cowle first met Sterling, when the Earl of Kintore (the Governor of South Australia) ventured to Alice Springs in May 1891. Sterling's diary notes that he went with

67 South Australian Register, 15 November 1895, p. 5 (Native Weapons).

68 William Henry Willshire: *The Aborigines of Central Australia*, p. 19.

69 Cf. Cowle Correspondence: Baldwin Spencer Papers; The Sir Edward Charles Stirling Papers.

70 Nancy Ladas: Data Supply Letter to Gareth Knapman, 31 August 2023.

71 Cf. D. John Mulvaney, Alison Petch, Howard Morphy: *From the Frontier*, pp. 23, 26.

Cowle and Mounted Constable South to Willshire's camp to see a witness. By this time, Willshire was already under arrest facing trial in Adelaide.⁷²

After the closure of Willshire's police camp, Cowle was sent to a new camp at Illamurta Springs, 150 kilometres southeast of Alice Springs, in the southern foothills of the James Range on Illpilla Creek. He was under the command of Mounted Constable Tom Dear, who introduced a policy of whipping suspects rather than arresting them and sending them to Port Augusta to face trial, or following the Willshire-like policy of dispersal – which meant killing. This policy of corporal punishment was declared illegal by the Attorney-General in October 1894. Consequently, Cowle pursued a practice of capturing and making prisoners fear they were about to be executed before releasing them with flour and a warning.⁷³

Similar to other mounted police, Cowle saw his role as defending the property rights of settlers. Although the correspondence record is one-sided (we do not have copies of Spencer's letters to Cowle), we can infer from Cowle's correspondence that he and Spencer appear to have engaged in a continual debate on the ethics of enforcing property laws on Aboriginal subjects. Spencer appears to have argued something like: it is Aboriginal land and with the transformation of traditional land practices by settler farming, the Aboriginal people saw it as their right to kill cattle for food. Cowle responded to Spencer:

I am not advocating shooting, for a moment, in the so called good old style, but they should be made to respect the law of the Land that has been taken from them, and it would be better for them – as for whites killing their emus and kangaros etc.⁷⁴

Cowle's insistence on the need for Aboriginal people to respect British property law was a continuing theme. On 10 June 1899, he appeared to respond to a letter from Spencer, by summarising Spencer's approach as "[a] stock phrase of the cult is 'Put yourself in the Blackfellow's Place'". To which Cowle then answered emphasising the hardships of the squatters and the need for the protection of their property: "Well, suppose you and Gillen put yourselves for a while in the 'Squatter's Place'. You rent the Country and if the Government does not prevent the blacks destroying your property wholesale, do you not think you would feel inclined to do so".⁷⁵

Cowle's approach to property laws emphasised the protection of capital. His father had been a mid-level banker in the Bank of New South Wales and in 1878 managed the Adelaide head office of the English, Scottish and Australasian Chartered Bank and in 1880 was elected a member of the Bankers' Institute of Australia.⁷⁶ As a police officer, he invested his spare capital in the stock exchange and other members of his family continued to work in the banking sector.⁷⁷ His sister's husband was Josiah Symon, a prominent South Australian lawyer, politician and advocate of Federation and future commonwealth Attorney-General.⁷⁸

72 Cf. *Ibid.*, p. 29.

73 Cf. *Ibid.*, p. 36.

74 *Ibid.*, p. 128 (Cowle to Spencer 10th June 1899).

75 *Ibid.*, p. 129.

76 Cf. *ibid.*, p. 23.

77 Cf. *ibid.*, p. 142.

78 Cf. *ibid.*, p. 24.

Considering Cowle's social background in the Adelaide elite and his family's promotion of colonial capitalism it is not surprising he believed anything that threatened the profits of capital investment should be crushed. Cowle maintained hard measures needed to be taken against Aboriginal cattle killing, writing to Spencer: "No, Professor, I do not like severe measures myself, unless driven to it, but I recon these blacks want one real drastic lesson". Cowle then went on to liken cattle killing to the growing union movement stating "in the same way that Strikes etc should be treated, and taught that, if they have the protection of our laws, they also *must* conform to the others".⁷⁹ Despite Cowle's belief in the sanctity of property rights deriving from capital, he did not see Aboriginal property rights as sacrosanct, with some of his collecting practices being indistinguishable from theft.

In June 1894, Cowle escorted the Horn Expedition at Tempe Downs from Lake Amadeus to Ayers Rock and then returned with them to Glen Helen. Cowle began corresponding with Spencer about biological specimens soon after the expedition. Cowle would pay Aboriginal people to collect animals, reptiles and insects to send to Spencer and Sterling. This soon turned to ethnographic objects, which Mulvaney, Morphy and Petch note were "unorthodox methods".⁸⁰

Cowle would go on to collect a large number of objects for both the National Museum of Victoria and the South Australian Museum, with other British-based museums contacting him to make similar collections.⁸¹ He initially focussed on collecting Churinga, which were sacred objects in the form of engraved flat stone or wood panels. These sacred objects became an obsession of early Australian anthropologists. Cowle soon became aware that Churinga was extremely important to Aboriginal people. He knew that taking them was a sensitive activity, on 5 October 1895, Cowle wrote to Spencer noting that collecting required duplicity, which presented a moral problem for a police officer:

I got a few very poor stones the other day and a nice lot of wooden ones which I have written to him about – Posing as an upright youth before both Black and White is annoying at times – for instance, I promised not to let any other Blacks know that I had been shown their Plant and in consequence could only carry away the Sticks I could jam into a pair of Pack Bags and had to leave upwards of 80 hieroglyphical sticks running from about 2 ft to 5 ft in length behind. [...] I would never have got through the Blacks unseen which meant hell for my guide – I am only afraid they will find out their loss before I go there again and if so they will shift everything.⁸²

Cowle acquired some sacred objects with an aspect of consent – in the sense, that people showed him where the objects were and in some instances, he paid for them in rum and flour. Payment or exchange was not a transaction of equals. We have Cowle's description that a payment was made, however, he was a very powerful figure he gave them rum and flour and called it an exchange.

79 Ibid., p. 109 (Cowle to Spencer, 17 April 1898), original emphasis.

80 Ibid., p. 37.

81 Cf. *ibid.*, p. 121 (Cowle to Spencer, 18 March 1899).

82 Ibid., p. 72 (Cowle to Spencer, 5 Oct 1895).

Cowle was also stealing the churinga by his own admission.⁸³ Cowle would use the knowledge of their secret location, then return to the keeping place and raid it when nobody was looking. Cowle used this approach for other objects as well, writing to Sterling on 6th November 1894:

I came across a little curio the other day (the owner was absent) which I have kept in hopes of being able to ascertain its uses but every blackfellow I have shewn it to is ignorant of it except that 'him come up long way' I am posting it to you in a separate cover exactly as I got it.⁸⁴

Such an activity was theft although Cowle found it hard to understand his own actions as no different from a cattle thief. After describing his own hypocrisy as "posing as an upright youth before both Black and White" while taking scared objects, Cowle followed his narrative by describing how he was busy in pursuit of "damned horsethieves" without any acknowledgement of the irony.⁸⁵

By the mid-1890s Cowle was aware of the consequences of stealing Churinga. He called Gillen a hypocrite for knowingly stealing churinga, while also holding the position of Protector of Aborigines: "Gillen talks of how much they value these stones and of their great antiquity yet he gets these niggers round him to obtain them by any means they can".⁸⁶ In March 1899, he wrote Spencer, complaining that Richard Maurice had been taking Churinga, and noted that Maurice had taken Churinga after Cowle "gave them back".⁸⁷

Cowle also acquired objects through violence. He wrote to Spencer that he received letters that the "Blacks [...] were killing [cattle] wholesale out a Reedy Hole". Cowle had despatched another officer to respond, but noted to Spencer that such actions enabled the taking of Aboriginal property:

[I] would have liked to have gone myself as a lot like that should have some curios but [...] I got a few wommeras as I came home and told Nat and Kean to look out for your rat-tails and chignons etc.⁸⁸

The description is reminiscent of Willshire's description of taking Aboriginal objects as part of his dispersal activities.

On 31 August 1900, Cowle describes the objects he took as "loot" and a consequence of his "war dance". He also mentioned that he forced the prisoners to carry the loot for him. Presumably, the loot had been previously in the possession of the prisoners:

I did a war dance at one camp but got no loot except an odd girdle or two of human hair, one of the domestic cat gone wild (much esteemed), and a couple of pitchis, there were any quantity of the latter and I could have fully stocked you if I could have carried them home but I could only give the prisoners one each to look after, I also got four or five of their curved adzes but all had iron tips which I am getting replaced with flints.⁸⁹

83 Cf. *Ibid.*, p. 136 (Cowle to Spencer, 13 April 1900).

84 *Ibid.*, p. 260 (Cowle to Spencer, 6 November 1894).

85 *Ibid.*, p. 72 (Cowle to Spencer, 5 Oct 1895).

86 *Ibid.*, p. 70 (Cowle to Spencer, 23 July 1895).

87 *Ibid.*, p. 121 (Cowle to Spencer, 18 March 1899).

88 *Ibid.*, p. 96 (Cowle to Spencer, 9 February 1897).

89 *Ibid.*, p. 146 (Cowle to Spencer, 31 Aug 1900).

Cowle used a range of practices for gaining Aboriginal objects. At best he used his power as a police officer to purchase objects as an unequal exchange. As a police officer he gained knowledge of where sacred objects were held and then took them when nobody was watching. The consequence for some of his informants was death for revealing information they should not have revealed. Such activities were stealing, and Cowle understood his activities as stealing. In other instances, Cowle plundered objects as part of punitive raids even forcing the previous owners of the objects to carry them as war booty – an act that was unlawful for police officers.

Conclusion

Colonial police played a central role in enforcing settler authority on the frontier. The taking of objects appears to have been a more significant part of their activities than previously realised, in the sense that dispossessing Aboriginal people of weapons through either destroying weapons or taking them as trophies followed on from their para-military activities. The three case studies examined all share a common theme in that each of these police officers admitted to taking objects. In some instances, the officers did engage in some form of exchange or trade, however there are clear statements but each of the three figures that on other occasions, they took objects as part of a display of force.

Although Ord, Willshire and Cowle clearly believed they were entitled to take objects, none had the legal power to do so for their personal use. Any objects they took were evidence and should have been treated as such. Police did not have the authority to take personal property. Under certain circumstances, property could be confiscation and sold – but confiscation was limited to objects that the police could prove the convicted party had stolen from others or had been illegally sold in the first place. Nevertheless, the proceeds of the sale of objects were meant to support benevolent funds, not the private pockets of police officers. In this respect, the collections that survive in colonial-era museums are proceeds from theft by police, tantamount to plunder.

The true extent of police collections is unknown in Australia. Museum catalogues are not openly displayed for research. Consequently, it is hard to estimate the totality of the problem. Nevertheless, the number of objects would at least amount to over 500, but probably many more. Understanding the history of plunder and the violence behind collections is an important part of decolonizing the colonial-era museum. The default assumption that the colonial police had the authority to take objects is not supported by evidence. Further research into museum collections in Australia will demonstrate the pervasive role of police looting or theft in the original acquisition of collections. More research needs to be done, but the future management of collections should not assume that objects taken by police were acquired legitimately under Western law.

Acknowledgements

I would like to thank Cressida Fforde, Paul Turnbull, Steve Hemming and Lyndon Ormond Parker for their advice in developing the argument of this article. I would also like to thank the reviewers and editorial team, particularly Dany Adone and Anna Gosebrink. The research for this article was made possible by Australian Research Council grant DP200102850, Heritage and Reconciliation, and DP200101814, Profit and Loss: The commercial trade in Indigenous human remains and funded by ANU Australian Studies fellowship.

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Michael Pickering

Considering Cultural Processes and Rights in Repatriation

An Australian Experience

Abstract: Major museums across the world are being approached by Indigenous communities for the return of Ancestral remains and other cultural property. Apart from a very small number of specialists, many museum professionals, in particular senior decision makers, have limited knowledge of the actual collections they hold and the cultural significance of those objects, both in the past, the present, and into the future. They thus apply limited and restricted criteria in assessing the merits of an application for repatriation. This paper discusses some of the forms of affiliation that enable Australian First Nations peoples to claim rights of affiliation and authority in Ancestral Remains and other cultural materials. It argues that there are many forms of affiliation and bestowal of rights and authority that legitimise First Nations claims to interests in Ancestral Remains and cultural heritage.

Large, multi-subject, collecting institutions, be they museums, galleries, or universities, are unusual places. On the surface, they display expertise and knowledge in a variety of fields and subjects. It is, however, easy to forget the corporate structures of such organisations. Often the experts in any single field of cultural subject are in the minority of the institution's employees, who may number in the hundreds, and who have skills in many different fields. The specialist curators and collection managers are far outnumbered by other business units within the institution, such as executive, administration and governance, human resources, marketing, media, public affairs, facility management, finance, public programs, education, and so on. While staff in these sectors are typically sympathetic to the wider social philosophy and aims of the institution, they do not necessarily have specific knowledge to hand informing them of specific subject matters or issues topical in collecting-institution debates, such as repatriation and decolonisation. This is unfortunate as experience shows that even a short briefing paper can raise their appreciation of issues they rarely engage with.

