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”Indigenous sovereignty-never ceded”:  
sovereignty, nationhood and whiteness in  
Australia

Angela M. Pratt  
University of Wollongong

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## Chapter Seven: Conclusions

[W]e need to engage society as a whole in an argument about justice that will bring about real changes in political practice. We need to convince others to join us in challenging the state's oppression of indigenous peoples. This will require a broad-based intellectual and political movement away from prevailing beliefs and structures. All actions in this effort ... must be inspired and guided by four principles. First, undermine the intellectual premises of colonialism. Second, act on the moral imperative for change. Third, do not cooperate with colonialism. Fourth and last, resist further injustice. Decolonization will be achieved by hard work and sacrifice based on these principles (Alfred 1999: 145).

### **Whiteness, nationhood, sovereignty, and legitimacy**

This thesis began with the story of Burnum Burnum's proclamation in January 1988 of Australian Indigenous peoples' sovereignty over the United Kingdom, an event that raises a series of important questions. Why has Indigenous peoples' sovereignty over the continent now known as Australia never been recognised? Why are Indigenous peoples' assertions of their inherent and original sovereignty, and their demands for it to be recognised, not taken seriously by White people and White political and legal institutions? And, given the injustices upon which the Australian state's claim to sovereignty over the continent was founded and continues to be maintained, what makes this claim to sovereignty legitimate? This thesis has addressed these questions by exploring the relationship between Whiteness, sovereignty, and nationhood as it is manifested in White responses to Indigenous peoples' assertions of sovereignty in Australia. By including a comparative analysis of how this relationship is played out in Canada, the thesis has also shown how the arguments made herein may apply elsewhere.

In summary, the central arguments of this thesis are as follows. First, because of the unjust foundations on which the Australian claim to sovereignty is based – that is, the idea of *terra nullius* – there are unresolved questions about the legitimacy of White claims to sovereignty over the continent now known as Australia. Indigenous peoples' assertions of their sovereignty should be read as attempts to resolve these questions.

Second, White people and White legal and political institutions strongly resist Indigenous peoples' assertions of sovereignty. This is because Indigenous assertions of sovereignty challenge White claims to legitimate sovereign authority. They also challenge the constructions of nationhood through which White claims to sovereignty are maintained. Dominant constructions of nationhood underpin laws and institutions and also create a collective sense of *being*, or belonging, in a society. This explains why dominant constructions of nationhood are so vehemently and, at times, even violently defended – because challenges to them equate to challenges to a nation's sense of itself.

Third, White people and institutions have a series of strategies and tools at their disposal, which they use to defend dominant constructions of nationhood and to dispel challenges to these constructions in the form of Indigenous peoples' assertions of sovereignty. The strategies include the marginalisation, silencing, making invisible, and ignoring both of Indigenous peoples' demands for the recognition of sovereignty and also of the Indigenous people who make these demands. The tools include a series of discursive practices that variously (and at times simultaneously) construct Indigenous people who argue for the recognition of their sovereignty as delinquent, disorderly, and "inauthentic." These discursive tools construct Indigenous demands for the recognition of sovereignty as naïve, foolish, and/or absurd. This discursive toolkit also includes legal discourses such as the "act of state" doctrine discussed in Chapter Four. Using Frankenberg's idea of the "discursive repertoire of Whiteness," the thesis has demonstrated the continuities in White discursive strategies and tools across time, place, and political spectrum.

Fourth, although nationhood can be thought of as the sphere in which contests over sovereignty and legitimacy are played out, hegemonic Whiteness is the central problem that must be examined if the issues plaguing relations between Indigenous and White peoples are to be resolved. The idea of "hegemonic Whiteness," as I have developed it in this thesis, encapsulates the way Whiteness functions as dominant subject position, source of power and privilege, and "invisible, omnipresent norm" in Australian society (Moreton-Robinson 2000b: xix). Hegemonic Whiteness is the central problem, because it gives shape to dominant constructions of nationhood and lends the appearance of legitimacy to White claims to sovereignty. The institutionalisation of

hegemonic Whiteness also means that White approaches to the management of Indigenous–White relations are geared toward the protection of White power and privilege.

