Stolen Land

Initial invasion and terra nullius

In 1770 Captain James Cook landed in Botany Bay, home of the Eora people, and claimed possession of the East Coast of Australia for Britain under the doctrine of 'terra nullius'. Under European International law at the time, Britain could:

- Lay claim to a land if it were uninhabited
- If inhabited, negotiate to purchase land from Indigenous people (but not steal it from them)
- Invade and defeat the country in war (but even then, it would have to respect the rights of Indigenous peoples)

By asserting the doctrine of 'terra nullius' (that the land is uninhabited), the British had no obligation to respect the rights of Indigenous peoples because they were not recognised as being human. (The Aboriginal people were classed as flora and fauna.) The doctrine originates from a “Papal Bull” implemented by Pope Urban II in 1095. This, and a number of subsequent doctrines from the papacy, bestowed upon Christian nations the right to invade, settle and convert non-Christian nations.

Overturning the myth of ‘terra nullius’ has been central to attempts to gain land rights for Aboriginal peoples. The current Prime Minister of Australia, despite claiming to have a special interest in Aboriginal issues, recently said the following in a speech:

“Our country is unimaginable without foreign investment… I guess our country owes its existence to a form of foreign investment by the British government in the then unsettled or, um, scarcely settled, Great South Land.”

* Find Out More *

http://www.theguardian.com/world/2014/jul/04/tony-abbott-says-australia-was-unsettled-before-british-arrived

http://www.creativespirits.info/aboriginalculture/land/how-was-aboriginal-land-ownership-lost-to-invaders

http://treatyrepublic.net/content/terra-nullius-0

Movement for land rights

The Aboriginal movement for land rights came to prominence in the 1960s, largely in response to mining companies being allowed to access Aboriginal land. In 1983, Aboriginal peoples were initially promised legislation that would secure land rights that would have included control over mining rights on Aboriginal land and access to mining royalties. However, Australia’s state governments would be able to still introduce their own legislation and could choose how to implement land rights legislation or whether they should introduce it at all. Following concerted pressure from the mining industry, the Prime Minister at the time, Bob Hawke, withdrew his commitment to giving Aboriginal peoples a veto over mining activities taking place on their land. His government gradually backtracked from introducing national land rights legislation, claiming that most states had made “advances” towards land rights.

* Find Out More *

http://treatyrepublic.net/content/how-bob-hawke-killed-land-rights

http://nationalunitygovernment.org/

http://kooriweb.org/foley/indexb.html
**Tent Embassy and land rights**

The new British Museum exhibition features a placard from the Aboriginal Tent Embassy, a structure of placards, flags and beach umbrellas erected outside Parliament House in Canberra in 1972. It was created by four community representatives who travelled to the city to ask for title deeds to their land from the Prime Minister. It followed a Northern Territory Supreme Court Decision in 1972 that granted a mining company access to Aboriginal land and concluded that Australian common law did not recognise Aboriginal land rights. The Tent Embassy became a focal point for protest, with the parliament eventually introducing legislation to have the camp removed. The police were noted for being particularly violent in their attempts to remove around 2000 protesters from the site.

Two powerful pieces of legislation about Aboriginal land exist. The Aboriginal Land Rights Act and native title legislation:

- Native title legislation is about recognising Aboriginal peoples’ connection and rights to land and water.
- Land rights legislation in New South Wales is about compensating Aboriginal people for past dispossession, dislocation and removal of land.

*Find Out More*


http://www.creativespirits.info/aboriginalculture/history/aboriginal-tent-embassy-canberra

**Closure of homelands or “remote communities” in recent months**

In 1967, a referendum gave the national government the power to make laws for Aboriginal people and to fund homeland communities. (The national government is also known as the Commonwealth Government, as Australia’s full title is “The Commonwealth of Australia”). In 2014, the government attempted to pass the responsibility for funding homelands from the commonwealth to the state governments. In Western Australia, where this has happened, the state premier, Colin Barnett, has moved to close 150 of the state’s 274 homelands, referred to by some as “remote communities”. This will involve the removal of state support and provision for communities, such as schooling, water supply, education etc.

The Australian Prime Minister, Tony Abbott, was widely criticised by Indigenous representatives and opposition politicians after saying that the government cannot ‘endlessly subsidise lifestyle choices’. Brian Lee, the chairman of WA’s Kimberley community of Djarindjin said in response, ‘For our people, it’s an obligation to your ancestors to look after your country and you have to be on your country to look after it.’

On 10th April, over four thousand protesters took part in a rally in Melbourne against forced closures, shutting down a major street in the city and blocking tramways. It is just one protest as part of a growing movement known as ‘SOS Blak Australia’, which aims ‘to support the Aboriginal communities in Australia to remain in their homelands and on country and enable them to self-determine their own futures.’ A call has been issued for a global day of action on the 1st May.

*Find Out More*


http://www.sosblakaustralia.com/


Ghillar Michael Anderson, an aboriginal leader and activist, has said: “They’re not telling anybody but what they're after is uranium, they’re after gold, they’re after all of the natural resources that sit underneath this land…” He also reported that: “It’s just totally inhumane what is going on in this country… We got a word tonight that three other aboriginal communities in Western Australia had their water cut off. And so they are forcing them out by stealth. They are cutting off all of the essential services. This is tantamount to a campaign that you would wage in a war.”
Stolen Culture

Bark art by the Dja Dja Wurrung people

As part of the new exhibition, the British Museum plans to display three pieces of rare bark art by the Dja Dja Wurrung people. Gary Foley, an associate professor at the Moondani Balluk Indigenous Academic Unit of Victoria University in Melbourne, told the Museums Journal:

“The barks are an important part of the cultural history of Australia, they are the only surviving example on the planet of aboriginal bark art. They should be in the possession of the Dja Dja Wurrung people… I think the British Museum will regret its decision to hold these exhibitions. It will get more bad publicity than good. But I don’t see any joy for the Dja Dja Wurrung people in the short term.”

