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UNITED NATIONS
SUB-COMMISSION ON
PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES.

WGIP 91/OCE.AUS/2

WORKING GROUP ON INDIGENOUS POPULATIONS

NINTH SESSION

22 JULY - 2 AUGUST 1991.

STATEMENT BY LOIS O'DONOGHUE CBE AM
CHAIRPERSON OF THE ABORIGINAL AND TORRES STRAIT
ISLANDER COMMISSION IN AUSTRALIA.

GENEVA

CHECK AGAINST DELIVERY

MADAM CHAIRPERSON,

I REFER TO THE RESOLUTION PASSED BY THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES IN 1990 RELATING TO THE QUESTION OF THE OWNERSHIP AND CONTROL OF THE CULTURAL PROPERTY OF INDIGENOUS PEOPLES.

THE RESOLUTION, IN REQUESTING YOU TO PREPARE A WORKING PAPER ON THIS ISSUE, MADE A REFERENCE TO THE ANNOUNCEMENT BY THE AUSTRALIAN GOVERNMENT IN 1990 OF THE DEVELOPMENT OF A NATIONAL POSITION AND STRATEGY FOR THE RETURN OF SIGNIFICANT INDIGENOUS CULTURAL MATERIAL, PARTICULARLY SKELETAL MATERIAL, FROM OVERSEAS COLLECTIONS.

MADAM CHAIRPERSON,

I WOULD LIKE TO PROVIDE THIS FORUM WITH SOME FURTHER INFORMATION REGARDING THE INITIATIVES TAKEN IN AUSTRALIA IN RELATION TO THE OWNERSHIP AND CONTROL OF CULTURAL PROPERTY OF INDIGENOUS PEOPLE IN AUSTRALIA.

THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION (ATSIC), THE BODY ESTABLISHED BY THE GOVERNMENT TO FURTHER THE INTERESTS OF AUSTRALIA'S INDIGENOUS PEOPLE, HAS BEEN IN THE FOREFRONT OF ACTIVITY TO HAVE RETURNED TO INDIGENOUS OWNERSHIP CULTURALLY SIGNIFICANT MATERIAL IN AUSTRALIAN AND OVERSEAS COLLECTIONS.

I REFERRED EARLIER TO THE ACKNOWLEDGEMENT BY THE SUB-COMMISSION THAT, IN FEBRUARY 1990, THE AUSTRALIAN ABORIGINAL AFFAIRS COUNCIL (AAAC) MADE UP OF THE MINISTERS RESPONSIBLE FOR ABORIGINAL AFFAIRS AT THE FEDERAL, STATE AND TERRITORY LEVELS OF GOVERNMENT, HAD RESOLVED THAT A NATIONAL APPROACH BE DEVELOPED ON THE RETURN FROM OVERSEAS OF SIGNIFICANT ABORIGINAL AND TORRES STRAIT ISLANDER CULTURAL MATERIAL, PARTICULARLY SKELETAL REMAINS.

THE MINISTERIAL COUNCIL PROPOSED THAT THIS POLICY BE DEVELOPED BY A TASK FORCE OF STATE, TERRITORY AND COMMONWEALTH OFFICERS, INCLUDING ATSIC. THE TASK FORCE ALSO INCLUDES IN ITS MEMBERSHIP REPRESENTATIVES OF ABORIGINAL ORGANISATIONS THROUGHOUT AUSTRALIA.

IN DECEMBER 1990, THAT SAME COUNCIL ADOPTED AN INTERIM POLICY WHICH STATES, AMONG OTHER THINGS, THAT ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE SHOULD BE GIVEN RIGHTS OF OWNERSHIP OVER ABORIGINAL SKELETAL REMAINS, BURIAL ARTEFACTS AND OBJECTS HAVING RELIGIOUS AND CULTURAL SIGNIFICANCE IN ACCORDANCE WITH ABORIGINAL AND ISLANDER TRADITION WHICH ARE AT PRESENT IN THE POSSESSION OF MUSEUMS, UNIVERSITIES AND OTHER RESEARCH CENTRES AND COLLECTING INSTITUTIONS.