### **Theorising the relinquishment of power**

In the epigraph to this chapter, Taiaiake Alfred argues that “we need to engage society as a whole in an argument about justice that will bring about real changes in political practice ... [and challenge] the state’s oppression of indigenous peoples” (1999: 145). In the passage of Alfred’s work from which I quote, the “we” refers to the Indigenous peoples of Canada. Here I wish to suggest some ways in which Alfred’s ideas correlate with my idea of an “ethics of engagement,” because I suggest that non-Indigenous activists and scholars interested in justice would also do well to heed Alfred’s call to action. Alfred argues that there are four key principles that should underpin the struggle toward justice and decolonisation. First, undermine the “intellectual premises of colonialism”; second, act on the “moral imperative for change”; third, do not cooperate with colonialism; and, fourth, resist “further injustice” (Alfred 1999: 145). These principles have much in common with Aileen Moreton-Robinson’s insistence that, if White scholars wish to aid in transforming the practices and structures that perpetuate Indigenous peoples’ oppression, we must begin by theorising the relinquishment of our own power and privilege (2000b: 186).

In demonstrating how hegemonic Whiteness and the institutionalisation of White power and privilege prevent the recognition of Indigenous sovereignty, this thesis has shown how the interrogation and critique of hegemonic Whiteness is fundamental to the transformation in practices and structures for which Moreton-Robinson calls. In response to Moreton-Robinson’s challenge to theorise relinquishing power, this thesis has developed the idea of an “ethics of engagement.” Because of unresolved questions about the legitimacy of our occupation of this continent, I argue that White people have an *ethical obligation to engage with* Indigenous peoples’ assertions of their inherent and originary sovereignty and their demands for its recognition. That is, as Alfred suggests, there is a compelling *moral* case for change. Engaging with Indigenous assertions of sovereignty in a meaningful and honest way, however, necessitates fundamentally rethinking the political, legal, theoretical, and conceptual frameworks

in which Indigenous–White relations are currently played out. In Alfred’s words, this means undermining the intellectual foundations of colonialism (1999: 145). This thesis has shown that it is only through rethinking and reordering existing frameworks that White power and privilege will be dismantled and justice to Indigenous peoples’ demands for recognition be done. This thesis has also demonstrated how important it is that White people interrogate our own complicity in maintaining structures and frameworks that preserve White power and privilege, which perpetuates Indigenous peoples’ racial oppression. In Alfred’s schema, this is equivalent to not cooperating with colonialism and resisting further injustice (1999: 145).

In the context of an “ethics of engagement,” Indigenous peoples’ assertions of sovereignty can be read as attempts to begin a dialogue with White people about unresolved questions of sovereignty, legitimacy, and (in)justice. White refusals to listen to, and engage with, Indigenous peoples’ demands for the recognition of their sovereignty represent a refusal to take part in the conversation about sovereignty and legitimacy demanded by our ethical obligations to Indigenous peoples. This thesis has presented a series of examples in which White people have failed to grasp the opportunity to engage with Indigenous assertions of sovereignty. These examples represent significant missed opportunities to commence dialogue with Indigenous peoples about issues of sovereignty and legitimacy. The examples I have discussed here are by no means the only instances of sovereignty being asserted by Indigenous people in Australia: this thesis is not a comprehensive chronicle of the struggle for the recognition of Indigenous sovereignty. These examples demonstrate, however, that, if White people are serious about “resisting further injustice,” we must stop missing opportunities such as the ones I have outlined in this thesis. But, at the same time, missed opportunities are not necessarily lost opportunities: it is not too late for White scholars, for example, to engage with the assertions of Indigenous sovereignty that I have discussed here, as well as with others that I have not had the space or scope to consider. That is, although it is important to avoid missing similar opportunities in the future, it is also important that we do not sit on our hands and wait until the next time an Indigenous person or group makes yet another assertion of their sovereignty. The work of undoing White power and privilege, and thus racial oppression, must start sooner than when that next time might be. Furthermore, this work should not have to

be always prompted by Indigenous people: the work of undoing White power and privilege must start with us.

