

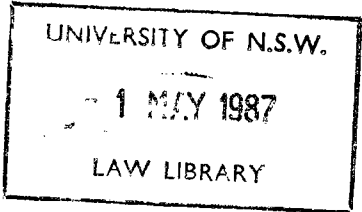
LQ/K1/A26.1 17

ABORIGINAL LAW NOTES

87/1

FEBRUARY, 1987

ISSN 0811 - 9597



~~~~~

Garth Nettheim has returned and now resumes the Chair of the Aboriginal Law Centre. Richard Chisholm after a fine innings as Chair is now happily back in the members stand. Laura Beacroft will continue as Acting Director until 23 March 1987, and then, provided funds are forthcoming, will help research and write a Casebook on "Aborigines and the Law" with Garth Nettheim and Heather McRae. Alastair Walton, loyal employee of the Centre, promises even better Aboriginal Law Bulletins for 1987. The June issue will be on "Environment, Conservation and Aboriginal Legal Issues". Any ideas and contributions welcome!

~~~~~

THE ABORIGINAL LAW CENTRE

Faculty of Law, University of New South Wales, P.O. Box 1, Kensington, N.S.W., Australia, 2033. Telephone: 697-2256 or 697-2252.

Chair: Garth Nettheim  
Acting Director: Laura Beacroft  
Editor: Alastair Walton  
Typing: Bernadette Dattatreyan

Aboriginal Law Notes are distributed to members of the Centre's Network. Subscriptions \$5.00 per annum.

The Centre also publishes the Aboriginal Law Bulletin.

Registered by Australia Post - Publication No. NBP 5530.

New rates for the Aboriginal Law Bulletin

# Subscription for 1987

## New Rates for 1987:

Institutions—\$20 a year for six issues. Overseas Individuals—\$20 surface, \$35 Air Mail. Overseas Institutions—\$25 surface, \$40 Air Mail. (\$ = Australian \$)

## Same rates for 1987 as in 1986:

Individuals—\$15 a year for six issues.

\*\*\*\*\*

### Garth Nettheim's recent travels

I was on study leave between September 1986 - February 1987 working on issues relating to human rights and the rights of indigenous peoples.

I spent time in the United States, Canada, England, France and Switzerland. In Canada I sought up-to-date information on developments. In the USA I made contact with a number of organizations and individuals. In London and Geneva I contacted organizations and individuals involved in indigenous rights issues. A full report will be presented to the Advisory Council of the Aboriginal Law Centre. Copies can be obtained by writing to the Centre.

GN

\*\*\*\*\*

### Visit by Hon. Thomas Berger

Hon. Thomas Berger was chief Counsel in *Calder v Attorney-General of British Columbia* (1973) SCR 313, the case which forced the Canadian Trudeau Government to take Indian claims more seriously. He was also Commissioner of an Inquiry into the social, economic and environmental impact of a pipeline in Northern Canada - the Mackenzie Valley Pipeline Inquiry. As Commissioner he insisted that Indian opponents to the pipeline be funded to prepare their arguments. Recently he published a *Village Journey. The Report of the Alaska Native Review Commission*, Hill & Wang, NY, (1985).

During May and June of this year Berger will be visiting Australia at the invitation of the Centre for Resource and Environmental Studies (CRES). He will be speaking at the UNSW in May and several other places around Australia at other times. Details of his visit can be obtained from Helen Ross, CRES, ANU, GPO Box 4, Canberra 2601 (062-494277). Sponsors are being sought

\*\*\*\*\*

### Visit by Dr Julian Burger

The Anti-Slavery Society for the Protection of Human Rights is based in Brixton, London. It was founded in 1839 and is the world's oldest humanrights organization. Two years earlier, in 1837, the Aborigines Protection Society was established. In 1909, it merged with the Anti-Slavery Society, and the Society still has a continuing function in regard to indigenous peoples issues.

1987 is the 150th anniversary of the establishment of the Aborigines Protection Society, and the 200th anniversary of the departure of the First Fleet from Britain. Dr Julian Burger of the Society will visit Australia for six weeks between April - May to visit Aboriginal communities and others and to report on the current position of Aboriginal people in Australia.

Further details of Dr Burger's visit will be published later. Inquiries can be directed to Paul Coe of NAILSS at (02) 699-9700.

### Books, Reports, Newsletters Received

#### International

Cobo, Jose R. Martinez, *Study of the Problem of Discrimination Against Indigenous Populations*, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, UN, 1985, Vol I, II, III, IV.

Louis Joinet, *Study on amnesty laws and their role in the safeguard and promotion of human rights*, Special Rapporteur Centre for Human Rights Economic and Social Council United Nations, UN, 1986.

International Institute of Humanitarian Law, Italy, under the auspices of Office of the UN High Commissioner for Refugees, *Report of the Working Group on Current Problems in the International Protection of Refugees and Displaced Persons in Asia*.

