

# FIRE CREATOR FOR JUSTICE IS AWOKEN

ELEANOR GILBERT

The international spotlight once again focused on the Aboriginal Tent Embassy in Canberra when, on 25 January 1999, the Daily Telegraph ran a lead story: *Not in Our Front Yard* revealing that Ian MacDonald, Minister for Territories, had introduced a 1932 trespass ordinance to remove the caravans, tents and dwellings. Even though the Tent Embassy has been registered on the National Estate by the Australian Heritage Commission since 1995 as a 'living site...a dynamic site which is continually evolving and changing to cater to the needs of the Aboriginal people who visit and live there' it is under constant threat of removal. Isobel Coe, Wiradjuri, explains to a press conference, 'Our Embassy is the longest running protest site in the country. This is representative of how our people have to live in our own country - and this, I might add, is a lot better than how a lot of people have to live. They don't have access to basic necessities like water. . . . That humpy represents the first house ever in the whole world. Our Fire represents the first ceremony ever in the whole world....You've got a flame that's going all around the world, an Olympic Flame that started, that grew out of, this Fire Ceremony.'

Events at the Tent Embassy bring into sharp relief the contradiction between the essence and purpose of the Embassy and the misinformation distributed by, both, the government's propaganda machine and the biased mainstream media in this country. Anyone who participated in the annual *Corroboree for Sovereignty* on 26 January 1999 knows that what transpired on this day was a powerful healing process 'to make peace amongst the people and mainly to make peace for our Country.' Arabunna Elder, Uncle Kevin Buzzacott, who has Fire and Water dreaming, alludes to the depths of the healing ceremony as he talks to a circle of international visitors, who gather at the Fire, which has been burning for a whole year.

We brought that Water from the river  
up here  
and cleansed this Embassy block  
from the river up to here.  
We cleansed it  
and healed it  
and blessed it  
using that Old Way  
bringing the Water  
and putting it here  
on the Fire,  
joining the two energies

the two big strong energies.  
Nothing  
is stronger  
and older  
than the two old energies:  
Water  
Fire  
and we used the branches  
from the old trees  
and a bit of sand.  
That's the big energies.  
Then from here we call on the Water.  
Using the Water  
we call on the Lightning spirits  
the Thunder spirits  
all the Spirits  
and everything  
to help and support us.  
And that's what happened.  
The last few days  
you've probably been hearing  
all the thunder  
and the lightning  
It's been answering our prayers  
or our blessing -  
Approval -  
It's been giving the full green light  
that we are on the right track  
and a lot of people out there  
are feeling it  
but they can't see it.

We are all about that peace.

That old energy  
hasn't failed the Old People  
since time began  
when they first created this Country  
and created us.  
Using the pebbles  
and the sticks  
and the twigs  
that's all they needed

to mastermind this Old Country  
since time began.  
We are the oldest race of People  
in the world.  
We've got to honour and pay our debts  
to the first Old People  
who walked this land -  
First People who made the humpies -  
always back to that.  
And that's why we are trying  
to bridge the gap here  
and try understanding these fellas  
and what they brought with them  
and how its going to link  
and what's going on -  
and being one again  
making that One People  
one Country one People  
and we, blackfellas, we've got the key  
to the unlocking of this whole thing  
because we belong.  
Our Old Peoples' spirit  
the First People who created fire...  
this is the real government  
this is our real foundation  
our history  
our heritage  
our spirit  
joining with the Old People  
that's our spirit  
that belongs.  
And using that old ancient method of healing...  
it's not only mine  
it's a combination  
that goes right across the Country  
but it's a little bit new one too  
because we can't walk our lands any more  
because of farms  
and regulations  
and trespass  
and fences  
and all that.  
We're doing it little bit new way

but the spirit's still in there  
coming up through the kids  
and the young people  
the new people,  
however you call it  
The Old Peoples are too strong  
that Old Spirit  
we can't get away from it  
and I don't want to get away from it  
because it's the only thing  
that's going to take us Home.

Reports from the media ignore the significance of the day and focus on the staged event when a detractor, totally unrelated to the Tent Embassy, hangs the Koori flag from old Parliament House.

In order to begin the healing with a truce in the hostilities against Aboriginal Peoples an invitation is given to the Prime Minister, John Howard, to attend the Fire Ceremony and discuss the Declaration for Peace, which is calling for an end to the continuing genocide, an apology, the beginning of the process of decolonisation, recognition of Aboriginal Sovereign Title to land, reparation and compensation for war crimes and crimes against the peace. The Declaration for Peace also declares no confidence in the government backed artificial Aboriginal leadership 'who fraudulently misrepresent the aspirations of Sovereign Aboriginal Peoples'.

