

# Breath of Life

Excerpt from an interview by Vincent Forrester with Kevin Gilbert, broadcast in 1989 over CAAMA radio 8 KIN.FM, (Central Australian Aboriginal Media Association), to Aboriginal communities across the Territory over an area of hundreds of square kilometres.

Vincent Forrester is an Aranda man, who worked on the Treaty proposal during his time with the National Aboriginal Conference.

*Vince:*

In 1987 Bob Hawke came up here  
to Alice Springs  
and said there will be a compact  
between the Aboriginal People  
and the non-Aboriginal people  
— a tool of reconciliation —  
and then in June 1988 up at Barunga  
Bob Hawke went and promised us a Treaty  
and a big mob of blackfellas cheered  
because there was a difference of words —  
choice of words to Aboriginal Australia  
and a different choice of words  
to the non-Aboriginal section of Australia.  
What does a Treaty mean?

*Kevin:*

The difference between a Treaty and a compact is  
a compact is an agreement that can be torn up.  
It's a piece of paper that means nothing.  
It's like the Northern Territory Land Rights Act  
in a way where the other parties  
the other political parties can say that  
they don't want it that they will tear it up  
when they assume power.  
They will make amendments.  
They will take control of Land Rights  
and by doing that they can completely negate  
all of the gains that appear to be on paper.  
So a compact is just an agreement  
that nobody really has to keep to  
if the political climate changes.  
Now a Treaty is an internationally recognised form  
for two People of equal status  
to sit down and write up  
a legal paper  
that has national and international protection.  
It is something that the courts must uphold  
as being a true and a lasting instrument

and then you can always refer to it.

The value of a Treaty

is that it immediately goes in place  
into the constitution.

We cannot, because of the racism in the country,  
because of the method of voting  
in the country state by state  
and by the population  
we can't get any changes in the constitution  
for Aboriginal People.

*Vince:*

If we go into any negotiation  
about a compact or a Treaty  
where does that leave us with our Sovereignty.

*Kevin:*

Well, if we go in with a compact  
or an article of reconciliation  
it leaves us nowhere because it means nothing  
and it will not give us lasting or permanent gains.  
It gives us no status internationally.  
It gives us no real status in the courts.  
The other parties who get into office next term  
can dismantle that  
and it does not recognise our Sovereignty.  
Now our Sovereignty —  
let's be clear what Sovereignty means —  
Sovereignty means our ownership  
our rights in the country  
our true identification  
as a separate People from the colonisers  
the English people who came over  
and colonised our land.  
We *are* a separate People.  
We do have *rights* in the land.  
A Treaty is the one  
that recognises and protects those rights.  
That is the essential legal difference.

Vince:

Well, Kevin, when we talk about a Treaty and all this sort of thing we've got to look — especially us Aboriginal People — have to look at what position of strengths and weaknesses we are coming from. We've got a system in Australia now which has claimed our Sovereignty and we're going to go and negotiate on behalf of our own Sovereign claims in Australia. How are we going to come on equal footing?

Kevin:

We, as Aboriginal People — here's one of the difficulties but also one of our strengths — as Aboriginal People right across the land we have been colonised by a power that calls itself 'white Australia'. We have to face that as a total separate race. So we need to work out a way in which we are going to get sufficient Land Rights for everyone right across because all of us have been victimised. Wherever we look we see our people dying week by week through bad conditions through inadequate medical services through inadequate monies etc through inadequate land. We see our People put down and suffering. Now that is right across Australia. We have the highest infant mortality rate, as you know. We have the highest death rate from diseases. In lots of areas we don't even have clean drinking water. We have the highest abuses of Human Rights. We have the highest incidents of racism against us. We have to overcome all those things by a legal instrument and the only way we can do that is right across the board. Now let's say there's lots of our different tribes lots of our mobs — they are not really tribes —