Cultural Survival Quarterly, Vol. 10 No. 4, 1986, *Children - The Battleground of Change*.

Cultural Survival, "New Titles and Complete Catalog", 1987.

Mariël Otten, *TRANSMIGRAS: Indonesian Resettlement Policy, 1965-85*, International Work Group for Indigenous Affairs (IWGIA), Document 57, Copenhagen, October 1986.

*IWGIA* Newsletter, No. 46, (July 1986) and No. 47 (October 1986).

Indigenous Press Network, NY, *IPN Weekly Report*, Vol. 2, No. 37, 15-9-86.

UNESCO, *UNESCO Review*, No. 10, March 1985; No. 12, August 1986.

#### Australia

*Campaign Against Racial Exploitation (CARE) Newsletter*, No. 81, Dec/Jan/Feb 1987.

Alan Thorne and Anne Ross, *The Skeleton Manual, A handbook for the identification of Aboriginal skeletal remains*, National Parks and Wildlife Service (NSW) and NSW Police Aborigine Liaison Unit, 1986.

*Land Rights News*, Vol. 2 No. 1, November 1986, Ah Kit and Pat Dodson for the Northern Territory Land Councils.

*Tangentyre Council Annual Report 1984-1985*, Alice Springs, NT.

Australian Council of Churches and Catholic Commission for Justice and Peace, *Findings of the National Inquiry into Peace and Justice in Australia*, 1986.

Human Rights Commission, *Aborigines, local government and incorporated associations in WA*, Discussion Paper No. 13, 1986.

Australian National Commission for UNESCO, *Newsletter*, Vol. 2 No. 2.

Frank Donovan for CRES, AIAS, Anthropology Department of WA and Academy of Social Sciences in Australia, An Assessment of the Social Impact of Argyle Diamond Mines on the East Kimberley Region, *East Kimberley Working Paper*, No. 111.

Michael Graceyl, Randolph M. Spargo for CRES, AIAS, Anthropology Department of WA and Academy of the Social Sciences in Australia, The Health of Kimberley Aborigines: A Personal 15 year perspective, *East Kimberly Work Paper* No. 12.

Australian Institute of Aboriginal Studies, *Publications in Aboriginal Studies* 86-87.

Australian Institute of Aboriginal Studies, *Australian Aboriginal Studies*, 1986, No. 2.

#### New Zealand

*A Bill of Rights for New Zealand* (A White Paper), Government Printer, Wellington, 1985.

*Interdepartmental Committee on Maori Fishing Rights - First Report*, Department of Justice, Wellington, November 1985.

Photocopy of 30 entries subject: MAORI, Davis Law Library, University of Auckland, December 1986.

*Finding of the Waitangi Tribunal on the Manukau Claim*, Government Printer, Wellington, 1985.

#### Canada

Brad Morse, Mike Sherry, William Taggart for Chiefs of Ontario, *Intoxicant By-Laws, the Indian Act and Indian Government*, 1986.

Solicitor General, Canada,

*Native Policing in Canada: A Review of Current Issues*. 1986.46.

*Law and Order for Canada's Indigenous People*, 1984-7.

*Native and Non-Native Admissions to Federal Provincial and Territorial Correctional Institutions*, 1985-34.

*An Opinion Study Concerning Causes and Solutions of Problems related to Canadian Indians and Crime Using a Quasi-Clinical approach*, 1984-79.

*Review of the Consultative Papers on the Impact of the Young Offenders Act on Native Juveniles*, 1984-29.

*Native Criminal Justice Research and Programs: Inventory Update, 1985-51.*

*A Study of Manitoba's Northern and Rural Juvenile Courts: Appendices No. 1986-30.*

*Native Victims in Canada Issues in Providing effective assistance, No. 1986-50.*

James C. Hathaway, *Native Canadians and the Criminal Justice System: A Critical Examination of the Native Courtworker Program.*

House of Commons of Canada - *Bill C-93, An Act relating to self-government for the Sechett Indian Band*, as passed by the House in May 21, 1986.

Report of The Task Force To Review Comprehensive Claims Policy, *Living Treaties: Lasting Agreements*, Minister of Indian Affairs and Northern Development, Ottawa, December 1985.

#### USA

Association of American Indian Affairs, Inc., *Program of Activities 1985-86.*

Steven Unger (ed.), *The Destruction of American Indian Families*, Association on American Indian Affairs, New York 1981.

*To Sing Our Own Songs: Cognition and Culture in Indian Education*, Report from a Workshop for American Indian Educators, Association on American Indian Affairs; New York 1985.

*Indian Affairs*, Nos. 106, 108, 109, 110, Newsletter of the Association on American Indian Affairs, Inc.

*The NARF Legal Review*, Winter 1985, Summer 1986 and Winter 1986, Native American Rights Fund.

Indian law Resource Center, Washington, *Resolving Indian Conflicts Out of Court*, May 1981.

Nell Jessup Newton, *Federal Power Over Indians: Its sources, scope and limitations*, University of Pennsylvania Law Review, Vol. 132 No. 2, January 1984, pp.195-288.

