

RIGHTS, REPRESENTATION AND RESISTANCE: ABORIGINAL POLITICS IN

AUSTRALIA

by

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(Under the Direction of Daniel Hill)

ABSTRACT

How are Aboriginal rights and representation negotiated and contested in Australia? Recent scholarship on Aboriginal rights in Australia demonstrates persistent inequalities and low human rights enjoyment. Aboriginal representation in Australia remains contentious as domestic struggles for recognition of Aboriginal sovereignty continues. There is a considerable gap in understanding how Indigenous rights and representation are contested and achieved in liberal democracies. Within the broader literature on political representation, studies exploring Indigenous representation are limited. Thus, with this project, I explore three levels of Aboriginal political representation by asking: How well does Australia comply with international law regarding violence against Aboriginal women? How do Aboriginal legislators use their influence to advance Aboriginal rights claims within domestic political institutions? And how are Aboriginal rights claims articulated outside of formal political institutions through artwork? I explore these questions through a case study analysis of Aboriginal representation in Australia both internationally and domestically across three actors: the state, Aboriginal MPs, and Aboriginal artists. Demonstrating political representation is a dynamic, contested process including a variety of actors, approaches, and goals. I argue that settler colonial democracies have an interest in the obfuscation of Indigenous rights, making rights achievements through international human rights

mechanisms limited at best. I find Aboriginal rights and substantive representation are best advanced domestically by Aboriginal people both inside and outside of formal political institutions through a prioritization of Aboriginal experiences, and advocacy for greater rights and representation.

INDEX WORDS: Aboriginal, Indigenous, human rights, descriptive representation, substantive representation, aesthetic, visual, resistance

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DEDICATION

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CHAPTER 1

INTRODUCTION

Setting the Scene

Indigenous rights treaties and human rights treaties have articulated steps toward greater Indigenous recognition and equality (Robbins 2010; Berg-Nordlie, Saglie, and Sullivan 2016). Despite international protection for Indigenous rights, individual states respond differently to Indigenous demands. While Indigenous experiences vary depending on the history of their nations, there are many shared experiences and commonalities amongst Indigenous people. Formal political representation also varies depending on the state, for example, some states like New Zealand have separate institutions for Indigenous representation such as designated seats or political parties while other states like Australia do not, leading to varying levels of Indigenous rights enjoyment and representation (Berg-Nordlie, Saglie, and Sullivan 2016). Generally, Indigenous representation in settler colonial states remains contentious and negotiated. While Indigenous rights are internationally recognized, states are responsible for the implementation of policies affecting Indigenous people. Unlike many other settler colonial states, Australia does not have a national treaty with its Indigenous people. There is no Aboriginal political party or designated Indigenous seats, contributing to the lack of Aboriginal people's political and legal status within the nation (Robbins 2010). Australia has ratified most international human rights treaties and the Universal Declaration of Indigenous Rights (UNDRIP), yet Aboriginal Australians lag behind non-Aboriginal Australians on almost all human rights indicators, particularly lower life expectancy, higher rates of arrest, incarceration, violence, unemployment, and lower income than non-Indigenous Australians (Marks 2002; Behrendt 2020; Davis 2015; Franzoni and Pogge

2005; Gover 2015; Haebich 2011; Evatt 2001). Additional research is needed to understand how Indigenous groups assert their rights claims and how states represent these claims (Berg-Nordlie, Saglie, and Sullivan 2016). As a result, this dissertation examines how Aboriginal rights in Australia are represented across three separate actors: the state, Aboriginal Members of Parliament (MPs), and Aboriginal artists. The diversity of these three actors demonstrates political representation internationally, domestically, and through everyday politics, highlighting similar grievances yet different approaches to achieving Aboriginal equality. The goal of this research is descriptive and examines connections between representation across three levels, taking an interdisciplinary approach over a traditional political science approach.

A large body of research suggests human rights protections are highest in wealthy democracies where human rights values and norms align with democratic values and state capacity is robust (Davenport 2007; Carraro 2019; Simmons 1998; Zwingel 2005). Yet in liberal democracies with relatively good human rights records like Australia, Canada, the United States, and New Zealand, Indigenous disadvantage remains persistent, widespread, and understudied. Indigenous human rights inequalities in these countries have defied national policy initiatives to close the socioeconomic and human rights disparity gaps between Indigenous and non-Indigenous people (Maru, Fletcher, and Chewings 2012; Cronin 2017; Davis 2015; Haebich 2011; Hunter and Biddle 2012; Strakosch 2019). However few studies have examined the variation in human rights enjoyment amongst different groups of people in democracies. In particular, Australia has one of the most pronounced disparities between Indigenous and non-Indigenous human rights enjoyment relative to other liberal democracies. While the Human Development Index (HDI) ranking gaps between Indigenous and non-Indigenous people have decreased from 1990-2000 in the United States, Canada, and New Zealand; Australia stands out for its lack of progress in these indicators.

In fact, the gap between Indigenous and non-Indigenous HDI rankings in Australia have increased rather than decreased (Cooke et al. 2007; Maru, Fletcher, and Chewings 2012). Settler colonies claim territorial sovereignty and have historically excluded Indigenous people from settler institutions. In doing so, settler colonial societies relegate Indigenous people to the margins of society socially, politically and economically, rendering Indigenous disadvantage a systemic issue that is resistant to change (Strakosch 2019; Saito 2020).

In the early 20th century, Australia's policies towards Aboriginal people were based on largely based on disenfranchisement and segregation. Aboriginal people were forcibly moved to missions and reserves, excluded from voting until 1962, and denied basic human rights. From the 1930s to the 1960s, state policies shifted from exclusion to assimilation as the government sought to eliminate Aboriginal language, culture, and customs. During this time Aboriginal children were forcibly removed from their families in what came to be known as the 'Stolen Generations', one of the most criticized components of assimilation (Cronin 2017; Hunter and Biddle 2012; Broome 2010). The actions taken by the Australian government fit into the legal definition of genocide which includes 'intent to destroy, in whole or in part, a national, ethnical, racial or religious group, through killing, causing bodily or mental harm, preventing births, seeking to destroy the group, and forcibly transferring children from the group (Markus 2020). From the 1970s onwards, government policies shifted towards self-determination and reconciliation. The Aboriginal Tent Embassy in 1972 emerged as a site of Aboriginal resistance to advocate for land rights and Aboriginal rights more broadly. During this time Aboriginal land rights gained greater recognition as state governments introduced their own laws, notably the 1976 Aboriginal Land Rights Act for the Northern Territory. Further, the 'terra nullius' doctrine was overturned in the Mabo 1992 decision asserting Aboriginal people's right to their land. In the 2000s, steps towards reconciliation

began in response to calls for reparations and Aboriginal equality (Broome 2010; Pascoe 2019). In 2008 the Prime Minister issued a national apology to the Stolen Generations, and the government initiative ‘Closing the Gap’ Strategy emerged to reduce inequalities between Aboriginal and non-Aboriginal Australians (Haebich 2011; Davis 2015; Dick 2001). These actions however have been criticized as symbolic with little policy change or redress. In 2017, the Uluru Statement of the Heart outlined a process for constitutional recognition, truth-telling and treaty making. The proposal was rejected, leading to more questions surrounding what Aboriginal sovereignty, self-determination and representation looks like, and how it can be achieved in Australia.

Many questions remain, notably, why does Aboriginal disadvantage persist despite Australia’s economic prosperity and democratic status? In response to persistent inequality, how do Aboriginal people advance their rights claims through formal and informal political institutions? This project investigates human rights enjoyment and political representation over three empirical chapters on political representation through international human rights treaty compliance, Aboriginal speeches in the legislature, and political resistance through Aboriginal artwork. This project seeks to understand *why* Aboriginal human rights disadvantages persist by examining *how* Aboriginal rights and representation are articulated, negotiated and contested internationally and domestically. I argue first, enjoyment of rights is not uniform across people, rather states discriminate and oppress particular groups of people, even in liberal democracies. While democracies are generally more compliant with human rights law, human rights are protected unevenly. Compliance in part depends on whose rights are being defended, and in the case of Indigenous women and Indigenous people at large in settler colonial states, these rights are often obfuscated. Second, in terms of descriptive and substantive representation of Aboriginal

issues, I find the majority of Aboriginal MPs are dedicated to advancing Aboriginal rights and equality although they demonstrate a diversity of approaches and priorities to achieving greater Aboriginal equality. Third, I argue everyday politics and resistance through Aboriginal artwork are important tools for political communication and Aboriginal self-representation. The discourses within Aboriginal artwork represent the diversity of Aboriginal people and are an important inclusion into the discourse on Aboriginal rights especially in the absence of lacking formal political representation. There is a large amount of overlap between the priorities of Aboriginal legislators and Aboriginal artists. Both actors articulate similar goals for sovereignty and government accountability among other priorities. These goals differ from the top down priorities of the CEDAW committee, and I assert offer more substantive representations on Aboriginal political goals and grievances.

Study One

Violence against Indigenous women occurs at alarmingly high rates worldwide and is one of the most prevalent ongoing human rights abuses globally (Buxton-Namisnyk 2014; Karageorgos et al. 2024; Larsen 2004; Simonovic, UN. Human Rights Council. Special Rapporteur on Violence against Women and Girls, and Secretariat 2018). In national contexts like Australia, these injustices are routinely under investigated. When national contexts fail to address violence, how does international law influence protection for Indigenous women? Recently, this body of literature has shifted to examine the effects of specific treaties on human rights enjoyment indicators and finds the relationship between the Convention on the Elimination of Discrimination Against Women (CEDAW) and improvement of women's rights to have a small, positive relationship. However, existing research does not capture variation in women's rights enjoyment,

nor does it theorize the systemic and structural barriers Indigenous women often experience to rights enjoyment. I move the literature forward in this chapter by measuring state compliance with recommendations to reduce violence against Indigenous women. Evidence on compliance has rarely considered the differing impact of human rights treaties on different groups of people, particularly minority groups who have a long history of experiencing human rights abuses from state authorities. Scholarship on compliance has focused more on treaty specific studies and assumed rights enjoyment is homogenous among all people, an assumption this chapter challenges. Broadly, political science research finds strong domestic civil societies advance human rights through the authority and opportunities international human rights law provides and find a strong relationship between democracies and the enjoyment of human rights. Human rights violators are often attributed to regime type or lack of capacity, both of which do fit into the context of Australia as a wealthy democracy (Carraro 2019; Cole 2015; Comstock 2021; 2023; Goodman and Jinks 2003; D. W. Hill 2010; Marks 2002). In light of Australia's poor performance on the rights of Indigenous women, this chapter questions the progress made internationally on combatting violence against Indigenous women in Australia. I find ultimately, human rights treaties may only be partially effective in addressing Indigenous inequality based largely on state insincerity to redress Indigenous inequality, and the lack of enforcement mechanisms behind international human rights treaties.

Study Two

Existing research finds strong civil society and domestic implementation are the main vehicles for greater treaty compliance and enjoyment of human rights. Domestic implementation of human rights however can include a diverse set of approaches and mechanisms. In this study I interpret

political representation as an important contributor to the domestic implementation of human rights in Australia as domestic policy is an important point of interaction between Indigenous people and the settler state (Strakosch 2019). Whether and how Indigenous people should be recognized through constitutional recognition or alternative forms of representation has been a long term concern in Australia (de Costa 2015). Several human rights treaties and declarations such as ICCPR, CEDAW, UNDRIP etc. enshrine political representation and participation as important parts of democratic inclusion. In the context of Australia, historical exclusion has led to an underrepresentation of Aboriginal people and constituents in the national parliament. Research on minority representation in parliament argues the inclusion of diverse voices in governance are essential for democratic legitimacy (A. Phillips 1998). In the context of Australia, Aboriginal political representation remains deeply contested and negotiated. Australia is the only commonwealth country that does not have a treaty with Aboriginal people. Further, there is no Aboriginal political party in Australia, and the 2023 Voice referendum supported by many Aboriginal MPs and community was rejected. In recent years increased descriptive representation of Aboriginal MPs has led to their inclusion as key political actors with a diverse set of political interests. This study focuses on Aboriginal political representation by asking: How do Aboriginal legislators advocate for Aboriginal rights and representation within parliament? A central puzzle in political representation literature examines whether descriptive representation leads to substantive representation (Beckwith 2007; Childs and Krook 2009; Dahlerup 2006a; Dovi 2018; Garboni 2015; Hayes and Hibbing 2017; Mansbridge 1999). A large body of research examines the relationship between descriptive and substantive representation specifically for women and for ethnic minorities, however few studies examine the representation of minority MPs through their own words (Mügge and Runderkamp 2024). Substantive representation is typically measured

through legislation or bills passed; however, I argue this creates an incomplete picture of substantive representation as MPs can be constrained by a variety of factors: political parties, identity, institutions, seniority etc., that can and do influence their votes on legislation or lack thereof. Further, ethnic minority MPs may experience even more constraints as minority members are operating within institutions that have previously excluded their participation and maintained their marginalization (Mügge and Runderkamp 2024; Rosenthal 2019; Sobolewska, McKee, and Campbell 2018; Cook 2008). As a result, this study examines the intent, signaling and perspectives of MPs to situate their perspectives into the wider context of the challenges and merits of political representation for minority groups.

Study Three

Aboriginal MP's policy goals and preferences largely demonstrate common concerns for greater Aboriginal representation and social justice. At times, MPs have very different ideas about what representation for Aboriginal people should look like and how this could be achieved within settler colonial institutions. While focusing on Aboriginal MPs within formal political institutions is important, Aboriginal representation is also exercised outside of formal political institutions by activists, artists and everyday people. Researchers have critiqued the current Australian policy system as unable to address Aboriginal disadvantage and set up to maintain a denial of Indigenous sovereignty (Strakosch 2019). Aboriginal MPs are not the only agents seeking to advance Aboriginal rights, Aboriginal activism is diverse and multifaceted, in particular, contemporary Aboriginal art engages in political discourse and resistance outside of formal political institutions. This chapter investigates artwork as a form of political representation by asking: How are Aboriginal rights claims articulated outside of formal political institutions through artwork?

Research on art and social movements find art can express explicit political dissent, directly reference social issues, critique the state, and advance counter narratives to dominant discourses (Mesch 2009; Bogerts 2022; Martineau 2015; Ryan 2016; Scott 1985; Watts 2016). In cases of oppression, resistance is often covert by necessity and as a result, minority resistance often takes the form of theater, song, dance and art to communicate social and political interests (Scott 1985; Milbrandt 2010). Aboriginal art stories creatively articulate cultural sovereignty, autonomy, survival, and resistance to dominant colonial and patriarchal narratives. This trend in contemporary artwork is not new, historically, Indigenous people have used creative forms of expression like artwork, performance etc. as acts of resistance against colonial legacies and to simultaneously assert their rights as Indigenous people. Aboriginal art uniquely elevates excluded voices and simultaneously pursues political claims to sovereignty and self-determination which challenges the settler state's claims to unity and sovereignty, therefore challenging the existence of the nation as a whole (Keal 2003; McLean 2011; 2016; Watts 2016).

Together, the three chapters examine three layers of representation by the state, Aboriginal politicians, and Aboriginal artists to demonstrate political representation is multi-dimensional, and no single actor can fully “represent” a diverse population. The self-representation of Aboriginal politicians and artists have similar themes surrounding concerns over sovereignty, Aboriginal deaths in custody, land rights, truth-telling and advocacy for Aboriginal equality. While there is a large overlap in the goals of Aboriginal legislators and artists, they pursue a variety of different approaches to convey their commitment to Aboriginal rights. Further, legislators and artists prioritize different areas of concern based on their experiences. I argue that the diversity of goals amongst legislators and artists are important contributors to Aboriginal political representation in Australia. Further, Aboriginal political representation can and should include a variety of

representations between top down and bottom-up approaches to account for the diversity of Aboriginal people.

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CHAPTER 2

INTERNATIONAL HUMAN RIGHTS: INDIGENEITY, VIOLENCE AND CEDAW¹

Introduction

Constance Watcho was a 36 year old Aboriginal mother of ten who went missing in Brisbane, Australia in 2017. Her family described her disappearance as completely out of character and grew concerned after no one had seen or heard from her in weeks. After searching the surrounding areas, she was reported missing. Seven months later, Ms. Watcho's body was found 200 meters from where she was last seen alive. Her remains were dismembered and discarded in a sports bag in a busy riverside park in Brisbane, Australia. No one has been charged with her death. The neglect of law enforcement to appropriately investigate the disappearance and subsequent death of Indigenous women is not uncommon. Violence against Indigenous women occurs at alarmingly high rates worldwide and is one of the most prevalent ongoing human rights abuses globally (Alsalem 2022). Australia, Canada, and the United States have come under criticism in recent years for the epidemic proportions of violence against Indigenous women in their respective states. Murdered and Missing Indigenous Women (MMIW) emerged as a grassroots social movement to build databases tracking missing Indigenous women, provide support for survivors, and attempt to hold governments accountable to upholding justice. Relative to Canada and the U.S., Australia has only begun to address this crisis. As a result of ongoing colonization, racism, and discrimination, Aboriginal people have often been called the most socially and economically disadvantaged group in Australia and lack basic human rights in addition to experiencing unprecedented levels of violence. The murder and disappearance of Indigenous women in Australia is described as a crisis "hidden" in plain sight, where Indigenous women and girls are more likely to experience extreme

¹ Chapter not submitted for publication.

violence relative to non-Aboriginal women. Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalized as a result of family violence and are being murdered at up to 12 times the national average. In some regions their deaths make up the highest homicide rates in the world (Brennan et al. 2022).

The issue of violence against Indigenous women is prevalent worldwide, yet in national contexts like Australia, these injustices are routinely under-investigated, discounted by the police, and receive scant media coverage, often because violence against Indigenous women and women broadly are treated as private, individual wrongs rather than a systematic political issue (Enloe 2014; Libal and Parekh 2009). In the case of Australia, private wrongs such as domestic violence are routinely under-investigated, in tandem with the effects of structural violence, and political and economic inequalities experienced by Aboriginal people. Aboriginal women in particular are disproportionately affected by public and private violence as a result of intersecting forms of discrimination. This ‘private violence’ such as domestic violence or abuse particularly in the Northern Territory is so normalized and stereotyped, the state frequently fails to investigate and prosecute perpetrators. Awareness and advocacy campaigns are largely grassroots efforts driven by Indigenous people who seek basic human rights and justice for Indigenous femicide. Political science research finds strong domestic civil societies advance human rights through the authority and opportunities international human rights law provides, and finds a strong relationship between democracies and the enjoyment of human rights (Davenport 2007; Simmons 2009). Human rights violators are often attributed to regime type or lack of capacity, both of which do not seem to fit in the context of Australia as a wealthy democracy. In light of Australia’s poor performance on the rights of Indigenous women, this paper questions the progress made internationally on combatting violence against Indigenous women in Australia. Specifically, how well does Australia

complies to committee recommendations? And how does Australia respond to VAIW within constructive dialogue? There are multiple international human rights treaties, declarations and laws that advance equal rights and freedom from violence for women, many of which Australia has ratified. This paper investigates how Australia represents the issue of violence against Indigenous women to CEDAW, and how well Australia complies with committee recommendations regarding combatting violence against Indigenous women. This begins by examining The Convention on the Elimination of Discrimination Against Women (CEDAW), the most comprehensive human rights treaty for defining and protecting women's rights. The ratification of CEDAW is a legally binding obligation that compels states to eliminate discrimination through policy, law, and practice in their own territories. Although the convention does not explicitly mention violence against women or Indigenous women, two general recommendations addressing violence against women (VAW) are regularly discussed in country reports and correspondence (Merry 2005), and in 2022, General Recommendation 39 on the rights of Indigenous Women and Girls formally recognized the intersectional discrimination and violence Indigenous women and girls experience with relative impunity. Recent research has assessed the impact of treaty bodies like CEDAW, often critiquing the international human rights regime as weakly enforced. While CEDAW cannot directly enforce compliance, a closer examination of CEDAW's monitoring process illustrates the committee strives to influence states towards compliance through constructive dialogue which provides actionable recommendations to the state and spotlights areas for improvement (Merry 2005; Rana and Perrie 2019; Johnstone 2006).

After CEDAW ratification, state self-reporting and committee responses drive treaty implementation through domestic law and practice. Treaty bodies must rely on self-reporting to identify human rights violations usually perpetrated or condoned by the state. Political science

research has long sought to identify the gaps between the ratification of international human rights treaties and compliance (Carraro 2019). The work of international human rights treaty bodies is foundational to understanding the mobilizing and legitimizing power of human rights discourse. Recent research has begun to focus on the mechanisms which contribute to compliance, specifically self-reporting by states which has been found to improve human rights practices. Simmons and Creamer (2020) find the more states participate in repeated and cumulative dialogue with committees, the lower their physical integrity rights violations and discrimination against women. Committee efforts to highlight abuse can contribute to improved human rights outcomes (Creamer and Simmons 2020). Improving HR outcomes is achieved in part through elite socialization” which refers to efforts by treaty body members to persuade and socially pressure government elites to conform to international human rights standards. However, is this also the case for overlooked and persistent abuses, notably violence against Indigenous women (VAIW)? Australia presents an interesting case for research as its democratic status and wealth would suggest a large capacity for improving human rights outcomes, yet despite ratifying CEDAW, Australia is one of the worst performers globally on the issue of VAIW. In measuring compliance, few political science studies have critically examined the dialogue between the state and the committee to indicate compliance (Crépeau and Sheppard 2013). Understanding “constructive dialogue” as part of the overall treaty monitoring process can contribute to understanding why some rights are mobilized effectively and others are not, as well as the state’s preferences for whose lives are worth defending. Rather than treating state response as a binary commitment, this paper examines the constructive dialogue between Australia and the CEDAW committee to assess the sincerity of Australia’s commitment to ending VAIW and compliance (Lightfoot 2012). This research contributes to literature on compliance by examining what the state does in response to

committee requests. Further, while there is a large body of research examining why states abuse human rights, this study focuses on the relationship between Indigenous women and the state to demonstrate why VAIW persists despite the state's large capacity to reduce its frequency.

Literature Review: Compliance

“Compliance can be said to occur when the actual behavior of a given subject conforms to prescribed behavior, and noncompliance or violation occurs when actual behavior departs significantly from prescribed behavior” (Simmons 1998, 77-78).

There is significant political science literature exploring why states ratify and comply with international human rights treaties (Simmons 1998). Notably researchers striving to answer what conditions contribute to compliance are divided into a few theoretical stances. Rationalist theories argue compliance is a result of coercion through material pressures or coincidence of interest. They are skeptical of international law's effectiveness due to lack of enforcement mechanisms and inability to constrain state behavior through hard power (Carraro 2019). Bull (1977) however argued international law mobilizes compliance based on shared norms rather than force. The focus instead becomes *how* states justified their actions and international community responses; their “communicative dynamics” to be a clearer indicator of the robustness of compliance than either commitment or behavior alone (Bull 1977; Simmons 1998; Kratochwil and Ruggie 1986). This shifted compliance literature to assessing the impact of achieving smaller scale goals and process-based outcomes on a microlevel to understand how these mechanism contribute to compliance (Carraro 2019; Gutner and Thompson 2010).