Ray Swan, Kamilaroi, explains, 'John Howard's presence at the Embassy's ceremonial Fire is crucial to the process of healing. He has nothing to fear. It has been burning since 26 January 1998. Since the European invasion the Fire Ceremony has been the one constant during a history of massacres, concentration camps and assimilation policies and it will keep burning until healing takes place.'

But John Howard, typified by his inability to say Sorry, ignores the most important issue facing this nation. With no alternative left, the Fire Ceremony and the Declaration for Peace are taken to John Howard's front door in the parliamentary precinct on 8 February, the first parliamentary sitting day of the year.

The cleansing and healing smoke from smouldering green gum-leaves finds its target in 'the cave on the hill', the Predator's nest. The South China Morning Post reports:

Australia Aborigines try to smoke out Prime Minister. One country two flags. Protesters from the permanent tent embassy in Canberra wave the Aboriginal flag outside Parliament where they are holding a traditional smoking.

The level of John Howard's interest in peace and respect for custodians of the oldest culture in the world is clear at 11pm that night when the Fire Ceremony for Peace is desecrated by parliamentary security controller, Mike Lucas, who supervises the loading of the burning logs into the back of a ute. 'Do they want peace or war?' questions Uncle Kevin Buzzacott with the frustration of disbelief.

Two days later the Fire for Peace is carried back in a wooden coolamon when 211 ceremonial spears are placed around the Fire, symbolising the 211 years of genocide perpetrated against Aboriginal Peoples. This time the Fire is below the parliamentary precinct boundary, so it is instructions from the National Capital Authority (NCA) which result in the second desecration of the Fire Ceremony. The NCA classify the ceremonial sticks and Fire as an 'illegal structure' and order their removal. Sergeant Graham Kearney of the Australian Federal Police directs their removal under the cover of darkness. The Australian Capital Territory Fire Commissioner, Jim Dance, has to personally douse the Fire because the rank and file firemen refuse to do so. They uphold the Trades and Labour Council motion calling on affiliates 'to ban any work that might impact adversely on the Embassy, including, but not restricted to damaging or removing any Embassy structures, vehicles or property; extinguishing fires that do not threaten life or property....'

The Fire Ceremony is re-established the next day on the National Capital Authority's side of the boundary encircling parliament house. The Tent Embassy members demand the return of all 211 ceremonial sticks. The federal government is in damage control mode with John Howard's parliamentary secretary, Senator Bill Heffernan, spending the entire next day negotiating with the Tent Embassy. He went from group to group trying to understand the leadership. In frustration he promised Phillip Ruddock, Minister for Reconciliation, would come to the Fire at 8.00 am Monday 15 February 1999. 'But we want Johnny Boy!' is the reply. Nevertheless, in the interest of peace, the Aboriginal Embassy Sovereign Council agrees to take the Fire back to the Mother Fire at the Tent Embassy and wait for Phillip Ruddock's and/or John Howard's visit.

Bill Heffernan personally hires a ute, retrieves the ceremonial sticks from the local police store and returns them to the Embassy. 'It's like having our young ones freed from jail!' is the expression of relief from Uncle Kevin Buzzacott.

On Monday morning Uncle Kevin begins the healing smoking by piling fresh gum leaves on to the Fire, saying, 'This is the only way I know how to make peace and I don't see anyone else coming up with an alternative.' But as anticipated, John Howard and Phillip Ruddock fail to arrive, showing they are not prepared to have open dialogue, the most basic principle of conflict resolution. Instead, Bill Heffernan reappears, making excuses and blaming the Minister for Reconciliation's absence on the threat of a 'media circus'. He is smoked and handed the Declaration of Peace, which he undertakes to personally hand to the Cabinet meeting he is about to attend. He promises to return with a reply.

Realising the wait could be indefinite, Michael Anderson, Euahlayi, takes the initiative, 'I'm a firm believer that we take the fight to them like we did in the

70's and we take the Fire back up the hill.' A wave of relief spreads at the thought of decisive action with the support and authority of traditional owners, Auntie Tiny Connors and Uncle Neville Williams (Ngunnawal/Wiradjuri). Didgeridoos and clap-sticks harmonise to the rhythm of the earth as the media accompanies the procession, carrying fire-sticks, white spirit sticks of the fallen warriors and coolamons of smouldering coals dampened with smoking gum leaves. A wave of energy strengthens the resistance fighters, who know the only defense is to stand behind the Aboriginal Law, since stepping out into the foreign culture creates vulnerability. Since the government fails to show any statesmanship or leadership the old strategy 'learn their way, but fight our way' comes unfolds as Michael Anderson places the coolamon containing the glowing embers of Fire for Peace on the brass plaque marking the exact boundary between the Parliamentary Precinct and National Capital Authority land. Instructions to officers of both jurisdictions, Parliamentary Security and the Australian Federal Police, are then required to remove the Fire. On the brass plaque are the stolen totems of emu and kangaroo, signaling that the invaders have brought a curse upon themselves by stealing sacred totems. Firesticks ignite the gumleaves and twigs placed in a circle around the boundary's plaque. Long white ceremonial spirit sticks are placed within the Fire circle.

