LETTER TO THE EDITOR

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The Editor
Aboriginal History
Australian National University, Canberra

Dear Editor

Now that the proposal for an Aboriginal Treaty is once again in the air, after the hiatus under the Hawke government and its renegeing on Aboriginal land rights, and the result of the Mabo Case in 1992, it seems time to clarify for a new historical generation the respective roles of the National Aboriginal Conference (as it then was) and the white-organised Aboriginal Treaty Committee. Confusions are arising on both roles (see e.g. Dr Veronica Brady's review of my own *Born of the Conquerors*, in *Overland Magazine*, December 1992, where Dr Brady implies that the term 'Makarrata' was 'forced upon' the Aboriginal Treaty Committee, and other misinterpretations.)

It becomes worth while to recall the events of 1979 and later years, to elucidate the respective roles of the NAC and the Aboriginal Treaty Committee and their *raison d'être*.

As I outlined in the book *We Call for a Treaty* (Collins/Fontana 1985) the Aboriginal Treaty Committee was formed in April 1979, under the chairmanship of Dr H.C. Coombs, its object being to press for a properly negotiated Treaty acceptable to both Aborigines and the white community. Almost at the same time, the then governmental advisory Aboriginal body, the National Aboriginal Conference, demanded a treaty between the Federal government and Aborigines as a nation. This demand followed on a much earlier demand by the Larrakia people of the Northern Territory, in March 1972, concurrently with the establishment of the first Aboriginal Embassy on the lawns of Parliament House.

The NAC's demand followed on the defeat in the High Court of the so-called Coe Case, brought by Paul Coe, seeking 'declarations and relief' on behalf of the Aboriginal people of Australia 'in respect of the occupation, settlement and continuing dealing in the lands comprising the Australian continent' by the Australian government and the United Kingdom and asserting 'the sovereignty as a nation of the Aboriginal people'.

Much could be said of the role of former members of the Council for Aboriginal Affairs, set up by Prime Minister Holt, in these moves. Nugget Coombs, who chaired the ATC, brought to it long experience of the problems and difficulties of the issue and a deep sympathy with Aborigines; Professor Bill Stanner did the same though his term with the ATC was short, ending with his death in 1981. Their joint experience made them wary of any involvement with government and its instrumentalities, and the Committee, made up of private people on a voluntary basis, determined from the beginning that it would rely for all its funding on voluntary donations and its own fund-raising efforts. An impression seems to have taken hold that it was in fact a side-arm of the Federal government. However, no money was ever offered to it from any government or industry and indeed the Committee would almost certainly have refused any such offer. It operated throughout as an entirely voluntary organisation.

The word 'treaty' was adopted from the first as being the only term appropriate to dealings binding in national and international law between the white occupants of Australia and the country's original owners, who had never made any agreement or admission of any right of ownership by the European occupiers. This tallied with the wording of the

right of ownership by the European occupiers. This tallied with the wording of the Australian Constitution on the deprivation of property of any citizen of Australia, and the right of compensation for such deprivation.

The National Aboriginal Conference, however, as an advisory body, was funded by the Australian Government, insofar as it had any funding at all. It made no pretence on its own behalf of being truly representative of Aboriginal opinion; but it was the only Aboriginal body then able to organise discussion with the Federal government and with the wider Aboriginal and Islander communities.

It was in November 1979 that Senator Chaney, the then Minister for Aboriginal Affairs, announced that he 'welcomed the initiative' the NAC had taken with respect to 'a proposed national agreement between Aborigines and the Commonwealth.' But the proposed agreement would be titled, not a Treaty, but a 'Makarrata'. This word, from the Yolngu language, was said to have been suggested by a Yolngu member of the NAC under some Ministerial pressure, and to mean 'the end of a dispute between communities and the resumption of normal relations.'

Apart from the fact that word seemed remarkably inaccurate as applied to the 'dispute' between Aborigines and the white community, it seemed to ATC to be an attempt to sidestep the word 'treaty' as a binding formulation, on insufficient grounds.

The word, as no doubt the Minister intended, was immediately popular with the media. The Committee itself, however, never accepted or used it to describe the proposed instrument which would cover the whole of Aboriginal and Islander Australia, and certainly not as a word acceptable at the level of negotiation between nations. Its meaning was never fully explained, there was controversy as to its implications, and the Minister's intention in using it seemed at least suspect.

Our view was confirmed immediately by the reaction of Aborigines themselves and their organisations. The Central Australian Aboriginal Congress, for instance, expressed suspicion of the motivation of the Federal government in imposing the word, and of the setting up of a sub-committee of the NAC to tour Australia discussing the idea of a 'Makarrata' with Aboriginal groups. The funding provided to the committee for the purpose was laughably inadequate. (A fuller treatment of the subject can be found in the chapter headed 'Treaty or Makarrata?' in my book written for the ATC, whose text was approved by the committee's members.) In fact, the ATC never used the word to describe its proposals, either in correspondence or in statements for the media; and both we and the sister organisation, the Treaty Committee in Townsville, discouraged its use as far as we could, among the general public and in the media.

This clarification should be enough to dissociate the ATC from attempts to portray it as an arm of government policy - policy which, throughout the Committee's existence, was never such as to generate any confidence in the purity of its intentions. When the Committee closed its operation in 1983, it did so because the Hawke government's pre-election promises to Aborigines and Torres Strait Islanders were so generous that it was unlikely that it could continue to function on donations from the public, at least at the level which had been maintained before the Hawke government took office.

Yours sincerely

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(formerly secretary to the Aboriginal Treaty Committee from 1980 to 1983, and author of the book *We Call for a Treaty*)