

Education as an indigenous Right

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In commencing here today, it is my duty as an Aboriginal person to respectfully acknowledge that we are on the traditional lands (the Native Title Lands) of the Bunurong people.

Given that Indigenous peoples total over 300 million or 7.5% of the world's population, it is unlikely, with such a significant percentage of the world's population denied even the most fundamental human rights, that a peaceful and prosperous future for all humanity will become a reality.

I say to all non-indigenous peoples that your liberation is indeed tied up with our liberation. The fact that different peoples experience disadvantage directly linked to race is something that diminishes us all.

It is a common experience of Indigenous peoples worldwide that a higher proportion of us live below the poverty line; we have the shortest life expectancies (Aboriginal Australians are the only group other than the Russians who have a declining life expectancy) and the highest infant mortality, the poorest school retention and attainment rates; the highest unemployment rates; most live on overcrowded poor quality housing and suffer endemic environmental health problems as the result.

The result: gross over-representation in prisons and in statistics of poverty and disadvantage. Behind these statistics are the lives of individuals, families and communities striving to protect our distinct identity and to enjoy the rights common to all human beings.

One of the best ways to identify human rights is to look at the lack of human rights in 'the lived experience of our people'- let us look for a moment at Australia's National Report Card on Aboriginal Education.

The National Report Card on Aboriginal Education makes dismal reading :

- Aboriginal youth are more likely either not to attend school or to leave school before the age of 14 years, than non-Aboriginal Australian (9D/o compared to 2% respectively).
- Only 49% of Aboriginal and Torres Strait Islander 15-19 year olds were attending school compared to 90% of the general population.
- Aboriginal people are less likely to have post school qualifications with only about 5 in every thousand having a degree or post-graduate qualification as opposed to 70-80 per thousand for other Australians. This disparity applies also to the case of trade and other (TAFE) certificates.
- Many Aboriginal children in remote areas still do not have access to formal education after primary school.
- Despite a dramatic improvement in the number of Aboriginal children who finish school, the percentage of students that stay on to Year 12 is now at the same level as that achieved by other Australian students 20 years ago. Senior literacy results indicate that of those finishing Year 12, less than a quarter (23%) pass 'English'.

- Figures from the Australia Council for Educational Research (ACER), show that 45% of Indigenous primary students have 'significantly' lower levels of literacy and numeracy than other primary school students.
- Aboriginal high school students are less likely to finish high school than other students are. Only 25% stay until Year 12 compared to 77% for all other students.
- 13% of Aboriginal 5 year olds are not participating in any form of education. This is despite the RCIADIC finding that early childhood education is of primary importance to educational success of our children.
- In the basic skills testing in the Cape and Gulf almost 100% of students in Year three failed the basic literacy test.
- The recent report into Indigenous Education in the Northern Territory reported that in one Year 3 class, 90% of the children were effectively deaf (have no ear drums).

Aboriginal people have reason to be less than pleased with our educational outcomes in Australia, today.

If you were asked whether education was working for Aboriginal people you would have to answer, that although there have been improvements, the education systems are clearly not succeeding. Generalizing I would say we are still almost twenty years behind the educational outcomes of the rest of the Australian community.

To address this situation, one strategy we have adopted is a rights-based approach and so with other Indigenous peoples we have taken our case to the United Nations and the international community.

Human Rights by definition are inalienable, inviolable and innate. The freedom to enjoy and indeed celebrate these rights has been and continues to be denied and obstructed for Indigenous peoples throughout the world.

However, the international Indigenous human rights movement is growing in vigor, and I seek to convey in my lecture today, a sense of the momentum of this global phenomenon and to focus on the Indigenous experience with Australian mainstream education, as our case study.

Aboriginal people here in Australia have worked for well over 20 years with Indigenous peoples from all over the Earth to ensure that what we perceive to be our indigenous Education Rights are articulated loudly and clearly at international levels (through such avenues the United Nations).