In the heat of the afternoon Australian Federal Police, backed by Parliamentary Security officers, pulling on yellow leather gloves, begin their intimidation. In stunned disbelief, we realise they are prepared to move against defenceless grandmothers, mothers and children to desecrate the Fire Ceremony for Peace for the third time. Embassy members move into overdrive and hold the ceremonial sticks out of the ground so they are no longer 'illegal structures', but, watched by incredulous international tourists, the Police illegally deny religious, cultural and political freedoms.

Aunty Wadjularbinna, Gungalidda Elder, tells how the police violence outside parliament house is initiated on 15 February 1999:

I was horrified and absolutely devastated at the violent actions by police to prevent us practising religious, cultural and spiritual freedom on our sacred mountain. I was sitting with a couple of children and two other women when a line of Australian Federal Police officers, donning yellow leather gloves, came towards our Fire ceremony for Peace. I called out for support. My concern was for the sacred Fire and sacred objects, the spiritual message we had brought in the name of peace and justice. The ceremonial sticks were painted white for a special Ceremony that took place the night before. These ceremonial sticks have deep spiritual meaning and connectedness to fallen warriors of the Aboriginal Tent Embassy - Mum Shirl, Billy Craigie, Harold Williams, Bertie Williams and Kevin Gilbert. The stick that represents the fallen warriors of my Gungalidda nation was joined in spirit with the fallen warriors of the Tent Embassy, through that sacred Ceremony. At that

Ceremony the Wiradjuri-Ngunnawal Elders bound in spirit the Gungalidda warriors and acknowledged their role in the great struggle for peace and freedom.

There is no way that we could have possibly instigated violence against the Federal Police or anyone while we were continuing the Ceremony. We can assure you that the Police, under orders from Federal parliament, through the Speaker of the House and the president of the senate, Senator Margaret Reid, instigated the violence. They forcefully seized our sacred objects as we clung to them and violently arrested two supporters, who were protecting the ceremony. The AFP and the Federal government are revealing their own insecurity and fear of the indomitable spirit of the land and its people.

With contained confidence Uncle Kevin reveals the underlying reality as he verbally confronts the line of security officers:

We're not frightened by these fellas. We'll make more than one little fire. We'll make hundreds and thousands. Two thousand with the Games coming up....We'll heal the land....You've got to be good to penetrate this land. That's our Old Peoples' spirits....the Dreaming here, now, talking. I'm not talking alone. I've got more armies here than what you ever dreamed of. There's one little stick you took...you shouldn't have took that stick. One stick there's going to undo you. But that's good. I'm glad you took it. That's why I said: Take it! That's the one that's going to undo your army, your airforce, John Howard, your thugs. One stick you took you shouldn't have...my army's on that stick. I'm not standing here alone, I have all the Old People with me. Now they'll get in your hearts and in your minds...

The white spirit sticks are imprisoned in the City Police Station, breaking Aboriginal law and section 39 of the 1991 Heritage Objects Act, which prevents interference with sacred objects. Two non-Aboriginal supporters are arrested with a display of excessive Police violence, in an attempt to discourage a support base building. They are detained under the new terrorist laws in a 'sterile area'. When Dan Taylor is allowed to make one phone call he rings Michael Anderson whose immediate question 'Which side of the line were you on?' emphasises the importance of the unfolding events. Significantly, the Police give three different versions for the source of their orders. Sergeant Crilly first says the Australian Capital Territory Government and later the National Capital Authority gave the order to desecrate the Fire Ceremony. But later the media question: 'Was it the Speaker or the President of the Senate's office?' prompts Detective Sergeant Hepworth's reply: 'Officers of the Parliament.' So the strategy has been played out, because it is only the Speaker or the President of the Senate who can issue orders relating to the Parliamentary Precinct. In front of the world media, the

Commonwealth Government shows how it is prepared to initiate an act of war against the owners of the country, who bring with dignity the Fire Ceremony for Peace, in order to begin the process of healing and an ending of the continuing genocide. Relationships on the Black/white interface across this land are like a powderkeg ready to explode with a spark, hence the intense efforts to find peaceful solutions.