Gary Murray recently told Guardian Australia that: “Because of the new legislation it is supposedly legally impossible for us to use the commonwealth heritage laws to get the barks back if they are brought back into the country, so it means that we need to resort to dialogue… I have told Gaye Sculthorpe [curator of the Indigenous Australia exhibition] that I am comfortable about opening up a dialogue... Of course this is not just about the barks – it is a story intrinsically related to questions of Aboriginal sovereignty, about de-culturalisation, about dispossession. But we need to resort to other means to get what is ours back. Perhaps it’s time to see a lawyer in London.”

A version of the exhibition will also take place in Australia following the British Museum exhibition (but without BP sponsorship). Gary Murray says: “It's a positive thing that a few of my people might get to see them again for a very short period. But it taunts us spiritually. We just get to see them for a fleeting moment and they are taken back again to the British Museum where they'll be held in the archives downstairs for another decade. It's not right.”
Aboriginal repatriation of remains and objects

The British Museum holds more than 6,000 Indigenous Australian items in its collection, of which only a minute percentage is usually on display. It is estimated that there are over 1,000 Aboriginal remains in museums around the world and Aboriginal experts estimate there could be ten times that amount. Britain is known to hold 643 sets of Aboriginal remains. In 2006, the British Museum trustees returned some Aboriginal remains to Tasmania.

Michael Mansell, an Aboriginal rights lawyer, has said:

‘The damage to the Aboriginal community of having remains [overseas] is astronomical. The spirits of our dead are disturbed by being separated from their bodies. The remains are as important to us as land rights. It's a much more volatile issue, closer to the heart than even getting our land back.’

* Find Out More *

http://www.creativespirits.info/aboriginalculture/people/aboriginal-remains-repatriation

Rights over objects and remains

Article 12 of the UN Declaration on the Rights of Indigenous Peoples states that:

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.


Stolen Climate

Drilling in the Great Australian Bight

BP currently plans to drill four new wells in the Great Australian Bight, an area off of the south coast of Australia. The Australian Wilderness Society, who are running a campaign against the drilling, explain the following:

‘As BP fight in the US courts over their disastrous Gulf of Mexico oil spill - the worst in history, devastating marine life, fisheries, tourism and local communities, they are pushing to drill off the South Australian coast within a year.

Not only is BP pushing to drill off our coast, but they are targeting the Great Australian Bight, a whale nursery and sanctuary recognised internationally for southern right whales and their calves, blue and humpback whales and Australian sea lions.

To get approval for exploration drilling, which is when it all went wrong in the Gulf of Mexico, BP must submit an Environment Plan to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). They are required to carry out appropriate consultation.

BP is consulting with a very general powerpoint presentation that makes assumptions for an oil spill based on an arbitrary 35 day "worst case". Their Gulf of Mexico spill poured oil into the sea for 87 days. All the resources of the USA could not stop oil from contaminating the shorelines of four US States. The Great Australian Bight is extremely
remote, with significantly rougher seas and more extreme weather conditions than the Gulf of Mexico.

BP is refusing to disclose key oil spill modelling - including socio-economic and fisheries impact modelling, and are yet to complete oil spill emergency planning. The obvious question is what exactly are we being consulted on, given that critical information required for the people of South Australia to come to an informed position is being withheld.

The Great Australian Bight Research Program, partly funded by BP, is due to be completed in 2017. The Literature Review for the Ecosystem Study states, “Our current knowledge of the Great Australian Bight is not sufficiently developed to confidently assess the implications of potential oil and gas production, including potential oil spills, for the region’s diverse marine ecosystems or for its economically important existing marine industries”.

With BP pushing for approval to start drilling in early 2016, alarm bells should be ringing.

Research just published in the scientific journal Nature indicates that to have any real chance of minimising the impacts of climate change, about half of the known oil reserves in Australia’s “OECD Pacific” region need to stay in the ground. Given this fact, why are we entertaining the idea of risky deep sea drilling in the hope of finding even more oil? Imagine if we could move beyond petroleum and capitalise on the abundant renewable energy resources in Australia.

2014 has been announced as the world’s hottest year on record, and 7 out of Australia’s 10 warmest years have occurred since 2002.

Our planet can’t afford this, South Australia can’t afford this…it is all risk.’

**Climate change and Indigenous peoples**

Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner from 2004-10 and an elder of the Kungarakan, has previously said:

“As coastal and island communities confront rising sea levels, and inland areas become hotter and drier, indigenous people are at risk of further economic marginalisation, as well as potential dislocation from and exploitation of their traditional lands, waters and natural resources.”


In 2011, the Torres Strait Island Regional Council wrote an open letter to the then Prime Minister, Julia Gillard, demanding support for adaptation measures to defend against the impacts of rising sea levels. Mayor Fred Gela and council CEO John Scarce wrote that:

‘Failure to act on desperately needed adaptation measures in the Torres Strait puts Australia at risk of being the first developed nation with internally displaced climate change refugees.’

*Find Out More*


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**About us:**

BP or not BP? is a group of actor-vists who seek an end to oil sponsorship of culture. Find out more and get involved:

w: bp-or-not-bp.org  e: info@bp-or-not-bp.org  t: @reclaimourbard