In the articulation of indigenous education rights we have used a number of avenues including the **UN Working Group on Indigenous Populations** and the **World Indigenous People's Conference - Education**.

Substantive documents (in relation to education) to emerge from these forums include:

The Draft Declaration on the Rights of Indigenous Peoples (UNWGIP)

Article 15 Education

Indigenous children have the right to all levels and forms of education of the State. All indigenous peoples also have this right and the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Indigenous children living outside their communities have the right to be provided access to education in their own culture and language.

States shall take effective measures to provide appropriate resources for these purposes.

The Coolangatta Statement (WIPC-Ed), is particularly significant in that it highlights the right to be Indigenous in regards to education.

Other significant rights alluded to in the Coolangatta Statement include:

Indigenous control of Indigenous education - Self-determination (Self-determination is no longer Government policy here in Australia but regardless, it still remains the aspiration of Indigenous Australians and is a Right guaranteed under UN ICCPR for all peoples);

Indigenous education as a means of protecting, preserving and developing Indigenous cultures (Protection and promotion of Indigenous Intellectual Property, Traditional Knowledge and Cultural Heritage);

- Indigenous philosophies and principals to underpin Indigenous education;
- Promotion of quality and exemplary Indigenous education models;
- Indigenous teacher education programs;
- Ethics of Indigenous education research and development;
- Indigenous schools and post-school learning centres;
- Indigenous Studies for all people (including teacher education courses);
- Equal access to and with education systems;
- Indigenous parental right to choose the kind of education that shall be given to their children;
- The right to enjoy our own cultures in community with other members of their group;
- Provision of conditions that are conducive to the use and maintenance of indigenous languages.

and

Our Children, Our Future - the report on Indigenous Education by the Preparatory Meeting of the WGIP - Education, 1998.

which states:

Education for Indigenous peoples is a process ultimately connected to the entire cycle of life, all is interconnected. It embraces both the growth of individuals and the broader community. It includes all forms of learning, including survival skills, socialization, and traditional knowledge, including visual and oral traditions.

This perspective must inform all policies and programs designed and implemented for and by indigenous peoples.

Indigenous peoples have a right to an education that provides equitable outcomes.

Indigenous peoples have the right to an education that provides the skills for full participation in society.

Indigenous peoples have the right to self-determination and to be equal partners in the design and delivery of education for our peoples. This includes the right to establish our own institutions and systems.

At the same time, we have an inherent right to an education that supports and reinforces our cultural identity.

These Indigenous Education Rights are echoed throughout many other Indigenous documents including:

The Kari-Oca Declaration - entitled The Indigenous Earth Charter (Brazil 1993) includes the following statements on Indigenous Education:

- Indigenous peoples have the right to our own knowledge, languages and culturally appropriate education including bi-cultural and bi-lingual education. Through recognizing both formal and informal ways the participation of family and community is guaranteed;
- Indigenous peoples must have the necessary resources and control over their own education systems;
- Elders must be recognized and respected as teachers of the young people;
- Indigenous wisdom must be recognized and encouraged;
- The use of existing languages is our right. These languages must be protected;

International Indian Treaty Council(1983):

VIII. CHILD WELFARE

1. All indigenous nations and peoples have the right to raise and educate their children to the skills, ideas, values and beliefs of the respective communities and cultures. 2

Declaration of Principles adopted at the Fourth General Assembly of the World Council of Indigenous Peoples in Panama, September 1984 (1985):

Principle 14: The Indigenous peoples have the right to receive education in their own language or to establish their own educational institutions. The languages of the Indigenous peoples are to be respected by the States in all dealings between the Indigenous people and the State on the basis of equality and non-discrimination. 3

Draft declaration of principles proposed by the Indian Law Resource Center, Four Directions Council, National Aboriginal and Islander Legal Service, National Indian Youth Council, Inuit Circumpolar Conference and the International Indian Treaty Council(1985):