In the ash pile encircling the Mother Fire at the Tent Embassy is buried the Australian flag, known as 'The Predator' or 'The White Flag of Genocide'. The Predator flag has been carried by Uncle Kevin for many years as he tracks the evil destroying Arabunna traditional lands, from Lake Eyre, where the largest uranium mine in the world, Western Mining's Roxby Olympic Mine, is depleting the underground waters of the Artesian Basin at the rate of 42 million litres a day to wash yellowcake. Radioactive tailings have already polluted the underground waters and the sacred mound springs are drying up. He has tracked the trail of evil to the burrow [Parliament House] in the sacred mountain [Capital Hill, Canberra], where the laws originate to permit the destruction to proceed. When Justice Crispin of the Supreme Court came to the Embassy for a 'view' during the Genocide case, Uncle Kevin laid the Predator before him with the words: 'Welcome to my nightmare.'

Within two days of the desecration of the third Fire, Uncle Kevin calls the media to witness him ceremonially spearing the ash-covered Australian flag, The Predator, to kill the evil power over this land, announcing, 'The Predator is going back to the Queen in London....If we don't destroy the evil before it destroys us, our spirituality and connectedness to land is doomed. The Ceremony is our way of dealing with the evil that is being committed under the banner of the blue, white and red.'

The evil traces back to page one of the Historical Records of Australia, volume 1, series 1 which records that in 1786 Philip was instructed to 'follow orders and directions...under the rules and disciplines of war'. He was also instructed that it was 'the right of our Royal Prerogative to have the custody of ideots and their estates and to take the profits thereof.' This war has never ceased. There has never been an ending of hostilities.

Kevin Gilbert, Wiradjuri, (1933-1993) describes the crimes against humanity in his book, *Aboriginal Sovereignty, Justice, the Law and Land* (1987):

The dispossession by terror of our lands was unlawful by international legal standards contemporary with Captain Cook and has continued to be illegal to this day. E. De Vattel, in a standard work of international law, *The Law of Nations*, written in the mid eighteenth century, recognised indigenous peoples' rights to our lands on its true legal basis: 'whosoever agrees that robbery is a crime, and that we are not allowed to take forcible possession of our neighbour's property will acknowledge that, without any other proof, that no nation has a right to

expel another people from the country they inhabit in order to settle in it herself...If a nation takes up arms when it has not received any injury and when it has not been threatened it wages an unjust war.'

When a nation enters a country to usurp the land and does not declare war but prefers to use methods of assassination against the civilian population, against babies, women, child and men armed only with hunting weapons, that invading nation commits, not war, but crimes against humanity.

#### Genocide

Such acts bear no semblance of right or lawful purpose and from such acts no lawful position could arise. According to Vattel our resistance against an unjust attack was not only right, but a sacred duty, for which we were massacred.

This continent has been acquired by assassination and invasion, not conquest, not peaceable settlement, not by any humane, just or legal manner. This land has not become the legitimate property of the invaders, the murderers, by the mere passage of time or by a paper script marking the boundaries in English.

Even the High Court of Australia has never made a ruling as to how Australia was settled, therefore 'peaceful settlement' is not an established fact and cannot be given credence in Australian Law.

This truth is confirmed in the 1992 High Court *Mabo* judgment, in which Justice Brennan uses the word sovereignty more than one hundred times, when trying to justify Australia's illegal claim to sovereignty. After ten years deliberation the top judges in the land can find no legal precedent for Australia's assertion of sovereignty. In fact the judgement declares, 'it must be assumed' sovereignty transferred when the British flag was erected. This is known as the 'skeletal framework' of sovereignty made even more brittle by being propped up by an 'Act of State', which is only a doctrine, not international law. As well as usurping sovereignty, killing and displacing the rightful owners the States in Australia also adopted a policy of eugenics, backed by scientific research, to breed Aboriginal Peoples out of existence. In 1943 Bruxner described to the NSW Legislative Assembly the work of his friend, Dr Lethbridge:

Dr. Lethbridge ...carries out thousands of blood tests. ...From a blood viewpoint there is nothing to fear from the Aborigine. It is a characteristic of this race that, unlike the negro race, it can be absorbed into the white community without danger.... With the Aborigine, colour gradually disappears. There may be some slight characteristics, and those who know them intimately may recognise them, but, in the end, they will be absorbed if they survive all the ills that beset them.

This research is the basis of the genocidal policies, which led to the Stolen Generations and attempts to 'breed them white'. The assimilation policy and mainstreaming are a continuation of the pre-meditated genocide.

