

# Treaty(ies)

The message from very many Aboriginal Peoples in Australia to the Australian Government is that the time is long overdue for genuine negotiation on treaties.

Treaty would recognise the sovereignty of the First Nations People over their land and enshrine the right of self-determination which was promised to them when Australia ratified the International Covenant on Economic, Social and Cultural Rights 40 years ago.

<http://www.respectandlisten.org/treaty.html> and

<http://www.concernedaustralians.com.au/#Treaties>

## **8-minute You-Tube video clip:**

'We the Aboriginal Peoples of Australia have been waiting for over 200 years for formal and binding agreements with Government.

We want the opportunity to take control over our lives and determine our futures through legal agreements, compacts, covenants or treaties established in law and enforceable in the courts'. 'Treaties'

[https://www.youtube.com/watch?v=nU\\_H0oIQy60](https://www.youtube.com/watch?v=nU_H0oIQy60)

There is great discussion around recognition in our constitution, but where is the acknowledgement that this land has never been ceded? Where is the recognition that basic rights are being denied and no redress is being made?

No treaty has ever been signed with our First Nations Peoples.

First Nations Peoples' Rights are under attack from many sides. The Intervention was imposed accompanied by the army and with no consultation with the communities affected. First Nations People have stood and fought with all means available to expose the sham of the Intervention/Stronger Futures and yet it has been extended for another 10 years with even more draconian measures. The terrible impact of this policy can no longer be hidden. On every marker of social wellbeing people have suffered more, with increased child removals, homelessness, incarceration, self-harm and suicide. Governments both State and Federal have acted with impunity and are bringing in further laws to shut down remote communities and erode already weak land rights. Mining companies are persecuting exploration rights across the country and communities such as Borroloola are dealing with pollution of their waters by zinc mining. Many are fighting CSG fracking.

'Under the Intervention we lost our rights as human beings, as Australian citizens, as First People of the Land. We feel very deeply the threat to our languages, our culture and our heritage. Through harsh changes we have had removed from us all our control over our communities and our lives. Our lands have been compulsorily taken from us. We have been left with nothing.' Statement of Elders:

'Walk With Us' 2011.

The call for Treaties is strong from First Nations People as they attempt to protect rights to which they should be entitled under International Law.

## **Time To Talk Treaties** **Treaty Messages by 'concerned Australians'**

- A United Nations Committee in 2010 recommended that Australia "...consider the negotiation of a treaty agreement to build a constructive and sustained relationship with Indigenous Peoples."  
The UN Committee on the Elimination of Racial Discrimination CERD, Concluding Observations, August 2010.

- In the year 2000, The Council for Aboriginal Reconciliation (CAR) identified a Treaty was the unfinished business of the reconciliation process and recommended: *"that the Commonwealth Parliament enact legislation . . . to put in place a process which will unite all Australians by way of an agreement, or treaty, through which unresolved issues of reconciliation can be resolved."*
- Aboriginal Peoples all know that this land belongs to them. The land was never ceded nor has any government ever attempted to seek a settlement or treaty with its owners.
- *"Australia is the only Commonwealth country that never signed an official treaty with its Indigenous peoples."*  
Sir William Deane, Australian Governor-General (1996–2001), at Inaugural Vincent Lingiari Memorial Lecture (August 1996)
- Aboriginal Peoples of Australia have been waiting more than 200 years for Treaties.
- Treaties and Constitutional Recognition are both important issues. They are independent of each other. There is no particular order in which these important changes should be made.

*"Canada has its centuries-old treaties, and more modern treaties today, and more recently, constitutional recognition of Aboriginal Canadians in the life and history of that nation."* Mick Dodson, July 2007.

[www.concernedaustralians.com.au](http://www.concernedaustralians.com.au)

### **In the Absence of Treaty**

This book explores the current inadequacy of the process used in engaging with Aboriginal people, which results in control slipping away from them. It provides concise but incisive account from recent reports about the reasons for the ongoing and growing frustration of many Aboriginal people in the NT. In doing so it hints at possibly the only solution - treaties. <http://www.respectandlisten.org/nt-intervention/concerned-australians.html> or <http://www.concernedaustralians.com.au/#ITAT>

### **'He Was Supposed To Be The PM For Indigenous Affairs'**

... "We invested faith that promises would be kept. But our expectations have been betrayed." [These] include promises for treaty and national land rights, broken by former Labor leader Bob Hawke and ignored by successive leaders. ...

