

Upcoming conferences

AIATSIS and the Yamatji Land and Sea Council are convening the third Native Title Representative Bodies conference *The Native Title Conference 2002: Outcomes and Possibilities*, Geraldton, Western Australia, 3–5 September 2002. The conference receives principal sponsorship from ATSIC, and additional sponsorship from the National Native Title Tribunal, the Attorney General's Department, and the WA government's Mid West Development Commission.

The key themes are:

Report card on the first ten years

Key issues for the next ten years

Latest developments: Ward and Yorta Yorta

Prescribed Bodies Corporate

Good leadership and governance

Plenary speakers include Geoff Clark, Dr Mick Dodson, Justice Robert French, Prof Marcia Langton, Graeme Neate, Noel Pearson (tbc), Darryl Williams QC, and Hal Wootten AC QC.

For a copy of the brochure and registration form see the native title research unit's webpage at www.aiatsis.gov.au, telephone 02 6246 1161, or email ntru@aiatsis.gov.au.

Murdoch University is hosting a three day conference entitled *Treaty – Advancing Reconciliation – A National Conference in a Global Context Concerning Racism, Land and Reconciliation* from 26 -28 June 2002. Day one will be devoted to Treaty relations between British colonials and Indigenous Peoples in North America and New Zealand, day two to historical roots to the 'Treaty Question' and day three will ask whether Australia should seek to negotiate a treaty/agreement, and if so what should it seek to accomplish. See further www.treaty.murdoch.edu.au.

Native title essay competition

Australian tertiary students are invited to participate in an essay competition by submitting an original essay on any theme of the law, history, economics, anthropology, or public policy of native title. The winner will receive an airfare from their nearest Australian capital city to Geraldton WA, to attend the *Native Title Conference 2002: outcomes and possibilities*, 3-5 September 2002. In addition, the essay will be published by AIATSIS in the issues paper series *Land, Rights, Laws: Issues of Native Title*. See flyer at the back of this Newsletter for more information, or check our website.

Two new Issues Papers

The unit has published issues paper number 14 titled "'Like something out of Kafka': The relationship between the roles of the National Native Title Tribunal and the Federal Court in the development of native title practise' by Susan Phillips.

Issues paper number 15 is also out, by Greg McIntyre and Geoffrey Bagshaw 'Preserving Culture in Federal Court Proceedings: Gender Restrictions and Anthropological Experts'.

Something new

NGIYA – *Talk the Law*, National Institute of Indigenous Law, Policy and Practice.

Ngya is a newly established unit and is part of Jumbunna Indigenous House of Learning, University of Technology, Sydney and has partnership status with the Australian Institute of Aboriginal and Torres Strait Islander Studies.

Useful web resources

The Department of the Parliamentary Library have posted a website of the state of play and chronology of native title since the 1992 *Mabo* decision, useful for anyone inter-

ested in how the history of native title informs current practise. The site is listed at www.aph.gov.au/library/intguide/SP/mabo.htm. The site includes direct links to: caselaw on the internet (such as the *Crocker Island* decision); native title publications; media releases; and, native title institutions.

The National Native Title Tribunal have compiled the *10 years of native title* information kit. The information kit, available at www.nntt.gov.au, lists current statistics on native title agreements and determinations,

FEATURES

An update on the British Columbia Treaty Process

By Mark McMillan*

Is the treaty process that exists in the Canadian province of British Columbia in a state of flux? Has this flux has been caused by the recently elected "Liberal" government, including the Premier of British Columbia Mr Gordon Campbell who has a history of "disagreements" of views that run against the interests and rights of First Nations in Canada? This paper will give a brief overview of the history of British Columbia, the Treaty Commission, and will look at the current referendum before the people of British Columbia. The referendum relates to how the provincial government should negotiate treaties with First Nations within the borders of British Columbia.

History

Canada was not only colonized by the United Kingdom. France has had a major influence in the colonizing process of what is today – Canada. Both colonizing countries actively sought treaties between themselves and the Indigenous nations in what is

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and also has a chronology of caselaw and other key developments in native title. If you would like to receive a hard copy of this kit, contact the NNTT media unit at 08 9268 7315.

New staff member

Sarah Arkley has joined the NTRU as the new administrative assistant, and will be helping out on this Newsletter.

now eastern Canada. One reason as to why the colonizing powers undertook to enter into treaties with Indigenous nations of eastern Canada may be attributable to the disproportionate number of Indigenous Canadians to the British and French settlers.

Brand sets out his reasons why this was the case when he said, "Initially given superior numbers, relative equality of power and military necessity, British and French colonial authorities treated Canadian native societies as roughly equal. Only later did the first nation's "succumb to the growing power of the settler communities."¹

In the province of British Columbia both the provincial and Federal governments took a very different view of their respective relationships with the First Nations of British Columbia.

In 1763 the Royal Proclamation² decreed that only the Crown could acquire land from

¹ Brant R 'British Columbia's approach to Treaty Settlement' in Meyers D ed. *The Way Forward Collaboration and Cooperation 'In Country'* NNTT 1995 at 131

² The Royal Proclamation signed by the King was the cornerstone of modern treaties. However this method of treaty making would appear to be unfair in that it requires Aboriginal nations to cede all their undefined Aboriginal rights for more defined treaty rights. This has been proved to be deceptive as the 'undefined' rights are interpreted by non-Aboriginal people. The concept of Aboriginal groups "ceding,