Further, while the specialist staff are there in the institution, their fields of knowledge will usually reflect the fields of study of that institution. An expert in one culture may have limited knowledge of another culture. This is apparent in the current debates around decolonising museums, where an institution of a once-colonial state will invariably have the majority of its collections, and its repatriation priorities, concentrated on engagements with its own ex-colonies. Knowledge of the cultural significance of other collections is likely to be relatively limited, in particular outside the field of ethnographic specialists. A researcher interested in Australian First Nations cultures (such as myself) is therefore unlikely to be deeply familiar with African, Asian, American, Oceanic, or European First Nations cultures and experiences, although aware of some of

the issues. As a result, there is no shame in asking for advice and assistance from others with suitable knowledge and experience.¹

The Nature of Engagements

Unless applicants are aware of an internal specialist or advisor familiar with their culture and ambitions, a person or agent making an approach to an institution, for the purposes of requesting repatriation and/or access to collections embodying their heritage, will usually approach the executive management of that institution. This is particularly the case in government agency-to-museum engagements, where a government sympathetic to repatriation takes upon itself the role of approaching institutions in the role of advocate.² They will usually approach senior management first, in accordance with presumed formal process and diplomatic courtesies.

For those managers with little familiarity with the cultural issues stimulating the request, it is easy to see such approaches as driven by political or activist agendas, or not possible according to the institution's historic practices and traditions of not deaccessioning or repatriating materials. Older, larger, collecting institutions apply their own criteria for assessment of a request that reflects past, ageing, and conservative corporate policies. Protocols of consideration and assessment are applied that reflect often conservative corporate policy, philosophy, and/or traditional practice (that's the way we've always done it) rather than any appreciation of the cultural bases of the request, in both traditional and contemporary First Nations cultural contexts.

Further, in my own discussions with professionals in many domestic and international collecting institutions, and with many Australian First Nations people, applicants are sometimes dismissed as having no demonstrable direct familial or cultural connections to the materials under claim. Institutions take it upon themselves to make an assessment of the biological and cultural bases of the claim, with a decision often made by professionally and culturally unknowledgeable senior executives or council/board/trustee members.³

Further, the meetings between claimants/applicants and executives/collection managers are often short, with no real time for a claimant to fully present cultural evidence in their case for return/access. In Australia's international engagements in recent years, this has often been aggravated by excessive mediation by Australian government agencies, before, during, and after meetings between First Nations representatives and the collecting institutions, reducing the opportunity for First Nations people to make their case in their own words.

Thus, the first response to Australian First Nations requests is often to remain distant and/or refuse the request. Not necessarily because such a refusal is informed by evidence, but because caution, in the face of a new experience, invites

1 Cf. Michael Pickering: *First Principles*.

2 Cf. AIATSIS: *Indigenous Repatriation*; AIATSIS: *Return of Cultural Heritage*.

3 See, e.g., British Museum: *Request for Repatriation of Human Remains to the Torres Strait Islands, Australia*.

hesitation. It is easier to say no first, sometimes because a no can be turned to a yes, whereas it is harder to turn a yes into a no.

So, how do collecting organisations appropriately and respectfully engage with requests and claims for repatriation by Indigenous claimants? The aim of this paper is to provide a 'background briefing' for those museum and institutional executives, senior managers, collection managers, and other business units unfamiliar with the underlying cultural aspects of Australian First Nations cultures that impact on claims for repatriation of Ancestral remains, sacred objects, 'secular' objects, and documentary materials.⁴ It describes mechanisms of affiliation, noting that these mechanisms have been recognised by Australian legal and policy processes. While these processes and legal debates are not applicable outside of Australia, they do demonstrate, and provide justifications for, the mechanisms of affiliation to heritage that First Nations repatriation/access claimants may assert.

Australian First Nations

There are over 350 Aboriginal and Torres Strait Islander First Nations.⁵ Although neighbouring nations will share many common cultural features, each is more precisely defined by its own unique language, identity, spiritual affiliations, beliefs, history, and cultural expressions. The dominant characteristic of all nations is an affiliation to Country. The First Nations perspective of Country encapsulates not only the physical landscape but also the many spiritual aspects of that landscape. The Australian Institute of Aboriginal and Torres Strait Islander Studies defines Country as a

term often used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity.⁶

Attachment to Country manifests at the levels of the individual, the family, the clan group, and the corporate nation.

The First Nations world was created by the activities of sacred Ancestral Beings, who left their spirituality in everything. Thus, a sacred site, such as a hill, plain, river, waterhole, flora, and fauna, are sources of personal and corporate spiritual identity. Such sites are also sources for stone tools, plant, and animal resources. In the manufacture of cultural items, an element of the sacred ancestral power

4 This paper, as with many I've written, is heavily based on experience rather than published precedent. The target audience is the wider staff of collecting institutions not specialists in Australian Anthropology. See also Joseph Roche: *How to Support Academic Writing for Museum Professionals*.

5 Cf. AIATSIS: *Welcome to Country*. The term 'First Nations' is now commonly used to refer to the Aboriginal and Torres Strait Islander peoples of Australia. See the Australian Government Style manual, which states: "both Aboriginal and Torres Strait Islander peoples, use terms such as 'First Nations people', 'First Australians', or 'Aboriginal and/or Torres Strait Islander peoples'", Australian Government Style Manual.

6 AIATSIS: *Welcome to Country*.

can still be manifest in the finished item. Thus, even so-called 'secular' objects can be, to some extent, sacred in accordance with the cultural values of a claimant.⁷ All are linked by, and co-dependent on, a common shared spiritual power. The spirituality of the Ancestral Being is present in, and shared by all, including humans, the natural world, and cultural materials.

One outcome of this 'network of the sacred', is that the sacred is present in all First Nations people and 'things', including the sorts of items that have attracted collectors – sometimes known as moveable cultural heritage. While sacred sites can be destroyed,⁸ they cannot be relocated.

'Collectables' includes Ancestral remains, secret/sacred objects, sacred ceremonial objects, sacred art, and 'secular' objects; even secular objects, such as wood, stone, and bone tools, and economic raw resources. As noted, these can all have some manifestation of the sacred due to their creation by the sacred Ancestral Beings. Many First Nations Australians see that they have a responsibility to engage with, participate with, respect, and protect, both Country and its material outputs, manifest as 'immoveable and moveable cultural heritage', regardless of age and/or period of removal from their original cultural contexts.

The outcome is that all people, and all things, can be considered to have some lasting affiliation with Country and place.

Land Rights and Rights to Land

First Nations property, cultural and spiritual affiliation with, and rights to, lands have been formally recognised under several Australian state, territory, and federal government acts of legislation.⁹ In some cases, these rights have been extended to include some or all categories of moveable cultural heritage.¹⁰

This recognition was initially informed through extensive scholarly Anthropological and legal research, though it was First Nations activism over many years that prompted this consideration of rights by non-Indigenous Australian governments. Over many years, the basic rights initially recognised by legislation (e.g., patrilineal descent) have been tested and expanded to allow for the recognition of a greater range of mechanisms of cultural affiliation to lands. For example, where claims to land under the original interpretation of the Northern Territory Land Rights Act¹¹ largely focussed on the demonstration of patrilineal affiliation to the local land-owning group, this has now been expanded to recognise matrilineal affiliation, adoption, religious associations, and succession, amongst others, as legitimate mechanism to claim ownership interests in land

7 Cf. Michael Pickering: *Qualifying the Sacred*.

8 See, e.g., Michael Pickering: *Corporate Damages and Sacred Site Protection*; Lorena Allam, Calla Wahlquist: *A Year on from the Juukan Gorge Destruction, Aboriginal Sacred Sites Remain Unprotected*.

9 See, e.g., Australian Government: *Land Rights (Northern Territory) Act*; Australian Government: *Native Title Act*.

10 Cf. Australian Government: *Aboriginal and Torres Strait Islander Heritage Protection Act*; Victorian Government: *Aboriginal Heritage Act*.

11 Cf. Australian Government: *Land Rights (Northern Territory) Act*.

and associated resources. Similarly, the recognition of Native Title¹² has allowed the definition, in a Western legal sense, of distinctive rights, being not only rights to land but also to rights to hunt, gather, hold ceremonies, be born, be buried, amongst many others. This has been defined as creating the concept of a 'bundle of rights' which the National Native Title Tribunal describes as:

Native title is sometimes referred to as a 'bundle of rights'. The content of that bundle of rights will depend on the native title holders' traditional laws and customs and Australian law's capacity to recognise the rights and interests they hold.¹³

This definition is also reflected by other government agencies.¹⁴

In summary, many First Nations cultural mechanisms have been formally recognised by Australian scholarly research, governments, legislation, policies, practices and philosophies, as bestowing certain rights to lands and seas, and their resources. These rights can include rights assigned by social systems, religious beliefs and practices, economic activity, and basic property rights as defined by Western law. Just as people are seen as affiliated to Country, so too are sacred sites, Ancestral Remains, secret-sacred objects, and 'secular' objects. All are, in some way, reflections of the creative, and educational, powers of Ancestral Beings that created the world. Australian First Nations peoples' claims to Ancestral Remains and cultural heritage, moveable, immovable, tangible, and intangible, are usually based on some aspect of this cultural system of affiliation. While not allowing for property rights, these recognised mechanisms can also apply to defining interests in Ancestral Remains and cultural heritage.

Tradition

One issue often raised in conversations about repatriation is the question of how 'tradition' and 'traditional' beliefs and practices are defined. These are often used by collection managers as criteria for assessment of claimants' requests for repatriation. Do the claimants still have the same spiritual beliefs and practices associated with the material at the time of the original collection?¹⁵ What is the time period over which something becomes a 'tradition' and/or a traditional practice?

These questions are largely irrelevant. Firstly, because there is no standard definition of tradition and, secondly, because while the expressions of tradition may change, the core tradition often remains constant. In the first case, the definition of tradition has been widely addressed, across the public, anthropological, and legal literature. While popular ideas of tradition have argued that it must be defined through reference to an old, historically documented and culturally continuous precedent, more formal definitions of tradition do not apply this qualification, acknowledging that historical definitions of tradition are secondary to cultural definitions of tradition. For example, as a public reference, the Concise

12 Cf. Australian Government: Native Title Act.

13 National Native Title Tribunal: Native Title.

14 See, e.g., Prescribed Body Corporate: Native Title and Land Rights, Australian Government: Connection to Country.

15 See Michael Pickering: The Big Picture.

Oxford Dictionary defines 'tradition' as "[o]pinion or belief or custom handed down, handing down of these, from ancestors to posterity esp. orally or by practice".¹⁶ And online as the "transmission of beliefs, statements, customs, etc., from generation to generation; the fact of being passed on in this way".¹⁷ Anthropological definitions conventionally define 'tradition' as the

patterns of BELIEFS, CUSTOMS, VALUES, behaviour and knowledge or expertise which are passed on from generation to generation by the socialization process within a given population.¹⁸

with the important qualifier that

Modern anthropologists and ethnologists however tend not to place so much emphasis on the centrality of the concept of tradition, since it does not allow for the essentially dynamic and adaptive nature of sociocultural systems. [...] the uncritical use of the concept of tradition may make us fail to examine the key problem of the relationship between cultural persistence or continuity and cultural change, a problem which is to be approached not only in terms of cultural elements in themselves but also in terms of the historical process of social reproduction and social change in the population concerned.¹⁹

While examples of Australian legal definitions, applied over nearly 50 years, define Aboriginal tradition as

the body of traditions, observances, customs and beliefs of Aboriginals or of a community or group of Aboriginals, and includes those traditions, observances, customs and beliefs as applied in relation to particular persons, sites, areas of land, things or relationships;²⁰

[...] the body of traditions, observances, customs and beliefs of Aboriginals generally or of a particular community or group of Aboriginals, and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships;²¹

and, in the case of Native Title:

the communal group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters where:

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
- (b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law of Australia.²²

It is also relevant to note that there are micro and macro manifestations of tradition. The micro are the specific minutiae of practices – the details of the ceremony, the specifics of day-to-day social practices, etc. The macro manifestations are such things as the social institutions of marriage, ceremonies, religion, etc. First Nations cultures are no different to other world cultures in that they have changed progressively over time and in the face of social and environmental processes. This is well described in oral histories and archaeological records.

16 Concise Oxford Dictionary: 'Tradition'.

17 Concise Oxford English Dictionary: 'Tradition'.

18 Charlotte Seymour-Smith: *Macmillan Dictionary of Anthropology*, pp. 279f.

19 Ibid.

20 Australian Government: *Land Rights (Northern Territory) Act*, p. 2.

21 Australian Government: *Aboriginal and Torres Strait Islander Heritage Protection Act*, p. 2.

22 Australian Government: *Native Title Act*, p. 450.

Nonetheless, in Australia, this change has been continuous within the First Nations cultures, allowing the nationally recognised statement that “Australia is home to the oldest continuing living culture in the entire world”.²³

While details and aspects of some beliefs may have changed, the traditions of systems of kinship, spiritual belief, connection to Country, ceremony, marriage, connection to social and cultural heritage and history, remain strong.

To summarise, secular, anthropological, and legal definitions, at least as applied in Australia, are explicit that ‘tradition’ is defined by the beliefs, customs, and practices of the group. No definition imposes a temporal parameter upon the concept of tradition, except insofar as tradition is expected to be handed down from generation to generation. No definition prohibits change within tradition—nor the emergence of ‘new’ traditions due to the operation of social processes over time. There is therefore little support for arguments of opposition based on the premise that to be considered to have traditions groups must conform to patterns, customs, values, and beliefs of the distant past as captured and frozen in the historical literature. Tradition is dynamic and changing, defined by the contemporary beliefs of the community. Cultural authenticity is informed by, but not defined by, adherence to phenomena in ageing historical texts.