Mr Sansbury says land rights, sovereignty and treaty are all agenda items for Aboriginal Australia. ...

<https://www.newmatilda.com/2014/11/27/he-was-supposed-be-pm-indigenous-affairs>

### **John Pilger exposes Australia's shocking secret in Utopia**

... Education and public debate are important, but the catastrophe imposed on Indigenous Australians is the equivalent of apartheid, and the system has to change. Colonialism in Australia has to end, finally. There has to be genuine political, social and moral restitution, and that means a treaty and universal land rights. By treaty, I mean a constitutionally binding 'bill of rights' for Indigenous people and recognition of their right to self-determination. This can only be achieved by negotiation between the majority and minority populations on an equal basis. **Australia is the only western country with an Indigenous population that has no treaty: no framework of mutual respect.** Before anything can change, that must change.

<http://www.australianimes.co.uk/entertainment/interview-john-pilger-exposes-australias-shockingsecret-in-utopia.htm>

### **John Pilger: Utopia is one of the most urgent films I have made**

...The Aboriginal resistance was longer and bloodier than the frontier wars in the US and New Zealand, but the Australian public knows virtually nothing about them. Moreover, the "[history wars](#)" were all about suppressing this truth of the past and its legacy today – a people dispossessed in their own country and denied fundamental rights, having never ceded their land to the invader: indeed the only Indigenous people in a territory colonised by the British repeatedly denied a treaty....

<http://www.theguardian.com/world/2014/jan/08/john-pilger-utopia-is-one-of-the-most-urgent-films-i-have-made>

### **John Pilger: Australia is a land of excuses, not the land of the fair go**

...the film-maker and journalist renews his call for a treaty between Australia and its Indigenous peoples ...

... "A treaty could be the beginning," says Pilger, who believes a majority would welcome what he likens to a bill of rights for Indigenous people – covering health, land rights, educational rights and the right to live securely. "All those questions that you raise could be dealt with in a treaty. It could be all-encompassing, not just a piece of paper."

Pilger cites the Alyawarr, Arrernte and Anmatjerre elder and actor Rosalie Kunoth-Monks when he restates that Indigenous people never ceded ownership of Australia. "This would be an historic convention, long overdue. Some would say, a couple of hundred years overdue, between the original owners of the country, who have never ceded ownership, and the colonisers." ...

<http://www.theguardian.com/world/2014/aug/27/john-pilger-australia-land-of-excuses-interview?CMP=soc> 567

### **'Unsettling Truths' In Pilger's Utopia Reach US Shores**

John Pilger's Utopia is earning positive reviews in the United States, suggesting that while Australian audiences may find the truth hard to swallow, international concern over Indigenous rights abuses is growing, writes Amy McQuire ...

"This film makes a powerful case for a genuine Treaty between Aborigines and the federal government to end the injustices that have afflicted Australia's First Nations since European colonization began in 1788."...

<https://www.newmatilda.com/2014/08/20/unsettling-truths-pilgers-utopia-reach-us-shores>

### **Fresh Push For Treaty Emerges From Shadow Of Recognise Campaign**

...A new YouTube campaign, narrated by Aboriginal actress Kylie Belling and featuring a number of strong Aboriginal women, has been launched to reinvigorate the call for a treaty.... The video charts the beginnings of dispossession, the broken Hawke promise to sign a treaty with Aboriginal nations, and presents a harrowing portrait of the rights abuses under the Northern Territory intervention. ...

Bagot community leader Joy White is also filmed telling a forum of the importance of land to Aboriginal equality: "Unless we get our rights back as Aboriginal people of this land, unless we get that back, there is no hope for Aboriginal people because the government will still condemn us every way we can." ...

