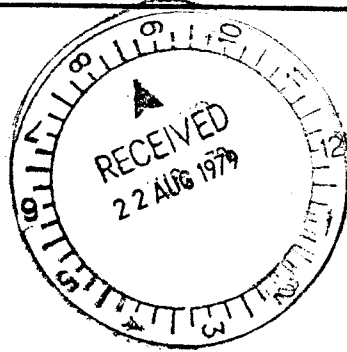


# THE ABORIGINAL TREATY COMMITTEE

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P.O. BOX 1242  
CANBERRA CITY  
A.C.T. 2601  
phone: (62) 494277

16 August 1979

The Secretary  
Australian Institute of Aboriginal Studies  
PO Box 553  
CANBERRA ACT 2601

Dear Sir,

I enclose for your information the following papers which will, I hope, make clear what this Aboriginal Treaty Committee is trying to do: copy of an advertisement to appear in The National Times on August 19, 1979, draft resolution to be sent to all Members of the Commonwealth Parliament, and covering letter to accompany the draft resolution.

You will notice that we have not invited any Aboriginal or Torres Strait Islander to join this Aboriginal Treaty Committee because we believe that our work should be to influence only the opinion of other Australians. We do not want to influence in any way Aboriginal and Islander opinion. We believe that Aborigines and Islanders will know what they want.

We have however mentioned in our papers the resolution calling for a Treaty which was passed unanimously by the National Aboriginal Conference at its Canberra meeting in April this year. This resolution was released to the press. It is evidence of Aboriginal interest in a Treaty, which we feel entitled to use.

But we do not want to assume any final decision by Aborigines and Islanders about the wisdom of a Treaty at this time, which is why we are quite deliberately not trying to involve them in any way in our campaign. We hope you will understand.

However we do want to keep you advised of what we are trying to do and we expect to write again as our campaign develops.

Yours faithfully,

A handwritten signature in cursive script that reads "Hugh Littlewood".

(Hugh Littlewood)  
Hon. Secretary

Encls.

COPY OF LETTER TO ALL PARLIAMENTARIANS: House of Representatives  
The Senate

## THE ABORIGINAL TREATY COMMITTEE

P.O. BOX 1242  
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...  
A group of Australians, of European descent, have joined to advocate the negotiation of a Treaty of Peace and Friendship or a similar instrument of settlement between Aboriginal Australians and the Commonwealth. I attach a copy of their statement and a list of their names and occupations. We anticipate that many others will respond to the advertisement we have published. We intend to invite a wide range of religious, community, professional, business, industrial, academic and other organizations to provide their members with opportunities for study and discussion about the idea and the possible content of a Treaty so that their views can be brought to bear on any negotiations.

We are aware that the National Aboriginal Conference has unanimously resolved to ask the Government to enter into negotiations for a Treaty of Commitment and we have advised the Chairman of the Conference and other Aboriginal leaders about our own initiative and will keep them advised of our campaign. However we believe it important that Parliamentarians and members of the Government should be aware of the deep concern which is felt among members of the white community that our occupancy of this land should have been validated only by force. This is an issue of conscience which, we believe, transcends political divisions in our society.

We invite you and your Parliamentary colleagues to support the National Aboriginal Conference initiative by resolving that the Commonwealth Government should invite the Aboriginal people of Australia to negotiate a Treaty of Peace and Friendship with the Commonwealth and that the National Aboriginal Conference be enabled to call together

a convention of representatives nominated by Aboriginal communities and associations to choose negotiators, who would determine the bases of negotiation and decide how any settlement should be confirmed. We attach for your consideration a possible draft of such a resolution.

We hope that a resolution on these lines will command support from all political parties and that the subsequent negotiations will be the beginning of a new era in the relationship between European and other Australians and Aboriginal Australians.