Assessing the impact of small scale goals compliments constructivist theories on compliance which emphasize rhetoric, norms, persuasion and ideas as ways to influence state

preferences, as compliance is viewed as self-enforced through reputation and reciprocity (Smith-Cannoy 2012; Carlsnaes, Risse, and Simmons 2013). Greater emphasis is placed on influence rather than coercion to explain state behavior. States thus make choices based on what they perceive to be appropriate behavior that aligns with their own interests and identities. State identities and preferences are influenced by internal or domestic drivers and in response to international actors. Norms from global culture and society are extremely influential, and a substantial literature identifies domestic institutions as the main drivers of compliance in international human rights law, as domestic drivers utilize opportunities to advance their interests with the backing of treaty bodies (Smith-Cannoy 2012; Carraro 2019).

While there are many debates on the reasons for state compliance, measuring compliance within international human rights treaties is challenging in part due to difficulty isolating the role of the international organizations. Additionally, even if all the necessary conditions are met to stimulate compliance, states do not always fully comply with treaties. Varying levels of compliance can be attributed to several reasons ranging from domestic pressures, international pressures, advocacy, lack of capacity or state resistance (Carraro 2019). This paper attempts to measure Australia's compliance with committee recommendations as an indicator of willingness to comply with the larger obligation of combatting VAIW. If compliance with recommendations is scant, this could contribute to understanding why VAIW remains a persistent issue in Australia.

Theory: Understanding Compliance Requires Understanding Commitment

Human rights literature has examined why countries commit to human rights treaties and subsequently violate them, arguing non-compliance is often unintentional and a result of bureaucratic inefficiency or lack of domestic mobilization rather than self-interested defection or

willful disobedience (Cole 2015; Chayes and Chayes 1993; Downs, Rocke, and Barsoom 1996). Compliance with treaties is more likely when compliance is low cost, or there are international or domestic pressures on the state. Treaty ratification alone does not necessitate compliance, and can be “cheap talk”, made possible by the lack of enforcement mechanisms within most human rights treaties (Hafner-Burton, Tsutsui, and Meyer 2008). Compliance, however, is rarely a binary choice; state behavior is often nuanced and can vary in terms of level or scale of compliance. Examining state responses to committee recommendations reveals differing stages towards the progressive realization of human rights beyond the treaty ratification stage (Haglund, Hillebrecht, and Read 2022). Recent research has begun to examine the nuances of commitment and compliance, for example, Hill (2016) identified reservations to human rights treaties as an avoidance of obligations that would require domestic legal constraints (D. W. Hill 2016). Smith-Cannoy (2012) examines why governments who persistently violate human rights ratify human rights treaties which allows citizens to file grievances against them in the UN. She suggests states ratify when they have poor domestic economic conditions, and to send a cheap signal to donors that they are receptive to human rights concerns. Because the commitment is insincere, Smith-Cannoy (2012) argues improvements to human rights outcomes would be minimal at best. A positive aspect however may be that the states commitment to individual treaty mechanisms means change can be mobilized through robust civil society efforts to petition directly to the UN for greater government accountability to human rights abuses (Smith-Cannoy 2012; Clay 2013).

Existing literature indicates democracies drive compliance through international human rights law, however, this obscures variation of compliance within democracies (Haglund, Hillebrecht, and Read 2022). Indeed, few studies have sought to explain variation of compliance within wealthy, established democracies. Do democracies comply with treaties when compliance

requires significantly altering the state's current social, economic, and political systems? Research indicates states are more likely to comply with international treaties if it is within their interest to do so (Lightfoot 2012). This paper examines compliance on the issue of VAIW women through a case study of Australia, a wealthy democracy. Australia is one of the world's most developed countries, with the second highest score on the Human Development Index in 2009 - and yet, lack of Indigenous rights are persistent and widespread (Maru, Fletcher, and Chewings 2012). Critics of the state's treatment towards Indigenous people describe Australia's response to VAIW as shameful and unacceptable. Canada and the U.S. have also received criticism for VAIW although Australia has been slower to address this issue. I argue the context of the state's commitment influences the likelihood of compliance and describe Australia's commitment to Indigenous women's rights as strategic, which drives partial compliance towards eliminating violence against Indigenous women for two reasons. First, advancing Indigenous women's rights would require significant political, economic, social, and legal changes on a domestic level that would directly conflict with Australia state's settler colonial origins and current national identity. Second, the lack of intersectionality in the core CEDAW text and inherent lack of enforcement structure of human rights treaties like CEDAW creates opportunities for the state to sideline Indigenous women's rights despite strong committee attempts within constructive dialogue to decrease VAIW. Australia's discrepancy between commitment and practice is not an issue of limited capacity or bureaucratic inefficiency (Cole 2015), rather this is a deliberate undermining of Indigenous women's rights based on a settler colonial legacy, predicated on the maintenance of inequalities between Indigenous and non-Indigenous people. Assessing the sincerity of state commitment and state history can indicate whether compliance aligns with the existing state norms, or if compliance requires significant changes to domestic laws and practices. In the case of Australia compliance

would require significant changes, therefore I argue the state is less likely to comply despite its democratic and wealthy status (D. W. Hill Jr and Watson 2019).

In terms of how the state represents the issue of VAIW, I argue the state will likely avoid addressing the systematic inequalities that render Indigenous women vulnerable to violence. I assert Australia's stance towards VAIW is similar to its stances toward Aboriginal people more broadly. Short (2008) argues in terms of reconciliation in Australia, the state has placed a 'colonial ceiling' on Indigenous self-determination aspirations by emphasizing national unity and sovereignty over a treaty. I argue a similar preference will likely occur in terms of compliance where Australia will adhere to some of the committee's requests but not all of them. This builds on human rights literature that argues governments prefer not to be shamed through human rights pressures because this is costly for them both domestically and internationally. International shaming causes reputation costs for the state while domestically, shaming can lead to greater dissent and transnational advocacy (Braad Albeck 2022). Second, governments abusing rights would prefer to continue doing so as they often rely on human rights abuses to maintain power. Research on repression finds it is used to combat threats against the state and to prevent opposition (Davenport 2007; Hafner-Burton and Tsutsui 2007; Braad Albeck 2022). I argue Australia will selectively endorse recommendations for several reasons; there are limited enforcement mechanisms from the committee beyond shaming, it is costly for the state to implement domestic changes, but most importantly implementing domestic changes to increase Aboriginal women's rights directly conflicts with Australia's settler colonial identity. While all governments resist human rights pressures, I argue settler colonial states are especially resistant towards recognizing Indigenous rights (Maddison, Clark, and Costa 2016). This analysis demonstrates a preference for symbolic reform rather than practical, legislative reforms by examining how the issue of VAIW is

represented by Australia's response to committee calls for reform. This study also contributes to the understudied topic on what governments do in response to shaming (Braad Albeck 2022).

Australia and Settler Colonial Violence

Australia was established as a settler colonial state in 1901. Settler colonialism acquires territory through a “logic of elimination” aimed at removing Indigenous people from the land and establishing an Anglo state with social, legal, political, and economic institutions. Settler colonialism is understood as a continuous structure that maintains horizontal inequalities (HI's) between Indigenous and non-Indigenous people rather than a sole historical event (Saito 2020; Lovell 2007; Gover 2015). This physical dispossession makes the erasure of Indigenous political, social, cultural life a necessity to ensure an inherently unequally constructed state that cannot be maintained without the perpetuation of difference between the colonizer and the colonized (Saito 2020). States have little incentive to recognize the rights of minority or colonized groups like Indigenous people, rather they are primarily interested in protecting their own territorial integrity and political power.

Australia's settler-colonial legacy has created and maintains horizontal inequalities between Indigenous people and non-Indigenous people. HIs are often persistent over time with many harmful implications, for example, disadvantaged groups that start poorer often face difficulty accumulating financial assets. This effect is cumulative and generational, making economic equality unlikely without policy support. Poverty contributes to less access to education and subsequently lower income, poor nutrition, and health. Social capital also hinders disadvantaged groups in breaking barriers and accessing better education, jobs, in addition to facing discrimination from the government and the general population. Laws banning

discrimination do not always result in social changes as historic legacies of past discrimination are extremely persistent, and political inequalities ensure advantaged groups remain the majority in the government while disadvantaged groups remain siloed (Stewart 2016). Beyond Australia, Indigenous poverty and disadvantage is globally persistent, as Indigenous people make up 15% of the world's poor but are only 5% of the world's population (Maru, Fletcher, and Chewings 2012). This trend is not excluded from wealthy developed countries in the Anglosphere. Despite economic prosperity and policies aimed at closing the gap for Aboriginal Australians, the gap is expected to continue widening (Ibid).

Article 3 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) asserts Indigenous peoples right of self-determination. “By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Self-determination is a collective right to autonomy or self-governance in internal or local affairs. Settler colonial states are often unwilling to recognize Indigenous self-determination as this directly conflicts with their own state's sovereignty claims and territorial integrity. In Australia, the government has not considered self-determination as a policy position, instead focusing on “overcoming disadvantage” and achieving better “outcomes” for Indigenous people socioeconomically through federal government planning. This reluctance to allow self-determination is strategic, as my analysis lends support to the willingness of states to engage in socio-economic issues rather than political issues of self-determination and legal changes to support Indigenous people. Settler colonial states circumvent Indigenous self-determination by narrowly focusing on redistributing socio-economic goods and “helping the disadvantaged Indigenous person” rather than addressing Indigenous self-determination. By addressing Indigenous poverty, this allows for a strategic demonstrating of good faith effort or “cheap talk”

towards supporting Indigenous rights without implementing the structural changes needed to achieve equality and support indigenous rights to self-determination as many Indigenous activists argue self-determination as essential for the rights of Indigenous women and people (Franzoni and Pogge 2005).

The problem of VAIW is symptomatic of settler colonial dispossession, which is inherently genocidal, and constitutes a denial of Indigenous sovereignty. CEDAW's General Recommendation 39 details: "Indigenous Women and Girls are disproportionately at risk of rape and sexual harassment; gender-based killings and femicide; disappearances and kidnapping; trafficking in persons;² contemporary forms of slavery; exploitation; exploitation of prostitution of women;³ sexual servitude; forced labor; coerced pregnancies; and state policies mandating forced contraception and intrauterine devices (IUDs)" (General Rec 39). Indigenous women in particular are targeted for domination by settlers as their existence perpetrates the survival of Indigenous politics, culture and way of life, which threatens the foundation of settler colonial existence (Dorries and Harjo 2020). Many Indigenous societies were matrilineal prior to colonization however structures like patriarchy and capitalism perpetuate violence against Indigenous women by exacerbating poverty, resource extraction, overrepresentation in prison and denial of sovereignty (Hawes, Slakoff, and Anguelov 2023). As a result, Indigenous women experience violence within their own communities, outside of their communities, and from the state. There is an incentive to maintain this type of violence as it necessitates the maintenance of settler colonial domination (McGrath and Stevenson 1996; Nielsen and Robyn 2019). Early settler colonialism utilized strategies of elimination to make the land "vacant" for colonization by settlers

²CEDAW Committee, General Recommendation No. 38 (2020), *Trafficking in women and Girls in the context of global migration*, CEDAW/C/GC/38, paras. 18-35.

³ Article 6, CEDAW.

and in turn nurtured sexual violence, rape and controlling women's fertility as part of the colonial conquest of people who were deemed inferior on the basis of race and gender. Simpson (2016) argues "Indian women 'disappear' because they have been deemed killable, rapeable, expendable. Their bodies have historically been rendered less valuable because of what they are taken to represent: land, reproduction, Indigenous kinship and governance", all of which are antagonistic to settler colonial goals (Stephen and Speed 2021). This legacy of elimination is far from historical and is the cause of the violence Indigenous women continue to disproportionately experience as a part of ongoing colonial domination (Jordan 2021). When Australia ratified CEDAW in 1983, General Recommendation 39 was a long way away. Its introduction complicates Australia's willingness to comply with addressing violence against Indigenous women given its history of insincerity towards Indigenous rights broadly.

The Strategic Ratification of Indigenous Rights

The context of the state's commitment influences the likelihood of compliance. Simmons (2009) examines state's decisions to ratify treaties, describing false positives or strategic ratifiers as states that ratify without a strong normative commitment to comply with the contents of the treaty (Simmons 2009). On the topic of Indigenous rights, Australia has demonstrated a history of strategic ratification which Lightfoot (2012) describes as the 'selective endorsement' of Indigenous rights in the Anglosphere. 'Selective endorsement' allows the Anglosphere states to maintain their position as human rights advocating states without intent to implement Indigenous rights norms domestically. In 2007, The United Nations Declaration on the Rights of Indigenous Peoples received 144 votes for ratification, and 4 votes against the declaration from Canada, the United States, New Zealand, and Australia, the four largest settler states. UNDRIP is a non-binding

declaration under international law yet reflects a strong normative commitment to advancing Indigenous rights to be free from discrimination, to maintain and strengthen their culture and traditions, and to assert their collective rights as Indigenous people. Australia initially argued the declaration was incompatible with its domestic laws and rejected the provision for self-determination and land/ resource rights. After two years of criticism from the international community and Indigenous constituents, all four states changed their stances to support the declaration even though no changes were made to the declaration's content. Lightfoot (2012) theorized the states sought relief from the pressure imposed on them by the wider community, illustrating strategic ratification. Australia's statement of support was reluctant, and reiterated the non-binding nature of the declaration which it described as aspirational, further re-enforcing the state's lack of normative commitment to the declaration (Lightfoot 2012). This example indicates a lack of genuine commitment to advancing Indigenous rights and suggests compliance will be partial at best. Australia demonstrates a similar stance to the issue of VAIW within its correspondence with the CEDAW committee.

CEDAW and Indigenous Women in Australia

International human rights treaties establish oversight committees of independent experts elected by state parties. The CEDAW committee comprised on 23 experts for four-year terms monitor compliance by examining state's periodic reports on their policy measures and program initiatives regarding treaty implementation every four years. Once the state submits a report, the committee reviews that state report in the presence of a government representative. Through "constructive dialogue", the committee questions the state representative and identifies areas for improvement which are documented as committee recommendations. This process is known as the 'periodic

review’ where all state reports and committee responses are made publicly available. The committee monitors state actions and identifies shortcomings to compliance (Creamer and Simmons 2019). As a result, the committee’s questions, recommendations and inquiries are central to encouraging treaty implementation and compliance. This ‘constructive dialogue’ between the committee and the state is the “backbone” of the committee’s work (Zwingel 2016). Few studies have examined the potential offered by the sole international convention focused exclusively on women’s rights. Despite CEDAW’s limitations, it is one of the most widely ratified conventions in the world, and can serve as a good foundation for interpreting and reinterpreting women’s rights over time (Kambel 2004). The primary aim of the convention is to eliminate all forms of discrimination against women in both public and private spheres however the scope of the convention has been criticized for falling short on acknowledging and addressing the intersectional discrimination experienced by Indigenous women. The Declaration of the International Indigenous Women’s Forum in 2000 demonstrated some primary concerns from Indigenous women were the recognition of self-determination and rights to their territories and resources. While information regarding Indigenous women are included in the Australia’s state reports, there is less attention given to prevention rather than response (Kambel 2004).

Australia’s state reports to the CEDAW committee are written by the Office for Women within the Department of the Prime Minister and Cabinet. The Office for Women leads the reporting process by coordinating amongst federal, state and territory governments to share progress towards gender equality with the CEDAW committee (“International Forums | PM&C” 2025). While state reports to CEDAW include initiatives for Indigenous women, I argue the reports do not fully capture the unique challenges Indigenous women experience for several reasons. First, the content of the convention insufficiently addresses violence against Indigenous women. Second,

the lack of enforcement mechanisms available to treaty bodies beyond dialogue render the possibility for meaningful change to be largely context specific and dependent on the state's will rather than capacity. Third, as a settler colonial state, it is unlikely the state fully committed to addressing Indigenous inequality broadly across society or to engage in costly systematic changes to end VAIW. Further complications to representing Indigenous women's issues comprehensively include a lack of systematic reporting practices, inconsistent data and differing priorities/ resources across federal, state and territorial levels. Beyond constructive dialogue between the state and the committee, there are two additional mechanisms that contribute to reporting: shadow reports and the optional protocol (Mullins 2018). Shadow reports are submitted by independent organizations like NGOs, advocacy groups, or independent human rights bodies, however they are also inconsistent in terms of reporting, as unlike states, there is no obligation for third parties to submit shadow reports. Shadow reports can however act as a counterbalance to state reports, providing either conflicting or supporting perspectives to the state's compliance. Several shadow reports have highlighted areas where they believe Australia is falling short to its obligations under CEDAW. In particular, the Australia Lawyers for Human Rights detailed concerns surrounding violence, gender stereotypes and economic disparities among Indigenous women in 2023 ("ALHR CEDAW Shadow Report" 2023). In 2008, Australia ratified the Optional Protocol to CEDAW to allow individuals to submit complaints to abuse of rights protected under CEDAW, however only one complaint has been submitted under the optional protocol and the submission was from a non-Indigenous person. Low submission in this area is understandable given the lengthy requirements to submit a complaint through the Optional Protocol which includes exhausting domestic remedies, submitting a complaint within a five year time limit, demonstrating discrimination based on gender

etc. (“Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women” 2000).

In terms of representation, there are few opportunities for those most affected by violence to petition for rights and redress. I argue this is particularly salient for Indigenous women who experience intersecting forms of discrimination on the basis of race and gender. Intersectionality understands discrimination and inequality in a hierarchical way demonstrating that women facing multiple disadvantages on the basis of race, gender, sexuality, disability etc. are not able to progress as easily as women who are only disadvantaged on the basis of gender (Atrey 2018). These dimensions pose uniquely difficult barriers to Indigenous women who experience multiple forms of discrimination based on race and gender as well as social and political exclusion within their states. The women most likely to experience the greatest benefit from CEDAW are women experiencing discrimination based only on gender as women facing multiple barriers to access are not well protected within international law (Zwingel 2005). While Indigenous men and women experience similar rights abuses based on Indigeneity such as forced relocation from ancestral lands, violence by armed forces, limited access to education and healthcare, negative stereotypes etc., Indigenous women also experience human rights violations specific to gender such as forced sterilization, domestic violence, lacking access to healthcare etc. These inequalities have been caused in many cases by the colonization process which created significant subordination of Indigenous women within settler colonial societies (Kambel 2004). I argue CEDAW fails to provide comprehensive protection for Indigenous women in part because being Indigenous is the main cause of Indigenous women’s inability to enjoy their rights- not that they are women. However, the compliance process is not static as the convention is interpreted and implemented differently by each state. Arguments in favor of CEDAW’s ability to support Indigenous women’s

interests assert that the CEDAW committee can become sensitized to Indigenous concerns and are more likely to take a structured approach to Indigenous women's issues because women are the focus rather than general human rights bodies where women/ gender are not the focus (Kambel 2004). The analysis demonstrates through the committee's constructive dialogue and commitment to intersectionality that issues of violence against Indigenous women are discussed, and General Recommendation 39 has been a landmark step towards formally recognizing this intersectionality. As a result, the inclusion of Indigenous women in committee comments is actively exercised by the committee's prioritization of addressing VAIW. Similar to state reports, committee requests evolve over time, and VAW has been driven to the forefront despite its lack of mention in the core text. Further bolstered by the development of General Recommendation 19 on VAW, the committee has consistently asked states to provide data on VAW and critically assessed government strategies for reduction. This same strategy applies to Indigenous women. Prior to the General Recommendation 39 recognizing the unique barriers Indigenous women and girls face, the committee also brought up issues pertinent to Indigenous women, noting they are disproportionately affected by violence with relative impunity. Despite the shortcomings of the CEDAW Convention which has been critiqued for lacking intersectionality, the committee has expressed commitment to intersectionality and minority groups through general recommendations, inquires, and constructive dialogue. Although limited in their ability to enforce norms of intersectionality, the committee has frequently brought up the issues of VAIW in constructive dialogue with Australia. This analysis is exploratory rather than causal in its examination of how frequently Australia complies with committee recommendations and how Australia represents the issue of violence against Indigenous women.

Data & Methods

This paper focuses on the constructive dialogue between the CEDAW committee and the state of Australia to assess compliance with committee requests. Australia has been considered by the CEDAW Committee seven times between 1988- 2021. The state has submitted eight state reports, three responses to lists of issues, two follow-ups to lists of issues, and concluding observations. The Committee has submitted six concluding observations with summaries, and three lists of issues. This data was collected by gathering all records of correspondence between the committee and the state and then was edited to focus on text relevant to the issue of VAIW. Qualitative content and discourse analysis were conducted through the following steps: MAXQDA software was used to inductively code themes, frequent mentions of key words, and overall patterns of correspondence. Analysis of correspondence on issues of VAIW were then coded based on state compliance to committee recommendations. States responses to committee recommendations were coded as either complaint, partially compliant or non-compliant. Compliance was achieved if the state fully addressed the committee's request, partial compliance demonstrates the state's attempt to implement the committee's recommendations. Non-compliance means there was no response to a committee request. Studying compliance has several methodological issues, making it difficult to create casual links between legal commitment and behavior. Treaty ratification is also endogenous as states are more likely to ratify treaties that already align with their current practices and that they have little incentive to defect (Simmons 1998). While this study is exploratory rather than causal, focusing on constructive dialogue to measure compliance as one of the first steps or micro foundations towards compliance can contribute to future research on this topic. Understanding these early engagements between state and the committee I argue can indicate the state's willingness and sincerity to implementing changes and the effects of international law.

Results & Analysis

The analysis finds the state partially compliant overall. This indicates the state has responded to some of the committee's recommendations but not the entirety of the recommendations. Non-compliance would be too strong a stance given the ratification of the treaty and full compliance would also be difficult given the commitment and resources required to implement the committee's requests. There were more mentions of federal legislation passed rather than state legislation. I expected to find more state legislation as it would theoretically be easier to pass laws on a state/territory level rather than a federal level. There is also inconsistency in the data collection from year to year and variety in sample size and coverage. Australia oscillates between partial compliance and non-compliance to committee recommendations. When data is provided, it is often of a small sample size and lacks consistency and comprehensiveness. The committee largely focuses on identifying gaps in compliance, asking for missing data and assessing legislative impact while the state primarily focuses on "self-help" programming led by Aboriginal communities, government programming for Aboriginal communities and funding for programming. There is an absence of legislation to address violence against Indigenous women and lack of attention to structural contributors to violence. As Libal and Parekh (2009) observe, private wrongs such as domestic violence are often tackled by "protecting" victims and "punishing" offenders, however this does not address the systemic causes of VAW connected to women's social, political and economic vulnerability and inequalities (Libal and Parekh 2009). Table 1 captures state compliance to committee responses.

Table 1: CEDAW Compliance

Report Type	Year	Compliance	Federal Legislation	State Legislation	Data Provided
State Report 1	1986	Unapplicable	No	No	No

State Report 2	1992	Unapplicable	No	No	Yes
State Report 3	1995	Non	No	No	No
State Report 4-5	2004	Partial	Yes	Yes	Yes
Reply to LOI	2005	Non	No	No	No
State Report 6-7	2009	Partial	No	No	Yes
Reply to LOI	2010	Partial	No	No	Yes
Follow Up CO	2012	Partial	Yes	No	No
State Report 8	2016	Non	No	No	No
Reply to LOI	2018	Non	No	No	No
Follow up CO	2021	Partial	No	No	No

In State Report 2 (1992), Australia described VAIW as a serious problem to be addressed by the National Aboriginal and Torres Strait Islander Family Support Program and allocated \$A700,000 over two years for programs concerning family violence. An additional family violence intervention program was included “to enable Aboriginal and Torres Strait Islander-people to train other Aboriginal and Torres Strait Islander people in the use of intervention strategies and educative programs” (State Report 2, 1992. 69). Additionally, through comprehensive studies of violence in Aboriginal communities in the Northern Territory, the Kimberley’s and North Queensland, a disturbing reality emerges where “data from re-cent studies indicate that the numbers of deaths due to homicide of Aboriginal women by their spouses and male relatives well outnumbers deaths in custody.” (State Report 2. 1992. 76). While Australia acknowledges VAIW, there lacks a unified approach to the issue. Out of six states only New South Wales and Northern Territory are discussed.

