Human rights as social investment for Indigenous children and families

Putting history, culture and self-determination back into the equation

Muriel Bamblett and Peter Lewis

While the emerging theory of 'social investment' offers an opportunity to advance the political discourse beyond the false dichotomy between economics and social justice, social investment for Indigenous children and families must be built on the awareness of the need to promote human rights, respect Indigenous cultures and address the historical conditions that create disadvantage.

For many Indigenous children and families, mainstream Australian society fails to provide the conditions for social growth because it is built on systemic racism. In order to create the conditions for positive social engagement for Indigenous children and families, there needs to be a social investment framework which recognises that colonisation has impacted negatively on Indigenous social and economic capacity, and which builds on the strengths of Indigenous culture and respects the self-determining rights of Indigenous communities in order to re-build capacity.

A holistic, cultural strengthening and self-determination/human rights-based framework is the best approach to ensure that Indigenous children have a better future and participate positively in Australian society without forfeiting cultural identity and integrity. A human rights and culturally respectful framework can facilitate a 'meeting place' where Indigenous cultures can engage with the dominant culture and positive partnerships for social investment can be developed.

Good 'house-keeping' – an Indigenous tradition

I begin by acknowledging the traditional owners and custodians of the land on which I speak and pay respects to their creator spirits, ancestors and elders.

My work at the Victorian Aboriginal Child Care Agency involves creating strategies to enable Aboriginal families to look after their children by focusing on how to 'keep house'. The word 'economics' has its origins in Greek and means 'house management', in other words – house-keeping. When we look at issues of economics and social justice I think this is a useful observation. Too often we begin with the big picture – macro-economics – and let its theoretical abstractions obscure our vision of the little, local economies or households which economics is actually about. Keeping house is about looking after the people in the house, not just making the people in the house useful components in a vast system of production and consumption. Keeping house is about recognising how each member of the house supports each other according to their rights, roles and responsibilities. If we can get the households right, the larger economy may follow.

Traditional Aboriginal households and communities had a very different economy to the one which dominates all our lives today. In general terms it would be fair to say that our economies were holistic; politics, law, culture, land and economic activity merged with a spiritual dimension to maintain life in community. Each person had their role. Each person had their rights and responsibilities. The economic was not separated from the spiritual. Work was a spiritual act, subject to the ancient laws and traditions established by the creator spirits, and not just an economic act of survival. Traditional economies also had another feature different from economies today; there was no poverty. And there was no poverty because there was no wealth other than the wealth of living together in community under the guidance of our spirits and in harmony with the land. Apart from ecological catastrophes, no poverty was the norm, unlike in modern economies.

The 'social investment' had already been made by the creator spirits and the spirit of the land. Those spirits invested in my people and made us custodians. By basing the rhythms of our economies on the rhythms of the land, economic security was assured.

KEEPING HOUSE – THE WORK OF OUR HEARTS PRECEDES THE WORK OF OUR HANDS

From our perspective we begin with an understanding that good 'house-keeping' or good economics should not be separated from just relationships and social justice.

The 'Third Way' rhetoric around social investment which is currently promoted by the mainstream, slightly left of centre, New Labor and Social Democratic parties of Europe and America provide an opportunity to get progressive policies on the agenda of economists. The idea of the Third Way attempts to go beyond the extremes of neo-liberalism and welfarism (Perkins, Nelms & Smyth 2004). However, social investment theory's emphasis on the economic pluses of good social policy should not be the foundational motivation nor the sole criteria for measuring success. We are all more than something to be invested in. We have value as human beings whether or not we are economically productive. Our children are to be valued now and not just as future producers and consumers. To keep a good house, you not only need to make sure you have food on the table, you need to make sure that the people in the house are being fair to each other and – quite frankly – are loved. And it is that value, of compassion and fairness or love and justice, which should determine if everyone is doing enough to keep food on the table and keep house. In other words, the work of our hearts precedes the work of our hands.

Having said those words of caution concerning the language of 'social investment', let me now move to what good 'social investment' or – to put it in terms of the original meaning of the word 'economics' – 'good social house-keeping' involves from the perspective of Indigenous children and families.

For us, human rights, embedding culture in service delivery and addressing the impacts of colonisation, need to be the critical components in any so-called investment strategy for the future of Indigenous children and families. These are foundational requirements, and also just causes for action.