Mechanisms of Affiliation to Country, Community, and Cultural Heritage

The same cultural mechanisms that affiliate people with Country, apply to affiliation with Ancestral Remains, sacred ceremonial objects, and other forms of tangible and intangible culture. As noted, there are a number of modes of affiliation that have been tested and accepted through Australian anthropological research²⁴ and by government legislation and legislative testing and expansion; in both formally convened commissions²⁵ and courts.²⁶ While these modes of affiliation have not yet been fully tested judicially with regard to items of moveable heritage, the same modes of affiliation are culturally valid and should inform institutional assessments of repatriation and/or access requests.

Many of the forms of affiliation are straightforward and usually understandable to general audiences, often reflecting the forms of territorial affiliation that apply in their own, non-Indigenous, societies. These include biologically recognised forms of affiliation and ownership; including rights, responsibilities, and property transferred by patrilineal and matrilineal descent. However, other criteria that can assign culturally recognised rights to cultural identity, lands, spirituality, and heritage materials derived from those lands and peoples, include,

23 Australian Human Rights Commission; Australian Government: Closing the Gap, p. 6.

24 Cf. Nicholas Peterson, Ian Keen, Basil Sansom: Succession to Land; Nicholas Peterson: Australian Territorial Organization; Peter Sutton: Country: Aboriginal Boundaries and Land Ownership in Australia.

25 Cf. the Aboriginal Land Commissioners Office has produced many reports in which rights are addressed. The list is too long to cite, but access to reports can be made through the website of the National Library of Australia Trove: Aboriginal Land Commissioner’s Reports.

26 Cf. Graeme Neate: Aboriginal Land Rights Law in the Northern Territory.

- Place of conception – a sacred tie with the Ancestral Beings responsible for, and present at, the presumed place of conception.
- Place of birth – a sacred tie with the Ancestral Beings responsible for, and present at, the presumed place of birth
- Burial places of family members – affiliation with burial sites. Typically associated with ceremony sites.
- Land of spouse – Typically people are knowledgeable about the lands of their spouse. Often the history of long-term recruitment of marriage partners from a neighbouring group means that people have deep knowledge of their spouse's Country and regularly collaborate in religious activities such as ceremony and the teaching of sacred knowledge.
- Adoption – adoption is a legitimate mechanism that allows a distant or non-biological relative rights and responsibilities to the Country and heritage of the adopting family.
- Bestowal – rights, responsibilities and property can be bestowed by authorised individuals. For example, when there is no biological male heir, a culturally suitable person from an affiliated group may be given authority for the management and protection of the Country its sacred sites, its ceremonies, and its resources. Over generations, this can develop into full possession.
- Long-term residence – long-term residence on lands in itself bestows some rights and responsibilities. However, long-term residence is also likely to embrace other mechanisms of affiliation, such as ceremonial knowledge and experience, social ties, knowledge of Country, etc.
- Use of lands and resources.
- Religious and spiritual knowledge, and ceremonial activities – participation in ceremonies requires spiritual knowledge and wider cultural approval. The nature of the activities of the creative Ancestral Beings means that they often travelled across the lands of other groups. Affiliation with those spiritual beings at one or more points in their activities on one's own land can bestow ceremonial and religious rights to sites of their manifestation on other lands.
- Affiliation to a social category affiliated with lands – many Australian First Nations groups have systems of social categorization (kinship systems). These can extend to the classification of people not related biologically and include non-Indigenous workers, who are assigned to a class, often in accordance with their relationship with a community member (e.g., an informant will classify a researcher in a class commensurate with being a student (nephew, son in law, etc). These classes are affiliated with specific Ancestral Beings sites and objects.
- Fulfilment of social obligations and responsibilities – the more the person fulfils their social and cultural responsibilities the more they are granted authority.
- Socially acknowledged succession and or migration. As with bestowal, people can succeed to Country through socially recognised and acknowledged processes. The lands of a local family group can become vacant in the event of no biological descendants. In such cases, another person or group

can succeed to the lands. Usually, the colonising group is a close social and geographic neighbour to the extinct group and shares significant elements of social and religious organisation, such as similar totemic and ceremonial affiliations, as well as a familiarity with the social, economic, and spiritual topography and resources of the succeeded lands.

- Participation in territorial defence. This can include modern forms of defence such as Land Claims, Native Title applications, protection of cultural heritage sites and materials, and formal pursuit of repatriation of Ancestral Remains and cultural materials.
- Emotional links – places and objects provide an emotional connection to the histories and people of the past. As Neil Carter, a senior repatriation worker and Gooniyandi and Kidji elder states: “After the Elder passed away the boomerangs were kept in a special place because the Elder who made that boomerang, his spirit is still with us; the signature of that Elder is still here”.²⁷

As a general principle, the more criteria a person can satisfy, the stronger their claims to lands and, by extension, sacred sites, Ancestral Remains and cultural materials associated with those lands. Of particular relevance to the topic of repatriation requests are those social criteria that do not involve a biological connection, such as succession, migration, bestowal, and rights and responsibilities acquired through long-term residence and knowledge. It may be demonstrable that a repatriation claimant is not biologically related to the Ancestral Remains or other materials that they are claiming. However, over time, and through appropriate First Nations cultural processes, they have legitimately acquired the right and responsibility to respect and protect the remains of cultural Ancestors on those lands, and the other sites and items of heritage that derive from that Country.

Finally, claimants will usually have the support of their wider community. The authority and responsibility of the individual to make a claim, and to speak on behalf of others, is dependent upon recognition of those rights by family, society, and neighbouring cultural groups. While there are occasionally individual approaches for repatriation, for the most part, the claimant will be an authorised member and representative of a First Nations community. This role as cultural ambassador should always be respected.

Conclusion

There are a number of First Nations cultural and social values that bestow interests, rights, and responsibilities to promulgate, manage, respect, and defend tangible and intangible cultural heritage. Some or all of these values are typically amongst the motivators behind repatriation and access requests. Unfortunately, senior collecting institution executives and managers, as well as the wider museum employee community, are often unaware of this cultural background to requests.

27 Neil Carter, Joe Brown, Michael Pickering: *Cultural Processes in Repatriation*, p. 586.

When looked at closely, none of the First Nations' rationales for defending heritage are any different to those of other non-Indigenous societies. Throughout the world migrant communities take the pre-arrival natural and cultural heritage under their wing. Australian examples of non-Indigenous Australians embracing First Nations heritage include Uluru, Brewarrina Aboriginal Fish Traps, Budj Bim National Heritage Landscape, Cheetup Rock Shelter, Coranderrk, Dampier Archipelago, Kakadu National Park, and many more.²⁸ Non-Indigenous Australians have embraced such sites as an important part of Australia's, and their own, heritage.

All of the mechanisms identified in this paper have been practised by, and argued for, by First Nations people for generations. They have then been eventually recognised by Australian anthropological research and then through a number of judicial processes over more than 50 years.

None of these precedents of formal acknowledgement by Australian authorities necessarily makes recognition of such rights and interests a legal requirement, either within or outside of Australia. However, they do demonstrate that the issues have been rigorously discussed at length by impartial assessors and found to be valid. None have been formally applied to the repatriation of moveable cultural heritage, though they are raised as considerations in Australian repatriation literature.²⁹ However, when they are applied to the consideration of such heritage, they can be seen to be applicable as reasonable grounds for demonstrating affiliation.

Collecting institutions are free to engage with repatriation requests as they see fit. No Australian precedent imposes binding rules on agencies outside of Australia's jurisdiction. However, it is hoped that this paper will inform and encourage a more empathetic engagement between First Nations repatriation advocates and the executive management of collection-holding institutions.

Acknowledgements

I would like to thank Dr Jilda Andrews, Ms Ann Robb, Ms Shona Coyne, and Ms Patrya Kay for their valuable comments on an earlier draft of this paper.

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28 Cf. Australian Government: Australia's National Heritage List.

29 Cf. Michael Pickering: A Repatriation Handbook.

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Elizabeth McNiven

In Cold-Blood

British colonialism with its legacy of land theft and genocide, fundamentally affected the peoples of the Anthropocene and the maintenance of our garden estates, within the cultural landscapes, of our Aboriginal Nations.

The brutality of the frontier wars saw the colonisers wielding guns and poisons against spears and boomerangs. An equipped hardened army battling innocent families, to dispossess them of their lands, waters, and natural resources, on behalf of the crown.

A Deliberate Act

When the British arrived in Australia, two hundred and thirty-five years ago, hundreds of Indigenous nations interconnected by a system of clearly defined law and kinship, covered the entire continent, governing their peoples and managing their cultural heritage, their lands, waters, and natural resources, in collective perpetuity.

The existence of a peopled, cultural landscape, invalidated Australia's foundational myth of Terra Nullius, of an uninhabited land belonging to no one. Wielding the power of might, not law, the invaders expected Aboriginal people to die out, to disappear from the face of the earth, without a trace; they were unleashing armed forces on innocent families, hunting people down for sport, portraying Aboriginal peoples as inferior, uncivilized heathens, less intelligent, as barely human. The colonisers expected there would be no need to treaty.

As a result, no consent was sought, and no consent was given. We were not asked to cede our sovereignty, or treaty with the coloniser. They did not purchase our lands, waters, or natural resources, and we never conceded defeat, we did not acquiesce, we retained our sovereignty.

Despite their enduring effort, we did not die out, we went down but were not beaten. Aboriginal peoples adapted and survived. After the second world war the Aboriginal population ceased its decline, and by the end of the 20th century became the youngest, fastest-growing population in Australia.

Genocide

Our old people, the grandchildren of the frontier war survivors, told us the stories of the massacres, of the cruel treatment metered out by the coloniser, of being starved off, shot off, poisoned off, trucked off, and forced to walk off our lands.

As the owners of the lands, waters, and natural resources, Aboriginal peoples resisted the Squatter's intrusion. The squatters fought back or called upon the State-sanctioned Native Police. This force was tasked with patrolling the frontier and putting down any so-called 'outrage', or act of resistance by Aboriginal peoples.

Any gathering for any purpose, such as harvesting foods or conducting ceremonies, on a squatter's run, constituted an outrage. The response to an outrage was called 'dispersing the natives'. In practice, it was cold-blooded murder, followed by burning the bodies to destroy any evidence of the massacre. Without the might of the invaders, within a decade, the population of each frontier Aboriginal Nation steeply declined; if not at the hands of the native police, or squatters, then at the peril of introduced diseases, or from starvation.

Survivors of these apocalyptic catastrophes and their offspring became labourers or domestic servants to the new masters of their land. With everyone assuming their place in the racist, sexist, and bigoted order, the squatter was at the top and Aboriginal peoples at the bottom, and everyone else in-between. To know your place was to comply with this system of social organisation.

In response to Aboriginal peoples who rejected their place at the bottom of colonial society "colonial governments across the British Empire created Indigenous military units to quell Indigenous resistance. In Australia these paramilitary forces were euphemistically called the 'Native Police', suggesting Aboriginal people were lawbreakers. A more military label would admit that a war was being waged against sovereign Aboriginal tribes, rather than an action against "'criminal' black citizens".¹

Stories echoed across the country of the atrocities, the massacres, the murders committed by the Native Police as they turned Aboriginal lands into brutal killing fields. Rivers ran red with our peoples' blood, and smoke filled the skies with their burning bodies. It was anything but peaceful, it was savage, inhumane, and relentless, culminating in an almost complete decimation of the Aboriginal populations, across the continent.

The Survivors

Surviving Aboriginal peoples, formally referred to as the 'remanent population', living in camps on the outskirts of rural towns, on sheep and cattle stations, government reserves, and Christian missions, maintained their traditional identity and knowledge, their connection to their peoples, Country, and cultural heritage. These peoples, their children, and grandchildren repopulated their nations, and now these Aboriginal Nations are rising from the ashes of government-orchestrated oblivion, from being permanently erased from history.

Australian schools did not inform their students of the frontier wars, the massacres, land theft and genocide. Instead, they opted to construct a myth of a peaceful settlement, where a superior civilization, the colonisers, compassionately

1 Richard Broome: *Aboriginal Australians*, pp. 47f.

smooth the dying pillow of an inferior primitive race, who willingly abandon their lands and waters, and, as lesser beings, were doomed to extinction.

This belittling, degrading, and demonising propaganda permeated Australian culture, falsely informing Australian and international perceptions. As I wrote in 'Indigenous Filmmaking, A Short History. The Rise of First Nations Filmmakers':

Early representations of Aboriginal Australians on film were often played by non-Indigenous people in blackface and lacked any resemblance to the actual peoples or their customs and traditions. Unfortunately, this misinterpretation of First Nations peoples and their cultures in turn influenced and perpetuated the broader population's perceptions. When First Nations people did get to play a major role in feature films, it was as the subordinate sidekick or a primitive savage. In either case, they were cast as racially inferior to the white characters.²

This was also the case in songs, cartoons, novels, and newspapers; but it was not all one-sided, Australians also wrote letters and raised their voices in many ways, against the prevailing narrative. They did not see the extinction of Aboriginal people as inevitable or the representation of events as morally sound, ethically guided, or factually accurate.