<https://newmatilda.com/2014/08/19/fresh-push-treaty-emerges-shadow-recognise-campaign>

### **Treaties Are Agreements Between Equals**

"The Australian's headline 'Abbott open to treaties with Aboriginal nations' might shock, confuse and cause many Aboriginal people to be justifiably suspicious. All of a sudden the conservative Coalition Government is welcoming discussion about something we have demanded for decades, something former Prime Minister Bob Hawke promised to deliver by 1990, and a proposal that the current federal Labor opposition has labelled "stupid". ... The nature of any treaty process must be owned by Aboriginal people on the ground." *By Callum Clayton-Dixon*

<http://thestringer.com.au/treaties-are-agreements-between-equals-7375>

### **Video: Watch the Let's Talk Treaty discussion**

*"Let's Talk Treaty panelists include, Wayne Butcher, Monica Morgan, Warren Mundine & Nicole Watson, hosted by Tiga Bayles."*

"We all know YothuYindi's hit song Treaty. But what is Treaty? When it comes to relations between Indigenous peoples and colonial powers, treaties are simply formal agreements that set down the terms and conditions by which two or more groups can coexist. The British Empire signed treaties with many of the tribes of Americas, and the Maori of New Zealand. But no treaty was ever signed with the First Nations here."

<http://www.989fm.com.au/podcasts/lets-talk/watch-the-lets-talk-treaty-discussion/>

### **Treaty**

...Chair of the Yolgnu Nations Assembly, Dr Djinyini Gondarra believes Treaty can be the "great liberator" for all people.

"I want to see that my people will be free, that my people can live in peace without being a victim of somebody else."

"I want to see my people celebrate their true dignity as the First Nations People of this continent."

"I want to see my people live in Arnhem, that they can live with their language and with their culture. My people should not be moved on..."

...Prime Minister Hawke vowed that his Government would enter into a Treaty with Aboriginal peoples Australia wide by 1990. However, this would become a Prime Ministerial promise that would be broken. In response, YothuYindi composed "Treaty" to protest the hurtful broken promise. In 1992, the song climbed the Australian charts and became famous around the world.

<http://thestringer.com.au/treaty-6389#.VNX7iS5E4rU>

### **Intelligence Squared Debate: True Reconciliation Requires a Treaty**

...Many believe that a treaty is essential – our neighbour New Zealand and contemporary Canada have established treaties, recognised by the UN...

In this video, our panel debates the need for a treaty – and the way to achieve true reconciliation. Chaired by Wheeler Centre director Michael Williams, with speakers George Williams, Mark Yettica-Paulson, Mick Dodson, Peter Sutton, Tony Birch and Gregory Phillips.

<http://wheelercentre.com/videos/video/intelligence-squared-debate-true-reconciliation-requires-a-treaty/>

### **Treaty with Australia's indigenous people long overdue**

...We are now the only Commonwealth nation that does not have a treaty with its Indigenous peoples. We have never entered into negotiations with them about the taking of their lands or their place in this nation. Rather than building our country on the idea of a partnership with Aboriginal people, our laws have sought to exclude and discriminate against them...

<http://www.smh.com.au/comment/treaty-with-australias-indigenous-people-long-overdue-20131112-2xeel.html>

### **An Australian identity starts with a "Treaty": Aboriginal elder Ossie Cruse**

During local celebrations to mark NAIDOC Week 2012, the idea of a treaty between Aboriginal people, the British Crown and the Australian Government has been raised by Paster Ossie Cruse.

Talk of a treaty has been around for decades, but in recent history it has fallen from coverage with mainstream media. The NSW South Eastern Aboriginal elder, Ossie Cruse believes that Australia's future could be built with a treaty. ...

<http://nationalunitygovernment.org/content/australian-identity-starts-treaty-aboriginal-elder-ossie-cruse>

### **How to support the Aboriginal people in their struggle for justice** [scroll down on page]

... I recommend that people write to Prime Minister Tony Abbott, calling on him to start, without delay, negotiations for a fully constituted Treaty between the Commonwealth of Australia and all the First Nations of Australia. This would include long overdue restitution and universal land rights....

<http://johnpilger.com/>

# Remote Aboriginal Community Closures

## Will You Help to Prevent a Crisis?

The Commonwealth's commitment to Homelands and Outstations was surely sealed by the 1967 Referendum. How can it be then that the federal government can consider abandoning their long-held responsibilities by cutting essential funding to these especially vulnerable areas?

What is clear is that the Commonwealth knows full well that the consequences of the cuts will fall with brute force onto Aboriginal communities least able to defend themselves. Such behaviour is contemptible.

