

Research update: Towards Comprehensive Agreements

Dr Stuart Bradfield has been conducting ongoing research into the nature of agreement-making surrounding native title. With the advent of native title, Indigenous claims have received increased legitimacy in the eyes of both governments and industry players. However, unlike Canada for instance, here, it is mining companies and other private entities that have really embraced the idea of negotiating agreements with native title claimants and Indigenous peoples generally. Via this process, Indigenous peoples are having a real say in what happens on their country. Typical benefits from this type of agreement making include opportunities for employment and training, and protection of heritage and sacred sites. An important benefit of these agreements that is sometimes overlooked is the establishment of positive relationships where previously none may have existed.

While there are undoubted economic benefits, the extent to which these agreements can afford Indigenous communities recognition of their political rights remains to be seen. In this context, State governments are increasingly looking to negotiate 'comprehensive agreements' with Indigenous peoples which recognise 'inherent rights' and 'first peoples' status. The idea of a 'comprehensive' agreement or settlement has a distinct meaning in Canada, where inherent aboriginal rights are constitutionally protected. In Australia, it is unclear how 'comprehensive' the recognition of Indigenous peoples needs to be for negotiation of a comprehensive agreement. Dr Bradfield will examine the question of 'What is a "Comprehensive" Agreement?' in a paper to be published in early 2004 as part of the NTRU's Issues Paper series.

In the absence of a coherent, coordinated federal policy to settle native title claims via agreement, developments at State and local levels continue to offer hope. These agreements may not be explicitly based on recognition of government-to-government status as seen in Canada and other settler societies, but

for many, the negotiating table still looks more attractive than the court house.

For further information see: Stuart Bradfield, 'Treaties and agreements: towards decolonisation', *The Drawing Board: An Australian Review of Public Affairs*. [Online] Available at: <http://www.econ.usyd.edu.au/drawingboard/>

Conference Report: IASA Conference 2003

In September, the Native Title Research and Access Officer, Grace Koch, attended the annual conference of the International Association of Sound and Audiovisual Archives, "Audiovisual Archives: Memory and Society" that was held in the City of Tshwane (formerly Pretoria) South Africa. The keynote address by Sean Field from the University of Capetown, entitled "Memory, knowledge and power: can archives keep peoples' stories alive?" stated clearly the importance of the living oral tradition in Africa in national and personal identity as well as in providing evidence for land claims. He talked in detail about the District Six project, where people who had been removed from a closely knit politically-active area of Capetown are asserting their right to reclaim their property. An oral history project done through the District Six Museum has served to reunite the community in this activity. Africans are interested in what is happening in Australia with land rights and, especially, native title.

Grace Koch's paper on the use of audiovisual sources for evidence in native title claims began by giving a brief overview of the history of land rights in Australia with a description of the process of native title. The next section dealt with how sound and video recordings are being used now in claims, both as background material at the start of the process and as evidence in the hearing itself.

The paper explored the use of video evidence if it is especially relevant to the case or if the claimants cannot testify in court due to health, distance or other reasons. Reference was made to the work being done by Yamatji NTRBs in gathering early evidence and to the work of

David Ritter and Frances Flanagan in recognising the importance of video evidence in court.

Dissemination and digitisation of cultural information through the Internet was discussed, such as arts projects, multimedia-enhanced geospatial maps, knowledge centres and Federal Court determinations available in audio-visual form.

In summary, new protocols and procedures have arisen for archivists and librarians as they deal with the demand for Indigenous audiovisual material in Native Title claims. Researchers are working with archivists to locate compelling background information to land claims. In turn, audiovisual materials have not merely served as evidence but have assisted in cultural revitalization in a number of areas in Australia as people hear stories, language and songs from their elders. Indigenous peoples are generating new materials as well and are using the Internet to educate its users in their traditions.

Conference Report: Indigenous Researchers Forum 2003

This year, the annual Indigenous Researchers Forum was held in Canberra between the 01-03 October. The IRF is an initiative of the six Indigenous Centres of Excellence located at various Australian universities. The inaugural IRF was hosted by the University of Newcastle in 1999. The forum was hosted by the University of South Australia in 2000, the University of Melbourne in 2001, and in 2002 it was hosted by a consortium of Indigenous units from Curtin University of Technology, Edith Cowan University and the University of Western Australia. In 2003, AIATSIS had excellent partners in the Australian National University (ANU) and the University of Canberra (UC).

Now in its fifth year, the Forum attracted 130 Indigenous researchers from across the nation and New Zealand. Mr Lionel Quartermaine, acting Chairperson of ATSIC, gave the key knowledge sharer paper. He pointed to the need to include greater numbers of Indigenous people in research positions so as to successfully deal with the many critical issues currently faced. He went on to point out thirty years ago it would have been "unthinkable" to hold such a Forum. He said, "the mere fact that Indige-

nous researchers meet here today is testimony to our successes as Indigenous peoples."

