

Statement by Michael Anderson:

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A Sovereign Treaty is only constitutional reform with the potential of justice for Aboriginal Nations and Peoples

Tinkering at the edges of a profoundly racist constitution is no solution for Aboriginal and Torres Strait Islander Nations and Peoples. A Sovereign Treaty negotiated under international supervision is only constitutional reform with the potential of justice for Aboriginal Nations and Peoples.

Australia is now recognised as the only country in the world with a Constitution which permits racially discriminatory laws (Chair of Oxfam Ms Hedy D’Ancona, Sydney Morning Herald, 30 October 2000).

This was confirmed by Justice Kirby in the Hindmarsh Island case, which confirmed that the ‘Race Power’ section 51(xxvi) of the Australian Constitution allows laws to be implemented which have a *negative* impact Aboriginal Peoples. The Centenary of Federation celebrated this very Constitution, with its apartheid powers.

In his judgment in the Hindmarsh Island case Justice Kirby delivered a chilling warning about the Australian Constitution:

‘...The experience of racist laws in Germany under the Third Reich and South Africa under apartheid was that of gradually escalating discrimination. Such has also been the experience of other places where adverse racial discrimination has been achieved with the help of the law. By the time a stage of “manifest abuse” and “outrage” is reached, courts have generally lost the capacity to influence or check such laws....
[at para 163]

‘The laws of Germany and South Africa to which I have referred provide part of the context in which par (xxvi) is now understood by Australians and should be construed by this Court. I do not accept that in late twentieth century Australia that paragraph supports detrimental and adversely discriminatory laws when the provision is read against the history of racism during this century and the 1967 referendum in Australia intended to address that history. They knew the defects in past Australian laws and policies. And they would have known that the offensive legal regimes in Germany during the Third Reich and South Africa under apartheid were not the laws of uncivilised countries. Both in Germany and in South Africa the special laws enacted would probably have been regarded as unthinkable but a decade before they were made. They stand as a warning to us in the elaboration of our Constitution.

[at para 164]

I am adding to my statement of 20 January 2012 highlighting that the treason and fraud that is being committed against Aboriginal and Torres Strait Islander Peoples can be seen on page XVI of the Expert Report to the government regarding *Towards Constitutional Recognition of Indigenous Australians*, where the panel summarises in respect to European settlement of Australia and admit in their own words that chapter 9:

“...discusses one of the significant issues to have emerged during the consultation process . The aspirations of some Aboriginal and Torres Strait Islander peoples for recognition of their sovereign status.”

Having acknowledged this, the Expert Panel’s conclusions dismiss this key aspect when they conclude the following:

“...that any proposal relating to constitutional recognition of the sovereign status of Aboriginal and Torres Strait Islander people would be highly contested by many Australians, and likely to jeopardise broad public support for the Panel’s recommendations. Such a proposal would not therefore satisfy at least two of the Panel’s principles for assessment of proposals, namely ‘contribute to more unified and reconciled nation’ and ‘capable of being supported by an overwhelming majority of Australians from across the political and social spectrums’. While questions relating to sovereignty are likely to continue to be the subject of debate in the community, including among Aboriginal and Torres Strait Islander people, the Panel does not consider that these questions can be resolved or advanced at this time by inclusion in a constitutional referendum proposal.”

If decisions about our legal, political and social status are to be discussed, then the fundamental principles that under pin a democracy must be invoked for Aboriginal and Torres Strait Islander as well. That is, we must have local, regional and national summits to discuss within our Aboriginal and Torres Strait Islander communities OUR chosen way forward.

Nowhere else in the world would anyone accept what is going on in Australia in respect to this ‘Expert’ Panel’s recommendations. This report is an absolute farce and treacherous, because it is done for the purpose of suggesting to the international community that democracy played its part through a process of consultation, but this recent process is absolutely flawed and, instead, represents a dictatorial approach to forcing against our will Aboriginal Peoples’ patrimony to an invader society.

An example of this paternalistic dictatorship is the proposed ‘Stronger Futures’ legislation about to be rushed through in the Senate on Wednesday 27 June 2012. This is another attempt by Parliament to control the very lives of Aboriginal Peoples, while denying they are asserting a foreign law over someone else’s country, which is colonialism and illegal.

How can this expert Panel promote the notion that this country will be unified and reconciled by a successful referendum recognising Aboriginal and Torres Strait Islander Peoples as the first occupiers of this land? It should be noted that they choose to use the word ‘occupy’, as opposed to saying we the original possessors with possessory rights and title in possessory and proprietary law for the whole of this continent and its adjacent islands and waters.

This whole ‘Constitutional Reform’ process is an absolute fraud upon the Australian population as a whole. From more than 60% of Australia’s current population are immigrants who have fled their own countries to escape tyrannical dictatorships in the hope of gaining freedom, peace and the opportunities to advance their lives free from government interference. But they need to understand that what they fled from all those years ago, and most recently, is what is happening to Aboriginal Peoples

nationwide in this country right now. Under the guise of 'Indigenous people need to be helped and protected because they are incapable of running their own lives' the government is creating conditions of life set to destroy the group in whole or in part.

The immigrants did not accept it in their own country and we call upon these recent immigrants to engage with Aboriginal Peoples to get our side of the story because they will understand what we are fighting for.

Mainstream Australians should not close their eyes and turn their backs on Aboriginal and Torres Strait Islander Peoples, in order to secure their comforts and security at our expense.

Aboriginal Nations and Peoples are now uniting across this continent in an organic movement under the banner of our continuing Sovereignty. We have now created an Interim National Unity Government, which is designing a program to travel throughout Australia and have meetings with our grassroots communities, educating them about our sovereign position and what that means to assert sovereignty as nations and Peoples.

We all understand that Australia is ruling us through the sheer weight of numbers and superior force and we need the population of Australia to support our endeavours, not the social engineering being espoused by governments, which argue that what they do for Aboriginal and Torres Strait Islander 'in their best interest'.

This has been the media spin by governments for the last 225 years and the majority of the Australian population swallows it without question. This is our last major political stand, what 80 year old Uncle Ray Peckham calls 'the last throw of the dice'.

We call upon the Australian population to ask some simple questions, such as, what was the true consultation process used by the Expert Panel and can the Expert Panel provide to the public locations of their meetings and the numbers who attended?

The panel talked to more than 4,600 people, in more than 250 meetings in 84 locations across the country and received more than 3,500 submissions.

Now the constitutional recognition campaign, euphemistically called 'You Me Unity', has a new Deputy Campaign Manager, Tanya Hosch, who is past director of the Rio Tinto Aboriginal Fund. It is not hard to imagine why transnational corporations are taking over the campaigning on behalf of the government.

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