Tent Embassy people believe the heat is on the Embassy because of the Genocide case which has been taken against Howard, Fischer, Hanson and Harradine, and other Federal politicians by Wadjularbinna, Isobel Coe, the late Billy Craigie and Robbie Thorpe. The Genocide case has been in the ACT Supreme Court since July last year and was heard on appeal in the ACT Federal Court. Euroka Gilbert sums up the consequences of Justice Crispin's findings:

Australia is breaching International Treaty obligations to Prevent and Punish Genocide. Australia signed on in 1948 as the third country to ratify the convention, but has not enacted the legislation in the States or Territories.

*'I have concluded that no offence of genocide is known to the domestic law of Australia'* states Justice Crispin in his ACT Supreme Court judgement on 18<sup>th</sup> December 1998.

Australia has had fifty years to enact the Genocide Convention as domestic legislation. The signing of this important treaty is a farce, and appears to be done only for show to ease the international pressure on Australia. For fifty years Australia has been a signatory to the Genocide Convention, but will not enact it in her own backyard. Yet Australia will still punish and penalise others for their atrocities but *will not* own up to atrocities against the Aboriginals of this land.

So the call for John Howard to attend the Fire Ceremony for Peace and to end the genocide strengthens. Instead of Howard showing leadership by entering into dialogue, Phillip Ruddock, the Minister with the reconciliation portfolio, makes a 'dawn raid' visit to the Fire, during which no official negotiations take place. Ruddock flees as soon as the media turns up. Again the media releases a misleading report entitled 'kiss and make up'.

The depth of humanity within Aboriginal people is evident in the media statement of 19 February, refuting the false impression the media creates:

We have taken three peace-talk making fires to Capital Hill since Parliament began this year to start the peace-making process and to start off the healing process with the John Howard government. But the peace Fires did not fail. We did not fail. The Old Spirits did not fail. It was the Federal Government, the Australian Federal Police, the Parliamentary Protective Services and the media critics who have failed. Simply because the peace solution we are offering them is too big for them. They feel threatened and they are blocking negotiations, not us. They fail to recognise our rightful existence, the peace we are offering and the spirit of the old Ancient

Country, which never leaves us. This now leaves us no alternative but to make our next move in peace, inviting the Governor-General, the final colonial authority, to come to the Old Embassy Peace Fire.

A Peace Fire carried to the Governor-General at Government House at 10am Monday morning, in good faith and in good spirit, can seal this invitation.

The response by government is blatantly confrontational and aggressive. There are so many Federal Police at Government House that morning that Tent Embassy officials decide to stay put declaring: 'We are not interested in violence, we are about Peace.' The Governor-General, who has spoken so much about reconciliation and the stolen generations, declines to attend the Fire Ceremony for Peace. To force the issue so the peace process can begin, the Tent Embassy takes the Fire Ceremony to the gates of Government House on 1 March, arriving as dawn breaks to avoid a confrontation with police.

Even though William Deane is at home, with no appointments that day, he refuses to come and talk. Again the National Capital Authority turns up, declaring the ceremonial sticks an 'illegal structure' and no camping is allowed. But the Embassy refuses to move, arguing the legal points that the original land grant to Campbell is illegal because no consent was given by Aboriginal owners. The land was taken by massacre and genocide. They retell the story of the massacre on Acton peninsula and assert that Aboriginal Law and sovereignty remains with the People. The land title to the Commonwealth seat of power in Canberra is under dispute because of the Sovereign Native Title claims. Since the *Mabo* decision, Native Title recognises Aboriginal Customary Law, so the two laws are in dispute. This effectively suspends the jurisdiction of white law over Aboriginal Peoples until land title is resolved.

Predictably, the media conveys the Tent Embassy as the aggressive party 'Aborigines warn of violence if G-G fails to visit camp' reads the Canberra Times on 3 March. But the message hits home and the Governor-General invites a delegation to his home. Aunty Wadjularbinna, Uncle Kevin Buzzacott, Isobel Coe and Ray Swan speak with William Deane for two hours. The door is left open for further talks, even though the Governor-General denies he has any power to persuade John Howard to enact legislation to prevent and punish the crime of genocide; end the hostilities; call a truce; and recognise Aboriginal Sovereignty.

An air of scepticism is fanned by the knowledge that the Governor-General, the Queen's man in Australia, is Commander-in-Chief of the combined armed forces and signs every new act of parliament, including the Native Title Act and Native Title Amendment Act, which is the latest legislation to enshrine the genocide. Nevertheless, the delegation breaks camp and returns to the 27 year old Mother Embassy.

In 1972 Billy Craigie, Bertie Williams, Tony Coorey and Michael Anderson came to Canberra to begin the protest, which began with a beach umbrella and

quickly became the Aboriginal Tent Embassy. It confronted the McMahon government's decision to ignore Land Rights and offer, instead, 25 year leases to Aboriginal lands. As a result of the police brutality vented on the Embassy, international attention, for the first time, was focused on the Land Rights struggle and the human rights abuses towards Aboriginal Peoples.