John Harris, in his 1990 publication 'One Blood' quotes humanitarian Catholic Bishop Matthew Gibney (1835-1925), describing the dying pillow as "simply a convenient euphemism for genocide"; along with the editor of the 'Australasian Chronicle', W. A. Duncan: "We have driven them from their haunts; we have communicated to them our diseases and vices; in a word, an edict has gone out for their extermination".³

Sovereign vs. Sovereign

Aboriginal sovereignty is not the question. The question is how the colonisers validate a sovereign title to our lands and waters, to the stolen wealth of Indigenous nations without our cessation of sovereignty, if the land was not purchased from us, or in lieu of a legally binding international treaty with the Indigenous nations of this continent? As Kevin Gilbert outlined:

The failure of Britain and subsequently the successional government, Australia, to enter a legally valid treaty with our Aboriginal Sovereign State has resulted in a position of national and international consequences which must be resolved in accordance with the proper standards of principle, good faith and requirements to international law as applies to the validity of States. Australia's claim to 'sovereignty' in root title is not a valid claim.⁴

So, what is their claim to the sovereignty over our lands and waters, our peoples, our cultural heritage, and the wealth of our natural resources? How credible was their claim in international law, when Britain annexed the continent in 1788, 1824, and 1829, and how does their claim to sovereignty hold up to scrutiny today? As Henry Reynolds points out:

2 Elisabeth McNiven: *Indigenous Filmmaking, A Short History*.

3 John Harris: *One Blood, 200 Years of Aboriginal Encounter with Christianity*, p. 551.

4 Kevin Gilbert: *Draft Treaty, Discussion Paper*, p. 2.

The establishment of the small penal colony on Sydney Harbour gave absolutely no legitimacy to the British claim to half a continent, home to many Indigenous nations, which had occupied their homeland for hundreds of generations.⁵

It is not our claim to sovereignty needing to be examined, it is the legitimacy of the British claim requiring investigation. Before Captain James Cook left Britain, he received his orders from the Admiralty to take possession with consent, but in breach of this order, Cook took possession without consent.

European nations held established protocols regarding the extension of sovereignty. "Instruments of law in Britain recognized Aboriginal sovereign titles and rights in land. Such rights were an established fact of British and international law at that time".⁶

Property Rights

Then there is the question of Aboriginal peoples' rights to their private property. As Henry Reynolds quotes John Locke: "There were three natural rights – to life, liberty and property".⁷

The right to property is paramount in British law with the defense of these rights as a central feature of common law. In addressing these rights, Reynolds quotes 17th-century jurist Sir Christopher Yelverton, stating

that no man's property can be legally taken from him or invaded by the direct act or command of the sovereign, without the consent of the subject [...] is *jus indigenae*, an old home-born right, declared to be law by divers statutes of the realm.⁸

The Crown appropriated the property of Aboriginal nations across Australia, without negotiation, consent, or compensation and at the same time and in the same way they appropriated the sovereignty of Aboriginal nations, without negotiation, consent, or compensation.

Australia grew fat on the sheep's back, but the sheep grew fat on the natural resources of Aboriginal peoples. Calculate the wealth generated, over two hundred years, from the commercial exploitation of the lands, waters, minerals, and natural resources of Aboriginal nations, across the entire continent. This is the stolen wealth of the Aboriginal nations of Australia.

"The British believed that their success in industry accorded their colonial ambition a natural authority, and that it was their duty to spread their version of civilization and the work of God to heathens. In return, they would capture the wealth of the colonized land".⁹

As if by sleight of hand, the coloniser systematically flipped nations of Aboriginal peoples of land, law, and culture into the most disadvantaged position within Australian society. Successive legislation, policies, practices, and procedures over the past two centuries maintained the intergenerational poverty afflicting the

5 Henry Reynolds: Truth-Telling, History, Sovereignty and the Uluru Statement, p. 25.

6 Kevin Gilbert: Draft Treaty, Discussion Paper, p. 3.

7 Henry Reynolds: Truth-Telling, History, Sovereignty and the Uluru Statement, p. 136.

8 Ibid., p. 136.

9 Bruce Pascoe: Dark Emu, p. 3.

peoples of Aboriginal nations. This entrenched suffering impedes our capacity to access our lands, waters, and natural resources, to self-governing economic independence, and to social, cultural, and political inclusion.

Indigenous Rights in International Law

In 2007, the UN General Assembly accepted the Declaration on the Rights of Indigenous Peoples (UNDRIP), and in 2009, Australia ratified the document. This should have triggered a reassessment of Australian law in relation to the inherent rights and responsibilities of Aboriginal peoples, and a change in public opinion in this country. This UN declaration rebuffs the historical injustice of the terra nullius doctrine:

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust.¹⁰

The chasmic disconnect between international and national law in Australia sees institutions of land, law, and government held-fast in the doctrine of 18th-century British imperialism. Australia's commitment to international human rights is not realised on the ground as demonstrated by the government's failure to implement the UNDRIP in law, through legislation.

As a result, Aboriginal peoples fail to benefit from, or enjoy the exercise of, these international law rights. Government maintenance of culturally inappropriate policies, practices, and procedures, continually ravages Aboriginal peoples' rights and perpetuates socio-economic disadvantage.

The facelessness of institutional racism masks the collective denial of our peoples' human rights including our right to self-determination, that is to manage and receive economic gain from our lands, waters, and natural resources, to protect and maintain our tangible and intangible cultural heritage including our traditional knowledge systems, to govern ourselves, to be economically independent, and to practice our customs and traditions within the cultural landscapes of our Aboriginal Nations.

Incarceration

Government statistics show the intergenerational impact of institutional racism, socio-economic exclusion, over-representation in incarceration, poor health and education outcomes, limited employment, and housing opportunities.

The New South Wales Legislative Council Select Committee Report on 'The High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody', inquired into the unacceptably high level of First Nations

10 UN General Assembly: United Nations Declaration on the Rights of Indigenous Peoples, p. 3.

people in custody in New South Wales. The report begins by conceding that in the thirty years since the publication of the Royal Commission into Aboriginal Deaths in Custody Report, we “are no closer to addressing the over-representation of First Nations people in the criminal justice system”.¹¹

Tabled by the Hon Adam Searle MLC, Committee Chair, this report on ‘The High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody’ follows three decades of reports on the subject, including the ‘Royal Commission into Aboriginal Deaths in Custody’ in 1991, ‘Deaths in Custody: 10 Years on from the Royal Commission’, the Department of Prime Minister and Cabinet’s ‘Review of the implementation of the recommendations of the Royal Commission into Aboriginal deaths in custody’, ‘Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples’ in 2017, and the ‘National Agreement on Closing the Gap’ in 2009.¹²

The Committee Chair, expressing his extreme disappointment, states in the ‘Chair’s Forward’ of the report that “many of the recommendations made in one of the most influential reports of our time, the Royal Commission, have still not been implemented, and that governments have even given up monitoring the implementation of those recommendations”.¹³ In conclusion, he adds,

it is clear that the multi-generational disadvantage that First Nations people have faced over time, in areas such as health, housing, employment and education, and the historical dispossession and systemic racism, which underscores each First Nation person’s experience with the criminal justice system, must be addressed by government.¹⁴

Mr Tony McAvoy SC, Chair of the New South Wales Bar Association’s First Nations Committee and Member of the Joint Working Party on the Over-representation of Indigenous People in Custody in New South Wales, in submission to the New South Wales Legislative Council Select Committee on ‘The High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody’ (2021) suggests that in addressing the systemic issues relating to over-incarceration, the royal commission report into Aboriginal Deaths in Custody and the ALRC report of 2017 “in themselves provide a guide for the States and the Commonwealth”.¹⁵

The Select Committee “called on the New South Wales Government to take urgent action to address the disproportionate rates of incarceration of First Nations people in New South Wales. As the Chief Justice of New South Wales, the Honourable TF Bathurst AC, has recently made clear, First Nations peoples are “one of the most incarcerated people in the world”.¹⁶

11 NSW Legislative Council: The High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody Report, p. ix.

12 Elliott Johnston: Royal Commission into Aboriginal Deaths in Custody; Paul Williams: Deaths in Custody; Deloitte Access Economics: Review of the Implementation of the Royal Commission into Aboriginal Deaths in Custody; ALRC: Pathways to Justice; COAG: National Agreement on Closing the Gap.

13 Ibid., p. ix.

14 Ibid.

15 ALRC: Indigenous incarceration.

16 Ibid.

Land, Water and Natural Resource Management

The impact of colonialism on our peoples, lands, waters, and natural resources, on our natural and cultural heritage, and on our tangible and intangible knowledge systems generated a wave of intergenerational trauma across the Aboriginal Nations of Australia.

The old peoples passively resisted colonialism, caring for their Country, practicing their customs and traditions, while working on the settler's blocks. They advised, warned, and guided the colonists in managing the land. Some settlers listened, taking heed to the traditional knowledge, and succeeding in the process, while others ignored the old peoples and failed miserably.

Over two centuries of inappropriate land and water management practices depleted Aboriginal peoples' natural resources and fundamentally changed our cultural landscapes. These practices include the introduction of environmentally destructive cloven-hooved animals breaking up and scattering delicate topsoils and silting up the rivers, feral animals including cats, pigs, rabbits, and goats impacting on the native flora and fauna, and the repurposing of our lands, waters, and native vegetation for stock grazing. All these practices threaten native species and diminish precious water resources.

In possession of the land, the squatters rejected traditional fire regimes and other traditional land management practices, in favour of land clearing. In initially allocating these lands, the government deemed land clearing an improvement, with squatters expected to clear the land after taking possession.

With no understanding of the Country, squatters used inappropriate tools in their quest to subdue the landscape. Over time these practices led to a decline in the health of our rivers and ecosystems.

In one of the wealthiest nations on earth, the list of declining and threatened species keeps growing alongside the social disadvantage and injustice experienced by Aboriginal peoples, in this colonial top-down governing system.

As a result, Aboriginal peoples in Australia, living in extreme poverty, fit the profile of the 'left behind' as defined by the UN 2030 Agenda for Sustainable Development. That is, "those who endure disadvantages or deprivations that limit their choices and opportunities relative to others in society". People living without the "choices and opportunities to participate in and benefit from development progress".¹⁷

One hundred and ninety-three United Nations Member States adopted the 2030 Agenda for Sustainable Development, pledging to ensure "no one will be left behind" and to "endeavour to reach the furthest behind first". The overarching goal of 'leaving no one behind' calls natural and cultural heritage management into question in Australia. This means "taking explicit action to end extreme poverty, curb inequalities, confront discrimination and fast-track progress for the furthest behind".¹⁸

17 Sarah Renner, Ludo Bok, Nicole Igloi, Natalia Linou: What Does it Mean to Leave No One Behind, p. 28.

18 Ibid.

The paper concludes: “With the pledge to leave no one behind, all governments committed to break with ‘development-as-usual’. They recognized that outdated approaches had put ‘average rates of progress’ ahead of people’s lives and were, thus, threatening to leave the worst off irrevocably behind”.¹⁹

Conclusion

This article, in addressing the challenges and presenting solutions to the current Indigenous matters of disadvantage and injustice in the Anthropocene, offers a First Nations perspective on Australia’s colonial past, on present tensions stemming from this past, and on the future of the peoples of Aboriginal Nations – if the Australian government implements, in law, our rights as recognised in international law.

If the practice of ‘development-as-usual’ prevails in Australia, Aboriginal disadvantage will only increase, the socio-economic gap between Aboriginal and other Australians will only widen, and the cycle of intergenerational poverty and associated trauma will only continue infesting future generations of Aboriginal peoples.

Without intervention, the loss of habitats and the loss of biodiversity will spiral the natural world towards mass extinction. The relationship between natural and cultural diversity is well understood, along with the role of Indigenous knowledge in restoring balance in the natural world. In working with Western scientists, Aboriginal people can make a difference in the management of our natural and cultural heritage and protect these sites of world significance, for posterity.

Australia must become a defender, in law and in practice, of the natural and cultural heritage of Aboriginal Nations, of Indigenous knowledge systems, and of the status of Aboriginal Nations in managing our lands, waters, and natural resources.

This war on Aboriginal sovereign Nations, now raging for well over two hundred years, needs to end. It is time to enshrine Aboriginal peoples’ rights and interests, including compensation and reparation, in an International Sovereign Treaty, between Australia and the Aboriginal Nations of this continent.

Acknowledgements

In memory of my mentor and friend Kevin Gilbert, for introducing and articulating the Aboriginal Sovereign position in Australia. A man before his time, a legend, an intellectual giant amongst men.

To Henry Reynolds, for telling the other side of the story, for educating the world about Aboriginal rights and interests in our lands and waters, and for

¹⁹ Ibid.

highlighting the questionability of the validity of the British and subsequent Australian claim to sovereignty.

To my favourite people on earth, my sons Ben and Akazia, daughter Kaiwarra and grandson Alexander, for your love, support, and teachings, to my brothers and sisters of the Budjiti Aboriginal Nation for holding the sovereign line, and for your caring and sharing ways.

To cousin Peter Seckold and Warrego countryman Dean Howlett for reading the manuscript, for your support and encouragement, to brothers Stephen Brown and Dudley Shillingsworth for your leadership in carrying on our old peoples' legacy.