### **Struggles “for and of freedom”<sup>162</sup>**

As I recalled above, this thesis began by telling the story of Burnum Burnum’s proclamation of Indigenous peoples’ sovereignty over the United Kingdom. I wish to end the thesis with another story, which helps to illustrate why I think it is fundamentally important that we grapple with the questions raised by Burnum’s proclamation of Indigenous sovereignty.

It is December 2000, and Isabel Coe yet again finds herself fronting up to court, this time over charges of trespass in relation to the Aboriginal Tent Embassy’s occupation of Cockatoo Island in Sydney Harbour. The NSW government has repeatedly issued warnings to Coe and the other Embassy activists who have been occupying the island, asking them to leave. Coe has repeatedly ignored these warnings, because, she argues, the NSW government has no legitimate jurisdiction over the land in question. That jurisdiction, she says, is with the sovereign Aboriginal owners of the lands and waters of Australia (*Sydney Morning Herald*, 23 December 2000: 4). As the sign hanging on the Tent Embassy’s permanent site in Canberra reminds us, Indigenous peoples’ sovereignty over the continent of Australia has never been ceded. I vividly recall seeing Coe on the television news that evening, being interviewed by members of the media on the steps of the NSW Supreme Court, draped in the Aboriginal flag. Coe was asked by a journalist what exactly she was trying to achieve by occupying the island and resisting efforts to be removed from it. Coe smiled, paused, and replied in a single word that speaks to the heart of the struggle for the recognition of Indigenous sovereignty (as I understand it) – “freedom.”

I have not taken up the idea of freedom in this thesis until now, because Indigenous sovereignty *per se*, and Indigenous peoples’ aims when they make demands for its recognition, have not been my concern. My task has been to offer an account of the logic of White peoples’ refusals to engage with the issue of Indigenous sovereignty. I

wish to conclude with the idea of freedom, however, because, to my mind, it summarises the fundamental importance of this task. Tully argues that Indigenous peoples' struggles for recognition are struggles "for and of freedom" (2000). By *struggles for freedom*, Tully means the struggles of Indigenous peoples "against the structure[s] of domination as a whole and for the sake of their freedom as peoples" (2000: 50). By *struggles of freedom*, he means the acts of resistance that are geared toward modifying the system of colonisation "from within" (Tully 2000: 58). These are *struggles of freedom* because, according to Tully, they entail practices of "protecting, recovering, gathering together, keeping, revitalising, teaching and adapting entire forms of indigenous life that were nearly destroyed" (2000: 59). These are everyday practices of Indigenous culture and nationhood, which are aimed at keeping "indigenous ways of being in the world alive" (Tully 2000: 42).

As such, struggles for the recognition of Indigenous sovereignty can also be seen as struggles for, and of, freedom: they are struggles for freedom as people, but they are also everyday efforts to be free of the oppressive structures and practices of colonisation. This thesis has argued that White people have an ethical obligation to acknowledge and recognise Indigenous peoples' inherent and originary sovereignty and thus to engage with Indigenous peoples' struggles for and of freedom. The freedom for which Indigenous peoples must struggle is the freedom that White people already enjoy (Tully 2000: 59). It is also freedom that we can, and do, continually take for granted. This is what White race privilege means. But our freedom is based on, and therefore comes to us at the expense of, Indigenous peoples' freedom. This is why White people need to act to bring our own power and privilege undone.

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<sup>162</sup> The phrase "struggles for and of freedom" comes from Tully's article of the same name (2000).