

Aboriginal–Makassan interactions in the eighteenth and nineteenth centuries in northern Australia and contemporary sea rights claims

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Abstract: *The first native title claim to the seas under the Native Title Act was brought by the traditional owners of Croker Island in the Northern Territory, Australia. This claim was partially successful. The High Court judgement on this case in 2001 resulted in the granting of non-exclusive sea rights. Exclusive rights were not granted as it was argued that the Croker Islanders had not asserted a right to exclude non-Aboriginal fishers in the past. This article looks at the basis for rejecting exclusive sea rights. Through an analysis of the complex relationships between Aboriginal and Makassan fishers in the eighteenth and nineteenth centuries, an argument is made that there could well be a basis in traditional practices for the granting of exclusive sea rights to some Aboriginal communities in the Northern Territory.*

There are current moves by Indigenous Australians to attain sea rights to Australian waters. The first case to reach the High Court, brought by representatives of Mandilarri-Ildugij, Mangalara, Murran, Gadurra-Minaga and Ngaynjaharr peoples, concerned the seas in the Croker Island region (High Court of Australia 2001a). The judgement brought down in October 2001 was that non-exclusive sea rights be granted; there was an unchallenged finding of fact that traditional laws and customs were and are observed in relation to the claimed area. However, it was found that Aboriginal sea rights cannot preclude the right of innocent passage or navigation and the public right to fish (High Court 2001b:19). It is in this sense that the rights are non-exclusive.

The result may appear to be a victory for Aboriginal peoples but it is the public right to fish that poses a large threat to these maritime cultures. If they cannot exclude non-Aboriginal fishers, whether commercial or recreational (or receive compensation for fishing), then their food supply, their spiritual connections and their way of life are in jeopardy. The argument against exclusive sea rights put by the High Court rested heavily on the finding that historically Makassans had not been refused entry to fish these waters.¹ Aborigines had not asserted a right to exclude these fishers (High Court 2001b:26); hence, it was argued, there is no basis in traditional practices to deny a public right to fish today.

The majority view in the Croker Island case that Makassans had not been refused entry was not supported in Justice Michael Kirby's minority judgement. He claimed that a right to exclude was part of the traditional practices but not always enforceable (High Court 2001b:75):

To posit an obligation of the poorly armed forebears of the claimants to assert against the...Macassans...a right of physical expulsion, in order to uphold their native title over their sea country...is to define the problem in

terms of a desired outcome that would always be unfavourable to the rights of persons such as the claimants.

There is a growing body of information on the extensive interactions between Aboriginal people and fishermen from Makassar that could well be relevant to sea rights claims. These interactions varied in both space and time. In some areas, Makassans were denied entry; in others, they were allowed entry to mutual benefit. An analysis of these varied interactions is presented in this article. If these considerations are brought into play, a stronger basis for exclusive fishing rights claims for certain coastal areas in northern Australia can be put.

The focus is on the interactions between Aborigines and Makassans. Sources, written and pictorial, derive from a wide range of fields. Aboriginal accounts are drawn on as much as possible; there is one Indonesian description, along with the records of the English explorers, King and Flinders, and the writings of a selection of anthropologists, archaeologists and linguists from the nineteenth century to the present day. The transcripts from the Federal Court and the High Court judgements on the Croker Island case have been used. Some works of historians and political scientists have also been consulted. Interviews were conducted with Anne Clarke and Nicolas Peterson of the Department of Archaeology and Anthropology at the Australian National University, and Lisa Strelein of the Native Title Research Unit at AIATSIS. Visits to the Australian Maritime Museum (Saltwater Exhibition 1999 and 2002 and the Banumbirr Exhibition 2002), the Australian Museum, the National Museum of Victoria, and the Macleay Museum of the University of Sydney (Shaping Australia Exhibition 2002) provided a useful stimulus for this work. Given the history of white domination of Australia for the last 200 years, one that had an assumed legitimacy in the eyes of most non-Indigenous settlers and writers, and given that that legitimacy is now being questioned on many fronts (e.g. in land rights legislation), several of the sources used need to be treated with caution. I examine the impact of assumptions of white legitimacy on the accounts, especially of the European Australian writers, and some of the other biases that enter the writings, which may undercut their value. There are many inconsistencies in the accounts consulted. Some of the reasons for these are examined. The question about the value of any conclusion, given the inconsistencies, is also considered.

The first four parts of the following discussion deal with the nature of the interactions, including where and when they happened, and economic and cultural features. The importance of the economic and cultural interactions is debated: whether interactions occurred in a hostile or friendly environment could have had a bearing on Aboriginal views about the legitimacy of the fishing. Further scrutiny is made of sources, especially concerning consistency and credibility, and the final part ties the discussion of Makassan–Aboriginal interactions back to the sea rights legal cases.

