Sovereign Union of First Nations and Peoples in Australia
Asserting Australia's First Nations Sovereignty into Governance
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The Con in the new Constitutional Recognition Council continues - time that the case for the 'No' vote is equally funded

Ghillar Michael Anderson Convenor of the Sovereign Union, co-founder of the Aboriginal Embassy and Head of State of the Euahlayi Peoples Republic said from Goodooga today:

Having had successful meetings in Canberra with politicians it is very clear that Aboriginal people are being denied our sovereign inherent rights, because our people themselves have not yet grasped the full extent of their Human Rights under international law, nor have our Peoples been able to exercise the rights recognised by the High Court of Australia in Mabo (No. 2).

The basic fundamentals of First Nations' sovereign governance stem from a governing system that already existed on the land, now known as Australia, and to which the British invaders were not automatically a part of. When the British arrived there already existed within Australia a set of laws; institutional spiritual/religious practices; defined territories and boundaries of the diverse tribes; external diplomatic relationships between the different Nations; and an economic and trading system.

There is also evidence that has recently come to light where coastal Aboriginal Peoples in the north and east coast of Australia had foreign relationships with the Chinese of the Ming dynasty. Furthermore, there were trade relations, and marriage relationships between the Yolngu and others in Northern Australia with the Maluku Islands (then known as Moluccas as part of the Dutch East Indies).

Given all of this history there existed a continental common law on the mainland of Australia and

beyond. For millennia there existed in Australia settled laws and customs and ancient social practices, which have stood the test of time. This, under international law, confirms our ability as Aboriginal Nations and Peoples to argue the Act of State doctrine, which is now vehemently expressed when dealing with sovereign inherent rights to govern. Mabo confirms this assertion by us as First Nations Peoples, because as the majority judgement says that Aboriginal Peoples' rights to property have survived the British assertion of sovereignty and the whole of Australia knew that from this moment onwards the validity of their sovereignty and sovereignty rights has now been seriously compromised.

Documented evidence shows clearly that the colonial intruders were confronted with a real legal and political dilemma, when they were corresponding with England regarding representative government on and within the land of the new territories they had invaded. Governor Gipps at the time was in conflict with W. C. Wentworth and his patriotic movement, which was demanding self-governance within the colony of New South Wales. They soon realised, however, that they were not the legal sovereigns of the soil and that they had supplanted themselves on and within someone else's territory.

> "The state of the population in New South Wales presents many difficulties in the way of introducing representative government in that colony,' he explained, 'but I am happy to say, that from year to year the character of that population is changing, that it is becoming more wholesome, and that year by year it approximates more to the character of the population of this country, of Scotland, and of Ireland. As this change takes place, it will be more incumbent on the legislature of this country to give those representative institutions which properly belong to all colonies derived from the race which inhabits these kingdoms. My belief is that whether we introduce these institutions now, or postpone them to a riper period, we shall all unite in opinion, that finally it will be more safe to bestow on New South Wales a representative constitution."
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> [Melbourne, A.C.V, 1934, *Early Constitutional Development in Australia, New South Wales 1788-1856,* Oxford University Press, London.]

Correspondence between England, Governor Gipps and others showed that the only way in which there could be an exercise of legitimate governance was to first increase the population of British subjects on and within the colony.

The population size of the colony was their nightmare from the outset, because they were out constantly numbered by the native population, which is why Governor Phillip was reporting to

England that the size and number of the Aboriginal people was greater than in size and number than they originally expected. When Phillip changed his location from Botany Bay to Port Jackson, he realised:

> "The natives are far more numerous than they were supposed to be. I think they cannot be less than fifteen hundred in Botany Bay, Port Jackson and Broken Bay, including the intermediate coast. I have traced thirty miles inland and they having lately seen smoke on Landsdown Hills, which are fifty miles inland, I think leaves no doubt that there are inhabitants in the interior parts of the country."
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> [Governor Phillip to Under Secretary Nepean, 9 July 1788 in *Historical Records of Australia*, Series I. Governors Despatches to and from England, Vol. I, 1788-1798, Library Committee of the Commonwealth Parliament, 1914, p. 56.]

Then the killings started to 'clear' the land of its inhabitants.

Coupled with the size and number of the Aboriginal population and the limited number of British subjects there could be no legitimacy for forming representative government because legitimate government could only be established the 'inhabiting race' and the British subjects were the uninvited guests on this land, they had no legitimacy. Historical records show that all the legitimacy came form the British Crown itself, as it was in the Crown's name that the colonialists claimed the illegitimate rights to occupy the land as 'first discoverers', under the Christian catholic doctrine of the Pope, the Papal Bulls. This meant that there could be no bone fide legislative government established on Australian soil without Orders-in-Council, Letters Patent and Proclamations of the reigning monarchs of England, in whose name this Country was claimed.

In other words, the invader colonial society did not have legal authority, nor legitimacy, to establish representative government on and within the soil of Australia because they had no legal right, as they were not the sovereigns of the soil and the Crown of England under its law were the only ones who could impose a legal right as the first discoverers, claiming absolute right.

Their illegal endeavours continue to haunt them to this day, as Dr Stephen Davis' 1997 paper to the Samuel Griffith Society of Constitutional lawyers confirmed. When giving advice to John Howard at the time when they were proposing the now infamous ten point plan amendments to the Native Title Act, Dr Davis wrote in ***Native Title: A Path to Sovereignty:***

> The issue of domestic sovereignty is set to dominate future international discussions of indigenous rights, and decisions made by the United Nations, together with precedents in other

> countries, could potentially change the map of this country. Land rights and native title in Australia are examples of a very dynamic debate which is open-ended, and which can be simply linked to international conventions and trends to develop a credible basis for a range of outcomes with far reaching and irreversible consequences.
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> Australians tend to take their sovereignty for granted. That sovereignty is now being contested. We must become more aware of the issues, the players and be prepared to defend our sovereignty if we are to maintain it. [www.samuelgriffith.org.au/papers/html/volume9/v9chap11.htm]

For all these reasons (and more) we challenge the intent of the Constitutional recognition campaign and demand that the case for the 'No' vote is given equal funding to the case for the 'yes' vote, which is currently the only view funded. It takes a member of parliament to request equal funding for the case for the 'no' vote. The recent comments by Co-chair of the Constitutional Recognition Council, Mr Leibler, as quoted by AAP, are enough to send shudders up the spine:

> Mr Leibler said changing the Constitution was in the interest of All Australians.
> "We are not doing a favour here to Indigenous Australians," he said.
> "This is about our self-respect and our dignity as Australians."
> Winning the hearts and minds of Australians, and confronting a potential 'no' campaign, will be the biggest challenge for the Council, Mr Leibler said.

Our well-founded arguments for the case for the 'no' vote are gaining traction. We must not give up no matter the threat. We must endure and fight for the rights that we have as the sovereigns of the soil and resist being assimilated into a governing system with an intent to destroy our freedoms, our independence and self-determination as First Nations and Peoples.

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Background:

Mark Leibler: http://www.kh-uia.org.il/En/Aboutus/struct/World-Executive/Pages/Mark-Leibler-AC.asp