12. Indigenous nations and peoples have the right to be educated and to conduct business with States in their own languages, and to establish their own educational institutions. 4

Four Directions Council (1985):

8. Indigenous peoples have the right to be educated and to conduct business with the State in their own languages and to establish their educational institution if they choose. 5

Declaration of Principles adopted by the Indigenous Peoples Preparatory Meeting, held at Geneva 27-31 July 1987 (1987):

12'. indigenous nations and peoples have the right to education, and the control of education, and to conduct business with States in their own languages, and to establish their own educational institutions. 6

Inuit Circumpolar Conference (1988):

It is important to ensure that indigenous peoples have the right to control all aspects of the education of their children, through direct parental and community involvement and through institutions of self-government. Such right includes the right to determine curriculum, especially cultural content, and language of instruction. 7

Joint Statement by Indigenous Representatives in relation to Item 4 of the Agenda (1994) of the United Nations Working Group on Indigenous Populations (UN WGIP):

Article 15: The right to jurisdiction and control over our own education must be stated first, the right to state education second. We must always be able to do things on our own first. This article must clearly state that children living out of our communities should have the choice of where they are educated and that they are fully funded regardless of that location. 8

Summing up an Indigenous position on education rights, it must be made clear that it should not be misinterpreted that Indigenous peoples only want access to non-Indigenous education.

It should not be presumed that Indigenous cultural values, standards and wisdom are abandoned or are withering in our continuing marginalisation within Western Societies,

We are demanding as distinct peoples, the establishment of education systems which reflect, respect and embrace Indigenous cultural values, philosophies, and ideologies, which have shaped, nurtured and sustained Indigenous peoples since time immemorial,

Consider these rights for a moment and ask yourself 'are they very different to the rights already enjoyed by white Australians ?'.

I put to you the proposition, that other than the unique '**collective**' nature of Indigenous rights, these rights are not very different from the rights already accessed by mainstream Australians.

Many of these Indigenous rights are already contained as general education rights within other international provisions such as:

Article 26 UDHR - United Nations Declaration of Human Rights 1948

Article 13 ICESCR - International Convention on Educational Social and Cultural Rights - 1966

Article 28 (1) CROC - International Convention on the Rights of the Child 1989

Article 26 ILO (ILO - International Labor Organization proposed 1990) Convention No 169 provides that:

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels at least on an equal footing with the rest of the national community.

Right to establish educational institutions is also articulated in:

Articles 13(3) and (4) ICESCR:

which recognize the right of private entities to establish educational institutions and the right of parents to send their children to such institutions, provided that such institutions conform with minimum standards laid down by the State.

Article 29(2) CROC

guarantees the right of private entities to establish educational institutions, again subject to the condition that they conform to such minimum standards as may be laid down by the State.

Article 27(3) ILO Convention No 169 states:

Governments shall recognize the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples.

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels at least on an equal footing with the rest of the national community.

Having looked at the articulation of Indigenous Rights by Indigenous peoples, let us now look at the situation here in Australia.

All these international instruments have been ratified by Australia. accept the ILO Convention 169

CURRENT LAW AND PRACTICE in Australia includes:

The Aboriginal Education (Supplementary Assistance) Act 1989 (Cth) has the following objects:

- to increase Aboriginal involvement in educational decisions;
- to ensure equal access to education;
- to ensure equity of participation by Aboriginal people in education;
- to achieve equitable and appropriate educational outcomes for Aboriginal people.

This Parliamentary Act is the implementation of the National Aboriginal and Torres Strait Islander Education Policy (NATSIEP), which was endorsed by the Commonwealth and all State and Territory Governments and came into operation ten years ago, on 1 st January 1990.

The Joint Policy sets out 21 Goals (see appendix) for Aboriginal and Torres Strait Islander pre-school, primary, secondary, post-compulsory secondary, technical, further and higher education, in accordance with four main themes previously mentioned.