THIS POLICY HAS BEEN TRANSMITTED TO AUSTRALIAN AUTHORITIES RESPONSIBLE FOR THE OPERATIONS OF COLLECTING INSTITUTIONS WITHIN AUSTRALIA.

THE TASK FORCE ON THE RETURN OF ABORIGINAL AND TORRES STRAIT ISLANDER CULTURAL PROPERTY TO ABORIGINAL AND TORRES STRAIT ISLANDER OWNERSHIP, AT ITS MEETING IN FEBRUARY 1991, CONSIDERED THAT ITS PRIORITY WAS TO SEEK THE RETURN OF ABORIGINAL SKELETAL REMAINS.

THE AUSTRALIAN GOVERNMENT, THROUGH ITS OVERSEAS MISSIONS SUCH AS THE HIGH COMMISSION IN THE UK, IS ALSO IN TOUCH WITH INSTITUTIONS SUCH AS THE UNIVERSITY OF EDINBURGH WHICH, TOGETHER WITH ATSIC IN CANBERRA, IS CURRENTLY ARRANGING TO HAVE RETURNED TO ABORIGINAL AND TORRES STRAIT ISLANDER OWNERSHIP A COLLECTION OF REMAINS TALLING SOME 300 PIECES. OTHER INSTITUTIONS IN THE UK AND OTHER COUNTRIES, HAVE ALSO INDICATED THEIR WILLINGNESS TO RETURN ABORIGINAL REMAINS IN THEIR POSSESSION. ARRANGEMENTS FOR THE RETURN OF THESE ARE ALSO UNDER WAY.

COLLECTING INSTITUTIONS IN AUSTRALIA HAVE ALSO RETURNED A CONSIDERABLE QUANTITY OF ABORIGINAL SKELETAL REMAINS TO INDIGENOUS OWNERSHIP, WITH THE REMAINS OF APPROXIMATELY 900 ABORIGINALS BEING RETURNED BY THE MUSEUM OF VICTORIA ALONE.

ASSISTANCE IS ALSO BEING PROVIDED THROUGH STATE/COMMONWEALTH AND TERRITORY GOVERNMENTS TO ABORIGINAL ORGANISATIONS WISHING TO HOUSE THOSE COLLECTIONS IN THEIR POSSESSION, AND A NUMBER OF COLLECTING INSTITUTIONS ARE PROVIDING MATERIAL TO SUCH ORGANISATIONS ON A PERMANENT OR LONG-TERM LOAN BASIS.

MADAM CHAIRPERSON,

I WOULD NOW LIKE TO MAKE SOME REFERENCE TO A RELATED ISSUE, THAT OF THE PROTECTION OF THE CULTURAL PROPERTY OF INDIGENOUS PEOPLES.

THE AUSTRALIAN GOVERNMENT ENACTED THE ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984, TO PROVIDE FOR THE PROTECTION OF THOSE SITES AND OBJECTS OF PARTICULAR SIGNIFICANCE TO THE ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE WHICH ARE UNDER THREAT OF INJURY OR DESECRATION.

THE ACT IS COMPLEMENTARY TO EXISTING STATE AND TERRITORY LEGISLATION. AS SUCH, IT IS DESIGNED TO BE USED ONLY AS A LAST RESORT, WHERE STATE OR TERRITORY GOVERNMENTS ARE UNWILLING OR UNABLE TO PROVIDE THE NECESSARY PROTECTION UNDER RELEVANT LEGISLATION. IT HAS, I BELIEVE, BEEN EFFECTIVE IN ACHIEVING THE OBJECTIVE OF ENSURING THAT ADEQUATE PROTECTION IS, IN FACT, APPLIED.

IN THIS CONTEXT, I MUST STATE THAT, IN ADDITION TO THEIR INVOLVEMENT IN THE RETURN OF SKELETAL MATERIAL TO INDIGENOUS CONTROL, AUSTRALIAN COLLECTING INSTITUTIONS ARE ACTIVELY INVOLVED IN THE PROTECTION OF CULTURALLY SIGNIFICANT MATERIAL. SUCH MATERIAL CURRENTLY IN THE POSSESSION OF AUSTRALIAN MUSEUMS, CLASSIFIED AS BEING OF A SECRET/SACRED NATURE, ARE NO LONGER ON DISPLAY. THE MATERIAL IS NOW HOUSED IN SECURE STORAGE AREAS AND ACCESS IS RESTRICTED TO THOSE WHO HAVE A RIGHT TO VIEW SUCH MATERIAL. NON-ABORIGINES ARE GENERALLY REQUIRED TO OBTAIN APPROVAL FROM THE TRADITIONAL CUSTODIANS OF THE MATERIAL BEFORE ACCESS IS ALLOWED.

