



Sovereign Union of First Nations and Peoples in Australia
Asserting Australia's First Nations Sovereignty into Governance
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Media Release

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Sovereign Union Report of Gathering of First Nations and Peoples Canberra, ACT, Australia 26–27 November 2016

The Canberra Gathering of First Nations and Peoples from 26 to 27 November was a very successful sharing of testimony, knowledge, understanding and strategies.

Delegates came from across this continent—as far away as Oombulgurri in the Kimberley, Western Australia and Atherton in Far North Queensland. Aboriginal and Torres Strait Islander delegates were joined by participants from the Mapuche in southern Chile, Canada, Fiji and Bangladesh. The Gathering was also well attended by youth from across the continent.

The Sovereign Union has learnt from, and recorded, the participants' testimonies from the various areas of 'Australia' of ongoing crimes against humanity, gross violations of human rights, genocide, ethnocide, ecocide and persecution.

The video recordings of presentations will steadily be available on our website [Sovereign Union website](#), [Sovereign Union Youtube](#), [Sovereign Union Facebook](#) as well as on [Vimeo](#).

Opening

The Gathering was opened by veteran campaigner Denis Walker Nunukel, who was at the 1972 Aboriginal Embassy. He identified the need to issue Bills of Cost against the foreign occupying powers, that is, the governments of the Australian States and Territories, and the Commonwealth of Australia, which are but colonies of Britain and which rule 'Australia', not in right of the people, by rather in right of the Crown of England, which is the foreign occupying power.

Keynote Speech

The Keynote Speech, which Ghillar Michael Anderson presented, focused on the fact that the true law of the land is the First Nations Law, which is common across the continent.. 'Australia' has no sovereign legitimacy, as the root of its supposed sovereign authority is the Crown of England. 'Australia' has no legitimacy because 'Australia' is not a true independent State, which can say that it gained its own legitimate sovereign identity when it truly separated from its parent, Britain. In this regard Australia has to be given permission by the parent State to continue to use its sovereign authority over the entire continent of Australia, because that parent state has never ever obtained the true sovereign Law of the land from the many sovereign First Nations States that have continued to exist on this continent from ancient times. Each of these First Nation States continues to hold sovereign powers over the continental common Law of this country.

Ghillar's Powerpoint presentation *Our Law is the Law of the Land* clearly demonstrated that the Law, the Land and sovereignty over it, has never been transferred legally and it is time to understand the depth of what this means and that it is within our capacity to assert our powers and make the necessary changes to ensure the continuity of our pre-existing sovereignty, Law and culture.

The *Pacific Islanders Protection Act 1875* is a legal fact that cannot be denied, no-one (except us) wants to talk about it. It was mentioned in the *Mabo (No. 2)* case, but never examined. The phrase 'her heirs and successors' in the proclaimed version of the *Pacific Islanders Protection Act* clearly binds the current monarch HRH Elizabeth II and her descendants. The *Mabo (No.2)* stated that the Crown never acquired absolute beneficial title and the High Court avoided deciding who really owns the land by hiding behind the fact that the lawyers never asked the question.

Ghillar explained the process the Euahlayi went through to make a Unilateral Declaration of Independence (UDI) and the steps that followed, including correspondence with HRH Elizabeth II, who writes to him as Ghillar, Leader of the Euahlayi Nation.

Ghillar threw out a challenge to the youth present to take up the fight with the knowledge they have gained and in this way take some of the pressure off Elders who have stayed the course, for more than 200 years, based on the notion that Aboriginal and Torres Strait Islander sovereignty over 'Australia' has never been ceded. He called for young Aboriginal and Torres Strait Islander people to organise at least a thousand blackfellas to be in Canberra for Invasion/Sovereignty Day on 26 January 2017 and also for Anzac Day on 25 April 2017 for the commemorative march in honour of the lives lost in the Frontier conflicts, (often called the 'Frontier Wars').