To Margaret Hearn, Veronica Martin, and Kerry-Anne McNiven, my barnba sisters, for sharing your knowledge, understanding and wisdom,

Dr Anke Frank, Lecturer in Wildlife Ecology, Charles Sturt University, for your kindness, consideration and friendship, for guiding me through the process of producing this article, and for exercising the highest ethical standards in working with our peoples, to Michael Leigh, a master, thank you for your long and enduring time and patience, and most importantly, to all the peoples of Aboriginal nations across the continent for treasuring and upholding your sovereignty.

This article is written in the loving memory of my sister and brother, and of all the old people, my grandparents and parents, my aunts, and uncles.

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Questions of Justice

Ghil'ad Zuckermann

Revivalistics

Language Reclamation and Aboriginal Wellbeing

Abstract: Revivalistics is a new comparative, global, trans-disciplinary field of enquiry studying comparatively and systematically the universal constraints and global mechanisms on the one hand, and particularistic peculiarities and cultural relativist idiosyncrasies on the other, apparent in linguistic reclamation, revitalization and reinvigoration across various sociological backgrounds, all over the globe. This article introduces revivalistics, and postulates heritage language as core to people's wellbeing, spirituality and happiness. Hallett, Chandler and Lalonde reported a clear correlation between lack of conversational knowledge in the native tongue and youth suicide. However, so far there has been no systematic study of a correlation in the other direction, i.e. the impact of language revival on empowered wellbeing, improved mental health and reduction in suicide. This is partly because language reclamation is still rare. This article hypothesizes that just as language loss increases suicide rate, language gain reduces suicide rate, improves wellbeing and increases spirituality. The article focuses on the Barngarla Aboriginal language of Eyre Peninsula, South Australia. Barngarla became a Dreaming, Sleeping Beauty tongue in the 1960s. It belongs to the Thura-Yura language group, which is part of the Pama-Nyungan language family, which includes 306 out of 400 Aboriginal languages in Australia, and whose name is a merism derived from the two end-points of the range: the Pama languages of northeast Australia (where the word for 'man' is 'pama') and the Nyungan languages of southwest Australia (where the word for 'man' is 'nyunga'). The author of this article has been facilitating the Barngarla reclamation since 14 September 2011.

Revivalistics is an emerging global, transdisciplinary field of enquiry studying comparatively and systematically the *universal* constraints and global mechanisms on the one hand,¹ and *particularistic* peculiarities and cultural relativist idiosyncrasies on the other, apparent in linguistic reclamation, revitalization and reinvigoration across various sociological backgrounds, all over the globe.²

What is the difference between reclamation, revitalization, and reinvigoration? All of them are on the revival spectrum. Here are my specific definitions:

- *Reclamation* is the revival of a 'Sleeping Beauty' tongue, i.e. a no-longer natively spoken language, as in the case of Hebrew, Barngarla (the Aboriginal language of Eyre Peninsula, South Australia), Wampanoag, Siraya and Myaamia.
- *Revitalization* is the revival of a severely endangered language, for example Adnyamathanha of the Flinders Ranges in Australia, as well as Karuk and Walmajarri.
- *Reinvigoration* is the revival of an endangered language that still has a high percentage of children speaking it, for example, the Celtic languages Welsh and Irish, and the Romance languages Catalan and Quebecois French.

1 Cf. Ghil'ad Zuckermann: Language Contact and Lexical Enrichment in Israeli Hebrew; id.: Hybridity versus Revivability; id.: Revivalistics: From the Genesis of Israeli to Language Reclamation in Australia and Beyond.

2 Cf. Ghil'ad Zuckermann, Michael Walsh: Stop, Revive, Survive; id., Michael Walsh: Our Ancestors Are Happy.

Language endangerment has little to do with absolute numbers. Rather, it has to do with the percentage of children within the language group speaking the language natively. A language spoken natively by 10 million people can be endangered (as, say, only 40 per cent of its kids speak it). A language spoken natively by 3 000 people can be safe and healthy (as 100 per cent of its kids are native speakers).

Fig. 1 describes the difference between reclamation, revitalization and reinvigoration:

Reclamation	Revitalization	Reinvigoration
There are NO native speakers when the revival begins.	Severely endangered. The percentage of children within the group speaking the language natively is very low, e.g. 0 per cent, but there are still adults speaking the language natively.	Endangered. The percentage of children within the group speaking the language natively is lower than 100 per cent.
e.g. Hebrew, Barngarla, Wampanoag, Siraya, Myaamia; Tunica (Central and Lower Mississippi Valley, USA)	e.g. Adnyamathanha, Karuk, Walmajarri	e.g. Welsh, Irish, Catalan, Quebecoise French

Fig. 1: Comparison of Reclamation, Revitalization and Reinvigoration

Needless to say, reclamation, revitalization and reinvigoration are on a *continuum*, a cline. They do not constitute a *discrete* trichotomy. That said, the distinction is most useful. For example, the Master-Apprentice (or Mentor/Apprentice) method can only be used in the revitalization and reinvigoration, not in reclamation. This method was pioneered by linguist Leanne Hinton at the University of California, Berkeley,³ who had been working with a wide range of Native American languages spoken or in some cases remembered or documented across California. In many cases, she was working with the remaining handful of ageing fluent speakers of languages such as Karuk.

It is a difficult proposition to ask an elderly speaker to come into a school classroom and teach children when they themselves are not trained teachers and, in some cases, may never have had an opportunity to attend school themselves. Even if they were able to teach their languages in a school setting, will this really ensure that their language continues into future generations? Probably not. What is more effective is to ensure that highly motivated young adults who are themselves owners-custodians of the language gain a sound knowledge of and fluency in their language.

3 Cf., e.g., Leanne Hinton: *Flutes of Fire*.

This is achieved through the Master-Apprentice (or Mentor/Apprentice) approach: A young person is paired with an older fluent speaker – perhaps a granddaughter with her grandmother – and their job is to speak the language with each other without resorting to English. It does not matter what they do – they can weave baskets, go fishing, build houses, or fix cars together – so long as they speak the language with each other.⁴

Revivalistics is *trans-disciplinary* because it studies language revival from various angles such as law, mental health, linguistics, anthropology, sociology, geography, politics, history, biology, evolution, genetics, genomics, colonization studies, missionary studies, media, animation film, technology, talknology, art, theatre, dance, agriculture, archaeology, music,⁵ education, games (indirect learning), pedagogy,⁶ and even architecture.

Consider architecture. An architect involved in revivalistics might ask the following ‘location, location, location’ question, which is, of course, beyond language:

- Should we reclaim an Indigenous language in a natural Indigenous setting, to replicate the original ambience of heritage, culture, laws, and lores?
- Should we reclaim an Indigenous language in a modern building that has Indigenous characteristics such as Aboriginal colours and shapes?
- Should we reclaim an Aboriginal language in a western governmental building – to give an empowering signal that the tribe has full support of contemporary mainstream society?

Why should we reclaim dormant languages?

Approximately 7 000 languages are currently spoken worldwide. The majority of these are spoken by small populations. Approximately 96 per cent of the world’s population speaks around 4 per cent of the world’s languages, leaving the vast majority of tongues vulnerable to extinction and disempowering their speakers. Linguistic diversity reflects many things beyond accidental historical splits. Languages are essential building blocks of community identity and authority.

With globalization of dominant cultures, homogenization and Coca-colonization, cultures at the periphery are becoming marginalized, and more and more groups all over the world are added to the forlorn club of the lost-heritage peoples. One of the most important symptoms of this cultural disaster is language loss.

A fundamental question for revivalistics, which both the tax-paying general public and the scholarly community ought to ask, is why does it matter to speak a different language? As Evans puts it eloquently in the introduction to his book ‘Dying Words’:

you only hear what you listen for, and you only listen for what you are wondering about. The goal of this book is to take stock of what we should be wondering about as we listen to the dying words of the thousands of languages falling silent

4 Cf. Ghil’ad Zuckermann: *Revivalistics*.

5 Cf. Catherine Grant: *Music Endangerment*.

6 Cf. Leanne Hinton: *Language Revitalization and Language Pedagogy*.

around us, across the totality of what Mike Krauss has christened the 'logosphere': just as the 'biosphere' is the totality of all species of life and all ecological links on earth, the logosphere is the whole vast realm of the world's words, the languages that they build, and the links between them.⁷

Evans ranges over the manifold ways languages can differ, the information they can hold about the deep past of their speakers, the interdependence of language and thought, the intertwining of language and oral literature.⁸ Relevant to revivalistics, it concludes by asking how linguistics can best go about recording existing knowledge so as to ensure that the richest, most culturally distinctive record of a language is captured, for use by those wanting to revive it in the future.⁹ Brenzinger emphasizes the threats to knowledge on the environment,¹⁰ conceptual diversity as a crucial loss in language shifts.¹¹

The following is my own trichotomy of the main *revivalistic* reasons for language revival. The first reason for language revival is ethical: It is right. The second reason for language revival is aesthetic: It is beautiful. The third benefit for language revival is utilitarian: It is viable and socially beneficial.

Ethical Reasons

A plethora of the world's languages have not just been dying of their own accord; many were destroyed by settlers of this land. For example, in Australia, we owe it to the Aboriginal and Torres Strait Islander people to support the maintenance and revival of their cultural heritage, in this instance through language revival. According to the international law of human rights, persons belonging to ethnic, religious, or linguistic minorities have the right to use their own language (Article 27 of the International Covenant on Civil and Political Rights (ICCPR)). Thus, every person has the right to express themselves in the language of their ancestors, not just in the language of convenience that English has become.

Through supporting language revival, we can appreciate the significance of Indigenous languages and recognise their importance to Indigenous people and to Australia. We can then right some small part of the wrong against the original inhabitants of this country and support the wishes of their ancestors with the help of linguistic knowledge.

7 Nicholas Evans: *Dying Words. Endangered Languages and What They Have to Tell Us*.

8 Cf. *ibid.*

9 Cf. Matthias Brenzinger: *Language Death*; *id.*: *Endangered Languages in Africa*; *id.*: *Language Diversity Endangered*; Nick Enfield: *Dynamics of Human Diversity*.

10 Cf. Matthias Brenzinger, Bernd Heine, Ingo Heine: *The Mukogodo Maasai*; Bernd Heine, Matthias Brenzinger: *Plants of the Borana (Ethiopia and Kenya)*

11 Cf. Matthias Brenzinger: *Conceptual Loss in Space and Time*; *id.*: *Vanishing Conceptual Diversity*; *id.*: *Sharing Thoughts, Concepts And Experiences*.

Aesthetic Reasons

The linguist Ken Hale, who worked with many endangered languages and saw the effect of loss of language, compared losing language to bombing the Louvre: "When you lose a language, you lose a culture, intellectual wealth, a work of art. It's like dropping a bomb on a museum, the Louvre".¹² A museum is a repository of human artistic culture. Languages are at least equally important since they store the cultural practices and beliefs of an entire people. Different languages have different ways of expressing ideas and this can indicate which concepts are important to a certain culture.

For example, in Australia, information relating to food sources, surviving in nature, and Dreaming/history is being lost along with the loss of Aboriginal languages. A study by Boroditsky and Gaby found that speakers of Kuuk Thaayorre, a language spoken in Pormpuraaw on the west coast of Cape York, do not use 'left' or 'right', but always use cardinal directions (i.e. north, south, east, west).¹³ They claim that Kuuk Thaayorre speakers are constantly aware of where they are situated and that this use of directions also affects their awareness of time.¹⁴ Language supports different ways of 'being in the world'.

Such cases are abundant around the world. An example of a grammatical way to express a familiar concept is 'mamihlapinatapai', a lexical item in the Yaghan language of Tierra del Fuego in Chile and Argentina. It refers to 'a look shared by two people, each wishing that the other would offer something that they both desire but have been unwilling to suggest or offer themselves'. This lexical item, which refers to a concept that many have despite lacking a specific word for it in their language, can be broken down into morphemes: 'ma-' is a reflexive/passive prefix (realized as the allomorph 'mam-' before a vowel); 'ihlapi' 'to be at a loss as what to do next'; '-n', stative suffix; 'ata', achievement suffix; and '-apai', a dual suffix, which has a reciprocal sense with 'ma-' (circumfix).

Two examples of concepts that most people might never imagine are (1) 'nakhur', in Ancient Persian, refers to 'camel that will not give milk until her nostrils have been tickled'. Clearly, camels are very important in this society and survival may have historically depended on camel milk; (2) 'tingo', in Rapa Nui (Pasquan) of Easter Island (Eastern Polynesian language), is 'to take all the objects one desires from the house of a friend, one at a time, by asking to borrow them, until there is nothing left';¹⁵ (3) 'bunjurrbi', in Wambaya (Non-Pama-Nyungan West Barkly Australian language, Barkly Tableland of the Northern Territory, Australia), is a verb meaning 'to face your bottom toward someone when getting up from the ground'.

Such fascinating and multifaceted words, *maximus in minimis*, should not be lost. They are important to the cultures they are from and make the outsiders reflexive of their own cultures. Through language maintenance and reclamation

12 The Economist, 3 November 2001.

13 Cf. Lera Boroditsky, Alice Gaby: Remembrances of Times East.

14 Cf. *ibid.*

15 Cf. Adam J. De Boinod: The Meaning of Tingo; Adam J. De Boinod, Ghil'ad Zuckermann: Tingo.

we can keep important cultural practices and concepts alive. Lest we forget that human imagination is often limited. Consider aliens in many Hollywood films: despite approximately 3.5 billion years of DNA evolution, many people still resort to the ludicrous belief that aliens ought to look like ugly human beings, with two eyes, one nose, and one mouth.