Yours sincerely,

*H. C. Coombs*

(H. C. COOMBS)

*C. D. Rowley*

(C. D. ROWLEY)

*Stewart Harris*

(STEWART HARRIS)

*Judith Wright*

(JUDITH WRIGHT)

*W. E. H. Stanner*

(W. E. H. STANNER)

*Eva Hancock*

(EVA HANCOCK)

*Dymphna Clark*

(DYMPHNA CLARK)

*Hugh Littlewood*

(HUGH LITTLEWOOD)

DRAFT RESOLUTION FOR THE CONSIDERATION OF MEMBERS OF BOTH HOUSES OF THE PARLIAMENT OF THE COMMONWEALTH THAT A TREATY OF PEACE AND FRIENDSHIP BE CONCLUDED BETWEEN ABORIGINAL AUSTRALIANS AND TORRES STRAIT ISLANDERS AND THE COMMONWEALTH OF AUSTRALIA

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PREAMBLE

Whereas before Europeans settled in Australia, the Aboriginal peoples of Australia had lived on their traditional lands from time immemorial and had in Aboriginal law and customs a clear title to those lands; and

whereas Europeans and other non-Aboriginal people have occupied and used most of the traditional lands of the Aboriginal peoples against their will and without negotiation, compensation or treaty; and

whereas it has been the practice of nations established in territories previously occupied by indigenous inhabitants to reach a negotiated settlement with those inhabitants; and

whereas that occupation has seriously damaged the traditional way of life of Aboriginal Australians and has caused poverty and hardship to be the fate of the great majority of their surviving descendants; and

whereas the surviving descendants of the Aboriginal peoples have expressed a wish to have their rights to land acknowledged, to preserve their link with their Aboriginal ancestors and to maintain their distinctive identity with its own cultural heritage; and

whereas the people of Australia in 1967 voted overwhelmingly that the Commonwealth Parliament should have responsibility for laws relating to Aboriginal Australians; and

whereas it is accepted internationally by the United Nations organisation, that each country should work to establish the rights of indigenous peoples to self-determination, non-discrimination and the enjoyment of their own culture; and

whereas the Woodward Commission in 1974 established principles by which Aboriginal rights to land should be acknowledged and realised; and

whereas the Senate of the Commonwealth Parliament in February 1977 resolved that Aboriginal Australians should be compensated for the loss of their traditional lands and for the damage to their way of life; and

whereas the National Aboriginal Conference unanimously resolved in April 1979 in Canberra to ask the Commonwealth Government to negotiate a Treaty with Aboriginal Australians.

Now this House resolves that -

1. The Commonwealth Government should invite the Aboriginal people of Australia to negotiate a Treaty with the Commonwealth of Australia.
2. The Commonwealth Government should give all necessary financial and other assistance to the National Aboriginal Conference to enable it to call together a convention of representatives nominated

by Aboriginal communities and associations to choose negotiators who would determine the bases of negotiations and decide how any settlement should be confirmed.

3. When any Treaty, Covenant or Convention has been concluded and agreed to between the parties the Commonwealth Government should submit that Treaty to the Parliament for ratification.
4. This House is prepared to use its legislative powers to reserve to itself responsibility for Aboriginal Australians and to give effect to any or all of the terms of any Treaty that invite or necessitate legislative action.
5. This House is of opinion that any Treaty should contain provisions relating to the following matters:
  - i. The protection of Aboriginal identity, languages, law and culture.
  - ii. The recognition and restoration of rights to land by applying, throughout Australia, the recommendations of the Woodward Commission.
  - iii. The conditions governing mining and exploitation of other natural resources on Aboriginal land.
  - iv. Compensation to Aboriginal Australians for the loss of traditional lands and for damage to those lands and to their traditional way of life.
  - v. The right of Aboriginal Australians to control their own affairs and to establish their own associations for this purpose.