The Embassy is the only site that is recognised both nationally and internationally as representing the grassroots fight for recognition of Aboriginal Sovereignty. 'In the language of the earth, our Old Peoples, our Sovereignty just is. It is our natural right. We do not need it legitimised by the thief, we need the thief to stop the stealing, the desecration and prevent the genocide. Our Sovereignty cannot be extinguished.' says lawyer Irene Watson, Tanganekeld.

The Embassy is the spearhead of the sovereignty movement for freedom and peace. It disputes the authority of the Crown's claim to Sovereignty over the lands and Peoples of the Sovereign Aboriginal Nations. On 26 January 1992, the Tent Embassy celebrated its twentieth anniversary. A protest developed rapidly and the Embassy strategically occupied the vacant old Parliament House across the road and flew the land rights flag from the flagpole on the roof for the first time. On 28 January, during this focus for world media, the *Declaration for Aboriginal Sovereignty* was handed to the Minister for Aboriginal Affairs by barrister Paul Coe. Under international law this moment begins the process of recognition of Aboriginal Sovereign Rights. The theme of the protest is encapsulated in the banner: "Sovereignty Never Ceded". Kevin Gilbert (1933-93) crystalised the argument:

When we walked in here it was an act of sovereignty. Sovereignty, people must understand, what sovereignty is. Sovereignty means that we own the land; it means that we always governed the land; we've always based our economy upon the land; our people have always been in occupation of the land. We've always owned it. That's what sovereignty means.

Since the early 1990's, the Aboriginal Embassy has been a permanent camp and a constant presence on the lawns outside Old Parliament House. The Embassy maintains a platform for all Sovereign Aboriginal Nations to voice demands for the recognition of Aboriginal Sovereignty, independent of the government gag and manipulation. For many, it is the last chance for justice. The Tent Embassy is not controlled by or accountable to the government. It is not connected with ATSIC (Aboriginal and Torres Strait Islander Commission), reconciliation, or native title. The Embassy is opposed to seeing the current big issues of Wik, Mabo or native title as justice. It calls for *more* than native title, which is only a collection of residual rights. Native Title is not Land Rights or Sovereign Rights. It functions to validate non-indigenous land titles and extinguish Aboriginal rights to real estate.

Lawyer, Irene Watson warns of the danger of a rush to impose one treaty on the hundreds of separate sovereign Aboriginal Nations:

There is not one treaty to be found globally between Aboriginal and non-Aboriginal Peoples that has been honoured by the non-Aboriginal people. So why are we talking treaty? Who will gain and what would be gained from a treaty? The Howard government may want to look good at the Olympics. Are we ready to sit and talk treaty when we are in trauma, when we reside in the belly of genocide and ask this question: Would the Jews of the holocaust treaty with Hitler? Is the playing field based on equality when they do not acknowledge we are 100's of Nunga, Koori nations, and they call a government statutory body, ATSIC, the representative of the Aboriginal Nations? There is not one Aboriginal Nation there are 100's, and if we ever get to a place where we can talk properly there can not ever be one treaty, there will be 100's.

A treaty in international law is one that is agreed to by sovereign states. They do not even recognise us, so how can we talk treaty to them? We cannot at this point in our history. Aboriginal representatives parading as 'leaders' who enter into treaty talk with the government do so as individual representatives of their own nation. There is no concept in Aboriginal Law where a handful of people can claim to be representative of 'the' Aboriginal Nation. This process was attempted during negotiations with those known to the silent majority of the Nunga community as the Magnificent Seven, the media-savy vocal minority, the 'Aboriginal negotiators' of the Keating labour government 1993 Native Title negotiations.

The concept of one Aboriginal nation does not exist, and cannot ever claim to hold legitimacy in negotiations or treaty talk. Nungas are still rising from the ashes of the holocaust. Let's not deal away the future of our children, in hasty negotiations. We need to send them back with Cook to their ship out at sea and leave them to wait for the welcoming, to come to be smoked, bless the land, say sorry and then listen to the wisdom of the Old People and their law-ways. We cannot treaty away the law of this Old Country.

Of the four men who began the Tent Embassy, two have passed on and were remembered in the ceremony for the fallen warriors of the Tent Embassy - Billy Craigie, Kamilaroi, and Bertie Williams, Wiradjuri. Tony Coorey, Wiradjuri, is now a 'forensic' prisoner in a jail within a jail. The fourth is Michael Anderson, Euahlayi, who is currently taking the struggle overseas. He recently addressed 2500 delegates at the national conference of the Greens party in Germany about core issues of the Aboriginal struggle, including how mining strikes at the heart of Aboriginal spirituality; how the *Wik* amendments are a statutory guarantee for multinationals to have *carte blanche* access to mineral wealth on Aboriginal land; and about the stand-off between economic development through mining and the

maintenance of Aboriginal spirituality and connectedness to land. He is calling on the German Greens party to ban their importation of Australia's uranium.