The Concluding Observations and Summary Records (1994-1995) in response to State Report 2 found the situation of disadvantaged groups, particularly Indigenous women to be concerning and noted high incidences of domestic violence and homicide. The Committee questioned whether the incidence of violence against women decreased. The state’s expressed barriers to collecting comprehensive data, however the Office of the Status of Women promised

to establish a national data collection network. For Aboriginal women, the national Aboriginal and Torres Strait Islander Consultative Women's Council (ATSIC) was established as responsible for federal programmes. In terms of violence, a national family violence programme was being implemented. Nevertheless, the Committee remained concerned, stating:

“The Committee expresses its concern about indigenous women, migrant women and particularly women from Aboriginal groups and Torres Strait Island who are the most disadvantaged people in Australian society. The Government has been frank in its information to the Committee about these women. However, the status of these women is significantly different from other women living in Australia. Violence, life expectancy, unemployment and the health situation among aboriginal women are remaining problems. The Committee urges that in the next report the Government provide more specific data concerning aboriginal women and about remaining obstacles that impede their progress to full equality.”

State Report 3 (1995) detailed collaboration to develop community education material on violence against women for use in Aboriginal and Torres Strait Islander communities. Within the Northern Territory and Alice Springs, Family Violence Intervention Program (FVIP) staffed Aboriginal field officers trained in community development contexts. Aboriginal women from a remote community west of Alice Springs (Yuendumu) operate a night patrol to make their community safe from violence. Other Aboriginal groups in small urban towns were encouraged to run similar patrols and in Queensland DV training was in development. This communication reinforces the “self-help” approach within Aboriginal communities and focuses primarily on rural communities without mention of violence in urban areas as well. This reflects a less comprehensive

response by Australia and one that is divided by region, mostly rural. The report failed to answer the Committee's question in the previous concluding observation on whether violence has decreased, failed to elaborate on obstacles to achieving equality, or provide any updates regarding data collection. This report was thus coded as non-compliant.

The Committee's Concluding Observations and Summary Record (1995) in response to State Report 3 included violence against women as a principal area of concern and noted the absence of data concerning violence against Aboriginal and Torres Strait Islander women and assessment of programmes directed at reducing violence. Committee recommendations were for a comprehensive strategy to eliminate violence against women with an emphasis on prevention, and with sufficient funding. Specific to indigenous women, the Committee highlighted the lack of data and questioned what steps had been taken to reduce violence within Indigenous communities, noting:

“In view of the disturbing statistics reported by the Australian delegation relating to the high incidence of domestic violence and death rates among Aboriginal and Torres Strait Islander women, the next report should indicate the impact of policies to protect indigenous women and whether domestic violence and homicides in that group had been reduced”.

Questions on programmes to train police, health professionals and the judiciary were included and instructions for the next state report were to provide information on the penalties for perpetrators of VAW as well as demographic data on victims. The committee provided specific, actionable requests while also highlighting the lack of compliance on the state's part in data collection and in training directed towards systems of justice like law enforcement.

Combined State Reports 4-5 (2004) reported the Prime Minister's Partnerships Against Domestic Violence Initiative implemented measures for intervention, prevention, expansion of services to victims and significant developments in policy approaches to VAW. This included collaboration with state and territory governments to address family violence and DV in Indigenous communities as a major element of the initiative. For Indigenous communities, Government Partnerships Against Domestic Violence (PADV) piloted new approaches for rural and remote areas and Indigenous family violence, noting isolation and lack of access to supportive programs exacerbates violence. Indigenous specific projects focused on helping adolescents prevent violence in their current and future relationships. The National Indigenous Family Violence Grants Programme was established in 2001 to help local Indigenous communities take action to reduce family violence and included an awareness campaign.

Regarding data, The National Crime Prevention Programme released a report on a national study to examine the nature and extent of violence in Indigenous communities. The Rural and Remote Domestic Violence Initiative and Aboriginal and Torres Strait Islander Legal Services (ATSILS) worked to provide culturally appropriate legal advice to clients on family violence issues, counselling for victims and their partners, and community education. A Ministerial Council National Women's Safety Taskforce was established in June 2002 to address the issues of sexual assault, domestic violence, and individual family violence.

The individual state and territories took strong stances to improve VAIW. The Northern Territory and Queensland took steps towards legislative amendments to crime prevention and programming, including training for Indigenous family violence offenders and their families, offenders in juvenile and corrections centers, and establishment of protocols between police, health care and community council. There was also strengthening of legislative provisions regarding DV

restraining orders. Both Queensland and Victoria established task forces to focus on VAIW. In Western Australia there was a focus on a community education initiative focusing primarily on perpetrators and men at risk of perpetrating domestic violence. State Report 4-5 was coded as partially complaint as it attempts to implement Committee recommendations to include policy impact, data collection and civil service training. The report shares an abundance of government programming directed at reducing violence, primarily focusing on domestic violence and family violence with no mention of homicide however does not share much about its impact or measure the effectiveness of programming. Regarding data collection, the National Crime Prevention Programme released a report, however, this does not appear to be frequent or comprehensive, nor were the results discussed. There is no mention on the final Committee recommendation regarding training civil servants such as law enforcement, health care officials etc. Programmes for VAIW remained focused on domestic and family violence, punishing offenders and community “self-help” approaches which are favored over legislative accountability and changes.

A List of Issues Report (2005) was generated by the Committee after the consideration of combined State Report 4-5 (2004). A Special Rapporteur on violence against women reported Indigenous women as the most significant group suffering from domestic violence and would benefit from a strong legislative framework and comprehensive support systems to address DV. The Committee also asked about progress on efforts to systematize a DV law and programs to strengthen law enforcement.

The state replied to the List of Issues (2005) with the provision of more details on programming that raises awareness of DV amongst Indigenous youth and funding to strengthen community efforts to combat DV. Regarding DV provisions acceptable evidence may be either judicially or non-judicially determined. Australia’s response to the LOI reiterates the “self-help”

approach to programming, fails to show progress for the planning or implementation of any national domestic violence law, and fails to show any progress made towards training for civil service providers and law enforcement. The state response is coded as non-compliant as it fails to address the Committee's concerns from the List of Issues (2005).

The Committee's Concluding Observations (2006) reflected continued concern with the lack of statistics, legislative support, and high incidences of DV against all women but particularly indigenous women.

“The Committee calls on the State party to take steps to fully and consistently implement and enforce laws on violence against women and to ensure that all women victims of violence, including indigenous, refugee and migrant women, are able to benefit from the legislative framework and support systems in place. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished. It requests that adequate statistics be collected in a consistent manner. It requests that the State party provide information in its next report on the number of cases of violence reported to the police and other relevant authorities, and on the number of convictions. It further recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls upon the State party to create public awareness of violence against women as an infringement of women's human rights that has grave social and financial costs for the whole community.”

Combined State Report 6-7 (2009) continued to focus on strategic plans, projects, and initiatives for gathering Aboriginal women and “self-help” community work rather than legislative

changes. In 2005, the Australian Government Office for Women commissioned the Australian Bureau of Statistics to conduct a personal safety survey to collect information from a sample (11,000 women and 4,500 men) about their experiences of violence. This data showed Aboriginal women are 40 times more likely to be a victim of family violence compared with other Australian women. Through the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Australian Human Rights Commission developed human rights principles for addressing family violence and abuse in Indigenous contexts, delivered community education and training around Australia, and published ‘promising practices’ of work being done to address family violence through the Commissioner’s Annual Social Justice Report to the Parliament of Australia. Despite extensive programming designed to “help”, this report was coded as partially compliant to Committee recommendations as data collection did occur, however it remains uncomprehensive. The report failed to address the Committee’s other recommendations which included steps towards a national legislative framework, data on convictions, comprehensive data collection, and civil service training.

The Committee’s following LOI (2009), reiterates these concerns, questioning how the state intends to eliminate all forms of violence against women, especially Indigenous women, and specific legal provisions to define and criminalize acts of DV, convictions and sanctions on perpetrators, and data on reported cases. The State’s response to the LOI (2010) stated:

“The Australian Government’s policy stance on domestic and family violence and sexual assault is zero tolerance. In May 2008, the Australian Government established an 11-member National Council to Reduce Violence against Women and their Children to advise on the development of an evidence-based plan of action. The Council conducted significant research, consulted over 2,000

Australians and developed five documents, including Time for Action: the National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2012."

This appears to be the State's most comprehensive national step to address VAW. For Indigenous women, there is an emphasis on funding to support individuals affected by Indigenous family violence, yet they are primarily focused on responses rather than prevention. Legislatively, the Australian Government Solicitor undertook a comparative analysis of the laws relating specifically to domestic violence in Australia and New Zealand. They recognized the need for protection orders to be enforced across jurisdictions. Currently, a person protected by a domestic violence protection order made in one state or territory (or in New Zealand) may apply, in any of the other states and territories, for the order to be registered, however this places responsibility on the victim rather than the state. Violence committed by strangers is dealt with under the criminal code provisions of each state and territory which of course vary. Despite a National Plan there is still a lack of comprehensive legal framework in the state. In December 2008, The Australian Institute of Criminology hosted the first International Conference on domestic-related Homicide. The Institute also maintains a detailed database of homicides committed in Australia through its National Homicide Monitoring Program, whose annual report showed that there had been 65 victims of intimate-partner homicide in 2006/07. For the whole of Australia, these statistics are low, reflecting severe underreporting. The State Reply to LOI (2010) is coded as partially compliant as Committee recommendations in the LOI were to assess legislative impact which the State began through the Government Solicitor, partial compliance on the provision of data related to homicides but were lacking regarding national domestic violence laws.

The Committee's Concluding Observations (2010) reiterate concern surrounding violence against Indigenous women who are 35 times more likely to be hospitalized as a result of violence than non-Indigenous women. They urged the State to create a National Plan to address violence against Aboriginal and Torres Straits Islander women, including funding culturally appropriate indigenous women's legal services in urban, rural, and remote areas of Australia.

The State's Follow Up to Concluding Observations (2012) reiterated the National Plan to Reduce Violence Against Women includes Aboriginal Women as part of the Closing the Gap Strategy, which is working to help close the gap on life expectancy and life opportunities between Indigenous and non-Indigenous Australians. The Indigenous Family Safety Agenda, launched in July 2010, provided a policy framework to address alcohol abuse, more effective police presence, strengthen social norms against violence, and coordinate support services to aid the recovery of people who experience violence. There were several other government initiatives aimed at reducing VAIW including investments in data collection for cross border family violence to encourage information sharing between agencies. States and territories are also receiving substantial funding for programming focused on crime prevention. This response is much closer to compliance than previous responses by including a more comprehensive approach as per Committee recommendation details the funding provided to legal services in the state. The State's Follow Up to Concluding Observations (2012) was coded as partially compliance because there is no National Plan to Reduce Violence specifically for Aboriginal women. The current National Plan included Aboriginal women but the Committee has called for a separate National Plan for Aboriginal women and state response suggests a resistance to an Aboriginal specific plan.

State Report 8 (2016), the final report, indicated an acknowledgement of the high incidence of violence experienced by indigenous women. Australia reiterates the National Plan's focus on

prevention of violence and state and territory government measures to address violence and to build their own solutions for prevention. Compared to previous state reports, this report provides much less information and shows minimal impact at best. It does not share new developments, rather it generally summarizes the same aspects as the previous report. The state indicated an independent shadow report, and a parallel Aboriginal and Torres Strait Islander women shadow report would be provided for the Committee's consideration however it is unclear whether this report was created. State Report 8 (2016) report is coded as non-compliant as it failed to address Committee's previous recommendations for an Aboriginal National Plan or to provide any implementation of previous recommendations.

The Committee responded with a List of Issues (2017), asking how the state is measuring effectiveness of the National Plan to Reduce Violence Against Women and their children for the period 2010–2022, and what had been done to ensure the participation of including Aboriginal and Torres Strait Islander women,

“Given ongoing reports of disproportionately high rates of gender-based violence against Aboriginal and Torres Strait Islander women, please provide information on whether the State party has taken any measures to follow up on the recommendation made by the Special Rapporteur on violence against women, its causes and consequences, at the end of her visit to the State party in February 2017, to adopt a specific national action plan on violence against Aboriginal and Torres Strait Islander women.”

The State's Reply to the LOI (2018) stated that The Department of Social Services is considering the recommendation made by the United Nations Special Rapporteur, as it prepares

the Fourth Action Plan (due to commence in 2019) of the National Plan. It notes The Third Action Plan was developed in consultation with Indigenous communities and addressing violence against Indigenous women is one of the six National Priority Areas for attention in the Third Action Plan. The response fails to tackle the issues listed in the LOI and reiterates the state's current approach without providing new information on progress or on monitoring impact and is thus coded as non-compliant.

The Committee's Concluding Observations (2018) reiterated their recommendation for a specific National Action Plan on Reducing Violence against Indigenous women and girls; and to strengthen holistic early intervention, prevention, and diversion strategies, as well as non-custodial alternatives to detention. The State's Follow-up to Concluding Observations (2021) detailed extensive funding commitments to National Plans to Reduce Violence Against Women including greater access to legal services for Aboriginal women and the consultation with Aboriginal women. It is coded as partially compliant as the response fails to directly address intervention, prevention, and diversion of violence per Committee recommendation however is still striving to protect victims.

Tables 2-3 show reoccurring themes from inductive coding. They emphasize committee interest in highlighting the prevalence of VAIW and focus on missing data. Figure 3 indicates the state's primary responses are related to creating Aboriginal led programming and funding towards those programs. This also illustrates the lack of legislative changes towards addressing VAIW.

Table 2: Committee Inquiry Themes

Code Description	Frequency
VAIW Prevalence	10
Missing Data	7
Legislative Impact	4
Policy Impact	4

Aboriginal Program	4
Homicide	3
Causes	2
Civil Service Responsibility	2

Table 3: State Response Themes

Code Description	Frequency
Aboriginal Program	21
Government Program	21
Funding to Program	20
Crime Prevention	11
Data Collection	8
Northern Territory	5
Legislation	5
Task Force Report	4
Rural Areas	4
Alice Springs	4
Alcohol	4
Darwin	3
Night Patrol	3

Conclusion

This analysis indicates commitment to CEDAW does not necessitate full compliance, nor does it mitigate the persistently high levels of violence against Indigenous women. Treaty compliance is facilitated by constructive dialogue between the committee and the state and can act as a measure of state preferences and state receptiveness to committee suggestions for compliance. Recent research has begun to examine the effects of self-reporting on states in terms of compliance and have found positive effects. This direction in addition to further examining constructive dialogue are both helpful indicators to determine the micro foundations of compliance. This analysis demonstrated areas of both partial and non-compliance while also demonstrating the state's lack of willingness to make changes specific to Indigenous women. In the case of Australia, a wealthy democracy, state solutions to violence against Indigenous women focus largely on fiscal responses and programming rather than legislative changes. In this context, minority Indigenous women

remain vulnerable under international law where legislative changes cannot be enforced by the committee. When Australia committed to CEDAW, it was not clear that Indigenous women's issues would be discussed at great lengths given the lack of intersectionality in the core CEDAW text. I argue when Australia ratified CEDAW it did not view ratification as explicit endorsement of Indigenous women's rights in the way UNDRIP was interpreted and subsequently rejected. When Indigenous women's rights were brought to the forefront by the CEDAW committee, the state responses reflected an insincerity to addressing the structural causes of VAIW and actively pursuing greater accountability and prevention. I argue this insincerity indicates strategic, lower levels of compliance. I argue Australia's non-compliance is based on insincere commitment to Indigenous women's rights and Indigenous people broadly as a result of Australia's settler colonial history and unwillingness to address the structural inequalities experienced by Indigenous people/women. State histories and preferences do matter in terms of compliance particularly for disadvantaged groups. Future research should include further examination of the effects of self-reporting, constructive dialogue, and state preferences on compliance and include other settler colonial countries as comparative cases. Research on international human rights law and treaties should further examine how to mitigate persistent human rights abuses and inequalities for minorities and vulnerable groups.

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CHAPTER 3

DOMESTIC HUMAN RIGHTS: DESCRIPTIVE AND SUBSTANTIVE REPRESENTATION OF ABORIGINAL MPS⁴

Introduction

The 2017 Uluru of the Heart Statement was a statement from Aboriginal Australians proposing three pillars for reform to advance Indigenous rights in Australia. The pillars included a constitutionally enshrined voice in parliament, a treaty between the government and First Nations people that recognized cultural rights and formal sovereignty, and a comprehensive process to investigate and recognize the full extent of the injustices Aboriginal people have experienced as a result of Australia's colonial history and its lasting impacts. In response to the Uluru of the Heart Statement in 2023, the Australian government announced a referendum to vote on whether Aboriginal Australians would be given a formal voice in Parliament. The referendum dubbed "the Voice" was a historic and pivotal moment in negotiating the political representation and rights of Indigenous people in Australia. The referendum was unanimously rejected by all six states with 60% voting "No" and 40% voting "Yes". The rejection of the proposal led to further division and debate across Australia about the path forward for Indigenous people in terms of representation. Aboriginal people have consistently faced policies of exclusion and disenfranchisement by state and federal governments, effectively lowering their representation and power within the political process. In the realm of formal legal and political participation, Aboriginal people remain marginalized and have very little formal political representation based on a historical legacy of exclusion that has only recently begun to change. Following the recent denial of greater formal

⁴ Chapter not submitted for publication

political representation, many questions remain on how the relationship between Aboriginal Australians and the state will be negotiated in the coming years. In terms of political inclusion and participation, national parliaments are important areas for representation, as legislation has wide reaching impacts on the population. In Australia, Aboriginal representation in national parliament has increased substantially over the last ten years. From 2010-2024, thirteen Aboriginal MPs were elected, eleven of which are Aboriginal women. Prior to 2010, there were only two Aboriginal people elected into national parliament since the Commonwealth of Australia was established 109 years ago in 1901. Unlike New Zealand, Australia has no legal provision to secure the inclusion of Aboriginal people in national parliaments, most likely as a result of Australia's colonial history and the political exclusion of Aboriginal people (Maddison 2010). The increase in Aboriginal members of parliament (MPs) provides an interesting opportunity to observe the descriptive and substantive implications of Aboriginal MPs in national parliament.

In light of increased descriptive representation, this chapter examines whether Aboriginal descriptive representation leads to greater substantive representation for Aboriginal rights. Further, considering Aboriginal legislator's policy priorities creates opportunities to draw broader observations about how these members work to support, or potentially undermine the policy goals of Aboriginal communities. While in office, legislators pursue a variety of policy goals across issue areas, all of which can impact Aboriginal people. Initiating, supporting and passing legislation are not the only powers MPs can exercise. Legislators often use floor speeches as a form of symbolic representation, signaling belonging to their constituencies and detailing their policy interests (K. Q. Hill and Hurley 2002). Importantly, these opportunities to speak on the floor provide minority members, both by party status and by descriptive identity, the chance to position-take and elevate issues that matter to them. By examining the extent to which Indigenous

legislators use this floor time for issues of Aboriginal concern, we can evaluate the strength of Aboriginal identity on prioritizing in-group policy goals. Examining the ways Aboriginal MPs frame their identities, experiences and priorities in their own words contributes a new perspective to existing political representation literature and explores the implications of minority representation within democracies.

Australia's Parliamentary Government System

The focus on Australia arises for several reasons. Similar to Canada, New Zealand and United States, Australia has an Indigenous minority who challenge the assimilationist policies and practices of government. There is no treaty with Indigenous people in Australia or an Indigenous political party. Australia's parliamentary system is composed of the House of Representatives and the Senate. The House is responsible for introducing bills, proposing laws, and is comprised of 150 members. The Senate consists of 76 members where 12 senators represent 6 states, and 2 senators represent 2 territories with the goal of representing the states and territories equally. For any bill to become a law, it must receive a simple majority vote in both the House and Senate (Bagnall et al. 2018). There are several political parties with two major parties, notably the Australian Labor Party (ALP) with a centre-left progressive ideology, and in contrast the Liberal Party of Australia and the National Party of Australia (L&NP) with centre-right conservative party ideologies. Additional parties include the Greens, Independents, Country Liberals etc. (Cicchini, Lee, and Cullerton 2020). The ALP as a left leaning party has put forward the most Aboriginal candidates as opposed to the Labor Party. This lines up with the propensity of left-wing parties to promote ethnic minority women. (Evans and McDonnell 2022; Maddison 2010). Within Australia, Aboriginal candidates have been elected to parliament through their membership of a mainstream

political party. No Indigenous political party has emerged and very few Aboriginal candidates have run as Independents. How do Aboriginal legislators frame their goals and policy priorities and participation in parliament? The table below provides demographic information for the 16 Aboriginal MPs elected to national parliament, demonstrating the diversity amongst MP's parties, and represented states.

Table 4: Aboriginal MP Descriptive Statistics from 1971-2022

Member	Sex	Chamber	Party	State	Start
Neville Bonner	M	Senate	Liberal	QLD	1971
Aden Ridgeway	M	Senate	Democrats	NSW	1999
Ken Wyatt	M	House	Liberal	WA	2010
Nova Peris	F	Senate	Labor	NT	2013
Jacqui Lambie	F	Senate	Independent	TAS	2014
Joanna Lindgren	F	Senate	Liberal	QLD	2015
Patrick Dodson	M	Senate	Labor	WA	2016
Linda Burney	F	House	Labor	NSW	2016
Malarndirri McCarthy	F	Senate	Labor	NT	2016
Lidia Thorpe	F	Senate	Greens, Indep.	VIC	2020
Dorinda Cox	F	Senate	Greens	WA	2021
Gordon Reid	M	House	Labor	NSW	2022
Jana Stewart	F	Senate	Labor	VIC	2022
Jacinta Price	F	Senate	Country Lib	NT	2022
Marion Scrymour	F	House	Labor	NT	2022
Kerryne Liddle	F	Senate	Liberal	SA	2022

Literature Review

Research on political representation uses Pitkin's definition of political representation which is divided into four main categories (Pitkin 1967). Descriptive representation (DR) is the extent to which a representative shares characteristic with their constituents and can include references to identity or shared experiences regardless of whether the representative shares policy priorities, ideology or party with their constituents. For example, descriptive representation is concerned with a legislator's demographic information such as sex, race, or ethnicity, irrespective of their policy impact or choices. Substantive representation (SR) is achieved when representatives advocate for

policies that benefit their constituents or identity group. In contrast to descriptive representation, substantive representation is concerned with legislator's policy choices, votes on bills, draft legislation and participation in parliament rather than on identity or demographic factors (Rosenthal 2019; Pitkin 1967).

