

“Sovereignty and Land Rights”

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LAND

Land is our life, our mother, we belong to the land, the land doesn't belong to us. It provides us with plenty of food, it keeps us warm during winter, and shelters us from the rains.

Many indigenous people all over the world have a strong spiritual relationship with the land. Our people are known to be one of the oldest people of culture on this earth, therefore, making Aboriginal people the spiritual contact with the land. Spanning over a hundred thousand year old culture and relationship with the land, our people survived ice-age after ice-age, generation after generation.

Land stands for a symbol of strength, the grass, roots, where every rock, tree, plant and animal life is a symbol of ourselves. Treating the land, our mother, with respect is treating ourselves with respect. Obeying the laws of nature is living with nature in itself.

Our people have a very strong totemship with the land, keeping the spiritual bond is keeping and preserving every living thing associated with the land.

We are a people of many nations, each having our own tribal boundaries and each living with and adapting to different living conditions. Each tribe only hunted within their boundaries, controlled burning was used so new plant life grew and more animal life came. Food from the land was shared equally among the people. There is no waste, we never take more than we need, keeping the cycle of life producing from the land to us without destroying.

Ceremonies of song and dance in respect to the land are done showing the appreciation of what it gives and provides. When the white man, who has no spiritual contact with the land, came, he knew only one way to treat the land — by raping and destroying. They only wanted the land for greed, totally ignoring our peoples' spiritual rights to the land, desecrating a culture and a people of nature.

Land is very important for our peoples' future. Without it, we stand to lose that spiritual contact. It is sacred to us.

After two hundred years of white invasion, land rights for our people is still not properly recognised. The whites are having a party in 1988, marking the bicentenary of the invasion of Aboriginal lands. No treaty has been signed, or government agreement acknowledging our people as the true owners of this country. They just won't admit the genocide and atrocities of Aboriginal blood spilt everywhere over the lands.

We will continue our struggle, no matter how long it takes, we have a natural fighting instinct inside us that comes from this land.

Kevin Duncan

COLONY TO NATION?

Two hundred years ago a British colony was established on Aboriginal land. The colonisers brought with them a way of life, a way of being, that was the product of 2000 years of British civilisation. By using physical force, the colonisers endeavoured to destroy the Aboriginal way of being, a civilisation that had been in existence for over 40,000 years. And so Australia became a country with two groups of people — the coloniser and the colonised.

Many people, however, view Australia's colonial status as being purely in relation to the 'fatherland' of England. "Australia is not a colony now, after all, Federation was achieved in 1901!" Indeed,

the relationship between the British settlers and their home-land has become distanced over time and talk of an Australian Republic seems to further sever Australia's British ties.

Yet Australia remains a colonised country, no less than it did 200 years ago. There are still two groups of people — the coloniser and the colonised. The legal, social, political, and philosophical systems of the early colonisers remain in force today. Yet what of 40,000 years of Aboriginal laws, of Aboriginal education, of Aboriginal spirituality? By employing genocide and then assimilation (mental genocide) the colonisers of Australia have endeavoured to maintain a stranglehold over Aboriginal people. The right to their land, the right to 40,000 years of traditional organisation has been denied. By acknowledging only white education systems, white legal systems, white religion, white philosophies, Australia today maintains a colonial mentality — a mentality that refuses the right of existence to any other way of being.

Many applaud the struggle of the Kanaks in New Caledonia to gain independence from the French. Many applaud the Black people of South Africa in their attempts to be free of an imposed political system. Many uphold the irrefutable right of indigenous peoples throughout the world to have control over their own culture and their own land. Yet Aboriginal people in Australia are still living under colonial rule, under a system of rules, values, and aspirations which are not of their own.

If Australia is to be de-colonised in a real sense — irrespective of the 'white paper' of Federation or Republicanism — then the Aboriginal way of being must be absorbed into every fabric of this society. When Australia is no longer a white colonial country but an Aboriginal country, the last 200 years will become but a mere hiccup in the strong and continuous survival of an ancient culture.