Michael Anderson has spoken with members of the European Parliament in Brussels to clarify the consequences of Australia's refusal to sign the European Union standard trade contract because of the Human Rights clause, which could allow international scrutiny of Australia's treatment of Aboriginal Peoples. There is now only a watered down joint declaration between Australia and the European Union. Some consequences are that Australian tertiary exchange students to Europe are denied any scholarships, which would normally be available from the European Union; Australia is missing out on development grants from the EU; Australian product prices are unable to compete in the EU because Australia does not qualify for the lower tariffs available to countries who accept the Human Rights clause.

The world focus on the Sydney Olympics and the Centenary of Federation in 2001 may finally expose to the world the truth about the continuing genocide of Aboriginal Peoples, whose survivors endure long term repetitive trauma.

Professor Ian Ring crystalises the evidence of the continuing genocide in the 1995 Australian Journal of Public Health:

The really exceptional feature of Aboriginal and Torres Strait Islander health is the enormously high adult mortality, particularly in the middle age, and I have been unable to find any other population in the world (for whom figures are available) that has rates as high---with estimates ranging from 6 to 12 times that of the total population in various parts of Australia for those in their forties and late thirties. Not only are the adult rates high, but there has been no real progress in reducing adult mortality in the last 20 years. This, of course, means that, because adult mortality for the total population is falling rapidly, the gap between the Aboriginal and Torres Strait Islander population and the total population is increasing. This is where the international comparisons come in. The expectations of life for Indian populations in Canada and the United States, and for the Maoris in New Zealand are at least 10 years more than for Australian Aborigines, an enormous difference. Maori adult death rates are falling at a faster rate than rates for whites in New Zealand, and the gap in the expectation of life between United States Indians and United States whites is now only three years, whereas in Australia, the gap in the expectation of life between Aboriginal communities and the total population in most states is the best part of 20 years.

The siege on Aboriginal Peoples continues unabated at all levels. On the afternoon of Friday 5 March 1999, the National Capital Authority delivers an official letter outlining their position. They declare the Aboriginal Tent Embassy an illegal 'structure' on unleased Commonwealth land and make it clear that under

section 8A(5) of the Trespass on Commonwealth Lands Ordinance [1932] they can instigate police action to remove the Embassy 'structures'.

When legal action is taken against the NCA officers, Annabel Pegrum and Lindsay Evans, for the desecration of the ceremonial spears, it becomes clear that the ACT Heritage Objects Act applies to everyone except Commonwealth officers, who claim immunity from its provisions.

As if on cue, the world news for March 9 1999 shows Michael Anderson returning the Australian flag of genocide to the British Crown at Buckingham Palace. After a ceremony, which delays the changing of the guards, he drops the same ceremonial spear and ash-covered Predator flag from the Fire at the Tent Embassy, inside Buckingham Palace's front yard 'The genocide tracks back to the British Crown,' he says. 'Successive British monarchs signed papers legalising the killing of Aborigines and approving the forced adoption program of the Stolen Generations. By killing the evil and returning the flag to where it belongs, our people are being released from the evils of colonialism. We can at last have a chance to heal our wounds.' A by-stander, who was so moved by this ceremony on Commonwealth Day, 8 March, sees the day coming when all the Peoples, decimated in the name of the British Crown, will do the same.

On Friday 12 March 1999 Australia appears before the United Nations' Committee for the Elimination of Racial Discrimination (CERD) - the first Western nation called to 'please explain' the deteriorating race relations and implications of the Native Title Acts and the 10 point plan. The long awaited international scrutiny has begun.

In his written submission to CERD Michael Anderson explains how the Native Title Act (1993) was designed to meet white proprietary interests...for the progressive extinguishment of Aboriginal Native Title ...in the "National Interest".

To have these rights taken and/or compromised in the 'National Interest' and for the 'Future Act and Public Purpose', without due consideration of our right to negotiate as self-determining Peoples, then what you are condoning, as a U.N. instrument, is 'tyrannical dictatorship' which is causing great loss of life for the Aboriginal Peoples of Australia.

He details how the 'National Interest' is still defined by the 'White Australia policy' which was espoused during the debate on Australia's Immigration policy in 1901. 'We are guarding the last part of the world in which the higher races can live and increase freely for the higher civilisation....We are struggling among ourselves for supremacy in a world which we thought of as destined to belong to the ARYAN races and to the Christian faith.'

