

TOWARDS ABORIGINAL SOVEREIGNTY

*On 16 July 1990
the Aboriginal Provisional Government (APG)
was formed by Aborigines in Australia.
This article was prepared by the APG
to outline its structure, purpose and strategies,
and some of the implications of the establishment
of a sovereign state for Aborigines.*

There has been a lot said about the sad treatment of Aboriginal people in Australia, particularly since the 1960s. As a result, government funded programs have been aimed at giving assistance to Aborigines. Practice shows that the best programs have been those funded by government but implemented by Aboriginal organisations run by Aboriginal people.

Programs aimed at reducing Aboriginal leprosy rates, other health problems, improving access to the goods and services of the community, for example, law, education, housing, and generally upgrading the social situation of Aborigines, have unquestionably benefited Aboriginal communities. With these social benefits have come some minor changes in Aboriginal politics. Until 1967 Aborigines were not regarded as human beings and were prevented from voting. There were too few Aboriginal spokespersons and any organisations acting on behalf of Aborigines were invariably run by whites. Generally speaking, that has changed.

From 1967 to 1976 there have been significant changes. Aboriginal Legal Services were established in every state and territory. In 1976 Land Rights legislation in the Northern Territory was passed by the federal parliament. The establishment and funding of the National Aboriginal Conference (NAC) gave Aboriginal people for the first time an effective voice at the national level.

Since then, however, it is at best difficult and at worst impossible to point to projects of the same magnitude as those mentioned above, apart from perhaps the Royal Commission into Black Deaths in Custody. Just as those initiatives indicated a trend towards better treatment of Aboriginal people by government, the failure by governments to have similar initiatives of significance in the 1980s indicates a trend in the opposite direction. Justice Michael Kirby best summed it up during the 1988 celebrations, by suggesting sadly that the white population had become bored with the subject of Aboriginal justice.

In the meantime, Aboriginal communities are left to suffer the disadvantages which have continued since the halcyon days of the 1970s. There have been few

initiatives, with no policy changes likely to benefit Aboriginal people to any significant level, and, even more frightening, no real direction coming from the Aboriginal community.

A DECADE OF CONSULTATION

When the APG was launched, one of the first outcries from some sections of the Aboriginal community was "lack of consultation" about its formation. For over a decade meetings of the Federation of Land Councils, Coalition of Aboriginal Organisations, National Aboriginal and Islander Legal Services, SNAACC, and even the NAC saw numerous discussions held about the sovereign rights of Aboriginal people in this country. The same people who cried lack of consultation were present at these meetings where there was little action, but much talk.

At these national meetings where, presumably, the national delegates were reflecting the views of their local communities in talking about the sovereign rights of Aboriginal people, the call had long been for Aborigines to begin "acting" sovereignty rather than continuing to use rhetoric. How much longer would the discussions have had to be held - ten years, twenty years, or even longer before a decision would be made? How many more Aboriginal men women and children would suffer while the debate went on?

There will always be those who oppose change, but not all Aborigines saw it that way. Former Department of Aboriginal Affairs Secretary, Mr. Charles Perkins, probably the most well known Aborigine of recent times, said on 17 July 1990 that some Aboriginal organisations had

"died on the vine and needed to change direction
and become as creative and dynamic as they were
thirty years ago."

Without doubt Charlie was referring to the enormous time spent by Aboriginal organisations and the delegates "discussing" a plan aimed at alleviating hardships for Aboriginal people without any of these plans seeing the light of day. The most embarrassing moment for those Aborigines opposed to the formation of the APG came from the unlikely source of former Northern Territory Chief Minister, Paul Everingham, who said in *The Australian* on 8 August 1990

"the fact is that self-determination will remain
a dream until Aborigines show the determination
to deal with the realities of Australia today..."

THE PURPOSE OF THE ABORIGINAL GOVERNMENT

The APG plans to change the situation in Australia so that instead of white people determining the rights of Aboriginal people, it will be the Aboriginal people who do it. In previous times, even when government policy was supportive of

Aborigines, helpful policies at the same time reinforced white domination of Aborigines. For example, Land Rights legislation in the Northern Territory retains absolute ownership of that land for the Australian government but gives certain rights to Aborigines. If the white government ever repealed the legislation, the land would automatically revert to the white government.

The second important change sought by the APG relates to the status of the relationship between Aborigines and whites in this country. Until now Aborigines have always been regarded as nothing more than a minority group in Australian society. The APG rejects that, insisting that nobody in the world has any greater right than Aborigines to determine what it is that we desire.