- involvement of Aboriginal people in educational decision-making;
- equality of access to educational services;
- equity of educational participation;
- equitable and appropriate educational outcomes.

Within this framework, governments have developed specific Aboriginal and Torres Strait Islander education **programs to supplement and support mainstream educational activities.**

At the May 1995 meeting of the Ministerial Council for Education, Employment, Training and Youth Affairs Taskforce (MCEETYA), all Australian Governments reaffirmed their commitment to the NATSIEP, including the need to accelerate progress towards the goal of achieving Indigenous education equity. MCEETYA also went on to refocus the 21 Goals on literacy and numeracy outcomes.

The late 1990s has seen 'benchmarking' introduced by the Commonwealth Government but with the government rather than the community setting the benchmarks it will be ineffective.

In 1993 the Commonwealth commissioned a National Review of Education for Aboriginal and Torres Strait Islander Peoples. The recommendations of the Review include:

- that bodies developing indigenous education policy and/or providing Indigenous educational services base their work on the principle of self-determination in education, that is "putting the authority to make decisions in the hands of Aboriginal peoples and Torres Strait Islanders";
- the establishment of an independent national Indigenous body to determine national policy in relation to Indigenous education and to oversee the NATSIEP;
- the establishment of an independent national Indigenous clearing house to collect and disseminate resources on teaching indigenous students, incorporating indigenous perspectives into curricula, best practice in educational service delivery etc;
- continuation of the development of new technologies to deliver education services to people in remote areas for whom access to relevant education services is not yet available;
- development of courses of study which allow students to undertake study in an Indigenous language in primary/and or secondary school;
- introduction of mandatory courses to improve non-indigenous Australians' understanding of Indigenous cultures at all levels of education.

(In 1996, with a change to a conservative government that seems to have confused equity with sameness of service, many of these recommendations go unheeded and unimplemented.)

Other national Indigenous reports that make reference to education include:

- The Royal Commission into Aboriginal Deaths in Custody (1991) that makes eleven education recommendations (out of 339 total recommendations):

In relation to education, one of the most significant findings of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) was that most of the people who had died, received little or no education. Most therefore had poor levels of literacy.

The RCIADIC also indicated that if a child was failed by the education system in early childhood chances are our children will fail all the way through - setting them up for unemployment and trouble with the law!

It is amazing that the path to a life of disadvantage can be established so early - before a child even reaches 7 or 8 years of age !

- and the Bringing Them Home Report" '(The Bringing Them Home Report' on the Inquiry into the Forcible Removal of Aboriginal and Torres Strait Islander Children was release by the Human Rights and Equal Opportunity Commission in 1997) which recommends that:

8a. That State and Territory governments ensure that primary and secondary school curricula include substantial compulsory modules on the history and continuing effects of forcible removal (of Aboriginal and Torres Strait Islander Children from Their Families).

8b. That the Australia Institute of Aboriginal and Torres Strait Islander Studies by funded by the Commonwealth to develop these modules.

So what happened ??????

All these Reports, Policies and Programs !!!

These are great WORDS - they say all the right things (sort of) - so why are we still experiencing such poor educational outcomes ?

I put it to you that the barriers to achieving social justice (including equitable educational outcomes) are:

- the lack of co-ordination at all levels of government and between governments (Commonwealth and State);
- the lack of realistic Commonwealth funding in the first place (to address the 'backlog' of disadvantage);
- the lack of real financial commitment by the States to meet Commonwealth 'Supplementary' funding on a quid pro quo" basis
- the lack of basic infrastructure (State and local government responsibility)"
- the lack of provision of culturally appropriate and sensitive government services
- the lack of political will to drive change at all levels and to ensure that government policies (developed in negotiation with Indigenous people/s) are fully implemented.