It is quite clear that state governments do not have the resources to simply replace Federal funding. Mr. Barnett in Western Australia has responded by indicating that he will **close up to 150 remote Aboriginal communities by simply cutting off their essential services – water, power etc.** Arrangements with the South Australia government are still to be determined but at this stage the outstations fear their fate will be similar to those in the West.

<http://www.concernedaustralians.com.au/> and  
<http://www.respectandlisten.org/landrights.html>

## **Urgent Action:**

The remote community closures are receiving considerable attention and policies such as these as well as massive funding cuts to other Aboriginal organisations, must be reconsidered / reversed. Parliament returned last Monday, 16 March.

**Please send letters or telephone Tony Abbott and Nigel Scullion as soon as possible and tell them that it would be totally unacceptable for funding to Remote Communities to be cut. Ask your friends and wider networks to help.**

Points for letter writing and phone calls as well as contact details of the Prime Minister and the Minister for Indigenous Affairs are included at:

<http://www.concernedaustralians.com.au/media/Outstation-closures-Letter-requesting-help.pdf>

...The forced removal of these Indigenous communities will break the spiritual link they have with their country, built up over 40,000 years. To claim, as the West Australia Government does, that the communities are 'not viable' is to ignore the ongoing traditions of moving in and out of these places, over 40,000 years of the spiritual and cultural life of these people. It would make the people forced out of these places refugees in their own country. ...

[http://franciscansinternational.org/fileadmin/images/Advocacy\\_statements/Joint\\_urgent\\_appeal\\_-\\_West\\_Australia\\_s\\_Government\\_Plan\\_to\\_close\\_the\\_indigenous\\_communities\\_-\\_submitted\\_by\\_Franciscans\\_International\\_and\\_Edmund\\_Rice\\_Int.pdf](http://franciscansinternational.org/fileadmin/images/Advocacy_statements/Joint_urgent_appeal_-_West_Australia_s_Government_Plan_to_close_the_indigenous_communities_-_submitted_by_Franciscans_International_and_Edmund_Rice_Int.pdf)

## **Jeff McMullen comments in Redfern and Canberra, 26 January 2015**

We must wake up to see that ... we are standing by and allowing the dispossession of hundreds of whole communities, thousands of our fellow citizens who are to be swept off the homelands. The Barnett Government in WA and the Weatherill Government in SA are following the lead of the NT Government in slowly strangling the homelands. 150 in WA and over 50 in SA in the APY Lands are now on the endangered list...

It is a grim irony that there is now a poisonous bipartisanship in the determination of the Coalition and ALP politicians, state and federal to drive people off country and into the so called growth towns. There is not adequate housing, education, healthcare or employment in these towns for the homelands people and so Australia appears to be consigning people to the long grass and the already overcrowded town camps.

The current legislative changes to the Land Rights Act [NT 1976], the marginalising of Land Councils and Traditional Owners, is shifting control to the new corporations who with the nod of a federal minister will become the new Chief Protectors, pretending to care about the people but truly only interested in the wealth of these lands. These changes will materialise this year unless Australians stand up and speak out against this threat.

[http://media.wix.com/ugd/81f86c\\_328f980e05ff4e23919480e2ebd8f7f8.pdf](http://media.wix.com/ugd/81f86c_328f980e05ff4e23919480e2ebd8f7f8.pdf)

### **Of three remote communities here, why are only the two Aboriginal ones under threat?**

Tony Abbott says living in remote communities is a 'lifestyle choice'. For the thousands of Indigenous people who actually live in them, it's a matter of life and death.... There are three small communities within 30km of each other in the Kimberley, the isolated north-western corner of Australia.

Because of a new funding deal struck between Australia's state and federal governments, two of those communities could be closed.

Two of the communities are Aboriginal. The third is not. It will not be closed. ...

And there's another, more serious, concern. To be granted native title Aboriginal people must maintain connection to country. That's the whisper behind concern in the Kimberley – "Is this another attempt to take our land?"...

<http://www.theguardian.com/australia-news/2015/mar/11/of-three-remote-communities-here-why-are-only-the-two-aboriginal-ones-under-threat>

### **The Guardian - The trauma of Oombulgurri's demolition will be repeated across Western Australia**

Amnesty International's research into the homelands showed that Aboriginal people living on ancestral lands live better lives. But the WA government plans to close 150 communities. Removing people from Oombulgurri was a gradual process.