Presentations by Delegates

Delegates heard heart-breaking stories of Aboriginal people reaching out to seek leadership to lead a fight against a genocidal practice of monumental proportions.

Stories of the effects of the Western Australian Government's actions in closing down homeland communities, is a crime against humanity in which the owners of the land are devastatingly persecuted. Grown men and women cried as they listened to heartbreaking and horrible testimonies, from community members affected by Native Title and Indigenous Land Use Agreements (ILUAs), community shut downs, incarceration, suicides, poor health, lack of, and withdrawal of community amenities and attacks on Country through mining and other environmental destruction. Delegates, from First Nations and non-First Nations alike, all felt the pain within and were impacted by this cry for help. First Nations Peoples' search for leadership brings to the surface of our very being the emotional trauma that we carry with us every day. Even the youth who attend wiped tears from their eyes.

Adrian Burragubba, Wangan Jagalungu, Queensland

Adrian Burragubba of the Wangan Jagalungu from Queensland described his struggle against Federal and State governments' support for the Adani coal mine, all of which have absolutely no regard for the wilful and vicious destruction of our sacred waterholes and sacred water spirit of the Mundagurra. Furthermore, there is no consideration of the threat posed by the Adani coal mine of breaching the aquifers which stretch from the Galilee Basin through to New South Wales and into Gomerioi country. The impact of the interference of these sacred waterholes will also affect the Mundagurra's stories in the headwaters, which travel down into the Maranoa rivers, the Balonne and through the Culgoa River in the north-west of New South Wales to the Darling River 30 kms north-east of Bourke. This is not to mention the potential affects of the proposed coal mine on rare native plants, flowers, frogs, our sacred trees and the Great Barrier Reef. These governments and the Adani group have no consideration for our culture and our spiritual wellbeing, nor the humanity of our existence. Adrian's fight will continue in the courts through appeals.

Dean Morgan, Oombulgurri, Western Australia

The forced closure of First Nations communities in Western Australia is full of First Nations and Peoples horror stories of persecution. The testimony of China Dean Morgan from Oombulgurri, near Wyndham in the East Kimberley, told how his community was closed down. He was given an early warning that police were coming in force to arrest all the males in the community. He said, when he asked what would be the reason for charging the men in the community in Oombulgurri, he was informed that the men would be charged for sexual child abuse, which he said was not the case at all and there was no evidence for it. He described how planeloads of police came into his community and arrested the men and transported them to Broome. He then described how, within two months after this event, government officials came in and forcefully removed the children from their community and also transported them to Broome.

When the authorities stopped putting chlorine in the drinking water the mothers then made their way to Wyndham and/or Broome on the promise that the government would house them and make arrangements for a 'better life' than what they had at Oombulgurri. Instead, the people became destitute and had no place to live and no money, so had to camp in the marshes so as not to be arrested for being on the streets of Wyndham. He described the horrors of being stung by swarms of mosquitoes and sand flies in the marsh camps.

This was further exacerbated by the fact that the people could not receive welfare benefits from Centrelink for up to eight weeks after they arrived and so the people had no money to feed themselves and survived on the little charity their own people could afford at this time. When his 83-year old mother was also locked up on trumped up charges, he did not know which way to turn. Many of his people died at this time from pneumonia during the 'wet' and now the suicide rate among the youth is skyrocketing. China Morgan's elder brother—a community leader, who was not even in Oombulgurri on the dates when the alleged sexual abuse took place, is still in gaol nine years later 'on suspicion' and there is no evidence to warrant his incarceration. China sincerely thanked the Sovereign Union for providing an opening for the extent of his Dadawuy People's persecution to be heard and the need for his community to return home; international assistance; money; pro bono lawyers; awareness raising and pressure on WA and Federal governments.