Thirdly, the APG believes that, despite the fantastic work done by Aboriginal organisations throughout our country, Aboriginal people still are not able to fully accept responsibility for determining the long term future. Organisations have

essentially been service delivery organisations, snowed under with all the day to day crises of a poorly treated people. They have been so busy trying to keep their communities alive that they had little opportunity to sit down, design and implement policies aimed at giving effective control of Aboriginal communities back to the communities themselves. The APG sees itself playing a major role in filling this void.

Fourthly, the APG looked at the current situation of Aboriginal Affairs and saw nothing to indicate that there was ever going to be change from continual reliance upon the white welfare system and being forced to participate in the Australian political system. APG members recognised the need for a body which, by virtue of its name and purpose, would set a new theme and plan for the long term destiny of Aboriginal people. We believe the APG does this.

APG Members

THE OBJECTIVE OF AN ABORIGINAL STATE

We can anticipate the white reaction to any challenge from the Aboriginal community to over 200 years of white supremacy and domination. What is seen by Aborigines as freedom and independence is for whites a form of apartheid; what has been put forward as the right of Aboriginal people to control themselves has drawn the comment of "separatism"; what the APG sees as self-determination for Aborigines is viewed generally by the white powers-that-be as a dividing up of the country.

Furthermore, whenever members of the Aboriginal Provisional Government talk about an Aboriginal State, the immediate response from our opponents is that "Aborigines are to be rounded up and put on a little piece of land somewhere in the middle of Australia". Clearly, all of these examples indicate the strategy of those opposing the intentions of the APG; namely, by putting **fear** into the discussion it is hoped that more and more Aboriginal people will turn away from the debate and therefore everything will remain the same.

Let it be clearly understood: the Aboriginal Provisional Government wants an Aboriginal state to be established, with all of the essential control being vested back into Aboriginal communities. The land involved would essentially be crown land but in addition there would be some land which would be needed by the Aboriginal community other than crown land.

The test for which lands come under the Aboriginal Provisional government would be **the land needed by Aboriginal communities to survive on**. No longer would Aborigines need to beg governments or judicial bodies for land to be returned to Aboriginal people. At the end of the day, enough land would need to be returned to Aboriginal communities throughout Australia to enable them to survive **as a Nation of people** and the remaining land would be kept by whites and their governments as a basis for them to continue their nation.

There will **not** be a need for all Aboriginal people to live on Aboriginal land. Some may choose to do so, and some may choose to continue to live under the jurisdiction of white Australia. There is nothing wrong with that because, if nothing else, it gives Aboriginal people a choice which we do not have now. We must all subscribe to white jurisdiction at the moment.

Nor would Aboriginal people have to live in a particular small area on Aboriginal lands. The areas would be scattered far and wide around Australia and would be the land needed by local Aboriginal communities. While some have scoffed at the peculiar boundaries such a division of land would create, it is not unusual in international circles. For example, the United States is a nation yet is separated completely from its territory in Alaska. Its territory in Hawaii is halfway around the other side of the world. This has not been seen as a reason to laugh at the jurisdiction of the United States.

At the moment Aboriginal communities have to abide by the white man's law. That would change under the APG because each Aboriginal community would determine its own form of legal system appropriate to its community situation. It would mean, therefore, that some Aboriginal communities would practice "traditional" laws, others who have had much more contact with the white community would have a mixture of white and black law, and even others would have a system which is simply appropriate to their life style in any given situation. Any person from outside the Aboriginal Nation entering Aboriginal land would be expected to abide by that legal system and, conversely, any Aboriginal person going into white cities or towns would be expected to abide by the white man's legal system. Here is one disadvantage of Aboriginal Sovereignty which is conceded: if the basis for Aboriginal self determination is the mutual respect of each others' rights as peoples, then Aborigines cannot expect to carry their own laws onto Australian government controlled areas. By the same token, people coming onto Aboriginal land cannot expect to ignore Aboriginal law. But it should also be recognised that there is scope for both sides to soften the normal harshness of penalties : if a white person came onto Aboriginal land and was not familiar with the laws and broke such a law, it may well be that the white person would not be punished as strongly as an Aboriginal person would be. By the same token, we would expect that Aborigines who broke the white man's law would also be treated in a lighter way than white people themselves.

