

Tapes of the proceedings are available from the ATC office in Canberra, and we also have a paper from Peter Bayne which analyses the whole seminar and includes many useful footnotes. Space prevents us even summarising it here, but we recommend a reading of the original. He quotes, for example, Mr Justice Murphy's remark that a statement by the Privy Council in *Cooper v. Stuart* 1889 that annexation of Australia had been peaceful was either "made in ignorance or as a convenient falsehood to justify the taking of Aborigines' land".

Marcia Langton said during the seminar, "Surely there must be a moral basis to the Makarrata, not just a legal one". She said two tactics were open to Aboriginal Australians: either to go to the High Court and, through the white man's law, *legally* establish the claim to land or, setting aside as irrelevant the whole of the white legal system, proceed to the negotiating table on the un-negotiable premise that the whole of Australia is Aboriginal land.

Peter Bayne's conclusion, in his paper, is that "lawyers have an interest and indeed a responsibility to work towards the concept of a Makarrata. As it was put by one Aboriginal participant, 'the law has been the oppressing agent'. The law can also be a means of liberation, and those who understand it can use it creatively to redress the oppression of the past".

We of the ATC remain convinced that a firm treaty will be liberating. As evidence of this, we have a copy of the study by George Brown and Ron Maguire for the research branch of the Department of Indian and Native Affairs, Ottawa, 1979. In her preface, Dr Katie Cooke, director of the branch, writes: "The treaties are a significant element of Canada's Indian heritage. To many Canadians the treaties are a symbolic assurance of continuing Indian identity". In their summary, the authors write: "The Federal Government has stated that it will honour its 'lawful obligations'".

We also draw attention to an important symposium on "Implications of an Aboriginal Treaty", which was sponsored by the Anthropological Society of Western Australia and held in Perth on April 27 and 28. Speakers were Professors Berndt, Bolton and Sansom, and Graham McDonald, a solicitor who used to work for the Aboriginal Legal Service of WA. Their contributions are fully reported in *Anthropology News*, the society's journal, vol. 18, No. 5, June 1981.

On August 27 and 28 there will be a conference at James Cook University, Townsville, on legislation and policies about Aborigines in Queensland. Dr Coombs will speak.

At the 1981 ANZAAS Congress at Queensland University, May 11-15, there was a half-day session on Aboriginal and Islander land rights, convened by Professor Bruce Rigsby and Matt Foley, both of Queensland University. Prof. Rigsby's paper is re-printed in a special land rights issue of *Social Alternatives* (June, 1981). Dr

A.T.C. seminars

The Aboriginal Treaty Committee organised a public seminar on the treaty or makarrata at the Australian National University on May 2, at the end of the WCIP general assembly. Associated with us in organizing the seminar was the Aboriginal law research unit at the University of NSW. Professor Garth Nettheim, head of the law school there, and Bryan Keon-Cohen, a lecturer in the law school at Monash University, Melbourne, were joint co-ordinators. In Canberra, Peter Read and Peter Bayne at the College of Advanced Education co-operated with them.

Rev. Cedric Jacob, chairman of the NAC's makarrata sub-committee, was the first speaker. Other speakers were Garth Nettheim and a number of lawyers, including Peter Bayne, David Partlett, Ric Lucas, Nick Seddon and Tony Deklin, who was legal adviser to the constitutional commission of Papua New Guinea. About half of the 100 people who attended were Aboriginal or delegates to the WCIP. They included many NAC members, like Lyall Munro Snr and Jim Hagan, both former chairmen, and veterans of the movement like Joe McGinnis, former general secretary of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, and Vai Stanton, from Darwin. Dr Coombs and other ATC members also joined the discussion.

Coombs and Professor Charles Rowley also spoke, the latter pointing out that the Government's political philosophy still supposed that what benefited the colonising power must also benefit the colonised. Hence the way the Ranger agreement was forced through the Northern Land Council in the Northern Territory, instead of using the parliamentary procedures which the Government had established for dealing with admitted conflicts between Aboriginal and national interests. At Noonkanbah, the WA Government had recognised that a successful, independent community was developing and so it had attacked, to smash what it saw as a pocket of resistance.

The session was wound up powerfully by Aboriginal speakers such as Shorty O'Neill, Bert Button, Les Collins, Nonie Sharp and Marcia Langton, who emphasised that the right of Europeans to occupy Australia had never been examined in legal detail.

As for the future, on August 21 and 22 Dr Coombs will be one of the speakers at a conference on "Resource Development and the Future of Australian Society" at the Australian National University. Other speakers will include the Deputy Prime Minister, Doug Anthony, Bob Hawke, Gordon Jackson and Donald Horne. On August 29 and 30 the annual conference of the Australian Political Science Association will devote one session to the politics of a treaty. Professor Rowley will speak on land rights, Dr Barwick on the treaty concept, Professor Bolton on the Kimberley Land Council, Peter Bayne on legal issues and Professor Bob Tonkinson on the politics of small Aboriginal communities. The conference is at the Canberra College of Advanced Education.

On October 31 and November 1 the International Commission of Jurists will cooperate with the University of NSW law faculty and Aboriginal law research unit in a conference on "Human Rights for Aboriginal people in the '80s". Speakers are not yet confirmed, but they are expected to include Gough Whitlam, Senator Bonner, Jim Hagan, Reg Birch, the Minister for Aboriginal Affairs, Senator Baume, Senator Susan Ryan, Pat O'Shane, J. Biendurry, Mr Justice Kirby, Peter Minwipirriwuy, Dr Coombs, Rev Cedric Jacobs and Michael Dodson. Inquiries to Professor Garth Netheim (02-6630315 ext 3266).

Between October 23 and November 1 the Apmira Festival Committee will be holding another art exhibition for Aboriginal land rights. It will be opened by Professor Bernard Smith in the Paddington Town Hall, and both Aboriginal and other artists are showing works. Proceeds will go to the NSW, Kimberley and North Queensland Land Councils. Apmira's May festival enabled it to send \$1,000 to each of these councils, and it plans to continue its fund-raising work in 1982. Inquiries to Guy Morrison, co-ordinator, 40 Heeley St, Paddington, NSW 2021. Phone 02-3575361.

Aboriginal Treaty Committee Papers

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