

FOREWORD BY THE CHAIRMAN

The Aboriginal Provisional Government is the product of the many generations of Aboriginal people who have fought despairingly for Aboriginal justice. It represents the reality that only we, as Aboriginal people, can forge a proper place for ourselves and those generations of Aborigines to come.

From fairly humble beginnings, the A.P.G. has established itself as a body which, even by its name, can explain and argue its aims and objectives. If ever we needed the A.P.G., we need it now. Our situation grows worse day by day, and our hope for justice seeps away year by year under the strain of the more dominant needs of white Australians.

We now have offices and representatives in all states and territories, a paid up membership of over 1000 people, and have issued several hundred Aboriginal passports. And we are only beginning.

Our success to date can be attributed to two things. Firstly, we espouse what we know the Aboriginal people want, although we articulate it in a new way. Secondly, our workers and members are genuinely convinced that the A.P.G. is the way to go. Their efforts have been entirely voluntary, an approach we had to prove to ourselves in order to believe Aboriginal self government could work. If we were forced to rely on government funding, we knew we could never do without them. But we have proved it very possible!

One of our tasks is to encourage debate in the Aboriginal communities by showing leadership. This booklet is a part of that program. We hope you feel it achieves its purpose. On behalf of the A.P.G. I welcome you to our world of challenging and provocative thought, and the vision we share with you about our future.

BOB WEATHERALL
CHAIRMAN

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EQUALITY NEVER WAS OUR AIM. WE ARE A STATUS PEOPLE WHOSE RIGHTS GO BEYOND EQUALITY.

We are all left to speculate on what this country might have been like had the invasion and subsequent occupation not taken place. Accepting for the purpose that the Aboriginal population 200 years ago was somewhere between 500,000 and 1,000,000, then normal population increases coupled with inevitable immigration would perhaps put the population somewhere in excess of the existing 17,000,000.

The face of the nation though, would literally be recognisably different. Whilst greater contacts with the outside world would have influenced the nature and shape of things, nevertheless this country would have been appropriately described as black, rich (in both resources and culture), and the envy of many. Its political influence in the southern hemisphere would have been remarkable. Its people would probably not have known poverty and would have had to carry a heavy burden of responsibility, ensuring that those less fortunate than Aborigines were not left to fend for themselves.

Such speculation, some may say, is merely romanticising what might have been : that what occurred is an historical fact not capable of being changed. Others might go even further, arguing that the takeover was fate, and all the goodwill in the world cannot and could not affect the outcome.

True, we cannot turn back the clock. However, reflecting on what might have been is a useful tool for opening up the options for debate about the future. At present the options hardly make for lively debate - either more welfare spending, greater powers

to A.T.S.I.C. or being reconciled seem to be the best on offer. So far, there has not emerged any detailed analysis of what any of these dull possibilities might provide Aborigines with in the long run, other than they are desirable. Nor for that matter has much else cropped up to make the masses think. It is as if the future for Aborigines is a *fete accompli*, with no correspondence to be entered into. That future, it appears, is to be inextricably intertwined with, but subordinate to, the whims of white Australia.

Also, where there remains severe and harsh consequences today from man made events of the past, those consequences can likewise be undone by man's efforts. We are all to accept what did occur, but certainly not the aftermath. And fate is not the convenient outcome of deliberate government policy and planning, a realisation which gives us great scope to challenge the doomsday prophets who have discarded justice for Aborigines to the dustbin.

Australia's human rights record has always been tarnished by its treatment of Aboriginal people. That is not to say that efforts have not been made. But these measures have all been to ease the guilt of the white conscience, not to put Aborigines in their proper place in the world.

Now there can be no valid excuses to obstruct the empowerment of the original people - the Inquiry to end all inquiries (the Black deaths in custody Royal Commission) has handed down its report, and governments around Australia say they are bound by it.

No matter what differences there are among governments, or between them and Aborigines, the Royal Commission has made clear the futility of persisting with policies designed to maintain the control and destiny of Aboriginal people in the hands of white government. What we might have been is now more relevant than what we have been dumped with. We are no longer bound by the rules imposed on us. Our destiny is for us, and us alone, to develop.

