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

Angela M. Pratt
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**“INDIGENOUS SOVEREIGNTY –
NEVER CEDED”:
SOVEREIGNTY, NATIONHOOD AND
WHITENESS IN AUSTRALIA**

**A thesis submitted in fulfilment of the
requirements for the award of the degree**

DOCTOR OF PHILOSOPHY

from

University of Wollongong

by

Angela Maree Pratt, BA (Hons)

Faculty of Arts

2003

Certification

I, Angela Maree Pratt, declare that this thesis, submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the Faculty of Arts, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

A handwritten signature in black ink, appearing to read 'Angela Maree Pratt', with a long horizontal flourish extending to the right.

Angela Maree Pratt

27 February 2003

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List of Abbreviations

AFN – Assembly of First Nations
AIATSIS – Australian Institute of Aboriginal and Torres Strait Islander Studies
ALP – Australian Labor Party
APG – Aboriginal Provisional Government
ATC – Aboriginal Treaty Committee
ATSIC – Aboriginal & Torres Strait Islander Commission
BC – British Columbia (Canada)
BCTC – British Columbia Treaty Commission
DAA – Department of Aboriginal Affairs
FNS – First Nations Summit
FNTNA – First Nations Treaty Negotiations Alliance
NAC – National Aboriginal Conference
NACC – National Aboriginal Consultative Committee
NFA – Nisga’a Final Agreement
NIWG – National Indigenous Working Group on Native Title
NSW – New South Wales (Australia)
NTA – Native Title Act
RCIADIC – Royal Commission into Aboriginal Deaths in Custody
TAC – Tasmanian Aboriginal Centre
TUCAR – (NSW) Trade Union Committee on Aboriginal Rights
UBCIC – Union of British Columbia Indian Chiefs

Abstract

This thesis examines the connections between Whiteness, sovereignty, and nationhood in Australia in relation to the issue of Indigenous peoples' sovereignty. The thesis has two basic premises. The first is that, before White people arrived in the 1770s, Indigenous peoples exercised sovereignty over the continent now known as Australia. The second premise is that their sovereignty has never been ceded. Recognition of Indigenous sovereignty raises fundamental and unresolved questions about the legitimacy of non-Indigenous people's occupation of the continent and claims to sovereignty over it, because these claims are based on the mistaken belief that this place was *terra nullius* before non-Indigenous people arrived. Accordingly, in this thesis, the issue of legitimacy is central to the analysis of sovereignty and of White responses to assertions of Indigenous sovereignty. The thesis argues that understanding the relationship between Whiteness (understood as the hegemonic norm and thus as the source of power and privilege in Australian society) and dominant conceptualisations of sovereignty and nationhood is central to understanding why issues of sovereignty and legitimacy remain unresolved and substantially unaddressed. The theoretical framework employed draws on recent critical literature on Whiteness and theoretical work on hegemony to critique dominant conceptualisations of sovereignty and the discourses of nationhood on which these conceptualisations are based.

The thesis examines the relationship between sovereignty, nationhood, and Whiteness by analysing the ways in which non-Indigenous responses to Indigenous peoples' assertions of their inherent sovereignty are mediated by Whiteness and by dominant conceptualisations of sovereignty and nationhood. Specifically, the thesis examines White responses to the demands for recognition of Indigenous sovereignty that have been made by the Aboriginal Tent Embassy, situated on the lawns outside Canberra's Parliament House, since 1972. The thesis also analyses the High Court of Australia's judgments in *Coe v. Commonwealth* (1979) and *Coe v. Commonwealth and NSW* (1993), in which Paul Coe and his sister Isabel sought to have Indigenous

peoples' sovereignty recognised by the Australian judicial system. It goes on to examine the Australian government's response to the Barunga Statement, presented to then Prime Minister Hawke in 1988. This statement called on the Australian Parliament to negotiate with Indigenous people a treaty that recognised Indigenous peoples' sovereignty. The thesis further scrutinises White responses to the assertions of Indigenous sovereignty made by the Aboriginal Provisional Government (APG) since 1990 – in particular, it considers responses to the model for the recognition of Indigenous sovereignty that the APG has proposed. Finally, the thesis contains a comparative analysis of sovereignty, nationhood, and Whiteness as it is played out in the treaty-making process currently underway in the Canadian province of British Columbia (BC). This comparative analysis demonstrates that, despite the apparent promise of the BC process as a potential alternative to the processes in which Indigenous–non-Indigenous relations are currently framed in Australia, the BC process is more limited and conservative than its proponents suggest. Subsequently, this analysis shows how the conclusions the thesis draws about the relationship between sovereignty, nationhood, and Whiteness are applicable beyond the Australian context.

The thesis reveals that, in White responses to Indigenous peoples' assertions of their sovereignty, there are various tools and strategies that function to marginalise, silence, ignore, and/or make invisible Indigenous people and groups who argue that their inherent sovereignty should be recognised by White people. Consequently, these tools and strategies work to reinforce Whiteness as the hegemonic norm in Australian society and to preserve the White race privilege that hegemonic Whiteness itself maintains. Accordingly, the thesis demonstrates that, if we are to come to terms with the important questions about sovereignty and legitimacy raised by Indigenous peoples' never-ceded sovereignty, we must interrogate and undo White race privilege. In turn, this requires a critique of and challenge to the conceptualisations of sovereignty and nationhood upon which White race privilege depends.

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