National Lawyers Guild Committee on Native American Struggles, *Rethinking Indian Law*, New York, 1982.

Robert T. Coulter, *The Evolution of International Human Rights Standards: Implications for Indigenous Populations of the Americas*, Indian Law Resource Centre, Washington DC,.

#### Asia

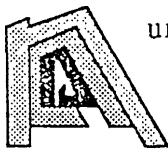
The Asia Foundation, California, *Annual Report*, 1985.

#### Africa

Preston King, *An African Winter*, Penguin, 1986.

# NATIVE AMERICAN STUDIES

## INSTITUTE FOR NATIVE AMERICAN DEVELOPMENT



university of new mexico

1812 las lomas drive, n.e.

albuquerque, new mexico 87131

(505) 277-3917

The Institute for Native American Development is a research institute within the Native American Studies Center, University of New Mexico. The Institute conducts scholarly research, organizes academic seminars and provides technical support in the field of community and economic development to Native American communities in the Southwest. The Institute has a publication series of original works on Native American literature, history, and economic development.

### ECONOMIC DEVELOPMENT SERIES

*Economic Development in American Indian Reservations*

\$8.95

Edited by Roxanne Dunbar Ortiz, Development Series No. 1.

Contains a unique collection of research articles and essays on modern issues confronting tribal economic development as authored by reservation practitioners. 1979, softcover only, 157 pages; ISBN 0-034090-01-7.

*American Indian Energy Resources and Development*

\$5.00

Edited by Roxanne Dunbar Ortiz, Development Series No. 2.

Includes *Transnational Indian Energy Resources and Development* by Richard Nafziger and *The Role of Policy in American Indian Mineral Development* by Lorraine Turner Ruffing. 1980, softcover only, 80 pages; ISBN 0-934090-5.

*Navajo Resources and Economic Development*

\$6.50

Philip Reno, Development Series No. 3.

Formerly published as *Mother Earth, Father Sky and Economic Development: Navajo Resources and Their Use*. Copublished with the University of New Mexico (UNM) Press. 1981, softcover only, 80 pages; ISBN 0-8263-0553-5. Not for Resale (regularly \$7.95)\*

### HISTORY SERIES

*Irredeemable America: The Indians' Estate and Land Claims*

\$22.00

Edited by Imre Sutton with the assistance of Theodore S. Jojola, Nancy O. Lurie, Roxanne D. Ortiz, and Wilcomb E. Washburn. History Series No. 1

Contains essays, narratives and original maps detailing tribal land claim testimony focused on the proceedings of the U.S. Indian Claims Commission. Copublished with the UNM Press. 1985, hardcover only, 421 pages; ISBN 0-8263-0806-6. Not for Resale (regularly \$28.00).\*

### LITERARY SERIES

*Fightback: For the Sake of the People, For the Sake of the Land.*

\$6.95

Simon J. Ortiz, Literary Series No. 1.

Includes original contemporary works of poetry by Acoma poet Simon Ortiz with topics on natural resource exploitation upon tribal lands. Illustrations by Maurus Chino. 1980, softcover only, 75 pages. ISBN 0-934090-03-3.

### MISCELLANEOUS

*The Remembered Earth: An Anthology of Contemporary Native American Literature*

\$9.95

Edited by Geary Hobson

Originally published by Red Earth Press in 1979 and regarded as the premier anthology on contemporary Native American contributions to poetry and creative writing. 1981, softcover, 440 pages; ISBN 0-8263-0568-7. Reprinted by UNM Press; not for resale (regularly \$11.95).\*

*Seasonal Woman*

Luci Tapahonso

\$5.50

Original poetry by Navajo Poet, Luci Tapahonso. Illustrations by R.C. Gorman. 1982, softcover, 55 pages; ISBN 0-940510-04-9. Tooth of Time Press, not for resale (regularly \$6.00).\*

*Native Peoples in Struggle: Cases from the Fourth Russell Tribunal*

\$9.50

Edited by Robin Wright

Essays on indigenous' human rights and rights to development in the international forum.. 1982, softcover, 166 pages; ISBN 0-932978-07-X. ERIN Publications; not for resale (regularly \$12.00).\*

*The Acoma Sheik*

Harry Fonseca, Artist

\$35.00  
(unsigned)

19 x 33 inch, four color, gallery quality offset poster with unique foil stamp applique. Commemorates the 1982, *American Indian Image on Film: The Southwest* film festival sponsored by Native American Studies. Silver Plaque award winner of 1982 Chicago International Film Festival. Depicts "Coyote" as Rudolf Valentino at Acoma Pueblo!

\$50.00  
(signed)

Discounts of 45% are available to booksellers, distributors, and Native American organizations buying 10 or more copies. For less than 10, please figure at 35%. Postage will be added to billing. Returned books will be refunded in full.

For individual orders, please add \$1.00 per book for postage and handling.