

How Prof. Bill Stanner recruited a Canadian

Treating is another word for negotiation. Treaties are a record of negotiation about the future. My school textbooks told about centuries of treaty-making between the Crown and the original owners of Canada.

We were taught that treaties were agreements between equals, however unequal in power; that treaties were a way of recognizing the prior sovereignty and continuing rights of Indians; that treaty pledges were binding 'so long as the rivers flow'.

The anthropologists who taught me at university ardently defended treaty rights (about half the Indians of Canada had been parties to 67 treaties made between 1725 and 1929), and they were actively helping the Nishga and other Indians who had no treaties to secure legal recognition of their 'original title', based on occupation from 'time immemorial'. Their publications demanded government recognition of Indian entitlement to a special status ('Citizens Plus') as prior occupants of Canadian territory. 'Commitment and relevance' were academically respectable in Canadian anthropology. The pioneers of Australian anthropology had also fought governments on behalf of Aboriginal communities. My postgraduate teachers at ANU were just as com-

mitted but maybe a little more suave.

Weeks after my arrival in 1960, the Victorian Aborigines Advancement League took me to a special meeting at Cumeroongunga Aboriginal Reserve on the NSW side of the Murray. The few families permitted to remain and many more 'exiles' told how their ancestors had been driven from land they had petitioned for and farmed successfully and how government policy had forced two generations to live on rubbish tips away from their reserve. My notes reveal my naivete: "IMPOSSIBLE native people forced off allotted reserve — CHECK THEIR TREATIES for acreage and other compensation; what SURRENDERS signed here? Where are archival records of land cessions and compensatory payments? Their photographs PROVE hundreds once farmed this reserve yet nothing is left now but a few huts. Neighbours confirm their land long ago 'sold or leased up to the doorsteps', their stories of forced exile by policy decisions fully documented . . ." Thus I learned Australia was unique. Here the Crown had never recognized indigenous title. There were no treaty rights. During the 1960s Australian thinking changed. Aboriginal protests won support from many



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sympathisers, notably the organisations which founded the Victorian Aborigines' Advancement League. W.E.H Stanner, C.D. Rowley and other scholars wrote papers and books which influenced public thinking and continued their behind-the-scenes prodding of key officials. In 1976 we rejoiced when the Commonwealth accepted responsibility: later, the appointment of H.C. Coombs as chairman of the Council for Aboriginal Affairs meant that a senior figure could, for the first time, 'ring the Prime Minister and expect to get through'. After 7 years of negotiation the Cumeroongunga folk became in 1966 'tenants at will' of the N.S.W. Board which had sold most of their reserve. By 1969 a new Commonwealth authority, the Aboriginal Land Fund Commission, began helping them to buy back and

farm the land taken from their forebears.

Historic court cases about indigenous land rights were heard in 1969. An anthropological network enabled W.E.H. Stanner to provide counsel for the clans at Yirrkala with legal materials obtained from Thomas R. Berger, counsel for the Nishga clans. A 1969 statement by the Canadian Prime Minister in fact provoked intensive research on treaties and land rights. He said treaties and special legislation for Indians were outdated and should be ended. The outraged response of public, Parliament and Indian organizations showed that Canadians almost universally believe that treaties bind the Crown for all time and cannot be unilaterally ended. The government quickly reversed its policy and provided massive funding for Indian and Inuit (Eskimo) initiatives to negotiate the settlement of land claims and historic grievances. Indians, Aborigines, lawyers and anthropologists in Australia and North America have been profiting from each other's experience ever since.

In 1979 the Aboriginal Treaty Committee reminded other Australians that the Queen's representatives have never formally in-

cluded the original owners of this continent to negotiate the future. They have never formally acknowledged the Aborigines' right to reparation for the past. I did not respond when the Committee urged 'Australians' to sponsor its campaign in 1979: this was business for Australians, and I am by birth and conviction a Canadian. But in January 1980 I accepted the Committee's invitation to become a member. Vanity, loyalty, a taste for meddling and a sense of obligation to Aboriginal people, who had educated me but had never had my opportunities for tertiary education, underlay my response. I had gone to reproach Professor Stanner for resigning, insisting his voice was needed: he retorted that his voice was failing and I had an obligation as an anthropologist to make myself useful.

In its four and a half years of work the Aboriginal Treaty Committee has made available accurate information about issues which concern all Australians. The Committee has, in co-operation with the National Aboriginal Conference, the Aboriginal Land Councils and other Aboriginal groups, persuaded many Australians to think anew about Aboriginal rights. It has tried to ensure that Aborigines will negotiate the future for themselves.

Aboriginal Treaty Committee Papers

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