COLONISATION – A PROCESS OF DISINVESTMENT

For us, colonisation created the conditions for social and economic dysfunction. Our local households and economies became fragmented as we lost the many battles in resistance to the invaders.

The process of colonisation involved acts of disempowerment premised on Aboriginal peoples being seen as uncivilised savages rather than as diverse communities with sophisticated systems of law, politics, economy, trade, ecology and culture, deeply connected with the land. The economy was changed by land being cleared for the use of sheep and cattle and crops. Our laws were ignored and our land treated as *terra nullius*, a blank slate which the colonisers could divide and parcel up.

For us, the 'enlightenment era' of the so-called modern world was a time of darkness.

When so-called civilisation was supposedly emerging from the era of superstition and intolerance and the idea of rights was fomenting revolutions in France and America, we were being treated as non-humans and confined to missions and reserves. The only laws protecting us were the same ones that protected the flora and fauna – and we all know how the fauna and flora have fared since invasion. We had no rights. In reality in the so-called civilised world, human rights were only for propertied white males. Never forget that the American Constitution, despite its proclamation of human rights, originally left out rights for women and African Americans. Never forget that the White House was built by slaves.

Every day Indigenous children and families are subject to a legal, political and economic system which ignores their cultural reality and enables subtle and disguised moments of racism to occur.

With disempowerment came disconnection as we were forced onto missions and reserves of land under the so-called protection of missionaries and overseers. Our culture, spirituality and language were demonised and forbidden. Diverse communities were forced to live together and our laws concerning kin and marriage were dismantled, creating confusion and brokenness. Finally we were deemed a doomed race and for many of us our children were taken away under a racially defined understanding of 'the best interests of the child'. Our fate was to be assimilation. Our children were to be protected by being forcibly removed. From the perspective of the language of modern Third Way economics, we were subject to social dis-investment. For us, it was genocide.

As a result of colonisation, our ability to 'keep house' has been diminished because in most cases our houses have been destroyed. In order to re-establish our local economies, we need our rights restored, which in turn can lead to a restoration of our social and economic capacity. For us, colonisation was a form of dis-investment. What we need is re-investment in our communities. A rights agenda which respects our culture and enables our self-determination is the best re-investment strategy.

INVESTING IN THE FUTURE – CONFRONTING RACISM

Investing in human rights for Indigenous communities means recognising us as humans and as collective peoples. For many Indigenous children and families, mainstream Australian society fails to provide the conditions for social and therefore economic growth because it is built on systemic racism.

American child psychologist, James Garbarino (1995) talks of socially toxic environments and their impacts on the raising of children. In order to look at ways in which to invest in a resilient future for Indigenous children, we need to understand that colonised Australia is a toxic environment for Indigenous people which is premised on 'doing for' rather than empowering them. This is where I agree that welfare is not the answer. The answer lies in self-determination.

Until issues around the still present impact of colonisation and its toxicity for Indigenous communities are adequately addressed, we will continue to suffer systemic disadvantage and cultural abuse.

But we also need to tackle the broader social environment which maintains the toxicity. We need to tackle racism. Or more to the point – the non-indigenous community needs to interrogate itself to uncover the coloniser's mind which still lurks within the body-politic of Australia. Colonisation is not a process which is limited to a particular defined historical period, it is an ongoing reality. Every day Indigenous children and families are subject to a legal, political and economic system which ignores their cultural reality and enables subtle and disguised moments of racism to occur. The playground and the classroom often become battlegrounds where children are forced to defend who they are in the face of ignorance and subconscious racial stereotyping.

In the Australian context, entitlement for the non-indigenous is an unacknowledged space. Non-indigenous people's contact with Indigenous people may help to deconstruct the 'white privilege' perception of the world to enable them to see the reality of this land.

When the culture of a people is ignored, denigrated or, worse, intentionally attacked, it is cultural abuse. It is abuse because it strikes at the very identity and soul of the people it is aimed at; it attacks their sense of self-esteem, it attacks their connectedness to their family and community. And it attacks the spirituality and sense of meaning for their children.

Cultural abuse remains to this day. Child protection intervention in the lives of Indigenous community remains disproportionate in Australia. Until issues around the still present impact of colonisation and its toxicity for Indigenous communities are adequately addressed, we will continue to suffer systemic disadvantage and cultural abuse.