Utilitarian Benefits

Language revival benefits the speakers involved through improvement of well-being, cognitive abilities, and mental health;¹⁶ language revival also reduces delinquency and increases cultural tourism. Language revival has a positive effect on the mental and physical wellbeing of people involved in such projects. Participants develop a better appreciation of and sense of connection with their cultural heritage. Learning the language of their ancestors can be an emotional experience and can provide people with a strong sense of pride and identity.

There are also cognitive advantages to bilingualism and multilingualism. Several studies have found that bilingual children have better non-linguistic cognitive abilities compared with monolingual children¹⁷ and improved attention and auditory processing: the bilingual's "enhanced experience with sound results in an auditory system that is highly efficient, flexible and focused in its automatic sound processing, especially in challenging or novel listening conditions".¹⁸

Furthermore, the effects of multilingualism extend to those who have learned another language in later life and can be found across the whole lifespan. This is relevant to the first generation of revivalists, who might themselves be monolingual (as they won't become native speakers of the Revival Language). The effects of non-native multilingualism include better cognitive performance in old age,¹⁹ a significantly later onset of dementia,²⁰ and a better cognitive outcome after stroke.²¹ Moreover, a measurable improvement in attention has been documented in participants aged from 18 to 78 years after just one week of an intensive language course.²² Language learning and active multilingualism are

16 Cf. Ghil'ad Zuckermann, Michael Walsh: *Our Ancestors Are Happy*; Ghil'ad Zuckermann: *Revivalistics*, chapter 9.

17 Cf. Ágnes M. Kovács, Jacques Mehler: Flexible learning of multiple speech structures in bilingual infants.

18 Jennifer Krizman, Viorica Marian, et al.: Subcortical encoding of sound is enhanced in bilinguals and relates to executive function advantages, p. 7879.

19 Cf. Thomas H. Bak, Jack J. Nissan, Michael M. Allerhand, Ian J. Deary: Does Bilingualism Influence Cognitive Ageing?

20 Cf. Suvarana Alladi, Thomas H. Bak, Vasanta Duggirala et al.: Bilingualism delays age at onset of dementia, independent of education and immigration status.

21 Cf. Suvarana Alladi, Thomas H. Bak et al.: Impact of Bilingualism on Cognitive Outcome after Stroke; Avanthi Paplikar, Shailaja Mekala, Thomas H. Bak et al.: Bilingualism and the Severity of Post-Stroke Aphasia.

22 Cf. Thomas H. Bak, Madeleine R. Long, Mariana Vega-Mendoza, Antonella Sorace: Novelty, Challenge, Practice.

increasingly seen as contributing not only to psychological wellbeing but also to brain health,²³ with a potential of reducing money spent on medical care.²⁴

Further benefits to non-native multilingualism are demonstrated by Keysar et al. They found that decision-making biases are reduced when using a non-native language, as follows:

Four experiments show that the 'framing effect' disappears when choices are presented in a foreign tongue. Whereas people were risk averse for gains and risk seeking for losses when choices were presented in their native tongue, they were not influenced by this framing manipulation in a foreign language. Two additional experiments show that using a foreign language reduces loss aversion, increasing the acceptance of both hypothetical and real bets with positive expected value. We propose that these effects arise because a foreign language provides greater cognitive and emotional distance than a native tongue does.²⁵

Therefore, language revival is not only empowering culturally, but also cognitively, and not only the possibly-envisioned native speakers of the future but also the learning revivalists of the present.

Language loss and youth suicide in British Columbia, Canada

Language is postulated as core to people's wellbeing. But it is one thing to have a qualitative statement about the importance of language for mental health; it is another to have the statistical, quantitative evidence that governments so often require to implement policies that will affect cultural and social wellbeing.

One fundamental study, conducted in 2007 in British Columbia, Canada, began that evidence gathering: Hallett, Chandler and Lalonde reported a clear correlation between youth suicide and lack of conversational knowledge in the native tongue.²⁶ They matched seven cultural continuity factors and measured them against reported suicide from 150 Indigenous Inuit communities and almost 14 000 individuals. These cultural continuing factors were self-governance, land claims, education, health care, cultural facilities, police/fire service and language. Of all the communities that research sampled, the results indicated that those communities with higher levels of language knowledge (over 50 per cent of the community) had lower suicide levels when compared to other communities with less knowledge.

The 16 communities with high levels of language had a suicide rate of 13 deaths per 100 000 people, compared to low levels of language which had 97 deaths per 100 000. The suicide rate in high-language communities was six times lower than the other communities. When coupled with other cultural protective factors, there was an even higher protective effect against suicide. Hallett, Chandler and Lalonde demonstrated that youth suicide rates dropped to zero in those

23 Cf. Thomas H. Bak, Dina Mehmedbegovic: Healthy Linguistic Diet.

24 Cf. Thomas H. Bak: Language Lessons to Help Protect against Dementia.

25 Boaz Keysar, Sayuri L. Hayakawa, Sun Gyu An: The Foreign-Language Effect, p. 661.

26 Cf. Darcy Hallett, Michael J. Chandler, Christopher E. Lalonde: Aboriginal Language Knowledge and Youth Suicide.

few communities in which at least half the members reported a conversational knowledge of their own native tongue.

That landmark research was the first to study the correlation between language knowledge and mental health. However, so far there has been no study of a correlation in the other direction, i.e. the impact of language *revival* on *improved* mental health and *reduction* in suicide. This is partly because language reclamation is still rare.²⁷

This article hypothesizes that just as language loss *increases* the suicide rate, language gain *reduces* the suicide rate, improves wellbeing and increases happiness.

Language reclamation increases emotions of wellbeing and pride amongst disempowered people, who fall between the cracks, feeling that they are neither 'whitefellas' nor in command of their own Aboriginal heritage. As Fishman puts it:

The real question of modern life and for RLS [reversing language shift] is [...] how one [...] can build a home that one can still call one's own and, by cultivating it, find community, comfort, companionship and meaning in a world whose mainstreams are increasingly unable to provide these basic ingredients for their own members.²⁸

The language revival process is as important as the revival goals. The reward is in the journey. Fig. 2 shows that more Aboriginal Australians see 'improving wellbeing' as more important than 'increasing language use' (79 per cent vs. 70 per cent/65 per cent, respectively).

Language revival and empowered spirit in Australia

Due to invasion, colonization, globalization, and homogenization, there are more and more groups losing their heritage. Linguicide (language killing) results in the loss of cultural autonomy, intellectual sovereignty and spirituality.²⁹ The dependence of the linguicided group on the colonizer's tongue further increases the phenomena of disempowerment, self-loathing and suicide.³⁰

According to the 2008 National Aboriginal and Torres Strait Islander (ATSI) Social Survey, 31 per cent of Indigenous Australians aged 15+ experienced high or very high levels of psychological distress in the four weeks prior to the interview. This is 2.5 times the rate for non-Indigenous Australians.

I arrived in Australia in 2004. My main goal has been to apply lessons from the Hebrew revival, of which I have been an expert, to the reclamation and empowerment of Indigenous languages and cultures. Throughout my revivalistic

27 Cf. James B. Waldram: *The Persistence of Traditional Medicine in Urban Areas*; Michael J. Chandler, Christopher E. Lalonde: *Cultural Continuity as a Protective Factor against Suicide in First Nations Youth*.

28 Joshua A. Fishman: *Language Loyalty, Language Planning, and Language Revitalization*, p. 90.

29 Cf. Ghil'ad Zuckermann: *Revivalistics*.

30 Cf. Nicholas Biddle, Hannah Swee: *The relationship between Wellbeing and Indigenous Land, Language and Culture in Australia*; Malcolm King, Alexandra Smith, Michael Gracey: *Indigenous Health*.

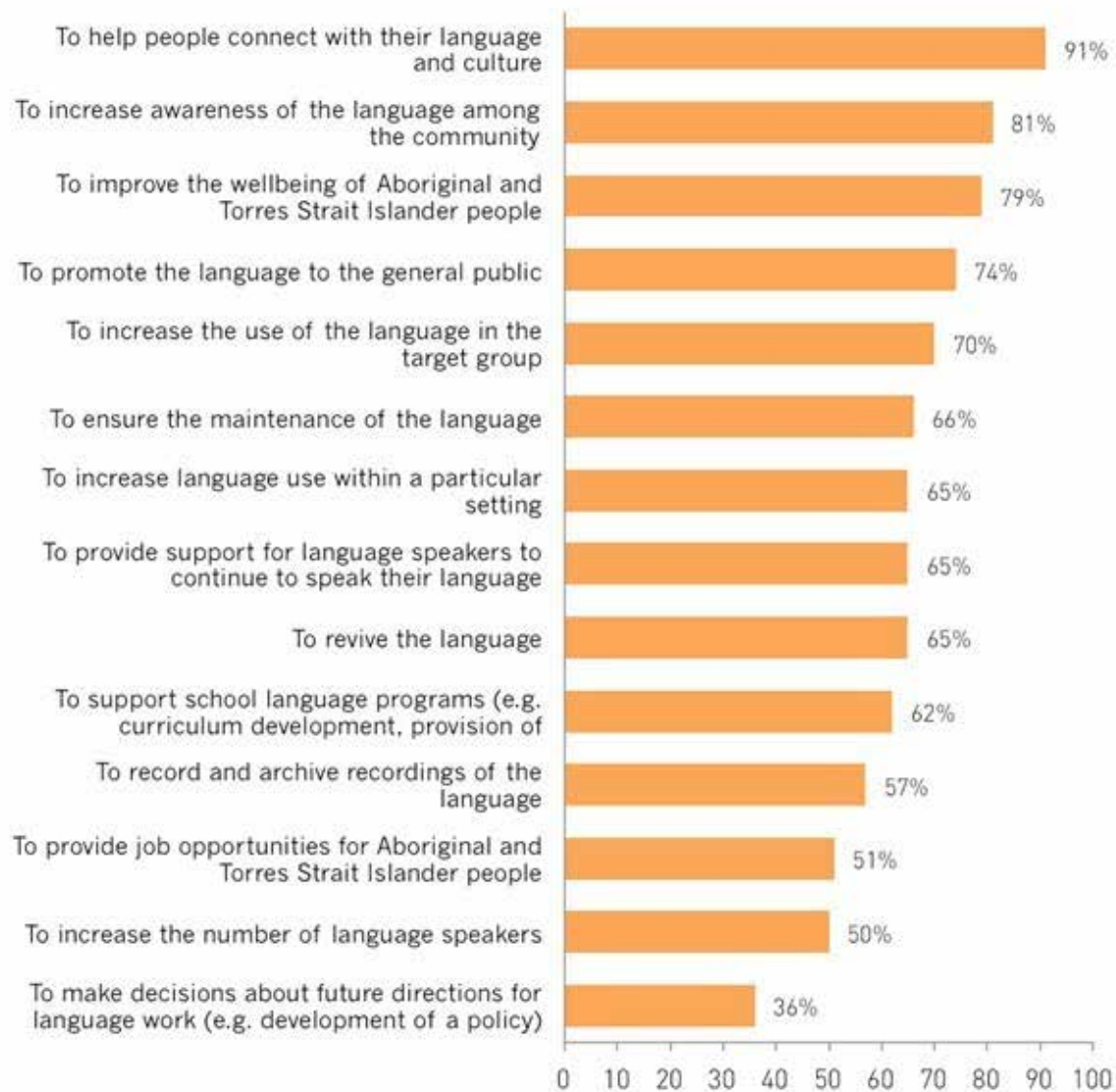


Fig. 2: Goals of Language Activities; Data drawn from the Second, most recent, National Indigenous Languages Survey (NILS2) Report and analysed by Marmion, Obata & Troy (2014)

activities in the field in Australia and globally (e.g. China, Thailand, New Zealand, Namibia, South Africa, Canada, Israel, Norfolk Island and Cook Islands), I have noticed, *qualitatively*, that language reclamation has an empowering effect on the community wellbeing and mental health of the people directly involved, as well as on their extended families. Participants in my language reclamation workshops have developed a better appreciation of, and sense of connection with, their identity and cultural heritage.

A practice known as singing to the sharks was an important ritual in Barngarla Aboriginal culture in Eyre Peninsula, South Australia. The performance consisted of men lining the cliffs of bays in the Eyre peninsula and singing out, while their chants were accompanied by women dancing on the beach. The aim was to enlist sharks and dolphins in driving shoals of fish towards the shore, where Barngarla fishermen in the shallows could make their catch. This technique expired when the last speaker of Barngarla passed away in the 1960s.