Michael Anderson compares the Native Title Amendment Act 1998 with the principles of the Final Solution of the Nazi against the Jews, articles 3 & 17: 'We demand land and soil to feed our people and settle our excess population' and 'We demand land reform in accordance with our national needs and a law for

expropriation without compensation of land for public purposes.’

He calls on the CERD countries to do more: ‘I ask this because, for us, to be merely supported by the Committee making a damning report against the Australian Government does NOT help us. Our right to exist as sovereign peoples on lands that we have occupied since time immemorial, is the all important matter.

In 1972 it was the Canberra students who swelled the numbers supporting the Aboriginal Embassy to thousands. The movement has now gone full circle. This time it is directed by spiritual energy connected to land. It is the spark that delivers hope to a world despairing of rampant destruction, which threatens our very existence and the planet's survival. ‘Our number one responsibility is to care for this old old ancient land’, repeats Arabunna Elder, Uncle Kevin Buzzacott. ‘The stakes are high. We have come from too far to turn back. We will maintain our direction and look back on this period as ‘the interference’. We have the key to bring everyone Home. It is so simple.’

Aunty Wadjularbinna concludes, ‘The governments and politicians feel threatened by our activities and are doing everything in their power to stop us taking control of own lives in our Aboriginal way. Our aims for the future are firstly is to unite our people. We plan to exercise self-determination, healing, teaching, learning and regaining our unique identity and dignity, the Aboriginal way. There must be recognition of our sovereign right to land and our need for peace and freedom, so that we start dreaming our dreams again and our young people can start to make the dream come true.’

In the words of the poet and freedom fighter, Kevin Gilbert:

If we want the Dream to come true  
we must *be* true to the Dream  
but all this is only meaningful  
if there are Dreamers who respond  
to make the Dream come true.

#### Postscript, 1 February 2000

The above article was written in on 12 March 1999. On 18 March 1999 the UN Committee on the Elimination of Racial Discrimination (CERD) condemns the Native Title Amendment Act ‘the amended Act appears to create legal certainty for governments and third parties at the expense of indigenous title. ‘The Committee urges the State Party to suspend implementation of the 1998 amendments and re-open discussions with the representatives of the Aboriginal and Torres Strait Islander peoples with a view to finding solutions acceptable to the indigenous peoples and which would comply with Australia's obligations under the Convention.’ This is damning indeed, but we are constantly reminded at grass-roots that it is the original Native Title Act itself which dispossessed more than 90% of Aboriginal people, who, through policies of forced removal from land

and/or kinship, are unable to prove in the Federal Court a continuous association with country.

The relevance of the Genocide Case is being pulled into sharper focus. The appeal to the Federal Court (A5 of 1999) resulted in the finding that Australia does not have a domestic law against genocide. This is despite the fact that in the late 1940's the parliamentary draughtsman advised there was sufficient domestic law in place to warrant ratifying the Genocide Convention in 1949, even though there were loopholes, such as mental harm to the group. During the Federal Court appeal Chief General Counsell, Henry Burmester, revealed that parliament has *deliberately* chosen not to incorporate the Genocide Convention into Australian criminal law. There is now a Senate Committee inquiring into the Anti-Genocide Bill before parliament to determine the adequacy, or otherwise, of the implementation of the Genocide Convention.

The CERD committee repeated its condemnation of Australia in August 1999 and is now having a comprehensive examination of Australia's racism in March 2000.

The Tent Embassy 'illegal structures' remain. The Olympics and Centenary of Federation of 2001 will draw the international spotlight.

The power of the Fire continues. Uncle Kevin lit the Fire on the corner of North Terrace and King William St in Adelaide and named it 'Genocide Corner' to challenge Western Mining's destruction of Arabunna homelands through the biggest uranium mine in the world. The next day, 23 December 1999, the kerosene solvent ponds caught fire in an area next to the uranium extraction plant at Roxby Downs uranium mine. Once again the bias of the media is evident as the Adelaide Advertiser devoted four editorials to inflaming reaction against the city protest and the damage the Fire caused to a small patch of grass. Yet the Roxby fire, which took 40 firefighters 9 hours to bring under control with flames being seen 25 km away, didn't warrant an editorial, even though the mine fire was so close to a major disaster had the wind changed direction and blown the heat over the uranium extraction area.

From a situation in which Aboriginal Peoples are under siege from every quarter comes a glimmer of hope as the grass-roots movement, the Sovereign Union convened by Michael Anderson, gains momentum. Despite the overwhelming oppression the movement is being revitalised on the firm belief that there is nothing as unstoppable as 'an idea whose time has come'.

The Fire for Peace continues to burn for justice.