Further Reading:

Morrow, Lin. *Colonisation — Alive and Well in Australia Today*

SOVEREIGNTY

*Sovereignty we had
Before the white expatriates came
With boat-loads of greedy destructors
Carrying disease, torture, rape,
Hate and pain.*

*Sovereignty we had
When we first discovered these ghost
Who looked upon us as savages
In their eyes the most wretched people on earth
As they sailed our mother's coast.*

*Sovereignty we had
Before they invaded our lands
Spreading like the diseases within them
Killing everything in us path, black blood
Spilt on the face of our mother,
Armed with the death in their hands.*

*Sovereignty we had
Before they separated our families, our countries,
Herding us on concentration camps
Like pigs in a sty
Giving us slops from their plate
And watching as we slowly die
Prisoners in our own land and you are still
Deciding our future, our fate.*

*Sovereignty we had
Now we will fight for it back
For self-determination, to heal some
Of the deep pain inside which we still carry.
This is Aboriginal land
Always was, always will be
Recognise Aboriginal ownership
Give us our Sovereignty.*

Kevin Duncan

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 has been perpetrated.

The Aboriginal people held at that time Sovereign Domain over Australia, that is, they were a people, held recognised areas of land in ownership and possession, and had a legal and social structure. This position is and was internationally recognised as a Sovereign position. Yet physical and cultural genocide was attempted against us and our land was made vacant by imprisoning the owners in small concentration camps called 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 Western 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* stand condemned.

In 1975 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 at Sovereign Levels. 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. This applies, also, to the Prime Minister, Bob Hawke's statement in September 1987 concerning a "compact of understanding", a domestic agreement, between Aboriginal people and white Australia.

Only a treaty under international law is constitutional, over-rides internal laws and is enforceable.

It takes one trip by Bill Hayden, Minister for Foreign Affairs, to Geneva to proclaim recognition of our pre-existing rights, our continuing rights, and the need for a trial under the mandate of the United Nations, under the Vienna Convention on the Law of Treaties. One little trip to stop a lot of injustice.

Australia is the only former British colony which has NOT entered into a treaty with the Indigenous Peoples. A treaty is the only permanent inviolate legal instrument that can protect an Indigenous Peoples' rights and enshrine those rights so that they cannot be eroded by racists and cannot be taken away at the whim of 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, eg. the right of a people to self-determination.

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

SOVEREIGN TREATY '88 CAMPAIGN
G.P.O. Box 1101, Canberra, A.C.T. 2601



In the early 1900's white Australians believed that Australia's Aboriginal population was doomed to extinction. With so many murders, the taking of so much land, and the destruction of cultures, the government established missions and reserves. In 1909 the Aboriginal Protection Act was also established giving Aboriginal people on reserves no say over their own lives. They were prevented from being able to own property and have bank accounts. They received welfare payments not in cash but in food rations given out by the local police officer. The reserve managers would often split up families for breaking the rules and young children would be sent to the city training homes to end up somebody's servant or for young boys to be labourers or handymen. These young people were subject to sexual abuse, physical abuse and should a young woman become pregnant she was sent back to the reserve. These young Aboriginal people were to be payed sixpence a week and a majority of them never even saw the sixpence

In 1938 a publicised political demand was made for Land Rights for Aboriginal people, by Jack Patten on behalf of the Aboriginal Progress Association (APA). After this, reserve managers told residents they would be told to leave the reserve if they got involved with the APA. A Land Rights bill was not passed in parliament until 1984, 45 years later

Aborigines were becoming more politically active. In 1946 Aboriginal stockmen in Western Australia organised a long lasting strike over wages and conditions. In 1962 the people of Yirrkala in the Northern Territory sent a petition to Canberra protesting at the desecration of their land due to bauxite mining. In 1965 the North Australian Workers Union began a historic case in which it applied for equal pay for Aboriginal stockmen. All of these events raised community awareness about Aboriginal issues and strengthened Aboriginal organisations throughout Australia in their struggle for rights. In 1972 an Aboriginal Tent Embassy was set up outside Parliament House in Canberra, to help bring national and international awareness to the position of Aboriginal people and the recognition of Land Rights. The embassy remained for 6 months.

Since the 1972 Tent Embassy a large number of Aboriginal organisations have been formed to continue the struggle for Aboriginal Rights. The people involved and their organisations have become the backbone in the continuing development of the Aboriginal political movement. They have formed effective pressure groups to lobby governments and Aboriginal communities are now able to express their views on many issues. They have also spearheaded a vibrant reaffirmation of Aboriginal culture despite the history of White oppression and terror over the past 200 years.