The Barngarla Aboriginal Language of Eyre Peninsula, South Australia

Barngarla is a dreaming, sleeping beauty tongue belonging to the Thura-Yura language group, which also includes Adnyamathanha, Kuyani, Nukunu, Ngadjuri, Wirangu, Nawoo, Narangga, and Kurna. The name Thura-Yura derives from the fact that the word for 'man, person' in these languages is either 'thura' or 'yura' – consider Barngarla 'yoora'. The Thura-Yura language group is part of the Pama-Nyungan language family, which includes 306 out of 400 Aboriginal languages in Australia, and whose name is a merism derived from the two end-points of the range: the Pama languages of northeast Australia (where the word for 'man' is 'pama') and the Nyungan languages of southwest Australia (where the word for 'man' is 'nyunga'). According to Bouckaert et al., the Pama-Nyungan language family arose just under 6 000 years ago around Burketown, Queensland.³¹

Typically for a Pama-Nyungan language, Barngarla has a phonemic inventory featuring three vowels ([a], [i], [u]) and retroflex consonants, an ergative grammar with many cases, and a complex pronominal system. Unusual features include a number system with singular, dual, plural and superplural ('warraidya' 'emu'; 'warraidyalbili' 'two emus'; 'warraidyarri' 'emus'; 'warraidyaillyarranha' 'a lot of emus') and matrilineal and patrilineal distinction in the dual. For example, the *matrilineal* ergative first person dual pronoun 'ngadlaga' ('we two') would be used by a mother and her child, or by a man and his sister's child, while the *patrilineal* form 'ngarrinyi' would be used by a father and his child, or by a woman with her brother's child.

During the twentieth century, Barngarla was intentionally eradicated under Australian 'stolen generation' policies, the last original native speaker dying in 1960. Language reclamation efforts were launched on 14 September 2011 in a meeting between the author of this article (Professor Ghil'ad Zuckermann) and representatives of the Barngarla people.³² During the meeting, I asked the Barngarla representatives if they were interested in reclaiming their Dreaming, Sleeping Beauty tongue and improve their wellbeing, mental health, cultural autonomy, intellectual sovereignty, spirituality and education. They told me: "We've been waiting for you for fifty years!"

Since then, I have conducted dozens of language reclamation workshops for more than 120 Barngarla people. The primary resource used has been a dictionary, including a brief grammar, written by the German Lutheran missionary Clamor Wilhelm Schürmann.³³

Published resources for Barngarla, non-existent ten years ago, are now emerging. Three examples are 'Barngarlidhi Manoo' ('Speaking Barngarla Together',³⁴ a Barngarla alphabet book/primer compiled by Ghil'ad Zuckermann in

31 Cf. Remco R. Bouckaert, Claire Bowern, Quentin D. Atkinson: The Origin and Expansion of Pama-Nyungan Languages across Australia.

32 Cf. Ghil'ad Zuckermann: Revivalistics.

33 Cf. Clamor W. Schürmann: A Vocabulary of the Parnkalla Language. Spoken by the Natives Inhabiting the Shores of Spencer's Gulf.

34 Cf. Ghil'ad Zuckermann: Barngarlidhi Manoo.

collaboration with the nascent Barngarla revivalistic community) as well as 'Mangiri Yarda' ('Healthy Country': Barngarla Wellbeing and Nature)³⁵ and 'Wardlada Mardinidhi' ('Bush Healing': Barngarla Plant Medicines).³⁶

In May 2013, my Barngarla learners expressed clear feelings of empowerment during an interview on SBS 'Living Black' Series 18, Episode 9 (Linguicide) about the Barngarla revival.³⁷

In January 2023, Barngarla woman Shania Richards was interviewed by BBC World News ('Bringing dead languages back to life, People fixing the World') about language revival and mental health.³⁸

In 2017, Alex Brown, I, our team and the Barngarla Aboriginal people were awarded a grant from the National Health and Medical Research Council (NHMRC) to assess *quantitatively* (rather than *qualitatively*) the correlation between language revival and mental health. As Brown said:

What scientists hold stock in is only what they can measure. But you can't measure the mind or spirit. You can't weigh it, you can't deconstruct it. But only if we do, will they see that Aboriginal people are spectators to the death of their culture, their lives [...]. We watch as our culture dies. How are you going to measure that?³⁹

The quantitative instruments we employ have already been validated: 'Health and Wellbeing Survey Instrument' consists of already-validated questionnaires selected from the ABS National Aboriginal & Torres Strait Islander Health & Social Survey and the Longitudinal Study of Indigenous Children (LSIC). Most importantly, however, the wellbeing measurement must be created together with the Aboriginal people themselves. And what we have done so far is exactly that: We have so far determined – together with the Aboriginal people themselves – how to assess their wellbeing. Indigenous assessment offers both an enhanced understanding of psychological constructs in their cultural context and the potential to enrich universalistic psychological models.

As Cheung and Fetvadjev argue, the need for Indigenous assessment tools that are sensitive to the cultural context becomes increasingly apparent with globalization and international mobility trends.⁴⁰ The inadequacies of translating Western tests that "coax the observed pattern behaviour to fit the imposed model and ignore the local conceptualization of the observed pattern of behaviour" have been recognized by cross-cultural psychologists.⁴¹ After all, establishing test equivalence and local norms for standardized translated tests demands considerable efforts in building a research program. Instead of 'cutting one's toes to fit the [imported] shoes', there would be a greater incentive to develop Indigenous psychological tests that fit the local needs.⁴² It is not only professional ethics

35 Cf. Ghil'ad Zuckermann, Emmalene Richards: Mangiri Yarda.

36 Cf. Ghil'ad Zuckermann, Evelyn Walker: Wardlada Mardinidhi.

37 See NITV: Living Black.

38 See BBC: Bringing dead languages back to life, People fixing the World.

39 Personal communication with the author.

40 Cf. Fanny M. Cheung, Velichko H. Fetvadjev: Indigenous Approaches to Testing and Assessment, p. 334.

41 Fanny M. Cheung, Shu Fai Cheung, Sayuri Wada, Jianxin Zhang: Indigenous Measures of Personality Assessment in Asian Countries, p. 280.

42 Cf. Fanny M. Cheung, Weiqiao Fan, Shu Fai Cheung: From Chinese to Cross-cultural Personality Assessment.

that stipulate the use of culturally relevant and psychometrically reliable and valid tests; in some countries, such as South Africa, it is a legal requirement to adhere to such criteria.

The main purpose of our NHMRC project has been to assess the effectiveness of language reclamation in improving mental health.⁴³ Key outcomes also include the following:

- Establishing the first formal test of a causal relationship between language revival and mental health.
- Providing a model for language revival to be used by communities all over the world. My MOOC (Massive Open Online Course) 'Lang101x: Language Revival: Securing the Future of Endangered Languages' has so far attracted 20000 learners from 190 countries. On average I receive an email message once a week from a minority or an indigenous group, e.g. from Africa and South America, hoping to reclaim its language.
- Promoting language rights globally, e.g. by defining Aboriginal languages as the official languages of their region and by proposing 'Native Tongue Title',⁴⁴ the enactment of an ex gratia compensation scheme for the linguicided tribes. Although some Australian states have enacted ex gratia compensation schemes for the victims of the 'Stolen Generations' policies, the victims of linguicide are largely overlooked by the Australian Government. Existing competitive grant schemes to support Aboriginal languages should be complemented with compensation schemes which are based on a claim of right. I believe that language is more important than land (cf. 'Native Title'), despite its intangibility.

While continuing to support the reclamation of Barngarla (I am currently training Barngarla people to teach Barngarla, replacing me), I hope to prove systematically that there is an interdependence between language revival and important benefits such as personal and community empowerment, improved sense of identity and purpose, and enhanced mental health, thus closing the health gap between Indigenous peoples and others. The systematic measuring of these significant aspects of life has the potential to create a change not only in Australia but also all over the globe.

Concluding remarks

More and more indigenous and minority communities seek to reinstate their cultural authority in the world. However, many of them lack not only their heritage language but also the revivalistic knowledge required for language reclamation.

One should listen to the voice of Jenna Richards, a Barngarla Aboriginal woman who took part in my Barngarla reclamation workshop in Port Lincoln, South Australia, on 18-20 April 2012. She wrote to me the following sentence in an unsolicited email message on 3 May 2012:

43 Cf. Leda Sivak, Seth Westhead et al.: *Languages Breathes Life*.

44 Cf. Ghil'ad Zuckermann, Michael Walsh: *Our Ancestors Are Happy*.

Personally, I found the experience of learning our language liberating and went home feeling very overwhelmed because we were finally going to learn our “own” language, it gave me a sense of identity and I think if the whole family learnt our language then we would all feel totally different about ourselves and each other cause it’s almost like it gives you a purpose in life.

As Barngarla woman Evelyn Walker wrote to me following the same reclamation workshop: “Our ancestors are happy!”

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Dany Adone

Interview with Anne Pattel-Gray on the Referendum

Dany Adone: Yes. Good morning, Professor Anne Pattel-Gray. We are very pleased to have you here in Cologne as the first Indigenous professor visiting us. Could you please give us some of your views on what happened recently in Australia in terms of the Referendum?

Anne Pattel-Gray: Dany, thank you for the kind invite and the opportunity to share with you today. Look, the referendum in Australia, for those that don't know any of its background, was our elders, our old people met at Uluru and together they wrote a Statement from the Heart, which is referred to as Uluru's Statement from the Heart. And in this statement, it was extended to the nation, to our government, and to all of the citizens of Australia, that we Aboriginal people wanted to be recognized as the first peoples in the Constitution, the Australian Constitution. But also, we wanted to have a voice to parliament in regards to legislation that were created, put in place, in regards to our lives. And we wanted to be able to have a voice because successive governments in Australia have failed to close the gap, and our people are confined to a life of fourth-world poverty in Australia and poor access to health services, education; we're highly incarcerated and our old people wrote, talking about we as Indigenous peoples of this country, we have never ceded our sovereignty and yet we're not recognized as sovereign people of Australia. So, we wanted to have that recognition and also to be heard. Our government decided, the Labor government, prime Minister Albanese ran on a campaign or promised to us that if he got elected, he would hold a referendum for the nation to vote on this Statement of the Heart. The Statement of the Heart is a gracious extension of hand and friendship to the nation. When you know our history, you got to shake your head and say, how do these people extend the grace of God to a nation who have done such horrible things to them? And yet that's who we are as a people. We're not vengeful people, we're not people to want, how would you say, a tit for tat. We're a people who just want to be recognized and want to be embraced into the fabric of Australian society rather than be marginalized.

So, we had the referendum on the 14th October. Leading up to the referendum, there was the yes-campaign supporting the referendum and there was the no-campaign against the referendum. The no-campaign was led by the opposition leader, Peter Dutton, and also a couple of Aboriginal people, a part of the Liberal government. And it was horrific. The campaign was so racist, so derogative. It told so many lies and just drew on people's fears. It fed people's fears and was able to do this because Australia is a pretty ignorant country to its own history. The majority of people don't even know our shared history of what took place

as a part of the colonization, invasion, and everything else. So, you know, it was really sad. And of course, the Murdoch media and press and everybody really rallied with the no-campaign because they didn't want to see it happen either.

So sadly, on the 14th October, the nation in all states voted 'no'. Overwhelmingly. Over 69 per cent voted no, rejecting the Uluru Statement, which was devastating for our people. We had young adults just weeping. They were hysterical at the rejection because they'd never experienced such hatred of a nation towards us, never knew that more than half of the country couldn't find empathy and couldn't extend God's grace to even give us that little, to give us recognition and a voice. That's all. It had no implication on any individual in the country, except it meant everything to us because it would give us an opportunity to perhaps not be confined to the oppression, and poverty, and ill health, and poor education that we find ourselves in. And it was devastating. Our leaders called for a week of mourning and silence. We were so traumatized by the outcome, and now we're slowly coming out and speaking out about it and holding different people accountable for the lies that were told. But I don't know how we go forward now. The biggest question for me is, reconciliation as it exists in Australia is dead in the water. How can you reconcile with a nation that rejects you and your humanity?

So that's dead in the water. So we've got to talk about, okay, what's the next strategy? What's the new process that we need to put in place? My process is going to be: when I return from here, I've got a series of community gatherings that are being set up in my absence where I'm bringing those people who did vote yes together and saying, okay, how do we go forward? What does this mean for us? And how do we get this government to educate its citizens? Because that's the biggest problem. If we had educated our citizens, we wouldn't have ended up with a 'no' vote. Successive governments have failed to educate Australians. We have no First Nation education in the schools, no shared history of colonization in our education curriculum. We need to have this in our curriculum as core mandatory subjects from primary school, secondary, university, TAFE [Technical and Further Education], in every core educational discipline. We need to educate our citizens about our shared history, and the sad dilemma is that it's a horrible history. And nobody wants to talk about it except us Aboriginal people. We want truth-telling. We want to be able to reconcile this history to our identity as a nation because Australia needs to be held accountable for the atrocities that were done by their forbearers. They have benefitted from their forbearers' theft of land, the disenfranchisement of Aboriginal people from their economic base. They have gained wealth, status, and power and taken that all from Aboriginal people. And they continue to benefit. They have systems in Australia and institutions that are set to only benefit them and no one else. So that's how systemic the racism is in Australia. And they need to be aware and conscientious. We also need to look at how to dismantle these systems. And we also have to figure out how to have a clean slate going forward, that allows all peoples to prosper in this wonderful country that we call Australia? It is so important that we look at how we do that.

What is interesting is that I've always been fascinated by how interested Europe is in our politics at home. Most citizens here (in Europe) probably know more about our politics and our situation than the citizens of Australia, which is saying a lot. But Europe needs to somehow, in its dealings with Australia, hold them accountable for this indictment. Because they always present themselves as humanitarians, the global humanitarian. You know, if you're suffering, you come to us, and we'll take care of you. But here they have First Nations people that they've robbed and taken everything from and refused to give them recognition or to share in the wealth and benefits that that country has to offer to migrants and refugees. So, there's a lot that needs to be done but I admire the courage of Albanese, Prime Minister, to do what he did, because many politicians have lost their seat by supporting First Nations' agendas and this has been a whack to him. But this speaks for his integrity and his commitment to a just society. However, history is written, it's from our perspective as Indigenous people, he (Prime Minister Albanese) will be revered and admired for his courageous and prophetic stance that he took to even support the agenda and he needs to be acknowledged for that.