Lidia Thorpe, Kulin Nation, Victoria

Lidia Thorpe of the Kulin Nation in Victoria described how clan groups felt about the proposed treaty process in Victoria that is no longer being driven from a grassroots perspective. Instead the government of Victoria has now changed its focus away from negotiating with grassroots Peoples to a more convenient approach (to the government). The refocused approach now sees government-funded Aboriginal organisations and other service organisations playing the lead role in focusing on the treaty and no doubt in the future will determine the terms and conditions that will be set down in any treaty, and so it is to the 'two bob blackfellas' that the government is now turning rather than continuing negotiations with the true grassroots representatives. It is for this reason that there is a groundswell of resistance to the treaty process. According to Lidia Thorpe, the only thing that we in Victoria appear to have is our outright and absolute objection of the Recognise campaign.

Lidia Thorpe also expressed great concern at what State police are doing about protecting the rights of the occupying power (Government of Victoria) and the way they bashed her sister for standing up against the government. Her sister became the founder of Warriors Against Resistance (WAR).

Christine Palmer, Kaytej, Northern Territory

Hearts continued to break when they heard the testimony of Christine Palmer, a Kaytej grandmother from Barrow Creek in the Northern Territory (NT). She described her grandson who ended up, in his early teenage years, on the treadmill through the NT juvenile justice system, which led him to

the now infamous Don Dale Youth Detention Centre in Darwin, where he was terrorised and stripped of human dignity along with Dylan Voller and other juveniles. She described how he told her of the story of being put in isolation cells with wet concrete floors, wet mattresses, damp bed clothes with the air conditioning turned on. Her grandson said this happened on many occasions. She said he also described how they put him, as a 14-year-old boy, in the adult male prison for six days. When she confronted departmental authorities as to why this was the case, their explanation was that it was an exercise to try instil the fear of adult prisons into the youth, who they had hoped would be deterred in their later adult life from going to an adult prison. Her grandson is now an adult and has gone from one treadmill to another as he is about to be sentenced on trumped up charges. Christine Palmer described her grandson's lawyer as saying these charges were false as he was tried together with two others for the one offence, despite evidence that showed that he was in another place at the time of the commission of the crime. He was found guilty by association and by hearsay of others, two of whom were protecting themselves, and from the history of his juvenile detention that now appears to be working against him as an adult.

Isobelle Anderson, Kirjin Nation, Queensland

Isobelle Anderson of the Kirjin Nation and a spokesperson for the Yidinji, Nargon and Mbarbrum Nations of the Cairns-Atherton tablelands area of Far North Queensland, explained how her daughter reclaimed her sovereignty and handed in her birth certificate, Medicare card, declared her real name and land, and as she kept saying and it all works, they accept it.

Isobelle expressed concern about the Native Title determinations, because the people are awaiting a final determination over a particular area on the Atherton Tablelands, but the Federal Court appears to be playing politics by not presiding over judicial matters. This is represented by the fact that the court appears to be wanting the people to do a long-term lease deal with a white farmer before the court will finalise the determination. This goes beyond judicial bias. This is just simply a denial of natural justice.

Isobelle also expressed concern, when asked about Indigenous Land Use Agreements (ILUAs), that she and the claimant groups indicated clearly that they do not understand the true significance and future impacts that these ILAs will have on their future as Aboriginal people. Isobelle is a well-educated person but the true implications of the ILUA is that Aboriginal people are being asked to sign Indigenous Land Use Agreements (ILUAs) with a surrender clause written into them. This surrender clause pertains to all past acts which include the validation of lands which governments say were extinguished by previous land tenures and they do this without any form of compensation for those illegal past acts. In other words, these 'surrendered areas' as they are described, go right back to when land tenure was first introduced to the squatters who took possession of Aboriginal lands in the 1800s. In order to take possession of Aboriginal lands, squatters and other 'settlers' committed the crime of genocide when they shot and killed First Peoples' to clear the land. It is not mentioned that ILUAs include future rights of local and State governments to do any development on these lands such as roads, railways, pipelines etc because these future acts are viewed under an ILUA as past acts as well and not as future acts which would trigger a right to negotiate.