Within political science, there is a large body of literature examining how representation shifts from descriptive to substantive, particularly in the context of gender and historically disadvantaged groups. A central puzzle in scholarship on political representation questions whether the presence of a racial or gendered minority leads to championing of minority interests. Empirical studies demonstrate mixed results (Mügge and Runderkamp 2024). Indigenous representation in national or state legislatures in Australia have been largely understudied in part due to less formal political representation for Aboriginal people until recent years. Given the lack of research on Indigenous candidates in Australia, research on women and ethnic minority representation in western democracies can provide similar insights into how minorities navigate identity factors and substantive interests within political institutions (Evans and McDonnell 2022). Empirical findings focused on gender and politics vary as some find a positive relationship between DR and SR and others find insignificant differences between male and female legislators (Garboni 2015). Much research in this area has focuses on women's political representation asserting a women's DR has led to important symbolic and policy impacts (Beckwith 2007). It is argued increasing women's DR will bring different priorities and interests into policy making (Bratton and Ray 2002). Commonly referred to as "critical mass" theory, this asserts higher DR will allow for greater SR opportunities asserting SR would be achieved through the formation of coalitions to promote legislation related to women in addition to transforming the political discourse and policy agenda (Childs and Krook 2009). In terms of minorities, research suggests

having more minority representatives leads to a critical mass, allowing for greater policy influence and outcomes i.e. substantive representation. A central assumption in this argument is descriptive identity's importance, as people's characteristics or identity are assumed to guide their actions taken as a representative. Norris and Lovenduski (1994) stress the importance of minority and majorities in terms of critical mass. They assert when a group is a minority, they will conform to pre-existing institutional rules and adapt to their surroundings. But once critical mass ranging between 15%-30% is achieved there will be changes in the nature of group interactions as the minority is able to influence institutional culture and norms (Norris and Lovenduski 1994; Beckwith 2007). Researchers also critique critical mass theory for being under-theorized and discuss difficulties conceptualizing critical mass, asserting the theory lacks specificity on what percentage of representation leads to policy changes. Further critical mass has very little explanatory potential in terms of when it is effective, and if it is equally effective across minorities (Beckwith 2007). While generally perceived to be positive, some scholars assert critical mass can have negative effects by increasing polarization between men and women, increasing resistance to women's descriptive representation, fragment party coalitions etc. A main critique of critical mass is its assumption of unanimity in minority interests in order to influence institutional values. This is considered important to recognizing democratic participation and ideals, as increased DR for minorities is argued to be an important part of democratic inclusion and may help reduce historical subordination (Evans and McDonnell 2022). Addressing DR and SR for both racial and gendered minorities, Mansbridge (1999) argues DR is helpful under certain circumstances, but asserts institutionalization such as quotas should be fluid to ensure they are not essentializing. She proposes moving beyond a dichotomous approach to DR arguing its benefits and drawbacks are contextual, and representation itself is a deliberative process. Further she asserts the power of DR

to increase SR is because of an improvement in the quality of deliberation rather than politics of presence (Mansbridge 1999).

An alternative body of research emphasizes the complexity of substantive representation, asserting increasing the number of minority representatives does not necessarily lead to substantive effects, and presence is not enough as minority members may find it difficult to enact meaningful policy changes (Rosenthal 2019). This body of literature asserts substantial change does not happen merely because of politics of presence where a minority or marginalized group has a seat at the table through DR (Wängnerud 2009). Dodson (2006) delves deeper into critical mass theory's assumptions, asserting an increase in women may lead both male and female legislators to pay attention to women's issues, or could lead to obstruction by male legislators, or a lower proportion of women may be more effective without appearing to undermine male critical mass (Childs and Krook 2009; Dodson 2006). Both Dodson (2006) and Philips (1995) claim higher DR creates more opportunities for SR but does not guarantee it. They assert the relationship between DR and SR are 'probabilistic, rather than deterministic' (Garboni 2015). While empirical support for SR is difficult to measure, theoretical mechanisms have been articulated in the literature. In the context of the U.S., shared experience of minorities are seen as a motivation for representatives in the group to engage substantively based on shared experiences of past and present discrimination. Operationalizing shared experiences in this case would be difficult as these experiences are heterogenous (Sobolewska, McKee, and Campbell 2018).

Rosenthal (2019) examines how descriptive representation can lead to substantive representation through the examination of luck, power, resources, and collective action. She finds those who are lucky have resources without exerting power. However, in contrast, those who are unlucky do not have their preferences represented politically. She asserts representation shifts from

descriptive to substantive when the disadvantaged group collectively organizes its efforts to attain its interest, and when the ruling elite seeks to include the disadvantaged elite in power (Rosenthal 2019). Dahlerup (2006) argues change lies in ‘critical acts’ which change the position of a minority through the recruitment of other minorities, or new equality legislation. “Critical acts depend, crucially, on the willingness and ability of the minority to mobilize the resources of the organization or institution to improve the situation for themselves and the whole minority group” (Childs and Krook 2009; Dahlerup 2006b). This approach informs Childs and Krook (2009) who focus on critical actors as opposed to critical outcomes. Childs and Krook (2009) argue according to critical mass theory, minorities are unlikely to have strong substantive impacts until they grow from token individuals. They suggest an alternative approach to studying the relationship between DR and SR by focusing on critical actors who are advancing women’s SR but who may be either men or women. They disrupt the essentialist portrayals of men and women by focusing on critical actors who individually or collectively support female friendly policy changes.

In the context of Aboriginal representation, increasing Aboriginal people’s numerical presence in decision making positions does not necessarily guarantee greater representation of Aboriginal interests. Further Aboriginal interests are extremely diverse, adding an additional layer of complexity to examining substantive representation for Aboriginal people broadly. Evans and McDonnell (2022) examine how Indigenous people become candidates in Australia’s major parties by focusing on trends in success rate and party affiliation (Evans and McDonnell 2022). Current research on Aboriginal representation in parliament finds the majority of Aboriginal legislators were put forward by the ALP and almost two thirds resulted in election victory compared to only one third of Liberal party candidates. Further Evans and McDonnell (2022) find Aboriginal women win significantly more than men and the majority of candidates were grassroots party members

before standing. Maddison (2010) argues while parliamentary representation is important in a symbolic sense, meaningful change can't happen without structural transformation. She questions the capacity of Aboriginal politicians to bring about meaningful change in the context of historical exclusion and paternalistic policies.

Theory

Recent increases in Aboriginal representation leave many questions surrounding the implications and goals of their political participation. This research thus examines the diversity in approaches to Aboriginal politics by Aboriginal legislators to demonstrate in the context of Australia, SR for Aboriginal people remains nuanced, contested, and heterogenous. While increased DR is important to democratic inclusion, it cannot be assumed that Aboriginal MPs will substantively represent Aboriginal communities' interests. Acknowledging Aboriginal MPs as rational actors with obligations to party and constituents and often only representing a small minority of Aboriginal communities, I assert SR cannot be achieved through DR alone, nor should the obligation to improve SR for ethnic minorities be placed solely upon ethnic minority MPs. Prior research details the many obligations legislators may have, as Studlar and McAllister (2002) assert in order for female legislators to have a legislative impact they have to be able to work with a conducive party and persuade party leadership and members to support minority goals. Literature asserts DR is not enough to have a SR impact as legislative institutions may have a bias in favor of the majority's experiences and authority rather than the minority's experiences. Further, minorities may feel pressured to conform to the majority's practices that undermine their ability to seek SR in terms of policy making. Political party affiliation and political climate importantly influence candidate selection and norms/ preferences within the party in terms of Indigenous policy

interests (Childs and Krook 2009). Politics of presence is a first step, however, is likely insufficient to generate change if legislators are constrained by external factors such as party politics.

This research supports the argument that greater DR does not directly lead to greater SR in the context of Aboriginal people in Australia. There are several reasons for this assertion. First, Aboriginal interests are not monolithic, there is vast diversity amongst Aboriginal communities, and needs vary based on this diversity in urban/ rural areas, and amongst differing communities. I suggest the meaning of Aboriginal representation differs amongst Aboriginal legislators who represent a diverse set of interests and constraints. Aboriginal politicians experience unique pressures to their parties, constituents and to the Aboriginal community leading to a “no win” situation when pressures may be in conflict with one another. These pressures warrant investigation into who Aboriginal parliamentarians are representing, what they stand for and under what circumstances (Maddison 2010). Theories such as critical mass also assume that Aboriginal legislators will act on behalf of Aboriginal communities which minimizes the complexity of who or what is represented and by whom. Despite difficulties in defining the diversity present within Aboriginal representation it is commonly assumed increased DR would lead to greater capacity to hear Aboriginal interests and viewpoints in mainstream politics. I argue ethnic minority DR is important for democratic political participation, however it does not lead directly to substantive effects for ethnic minority communities. Capturing this nuance, Representative Linda Burney acknowledged that she did not believe that only Aboriginal parliamentarians could adequately represent Aboriginal constituents, however she felt strongly that it was critical to have Aboriginal voices in parliament (Maddison 2010).

Building on descriptive and substantive representation literature, I ask: How do Aboriginal MPs represent their identities (descriptive) and policy priorities (substantive) in their own words?

I examine these questions through maiden speeches, the first address of a new MP to parliament. This analysis investigates how Aboriginal MPs describe the influence and importance of their personal and community identities to their colleagues and constituents, and the connections between identity and policy goals or priorities. Maiden speeches are particularly salient for examining these questions as they are a symbolic start that signals MPs aspirations and intentions for their new role. Maiden speeches provide an opportunity to focus on the legislator's topic of choice rather than a specific subject, allowing an investigation into how MPs articulate identity (Mügge and Runderkamp 2024). I argue the perceived homogeneity of Aboriginal parliamentarian's interests is a problematic assumption that fails to acknowledge the diversity of Aboriginal people in Australia and ignores cleavages amongst Aboriginal parliamentarians. Examining Aboriginal MP's self-representation through maiden speeches captures the nuances and complexity of representation generally, and empirically examining self-representation within political narratives makes identities and values both visible and as political tools for signaling policy interests. Further, this contributes to understanding the unique goals of minority legislators and how they participate in parliament. The maiden speech is a political narrative that uniquely provides MPs an uninterrupted time to represent themselves. Further, the personal nature of the speech allows for different stories to be heard that reflect minority experiences rather than majority experiences. Young (2000) asserts the importance of stories as a means for marginalized groups to convey their experiences, values and identities (Mügge and Runderkamp 2024).

Many Aboriginal MPs have differing opinions on how effective descriptive representation can be achieved. For example, Neville Bonner, the first Aboriginal parliamentarian in the federal government joined the Liberal party, and argued the interests of Aboriginal people would be best achieved by working within the white parliament as an institution. He was later quoted a dozen

years after he left parliament asserting “I would not recommend with a clear conscience that Indigenous people join any one of the major political parties, because political parties in this country want bottle-drawn seats, hands in the air at the right time. You have no freedom to express yourself against the party.” (Bonner quoted in Ridgeway 2003, 2). Aboriginal MP’s attitudes change over time in part due to their experiences in parliament, leading some like Lidia Thorpe to change political parties. This further supports the assertion that choice in political party and the role of identity while participating in national government are often strategic decisions for legislators. Further, when examining conditions to gain SR from DR, Dowding (2003) finds organized collective action is necessary for a minority group to gain social power and influence. Once a high enough social influence has been achieved then the minority group’s policy preferences are included in government policy. In the context of Australia, I assert it may be hard to achieve collective action considering the heterogeneity in MP party choices and policy preferences. Further with the absence of an Aboriginal party, achieving collective action might be difficult. Existing research has struggled to disentangle when DR becomes SR, however research on racial minority candidates argue minorities share a sense of minority experience with their descriptive communities and feel a responsibility to represent minority voters. They find left/liberal parties minority legislators are more intrinsically motivated to represent minorities (Sobolewska, McKee, and Campbell 2018).

The complexity of constitutional representation for Aboriginal people is apparent in the with many differing goals and approaches between the state, Aboriginal legislators, and communities. The 2017 Uluru Statement of the Heart emerged from a government-initiated process in collaboration with Aboriginal communities to consult on options for greater Aboriginal political place and recognition. The Uluru Statement suggested a “Voice” to parliament which

proposed an advisory body that would allow Aboriginal people to advise the government on laws and policies affecting them. The Voice is an advisory body of Aboriginal community leaders, independent of political parties and government, which would advise the government on Aboriginal laws and policies. In terms of political representation, this would provide a permanent mechanism to include Indigenous voices in decision making in national parliament. As an advisory body, the Voice would have no veto power. However, in terms of representation would include Aboriginal leaders independent of politicians encompassing the potential for greater substantive representation.

With increased presence of Aboriginal MPs in federal parliament, many questioned why Australia needed a constitutionally guaranteed voice in Indigenous affairs. Arguments in favor of 'the Voice' asserted its importance, emphasizing Aboriginal politician's views do not always align with Aboriginal communities views in addition to constraints from party affiliations and diversity of constituent's interests (Administration, n.d.) as like other parliamentarians, Indigenous MPs must represent the interests of all their Australian constituents and must also represent their political parties. Given Aboriginal people are only 3% of the population, this further strengthens the argument that Aboriginal MPs cannot simply solely substantively represent Aboriginal communities. Further Aboriginal MPs can't be assumed to represent the diversity of interests and goals of communities just because they are Aboriginal. While the majority of Aboriginal MPs were instrumental in the Voice's creation a few MPs, particularly Independent Senator Lidia Thorpe and Country Liberal Senator Jacinta Price voted 'No' to the Voice, disagreeing with the majority Indigenous opinion. Senator Lidia Thorpe referred to the Voice as a 'powerless advisory body' that would do little to change the lives of Aboriginal Australians. She argued instead for supporting alternative measures such as truth telling and treaty making, and rejected the Voice in more favor

of self-determination (B. Carlson 2023). In contrast, Senator Jacinta Price asserted the referendum created division and lacked details, arguing the millions of dollars spent on the referendum could have been better spent on improving outcomes for Indigenous people. This example demonstrates the differing stances of Aboriginal policy makers who although both voted no, did so for different reasons and based on differing viewpoints (*ABC News* 2024).

Data & Methods

Empirically the relationship between descriptive vs substantive representation is hard to capture (Wängnerud 2009; Hayes and Hibbing 2017). Measuring representation requires context, thus I pursue an in-depth narrative analysis of Aboriginal MP's maiden speeches to demonstrate diversity amongst the ways they descriptively, substantively and symbolically represent themselves, their communities, and their policy priorities. Maiden speeches were chosen as a political narrative because each MP uses their uninterrupted time to share their motivations and priorities by providing insight into their goals and signaling of future legislative actions (Mügge and Runderkamp 2024). Substantive representation is typically measured through outcomes such as voting records and legislative behavior like bill sponsorship which does not capture the full complexities of representation. For minority members achieving substantive representation may also be difficult to achieve in the context of party constraints. This research supports focusing on measuring representational narratives, attitudes and values rather than outcomes to operationalize SR as representation is a deliberative process rather than a binary outcome (Mansbridge 1999). Several studies assert the connection between DR and SR occurring through a variety of factors. For example, 'Linked Fate' theory asserts an awareness or group consciousness of discrimination is considered an important prerequisite to consciously pursuing SR. This finds when individuals

believe their success is linked to the success of their racial or ethnic group descriptive representatives with a shared sense of injustice can theoretically articulate group interests. Another mechanism to connect DR to SR is greater willingness of minority representatives to substantively represent minorities fostering a sense of duty through solidarity and commonality (Sobolewska, McKee, and Campbell 2018). Measuring willingness to represent is observable through maiden speeches and can signal the presence of SR even if votes or policy changes do not follow. SR is typically measured through outcomes which may be difficult to achieve in the context of minority representatives and their constraints. This research supports focusing on measuring representational narratives, attitudes and values rather than outcomes to operationalize SR. Maiden speeches were collected for every Aboriginal MP in both the Senate and the House (N=16). The majority of members were elected to the Senate (N=12) and the remainder to the House (N=4). The majority of the members elected are women (N= 11) with 8 women in the Senate and 2 women in the House. Qualitative content analysis was conducted using MAXQDA software to identify three main indicators: descriptive, substantive and symbolic indicators on representation and identity in each speech. The speeches were deductively coded over 14 indicators (see Appendix 1) to capture the ways Aboriginal MPs represented their identities and expressed their policy goals. Codes include 5 types of descriptive indicators, 4 types of substantive indicators and 4 types of symbolic indicators in speeches. The descriptive codes capture information surrounding the speaker's connection to their Aboriginal identity to communities, and Aboriginal constituents and/or traditional landowners. They demonstrate in group or shared experiences amongst Aboriginal people. The substantive codes capture the intent of MPs to propose or support legislature towards greater Aboriginal equality. They are grouped into common themes surrounding treaty making, advocacy, social justice etc. The final codes capture references to

women, references to who is being represented, solidarity with other Aboriginal representatives, and expressed desire to collaborate with the current government/ party. Figure 1 demonstrates the frequency of mention over the 5 descriptive codes. Speakers reference their own Aboriginal identity the most, followed by connection to their personal communities through stories about parents and grandparents, and then finally emphasis on sharing solidarity with the traditional landowners of their constituency or Aboriginal communities across Australia more broadly. Less emphasis is given to referencing the speaker's symbolic inclusion which emphasizes being a role model or historically acknowledging Aboriginal disadvantage. This is likely due to the nature of the maiden speech where MPs largely reference their personal stories, experiences and goals. Through their stories and experiences, some MPs indirectly reference symbolic inclusion and historical acknowledgement although less frequently.

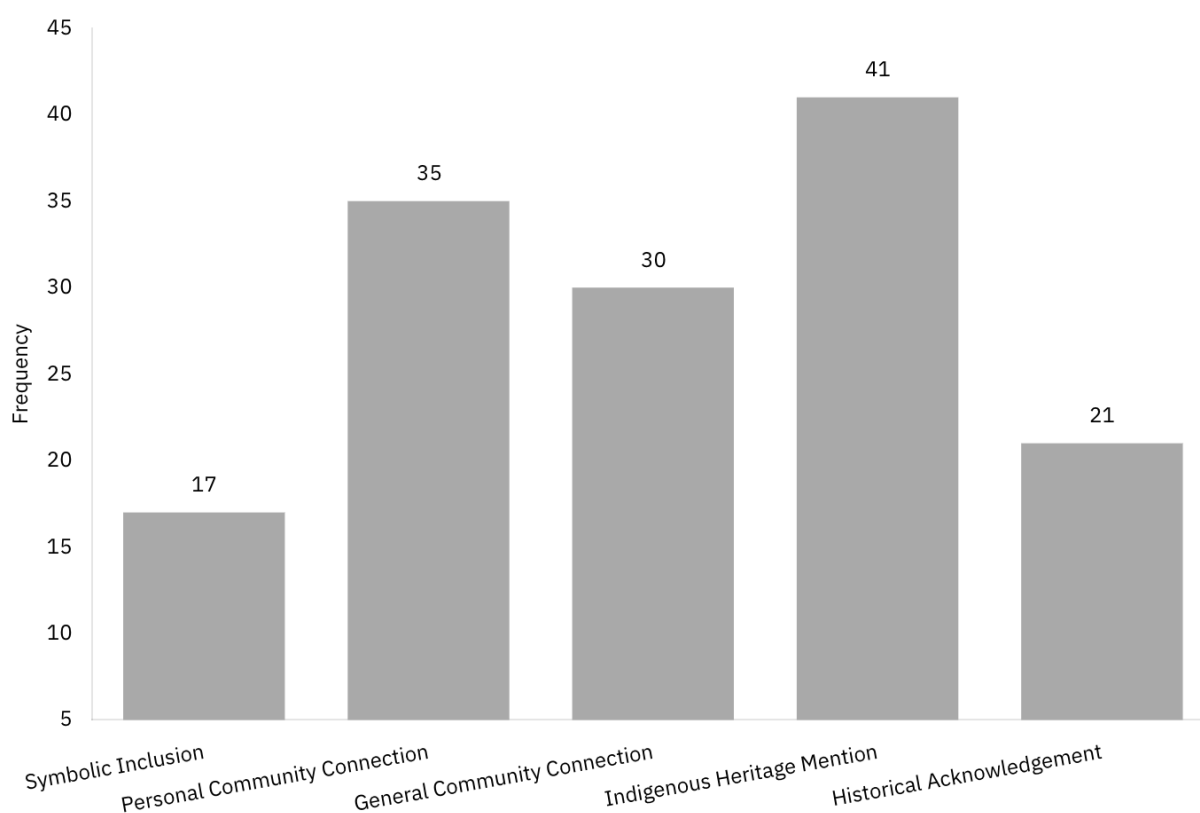


Figure 1: Frequency of Descriptive Codes for All MPs

Figure 2 demonstrates the most prevalent substantive topics for MPs surrounded social justice. This is where the speaker references discussions about equity, social justice, or institutional racism and advocates for change. Within the 43 mentions were references to Aboriginal deaths in custody, a desire for Aboriginal equality, calling out institutional racism and exclusion, advocating for reconciliation, referencing the social reproduction of inequality, and climate justice. There were 27 mentions of self-determination through references to sovereignty, treaty making, constitutional recognition, and the Uluru Statement.

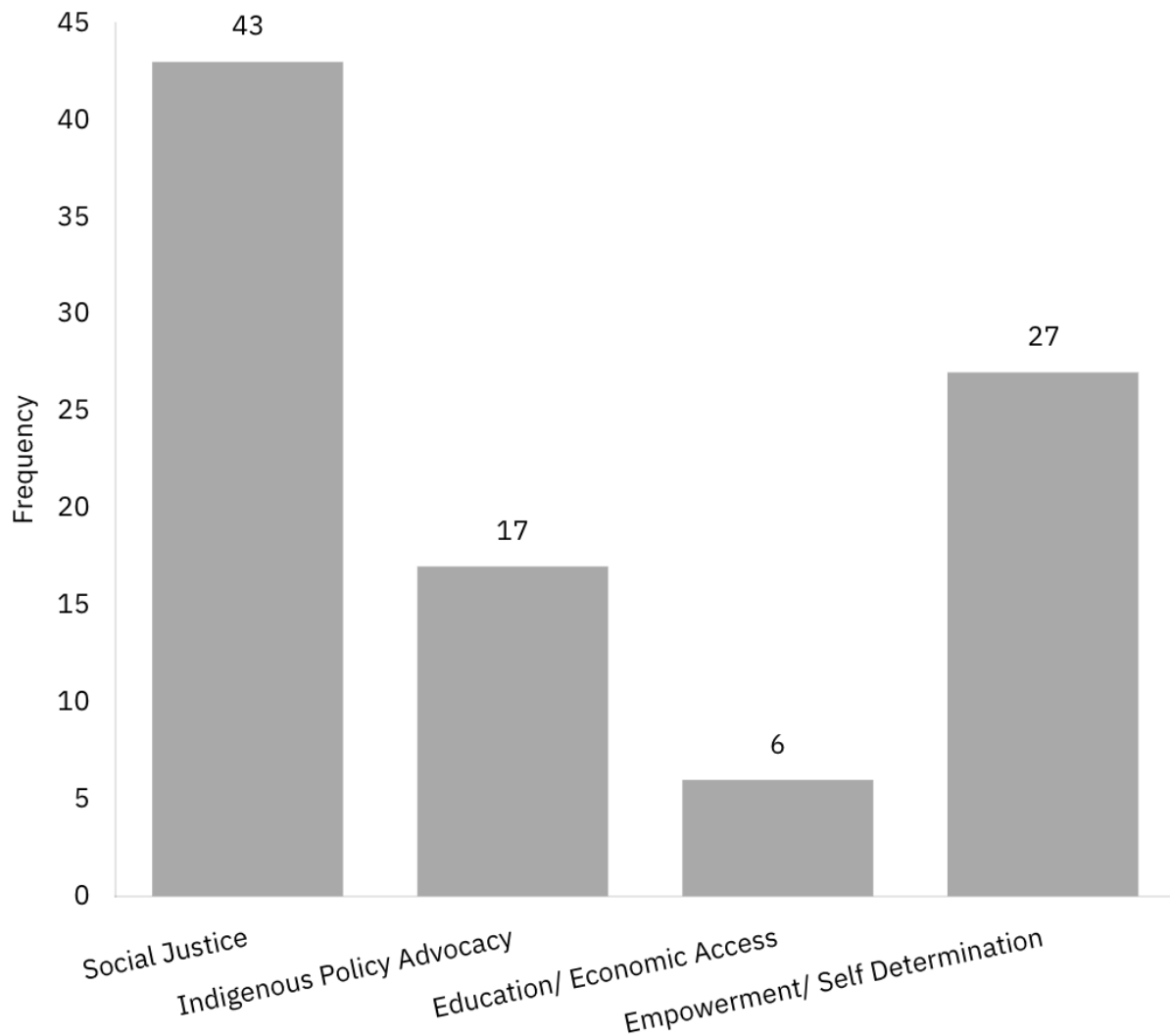


Figure 2: Frequency of Substantive Codes for All MPs

Data Analysis

The data analysis is separated into several identity categories. ‘Representation’ is analyzed as an MP’s direct reference to who they are representing in terms of their constituency. ‘Gender’ analyzes who speaks on gendered issues such as domestic violence or the needs of First Nations women. ‘Aboriginal Identity’ analyzes how MPs represent their Aboriginal identity and their

connection to their communities. ‘Party’ examines how MPs speak about their own parties. ‘The Voice’ analyzed how MPs are discussing constitutional recognition and sovereignty.

