

Conditions before talks

There have been two principal attractions in the treaty proposal — its symbolic value and its potential to achieve certain goals more quickly than otherwise. Recently, as I understand it, the 'symbolic' argument has lost favour amongst Aborigines. It is argued that the signing of a definitive treaty, even if it acknowledged prior sovereignty (let alone present-day sovereignty), might at some future time box Aborigines into a legal or logical corner from which it would be difficult to escape. Instead, say the opponents of the treaty, small-scale increments can be achieved, as they have already been achieved in the last two decades, without grand gestures which carry dangerous implications.

For Aborigines, the advantages of a treaty seem to me to lie in utilising the 'incremental' approach to extract a maximum of practical concession while giving away a minimum of philosophical concession. Aborigines have a trump card, which if they play their hand right, the whites will buy dearly, and that is the concession that they have the moral right, through the conclusion of a negotiated treaty, to remain in this continent. The way to keep this card just out of reach, as Marcia Langton has pointed out, is not to present the government with a list of demands which must be satisfied through a treaty; instead the government should be presented with a list of conditions (such as uniform land rights legislation) which must be met before the negotiations proper can begin. Then, when the maximum of concession has been won from this



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phase. it is time to proceed to treat the actual negotiations in the same terms. At all times the aim is to achieve gains which even a friendly government would find politically impossible to grant without the appearance of a 'once-for-all' gesture. While the advantages of a treaty to whites are chiefly symbolic, to Aborigines they are principally strategic.

Let's admit that, so we won't be talking at cross purposes. The question for the government, motivated presumably by concern to rectify past and present injustice, is 'what is the price of compensation and to what extent will we pay for the moral right to be here?' The question for Aborigines is, 'how much can be achieved which can't be won any other way?' And unless these rights and guarantees are ironclad, they are worthless, like the Northern Territory Land Rights Act threatens to be. Worse than worthless, since so much energy will have been spent following a false fire.

The treaty in its final form, in my opinion, must contain a very large number of practical gains to Aborigines which once made cannot be unmade. Otherwise we have all been wasting our time, and the Aborigines may well be the poorer.

Aboriginal Treaty Committee Papers

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