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*We Have a Destiny*

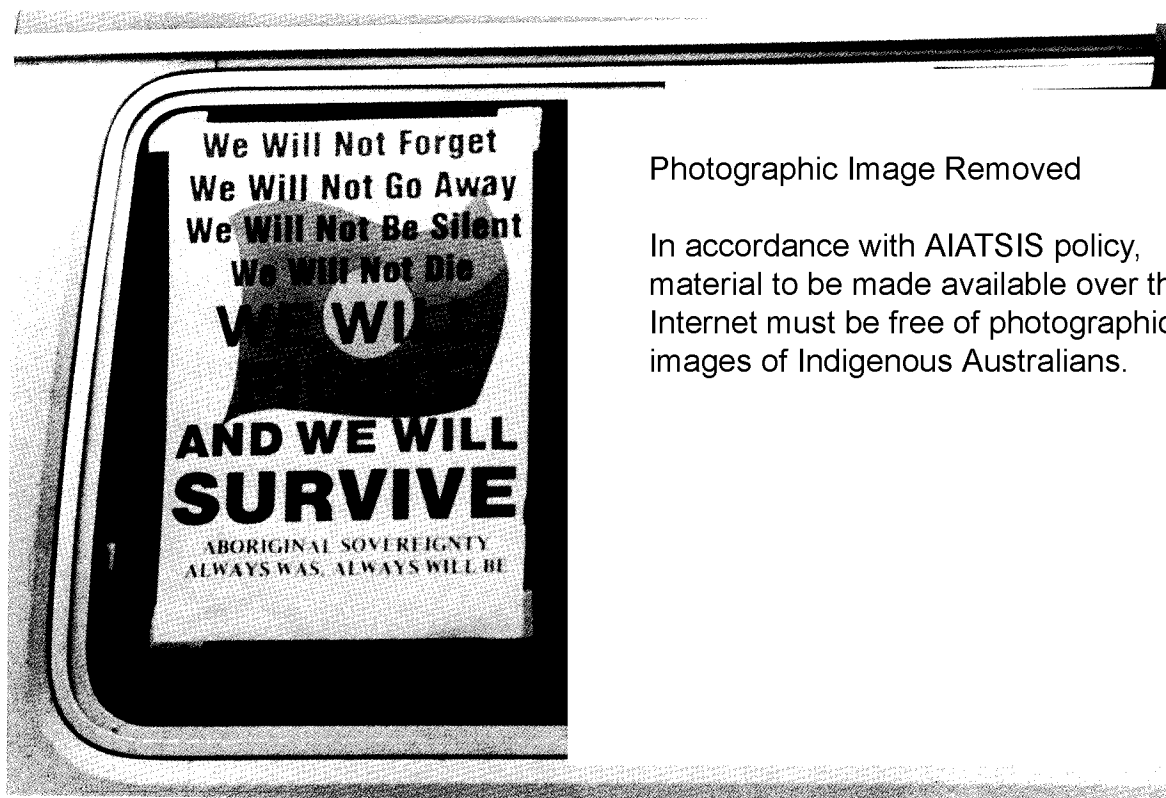
they are Sovereign Nations and there are lots of our little Sovereign Nations right across the country. What we have to do is work out a method of how we have one body who is going to pull all the legal aspects together while all of those small bodies have their say. They are going to say: Right, these are our areas of land that we need. We need monies with which to build. We need an economy. We have to have a guarantee that our culture for our grandchildren is going to survive and that our story is going to continue that can only be done by a Treaty not by a compact that we want our own say in education that we want our own say in policing our people stoppin' the grog helping with the medical thing what direction we are taking in tourism or mining. If we don't want mining we've got to be able to say: No. If we want our own police force we've got to be able to say: Yes or No. If we want our children to go in white schools we've got to be able to say: Yes or No. If we want Aboriginal schools we've got to be able to say: Yes or No. All those things have got to go into a Treaty which is our right as a Sovereign People to determine.

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*Art of Survival*

*Vince:*

I see the beginnings of it —  
 especially over the last twenty years —  
 we had the red, black and yellow flag  
 people have rallied behind that.  
 Now to be able to get the concept of a Treaty  
 out to the mob out there listening now  
 where do we start?  
 Do we try to develop an Aboriginal Charter  
 like the African National Congress has a charter?  
 What would you suggest we do in that area?