Let us look for a moment at **the lack of real financial commitment by the States to meet Commonwealth 'Supplementary ' funding on a quid pro quo basis'**. The result of this is that the 'supplementary' funding from the Commonwealth government is used by State Governments (and departments) to supply basic services instead of 'catch-up' services. States do not spend their own moneys providing (basic) services for Aboriginal children - all their activities including the employment of Aboriginal school-based staff and the development of inclusive curricula are funded from Commonwealth moneys.

Shouldn't being included in the syllabus be a basic citizenship service ?

It is no wonder that we never catch up!

This is repeated throughout all areas of Aboriginal Affairs in this country!

Another good example of this total inefficiency is the partial implementation NATSIEP Goal 21-

- To provide nll Australian students with an understanding of and respect for Aboriginal and Torres Strait Islander traditional and contemporary cultures.

An inventory of the condition of these facilities is urgently required.' The NT Report into Aboriginal Education states that if the chronic non-attenders did attended school the facilities would not cope

To achieve this goal - the Commonwealth Government allocates money to State Government through their Departments of Education. These are referred to as supplementary funds, however as I have previously stated, State and Territory Governments rarely contribute any of their own moneys or consider such obligations as their core business.

Equity appears to be an optional extra for government departments in these heady days of Economic Rationalism.

Departments of Education develop Aboriginal Studies courses but they are implemented in schools on a voluntary basis - as a rule - only schools with significant Aboriginal populations will e~ien consider offering the course to students and then these individual schools offer the course as an elective.

The end result is that the money has been wasted by developing a course that is only offered by a handful of schools and in those few schools only a fraction of the students take it as an elective.

The same foolishness is repeated in teacher education courses and so on and so onad nauseum!

For exactly the same amount of bungu (money) plus a little political will, we could have Indigenous Studies for an Australia students and Indigenous Education Training for all teachers.

No wonder nothing changes!

For a long time Indigenous people have known the answers to the issues around our educational disadvantage.

All of the statements and reports allude to these answers:

- Inclusive Curricula - all subjects should include Indigenous perspectives 1 l as well as compulsory Aboriginal (and Torres Sh·ait Islander) Studies)
- these modules should include such significant reports as the Bringing Them Home report and the RCIADIC)
- Wherever possible books and resources prepared and written by Indigenous Australians should be promoted along with other Indigenous resources.
- Aboriginal people with appropriate training, education and support employed at every level of the education systems- especially as teachers

- Aboriginal people should actively participate in all levels of educational decision making (this would include school based decisions such as developing behaviour management policies through to State and National decisions such as funding priorities);
- All Australians should be educated about their Indigenous cultures and heritage, including the an honest appraisal of Australian history, including an honest the study of racism;
- Aboriginal people should have ACCESS to education at all levels (pre school to tertiary);
- All teachers should undertake compulsory training in Indigenous Education to ensure they are familiar with cultural differences, racism, culturally appropriate teaching strategies (including behaviour management) and Indigenous (preferred) learning styles.

We will have our Human Rights recognized and achieve Social Justice in Education when these strategies, goals and policies are fully implemented and we achieve equitable educational outcomes (e.g. the same outcomes as all other Australians).

It should also be noted by Government that once we have achieved 'Equity', all these programs cannot be instantly dismantled without the risk of losing any of the gains we have made.

Unfortunately there is a long way between rhetoric and reality. All the policies, goals and strategies sound fine! - but if they are never fully implemented - the results are minimal.

It is not the policies that should be constantly reviewed but the implementation of these policies.

Social Justice can therefore become a struggle to ensure that policies developed with and by Indigenous people are fully implemented.

And I repeat, 'benchmarks' that record our progress towards equity must be set by the community and not the Government.

When you are criticizing policies for not working - look at the fine detail the implementation and you will usually find where it went wrong!

It is clear that western education system/s and methods have never changed to adequately address the needs and interests of Indigenous students or the multi-cultural society they supposedly serve.

There appears to be no political will for widespread reform within government service delivery in this country.

If our Australian society is to be a truly multi-cultural society - then surely government service delivery should cater for all members of this society. It clearly does not cater for Indigenous children.