General nature of the interactions

Macknight conducted archaeological work at Anuru Bay near Millingimbi in Arnhem Land in 1966 and 1967, and made an extensive study of the literature available at that time (Macknight 1972, 1976, 1981; Macknight & Gray 1970). Fishermen from Makassar in the southern Celebes (Sulawesi) visited the coast between the Cobourg Peninsula and the Sir Edward Pellew Group from 1720 to 1906 (Figure 1). Groote Eylandt was commonly visited but Melville, Bathurst and the Wellesley Islands only occasionally (Macknight 1972:284; 1976:36). A customs officer in the late nineteenth century, Alfred Searcy (1909:46), claimed that the Aborigines on Melville Island did not let Makassans fish there. Linguistic studies support this claim for the Wellesley Islands but they reveal that Melville Island languages do contain a substantial number of Makassan words, which is curious if Makassan visitors were rare or excluded altogether (Evans 1992:46, 51–2). At Howard Island, a place of mythical encounter in eastern Arnhem Land, no trepang occurred. Lanhupuy told Ian McIntosh (1997:73) that ‘Macassans regarded this site as strictly off limits’.

Makassans called eastern Arnhem Land ‘Marege’ (Macknight 1972:284). The western Arnhem Landers called Makassar ‘Manggadjaru’ or ‘Munanga’ (Berndt & Berndt 1990:4). The Makassans fished for trepang or employed Aborigines to do so (Worsley 1955:2).² They traded goods with Aborigines and took some to Makassar, and some Makassans lived with local inhabitants; they built temporary structures to process the trepang but no permanent dwellings (Macknight 1972:284, 287). Seeds from the tamarind fruit brought to Australia have left tamarind trees, and broken Indonesian pottery abounds in the trepang processing areas, along with some glass,

coins, fishhooks, pieces of metal and clay pipes (Macknight 1976:59, 78, 80–1). Some Makassans interacted culturally with the Aboriginal residents in feasts, ceremonies and liaisons, and a mixed language evolved in some places (Evans 1992:46; Urry & Walsh 1981:93). Within the last decade, there have been visits by Aborigines from northern Arnhem Land to southern Sulawesi to re-establish contacts with relatives there (Evans 1992:46) and to perform cultural ceremonies that have an Aboriginal/Makassan history (McIntosh 1996:53). The remains of Makassan trepang processing sites give some indication of the areas of most intense activity (see Figure 1). There are numerous Aboriginal pictorial records of the visits (e.g. Figures 2 to 4).

Mawalan Marika, of the Rirratjinu clan, Dhuwa moiety, has painted a remarkable map of Yalangbara (Port Bradshaw). The route taken by the Makassans is

red edged with blue, which differs from the routes taken by earlier (yellow edged with red) and later fishers (blue edged with red). The painting also depicts travels of ancestral beings and it is of particular interest that Makassan history is tightly interwoven with these travels (Hutcherson 1995:33–4) (Figure 3).

Makassans came in small sailing boats, called *perahu*,³ on the winds of the north-west monsoon, and returned some months later on the south-east winds (Macknight 1972:284). The trepang⁴ were taken back to Makassar and traded with Chinese who seem uniquely to appreciate their qualities (Crawford 1971:440; Macknight 1976:7). The number of fishers from Makassar each year in the nineteenth century is conservatively estimated at 1000 (Macknight 1976:29). There are depictions of *perahu* in rock-art (Figure 4) and also in bark-paintings (Figure 5).