Dany Adone: Thank you very much.

The Editors

Managing Editors

Stefanie Affeldt (*Lead*) is a post-doctoral researcher at the Heidelberg Centre for Cultural Heritage, Universität Heidelberg, as well as a member of the **GASt executive board**, the **Specialised Information Service Anglo-American Culture** advisory board, and the **Centre for Australian Studies** team. With a BA in Sociology (Macquarie University), an MA in Cultural and Social History (University of Essex), and a Dr. rer. pol from the Universität Hamburg, her area of research is racism analysis focussing on the history of whiteness in Australia; her publications include ‘**Consuming Whiteness**. Australian Racism and the ‘White Sugar’ Campaign’ (Lit 2014), “‘Buy White – Stay Fair’” (Oxford Handbook of Political Consumerism 2019), ‘Conflicts in Racism’ (Race & Class 2019), “‘Racism’ Down Under’ (ASJ | ZfA 2019/20), and “‘Kein Mensch setzt meinem Sammelieifer Schranken’” (Tor zur kolonialen Welt 2021). Her DFG-funded project ‘**Exception or Exemption?**’ analysed multiculturalism and racist conflict in the Broome pearling industry. As a fellow at the Trierer Kolleg für Mittelalter und Neuzeit, Stefanie researched the German contribution to colonialization in Australia – the **project** is ongoing.

Katrin Althans is a DFG-funded research fellow at the Postcolonial Studies Section of the Department of Anglophone Studies, University of Duisburg-Essen, Germany. Her main research interest is in Australian Studies and she has published widely in this area. Here, her focus is on Aboriginal Australian literature, which she has approached from a variety of angles, including genre (the Gothic), ecocritical readings, and geocriticism. Katrin also works in the area of law & literature and for her post-doc project, she is currently writing a second book on the representations of refugees in law and literature and the narrative authority of the law. In the editorial team of the Australian Studies Journal | Zeitschrift für Australienstudien, Katrin acts as Reviews Editor.

Christina Ringel completed her PhD at the University of Cologne with a **thesis** on possession in the endangered Aboriginal language Miriwoong. She has held a post-doctoral position at the University of Cologne, a position as Subject Librarian at the Technical University of Dortmund, and is currently pursuing a post-doctoral project at the Technical University of Dortmund. Christina’s recent publications were concerned with app development for endangered languages, the role of Country and self-determination in revitalisation, and contributions of linguistics to Native Title Claims. Christina is a research affiliate at **Centre of Excellence for the Dynamics of Language** and a member of **Australian Linguistic Society**, the **Foundation for Endangered Languages**, and the **Society for Endangered Languages**, and the **German Association for Australian Studies**. She serves as Research Coordinator at the **Centre for Australian Studies**, on the Board of Directors of **Cologne Centre of Language Science** and on the Advisory Board of the **Specialised Information Service Anglo-American Culture**.

General Editors

Dany Adone is Professor and Chair of Applied English Linguistics at the University of Cologne and Co-Director of the Centre for Australian Studies. She is also an Adjunct Professor at the College of Indigenous Futures, Arts & Society at CDU, a Visiting Professor at AIATSIS, a Visiting Scholar at the Language and Culture Centre in Kununurra, and Associate Professor at the University of Sydney. She has lived in Arnhem Land/NT, Australia for many years. Her current research projects focus on Environmental (In)justice, and Indigenous Sign Languages of Australia. ORCID: [0000-0001-9707-5444](https://orcid.org/0000-0001-9707-5444).

Eva Bischoff is Assistant Professor at the University of Trier. Her second thesis reconstructs the ambiguous role Quakers played in the process of settler colonialism in nineteenth-century Australia: 'Benevolent Colonizers in Nineteenth-Century Australia. Quaker Lives and Ideals' (Palgrave MacMillan 2020). She has taught at the Universities of Cologne, Bonn, and Münster in North American History and Postcolonial Studies and worked as a Lecturer at the Department of North American History of the John-F.-Kennedy Institute and as a Postdoc Researcher at the DFG Research Center on 'Governance in Areas of Limited Statehood'. At the University of Trier she teaches classes on Global History, British as well as German Imperial History and Gender History.

Patricia Plummer is Professor of English Literature and Postcolonial Studies. Her publications, research and teaching focus on English literature and culture of the long eighteenth and nineteenth centuries, Orientalism, travel writing and religion, postcolonial literatures and gender studies as well as popular culture. Patricia Plummer is a member of the newly-founded research group on 'Ambiguity and Difference: Historical and Cultural Dynamics' (2019-2021), where she and her team are investigating manifestations of (ethnic, gender-specific and/or religious) ambiguity in eighteenth-century British discourse on travel.

Carsten Wergin is Associate Professor of Anthropology at the Heidelberg Centre for Transcultural Studies, Ruprecht-Karls-University Heidelberg. He is co-chairperson of the **GASt** and founding member of the Environmental Anthropology working group of the German Association for Social and Cultural Anthropology (DGSKA). His research is located at the intersections of heritage, culture and ecology and has resulted in diverse journal articles and books that include 'Materialities of Tourism' (Tourist Studies 2014, co-edited with Stephen Muecke) and '**The Call of the Trumpet Shell**' (HeiBOOKS 2018, with Corinna Erckenbrecht), a monograph on German anatomist and explorer Hermann Klaatsch and his work in the Kimberley region of Northwest Australia.

The Contributors

Guest Editors

Dany Adone is one of the General Editors of the Australian Studies Journal | Zeitschrift für Australienstudien.

Anna Gosebrink is a PhD candidate in English Philology at the University of Cologne. In 2022, she joined the Chair of Applied English Linguistics at the University of Cologne as a research assistant and lecturer. She is also a research coordinator at the Centre for Australian Studies in Cologne and is involved in the Digital Australian Studies MA-Programme. Her PhD project examines intercultural communication and instances of miscommunication with particular focus on Australia. Her research interests include cultural linguistics, language contact, and intercultural pragmatics.

Bentley James is a linguistic anthropologist living in remote Indigenous Australia. Beginning learning in the late 1980s with his brother and Warlpiri people at Yuendumu, he later moved to the Crocodile Islands in 1993, to collaborate with Yan-nhaŋu elder Laurie Baymarrwaŋa. Together they created a family of interrelated projects re-appropriating settler state technologies, categories and power in support of local linguistic, cultural and biological diversity. Securing state recognition of Baymarrwaŋa's traditional ownership of sea and island Country they produced heritage, ranger and language programs, resources for bilingual bimodal education, saving her language with the first dictionary, ethnography and atlas and more recent works on Yan-nhaŋu sign language. Bentley continues to promote intergenerational transmission of local languages, conservation, and local knowledge for meaningful livelihoods on the homelands.

Text contributions

Thomas Batchelor completed his PhD in the English Department of the University of Cologne, analysing the verb phrase in Kununurra Kriol, a variety of Australian Kriol spoken in the Kununurra area of northern Western Australia. Previously, he graduated with First Class Honours from the University of Sydney, with a thesis investigating transitivity in Barunga Kriol. He has worked as a Research Assistant at the University of Cologne, University of Sydney, and at the MARCS Institute at Western Sydney University.

Duane W. Hamacher is Associate Professor of Cultural Astronomy in the School of Physics at the University of Melbourne in Australia. With a background in astrophysics and Indigenous studies, he examines humanity's connection to the stars. Duane is a heritage expert for UNESCO, an expert consultant for the National Aboriginal & Torres Strait Islander Curricula Project, Founder and President of the Australian Association for Astronomy in Culture, Vice-President of the International Society for Archaeoastronomy and Astronomy in Culture, serves on the IAU's Working Group for Star

Names, and wrote the bestselling book 'The First Astronomers'. He appeared on TEDx, Warwick Thornton's 'We Don't Need a Map', NatGeo's 'The Story of God' with Morgan Freeman, and Werner Herzog's 'Fireball'. From 2022-2023, Duane was a CAPAS Fellow in the Centre for Apocalyptic and Post-Apocalyptic Studies at Heidelberg University and as is a Partner Academic in Australian Studies at the University of Cologne.

Glenn James is the Director at Glenn James Consulting, Greater Darwin Area. He has lived in remote Central and North Australia for almost 30 years. Over this period his work has spanned a number of interrelated areas including Indigenous community arts, anthropology and land management enterprise; in recent years focussing on tools to identify and track the health of local Indigenous values as they transition to land management-based enterprises. Glenn's formal education in Political Science, Philosophy and Anthropology, combined with his equally formative lived experience in remote communities and many personal and professional relationships in remote Australia, informs his long-term support for the aspirations and achievements of Indigenous people.

Gareth Knapman is a Research Fellow on the ARC Discovery Project 'Profit and Loss, The Commercial Trade in Indigenous Human Remains' at the Centre for Heritage and Museum Studies at the Australian National University. Dr Knapman previously worked as a curator and repatriation officer at Museum Victoria's Indigenous Cultures Department. He has previously published with Dr Sadiah Boonstra a review of military regulation relating to colonial plunder and cultural heritage: Gareth Knapman, Sadiah Boonstra, 'Plunder and Prize in 1812 Java: The Legality and Consequences for Research and Restitution of the Raffles Collections', *Art Antiquity and Law*, 28, 2023, 3. ORCID: [0000-0003-4431-6659](https://orcid.org/0000-0003-4431-6659).

Elizabeth McNiven has completed a Cultural Resource Management Skills Development Program in the Film Archive of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), and a Degree of Bachelor of Arts in Communication, at the University of Canberra. Afterwards, Budjiti woman Liz McNiven enjoyed a career spanning thirty years, working across leading Australian national and State based cultural and natural resource management institutions including the National Gallery of Australia; Museum Victoria; National Film and Sound Archive of Australia; New South Wales Aboriginal Land Council; New South Wales Department of Land and Water Conservation; and the Murray-Darling Basin Authority. A collected artist and published writer, Liz lives on her Paroo River Country and sits on the board of the Budjiti Aboriginal Corporation, a registered native title body corporate.

Anne Pattel-Gray is the Head of the School of Indigenous Studies at the University of Divinity, Melbourne Australia, and a member of the Uniting Church in Australia. She previously held the position of Executive Secretary and founded the establishment of the Aboriginal and Islander Commission with the Australian Council of Churches/ National Council of Churches in Australia from 1989-1998. Professor Pattel-Gray has an earned Ph.D. from the University of Sydney awarded in 1995 in the Studies of Religion with the major focus on Indigenous Religion and Spirituality. And a Doctor of Divinity

from India awarded in 1997. Pattel-Gray has recently been appointed to the World Council of Churches (WCC), Commission for World Mission and Evangelism (CWME). Professor Anne Pattel-Gray is a descendant of the Bidjara Nation in Queensland and a renowned Aboriginal leader within Australia – nationally and internationally. She has dedicated her life to the struggle of First Nations people as a strong campaigner, lobbyist towards seeking justice, equity and equal representation for First Nations people.

Michael Pickering has been an independent researcher with a focus on Australian First Nations culture and heritage, and repatriation since mid-2022. He has worked extensively with Aboriginal and Torres Strait Islander organizations, State and Territory heritage agencies, and museums across Australia over 45 years. He has a wide range of research interests and has published articles on topics ranging from material culture, cannibalism, settlement patterns, museum exhibitions, museum ethics, workplace health and safety, and repatriation of Ancestral Remains and objects. ORCID: [0000-0002-8085-3673](https://orcid.org/0000-0002-8085-3673).

Yolŋu scholar **Doris Yethun Burarrwaja**, describes her passion to pass on her knowledge of Yolŋu Sign Language (YSL), Yolŋu languages, kinship and Country, in light of the extraordinary changes to life on Country leading up to the Anthropocene. Her living story speaks of deep ancestral connections in kinship, Country and YSL (lakaram gonjhu), and of the production and gifting, of an illustrated handbook of YSL for Yolŋu children, in schools and homelands across North East Arnhem Land.

Ghil'ad Zuckermann (DPhil Oxford; PhD Cambridge; MA Tel Aviv, summa cum laude) is the author of 'Revivalistics. From the Genesis of Israeli to Language Reclamation in Australia and Beyond' (Oxford University Press 2020), the seminal bestseller 'Israelit Safa Yafa' (Israeli – A Beautiful Language; Am Oved 2008), 'Language Contact and Lexical Enrichment in Israeli Hebrew' (Palgrave Macmillan 2003), '多源造词研究' (A Study of Multisourced Neologization; East China Normal University Press 2021). He received the Rubinlicht Prize for Yiddish in 2023; and was listed among the 30 Australian 'living legends' in research by The Australian newspaper (2023/24). He was President of the Australian Association for Jewish Studies in 2017-2023, President of AustraLex in 2013-2015, Chief Investigator in an National Health and Medical Research Council (NHMRC) research project assessing language revival and mental health in 2017-2021, Australian Research Council (ARC) Discovery Fellow in 2007-2011, and Gulbenkian Research Fellow at Churchill College Cambridge in 2000-2004. Since 2011 he has been facilitating the Barngarla reclamation.

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