Richard Evans, Leonora, Western Desert Cultural Block, Western Australia

Richard Evans, of Leonora, Western Australia who is a member of people who are part of the Western Desert Cultural Block, expressed concern that he is now the oldest member of his tribal group at the age of 63. His expression of this fact demonstrated a concern of the morbidity rate of his peers and his parents' generation. Modernity in many respects is killing our people at a rate that is not really spoken about. Richard's concern is that his Nation and Peoples have title to their land, in particular they have exclusive possession rights and/or the lands are reserves lands for his Peoples, but governments completely ignore their own rule of law when they authorise mineral exploration and/or mining on and within his Peoples' territories. It is my understanding that exclusive posses-

sion rights are rights 'as against all other interests', which should be equivalent to freehold. It is very evident that when we talk about non-First Nation land titles, government and police respect the rules of private property, but it seems our titles do not carry with it the rule of private property, especially when we consider that mining companies can explore for minerals, petroleum and gas wealth on and within our lands without our approval. Police extend protection over the extractive industries' machinery and property, but when we confront them to remove their machinery from our lands, the police take the side of the miners, even to the point where Richard was threatened with arrest by the State police for damage of their property, never mind the miners were desecrating his Peoples' sacred land.

Richard also posed questions about what are our rights when looking at the map of Native Title in Western Australia and other States and Territories. Richard pointed out that governments and the judicial system work hand in hand by excluding any First Nations' interest in natural mineral wealth. It is very clear that the courts and the Australian government wage a major discriminatory campaign and practice against our rights to maintain sovereignty over our natural resources by excluding them from the Native Title Act and the judges of the respective courts are then obliged to follow the legislated or codified rules of law under their rule occupation. This is certainly not acceptable.

Uncle Kevin Buzzacott's Message

Kevin Buzzacott, Arabunna, South Australia forward a message via Honey Pynor Stressing how important it is for the Elders to come together in a great Peace Meeting and Ceremony with the Old People in front of the whole country and to be broadcast.

The Recognise Campaign

Alice Haines detailed how government is usurping the three components of Sovereignty: Land, Law and People.

Serene Fernando imparts the true nature of the intent behind the Recognise Campaign's attempts to lure/coerce First Nations into the racially discriminatory Australian Constitution.

Both stressed how fraught with danger this drive by the Commonwealth Government is and that it is imperative our people make the effort to understand the devious ways the Commonwealth is trying to gain sovereignty and assimilate us into their illegal occupying colonial system.

There is a need for this education campaign to reach into First Nations communities so the people understand the manoeuvres behind the Recognise Campaign. They stressed that we only have six months left to fully educate our mob on the pitfalls of the Recognise Campaign, which would result in the take over of all our rights including intellectual property (IP), cultural Law, land, waters and even our own person.

Other factors that were identified as issues of great concern were that all State and Territory governments throughout this country are changing their land laws, native vegetation acts, land management acts and cultural heritage acts, by amalgamating them into the new biodiversity laws, which will see a major land clearing exercise right across this country. These amendments are a major attack on the future existence of First Nations culture and significantly impact on our sacred grounds, our totemic animals and plants as well as reptiles, birds and mammals etc., all of which under our Law and culture are totemic family members. Amendments to existing legislation and new biodiversity laws around this country erase any requirements for Aboriginal people to be given notice before land clearers destroy what is left of our material cultural heritage in the landscape and thus destroy the last remnants of our physical cultural and spiritual being.

Canada-Treaties

Myra Tait, a PhD student at the University of Manitoba, who is comparing 'Indigenous Constitutional Rights', provided an overview of the history of treaties within Canada and subsequent successful court cases. Her presentation to the gathering identified the most successful were those cases taken by non-treaty Nations e.g. *Tsilhqot'in*, 2014 SCC44 compared with those taken by Treaty Nations in Canada.