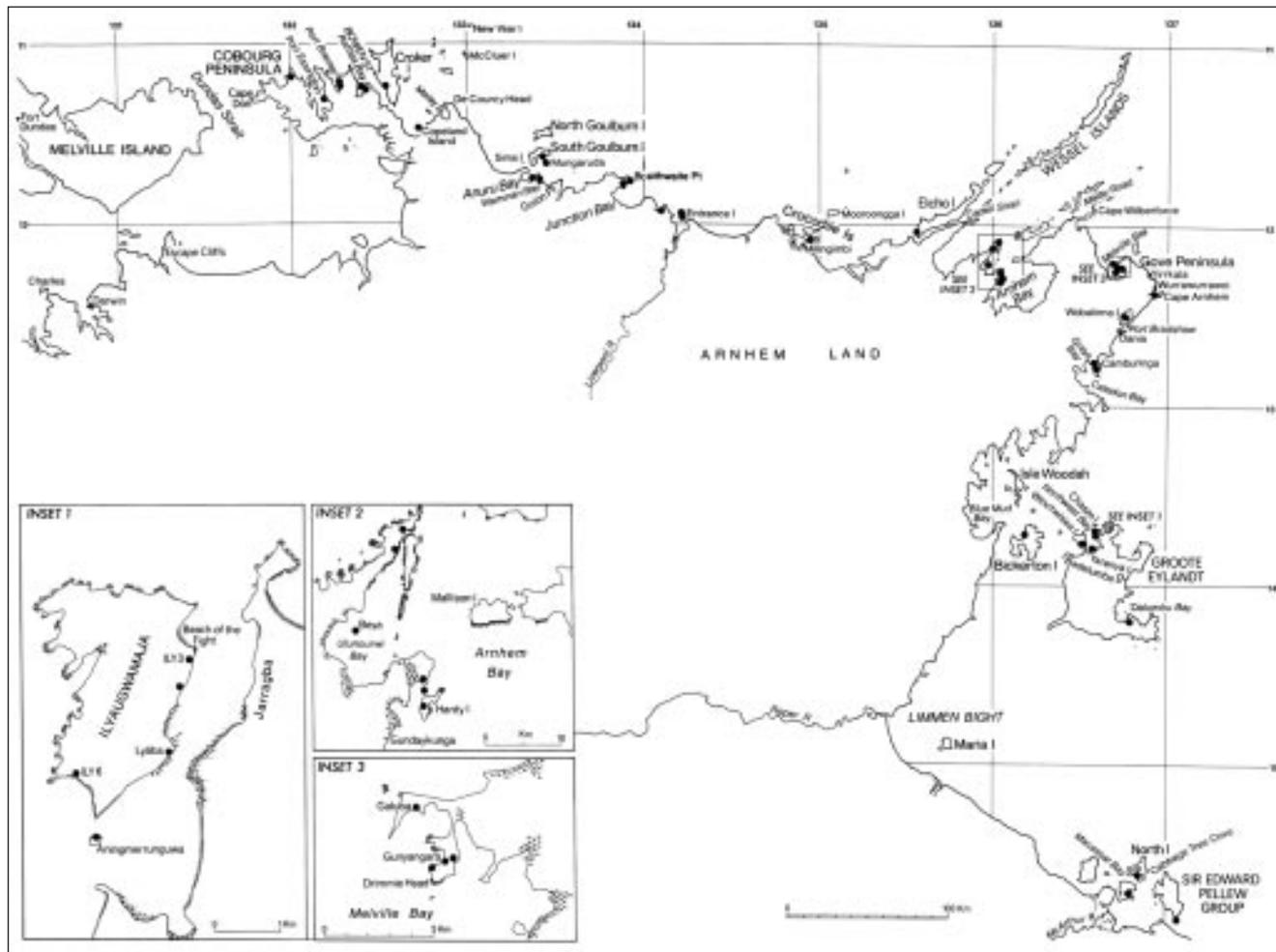


Figure 1
Makassan trepang processing sites in northern Australia (Macknight 1976:62). Reprinted by permission of CC Macknight



Figure 2
Aboriginal cave-painting of a Makassan house or trepang smokehouse at Mabaludu in the Wellington Range, western Arnhem Land (Macknight 1976: following 53). Reprinted by permission of George Chaloupka

Macknight (1976:33) suggested that Makassans fished along the coast of Western Australia, south of Cape Londonderry; they called this area of the Kimberley coast 'Kayu Jawa'. Crawford (1968:19) conducted archaeological investigations along some of this coast in 1963, finding Makassan camps and pottery. He claimed (1968:18) that there were enormous quantities of trepang in the area but that Makassan fishing activities were limited. He admitted that he had visited only a small percentage of sites

known to Aborigines. Following a 1968 visit to the area, Crawford (2001:91) discussed this fishery with Indonesian fishers; he ascertained that the Makassan trade had extended as far as Rowley Shoals. Morwood and Hobbs (1997:198–9), reporting on recent archaeological work along the north Kimberley coast, claimed that the Makassan visits were on a large scale. Stone and Morwood (Stone 1999) identified more sites, the locations of which were not given at the request of the Wanambal-Gaambera Aboriginal Corporation, traditional owners of the country that includes the site areas. Additional sites were found by an expedition led by the University of Western Australia and Western Australian Conservation and Land Management in 2003 (Penny Coleing, pers. comm.). An overview of the sailing routes is presented in Figure 6.

Several anthropologists and archaeologists who have researched in northern Australia have confirmed this picture.⁵ Other records confirm the general outline of the fishery. Baudin's expeditions in 1803 encountered 26 large perahu off northern Western Australia, and the expeditioners ascertained that Makassans had been visiting for centuries (Serventy 1952:15). Matthew Flinders (1814:232) met up with six perahu off north-eastern Arnhem Land in 1803 and was able to converse with the crew by using a translator. The Makassans kindly delayed their return journey in order to give Flinders more information about the fishery.⁶ Captain Phillip King (1827:135–6)



Figure 3
Mawalan Marika, *Map of Yalangbara (Port Bradshaw)* (Hutcherson 1995:34). Reprinted by permission of Buku-Larrngay Mulka and the Berndt Museum

