

MAKING THE BICENTENARY

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Australian Historical Studies

ABORIGINAL SOVEREIGNTY - NEVER CEDED

We, the Aboriginal People, restate that we are the Sovereign Owners of Australia. There have been no Treaties with us and we have never ceded our Sovereignty.

Our land has been invaded by a foreign power that broke international law and its own Imperial Directive: 'You are, with the consent of the natives, to take possession....' i.e., a Treaty. Instead, in 1770, Captain Cook declared the legal lie that our land was terra nullius, a wasteland and unoccupied. Our humanity was denied and the historical fiction that Australia was peacefully settled had been perpetuated. The truth is that the physical and cultural genocide was attempted against us and our land was made vacant by imprisoning the owners in small concentration camps call Aboriginal Reserves. The oppression and injustice continues to this day. The Federal Government refuses to use its powers granted by over 90% of white Australians in the 1967 'YES' referendum, which enables it to make special laws for Aboriginals. In the courts, the judges conclude that Sovereignty cannot be challenged within the Australian Legal system. All legal and political channels have been exhausted within Australia.

Our path to justice now lies in the international arena. In 1975 the International Court of Justice found that when the Spanish colonised the eastern Sahara in 1844, it was inhabited by people organised in tribes and as a consequence the Western Sahara was not terra nullius. In a separate ruling it was stated that the concept of terra nullius stands condemned.

In 1979 our call for a Treaty was diluted by the Federal Government which would only consider a Makarrata, a compact, a domestic agreement and would not recognise us as Sovereign Equals. The Makarrata would have been a deal between white government and people with no status. It could have been amended and repealed by future legislators.

We pursue a Sovereign Treaty, under the Vienna Convention on the Law of Treaties, that has constitutional effect and is void if it violates fundamental principles of Human Rights, e.g. the right of a people to self-determination.

There must be a proper foundation for Black/White relations in this land, and Treaty that will lay the cornerstone for a new Australia based on Justice, Peace and Human Rights for all.

TREATY 88 CAMPAIGN: AIMS AND OBJECTIVES

At time of colonisation Australia declared 'Wasteland and unoccupied'. Aboriginal resistance to invasion of our lands was quelled by methods of extermination - which were historically referred to as 'dispersal of the natives' and 'punitive party expeditions'.

We have been denied the rights and protection generally afforded to an invaded people and their land. This principle was recognised under British as well as International Law. We have not only been denied such rights, but still suffer the denial of those rights to this day.

We are still prosecuting the processes within white Australia to force a recognition of our full inherent entitlements and to obtain justice.

We shall end injustice that, while continuing today, results in the denial of our human rights, causing death and oppression.

We pursue a Treaty as the instrument to delineate our entitlement, protect that entitlement and our human rights, and enshrine our inherent rights in the Constitution and International Covenants.

OBJECTIVES

1. Effect a Treaty between Aboriginals and the Australian Government.
2. Ensure inalienable freehold title over Aboriginal lands.
3. Protection of Sacred Sites.
4. Control over mining on Aboriginal lands.
5. Compensation for loss of lands to be negotiated.
6. International recognition of Aboriginals as a people.
7. Self-determination.
8. Treaty to encompass proper management and safeguarding of heritage, and environment.
9. Establish continuous management practices for the total environment.
10. Effectively safeguard this land as a nuclear free and peaceful country.
11. Regulate the processes of law to ensure equality, freedom, human rights and achieve those aspirations long recognised as the prerequisites for human development and peace throughout this land.
12. To meet all those objectives for human development as spelt out in the International Covenants of Human Rights.

TREATY 88 CAMPAIGN

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