First, the government closed the services. It closed the shop, so people could not buy food and essentials. It closed the clinic, so the sick and the elderly had to move, and the school, so families with children had to leave, or face having their children taken away from them. The police station was the last service to close, then eventually the electricity and water were turned off. ....

My visit to the town in September, a month before demolition commenced, was a continuation of Amnesty's work on homelands. Our [2011 homelands report](#) found huge benefits for Aboriginal people living on their traditional lands: connection to land and culture, self-determination, employment, improvements to physical and mental health, and a reduction in substance abuse and violence.

For example, people living on the NT's Utopia homelands were found to have a 40% lower mortality rate than Aboriginal people in the NT generally, and a 50% lower rate of cardiac disease.

The eviction of the residents had the opposite effect. Many residents were left homeless and either camped or stayed with relatives throughout the Kimberley region. Three years later some residents are still homeless or not appropriately housed.

The children suffered the most from the eviction. On our visit we were told that most of the children from Oombulgurri who now live in Wyndham do not go to school. Many others have been removed by the department of child protection ....

<http://www.theguardian.com/commentisfree/2014/nov/27/the-trauma-of-oombulgurris-demolition-will-be-repeated-across-western-australia>

### **"Do not turn our people into fringe dwellers once again": Fitzroy Crossing groups on threats to close WA remote communities**

...The Western Australian government has [commenced a program](#) of closing down about half of the state's 274 remote communities. The program will, the Premier acknowledges, 'cause distress' to the more than 12,000 Aboriginal people who live there. Premier Colin Barnett cites the 'existing high rates of suicide, poor health and a lack of jobs' as well as the 'abuse and neglect of young children' as the reason for these measures. He says that the latter is 'a disgrace for the state'. The Western Australian government is somehow managing

to make this disgrace even worse. What is unclear about these extraordinary measures is how replacing one government disgrace with another provides any kind of solution to the endemic social problems of these communities. Sadly this act of institutional racism in pursuit of so-called economic outcomes is unsurprising. The signs are all around us that government, at all levels, has failed society in its metamorphosis from state to business. ... <http://blogs.crikey.com.au/croakey/2014/11/19/do-not-turn-our-people-into-fringe-dwellers-once-again-fitzroy-crossing-groups-on-threats-to-close-wa-remote-communities/>

## **Human Rights violations of First Nations People in Australia**

Forced removals in the past have proved devastating and costly, not only to the communities themselves but also to the surrounding communities responsible for resettlement. Nearly all outback Aboriginal communities are under-resourced, have inadequate infrastructure and are grappling with social problems. To burden these communities further is unthinkable.

Such action would place Australia in conflict with international law.

*"...forced evictions are ... incompatible with the requirements of the International Covenant on Economic, Social, and Cultural Rights and could only be justified in the most exceptional circumstances...."* UN Committee on Economic, Social, and Cultural Rights, General Comment No.4, (1991)

<http://www.concernedaustralians.com.au/media/Outstation-closures-Letter-requesting-help.pdf>

## **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**

On 3 April 2009, Australia expressed its support for UNDRIP

<http://stoptheintervention.org/facts/united-nations/un-declaration-on-the-rights-of-indigenous-peoples/australia-s-support-for-undrip>

however forcibly removing First Nations Peoples from their homelands breaches various articles of UNDRIP, for example:

### **Article 8**

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;

### **Article 10**

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

## **Next STICS meeting**

As the first Monday in April will be a public holiday, there will be no STICS meeting.

**Our next STICS meeting will be:**

**Monday, 20 April with Paddy Gibson as our special speaker**

**Topic: What happened to the Intervention?**

Jumbunna researcher and founding STICS member Paddy Gibson has just returned from 12 months living in Alice Springs. At this special STICS meeting he will give a presentation looking at the continuing impacts of the NT Intervention, now known as 'Stronger Futures' on Aboriginal living conditions, incarceration and child removal rates. Paddy will also discuss how the policy architecture of the Intervention is expanding across the country and why the demand for a repeal of Intervention laws remains as important as ever.

This pamphlet including the links listed can be found on the STICS website at <http://stoptheintervention.org/>

### **DONATE TO STOP THE INTERVENTION COLLECTIVE SYDNEY!**

Account name: Stop the Intervention Collective Sydney  
BSB number: 062212, Account number: 10452725,  
ABN 56 162 064 644.