Representation

Representation studies focus on whether DR leads to SR, but few studies focus on how MPs self-represent and state their priorities surrounding representation. Within the maiden speeches, many MPs directly address who they represent. Thematically, the majority of MPs (N=10) emphasize their representation of all of their constituents and advocate for embracing diversity amongst constituent’s needs. There is a rejection of essentialism, particularly of Aboriginal people speaking only for Aboriginal people. Rather the MPs emphasize the sameness between being Aboriginal and being Australian. While this sameness is emphasized, many of the MPs also state their concern for persistent disadvantage unique to Aboriginal communities. For example:

“Now that I am here, I want to make a difference for the better life for all Territorians, but, in particular, all Aboriginal Territorians” (Marion Scrymour 2022)

“It is not for us to be silent on issues that affect a particular demographic that we may not ethnically originate from or the gender we do not belong to. The purpose of our successful democratic Westminster system is to courageously represent the interests of all” (Senator Jacinta Price 2022)

“Whilst anyone elected as the member for Lingiari must, ofcourse, champion the interests and aspirations of all constituents, the challenges and issues facing Aboriginal people and

communities in Lingiari will be front of mind for me at all times. And there are significant challenges and issues to be addressed” (Marion Scrymour 2022)

“I firmly believe that to be successful in this endeavour we must ensure at all times the full and active engagement of all of our people. I will be working in this place to: make sure that fewer Aboriginal and Torres Strait Islander Australians are locked up in our prisons; help develop northern Australia, in partnership with regional communities, industries and Aboriginal people; build consensus on changing our constitutional framework, recognising the need for meaningful discussions with Aboriginal and Torres Strait Islander peoples on a treaty or treaties; and ensure Aboriginal and Torres Strait Islander Australians and their organisations are key decision makers and empowered partners in programs to transform the current levels of injustice and bureaucratic domination” (Patrick Dodson 2015).

The theme of representing everyone but particularly the needs of Aboriginal communities demonstrate Aboriginal MP’s intent to substantively represent Aboriginal communities and issues. In terms of MP’s own descriptive identities as Aboriginal, they address being both Australian and Aboriginal, asserting one does not take precedence over the other. They emphasize sameness in representing their constituents while also acknowledging their commitment to Aboriginal communities in particular, likely a result of their own descriptive representation. While commitment to substantively represent Aboriginal communities is signaled, there is also an assertion that Aboriginal MPs can’t speak for all Aboriginal communities. For example:

“I am but one indigenous voice among many, but I believe that I am obliged to promote those other voices and to move this government to constructive concord with Australia's indigenous peoples. Everyone's effort is required if we are to achieve the nation's ambition of reconciliation” (Aden Ridgeway 1999).

“As a general rule, Aboriginal people speaking for and about their own country have a greater say about it than other Aboriginal people, even if those Aboriginal people have been living there for a long time. This is the fundamental social and political truth about remote Aboriginal communities, where traditional owners are often substantially outnumbered by people from other groups” (Marion Scrymour 2022).

“President, it would take a special kind of male arrogance for me to assume that I could give voice and visibility to all black women and women of colour in our country. It's going to take a team effort” (Jana Stewart 2022).

In this case, I find Aboriginal MPs are aware of the complexity of descriptive vs substantive representation and address this directly in their speeches by making it clear who they represent. They reject essentialism while simultaneously advocating for Aboriginal rights and representation.

Gender

Descriptively, female Aboriginal MPs reference both Aboriginal and non-Aboriginal women in their speeches and signal their commitments to substantively addressing Aboriginal women's issues. The ways each MP addresses issues varies as some acknowledge gendered experiences of

domestic violence experienced by Aboriginal women, or general gender pay gaps and general lack of female political representation. None of the 5 male MPs reference Aboriginal women's substantive issues. Similar to the nuance of the representation category, female Aboriginal MPs highlighted women's issues for both Aboriginal and non-Aboriginal women with a special focus given to the intersectional experiences of Aboriginal women. Senator Lindgren, Senator Cox and Senator Stewart most frequently reference women in their speeches. Senator Joanna Lingren signaled both DR and SR for Indigenous women and non-Indigenous women in her maiden speech as she highlighted female underrepresentation in parliament and gender imbalances in politics more broadly, declaring it is time to act on this issue rather than just talking about it. Further, she intended as a new appointed female senator to encourage, cultivate and engage women in politics. She states, *"The task of securing equal representation in politics is no doubt a difficult one, but one worth pursuing if we are to have a diverse and dynamic parliament worthy of this great nation of ours"* (Joanna Lindgren, 2015). Senator Dorinda Cox called attention to First Nation deaths in incarceration, particularly women dying in preventable circumstances. She called for a full coronial inquest into the deaths, signaling gendered policy priorities. Senator Cox state *"We are 35 times more likely to experience violence and 10 times more likely to be killed. This is why I will campaign for a national inquiry into the Missing and Murdered First Nations Australian women."* (Dorinda Cox 2021). She critiqued societal approaches to "women's issues", arguing violence against women is not a "women's issue", rather it is a societal issue. Senator Jana Stewart shed light on the impact of violence against women and the devaluing of women's critical roles in society emphasizing the gender pay gap, homelessness, and women's unpaid contributions. Regarding Aboriginal women she stated black women and women of colour are left out of the national conversation, drawing attention to the intersectional inequalities experienced by

Aboriginal women. She stated *“Our country has a gender pay gap of 13.8 per cent. But what you don't hear is that the gap for First Nations women when compared to non-Aboriginal men is a huge 32.7 per cent. The pay gap between First Nations women and non-Aboriginal women is roughly 19 per cent. You will hear about how important access is to child care for women and their careers, but you don't hear about what a difference it would make for black women and women of colour”* (Jana Stewart 2022). She declared her commitment to bringing these issues forward for women and particularly Aboriginal women. These three senators brought Aboriginal women's issues to the forefront, asserting their commitment to take substantive action. In this case, I find descriptive representation created opportunities for substantive representation of issues affecting Aboriginal women and while Aboriginal women championed issues specific to Aboriginal women, they did so in heterogeneous ways.

Several female MPs opted for mentions focused on their specific communities: Senator Malandirri McCarthy, Senator Jacinta Price, and House Rep Marion Scrymour who all represent the Northern Territory, emphasized their solidarity towards women experiencing domestic violence. Senator Price critiqued the scant and often wrong media reporting of Indigenous women's deaths in the Northern Territory as a result of domestic violence. She asserted the desensitization of the local community because of such high prevalence. The Northern Territory experiences particularly high levels of violence against Indigenous women. Senator Lidia Thorpe uniquely addressed her experience of domestic violence in her speech and was the only senator to do so, while also emphasizing the strength and pride of Aboriginal women. She stated, *“I come from a long line of strong black women who taught me to stand up for what's right and never let injustice and racism beat you down”* (Lidia Thorpe 2020). In relation to their male counterparts,

Aboriginal women's DR led to higher SR of issues disproportionately effecting Aboriginal women.

Aboriginal Identity

The representation of Aboriginal experiences, identity, and policy priorities are deeply engrained in almost every Aboriginal MP's speech demonstrating diversity in Aboriginal DR and SR amongst Aboriginal MPs. The majority of speakers (N= 14) included a welcome to country acknowledgement, a symbolic gesture of respecting Indigenous elders past and present. From the analysis, two main themes emerge in terms of frequency of indicators. The most prevalent descriptive indicator of Aboriginal identity were references to personal Indigenous identity, ancestry, or community through familial or personal stories. This supports the importance of DR in terms of including identities, narratives and experiences that would otherwise not be heard by the majority. Young (2000) finds storytelling is an effective tool for a collective to identify with each other, therefore useful for MPs who want to emphasize they are in parliament to represent a particular group (Mügge and Runderkamp 2024). The most prevalent substantive indicator is social justice and equity which reference MP's advocacy to reduce Indigenous inequality in Australia. MPs who are the first Indigenous people to represent their respective states/ territories express their pride and privilege in being "firsts", acknowledging the symbolism of their inclusion into federal parliament. For some, pride was also tinged with feelings of sadness considering the historical exclusion, violence and dispossession many Aboriginal people and communities have experienced under federal government policies. For example:

“So my pride in commencing in my formal role in this House of Representatives is tinged with some sadness. I’m essentially becoming part of the same government which designated both of my parents as wards of the state, the state being the Commonwealth of Australia. Now that I am here, I want to make a difference for the better life for all Territorians, but, in particular, all Aboriginal Territorians” (Marion Scrymour 2022).

“I have known for some time that the challenge in being elected would arise in being Aboriginal and being Australian. I am not here for popular interest but for the interests of my country and to further the interests of indigenous Australians. So in that regard I must show leadership that contains the sentiment of impartial leadership that has no contradiction by combining the attributes of being both Aboriginal and Australian” (Aden Ridgeway 1999)

“I do not rise tonight to speak on behalf of the Aboriginal people of Australia alone. I do not consider myself to be an Aborigine first and an Australian second. I am an Australian first and an Aborigine second, and I will always speak for the welfare, advancement and betterment of all Australians, no matter who or what they are” (Neville Bonner 1971)

“It is with deep and mixed emotion that I, as an Aboriginal man with Noongar, Yamitji and Wongi heritage, stand before you and the members of the House of Representatives as an equal” (Ken Wyatt, 2010)

“Whilst I am obviously very proud of my Aboriginal heritage I want to make it clear that I do not consider myself an expert when it comes to finding solutions for Aboriginal and Torres Strait Islander people's particular predicaments” (Nova Peris 2013).

In addition to sharing personal stories, legislators also acknowledged other Aboriginal communities that were not their own, recognizing the diversity amongst communities. Further, while legislators emphasized the importance of their symbolic inclusion, many also referenced the lasting impacts of historical injustice and exclusion. They did not shy away from critiquing previous injustices and advocating for reconciliation. For example:

“I now put on notice my intention to call upon this government to act above party consideration and..I call upon this government to renew its commitment to reconciliation between indigenous and non-indigenous Australians, to reaffirm its commitment to addressing the economic and social disadvantage of indigenous Australians, and to express its deep and sincere regret for the hurt and the trauma that has been suffered by so many indigenous peoples” (Aden Ridgeway 1999).

“As a general rule, Aboriginal people speaking for and about their own country have a greater say about it than other Aboriginal people, even if those Aboriginal people have been living there for a long time. This is the fundamental social and political truth about remote Aboriginal communities, where traditional owners are often substantially outnumbered by people from other groups” (Marion Scrymour 2022).

I use the word 'genocide' because it is a hard truth about the history of this country...I note that the definition suggests that committing any one of these acts with the intent to destroy a group would meet the definition of genocide. I note that Australia meets all five” (Jana Stewart 2022)

“It is argued by some that the decision made for my people was one of goodness, not of persecution; of assimilation, not of genocide; and in honesty, for their own good. As my colleagues and friends would attest, we are reviled for our protests and branded un-Australian when we take our case abroad. Our complaint is not so much about our condition or that we have no recognition like our brothers and sisters in other places. Our complaint is that we have no recognition from the other people in this country” (Aden Ridgeway 1999).

Members also critiqued the government for not taking enough action, asserting the need to go further than debates and to engage in truth telling, adhere to UNDRIP, reduce Indigenous incarceration, and address climate change amongst other issues.

Party

Several members acknowledged and thanked their Aboriginal constituents, colleagues and elders. In addition to directly stating their interest in representing Aboriginal needs, many MPs referenced their own connection to identity through use of Aboriginal language and their personal connections to their communities through stories shared in their speeches. A majority of the members (N=12) referenced collaboration with the current government and/ or within their own party. For example: “Our movement, the Labor movement, has always been one of opportunity and access” (Gordon Reid).

“To Greens members and voters who have backed me on this journey, I thank you. I chose the Greens as my political home because it's a grassroots movement that won't sell out to vested interests that have corrupted our democracy” (Lidia Thorpe 2020).

“It was also around this period that the state Labor government committed to treaty, piquing my interest in politics for the first time. Until Victoria's commitment to treaty I had never really seen the power or the purpose of politics. Treaty is why I became a Labor person” (Jana Stewart 2022).

The majority of the MPs (N= 12) expressed gratitude to their parties and/or a desire to collaborate with the current government to address Aboriginal inequality. Labor MPs in particular praised their party for the opportunities and access provided to them and others, describing the Labor party as gender balanced, culturally diverse, and dedicated to equity. Many also acknowledged other Indigenous colleagues in the chamber or as predecessors for their mentorship and shared an optimism for the future, pride in party choice, and a desire to collaborate under a shared vision for all Australians.

The Voice, Treaty and Self-Determination

The majority of legislators (N= 14) address their stances on sovereignty, treaty and constitutional recognition. Members stated their desire for Aboriginal constitutional recognition and assert sovereignty was never ceded. All Aboriginal members voted in favor for the Voice referendum except for Senator Thorpe and Senator Price. The bill passed in the Senate in favor of the constitutional alteration with 52 votes for and 19 against in the Senate. Both Thorpe and Price's

maiden speeches define their priorities for Aboriginal representation, rendering both of their votes against ‘the Voice’ referendum unsurprising. Senator Thorpe’s maiden speech pursued a strong social justice agenda, highlighting Aboriginal inequality and deaths in custody, in addition to inequalities experienced by other minorities. Her stance on representation was treaty first before the Voice and other Aboriginal policies. She stayed true to this statement in her vote against the Voice asserting the Voice would be a weak advisory body that would have no real influence and would delay real changes. She asserted the Voice does not provide self-determination, and First Nations MPs and senators are actually able to vote on legislation which is more than the Voice would be able to do. She advocated for a treaty that would dedicate First Nations seats to parliament referencing the success other countries have had with Indigenous representation (*ABC News* 2023). *“That’s why treaty must come before other debates, such as constitutional recognition, changing the date of Australia Day, or a voice to parliament, because the disadvantage and inequality we face as a community are not due to inherent failings in our character; they are symptoms of the persecution and oppression this country and its Constitution were founded upon. We can’t be included in the Constitution before this chapter in Australia’s history has been resolved via a treaty”* (Senator Thorpe 2022).

Senator Price asserted her disdain at the Labor government’s symbolic gesture through the Voice asserting it has yet to demonstrate how the Voice will deliver practical outcomes and unite rather than drive a wedge further between Indigenous and non-Indigenous Australians. Senator Price asserted in her maiden speech *“However, now you want to ask the Australian people to disregard our elected voices and vote yes to apply a constitutionally enshrined advisory body without any detail of what that might in fact entail! Perhaps a word of advice — since that is what you’re seeking: Listen to everyone and not just those who support your virtue-signalling agenda*

but also to those you contradict” (Jacinta Price 2022). She argued against left leaning policies, asserting they are worsening the lives of Indigenous people. Senator Price argued the Voice would be detrimental to the constitution as it would fail to elevate marginalized Aboriginal Australians and would undermine the 11 democratically elected MPs. She also highlighted that the NT is 30% Indigenous (the highest in Australia) yet votes from the NT and ACT are counted differently. The NT and ACT votes were included in the national total but did not count towards the state majority requirement (*ABC News* 2023).

Conclusion

A central puzzle in the scholarship on representation for historically disadvantaged groups examines whether the presence of minorities leads to the championing of minority interests and beneficial policy outcomes. Empirical studies demonstrate mixed results. Debates surrounding the underrepresentation of a minority group assert political institutions should reflect the diversity of society and substantively the descriptive exclusion of certain groups from political participation renders their needs and interests invisible or unheard in political institutions, thus stressing the important but complex connection between DR and SR (Tremblay and Pelletier 2000). This analysis finds the structural and personal challenges of Aboriginal representation in Australia emphasizing the important role of Aboriginal parliamentarians and representation within political institutions. Representation is one of many strategies needed to address the diverse needs of the minority Aboriginal community and is an important component of democratic legitimacy. While DR does not necessarily guarantee SR, pursuing greater DR creates a foundation for greater SR to follow. While Aboriginal MPs goals, experiences, constituents and parties vary, the majority of Aboriginal MPs highlight Aboriginal disadvantage, proudly asserted their Aboriginal identities,

critiqued historical exclusion, and advocated for substantive policy changes to reduce Aboriginal inequality. Their inclusion in Australia's political institutions are essential for democratic participation. While Aboriginal DR is important, Aboriginal politician's views do not always align with Aboriginal communities views in addition to constraints Aboriginal MPs face from party affiliations and the diversity of their constituent's interests (Administration, n.d.) therefore DR alone is not enough to guarantee SR but is a positive step towards achieving greater SR for Aboriginal Australians.

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CHAPTER 4

ABORIGINAL REPRESENTATION AND VISUAL ARTWORK⁵

“I believe that any expression of Aboriginal art, be it traditional or contemporary is an act of political defiance. So much time and effort, two hundred years of very concerted effort to destroy Aboriginality and Aboriginal culture has gone into this country. The fact that Aboriginal culture does remain a living thing in itself is an extraordinary political statement, about their resilience, their adaptability and their tremendous willpower”

Dr Gary Foley, Gumbainggir, 1988.

Introduction

How are Aboriginal rights claims articulated outside of formal political institutions? How does Aboriginal artwork represent politics, culture and identity in Australia? The purpose of this paper is to explore the aesthetic representation of Aboriginal politics outside of formal political spaces. In Australia, Aboriginal people have had a long history of political exclusion, discrimination, and human rights abuses (Guntarik and Grieve-Williams 2020). Rights claims and representation are articulated both inside and outside of formal political and legal institutions, however there are fewer examinations of representation outside of political institutions within political science. Perspectives on human rights enjoyment and discourse are multifaceted and should include legal, social, and cultural measures within which visual arts have an important role (Garnsey 2019c). Important issues are often reflected in the arts, which in turn can influence people and inspire action as political actors in both powerful and marginalized positions use visual media to convey, persuade or disseminate ideas (Bogerts 2022). Artwork is a powerful tool for communication, and has been used to critique repression, highlight abuse, call for change, and challenge existing norms.

⁵ Chapter not submitted for publication

As a settler colonial state, Australia is constantly negotiating the role of national identity and relationship with Aboriginal Australians, a struggle that comes up frequently in contemporary Aboriginal artwork. This paper critically examines how Aboriginal artwork frames Aboriginal politics, culture, grievances and critiques. Drawing on novel data, this work delves into Aboriginal art's framing strategies and narratives to demonstrate Aboriginal art is an important vehicle for representing minority Aboriginal rights and critiquing ongoing colonial domination.

In 1963, the First Nations people of Yolngu famously presented the Yirrikala Bark Petitions to the Australian parliament to resist the takeover of Yolngu by a bauxite mining company. Containing both English and Yolngu language, the petitions were painted in ochre with clan designs and threatened wildlife to demonstrate the beauty of the country and its importance to the Yolngu people. The Yolngu people called for consultation over mining and recognition of land ownership, rejecting *terra nullius* or "no man's land", Australia's justification for colonization. The petitions were the first of their kind to blend Yolngu art with legal protest on bark canvas. They also were the first traditional documents to be recognized by the Commonwealth government and are considered a catalyst for discourse surrounding Aboriginal land rights in Australia. While the bark petitions were initially dismissed by parliament and unsuccessful in achieving their stated goal, their impact did not go unnoticed, as they later paved the way for the 1976 Aboriginal Land Rights act, and also inspired other First Nations leaders to submit bark petitions to the Australian parliament, further generating dialogue on Aboriginal land rights in Australia (Studies 2024). There is a long history of Aboriginal activism surrounding representation, land rights, citizenship, an end to forced child removal, and cultural preservation. The Yirrikala Bark Petitions are an example of combining traditional creative approaches with a legal proposal petitioning for land rights. While there have been some achievements for Aboriginal

land rights, contestation over Aboriginal land rights remains. Within Australia, Aboriginal people continue to face significant barriers to enjoying their human and political rights, and have a long history of human rights abuse, and political, social and economic destruction and exclusion. Aboriginal people have been historically underrepresented in national parliament, and while there has been an increase in Aboriginal descriptive representation, improvements surrounding substantive representation remain complex and contested. Aboriginal people and communities are incredibly diverse. Australia's first people have over 500 nations and 250 different language groups throughout Australia. Each nation has different ways of life and kinship structures defying the conception of Aboriginal people as a homogenous group. Cultural practices and regional identities are diverse and vary amongst communities. This diversity is reflected aesthetically in contemporary Aboriginal artwork which accentuates the heterogeneity amongst Aboriginal people and culture ("Statistics about Aboriginal and Torres Strait Islander People | Australian Human Rights Commission," n.d.). Aboriginal people's political and constitutional representation remains deeply contested as Australia is the only country in the British Commonwealth that has not made a treaty with Indigenous people. Under colonization Aboriginal communities have experienced government assimilation policies throughout the 1900s and did not receive voting rights or constitutional recognition until 1967. This historical exclusion has led to long term political marginalization that continues today. In 2023 the Voice referendum was rejected, emphasizing the continuing contestation over Aboriginal people's political representation in Australia. The referendum would have constitutionally recognized Aboriginal people and established an advisory body to parliament. In terms of representation, it is difficult to capture the diversity and heterogeneity of Aboriginal people, communities and interests solely through formal political institutions. I argue contemporary Aboriginal art is an important form of substantive political

representation for Aboriginal people. Artistic representation as a form of political representation highlights narratives that would otherwise go unheard. In the case of Australia, the inclusion of Aboriginal narratives from everyday people in addition to representation from political elite are an important facet of Aboriginal political representation and inclusion, highlighting issues that would otherwise be invisible. I examine these issues of representation through contemporary Aboriginal artwork's negotiation of Aboriginal rights and representation, and its challenge of dominant narratives and histories in Australia. Beyond Aboriginal art's aesthetic appeal, many pieces contain overt political messages regarding self-determination, sovereignty, truth telling, and visions for Aboriginal justice and reconciliation. These narratives challenge the hegemony of the state and highlight Aboriginal disadvantage and human rights grievances. In the context of persistent Aboriginal exclusion and inequalities, I argue the need to examine Aboriginal rights claims outside of formal political institutions is urgent.