Further Reading:

Director of Special Programs. *The Aborigines in Australian History*. Aboriginal Education Unit, N.S.W

N.S.W. Ministry of Aboriginal Affairs. *Survival* distributed to all N.S.W. schools.

ODE TO THE BICENTENARY

*You realise your mistreatment
As you try to compensate
You paste on plastic smiles
And you try to hide your hate.
The truth is your growing restless,
The big day is growing near
Two hundred years to celebrate
You don't want us to interfere.
You don't want any black man
Spilling all the beans
Showing up your stretched out truths
And shattering your dreams.
You think of us as victims
Of environmental stress
That might be true my ignorant friend
But who got us in this mess?
We never said "Sure take our land,
Kill my family, kill my tribe"
We never said "Sure bring your laws*

*And teach us how to cheat and bribe"
We never said "Bring alcohol
Teach us how to drink"
We never said "Here run our lives,
So we won't have to think".
We never said "We'll slave for you
Just slap a chain around my leg"
We never said "Treat us like dogs and
watch us lick your boots and beg".
Surely you don't expect us
to play your little game,
to say how much we owe you
And how glad we are you came.
Will you tell your children on the day
Why the outback soil is red
Will you tell how it was stained
With the blood of thousands dead.
Tell them how, when you landed here
and stayed to make your home
How you used the black man
as a HUMAN STEPPING STONE.
You stood upon his broken back
You kept from getting soiled and wet
Tell your children how highways
were carved out with his sweat.
Tell them how the battlefields
were strewn with bodies dying
Tell them what it sounds like
to hear orphan children crying.
We remember way back then
You and I were enemies
So tread carefully, young white man
And happy Bicentenary.*

April Newman

BLACK DEATHS IN CUSTODY

IMPRISONMENT

Surveys throughout the 1980's have consistently shown that Aboriginal people are jailed at least ten times more than non-Aboriginal Australians. The Australian Institute of Criminology has repeatedly drawn attention to this gross injustice. In the late 1900's the overall rate of imprisonment was about 60 imprisoned per 100,000, but for Aborigines it was 726 imprisoned per 100,000

Dispossession, brutalisation, destruction of families and culture, a racist legal system and racist police all lead to *Aboriginal people being the most imprisoned group in the world.* And the tragedy does not stop with imprisonment alone.

DEATHS IN CUSTODY

A chilling pattern is emerging where young Aborigines, the majority of whom are men, are being arrested, tried and executed all in one night. The Committee to Defend Black Rights (C.D.B.R.) has currently over 120 deaths in custody, recorded. These are figures that have been gathered from Aboriginal people throughout Australia, and the Committee has grave fears that there are many more. In 1987 alone, there have been 24 deaths in custody throughout Australia. This averages out that every 14 days, somewhere in Australia, an Aboriginal person has died in police or prison custody. *If we took a comparable ratio for the non-Aboriginal people in Australia, we would find that 2400 would have been found dead in a prison cell or police lock-up in 1987 alone.*

In relation to some of these deaths, there has been no government inquiry. In others long delays in holding an inquiry has meant that when it has been held, the findings have concluded that there has been insufficient evidence to establish how the deceased died, or delayed so long that a key witness had died and others were unavailable. In places such as the state of Queensland, which has the highest number of recorded deaths, it is not compulsory to hold an inquiry. And in many cases, the legal authorities have rushed to claim before proper inquiries have been held, that the causes of these deaths have been suicide. The media has also been

quick to establish the 'Aboriginal Suicide' myth, yet according to surveys from the Australian Institute of Criminology, Aboriginal people are the least likely group in Australia to commit suicide. So why the tragically high rate of black deaths in custody?

CASE HISTORIES

Dixon Green

Aged 25, died in Broome Prison, Western Australia due to coronary arrest. Signs on the body of a violent struggle, front teeth knocked out, top and bottom, sand in his mouth, a red mark around his neck. Official cause of death? 'Natural causes'

Tony King

Aged 32, died in Geraldton, Western Australia, due to asphyxiation (suffocation), compression of the chest, and hardening of the arteries. Tony was chased, brought to the ground, and held in a 'bearhug' embrace by the police. Despite the fact that Tony was still breathing after the struggle, no attempts at resuscitation were made either by the police or by ambulance attendants. Official cause of death? 'Misadventure', that is, 'where death arises in the performance of a lawful act and there is no intention to bring about such an event'

