What happened to Mabo?
The search for the missing link in securing land justice for Australia’s indigenous peoples

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After 20 years, Mabo’s promise of land justice for indigenous peoples in Australia remains unfulfilled. High Court decisions issued after Mabo, like Ben Ward and Yorta Yorta, and unilateral government actions like the 1998 amendments to the 1993 Native Title Act, have been harshly criticized by the United Nations Committee on the Elimination of Racial Discrimination for winding back the protections of the Mabo decision and violating Australia’s international human rights obligations. What caused Mabo’s promise to be broken so blatantly and profoundly by “extinguishing acts” that nobody knew existed prior to Mabo’s historic declaration that native title was a recognizable property interest in Australia, unless of course, it had been extinguished? The missing link between Mabo and the achievement of land justice for Aboriginal people in Australia lies in Mabo’s failure to reject the “complex of ideas” that constitute the European colonial era Doctrine of Discovery and its racist 19th century legal language of extinguishment of indigenous peoples’ human rights in their traditional lands.

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