The IRF has national significance and explores and advocates Indigenous agendas and issues in research, in addition to providing opportunities and encouragement to emerging Indigenous researchers.

This year's event was well received with 76 per cent of respondents evaluating the IRF as very high to high value. Delegates thought the opportunity to meet together and connect with other Indigenous Researchers, the interchange of ideas, and networking were all excellent aspects of the Forum.

A resolution was passed by the Forum on the final day calling for ATSIS/ATSIC to redirect a greater proportion of their research funding to Indigenous researchers.

Funding, sourced from the Department of Education, Science and Training was utilised to assist an extra 27 Indigenous research students to attend the Forum.

Next year the IRF will be held at the University of Newcastle.

Indigenous International Visitors

The NTRU is pleased to be hosting two distinguished Indigenous visitors in the next few months.

In early December Assistant Grand Chief Lloyd Oronhiakheté Phillips of the Mohawk Council of Kahnawake, Canada, will be at AIATSIS. The Assistant Grand Chief will take part in a workshop titled 'From Land Settlements to Self-Government: The Kahnawake Experience of Comprehensive Negotiations in Canada.'

In February 2004, Professor John Borrows will take up the Institute's inaugural International Indigenous Visiting Fellowship. Professor Borrows, from the Cape Croker Indian Reserve, Canada, is the Law foundation Chair in Aboriginal Justice and Governance at the University of Victoria, British Columbia.

Staff Recruitment

George Villaflor has joined the Native Title Research Unit as a Project Officer. George comes from Darwin and has spent time in Cairns and the Cape York. He has a background in law and community consultation.

Serica Mackay will commence as the Unit's Native Title Research Officer. Serica is near the completion of an Arts/Law degree at ANU. Lara Wiseman will also be joining the Unit as a Research Assistant. Lara's last ap-

pointment was with Aboriginal Affairs Victoria

Glen Kelly will be conducting a 3-month contract within the unit. The focus of his work will be the relationship between native title and autonomy and the representation of non-traditional owners. Glen previously worked in Perth as the WA Aboriginal Native Title Working Group co-ordinator. Donna Oxenham is currently on a 3-month AIATSIS Indigenous scholars program. She is working on her Masters thesis on the Indigenous community in Shark Bay, Western Australia.

UPCOMING EVENTS: Native Title: Courts to Canvas

The power of indigenous art as cultural evidence will be explored in a landmark forum being held at the National Museum of Australia next month.

The free two-day forum is a collaboration with AIATSIS and ANU and coincides with the Canberra launch of the Native Title Business exhibition, a collection of 50 contemporary indigenous works which promote understanding and reconciliation on native title.

The National Museum's Aboriginal and Torres Strait Islander Program director, Margo Neale, says the exhibition expands on the program's themes of country, identity, spirituality and community.

"The forum is about actively contributing to the debate of issues of critical contemporary importance. Events such as this further strengthens the National Museum's relationship building with key academic institutions and Indigenous community bodies," Ms Neale said.

The Power of Cultural Evidence forum is being held from 2-5pm on Thursday, 11 December and 8.45am-5.30pm on Friday, 12 December.

Participants will examine the meaning of native title; the role of indigenous histories, art and museums in the native title process; and the benefits and problems arising from Aboriginal efforts to retrieve lost histories and culture.

Dr Lisa Strelein from AIATSIS' Native Title Research unit will convene a community workshop on Thursday. Indigenous and non-indigenous speakers will explore current legal developments, the ways law and culture inform each other, the role of art in contributing to cultural identity and managing indigenous disputes and agreements.

The other opening day session looks at the Murray Darling Basin Outreach Project, presented by Yorta Yorta Woman Monica Morgan and Dr Ruth Lane.

Friday's speakers include historians Professor Ann McGrath and Dr Gordon Briscoe, artists Fiona Foley and Bronwyn Bancroft, sociologist and curator Dr Vivien Johnson, museum professional Phil Gordon, Native Title mediator Dr Gaye Sculthorpe and lawyer David Ritter.

Bookings for the free forum are being taken on 02 6208 5021.

Meanwhile, the Native Title Business exhibition is presented by Bundaberg's Gurang Land Council and toured by the Regional Galleries Association of Queensland. The exhibition is on show in the National Museum's Lower First Australians Gallery until 1 February 2004. According to Joan Winter "the main aim of Native Title Business is to promote understanding and reconciliation on native title, land and water rights in Australia".