

South Australian Congress of Indigenous Nations

This Statement of Facts binds the undersigned Tribal Groups to this Treaty Agreement of Solidarity in which we do hereby agree to unite together to seek justice for the inhumane practices that have been carried out against the Traditional Owners, and are still carried out by those who continue the injustices of their forebears by denying our equity.

Whereas, we the Traditional Owners of the Lands and Waters within our Traditional areas do hereby state and agree that our Ancestors suffered gross injustice and we survivors today still suffer the injustices of many crimes of prejudice, and discrimination.

Whereas, we the Traditional Owners of the Lands and Waters within our Traditional areas do hereby state and agree that our Lands and Waters have suffered gross sacrilege and we the survivors today are suffering the effects of irresponsible land and water development, irresponsible water management, irresponsible nuclear testing, sacrilegious disturbance of burials.

Whereas, in 1770 Captain Cook of Great Britain landed and raised the British flag under the directions of British rule and claimed the country for Britain, now called Australia without any negotiations and without the expressed permission of the Traditional Owners thereof.

Whereas, in 1802 Matthew Flinders and Baudin met each other in Ngarrindjeri Waters and proceeded to name, map and claim our traditional country without any negotiations or the expressed permission of the Traditional Owners thereof.

Whereas, in 1830 Captain Sturt travelled on Ngarrindjeri lands naming and claiming them for Britain without any negotiations or the expressed permission of the Traditional Owners thereof.

Whereas, in 1834 the South Australia Company was authorized by Great Britain to erect South Australia on our traditional country without any negotiations or the expressed permission of the Traditional Owners thereof.

Whereas, on 9 February 1836 the Crown of Great Britain expressly protected our inherited rights as Traditional Owners to our traditional country, which have never been recognized, respected and upheld to the wrongful denial of our equity.

Whereas, in the present day the successor Governments to Great Britain are inciting racism, ignorance, denial and continued injustice and abuse against us by means of continued denial of our inherent human rights and our inherited rights to Country, contrary to the Proclamation of South Australia on 28 December 1836 which asserted our equity.

Wherefore, we the Traditional Owners thereby accuse the Crown in Australia of Practicing an abhorrent terrorism against us by means of the above specified denial, threats, abuse, unjustified imprisonment, sham inquiries into our affairs, use of unjustifiable force of arms (including atomic weapons), denigration of our culture and destruction of the aspirations of our future generations in the ongoing absence of our equity in our traditional country.

ACCORDINGLY, we Traditional Owners hereunder ascribed do agree with these stated facts, and herewith by our several and joint signatures to the attached 12 Principles for a Treaty in South Australia, forthwith call in Reconciliation for non-Indigenous South Australians to raise the proper negotiation with us for the attainment of a United South Australia under the Constitution Act as it may be secured there by an indentured Aboriginal Treaty Bill to be enacted therein, and invoke our solidarity together as Aboriginal Traditional Owners to declare our common intention.

On 9 February 2006 it will be 170 years since King William IV issued Letters Patent authorizing the establishment of South Australia. In 1834 the British Parliament had passed the Foundation Act to provide for the erection of a Province or Provinces in South Australia. Governor Hindmarsh inaugurated South Australia on 28 December 1836 in Holdfast Bay by his legal Proclamation of the Province of South Australia.

Each of these 1836 documents, which were promulgated by the Executive under the Crown prerogative, made extensive provision for the protection of Aboriginal rights.

Regrettably, the legal fulfillment of the purpose and object of their specifically lawful reservation of the rights of the traditional owners in South Australia is yet to occur.

South Australia is still neglecting the ongoing entitlement of the descendants of the traditional owners in 1836 to the fulfillment of the undertaking of the Letters Patent and their partial legal implementation in the 1836 Proclamation of South Australia.

The express terms of the 1836 Letters Patent specifically assert that the rights to be fully maintained include those of the descendants of the traditional owners in 1836.

2006 presents an opportunity to non-Indigenous people in South Australia to redress this ongoing failure today in the human rights of the Aboriginal descendants of 1836.

Twelve principles need to be observed by all government in dealing with these rights:

1. The descendants of the traditional owners of 1836 have the right to be consulted;
2. The rights of the Aboriginal descendants were lawfully recognized by the Crown;
3. Much injustice was visited on these descendants by the overriding of their rights;
4. Legal principles deriding these rights have been inequitably applied by the Crown;
5. Today's descendants have the right to organize to regain and maintain their rights;
6. South Australia has a public duty and obligation to begin to redress these wrongs;
7. Non-Indigenous South Australians have a right to reconcile with the descendants;
8. An Aboriginal descendant is legally capable of nominating her/his representative;
9. The Crown is obliged to meet with the proper representatives of the descendants;
10. The representatives of the descendants are legally answerable to the descendants;
11. The descendants are entitled to negotiate with the Crown to redress these wrongs;
12. The Crown has a duty for all South Australians to reconcile over these grievances.

The proper redress of these grievances may be undertaken in an entrenched Treaty Act.