Pan-African Reparations Coalition of Europe (PARCOE)

Esther Stanford-Xosei, a barrister with PARCOE, the Pan African Reparations Coalition of Europe, skyped in from London and delivered a precise and compelling overview of Reparatory Justice, the healing medicine we are all entitled to.

Roman Law and the South China Sea

Professor Gary Lilienthal, who is head of the School of Law, College of Government and International Studies, Universiti Utara Malaysia, drew our attention to the recent developments concerning the South China Sea in which Russia and China no longer accept Roman law as a legitimate aspect of international law. He also identified that the deaths in custody are death squads orchestrated by governments.

Mapuche, Chile

The Gathering heard from Jaime Huenchullan – an inspiring Mapuche warrior from southern Chile. Through his translator he encouraged our fight and that we must continue the fight no matter what because our resolve to be self-determining and retain our own national identities and languages is an imperative to our future existence. It is our sacred duty.

Native Fiji

Oni Kirwin, Fiji Government-in-exile, spoke of the Unilateral Declaration of Independence (UDIs) two provinces have made to head off the oncoming assimilation by the Fijian 'visitors', now the coupe government which is imposing an illegal constitution.

GOING FORWARD

It was agreed by the youth present, and supported by the Gathering, that the youth put a callout across Australia for a 1000 First Nations Peoples' faces and 2000 feet to descend on Canberra 26 January 2017, Invasion/Sovereignty Day. This will be a *March of Assertion of Our Sovereignty: and dominion over our lands and our territories*. At the same time we acknowledge Queen Victoria for her 1875 Order-in-Council, which denies the occupying power the right to claim sovereignty and dominion over our lands and territories. We are emerging from the belly of genocide, we are healing and fighting back ...

The follow up is a callout for all, on Anzac Day 25 April 2017, to commemorate our dead who perished in frontier conflicts and to gather at the western end of Anzac Parade, Canberra by 10 am with banners and flags from the First Nations and Peoples.

It was also decided to run a two-week Sovereignty School during the winter break on Ghillar's Mogila homeland, Goodooga, Euahlayi Nation.

We say NO to the Recognition campaigns attempts to coerce us into the racist and foreign Constitution. It is not about political activism, it is about our right to be who we are. It is about our right to have a national identity, the right to observe our own ancient culture practices through our ceremonies in our sacred spaces.

It is one thing to be educated, but another to be assimilated.

We cannot expect the thief and the liar to be honourable in their ambition to place us in their Constitution, which belongs to a foreign power. The Constitution is not owned by 'Australia' and is still an Act of the British Parliament. Significantly, Professor Gary Lillianthal reminded us there is no evidence that it was ever signed into law by Queen Victoria.

Why should we be part of a political system that oppresses us, steals our lands, our waters, our natural wealth; desecrates what is sacred to us; steals our children and uses them as tradable commodities to prop up their ailing middle class and its economy.

It was very clear that there is an urgent need to build independent, sustainable communities and to prove to our people that we can do it ourselves, instead of being controlled by the politics of the psychology of poverty and the Two Bob mob sell us out for the crumbs. While ever we keep asking governments for money they keep control

We have to build confidence and belief in our own people that we can do it ourselves by being assertive, taking leadership roles, and in achieving a satisfactory outcome that goes to being self-determining.

We also encourage our communities to be responsible for defending the rights of children against police brutality and abuse while locked up.

It was agreed that our youth and our children are being assaulted in many ways which we argue is designed to break their spirits and destroy their hopes and ambitions.

This impunity by State police is deliberate because clearly State governments have given police *carte blanche*, complete freedom, to exercise 'all means necessary' to control our children. Through this process they are criminalising our communities just for who we are. When children enter the treadmill of the juvenile justice system, they are criminalised for life and this institutional campaign by police and authorities must be referred to the UN Convention on the Rights of the Child (CROC) as soon as possible.