Through a case study analysis of two contemporary Aboriginal artwork exhibitions in Melbourne, Australia, this work offers a theoretical framework for understanding Aboriginal representation and activism in a settler nation state where Aboriginal rights are constantly contested, negotiated, and divisive. First, I disaggregate and conceptualize the various themes in visual art to offer a descriptive typology of political frames within contemporary Aboriginal artwork. In this way, I also demonstrate this work is inherently political. Second, I explain how Aboriginal artwork an important form of representation of Aboriginal culture, identity, grievances and politics as Aboriginal people's minority status in Australia renders their political interests severely underrepresented within formal political institutions. The Contemporary Aboriginal art movement has received significant domestic and international recognition and support in recent years. Aboriginal artwork provides many opportunities to examine and evaluate the framing of

Aboriginal issues by Aboriginal artists where formal political participation is sparse. On many human rights issues, communities most directly affected by abuses are the driving force in shaping and leading advocacy efforts on their own behalf, often overcoming threats, isolation, and marginalization to do so. The focus on Australia arises for two reasons: first Australia is a wealthy, liberal democracy with a colonial legacy that has devastating, long term impacts on the rights of the Aboriginal minority. Second, Aboriginal visual art provides substantial material to examine frames and important narratives counter to Eurocentric conceptions and histories of the Australian state. From an empirical analysis of two Aboriginal art exhibitions, I inductively derive several frames which contribute to the representation of Aboriginal politics within Australia. The following sections review literature to situate the analysis and provide a brief history of the contemporary Aboriginal art movement before delving into theory, data, and analysis.

Literature Review

“Politics is not only fought out in state houses, workplaces or on battlefields, but also in the language we use, the stories we tell, and the images we conjure—in short, in the ways we make sense of the world” (Duncombe 2015).

Everyday Politics, Visual Politics, and IR

Challenges to the dominant research paradigms in IR have resulted in the emergence of critical, feminist and postcolonial theories which include the everyday politics of non-state actors and individuals. Traditional IR has focused on agency exercised through institutional frameworks rather than agency exercised by individuals or on a local, grassroots level. Watson (2012) finds although there is rhetoric advocating for a variety of rights, those who require rights are often

viewed as incapable of advocating on their own behalf. Instead, their rights are negotiated by external actors who may be perceived as more legitimate. She argues the ‘everyday activist’ who is engaged in acts of resistance advocates for themselves, however this is often overlooked in favor of institutionalized advocacy (Watson 2012). These acts however lie outside of mainstream IR and are therefore under researched and undertheorized. This is exemplified in the lack of legal and political recognition Aboriginal people hold, raising questions about what adequate Aboriginal representation looks like outside of political institutions (Watson 2012). This approach emphasizes how the ‘everyday’ can be sites of power, resistance and revolution, situating the discourse of politics as present in everyday life (Watson 2012). Several scholars discuss the theorization of everyday politics as sites of dissent and resistance (Scott 1985; Hamilton 2021). Resistance embodies many forms of activity that contribute to challenging, producing or changing power dynamics. Research on resistance focuses on two kinds: organized resistance such as large scale social movements, or everyday resistance includes individualized forms of resistance (Lilja and Vinthagen 2018). Within this context, greater attention has been given to the role of aesthetic politics which legitimize creative insights beyond traditional IR theory and data. Aesthetic politics are defined as the way political power and ideas are shaped by aesthetic forms such as literature, visual art, media, performance etc. (Rancière 2004). Aesthetic approaches to politics through visual media are diverse and include photography, television, social media, monuments, and artwork, all of which influence how we interpret a variety of global events such as war, election campaigns, humanitarian disasters etc. (Bleiker 2023). Increased accessibility and circulation of images through social and digital media speak to the importance of imagery in portraying politics and identity. Images and artifacts play a role not just in reflecting politics but also in shaping politics through framing which influences perceptions of political phenomenon. For example, the

visual framing of asylum seekers on boats by the media elicits the perception of refugees as threats to security rather than as victims of a humanitarian crisis (Bleiker et al. 2013). This negative framing of refugees by the media often re-enforces negative racial tropes and stereotypes by the public, leading to higher discrimination of minorities. Visual media appeals to feelings and emotions in a particularly powerful and coercive way. Literature on the relationship between emotions and politics emphasize emotions are active parts of identity and community, and influence how individuals situate themselves in society and relative to others (Bleiker and Hutchison 2008). Visual discourse constantly negotiates politics and power, visibility and invisibility which challenges dominant assumptions and highlights gendered, racialized perspectives (Bogerts 2022). There is a larger body of literature that examines how political leaders justify war and foreign policy decisions, engage with the public during crisis using both rhetorical and image framing to generate political support (T. Carlson, Lindholm, and Andersson 2024). Recent works have begun to engage in conceptual and normative arguments on the importance of examining visual politics in IR (Kisin 2024; Sylvester 2009; Garnsey, Hamilton, and Christine Sylvester 2024). These works assert the inherent politicization of the visual which is power laden and shapes our material and social realities, however each author approaches visual politics differently (Aiello 2023; Bleiker 2018). Despite a variety of approaches to examining visual politics, many scholars argue visual politics engagement in legitimizing or challenging knowledge by re-enforcing existing values or reconceptualizing existing knowledge (Bleiker 2018).

There are several pieces of literature that explore the intersection between art, museums, and IR. These pieces represent museums as political institutions engaging in IR through a projection of political values. Far from neutral, museums are political actors participating in the

curation of historical narratives and national identities in ways that can re-enforce or transgress dominant narratives. Scholarly work has examined how museums exert soft power particularly in the contexts of foreign policy or transitional justice (Bleiker 2023). Luke (2022) argues political science pays insufficient attention to museums as sites of strategic rhetorical activity. He asserts museums shape collective social values and are sites of contestation and power. Museums are political institutions where cultural realities are defined and accepted as knowledge that is disseminated and therefore are sites where power and national identity are negotiated and contested (Luke 2002). His arguments are normative as he examines how museum displays can be highly influential on the collective consciousness, especially during times where culture is being contested. Within political science there has been scant theoretical and empirical work on visual discourse and even less on Indigenous visual resistance (Bogerts 2022). Several works demonstrate the ways art is used by the state to support cultural diplomacy and international legitimacy; however, demonstrating how the art's content subverts the state goals by providing counternarratives that challenge the state's preferred representation. For example, the 1941-1942 Art of Australia exhibition was staged in the context of gaining international favor with the United States and United Nations to gain Australia a seat on the UN Security Council. The included Aboriginal artwork was displayed for visual appeal and meant to demonstrate Australia's good human rights record. However, the artwork contained political claims to land and self-determination, detailing the complex relationship between Aboriginal people, land, and culture. In this setting where Aboriginal art was meant to re-enforce state reputation and hegemony, it subverted these political goals by presenting a different visual political narrative centered on Aboriginal experiences of violence, exclusion and dispossession (Bleiker and Butler 2016). In a similar vein, (Garnsey 2019a) examines the representation of South African art at the Art Biennale

in Venice. The artwork in the Biennale drew attention to ongoing conflicts in South Africa demonstrating a tension between the state's desired representation, and artists differing representation of the state and violence. She argued the representation of violence by artists is a form of political representation. In an analysis of the "blue dress" artwork in the Constitutional Court of South Africa, Garnsey demonstrated how art highlighted a record of women's experiences not included in the official TRC record, arguing the art's content was symbolic of reparation and a form of judicial consciousness (Garnsey 2019b). Garnsey's arguments on the importance of symbolic representation are reiterated by Hutchison et al (2024) who demonstrated the connection between colonial conflicts and emotions in terms of peace and conflict studies asserting emotions play a key role in peaceful transitions (Hutchison et al. 2024). Collectively these works demonstrate images not only depict politics, but they also shape politics and challenge dominant state narratives by self-representing minority inequality and exclusion. While there is less work on the relationship between art and IR, there is a larger body of research on comparative politics that examines how art is

Comparative Politics, State Art, Co-opted Art, Street Art and Indigenous Art

Historically, art has been used to both challenge and maintain power by a variety of actors (Bogerts 2022). A large body of empirical research on art and domestic politics focuses on the tensions and responses of states and state leaders in relation to artwork that undermines, or challenges state or leader hegemony or legitimacy. Aesthetically, this art can be subversive in form as street art or graffiti and is often layered with spatial geo-politics. Contrary to museums where art and artifacts are curated, collected and displayed, street art occupies space differently. Bogerts (2022) is one of the first in political science to advance arguments that visual communication is an essential

strategy for political activists to make their claims visible. She conceptualizes and empirically documents street art over three Latin American cases to assert art is deeply connected to struggles for political power (Bogerts 2022). Other works on political street art in Latin America focus on evolution of political street art to include its uses, reconfiguration of public spaces, political opportunities, and connections to social movements and protest (Ryan 2016). Similarly, (Lerner 2021) examines the co-optation of graffiti in Russia by hybrid leaders as a struggle between the state and activists over public images. She examines how anti-regime graffiti from grassroots activists is co-opted by the state and replaced with nationalist curated murals. Lerner (2021) argues hybrid leaders seek to eliminate challengers by curating images of trusted leadership and co-opting public displays of anti-regime graffiti to strengthen their claims and subvert political criticism. She skillfully documents this strategic control of public spaces and the narratives within them.

Indigenous visual art, particularly in settler colonial nations plays a salient role in engaging in domestic politics through resistance and the shifting of Indigenous experiences to the center from the margins (Kisin 2024; Myers 2002; R. B. Phillips 2011). Across many areas of the world Indigenous visual art engages in acts of political resistance as artists resist erasure, critique colonial, oppressive structures, and assert Indigenous sovereignty and cultural expression. Within Australia, Canada, New Zealand, and the U.S., artists resist and rewrite colonial legacies through artwork (Balla 2018; Garnsey, Hamilton, and Christine Sylvester 2024; Meskimmon 2010; R. B. Phillips 2011; Watts 2016). Research in this area are usually in-depth case study analyses of a particular region or context. In the context of Australia's Aboriginal art movement, many artists used material experimentation to defy imposed categories of cultural authenticity given the movement of many Aboriginal people from rural areas into urban areas (Langton and Ryan 2024). Artists like Trevor Nickolls artwork represented the story of many Aboriginal people growing up

off country and experiencing displacement and racism. His style is steeped in symbology, and his unique use of collage informed by his love of comic books blending traditional and contemporary styles. Other artists like Destiny Deacon use photography to comment on racism, feminism and Indigenous identity in overt ways. Richard Bell also blends urban art forms to create evocative, loud art pieces that are deeply critical of that state (Ibid). There are however few empirical, published works engaging in Indigenous visual art as a form of political representation and communication. Beyond Australia, there is also research on this topic in Latin America. For example, in Sá and Pereira's (2020) work "Painting Racism", they examine how racism is represented by contemporary Indigenous visual art in Brazil where Indigenous people are frequently victims of racially motivated violence. They focus on Indigenous people within this context as they assert the conversation surrounding racism in Brazil is centered on Afro-descendants and Indigenous experiences of racism are largely ignored, despite also being victims of racially motivated violence. They argue the most pervasive form of racism in settler colonial countries is the silencing of Indigenous views, histories and ways of life. In response, Indigenous visual art in this context demonstrates how racism against Indigenous people is ever present, and brings visibility to silenced Indigenous experiences by providing a visual representation of an Indigenous narrative that is alternative to mainstream state narrative in Brazil (Sá and Pereira 2020).

A Brief History of the Contemporary Aboriginal Art Movement from the 1970s onwards

Western interest in Aboriginal art was largely driven by archaeologists, anthropologists and art historians until the 1970s when Aboriginal art began to emerge within the contemporary art scene (McLean 2016). Contemporary Aboriginal art gained popularity from its birthplace in Papunya

Tula, one of many government assimilationist settlements in the Northern Territory of Australia. Government settlements forcibly removed Aboriginal people from their land in remote areas and subsequently prohibited them from leaving. The Papunya Tula Movement began in the 1971 when a group of Aboriginal artists encouraged by a schoolteacher, Geoffrey Bardon began to paint traditional symbols and stories with acrylic paints on canvases rather than on temporary mediums such as bodies, rocks, the ground etc. This resulted in a public mural which generated greater interest in painting by the men in Papunya. Soon after, Barton took a selection of paintings to Alice Springs and raised money for the artists through artwork sales. This was a pivotal moment where Aboriginal artwork became accessible to non-Aboriginal people. The movement led to the creation of the Papunya Tula Artists cooperative, the first Aboriginal arts company in 1972 which still runs today. While the early years of the movement faced financial difficulties, resistance within community and lack of recognition within white communities, by the 1980s the group's work were displayed in state exhibitions and then soon gained international recognition. The movement revolutionized the way Australian contemporary artwork was conceptualized and the Papunya Tula movement created a connection between Aboriginal culture and western culture. In the 1970s, the shift from assimilationist government policies to self-determination policies were reflected in Aboriginal art practices. Migration from cattle stations, missions, and reserves moved artwork in two different directions, one towards urban centres and the other towards remote Australia, leading to differing Aboriginal art styles and a surge of both traditional Aboriginal art as well as urban contemporary art (McLean 2016).

Contemporary Aboriginal artwork's vibrant colors, cultural stories and unique style of dot painting quickly gained popularity both domestically and internationally. Geographically, artists cooperatives began to expand through Aboriginal settlements as several regional art movements

emerged with their own unique styles and contributions. Urban Aboriginal artists also emerged, blending traditional styles with contemporary styles and contemporary mediums such as photography, poetry, sculpture, fashion, music, etc. Domestically, Aboriginal art began to be recognized as an important cultural and economic asset to the Australia government. In 1988 the Australian state accepted an Aboriginal design as a mosaic in the forecourt of the new parliament house signaling the incorporation of Aboriginality into Australia's national identity. Aboriginal art and performance also played a significant role in 2000's Sydney Olympics. Government initiatives like the Aboriginal Arts Board of the Australia Council for the Arts (1973) and cultural protection legislation also emerged. Contemporary Aboriginal art has become Australia's largest visual arts scene and has resulted in a global multi-million-dollar business. In 2005, Aboriginal art was described by the Minister for Indigenous Affairs as 'Australia's greatest cultural gift to the world' and 'our most profound, significant and important cultural export'. The cultural benefits of the sector have been described as 'immeasurable'. Indigenous cultural activities have been described as 'unequivocally the one area of its [Australian Government] greatest success' (Ms. Marion Scrymgour, NT Minister for Arts and Museums, Committee Hansard, 20 February 2007, p. 4). Despite Aboriginal art's diversity, Aboriginal art retains a strong sense of identity, distinction and political urgency. Aboriginal artwork not only represents the survival of colonial onslaught, it also demonstrates resilience, adaptation and inclusivity (McLean 2011; Bardon, Perkins, and Fink 2024). Beyond appealing aesthetics, contemporary Aboriginal artwork asserts a variety of political claims and often includes a deep anger at historical injustice (McLean 2016). Aboriginal art stories creatively articulate cultural sovereignty, autonomy, survival, and resistance to dominant colonial and patriarchal narratives. This trend is not new, historically, Aboriginal people have used creative forms of expression like artwork, performance, and music as acts of resistance against colonial

legacies and to simultaneously assert their rights as First Nations people. Aboriginal art holds an important place in national identity and culture and is an understudied tool of political communication. The diversity within Aboriginal artwork reflects the diversity amongst Aboriginal people and approaches to Aboriginal people representation. Many contemporary Aboriginal art pieces uniquely elevate excluded voices and simultaneously pursue political claims to sovereignty and self-determination within spaces and institutions where Aboriginal art was once deemed “primitive”. This practice fits into conceptions of ‘productive resistance’ which focuses on reversing stereotypes and discourses to create new, subversive meanings. This type of resistance targets institutions that produce and structure subjectivities by destabilizing or replacing such production (Lilja and Vinthagen 2018). This work therefore examines Aboriginal people’s negotiation of political, social and cultural goals through an analysis of contemporary Aboriginal art’s rights representation, aesthetics, and discourse.

Theory

Political representation contains several main components, notably a representative party (political party), a party that is being represented (constituents), something that is being represented (discourse, interests etc.), a setting in which representation is taking place (parliament) and something that is being left out (unincluded perspectives) (Dovi 2018). Rancière (2004) argues aesthetic and political representation are deeply intertwined. His theory “the distribution of the sensible” determines what is seen and heard, arguing both politics and art can disrupt perceptions of reality. He finds art can effectively reveal domination and by rearranging perception can be politically subverting. Similarly, he defines an important part of politics are when excluded voices disrupt the existing order, challenging who gets to speak, who get recognition, what issues are

recognized as legitimate. He argues art is political because it opens up new ways of seeing and experiencing, in particular, disrupting perceptions and expectations. An art piece may not directly call for revolution, but by highlighting marginalized voices and experiences, it challenges dominant ways of seeing (Rancière 2004; 2015). Power is defined as the ability to influence decisions, agenda setting, and determining what is considered discourse (Lilja and Vinthagen 2018). Aboriginal people's negotiation and contestation of power through artwork allows for political representation outside of formal political institutions. Agency and self-representation are particularly important in this context as Aboriginal rights and representation remain complex and contested within political institutions. Settler colonial societies like Australia base their governance and politics on settler colonial institutions and laws which often conflict with Indigenous governance, ownership and relationship to land. Settler colonialism includes both structural and ideological elements with the former including institutions, private property laws, etc. and the latter justifying the elimination and/ or assimilation of Indigenous people, knowledge, culture, etc. In many settler colonial societies, Indigenous people continue to assert their right to sovereignty, culture, and land, challenging settler state politics, governance and contesting settler colonial politics and national identity. In Australia, Aboriginal people continue to fight for basic human rights, land rights and representation. Lacking formal political or economic power, Indigenous people in settler colonial societies often rely on ideology and discourse to assert their rights within settler colonial frameworks and institutions (Milbrandt 2010; Pearson 2001; Veracini 2007; Wolfe 1999). Rosenvallon's (2008) work on democracy and representation argues in advanced democracies, distrust in elected representatives leads to acts he calls 'counter democracy' which supplement formal political representation. He identifies counter democratic processes, notably 'judgement democracy' where citizens publicly critique political leaders and

policies through protests and civil society activism which acts as a counterbalance to elite power (Rosanvallon and Goldhammer 2008). When individuals and activists challenge any nexus of power relations, they are undermining state power. Resistance therefore is “an act or patterns of actions, which might undermine or negotiate different power relations”(Lilja and Vinthagen 2018). Because resistance is a broad phenomenon, it is important to consider resistance under specific contexts to include a range of articulations beyond riots, strikes, and social movements. Indigenous resistance takes form in multiple modalities to disrupt colonial narratives and norms. Contemporary Aboriginal artwork engaging in resistance centers on alternative types of knowledges, narratives and perspectives that challenge Aboriginal people’s politically marginalized status in Australia. Martineau (2015) finds contemporary artists and collectives have defined their practice around the facilitation of dialogue, parting from traditional object making to pursue self-representation through artwork. Contemporary Indigenous artwork, performance, music, aesthetics disrupts and challenge settler colonial hegemony which imposes its own version of Indigenous identity upon Indigenous people. Aboriginal artwork therefore is a form of self-determination that responds to the ways Aboriginal people have been represented by the state (Martineau 2015). The triumph of contemporary Aboriginal art starkly contradicts the severely marginalized status of Aboriginal people. To succeed in generating awareness and change, political claims must be visible. Art becomes political by determining what is seen, what is said, and what is remembered collectively as a nation (Bogerts 2022). Aboriginal art holds deep historical and cultural significance as the first art of the nation and vehicles for Aboriginal culture, dream time stories, and oral histories which have been communicated through rock art, dot paintings and other visual arts forms for thousands of years. Contemporary Aboriginal art is now considered fine art however it is often disruptive, non-conforming, accessible, diverse, and is a

testament to Aboriginal diversity and resilience (Watts 2016). Many contemporary Aboriginal artists present a counter history situated in Aboriginal experiences and culture which Loft (2013) describes as a particular form of activism he titles “articulate resistance”, a social engagement of the history of colonization and oppression while simultaneously asserting claims for self-determination and sovereignty (Loft 2013). Through an analysis of two contemporary Aboriginal art exhibitions, two key arguments emerge: First, Aboriginal artwork’s aesthetic themes, discourse, and representation can be understood as a form of political representation, and second, Aboriginal contemporary art is an important component of Aboriginal representation, resistance, and expression of political goals and grievances.

The content of Aboriginal artwork is an important form of everyday politics and an exercise in self-representation, yet few studies have empirically captured the content and nuance of Aboriginal artwork’s narratives. I argue Aboriginal self-representation through contemporary artwork’s decolonial approach is an important contribution to Aboriginal political representation. In terms of political representation, there are few Aboriginal voices in the national legislature. Aboriginal members in national parliament face constraints from their parties and constituents. Further Aboriginal MP’s have a variety of differing approaches and concerns in relation to Aboriginal rights in Australia. In contrast, contemporary Aboriginal artwork is accessible to the non-political elite and can be an effective tool for political communication in its substantive self-representation. This is exemplified through the practices of notable Aboriginal artists like Richard Bell whose work addresses issues of representation, identity politics and place in overt ways. In doing so, Bell and other artists are engaging in the representation of Aboriginal politics and experiences by bringing those experiences and grievances to the forefront. The content of Aboriginal grievances receive less presence and priority within formal political spaces due to

underrepresentation. In contrast, the content of contemporary Aboriginal artwork supports common themes and grievances present in Aboriginal activism more broadly. Framing is important in how we understand experiences of social exclusion, poverty, immigration etc. The framing of policy issues surrounding Aboriginal politics are often framed as blaming communities for their own inequality, diverting attention away from systematic structural inequalities created and maintained by the Australian state (Bessant and Watts 2017). "Framing is a process whereby communicators, consciously or unconsciously, act to construct a point of view that encourages the facts of a given situation to be interpreted by others in a particular manner. Frames operate in four keyways: they define problems, diagnose causes, make moral judgments, and suggest remedies. Frames are often found within a narrative account of an issue or event, and are generally the central organizing idea." (Kuypers 2006). Kuypers defines framing as rhetorical process that encourages others to see facts or events in a particular way. Frames are intentional social constructions of experiences and realities that derive power from their ability to shape the way we view certain issues by enhancing the salience of an issue or viewpoint. Political actors, the media, activists etc. strategically frame issues to target audiences, attract attention, and encourage action. Contemporary Aboriginal art frames provide important counternarratives to dominant state history, discourse, stereotypes. Aboriginal art's themes and narratives are a critical and reflexive portrayal of art in relation to history, trauma, historical documentation, identity, loss, and reconciliation. In many ways an exhibition can be described as a historical record situated in Aboriginal voices and experiences. The political messaging withing contemporary Aboriginal art can be identified in multimodal ways through a combination of exhibition labels/ text, aesthetic choices of the artist, and content of the artwork. Symbolism or visual representations of dissent lends to a particular aesthetic. This can be expressed through symbols such as raised fists, different

tags or slogans, color choice etc. Symbols, images and slogans are often recognizable in their dissent or protest, using art to evoke meaning and action through connection to historical events, or the evoking of emotion. Aesthetic resistance also takes form in a less overt way than symbolism through a variety of techniques such as use of color, style, arrangement to transgress boundaries of art and identity. Technique as well as artist content are important for identifying political claims and grievances. The use of materials to create artwork can represent subversion, reclamation of materials and are political acts in themselves. Subversive aesthetic resistance is layered, complex, and can be easily missed in empirical analysis and interpretation (Bogerts 2022).