## ADVERTISEMENT

### WE CALL FOR A TREATY - WITHIN AUSTRALIA, BETWEEN AUSTRALIANS

We the undersigned Australians, of European descent, believe that experience since 1788 has demonstrated the need for the status and rights of Aboriginal Australians and Torres Strait Islanders to be established in a Treaty, Covenant or Convention freely negotiated with the Commonwealth Government by their representatives. Australia is the only former British colony not to recognise native title to land. From this first wrong two centuries of injustice have followed. It is time to strike away the past and make a just settlement together. We believe this would be a signal to the world that we are indeed one Australian people, at last.

In New Zealand, at the Treaty of Waitangi in 1840, the Maori chiefs were guaranteed by their conquerors "full, exclusive and undisturbed possession of their lands ... so long as it is their wish and desire to retain the same", and most of these lands were later bought. In North America, Indian tribes negotiated treaties with their conquerors, who recognised the principle of purchase or compensation for the loss of their lands. The colonial authorities were directed by the government in London to deal with the tribes as "foreign nations". In Papua, in 1884, the conquerors assured the people "your lands will be preserved unto you", again until they decided to sell. But in Australia there was no recognition of Aboriginal land ownership, no compensation for dispossession, no treaty, despite the resistance of the Aboriginal tribes to their conquerors.

Indeed, the absence of a settlement leads many Aborigines to conclude even today that their resistance is not yet over. It is a sad conclusion, for all of us, after so many generations of living together in this country. We believe there is a deep and wide concern among Australians of European descent that our ownership of this land, as defined in the imported European law, should still be based solely upon force, without any documentary recognition of the quality and courage of those who were conquered. It is time to right this wrong.

This year the National Aboriginal Conference has asked unanimously for a Treaty to be negotiated. We call upon the Commonwealth Government to respond and we urge the Commonwealth Parliament to resolve that the Government should:

- a) enable the National Aboriginal Conference to summon a convention of representatives nominated by Aboriginal communities and associations to choose negotiators, who would propose the bases of negotiation and how any settlement should be confirmed;
- b) organise the negotiations;
- c) submit any Treaty, Covenant or Convention to Parliament for ratification.

We believe that any Treaty, Covenant or Convention should include provisions relating to the following matters:

- i) The protection of Aboriginal identity, languages, law and culture.
- ii) The recognition and restoration of rights to land by applying throughout Australia, the recommendations of the Woodward Commission.

- iii) The conditions governing mining and exploitation of other natural resources on Aboriginal land.
- iv) Compensation to Aboriginal Australians for the loss of traditional lands and for damage to those lands and to their traditional way of life.
- v) The right of Aboriginal Australians to control their own affairs and to establish their own associations for this purpose.

We do not all necessarily agree with all the details of these provisions, but we accept their purpose and we invite other Australians to accept their purpose and support our call to the Commonwealth Parliament and Government and to help us ensure that the concept and the content of a Treaty, Covenant or Convention are widely discussed. We ask you to sign the statement below and make a donation to the costs of this campaign.

The Aboriginal Treaty Committee: Dr H.C. Coombs (Chairman)  
 Mrs Dymphna Clark  
 Mrs Eva Hancock  
 Mr Stewart Harris  
 Mr Hugh Littlewood  
 Professor C.D. Rowley  
 Professor W.E.H. Stanner  
 Mrs Judith Wright-McKinney

Sponsored by:

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I/We agree that a Treaty, Covenant or Convention of Peace and Friendship should be negotiated between Aboriginal Australians and Torres Strait Islanders, and the Commonwealth of Australia.

I/We enclose a donation of ... to the costs incurred by the Aboriginal Treaty Committee, PO Box 1242, Canberra City, ACT, 2601.

Signed: . . . . .

(Anyone who gives \$5 or more will receive a booklet backgrounding the whole subject, which is now being prepared. The fund will be administered by Dymphna Clark, Eva Hancock and Stewart Harris, as Trustees. Solicitors for the Aboriginal Treaty Committee are Pamela Coward and Associates.)

Please indicate if you want a receipt

**AIATSIS Central File 80/25**

Letter to AIAS from Aboriginal Treaty Committee 16/7/79  
advising of setting up of Committee.  
(a332584\_1\_a.pdf)

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