Until our society embraces the principals alluded to in this paper, **Equity will remain the unfinished business of the twentieth century.**

In this context the so called drop-out rates, non-attendance and failures of Indigenous children (and indeed Indigenous peoples) within non-Indigenous education system/s should be viewed for what they really are - rejection rates !

Until this is truly taken on board by education systems - our children will continue to vote with their feet.

In concluding, I will now pass you onto my colleagues who will address in detail the reasons behind "Aboriginal Absenteeism in this country".

Thankyou.

APPENDIX

In 1989 the NAEP (National Aboriginal Education Policy later NATSIEP) identified 21 goals which have gone on to become the MCEETYA (Ministerial Council for Employment, Education, Training and Youth Affairs) priorities and are reflected in the finding of the RCIADIC and the Bringing Them Home report. These Goals alluded to the answers !

They are:

1. To establish effective arrangement for the particular of Aboriginal and Torres Strait Islander parents and community members in decisions regarding the planning, delivery and evaluation of pre-school, primary and secondary education services for their children.
2. To increase the number of Aboriginal and Torres Strait Islander people employed as educational administrators, teachers, curriculum advisers, teacher assistants, home-school liaison officers and other education workers, including community people engaged in teaching of Aboriginal and Torres Strait Islander culture, history and contemporary society, and Aboriginal and Torres Strait Islander languages.
3. To establish effective arrangements for the participation of Aboriginal and Torres Strait Islander students and community members in decisions regarding the planning, delivery and evaluation of post-school education services, including technical and further education colleges and higher education institutions.
4. To increasing the number of Aboriginal and Torres Strait Islander people(s) employed as administrators, teachers, researchers and student services officers at TAFE colleges and higher education institutions.
5. To provide education and training services to develop the skills of Aboriginal and Torres Strait Islander people(s) to participate in educational decision making.
6. To develop arrangements for the provision of independent advice from Aboriginal and Torres Strait Islander communities regarding educational decisions at State, Territory and National levels.
7. To ensure that Aboriginal and Torres Strait Islander children of pre-primary age have access to pre-school services on a basis comparable to that available to other Australian children of the same age.
8. To ensure that all Aboriginal and Torres Strait Islander children have access to primary and secondary schooling.
9. To ensure equitable access of Aboriginal and Torres Strait Islander peoples to post-compulsory secondary schooling, to technical and further education, and to higher education.

10. To achieve the participation of Aboriginal and Torres Strait Islander children in pre-school education for a period similar to that for all Australian children.
11. To achieve the participation of all Aboriginal and Torres Strait Islander children in compulsory schooling.
12. To achieve the participation of Aboriginal and Torres Strait islander peoples in post-compulsory secondary education, in technical and further education, and in higher education, at rates commensurate with those of all Australians in those sectors.
13. To provide adequate preparation of Aboriginal and Torres Strait Islander children through pre-school education for the schooling years ahead.
14. To enable Aboriginal and Torres Strait islander students to attain skills to the same standard as other Australian students throughout the compulsory schooling years.
15. To enable Aboriginal and Torres Strait Islander students to attain the successful completion of Year 12 or equivalent at the same rates as for other Australian students.
16. To enable Aboriginal and Torres Strait Islander students to attain the same graduation rates from award courses in technical and further education, and in higher education, as for other Australians.
17. To develop programs to support the maintenance and continued use of Aboriginal and Torres Strait Islander languages.
18. To provide community education services which enable Aboriginal and Torres Strait islander peoples to develop the skills to manage the development of their communities.
19. To enable the attainment of proficiency in English language and numeracy competencies by Aboriginal and Torres Strait Islander adults with limited or no educational experience.
20. To enable Aboriginal and Torres Strait Islander students at all levels of education to have an appreciation of their history, cultures and identity.
21. To provide all Australian students with an understanding of and respect for Aboriginal and Torres Strait Islander traditional and contemporary cultures.