Indigenous political participation and activism are displayed within contemporary Aboriginal art. Art as a medium allows for freedom to portray a variety of messages through a variety of mediums and plays an important role in narrating discourses of truth and knowledge. In cases of oppression, people have often used the arts through the form of oral stories, songs, poems, paintings to express their experiences, grievances, and resilience. In Australia, many Aboriginal artists challenge historical stereotypes and dominant narratives through imagery to persuade or convey alternative narratives, or disrupt dominant narratives by providing ways to understand present inequality (Milbrandt 2010). Many Aboriginal artists engage in aesthetic discourse that rejects settler colonial structures and ideologies and simultaneously render Aboriginal experiences, knowledge, and culture visible. This visibility rejects Aboriginal erasure and instead demands recognition of past and present injustices and grievances. Aboriginal art reflects intentional aesthetic and thematic choices and in doing so is to engage in political discourses. This analysis demonstrates the visibility of power relations and critique present in contemporary Aboriginal artwork offering a particular view of the world that is unapologetically critical of the marginalization Aboriginal people continue to face in Australia (Adichie 2009; Hamilton 2021).

Gender & Aboriginal Art

In comparison to Indigenous women, there has been less activism and political will surrounding Indigenous men's issues, resulting in fewer policies or social programmes for men despite the similar challenges Indigenous men and women experience. Few studies have focused on the intersectional impacts of race and gender for Indigenous men (Innes and Anderson 2015; Gamber 2016). For example, research on violence finds Indigenous men have a higher likelihood of addiction, incarceration and violence, however stereotypes often portray Indigenous men as perpetrators of violence rather than victims, neglecting to recognize the perpetuation of bias that men don't need support (Ibid). While male and female Aboriginal artists address similar themes surrounding the impacts of colonization, they do so in gendered ways. Many Aboriginal artists both male and female are deeply critical of the effects of colonization and the gendered impacts of colonization. For example, Aboriginal artist Tony Albert's exhibition 'Brothers' uses pictures of young Indigenous men with targets painted onto their chests to critique issues of discrimination, police violence and discrimination. This work was inspired by the deaths of two teenage Aboriginal boys who were shot by police in Sydney which led to large scale protests ("Tony Albert – Kluge-Ruhe," n.d.). Albert's work provides an interesting comparison to Fiona Foley's self-portrait series 'Badtjala Woman', a recreation of archival images of an Indigenous woman. Foley recreated the image in her own likeness asserting her identity and presence while simultaneously challenging reductionist, historical portrayals of Aboriginal women that were often nameless, nude, colonial images. Foley's art practice focuses on decolonizing images of Aboriginal people while also asserting Aboriginal sovereignty (Behrendt 2020). Both pieces emphasize the gendered impacts of colonization through photography in different ways. They both seek to disrupt gender

stereotypes by recreating the stereotypes with themes of resistance, defiance, and personification of an identity, personifying grim statistics. Albert photographs Indigenous men, humanizing them beyond statistics, and invokes symbols of resistance and resilience in his work. Foley does the same in her photographs by engaging in self-portrait to add identity to “nameless” female images. Aboriginal artists like Fiona Foley and Tony Albert engage with gender and politics through their aesthetic content which challenge the gendered ways Aboriginal people have been misrepresented and stereotyped through image and public discourse.

This chapter examines two exhibitions by male Aboriginal artists. This decision was in part due to availability of exhibitions during fieldwork. Both exhibits grapple with notions of masculinity and challenge the negative stereotypes and negative treatment of Aboriginal men. The Tennant Creek Brio’s work emerged out of a men’s art therapy program in Tennant Creek, a town known for its headlines of alcohol abuse, violence and poverty. The Brio’s work presents positive perceptions of masculinity in ways that seek to combat negative stereotypes of Aboriginal men (“The Tennant Creek Brio // Jesse Marlow — Institute Artist,” n.d.). Reko Rennie’s exhibit also challenges dominant narratives about Indigenous men by highlighting high rates of incarceration and deaths in custody. His frequent use of the color pink highlights the feminine strength of his mother and grandmother.

Data & Methods

Contemporary Aboriginal artwork encompasses a variety of aesthetics, approaches, representations, and mediums. This chapter focuses on Aboriginal visual material within the parameters of two exhibitions. I conducted fieldwork in Melbourne, Australia for five weeks from November-December 2024 to empirically examine political representation within contemporary Aboriginal artwork. Melbourne, Australia is considered the arts capital of Australia as many art

galleries, museums, festivals, and theatres in addition to strong government support for creative arts. I choose to case study two contemporary Aboriginal art exhibitions that engaged in clear forms of political representation within well-established institutions. The first exhibition was chosen from the Australian Centre for Contemporary Art (ACCA), a prominent gallery in contemporary visual art, and the Ian Potter Centre as part of the National Gallery of Victoria (NGV), one of Australia's most visited art museums. The two exhibitions chosen were on display in the galleries during my fieldwork visit and were selected as two examples of contemporary Aboriginal artwork engaging in political discourse and representation. I conducted qualitative content and discourse analyses to identify prevalent frames in the two contemporary Aboriginal art exhibitions to demonstrate the diversity in approach, aesthetic and content with Aboriginal visual artwork. Drawing from Braun and Clarke's (2006) steps on thematic analysis, the data analysis progresses from descriptive to summarized, interpreted, and then theorized to demonstrate patterns and broader implications (Braun and Clarke 2006). This includes an overall analysis of each exhibition collectively and a deeper focus on several key pieces within each exhibition to demonstrate prevalent frames. This empirical analysis was guided by two points of inquiry. First, to identify the frames of political discourse articulated through Aboriginal contemporary artwork and second, to analyze the aesthetic strategies Aboriginal artists, curators and stakeholders use to convey political discourse through artwork and within gallery spaces. This approach is used to acknowledge the multiple aesthetic and thematic diversity within contemporary Aboriginal art and to convey this complexity in a nuanced way.

Thematic analyses explore content beyond description to summarize and interpret discourses, and demonstrate the broader political meanings and implications present in visual art, evidenced through the resulting frames. Aesthetic and textual analysis of visual material are

important for demonstrating the meaning and intention behind each art piece. This is done through description and analysis of each gallery and then details on specific art pieces to collectively identify prevalent frames through a variety of methods. Interviews with curators supplemented the analysis to assist in understanding the themes and nuance in the art pieces, and the overall galleries. The aesthetic and textual analysis are my own interpretations and are not assumed to be shared by other individuals. The diversity within contemporary Aboriginal artwork is exemplified in the analysis of the two exhibits and their differing approaches and framing. The ACCA exhibit features work from a collective of artists from the Northern Territory and rural area of Australia. In contrast, the NGV exhibit focuses on a single urban artist's work who grew up in Melbourne. Despite these differing contexts, Aboriginal representation and politics are consistently asserted through both galleries. Aboriginal art as a form of political representation demonstrates the diversity in Aboriginal experiences and yet similarities of injustice.

“I can tell just looking at Aboriginal art, I know exactly which area of Australia it comes from. It's that particular. Most people associate dot painting with Aboriginal culture, but that's just one Nation. “When you look to Bardi people, my people, we're saltwater people, our art is very much similar to other islanders around the world in that they are geometric paintings which depict the waves and it's not dot painting at all,” she says. Aunty Munya, an author, barrister, and co-director of Evolve Communities, says people must understand that ‘one size does not fit all’ when engaging with Indigenous peoples.(“The Importance of Understanding Cultural Diversity among Indigenous Peoples,” n.d.).

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Case One: Jupartna Ngattu Minjinypa Iconocrisis Exhibition by the Tennant Creek Brio⁶

Context of Tennant Creek and The Brio

The Tennant Creek Brio ("the Brio") is a collective of Aboriginal artists in Warumungu/ Northern Territory that emerged in 2016 from a men's art therapy program to help with substance misuse hosted through Anyinginyi Aboriginal Health Organisation, a non-profit organization. The Brio's exhibition is a culmination of works using the raw materials of the decommissioned Warrego mine on the outskirts of Tennant Creek, the Brio's hometown in the Northern Territory of Australia. The works displayed are of the Brio's mining of Warrego for their source material to critique colonial extraction and capitalism. Salvaged materials include oil barrels, television screens, geographical maps, solar panels, poker machines, and car bonnets. The Brio mix of traditional and contemporary art form to demonstrate the detrimental effects of mining and colonization on their communities.

Exhibition Analysis

I undertake a visual analysis and narrative investigation of the jupartna ngattu minjinypa iconocrisis exhibition, the first major survey of work by Tennant Creek Brio in order to identify three frames: Land Rights, Truth-telling, Cultural Resilience. The exhibit examines the colonial

⁶Japarnta Nagatta means ceremonial power and strength through image making, Minjinya means 'cheeky one' or troublemaker, and iconocrisis is a sort of new/ created/ constructed word.

impacts of mining on Aboriginal people, land, identity, and culture through four galleries. I analyze the content of each gallery and then provide greater detail on significant pieces throughout the galleries. The exhibition critiques the impacts of colonization while simultaneously reasserting Aboriginal sovereignty and cultural connection to the land, defying the erasure of Aboriginal knowledge, history, and existence. When you walk into the exhibition you are greeted by “UAP: Unidentified (Ab)original Phenomenon” at the exhibition threshold, an imposing figure made of a collage of industrial materials such as oil barrels, mining ball bearings, antlers, and a steel frame. This introductory piece exemplifies the aesthetic and political themes of the exhibit as well as the Brio’s style of collage assemblage and the repurposed use of mining materials. The curatorial narrative describes the piece as an Australian gothic guardian angel that captures notions of duality between human and animal. The base of the sculpture are three old shell oil barrels where a metal rod base or spine extends up to the top of the angel. The sculpture is framed by two large shell petroleum signs as the wings of the angel, and the head is a plastic kangaroo with petrified horns of a deer. Many of the materials for the piece were accumulated over years from the remains of the decommissioned Warrego mine in Tennant Creek. The UAE provides an excellent example of the political nature of the Brio’s aesthetic choices to create the collage piece. Symbolically, the UAE represents the duality between human and beast and is described as a petrochemical effigy highlighting a critique of colonial extraction and capitalism particularly through symbols like the shell oil wings.



Figure 3: UAP: Unidentified (Ab)original Phenomenon 2024 (front).⁷



Figure 4: UAP: Unidentified (Ab)original Phenomenon 2024 (back).

Past the UAE, Gallery One (Figure 5) is characterized by large industrial materials including solar panels, oil barrels, industrial signs, car bonnets and displays a wall of construction signs with warnings of danger imposed on the Tennant Creek community. The artists overlaid paint and messaging on the signs in response to colonial regulation through signage. The message content is openly critical of mining's negative impacts on the land and the surrounding community. Anger and sorrow are demonstrated simultaneously in the criticism of the mining's destruction of Aboriginal land. For example, Fabian Brown's "Demolished land 2022" piece read: "The way I see is that our sacred land is demolished by mining and sadness through our eyes- E.T.C. Ungrateful Government Excuses". Joseph Williams Jungarayi's piece "Ngarli 2024" reads: "Please clean up the mess you've have finished messing up my country, this is Aboriginal land not

⁷ Figures 3 and 4: Tennant Creek Brio, UAP: Unidentified (Ab)original Phenomenon 2024, installation view, Tennant Creek Brio: Juparnta Ngattu Minjinyapa Iconocrisis, Australian Centre for Contemporary Art, Melbourne. Courtesy the artists and Nyinkka Nyunyu Art & Culture Centre, Tennant Creek. Photograph: Andrew Curtis

your land”. The wall of maps emphasize cultural protocol through their inclusion of cultural leader’s work at the beginning of the gallery (“Educational Resource: Tennant Creek Brio: Juparnta Ngattu Minjinyapa Iconocrisis,” n.d.). Further into Gallery One, larger industrial materials such as painted car bonnets are displayed on the wall. Painted oil barrels and solar panels are layered with traditional Aboriginal painting styles. Overall, Gallery One exemplifies the large scale of the mining operation as seen with large pieces like the UAE, demonstrating massive impact, displacement from country and critiquing capitalism through the repurposing of large industrial waste.



Figure 5: Gallery One Installation View.⁸

⁸ Tennant Creek Brio: Juparnta Ngattu Minjinyapa Iconocrisis, installation view, Australian Centre for Contemporary Art, Melbourne, 2024. Courtesy the artists and Nyinkka Nyunyu Art & Culture Centre, Tennant Creek. Photograph: Andrew Curtis

In Gallery Two (Figure 6), viewers experience a collage of wall maps. This area is composed of drawings, paintings, and cultural markings inscribed on top of geological mining maps. Aesthetically, this demonstrates artists overlaying their own topographical knowledge of the land over the mining maps. The works include quotes explicitly critiquing the colonial extraction and assert the artist's cultural claims and connection to the country. For example: "For the mining constitution our environment is destroyed, our sacred sites destroyed, our bush foods all crumbled up and for my people hunger strikes."- Fabian Brown. "We have all become slaves in this arid land of ours like polluted garments we all fade away like a leaf, like the wind." The pieces reflect the ongoing struggle for the recognition of Aboriginal land rights and transcends traditional conceptions of Aboriginal contemporary art by challenging how art is "done" and imagined by demonstrating resourcefulness and innovation in the use of industrial materials with oppressive connotations as a form of resistance and activism. Historically an important tool for colonization is drawing of boundaries to denote ownership, knowledge and legal "rightness". By providing an alternative mapping of country sites of cultural and ceremonial significance, the Brio aesthetically redraws and overlays as a strategy to reclaim country and culture so that differing knowledges sit alongside each other. They emphasize the presence of their knowledge of country which are not acknowledged in Eurocentric mining maps.



Figure 6: Gallery Two Installation View.⁹

In contrast to the surrounding chaos of Galleries One and Two, Gallery Three (Figure 7) has a much softer tone, evoking feelings of peacefulness and expansiveness. There is a centerpiece sculpture in the middle of the gallery and on the wall, there are several paintings. The walls are a soft green color, a very special color to the Brio in its representation of place. The green is the same color as the low line scrub and is present in the old mission school in Tennant. The centerpiece sculpture is framed by bricks and there is sandpainting on the bricks of the Tennant Creek Totem, the black headed python. Sand painting is a traditional Aboriginal art form closely associated with ritual and storytelling. Many of the wall paintings with traditional symbols have

⁹ Tennant Creek Brio: Juparnta Ngattu Minjinypa Iconocrosis, installation view, Australian Centre for Contemporary Art, Melbourne, 2024. Courtesy the artists and Nyinkka Nyunyu Art & Culture Centre, Tennant Creek. Photograph: Andrew Curtis

been painted onto reclaimed Masonite further reflecting the resourcefulness of material use within the exhibition. Overall, Gallery Three largely focuses on place and peace demonstrating the resilience and beauty of Aboriginal land despite the destruction caused by mining and colonization.



Figure 7: Gallery Three Installation View.¹⁰

Gallery Four (Figure 8) is an extension of the Tennant Creek jankai, a men's cultural space dedicated to support, mentorship and knowledge exchange. This is a space for gathering, experimentation, collaboration, cultural survival and resilience, demonstrating the variety of voices and approaches within the Brio. The gallery is comprised of large wall murals, reclaimed poker machines, a couch and television screen, a recipe for bran muffins, painted car door, oil

¹⁰ Tennant Creek Brio (foreground: Jimmy Frank Jupurrula and Eleanor Jawurlngali Dixon; background: Lindsay Nelson Jakamarra), installation view, Tennant Creek Brio: Juparnta Ngattu Minjinypa Iconocrosis, Australian Centre for Contemporary Art, Melbourne. Courtesy the artists and Nyinkka Nyunyu Art & Culture Centre, Tennant Creek. Photograph: Andrew Curtis

barrels, propane tanks, industrial signage. “One Eyed Man” 2020 exemplifies colonial impacts and land rights frames. The piece is a reclaimed poker machine salvaged from a closed nightclub in Tennant Creek that has been painted over and gone through a ceremonial spearing. This piece asserts the devastatingly negative effects of gambling and alcohol introduced into Aboriginal communities, and also symbolizes colonial practices of taking without giving back (“Educational Resource: Tennant Creek Brio: Juparnta Ngattu Minjinypa Iconocrisis,” n.d.). This work fits into decolonial approaches that seek to disrupt colonial/ settler colonial logic and social, political and economic structures by considering different histories, identities, social practices that are rendered invisible within settler colonial logic. Similar to the Brio’s variety aesthetic approaches through industrial material use and assemblage, decoloniality is not singular, rather through a variety of methods centers its focus on the experiences of Indigenous people, people of color and colonized people, disrupting the normativity of marginalization within settler colonial social, political and economic hierarchies (Martineau 2015).



Figure 8: Gallery Four Installation View.¹¹

Resulting Frames

The *land rights* frame centers around the competing claims of ownership between Indigenous communities, the government, and mining companies. This issue is framed as having a legal focus and highlights the contention over ownership and who has a right to the land between Aboriginal communities and the state. The state and mining companies are problematized for their conceptions of ownership that are displayed as physically destructive and as environmentally unfriendly. This is aesthetically demonstrated through the portrayal of “junk” and industrial

¹¹ Tennant Creek Brio: Juparnta Ngattu Minjinypa Iconocrisis, installation view, Australian Centre for Contemporary Art, Melbourne, 2024. Courtesy the artists and Nyinkka Nyunyu Art & Culture Centre, Tennant Creek. Photograph: Andrew Curtis

materials left behind. Historically this issue is tied to the legitimization of stolen lands through western conceptions of ownership. This frame demonstrates how the Brio view ownership of land differently. This is exemplified by the drawings over the topographical maps in Gallery Two which places Indigenous knowledge at the forefront as it has often been disregarded in favor of western conceptions of ownership. This frame is nested within a broader historical narrative of Aboriginal land rights claims such as *The Aboriginal Land Rights (Northern Territory) Act 1976*, *the Mabo vs. Queensland*, and *the Native Title Act 1993* and *the Aboriginal Tent Embassy*. *Within the legal frameworks of Aboriginal land rights, many complications arise. Interests of mining companies, proof of Aboriginal connection to land, and the environmental impacts of mining are all negotiated and contested, however often favor mining companies over Aboriginal communities. Mining is often done without the consent or benefit of the community often having devastating impacts on the land and environment. The Brio demonstrate the negative effects of mining on their community through their artwork to articulate their grievances.*

The *truth-telling* frame is based on self-representation of place and people. This exhibit emphasizes a First Nations perspective on the history of Tennant Creek which was particularly traumatic history as a frontier town. “We wanted to show the people who don’t really know this part of the world who we are,” Yugi says, the traditional custodians of the Tennant Creek area are the Warumungu people. European invasion began in the 1800s, and notably with the 1872 with the construction of the Overland Telegraph line which led to displacement, disruption and lack of access to land. The 1930s gold rush followed by the discovery of copper and silver in 1957 made Tennant Creek a mining hub, further marginalizing Aboriginal people who did not benefit from mining and were relegated to living on the edges of town. Mining led to the long-term displacement

of Warumungu from their ancestral homelands and truth telling efforts aim to acknowledge this history and to preserve cultural practices. Known for poverty, violence and abuse, the Brio sought to challenge these stereotypes by situating viewers amongst the remains of industrial junk littering Tennant Creek. In particular, reporting on Tennant Creek has been very critical of Aboriginal men and contributed to their negative stereotyping. The Brio's founding was in part due to help heal trauma experienced by the men. The Brio's work tells their stories from their own experiences drawing attention to the consequences of colonization on their communities and culture through artwork. This approach acts as a form of decolonial truth-telling towards the term 'the great Australian silence', a denial or silencing of the violence associated with colonization. Through a display of the Brio's experiences there is an 'unsilencing' through decolonial approaches and truth-telling. Compared to other North American settler states with histories of colonization, Australia has been unwilling to admit to recognizing the long-lasting harms of colonization and has an absence of truth-telling commissions relative to Canada, Africa, Asia etc. State failure to acknowledge historical injustice renders truth-telling an important driver to holding the state accountable (Emmerton and Giselsson 2024).

The *cultural resilience* frame demonstrates the ways Aboriginal communities adapt to change and incorporate traditional and contemporary knowledges and ways of life. This frame is demonstrated through the overlay of native symbols over industrial materials to show maps of Indigenous knowledge, not just colonial knowledge. In an artist's interview, Joseph Williams Jungarayi and Jimmy Frank Jupurrula assert they want people to know how important culture is to Aboriginal people and they want to share their culture with non-Indigenous people. The importance of Aboriginal culture is expressed through artwork and by embracing new ways to create art in

contemporary ways. Their work demonstrates resourcefulness and innovation to create new things out of salvaged materials from the mine, recycling while also critiquing the waste left on country. The Brio assert themselves as role models for Indigenous and non-Indigenous men and women and particularly for the younger generation as they emphasize collaboration and conversation between Aboriginal and non-Aboriginal people (“Artist Interview for Tennant Creek Brio: Juparnta Ngattu Minjinypa Iconocrosis,” n.d.).

Case Two: REKOSPECTIVE Exhibition by Reko Rennie

Context of Reko Rennie’s Background and Art Practice

Reko Rennie is a Kamilaroi artist who blends traditional and contemporary works to explore the complexities of his identity. Rennie grew up in multicultural suburbs of Melbourne, raised primarily by his mother and grandmother both of whom he draws on inspiration for his art practice. His grandmother Julia was a member of the Stolen Generations, and Rennie admired her ancestral strength and pride as Kamilaori/ Gamilaraay woman a common theme in his artwork. Rennie’s unique artistic style challenges what contemporary Aboriginal art looks like by blending urban styles to include subcultures from graffiti, car racing, hip hop and ju jitsu with traditional Aboriginal symbols like the Kamilaori diamond. He pushes back against stereotypes of dot paintings as “authentic” Aboriginal art by diversifying and blending aesthetic styles, patterns, and colors. His work exemplifies the idea that Aboriginal art is art made by Aboriginal people and represents the diversity in Aboriginal experiences which vary in urban and rural settings. Politically, he asserts Aboriginal people as sovereigns who should always be “remembered” as many of his pieces focus on the Aboriginal experiences in Australia (“About – Reko Rennie,” n.d.).