INVESTING FOR THE FUTURE – THE RIGHT(S) AGENDA

In summary, what we are saying is that in order to create the conditions for positive social engagement for Indigenous children and families, there needs to be a human rights-based social investment framework which: recognises that colonisation has impacted negatively on Indigenous social and economic capacity; builds on the strengths of Indigenous culture; and respects the self-determining rights of Indigenous communities in order to re-build capacity.

We have today a formal recognition of rights as individuals. We do not have a recognition that the historic loss of rights as communities requires both a reduction in the toxicity of the colonial environment, and a restoration of social and economic capacity in order to enable growth in Indigenous communities.

Human rights enable self-determination, and self-determination enables our communities to take and action our responsibilities. For decades our leaders have said we want rights, not welfare. If governments treat us on the basis of our self-determining rights as peoples instead of treating us as passive recipients of welfare as client communities, the debilitating effects of poverty can be overcome. You only need to look overseas and compare life expectancy statistics to see that self-determination is good for our health. Indigenous peoples who have treaties and various self-determining rights have far better health outcomes.

There is a current myth in government policy which suggests that self-determination failed. The Whitlam era (and, to a lesser extent, the Fraser era) was a time when human rights were treated seriously as the motivation and tool for policy development and implementation. It was a time when Aboriginal community controlled organisations, like ourselves, began and flourished, a time when land rights and self-determination seemed to be Federal Government policy.

Unfortunately, self-determination was poorly resourced and not enough thought was put into building the capacity of Indigenous communities to exercise their self-determination. And I mean exercise. When you don't use your muscles for long periods of time, your body becomes weak and unable to lift or move. Our self-determination muscles had been unused for decades and we needed the right exercise plan to restrengthen them. But instead of personal trainers, we had policy rhetoric. And just as the reality of the effects of colonisation was being understood through the *Royal*

Commission into Black Deaths in Custody and the *Bringing Them Home* report, and just as the inherent racism at the foundation of this nation was being revealed through the Mabo decision and the Council for Aboriginal Reconciliation process, we had the election of a Federal Government whose commitment to human rights was, to put it politely, severely limited and conditional.

Those who talk about the need to focus on the symptoms of social dysfunction, such as welfare passivity and drug and alcohol abuse, fail to recognise that treating symptoms alone does not cure the disease. This is not to say that we should do nothing until all self-determining rights are restored. We need to do the effective service delivery as well as effectively advocate for our community. But our service delivery will not be effective if the causes of dysfunction remain untreated.

Those who say that 'mutual obligation' is an effective method of tackling disadvantage fail to recognise that people need to have the capacity to action their rights and therefore their responsibilities to meet their side of the so-called mutual obligation 'bargain'. Mutual obligation is a policy which forces disempowered communities to negotiate with Government for the provision of basic services on the basis of the behavioural change of the community. It gives us as much dignity as Pavlov gave to his dogs. Human rights is the opposite of mutual obligation.

Issues of disadvantage in Victorian Aboriginal communities are best addressed by investing in a human rights framework which respects Aboriginal communities' rights to self-determination. Fundamental to providing for Aboriginal self-determination and respecting Aboriginal governance is working with Aboriginal communities to restore their capacity to exercise their rights, freedoms and responsibilities in the context of the dominant culture.

In my field of child and family welfare, we need a service system which is premised on Aboriginal communities' rights to self-determination and cultural respect. This requires the embedding of culture into all aspects of service delivery, in organisational structure and in practice. It requires positive and mutually respectful engagement between Aboriginal agencies and services and mainstream services. It requires the provision of services premised on Aboriginal child and family principles and focused on a holistic and strengths-based approach

Our hope is that respect for rights, one of the principles of Western culture, can provide a meeting place between our cultures. As Larissa Behrendt (2003) often points out, human rights are about value adding and are good for business. Rights do not take away, they add. For our people, an understanding of rights is about seeing services provided from an abundance model, not a deficit model.

INVESTING IN THE FUTURE – EMBEDDING CULTURE AS BEST PRACTICE

In terms of social investment in Indigenous culture, it is more than just a question of recognising our right to be different. In the Indigenous service sector we find that embedding culture in our services creates the best outcomes.