*Kevin:*

I agree with you Vince  
 that we do need an Aboriginal Charter.  
 A charter is rules written down on paper saying:  
 Right, we want freedom of expression.  
 We want the return of a land base  
 for Aboriginal People.  
 We want Human Rights for Aboriginal People.  
 We want Aboriginal People  
 to be able to self-determine.

So that charter sets down  
 all those rules and regulations.  
 Then we have to draw that out, put it out to the mob.  
 One of the things that has stopped our progress  
 is that the government  
 (and a lot of people working within the government)  
 has stopped a lot of contact  
 with Aboriginal communities —  
 especially politicised Aboriginal people —  
 from getting out there and spreading the message.  
 We need big camps  
 we need to be able to talk to people  
 get the mobs together  
 get the spokesmen or representatives together  
 that can spread the message  
 like we held big meetings in Canberra.  
 We held big meetings in Sydney  
 where the mobs came down even in cattle trucks.  
 Now we, the Sovereign People,  
 the *owners* of this land,  
 should not have to have our old grandparents

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### *Liberation of Our Nations*

the Old People, the Old Elders  
travelling in cattle trucks right across the country.  
We should be able to set up.  
They should be able to travel as our right  
in comfort and dignity and be able to attend meetings  
where we are going to make decisions.

*Vince:*

Now, Kev, you are a Wiradjuri person  
but in New South Wales you have a Land Rights Act  
but it doesn't cover all Wiradjuri People —  
very little land base.

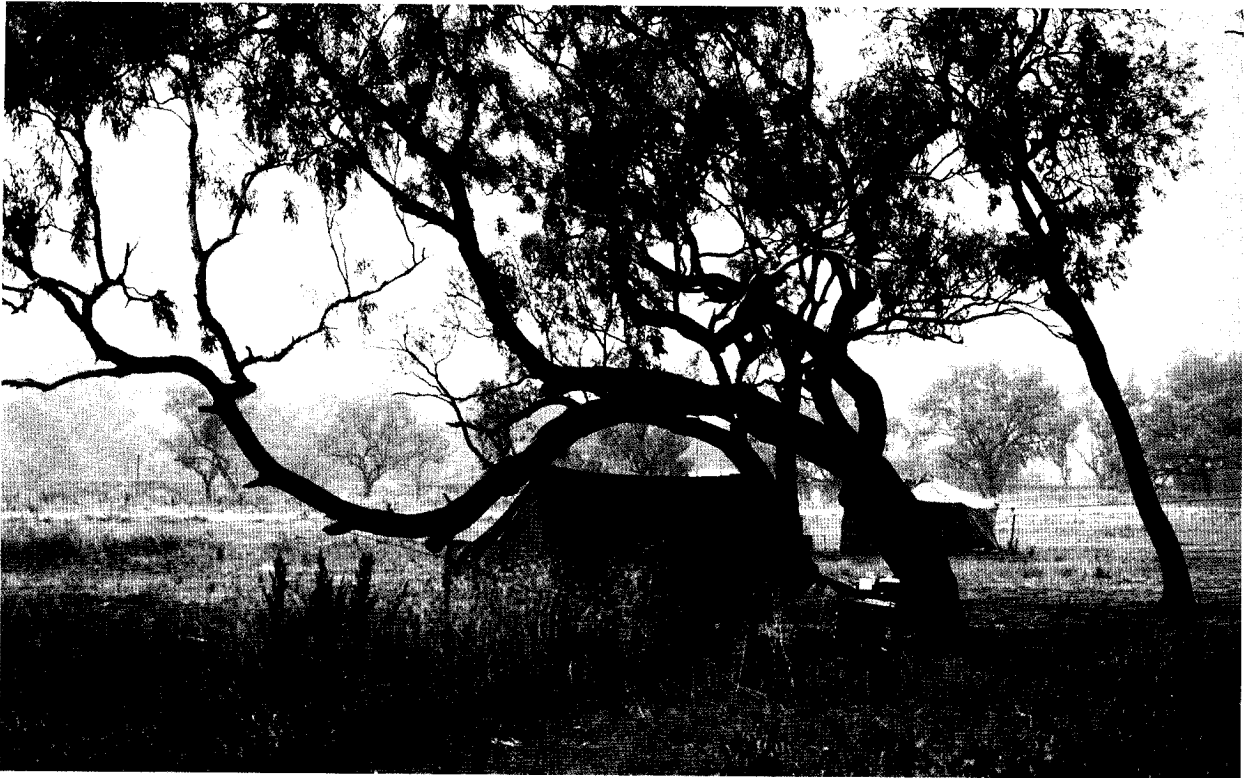
What do Wiradjuri People think about a Treaty  
because the first question that comes up all the time  
from our experiences over the years  
is *land base*?