Charlie Michaels

Aged 31, died in Barton Mill Prison, Western Australia, of a heart attack. Charlie was handcuffed, then his hands were passed over his head and lashed to his feet with an officer's belt. A standard issue baton (used as a windlass) was twisted around the belt, tightening the belt until his hands almost touched his feet. This lasted about 40 minutes. Charlie had no previous history of heart problems. The Prison Medical Officer stated during the Coroner's Inquiry 'I believe that the effect of struggling almost certainly precipitated a major cardiac arrhythmia which resulted in his immediate death'. Official cause of death? 'Natural causes'

Eddie Murray

Aged 21, died at Wee Waa, New South Wales by 'hanging'. Eddie's blood count at the time of death was 0.3%. Under cross-examination, police agreed that Eddie was so drunk he couldn't even scratch himself, yet according to those same police, Eddie is supposed to have torn a strip off a prison blanket, then deftly folded it and threaded it through the bars of the ventilation window in his cell, tied two knots then fashioned a noose and hung himself. There was nothing in the cell but a foam mattress, a blanket and a toilet - no object like a chair Eddie could stand on. Only the police had a key to his cell. Official cause of death? an open verdict - 'death caused by person or persons unknown'

John Pat

Aged 16, died in Western Australia, of head injuries which caused a brain haemorrhage. He had received 10 blows to the head, and half a dozen bruises about his right ear. His lips were cracked and there were scratches on his face. Apart from the head injuries, John had two broken ribs and a tear in the aorta, the major blood vessel leading from the heart. Scores of witnesses saw police beat John till he was unconscious, then beat him further. Five police officers were tried, acquitted, and re-instated to their position within the police force. Official cause of death? 'Misadventure'

Robert Walker

Aged 25, died in Fremantle Prison, Western Australia, from acute brain death due to an obstruction of the blood supply to the brain caused by compression of the neck. 41 witnesses testified to Robert being systematically beaten by prison officers. At the inquiry, the forensic pathologists testified that the injuries to the body were consistent with the force of a 'restraining nature', that Robert had most likely been strangled by a kind of headlock 'in the course of duty'. Official cause of death? 'Misadventure'

In remembering these young Aboriginal people killed by police and prison officers, we also remember the many other Black Australian men and women bashed, raped, jailed and killed by racists and racist institutions of White Australia. But what is White Australia doing about this?

THE ROYAL COMMISSION INTO BLACK DEATHS IN CUSTODY

After many years of struggle and hard work by the families of the victims, the Committee to Defend Black Rights, and other

Aboriginal organisations, the Federal Government has at last agreed to hold a joint Federal State Royal Commission into Aboriginal deaths in custody commencing November 1987. *For the Commission to be a success and fulfill its potential, it must be conducted with vigour, compassion, and ruthless determination.*

Yet there are grave fears that this Royal Commission will be a 'white-wash', and many areas of concern have arisen.

On the 16th, 17th, 18th and 19th November, 1987 a National Meeting of Aboriginal and Torres Strait Islander families from all parts of Australia, met in a bushland setting on the outskirts of Sydney. The National Meeting was represented by members of 80 Aboriginal and Torres Strait Islander families, each of whom lost at least one relative in police or prison custody. State Co-ordinators of the C.D.B.R. campaign for the Royal Commission also attended the meeting. All in all, 100 people attended the conference.

The National Conference was organised to

- (1) Establish a national network of Aboriginal and Torres Strait Islander families who have had a relative die in police or prison custody and to enable them to share their experiences and to gain strengths from each other
- (2) Develop strategies for a national approach to the Royal Commission into Aboriginal Deaths in Custody by those Aboriginal and Torres Strait Islander families who have had a relative die in police or prison custody
- (3) To gather evidence to demonstrate that Aboriginal deaths in custody are not isolated incidences but are the results of institutionalised and individual racism that exists in Australia towards Aboriginal people.

The National Conference of Families resulted in a set of demands being issued to the Government concerning the conduct of the Royal Commission. To this date there has been no response from the Government. Yet if these and other issues are not addressed, the Royal Commission is doomed to be a 'white-wash' and nothing will have been achieved except an increase in Aboriginal peoples' anger

When will the Killing Times be over for ever?

Aboriginal/Non-Aboriginal Rates of Imprisonment

Source: Perth Western Mail 2 6 85