> Culture is central to identity. Culture defines who we are, how we think, how we communicate, what we value and what is important to us. My culture, like all Aboriginal cultures, is the longest continuing culture in the world. It is sophisticated and holistic – linking spirituality with politics, education, economics, land care, and the law (Bamblett & Lewis 2006).

The policies that led to the Stolen Generations were about 'de-culturing' Aboriginal children as a means of 'solving the Aboriginal problem'. We know that this social dis-investment strategy was destructive. It makes sense to suggest that 're-culturing' is in fact the appropriate re-investment strategy to address current problems suffered by some Aboriginal families.

Without investing in heritage and culture, any work with Aboriginal children will fail to recognise valid and culturally important impacts on their lives and the lives of their families. For the Indigenous community, loss of culture is a factor in any social investment risk assessment.

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INVESTING IN RIGHTS AND CULTURE – THE VICTORIAN CONTEXT

The Victorian Government's *A Fairer Victoria* (2006), the Department of Human Services' *Aboriginal Services Plan* (2008), the Department of Justice's *Victorian Aboriginal Justice Agreement* (2006) and the Victorian Government's *Children, Youth and Families Act* (2005) are all positive reform measures and policies. All of these can help to resolve issues of injustice and disadvantage for Aboriginal and Torres Strait Islander communities, and to create a framework for re-investment in those communities. What the Victorian Government should now consider in the light of its own *Human Rights and Responsibility Charter* (Victorian Equal Opportunity and Human Rights Commission 2006) is how investing in human rights,

Indigenous self-determination and Indigenous culture is also part of its Third Way social investment strategy. In three years time, the Victorian Government will look at strengthening the Charter, including a consideration of Indigenous self-determination. We already have self-determination acknowledged in the *Children, Youth and Families Act.* We believe that a charter of rights and responsibilities which includes acknowledgement of rights to self-determination for Aboriginal and Torres Strait Islander communities will strengthen social investment as well as laying a foundation to begin the real process of reconciliation.

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CONCLUSION – INVESTING IN LOCAL, FAMILY-BASED ECONOMIES

Without investment in infrastructure and resourcing for governance and service provision, Aboriginal child welfare agencies will not be able to overcome the effects of over 200 years of dominant culture abuse and neglect. VACCA advocates the establishment of community-controlled Aboriginal child and family resource centres to gather information and to develop and run culturally appropriate training, parenting and education programs.

A rights-based strategy of social investment which pays respect to cultural difference can form the basis of reviving local Indigenous communities.

Dorothy Scott talks of the 'village well' approach where maternal and health care centres function as a networking and information nucleus for local communities (Scott 2000, p.5). The development of locally-based, Aboriginal controlled, child and family centres is one of the objectives for VACCA. Centres and programs need to be located in 'natural, non-stigmatising settings' (Scott 2000, p.6) to enable the development of a community of care for Aboriginal families.

In Victoria we are currently seeking funding for an Aboriginal family centre which we will call Moondani – the Woiwurrung word for 'embrace'.

'Embrace' is a nurturing word which expresses traditional Aboriginal family values: embrace of children, families and communities; and our embrace of the land.

For our people, all that we are comes from the creator spirits' embrace of us and our land. And through the land we feel that embrace which strengthens us and strengthens our culture. It is an embrace which we reciprocate through our family and community relationships.

It is an embrace which we hope will be mirrored in the design of the building, which wraps around the land upon which it will sit, rather than cutting through the landscape. The building has at its centre the land and in fact wraps around two beautiful trees which are on the land at present. The design of the building is like a big Aboriginal home.

By building on the land of the Aboriginal Advancement League, Moondani will sit between the Yappera Children's Centre and the League's community centre so that we have, in a sense, three cascading circles of care – for children, for families and for the Aboriginal community.

To enable sustainability for our communities we need places which embrace who we are: our land, our culture, our children, our people. We need places of healing; for the land and our community. We hope Moondani will be the first of many Aboriginal centres of embrace and care and in that way build more child-friendly Aboriginal communities that are sustainable.

In this way, locally-based social investments, premised on human rights and respect for culture, will go a long way to restoring 'good house-keeping' in Indigenous communities. By promoting the work of our hearts before the work of our hands, we can recreate households and local economies of care. We hope that a human rights and culturally respectful framework for future social investment is something which will be embraced by all. ■

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