What do Wiradjuri People say about that?

*Kevin:*

Well, Wiradjuri is very strong  
for pushing for a Sovereign Treaty.  
They have been politically active all the time  
in pushing for a Treaty.

My little part of the country at Condobolin  
where I had a lot of Old People —  
most of my Old People are gone now —  
and there is still a lot of suffering there  
because we haven't got a land base —  
my mob finished up with seven acres  
*seven acres of land* that's three hectares.  
You can't swing a cat in that sized thing.  
It's just one little camp.  
Now our grandkids can't go on that way  
because we know that the Wiradjuri  
owned the biggest land mass  
in all that part of the country ...  
So we are a strong People and we had a big land mass.  
In the early days —  
you've probably heard of the Martial Law  
that was brought into Bathurst to wipe us out —  
that's when they brought in the soldiers  
and the police and everything  
and just about downed my mob  
right through that one move in the early days.



*First Peoples - Fourth World*

We've got to get a land base back  
and the only way we can protect that  
is by a Sovereign Treaty  
to say that — even at a simple sum level —  
to say: Right, we want fifteen percent of the land  
or twenty percent of the land  
returned to us from the crown land area.  
We want access to the travelling stock reserves  
because they are not being used any more.  
If they are being used  
we can always enter into some sort of  
a lease agreement.  
We want proper ownership in perpetuity  
We have to have that protected by international law  
an international covenant with Sovereign Rights.  
I could speak on the Northern Territory  
Land Rights Acts  
and, as you can see,  
a ninety-nine year lease or any of that stuff  
that's not real land rights for us.  
We are the *owners* of the land.

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*Hansard Reporting*

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### *The Ongoing Struggle*

*Vince:*

Now, Kev, Australia has ratified these international covenants but they've signed no protocol to it<sup>15</sup> so therefore the United Nations really can't demand the information off Australia on the Human Rights abuses or whatever. But also I remember when there was the eminent persons' committee when they were talking about South Africa. Old Malcolm Fraser was on it and quite a lot of other people. I believe, if we are going to be going into negotiation about a Treaty, we must have UN umpiring so we can get a fair deal. Do you think the international covenants will be able to assist us in that area?

*Kevin:*

Yes, I believe so Vince because the World Council of Indigenous Peoples

are also drawing up rules, if you like, that go before the United Nations. Everywhere throughout the world there is an interest in what white Australia is doing to Aboriginal People. Wherever there is Foreign Affairs moving — after they talk about the uranium after they talk about the wars after they talk about trade before they get up from the chair the international people are saying: What are you doing to your Aboriginals over there? Now we are not Australia's Aboriginals we are a People. So the interest is upon us. Because of the continuation of Human Rights abuses, the various governments have to come on side to look at a Treaty — justice in this country — because we are talking about white and Black Australia.