The political control of each local Aboriginal community would be vested in the community themselves. There would be no point in transferring white power to an Aboriginal Provisional Government which simply imposed the same policies from above. The local communities must have absolute control over their day-to-day activities and the direction in which the local Aboriginal communities are to move. The residual powers of negotiating with foreign governments for trade, coordination of some uniformity between Aboriginal communities and so on, would be vested in the Aboriginal Provisional Government. Election to the APG would be via the local community controlled councils.

This then is the basic outline of how Aboriginal people can exercise control over their own communities without hindrance from any other government. The Aboriginal Government would operate alongside all other governments in the world, including the Australian government, and not be subordinate to it. White legislation would have no application whatsoever to Aboriginal communities because absolute control over Aboriginal land would be vested in Aboriginal communities. The laws of the white man would not apply unless the Aboriginal communities wanted it. There would be no right of the police to come onto Aboriginal land unless it was by agreement with the Aboriginal community.

In exchange for Aboriginal people giving up to perhaps half of the country to white Australians, there would need to be some compensation package. It need not necessarily be in the form of money and perhaps ought not to be, so that we become more self sufficient at an early stage. However, having access to specialised institutions such as medical facilities, education facilities and telecommunications systems could be a basis for that compensation for ceded lands. Further, it would be in the interests of the Australian government to prevent Aboriginal land being used as a sanctuary by criminals from its own area, or drug runners evading Australian police by running through Aboriginal land. This could be done by coming to some arrangement with Aboriginal community organisations to allow police access on certain conditions. Both communities would have mutual benefit. There is no necessity for continual conflict provided that the imposition of the white man's will on Aborigines is removed once and for all.

GETTING THERE FROM HERE

JACK DAVIS Elder,

author & playwright

Jack is expected to be on the body of Elders of the APG.

Aboriginal sovereignty as described in this paper is not going to be handed over on a silver platter by any white government. If the struggle of Aboriginal people has been hard in the past it will be even harder in the future. The independence movements of other indigenous people around the world have had to make a lot more sacrifice than we have. This is not a call to arms but a recognition that Aboriginal people have got to be a lot more serious about the call for Aboriginal sovereignty before it will be recognised, not just by the Australian government, but also by governments overseas.

The APG anticipates small areas of land initially being given back to Aboriginal communities after specific campaigns over a long period of time. Political unification of those successful groups would form the developing Aboriginal nation territory. The strategy would be to rally all Aboriginal people around a particular community which is seeking to reclaim certain areas of land. Following passive resistance by Aboriginal people against police efforts to remove them from those lands, control would eventually be conceded by the white authorities as being re-vested in the Aboriginal communities. This of course would take great people resources, financial support and grim determination. The latter is entirely in our hands.

In addition, we need to up the stakes of negotiations with foreign governments so that they recognise us as the true owners of this country. As we have seen with South Africa, international pressure on an oppressive regime can bring about change provided the pressure from within is maintained.

The likelihood of us achieving self-determination rests squarely on our own shoulders. If there are only a few of us willing to stand up and seriously push towards Aboriginal sovereignty, it is highly unlikely it will be achieved. If more and more Aboriginal people put themselves forward with their own ideas and efforts, then we can do it.

Meetings will be held to elect new people to the Executive body of the APG throughout Australia and it is hoped that more and more people put themselves forward. The current office-bearers of the APG are there on the basis that if the Aboriginal community wishes to put new and better people forward, we would readily stand down. However, we strongly wish to be part of a process of bringing about change for the betterment of all our communities because we, like you, have not just witnessed the hardship our people have suffered but have also experienced it.

Specific ways that people can give their support to the APG are by:

- * Aboriginal people attending the meetings and putting themselves forward as part of the Governing Council.
- * Aboriginal people pushing forward their ideas and being constructively critical of other ideas that they hear.
- * All people making some financial contribution to the APG on a regular basis, no matter how small.
- * White people paying for occupation of the lands to the APG on a pay the rent principle. The amount of financial support would be determined by the capacity of the people to pay.

It is true that Aboriginal people in this country have never ever been given a choice as to whether we wanted to be part of the Australian political system, or be independent. It is true that there never has been a serious attempt by Aboriginal people to control ourselves, our children and our destiny without getting approval from the white man. All of this can change. It is possible to keep some of the people down some of the time but not all of the people all of the time. As the excitement and enthusiasm within the Aboriginal community grows on the basis that we can control our own destiny, so too will grow the likelihood of a practical outcome in our favour. Your participation will have a significant bearing on the future.

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