May, 1992

INTELLECTUAL PRISONERS

**Change can only come
by using our powers of reason
to thrash out ideas, and in the process,
free our minds from fearing what white people will or will not let us
do. Unless we can apply our minds to only take account of what we
need,
we will remain just another minority group
instead of a potent nation.**

Whenever Aborigines are asked what it is they want in the long run, an extraordinary range of answers are given. To be equal, land rights, self determination, to be Australian, sovereignty are among the many responses. Not all of these are, of course, inconsistent. But they do show a lack of common direction of thought among Aborigines. Until we agree on what we are aiming for, our energies will be unavoidably fractured, often heading all over the place. The quicker we agree about our destiny, the quicker we are likely to achieve it.

We have a serious and urgent need to discuss what it is we want. Will land rights in itself solve our problems if police still gaol our people? How can we be equal while being denied our heritage, which includes our right to land? Can we achieve sovereignty if we remain funded by government? These are only a few of the unanswered issues.

The APG is responsible for helping to develop discussion on these matters throughout the Aboriginal communities. It has been able to provide workshops and other meetings, and will continue to do so. Everyone is welcome at these meetings.

The APG has exposed the views of politicians, academics and others who have had their say over what is good for Aborigines, by assessing where those views would take us. We cannot be blind to what is behind the views put forward by whites.

White politicians, including the present Minister for Aboriginal Affairs, Robert Tickner, have bluntly indicated that Aborigines must accept white superiority in this country. For them, the Aboriginal demands must be for nothing more than equality with whites, and so long as Aborigines agree not to challenge the seemingly divine right of whites to dominate this country, then these politicians are as one with Aborigines in the struggle. They in fact portray themselves in this light.

Then again, some of our own leaders have failed to spell out what their complaints are aimed toward. How often have those of us who have faithfully attended national meetings seen leaders talk of Aboriginal independence and self government with real conviction, only to read the next day in the media that the very same leaders have pledged their loyalty to being "an Australian" and given their committment to a "one nation, one people" concept. This leadership has never quite worked out its ultimate destiny for Aborigines.

Often the Aboriginal movement has been too strong in rhetoric and a little lean in thinking through the issues. There is a real place for rhetoric in our struggle, provided it challenges the white superiority view. We do need to do more than mouth slogans, though.

Our people must be allowed to go beyond struggling just for better conditions. The right to control ourselves on our own land without interference from others is a basic human right. To be, and to act as, a nation of people independent of whites ought not be a controversial issue but an entitlement. To impose our own laws in our own communities; to raise our own finances from our own portions of this continent; to have our own diplomats and passports and our own Olympic team is our right as a Nation of people. Those rights are, or should be, the aim of our movement.

It is high time somebody did lay down for debate an alternative to the familiar sell-outs being offered to Aborigines.

The APG stands for the right of Aboriginal people to have the ultimate say over their destiny. The Provisional Government proposes a model for the Aboriginal Nation - a nation exercising total jurisdiction over its communities to the exclusion of all others. A nation whose land base is at least all crown lands, so called. A nation able to raise its own economy and provide for its people.

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.

August, 1990

This cannot occur over night, but it could be in place within 25 years. That would be dependent on three developments:

1. Through developing within the Aboriginal communities a thorough understanding of how the Aboriginal government will work, how real it can be, and what it would mean in practice. This can only be achieved through meeting after meeting after meeting.
2. Once the Aboriginal community has had chance to think seriously about it, a referendum of Aboriginal people should be held. The question would be - Aboriginal independence, yes or no.
3. Presuming a majority vote in favour of independence, then a timetable agreed upon between the white government and the Aboriginal people could be laid down. The timetable would basically cover the transfer of control over Aboriginal people back to Aboriginal people.

The practical benefits under an Aboriginal government which are not available under a white government include:

1. No Aboriginal person would pay rent. Each Aboriginal family would be provided with housing of their choice. They would have to maintain it.
2. Every Aboriginal person not able to work or find work will be maintained by the government.
3. There would be free medical service with free access to specialist medical facilities not available within the local services.
4. Complete control over local communities would be put back in the hands of local people.
5. There would be strong encouragement of Aboriginal communities to maintain their strong links with their heritage and culture.

July, 1992