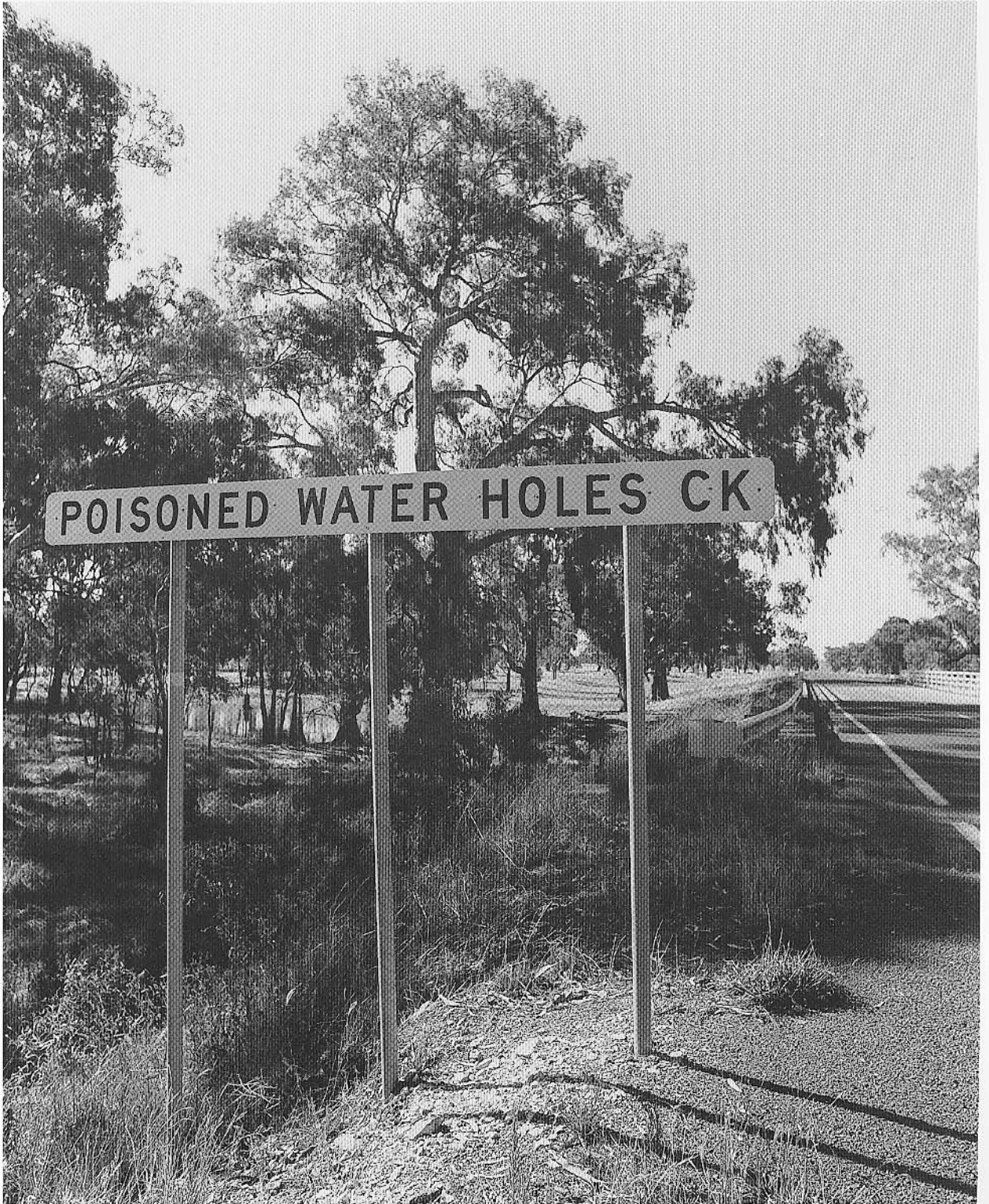
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### *Declaration of Aboriginal Sovereignty*

We are talking about a *future*  
and a culture for *all* the children white and Black  
and that can only be preserved  
because our People are  
the oldest living culture in the world.  
We are the only country in the Commonwealth  
that hasn't been given Land Rights properly  
where Treaties and that haven't been entered into.  
So we must stop the shame.  
We must stop the dying.  
We are looking at this point in time  
at taking various governments  
and the Northern Territory administration  
to the international arena through court action  
for abuses against Human Rights.  
We are looking to a Treaty  
or calling for international boycotts  
and national boycotts on tourism  
which is, in the Territory,  
the very basis of the economy, the underpinning.  
These are the tools, if you like, the political tools,

the economic tools that we are going to employ.  
We have to  
because we have tried all sorts of co-operation.  
We've said: Look the shame has to stop.  
The shame of killing our People  
the injustice has to stop.  
The poverty has to stop.  
Our People have to have clean drinking water.  
We have to have a land base.  
We have to have Human Rights.  
We have to have say in our own future  
and that is going to come about.  
We must move that way  
and it can only be done in fairness in justice  
for the benefit of all Australians, in fact the Pacific area,  
if there is justice in this country,  
if there is honourable dealing  
between white and Black  
and if our philosophy of justice  
land care the environment and everything  
is able to be used as a model for the rest of the world.