The Gathering agreed that we must urgently focus our attention on protecting our cultural heritage and spiritual beliefs right across this country. Governments have most recently introduced legislation designed to completely wipe out the remaining cultural heritage that exists throughout this country. This is a deliberate assault to destroy our ancient culture, the oldest living culture in the world and to cause mental harm to the group through the destruction of our material cultural icons. There are painfully few outcries by white environmentalists about the impacts this will have on First Nations Peoples culture and spirituality and so we must design programs and campaigns to protect what is left of our cultural heritage by any means possible and at all costs.

The Gathering also agreed that getting our people back on Country is an absolute imperative and we must make every effort to ensure that these communities throughout Australia are trained in capacity building to ensure sustainability for their populations and to improve the quality of life for everyone on those communities. The Sovereign Union will investigate every possible means for this to become a reality so that we can show to our people that *we must be determined and have belief in our own ability to take absolute control of our own destiny*.

An example of this is that we are working outside the government framework to ensure that remote and isolated communities can have their own source of power and be connected to the modern

world through modern communications. All of this is achievable and we are working with communities at this moment.

In the concluding evaluation of our Peoples' current plight, we have been able to define the political psychology of poverty. This has enabled us to understand the cruel and insidious methods of government strategies to just take enough resources into our communities to build a false hope and then use the decline in the national economy as an excuse to defund or shut down successful programs that our people have been able to achieve with limited resources. Then our communities find themselves not 10 steps ahead but 20 steps behind and lose all confidence in being able to achieve anything. This is an enormous blow to the psychology and confidence of our people who seek to be self-determining. This is why we must do it alone with no government money with strings attached. We understand the difficulties and we understand that this is the making of very big calls but if we do not, what then is our fate is anybody's guess.

Finally it has been determined by the Sovereign Union that 'Australia' is by definition an illegal occupying foreign power. Current State, Territory and Federal governments do NOT have independent sovereign authority on their own on this island continent. The only sovereignty that the Australian authorities exercise is the English Crown's sovereignty, including their need to swear allegiance to the Crown. The legislation in every State, Territory and Commonwealth government are enacted in writing in the foreign occupier's name, that is, and only with the signature of the foreign power's proxies, the Governor-General and State Governors, can the laws be implemented.

It therefore follows that the foreign colonial power's assertion of sovereignty does *not* establish the Law of the Land because the Law of The Land is our sacred continental common Law, which belongs to the First Nations Peoples under the Law of Creation, which is connected across this island continent by way of Songlines. Indeed the common law of this continent is our Law of the Land and not the imported foreign occupying power's law from Britain.

The High Court erred in law in *Mabo (No. 2)* when the judges concluded at paragraph 28 that:

It is far too late in the day to contemplate an allodial or other system of land ownership. Land in Australia which has been granted by the Crown is held on a tenure of some kind and the titles acquired under the accepted land law cannot be disturbed.

We should not be surprised that to destroy us and our Law and culture is the best they can do in an attempt to legitimise their occupation.

The reintroduction of languages is not redefining our identity. No, language is only one aspect of our right to practise our culture, our ceremonies and rituals and protection our Creation sites, Story places and sacred spaces. This is what defines us. The assault on our culture is totally unacceptable. We cannot allow the colonial power to wipe out our culture for profit.

Our Peoples are struggling just to survive on the ground and the politics of the psychology of poverty is an effective method of oppression making coercion easier with the 'Two Bob Mob'.

The single biggest threat to humanity and the planet is climate change, but First Nations People in 'Australia' are so busy trying to protect themselves and their children from the authorities, continually trying just to survive, that they cannot focus on this. They are so busy just trying to survive day to day and protect themselves from government assaults, their focus on what it means to be First Nations Peoples and the owners of this continent is also taken away.

This is why it is time to stand and to fight.

If we loose this fight it is all over.

Ghillar

Michael Anderson

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