

Sovereign Union of First Nations and Peoples in Australia Asserting Australia's First Nations Sovereignty into Governance www.sovereignunion.mobi

Bishop Desmond Tutu

By hand

7 February 2014

Dear Bishop Tutu,

Re: What is the law of the land in Australia?

I am writing on behalf of the Sovereign Union to ask that you accept a good will visit, in order to bring you up to date with our need to alleviate the dire oppression Aboriginal Peoples face in Australia.

As a world figure, who presided over the transformation of South Africa as a nation state, we appeal to you and your level of consciousness to advise us on the healing of pain from long subjugation. Our greatest challenge is to teach our people self-worth and that their lives do have meaning. The devastatingly high suicide rate amongst our people is testimony to the need for major changes and for every death from suicide there are untold attempted suicides.

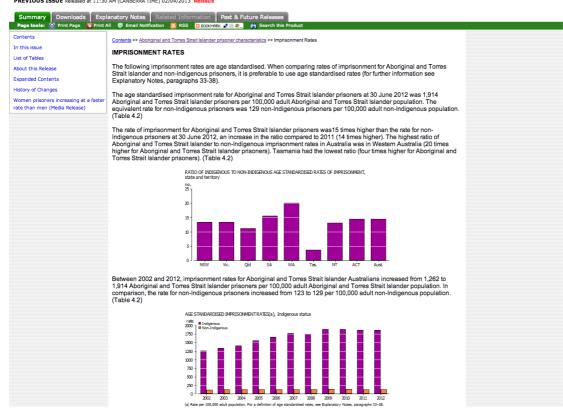
Australia's First Peoples are suiciding at the world's highest rates. <u>*Georgatos*</u> *explains why poor policy, a sense of hopelessness and a loss of identity are some of the reasons why.*

Aboriginal peoples around the world endure disproportionate high rates of suicide, but Australia's divide between its national average and its Aboriginal peoples is one of the world's worst, with Australia's Aboriginal youth suicide rate *the* worst. In total, Australia's Aboriginal suicide rates are higher than those of every African country, third-world countries included, and higher than every country on the planet, with the exception of Greenland.

[http://www.independentaustralia.net/australia/australia-display/the-australian-aboriginal-suicide-epidemic, 5818]

Currently Aboriginality is being criminalized with the result that we have the highest imprisonment rates in the world, higher than South Africa under apartheid. The Australian Bureau of Statistics published the following Aboriginal imprisonment rates for 2012:

4517.0 - Prisoners in Australia, 2012 Quality Declaration PREVIOUS ISSUE Released at 11:30 AM (CANBERRA TIME) 02/04/2013 Reiss



The Australian government's policy is not one that supports customary community collectives as is the case in Aboriginal society. The governments may support individual effort, which is contrary to Aboriginal ways.

Collective community organizational units work from a family orientated background. Our saying is that it takes a community to raise a child, not one parent trying to survive. Aboriginal culture and Law requires a work effort that focuses on community improvements so that all benefit and not one. It is this imposed conundrum between individual rights and collective rights that creates nightmares for Aboriginal communities and the people do not know how to work around and through this conundrum.

During our discussions in diplomatic circles and with the international community the general response to the treatment of Aboriginal Nations and Peoples in Australia has been 'we know it's bad, but what is the solution?'

Over the years our collective Sovereignty Movement has been testing solutions to the degree that now four Nations have declared their independence, their pre-existing continuing sovereignty and continuing statehood: Murrawarri, Euahlayi, Mbarbarum and Wiradjuri Central West and many more are preparing to do so.

On 27 February 2012 we advised UN Secretary-General Ban Ki-Moon of our assertion of our pre-existing statehood and continuing sovereignty, since time immemorial, which has never been ceded at any material time. We also advised of our fears of the potential backlash by Australian authorities to these actions. [see attached letter]

The groundbreaking High Court Mabo (No. 2) judgment confirmed that the status of Australian statehood is but a fragile skeletal framework, through which the High Court admits that this fragility comes from the fact that they are unable to provide substantive arguments about how Australia gained its body of law that provides for the stability and

security of statehood. [at para 43, Mabo v. Queensland (No.2) [1992] HCA 23]

43. However, recognition by our common law of the rights and interests in land of the indigenous inhabitants of a settled colony would be precluded if the recognition were to fracture a skeletal principle of our legal system. The proposition that the Crown became the beneficial owner of all colonial land on first settlement has been supported by more than a disregard of indigenous rights and interests.

In the High Court case *Joosse v Anors* [1998] HCA 77 Justice Haynes examined the basis of Australia's claim to statehood and the only source he could provide was the signing of the Treaty of Versailles:

1. Similarly, the way in which Australia has engaged in international dealings can be seen to have changed since federation. And it may be that the Treaty of Versailles or some other international instrument can be seen as according Australia a place in international dealings which it may not have had before the instrument was signed.

Australia argues that "peaceable settlement" occurred and, according to Blackstone's Commentaries on the Law of England, wherever the English go so too does their law. If this dictum of English common law holds, then the same reasoning applies to Aboriginal people, who frequently refer to the fact we carry our Law with us, on our person.

The Australian constitution has its origin in the 1900 Act of the British Parliament, *Act to Constitute the Commonwealth of Australia* 1900 (UK) is silent about English common law being the law of Australia. An analysis of the constitution reveals it is autocratic in nature and it has no mention of the role of the Prime Minister.

In Mabo (No.2) the High Court held that it could determine its own construct of law, since it had the authority and power to construct its own body of law without having to follow British legal precedence. In the same judgment the High Court recognised that Aboriginal title to land is *sui generis*, unique to their system of law, and that it is an allodial title originating in our ancient and continuing Aboriginal Law and culture. In the final analysis the conflict that has to be concluded is 'what is the law of the land?' in Australia.

We are asking that you receive us on a goodwill mission to discuss issues of your experiences in respect to your success in achieving self-determination and decolonisation from the British colonisers.

Sincerely,

Ghillar Michael Anderson

Head of State of Euahlayi Peoples Republic

Convenor and Joint Spokesperson of the Sovereign Union

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