IN THIS REGARD, LET ME REFER TO WHAT MANY CONSIDER TO BE THE MOST IMPORTANT COLLECTION OF ABORIGINAL MATERIAL IN AUSTRALIA AND WHICH IS TO BE HOUSED IN A NEW REPOSITORY IN ALICE SPRINGS IN CENTRAL AUSTRALIA, TO WHICH ATSIIC CONTRIBUTED \$1.5 MILLION. THAT COLLECTION IS KNOWN AS THE STREHLOW COLLECTION AND IS REFERRED TO IN YOUR WORKING PAPER ON THE OWNERSHIP AND CONTROL OF THE CULTURAL PROPERTY OF INDIGENOUS PEOPLES DATED 3 JULY 1991. I MAKE MENTION OF THAT COLLECTION AS ITS HISTORY POINTS UP THE MANY DIFFICULTIES AND CONCERNS THAT NEED TO BE ADDRESSED NOT ONLY BY THE GOVERNMENTS OF NATION

STATES, BUT BY THE INDIGENOUS PEOPLES THEMSELVES, WITH REGARD TO THE PROCESSES AND METHODS OF CONTROL AND PROTECTION OF INDIGENOUS CULTURAL PROPERTY. FOR EXAMPLE, THERE CONTINUES TO BE SOME DISAGREEMENT AMONGST CERTAIN ABORIGINAL PEOPLE ABOUT THE APPROPRIATENESS OF THE STREHLOW CENTRE FOR THE HOUSING OF THIS COLLECTION; WHICH INCLUDES SECRET/SACRED MATERIAL, AND OF ITS ADMINISTRATION PURSUANT TO NORTHERN TERRITORY LEGISLATION. NEVERTHELESS, THE RETURN OF THE STREHLOW COLLECTION AND ITS PRESERVATION AND PROTECTION WITHIN THE COUNTRY AND LOCATION OF ITS ORIGIN IS AN EXAMPLE OF A NEW AND MORE SENSITIVE APPROACH ON THE PART OF SOME GOVERNMENTS IN AUSTRALIA TO THIS ISSUE WHICH WE IN ATSIC WILL CONTINUE TO SUPPORT AND PROMOTE.

IN CONCLUDING MY REMARKS, I WOULD LIKE TO REFER TO A RECENT AND HIGHLY CONTROVERSIAL DECISION OF THE AUSTRALIAN GOVERNMENT WHICH, I THINK, ILLUSTRATES HOW THINGS HAVE CHANGED IN RECENT YEARS. THE DECISION WAS THAT A MINING PROJECT, AT CORONATION HILL IN THE NORTHERN TERRITORY, SHOULD NOT PROCEED, IN LARGE MEASURE BECAUSE OF THE PARTICULAR SPIRITUAL SIGNIFICANCE OF THE AREA TO THE LOCAL ABORIGINAL PEOPLE.

THE POSSIBILITY THAT A DEVELOPMENT PROJECT OF THIS KIND AND SIZE MIGHT BE PUT ASIDE FOR REASONS OF INDIGENOUS CULTURAL AND SPIRITUAL SIGNIFICANCE WOULD HAVE SEEMED UNTHINKABLE IN OUR COUNTRY NOT SO LONG AGO.

MADAM CHAIRPERSON,

I BELIEVE IT IS FAIR TO SAY THAT WE ARE MAKING CONSIDERABLE PROGRESS IN THIS IMPORTANT AREA IN AUSTRALIA. THERE IS STILL MUCH TO BE DONE, BUT THINGS ARE MOVING IN THE RIGHT DIRECTION.

THANK YOU, MADAM CHAIRPERSON.