

Towards Establishing a Treaty Relationship in Australia

Stuart James Bradfield

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Department of Politics and International Relations
Macquarie University

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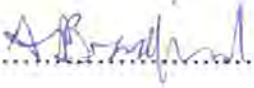
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This thesis was predominantly inspired by three people – two whitefellas and a blackfella.

Kevin Gilbert's *Because a White Man'll Never Do It* was the first book I read in one sitting. First published in 1973, it remains one of the most important critiques ever written of the Indigenous-state relationship in Australia. While I never had the good fortune to meet him, I remain grateful to him nevertheless, for irrevocably altering my thinking.

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Abstract

Australia is unique among settler societies in the extent to which it has denied the rights of Indigenous peoples who lived here for millennia before European colonisation. The original inhabitants, or 'First Peoples', were not deemed worthy of a status whereby they would be participants in negotiated settlements, or treaties. In Australia, ancient 'discourses of domination' were employed to entrench an inequitable relationship between peoples, the basis of which has yet to be disturbed. This thesis argues for treaty, or treaty-like agreements, as the mechanism capable of establishing a just relationship between peoples in Australia. The inherent flexibility of treaty allows for a truly bilateral process where the legitimate status of both Aboriginal and non-Aboriginal peoples is mutually reinforced. Important lessons can be learnt from the conception, practice and difficulties of British Columbia's modern-day treaty process. There, centuries of denial have been replaced by a commitment to negotiate a new future. In Australia, recognition of native title has promoted an encouraging new culture of agreement-making between peoples. However, archaic perceptions continue, casting doubt on the fundamental nature of change to the relationship. Indigenous leaders, therefore, continue historic demands for recognition of their distinct status via the establishment of a treaty relationship.

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