*Utterable Shame*

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*Lest We Forget*

The Aboriginal destiny, Vince,  
and I believe you believe as I do,  
the Aboriginal destiny,  
which means Australia's destiny  
is to show Human Rights can work  
that it works in this country.

*Vince:*

If we look at participating in the Australian system,  
some of the points of the Treaty  
will have to address that question.  
How far do we participate?  
Do we have positions in the High Court?  
Do we sit in their parliament, or, what?  
What do we do in that area?

*Kevin:*

We have to be able to have adjudication  
within our own areas.  
We have Sovereignty in our own areas ...

*Vince:*

... so traditional Law would apply and things like that?

*Kevin:*

... where people want it, yes.  
People worry about Sovereignty  
but each state in this country  
New South Wales, Northern Territory  
Queensland, Western Australia  
they are all separate Sovereign States.  
Now, if there is another Aboriginal  
separate Sovereign State, there is no great deal.  
There is no great threat.  
Tasmania has its own Sovereignty,  
it's a special Sovereign State.  
So Australia is not just one great body  
it's all of these Sovereign States.  
So Aboriginal Sovereign identity  
is no great threat to anyone.

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We encompass the multi-culturalism  
on the basis of our own humanity.  
We've never denied anybody  
we've never tried to exclude anybody  
on the basis of race or anything like that  
it's only on inhumanity.  
One of the things I'd like to say, too, Vince.  
people are going to say: He's a southern Black  
a know-all, whip in, big mouth.  
Now I've sat down here and I've been up through  
the Northern Territory quite a few times.  
I've sat down around Tennant Creek and around here  
and little areas now for about five weeks.  
I've had a good look.  
I still see the shameful conditions for Aboriginal People.  
I still see the dying for Aboriginal People.  
I still see the extreme poverty  
and I hear the Northern Territory administration,  
who never did anything before Labor  
(when I came up here Aboriginal People  
had nothing, you know  
but now there are little housing mobs around the town)  
I hear the administration trying  
to take money from them  
trying to attack all the time  
trying to raise the racial issue  
and always negative politics.  
I don't see the positive.  
The Northern Territory is a good country  
I don't see any vision  
and the vision, of course, has to be justice.

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*Heartland*

*Vince:*

When we go down the track towards a Treaty  
how long do you reckon it will take  
and what are your recommendations on how we start  
because, say, like when we tried Land Rights  
National Land Rights there was an uproar  
in the white Australian community about Land Rights.  
How are we going to approach the question  
and achieve some of our goals?  
How do we play our game of chess?

*Kevin:*

... We must get our people meeting together  
in major state meetings and also national meetings.  
We have to work on that immediately.  
We must work within the next two to three year period  
because we can't wait for a decade.  
We can't wait for ten years, too much suffering,  
too much cultural loss and too many people are dying.  
It has to occur within the next two year period  
because it will also involve, Vince,  
— and this is a sad day —  
it will also involve a lot of international pressures  
that will come about.  
It will involve the world wide call for sanctions  
against this country  
if a proper negotiated Treaty does not occur.  
We have to now put our cards on the table  
saying this is the political front that we are taking.  
We are calling for tourist boycotts.  
We are going to freeze the economy as far as we can.  
We are going to bring Australia into the contempt  
it deserves for the abuse of Human Rights  
unless we, as human beings,  
as a part of a great family sitting on this big country  
can work out the problem.  
We've got to get to it now.  
We've got to have justice in our hearts  
and we've got to move.

*Vince:*

Thanks very much, Kev Gilbert, and I hope  
you have enjoyed your stay in our country, brother.

*Kevin:*

Good on you. All the best to you.

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