Exhibition Analysis

I undertake a visual analysis and narrative investigation of the REKOSPECTIVE exhibition by Reko Rennie in the National Gallery of Victoria to identify three frames. Similar to the jupartna ngattu minjinypa iconocrisis exhibition, this exhibition has four rooms. Rennie's work subverts ideas of "traditional" or "authentic" Aboriginal art through his mixing of aesthetic genres, bold colors, traditional symbols and urban mediums. Gallery One's black walls hold a combination of video, paintings, prints, and sculpture framed by a neon "Remember Me" wall sign, Rennie's iconic phrase asserting the sovereignty of Aboriginal Australians. The "Remember Me" sign was first displayed during the 250th anniversary of Australia day which celebrates the arrival of the British to Australia. Rennie responds with his own memorial asserting "On April 29, I choose not to celebrate the arrival of colonial invaders and dispossession of our land. Instead, I want to acknowledge the original inhabitants whose lives were changed forever on this day, as well as affirm our survival, and reiterate that sovereignty was never ceded" (Exhibition Label, REKOSPECTIVE, 2024). At the entrance of Gallery One there is a three-channel video installation titled "What do we want?" The video is set in, a martial arts dojo containing an instructor and a line of students. The instructor yells "what do we want?" to which the students reply "Land back! Equality! Restitution!". The video is influenced by Rennie's own practice as a martial artist, and from 1970s-1980s blaxploitation films ("Work – Reko Rennie," n.d.). This piece is an urgent call to recognize Aboriginal land rights and sovereignty.

A discussion of several notable pieces within the gallery follows. Rennie recreates the Australian Commonwealth coat of arms by replacing the crest with a warrior figure which is used to symbolize the strength, power and humanity of First Nations people and replaces the name

Australia with “Remember Me”, asserting the sovereignty of Aboriginal Australians. The piece “Three Little Pigs” (Figure 9) speaks to the high levels of police brutality and incarceration Aboriginal people face. The hat of the Aboriginal man is layered with the Kamilaroi diamond which represents strength and resilience in the face of systematic oppression. 2%er on framed embroidery demonstrates the relationship between Indigenous and non-Indigenous Australians while also referencing motorcycle gang’s representation as 1%ers. The center of gallery one contains a marble monument with roman numerals 551 inscribed (Figure 10). This references the 551 Aboriginal deaths in custody in 2023 since the Royal Commission into Aboriginal Deaths in Custody final report in 1991, demonstrating little has changed since then. The number of deaths has increased in 2024, outdating this piece and demonstrating the severity of systematic violence and deaths in custody Aboriginal people face.

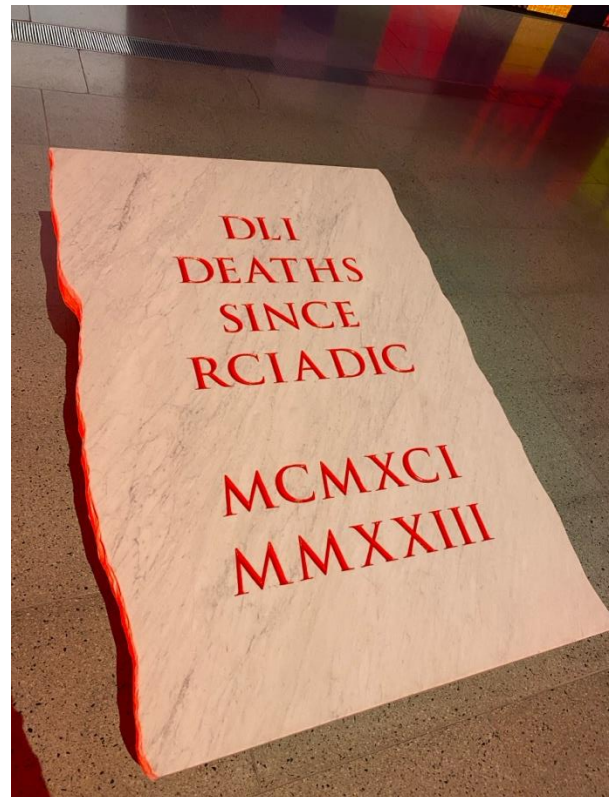
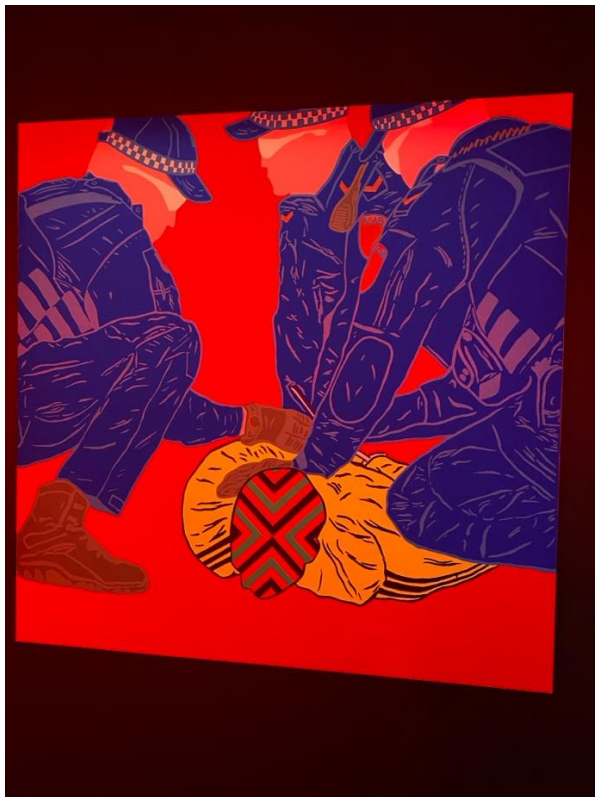


Figure 9: Gallery One Installation View: Three Little Pigs.¹²

Figure 10: Gallery One Installation View: Remember Us.¹³

Gallery Two contains white walls with several paintings and sculptures blending graffiti, bright colors and traditional symbols/ designs referencing Rennie's graffiti practice. "Message Stick" is a painting where a spray can is framed by the Kamilaroi diamond. Message sticks are traditionally used to share important ideas, and here Rennie's message stick is a spray paint can, representing the beginnings of his art journey through graffiti. Further into the gallery are totems made from aluminum and stainless steel. The use of color is important in the exhibition as the blue within Kamilaroi diamond patterns was a pigment used by Aboriginal artists from the 1930s onwards as it was made from Australian laundry powder speaking to Rennie's childhood memories of his grandmother, Aboriginal domestic enslavement, and Aboriginal resourcefulness. The room also contained a piece called "TOTEMIC" (Figure 11) which include three hand carved bark totems containing Rennie's blue diamond. The totems include the Aboriginal flag, "always was, always will be", and Rennie's Kamilaroi blue diamond, asserting Aboriginal sovereignty, pride and presence in a blend between contemporary color and style and traditional practice such as totem carving. In the center of the room there are "OA Totems" (Figure 12) made of aluminum and are abstract in their shapes as totems and with three totems displaying diamond shapes and the other with pink, yellow and black camouflage meant to enhance Aboriginality rather than conceal it.

¹² Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. *Three Little Pigs* [Painting]. Photograph: Asia Parker

¹³ Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. *Remember Us* [Marble Sculpture] 2023. Photograph: Asia Parker

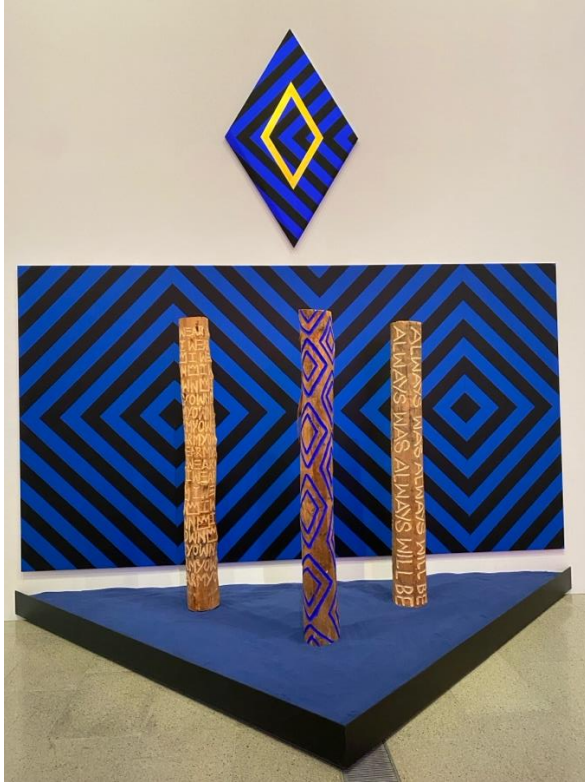


Figure 11: Gallery Two Installation View: TOTEMIC.¹⁴



Figure 12: Gallery Two Installation View: OA totem 1, Untitled totem (purple, pink, black).¹⁵

Gallery Three contains Rennie's signature black, pink, green and blue camouflage printed walls and a variety of wall paintings, collage, and 3D stencil renderings. Rennie's use of camouflage print is to emphasize and amplify Aboriginal identity contrary to association of camouflage's ability to conceal, hide, or blend in. The print is an assertion of place, presence and cultural visibility. Rennie's "Regalia" symbol includes the crown, diamond, Aboriginal flag (Figure 13). The crown asserts Aboriginal people as the sovereigns of the land rather than the commonwealth.

¹⁴ Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. *TOTEMIC* [Wooden Totems] 2019. Photograph: Asia Parker

¹⁵ Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. OA totem 1, Untitled totem (purple, pink, black) [Totems]. Photograph: Asia Parker

The diamond represents Rennie’s ancestral connection to the Kamilaroi/Gamilaroi people through ceremonial markings, similar to a family crest. The Aboriginal flag symbolizes the inclusion all Aboriginal people from both urban and rural areas. This room also contains a 3D stencil of “Big Red” (Figure 14), a stencil of a tall, male, red kangaroo, an important animal in Aboriginal culture. This piece is large scale drawing attention to both Aboriginal defiance and pride.



Figure 13: Gallery Three Installation View: Regalia¹⁶



Figure 14: Gallery Three Installation View: Big Red¹⁷

Gallery Four’s white walls are filled with bright colors and very abstract aesthetic choices. Rennie use of pink in many of the pieces provides a counternarrative to masculinity and pays homage to the women in his life, notably his mother and grandmother. The bright colors and materials reflect

¹⁶ Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. *Regalia* [Sculpture] 2015. Photograph: Asia Parker

¹⁷ Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. *Big Red* [Stencil] 2015. Photograph: Asia Parker

Rennie's urban surroundings in the city. The gallery includes the silhouettes of neon male spear throwers or warrior, poised to challenge colonial histories. Distinct from the other pieces, "Horse and cart" is rendered using a stencil technique onto a diamond background. This piece references Rennie's grandmother Julia who was forcibly removed from her family as a member of the Stolen Generations. "YES untitled" in pink referenced the 1976 Referendum that removed discrimination towards Aboriginal people from the constitution. Rennie uses the "YES" font from promotional material leading up to the vote, recognizing the overwhelming majority 90.77% that voted in favor of the referendum to include Aboriginal people in the census. Rennie's "Neon Insignia" (Figure 16) contains a neon cowboy hat, boomerangs and a yandi dish represents the histories of Aboriginal people who worked in pastoral stations who were often exploited and either paid in rations or low wages.



Figure 15: Gallery Four Installation View: I WAS ALWAYS HERE.¹⁸

¹⁸ Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. *I WAS ALWAYS HERE* [Painting]. Photograph: Asia Parker

Figure 16: Gallery Four Installation View: Marl batharndu Wanggagu insignia.¹⁹

Resulting Frames

The *sovereignty* frame situates Rennie's assertion that sovereignty was never ceded by First Nations people. Through each piece he reasserts Aboriginal presence and pride, pushing back against the erasure of Aboriginal people and Aboriginal histories. Aesthetically his pieces are bright, bold or neon and in large scale such as "Remember Me" and "Always Was Always Will Be". He references invisible parts of history and reminds viewers these ongoing struggles such as Aboriginal deaths in custody are still very current. The 1991 Royal Commission into Aboriginal Deaths in Custody highlighted institutional failures of Aboriginal overrepresentation in prison yet this issue still persists with little structural changes or redress. Sovereignty and self-determination for Aboriginal people in Australia are deeply contested. In terms of Indigenous rights, states often view Indigenous self-determination as incompatible with state sovereignty (Keal 2003). Rennie's work grapples with this concept of the legitimization of sovereignty by a colonizing nation where Indigenous majorities became minorities and were displaced by settler colonialism (Curry 2004; Robbins 2010). Rennie reminds viewers of Aboriginal sovereignty throughout his work and emphasizes the lack of consent by Indigenous people in governance. Pieces such as "Aboriginal and Un-Aboriginal" capture the tension of imposed colonialism and its effects on every aspect of Aboriginal life. Further Rennie's work highlights academic assertions that nation's institutions are not neutral, rather they give preference to the needs and interests of the majority which in turn

¹⁹ Rennie, R. REKOSPECTIVE, installation view, The Ian Potter Center: NGV Australia, Melbourne, 2024. *Marl batharndu Wanggagu insignia* [Neon] 2014. Photograph: Asia Parker

creates barriers, exclusion and stigma for members of the minority group (Kymlicka and Norman 2000).

The *advocacy* frame is illustrated in Rennie's critical appraisal of the many social justice issues Aboriginal people experience. His pieces critique police deaths in custody, high levels of incarceration of Aboriginal people, and the marginalization of Aboriginal people in Australia. His work references the personal impact of Stolen Generations on his grandmother and his own upbringing in an urban environment. Similar to the Brio's truth telling frame, Rennie asserts there is a responsibility to tell a real history that acknowledges systematic trauma from former government policies. He finds his generation has been very vocal through art, music and film to advocate against Indigenous inequality. In "What Do We Want", Rennie's video art references blaxploitation and political activism by reminding viewers fights for Aboriginal rights are ongoing. Rennie builds on Aboriginal advocacy that began in the 1970s which coincided with transnational fights for rights and the Black power movement in Australia (ACMI – The Australian Centre for the Moving Image 2022). Rennie's work exemplifies the history and diversity of Aboriginal advocacy and it's many forms ranging from the creation of the Tent Embassy in 1971 to the creation of bands where music was 'ideological weaponry' not just mere entertainment (Guntarik and Grieve-Williams 2020). His use of popular chant "Always Was and Always Will Be" as a political statement of the 1920-1930s is used as a timely reminder that Australia was and still is Aboriginal land ("Reko Rennie: Always Was Always Will Be," n.d.).

The *intersectional* frame challenges stereotypes about what it means to be Aboriginal and what Aboriginal art looks like. Rennie transgresses aesthetic stereotypes of Aboriginal art through his

interdisciplinary use of contemporary media and graffiti styles and urban mediums. He artfully weaves together both rural and urban elements of Australian identity demonstrating their interconnectedness and unity. Rennie also tackles intersectional aspects of identity by exploring what it means to be an Aboriginal man who grew up in an urban environment. His blend of graffiti and urban styles with traditional styles demonstrates intersectionality in art and his diverse use of urban mediums within his practice. Rennie talks about perseverance and people standing for their rights and right to be counted including men, women and children. His incorporation of gender into his works renders visibility to both men and women within Aboriginal culture. Rennie's practice demonstrates "Aboriginal people" are very heterogeneous with different cultures, art practices etc. The bright colors in Rennie's work aesthetically challenges the stereotype of homogenous Aboriginal culture, art and identity. Rennie's work is inclusive in terms of gender and uses symbols such as spears to represent the masculine and the to represent the feminine and children in an installation on the Stolen Generations(UAP - Urban Art Projects 2021). His work highlights the generational impact of child removal policies, and while an apology was issued by the government in 2008, there has been little structural changes to government policy.

Conclusion

"Indigenous storytelling is the counter-narrative to colonization" (Emmerton and Giselsson 2024)

This paper analyses the thematic and aesthetic framing of Aboriginal rights and representation through contemporary Aboriginal artwork which contains important political grievances and interests surrounding land rights, constitutional recognition, deaths in custody, and Aboriginal inequality. An analysis of two contemporary Aboriginal art exhibitions asserts 'unbelonging' which involves detaching from the imposition of statehood allowing Aboriginal artists to create

self-determined spaces within the context of institutions. This analysis demonstrates the political framing of Aboriginal artwork negotiates postcolonial identity and problematizes settler colonial narratives. This research fits within postcolonial traditions to explore alternative histories, critique colonial domination and examine responses to colonialism by empirically examining frames present within contemporary Aboriginal artwork. Emphasis on visual discourse of political dissent through artwork is an understudied topic in political science however is an important to understand how Aboriginal artists articulate their own experiences, politics, histories and narratives within the dominant national narrative where they are often marginalized and excluded. Australia's legal political systems have historically excluded and disadvantaged Aboriginal people, reinforcing Aboriginal marginalization in Australia. While institutional reform is sorely needed to begin to redress inequalities, engagement in Aboriginal politics outside of formal institutions thrives. Resistance through artwork, craft, literature and protest by everyday people are critical of Australia's treatment of Aboriginal people. The contemporary Aboriginal art movement reminds viewers that colonization is an ongoing process that continues to negatively impact Aboriginal people, critiquing the lack of treaty and limited constitutional recognition for Aboriginal in Australia. While formal political participation is an important step towards Aboriginal equality, artists, community members and everyday people are negotiating and contesting Aboriginal inequality through artwork. Because there is so much heterogeneity between Aboriginal people, communities and elites, it is important to have multiple forms of Aboriginal political representation in Australia. Political engagement through Aboriginal artwork allows for greater political representation of Aboriginal people and needs. Contemporary Aboriginal artwork brings forward Aboriginal knowledge and ways of being that have been discredited or ignored by forces of

modernity, capitalism and settler colonialism yet are important contributions to Aboriginal inclusions and self-representation (Martineau 2015).

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CHAPTER 5

CONCLUSION

This project focuses on Aboriginal human rights and representation in Australia. Specifically, I consider the implications of international human rights law and domestic Aboriginal political representation articulated inside and outside of formal institutions by Aboriginal MPs and through artwork by non-political elites. I inquired: What is the impact of international law on protection for Aboriginal women? How do Aboriginal legislators use their influence to advance Aboriginal rights claims within domestic political institutions? How are Aboriginal rights claims articulated outside of formal political institutions through artwork?

I find Australia is partially compliant with addressing violence against Indigenous women. In terms of representation, I find there is little incentive or accountability to addressing the structural causes of Aboriginal women's marginalization. State solutions to violence against Aboriginal women focus largely on fiscal responses and programming rather than legislative changes. In this context, minority Aboriginal women remain vulnerable under international law where legislative changes cannot be enforced by the committee. Australia's non-compliance is not based on lack of socio-economic capacity, rather, lack of compliance was based on an insincere commitment to Indigenous women's rights and Indigenous people broadly as a result of Australia's settler colonial history and unwillingness to address the structural inequalities experienced by Indigenous people/women. Further, international treaties bodies are unable to address the complexities of structural Aboriginal disadvantage due to its lack of enforcement mechanisms and in many ways, focus on general disadvantage Aboriginal women experience. By pursuing top down approaches focused on collecting data and legislative changes, this dialogue starkly contrasts the interests expressed by Aboriginal MPs and artists. The second study to examined the priorities of

Aboriginal legislators in parliament to examine whether descriptive representation leads to substantive representation. While Aboriginal MPs goals, experiences, constituents and parties vary, the majority of Aboriginal MPs highlight Aboriginal disadvantage, proudly assert their identities, critique historical exclusion, and advocate for substantive policy changes to reduce Aboriginal inequality. I argue their inclusion in Australia's political institutions are essential for the advancement of Aboriginal rights and political participation. Given the small number of Aboriginal MPs in parliament, Aboriginal people remain politically underrepresented at the national level. Thus, the third study focuses on Aboriginal representation by Aboriginal artists. Australia's legal political systems have historically excluded and disadvantaged Aboriginal people, reinforcing Aboriginal marginalization in Australia. While institutional reform is sorely needed to begin to redress inequalities, engagement in Aboriginal politics outside of formal institutions thrives. Resistance through artwork, craft, literature and protest by everyday people are critical of Australia's treatment of Aboriginal people. Emphasis on visual discourse of political dissent through artwork is an understudied topic in political science however many contemporary Aboriginal artwork is critical of Australia's treatment of Aboriginal people. Artists have also asserted alternative forms of Aboriginal representation, demonstrating their pride in their culture and engaging in positive self-representation. I assert it is important to understand how Aboriginal artists articulate their own experiences, politics, histories and narratives within the dominant national narrative where they are often marginalized and excluded.

There has been scant work on formal political representation of Indigenous legislators, and even less work on Indigenous activism through visual mediums. Future research on these topics can pursue many different directions. Research on international treaty compliance should include further examination of the effects of self-reporting, constructive dialogue, and state preferences on

compliance rather than treating compliance as a binary process. Research on international human rights law and treaties should further examine how to mitigate persistent human rights abuses and inequalities for minorities and vulnerable groups as redress is often complex and nuanced requiring attention to dismantling historical inequalities and injustice. A comparative analysis of compliance across Australia, New Zealand, and Canada would also demonstrate which countries are doing better or worse in terms of compliance. Future research on the legislative decisions of Indigenous policymakers would benefit greatly from elite interviews and further inquiry into MPs priorities as this does not always directly translate to bills passed or proposed. Focusing on how MPs represent themselves and their interests can provide signaling of priorities and preferences beyond legislation passed. Future research into MP's votes, motions and participation in parliament can yield comparative insights. Research on the political content of artwork can expand in many directions. The literature would be moved forward in this area with greater systematic, empirical research documenting the political content of artwork. Other directions could also include interviews with artists to understand their political motives, and interviews with art consumers to measure the impact of political art on the broader culture.

This work is interdisciplinary and builds on existing research in international relations, comparative politics, political anthropology, women and gender studies, and Indigenous politics. This dissertation focuses on the diversity of representation across three separate actors, and finds significant overlap between the goals of Aboriginal MPs and artists. These goals are less aligned in terms of international human rights law. Conclusively, this research finds political representation is best advanced from bottom up approaches that include a variety of Aboriginal voices and viewpoints.

CHAPTER 6

APPENDIX 1 FOR “DOMESTIC HUMAN RIGHTS: DESCRIPTIVE AND SUBSTANTIVE REPRESENTATION OF ABORIGINAL MPS”

Appendix 1

Descriptive Representation Codes: These codes identify references to personal identity, symbolic representation, and community presence. They demonstrate shared experiences amongst Aboriginal people.

Indigenous Heritage Mention: The speaker references their ethnicity, background, migration history, or cultural heritage.

Personal Community Connection: The speaker references their personal history or community stories/ experiences, (e.g. stories involving their parents, grandparents, or upbringing).

General Community Connection: The speaker references shared experiences with Aboriginal communities beyond their own.

Symbolic Inclusion: The speaker emphasizes being a role model or breaking barriers.

Historical Acknowledgment: The speaker acknowledges colonial history, dispossession, and past injustices.

Substantive Representation Codes: These codes identify advocacy for policies or issues directly benefiting Aboriginal people. These codes capture the intent of MPs to propose or support

legislature towards greater Aboriginal equality. They are grouped into common themes surrounding treaty making, advocacy etc.

Indigenous Policy Advocacy: The speaker references support for specific legislation affecting ethnic communities (e.g., anti-discrimination laws, immigration reform).

Empowerment & Self-Determination: The speaker references Indigenous governance, sovereignty, or treaty-making.

Social Justice & Equity: The speaker references discussions about equity, social justice, or institutional racism, and advocates for change.

Economic & Educational Access: The speaker calls for better access to jobs, education, or healthcare for Aboriginal people.

Country Acknowledgment: The speaker references acknowledgement of country and elders

Symbolic Representation Codes:

Women: The speakers references experiences unique to women either Aboriginal or non-Aboriginal

Representation: The speaker directly references who they intend to represent

Solidarity: The speaker expresses gratitude or connection with other Aboriginal MPs

Collaboration: The speaker references intent to collaborate with their party or the current government, extending good faith towards collaboration