

ABORIGINAL SOVEREIGN



MANIFESTO OF DEMANDS



**National Aboriginal Freedom Movement
Aboriginal Embassy, Canberra, Australia**

CONTENTS:

DECLARATION from the Freedom Summit held at Mparntwe (Alice Springs, NT) on 27 - 28 November 2014

Aboriginal Sovereign Manifesto of Demands

The legal and political foundations for our demands

New pathway forward to locating solutions

Interim measure of goodwill, leading to full reparations and compensation by the Commonwealth of Australia:

- ❑ Country
- ❑ Families and children
- ❑ Education
- ❑ Racist and inappropriate legislation

ABORIGINAL SOVEREIGN MANIFESTO OF DEMANDS

DECLARATION from the Freedom Summit held at Mparntwe (Alice Springs, NT) on 27 - 28 November 2014:

After meeting at the Old Bungalow, Mparntwe (Alice Springs, NT) on 27 and 28 November 2014, a group of Nations Peoples have issued a declaration, below several key aspects are highlighted:

"We, the Original Sovereign Peoples and Heads of Nations being assembled at the Old Bungalow, Mparntwe (Alice Springs) declare the Independence of our Nations and Peoples. We also declare that we have and continue to be independent Sovereign Nations under the designation of the United Tribes of our Lands.

In our collective capacities we declare that we will not permit any legislative authority separate from ourselves to exist on our Lands, nor any function of the colonial governments to be exercised within the said Territories, unless authorised by the appropriate people or persons appointed by us. Our authority originates from the ancient Law/Lore of the Land, also referred to as the continental common law of Australia.

We gathered at The Freedom Summit to respond to the extreme assaults from all levels of government hitting our communities including but not limited to:

- ❑ historic and growing rates of incarceration;
continuing stolen generations;
- ❑ a suicide epidemic and;
- ❑ the growing death rate from preventable diseases.

In addition, governments have shamefully announced intentions to close down communities in Western Australia and South Australia. Oombulgurri in WA has already been bulldozed – this is an act of aggression in an open genocidal process, on top of the continuing apartheid and land clearances through the Northern Territory Intervention.

At this Freedom Summit grass-roots leaders from across the country have gathered to say enough is enough. To our people suffering, we say - there is hope.

We have nominated a steering committee to take the struggle forward. We are planning future Freedom Summits to discuss the vision of our true national representation with bigger numbers and to strategise ways forward. "

ABORIGINAL SOVEREIGN MANIFESTO OF DEMANDS

PRESENTED TO COMMONWEALTH GOVERNMENT ON 9 FEBRUARY 2015

We, the Aboriginal Sovereign Peoples with the National Aboriginal Freedom Movement demand that the Commonwealth of Australia begins negotiations to establish a time frame for our decolonisation, through Treaties under the Vienna Convention on the Law of Treaties with the legitimate authorised representatives of each Nation State. This will form the basis of the recovery framework for the healing from the devastation wreaked upon Aboriginal Nations and Peoples by State sanctioned genocide and gross violations of human rights.

This can only be achieved when there are true and meaningful negotiations. The strength of our proposals have been given concrete foundations when the High Court Mabo (No. 2) decision agreed with and cited the 1888 Privy Council decision of St. Catherines Milling & Lumber Co. v. The Queen (1888), 14 App. Cas. 46 (J.C.P.C.), when they ruled that 'Aboriginal Sovereignty survived British occupation'.

Moreover, the Commonwealth government fails to admit and continues to deny the legal fact that was confirmed in Mabo (No. 2) when the High Court concluded that the British did not gain beneficial title to the land:

It is not surprising that the fiction that land granted by the Crown had been beneficially owned by the Crown was translated to the colonies and that Crown grants should be seen as the foundation of the doctrine of tenure which is an essential principle of our land law. 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. [at para 49]

By their own admissions the Commonwealth, State and Territory governments cannot identify any original radical land title. As cited above it cannot be accepted that the High Court concludes that Australia has 'tenure of some kind'. Aboriginal Nations hold Allodial title, which has never been negotiated away at any time.

We reaffirm that Aboriginal Nations and Peoples have legal ownership of all the land and nurture it for future generations.

The High Court in Mabo (No. 2), on the other hand, made a contradiction when it recognised that there exists within this country an Aboriginal common law in ongoing property rights, which have their legal foundation in the ancient Aboriginal Law and customs. The British/Australian common law now recognises Aboriginal Law and customs in both fact and law, and admits that the Aboriginal Law and customs are not a construct that has their origins in the British/Australian common law, but stands alone as the original Law of

the Land, which they agree is sui generis, unique.

It is from these legal contradictions that we must work to create a framework for the peaceful and lasting solutions that confront us as Aboriginal Nations and Peoples, in respect to taking our rightful place in Australia's continental legal system and polity, which we have been denied since 1788.

Further, from 1979 to 1984 Malcolm Fraser led the Liberal National government and agreed with the former National Aboriginal Conference (NAC) on the principle prerequisite to negotiating a Treaty. The Commonwealth government represented the people of Australia, and the nationally elected NAC represented Aboriginal Peoples and Torres Strait Islanders. It was agreed by both parties that the question of pre-existing and continuing Aboriginal Sovereignty and the continuing Allodial property rights have survived British occupation. The continuing property rights of Aboriginal Nations and Peoples were later confirmed in Mabo (No. 2) in respect of the legal status of pre-existing and continuing Aboriginal Sovereignty, which the Australian High Court concluded that contested sovereignty is a matter that cannot be contested in any municipal/domestic court in Australia.

It is from this premiss that the National Freedom Movement lays before the Commonwealth Parliament and its people our proposition for ending the 227 years of dispute.

The legal and political foundations for our demands are based on the following international legal rules and principles:

A. UN General Assembly Resolution 1514 (XV) 14 Dec 1960, Declaration on the Granting of Independence to Colonial Countries and Peoples which states that the General Assembly:

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

...

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

...

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their

national territory,

...

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end Declares that:

The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

-

All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected. ...

B. Denial of the Right of Self-determination under UN General Assembly Resolution 2625 (XXV) 24 October 1970, Declaration on Principles of International Law concerning friendly relations and co-operation among States in accordance with the charter of the United Nations (A 8082) is a breach of international law.

C. A new constitution for the Federated Republic of Australia must include a Bill of Rights and all the rights recognised under the UN Human Rights conventions, including the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD); and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

D. The free prior and informed consent of Sovereign Aboriginal Nation States is required for the decisions. Any new constitution must eradicate any association with Britain. The monies currently allocated for the 'recognise campaign' should be reallocated to allow Aboriginal Nation States to come together and discuss the issue of whether or not to be part of the new constitution for the Federated Republic of Australia.

E. The recent Resolution A/RES/69/2 dated 15 September 2014 of UN World Conference on Indigenous Peoples re full implementation of UN Declaration on the Rights of Indigenous Peoples and the need for Indigenous Nations and Peoples to be self-governing and self-determining states:

39. We request the Secretary-General to include relevant information on indigenous peoples in his final report on the achievement of the

Millennium Development Goals.

40. We request the Secretary-General, in consultation with the Inter-Agency Support Group on Indigenous Peoples' Issues and Member States, taking into account the views expressed by indigenous peoples, to report to the General Assembly at its seventieth session on the implementation of the present outcome document, and to submit at the same session, through the Economic and Social Council, recommendations regarding how to use, modify and improve existing United Nations mechanisms to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, ways to enhance a coherent, system-wide approach to achieving the ends of the Declaration and specific proposals to enable the participation of indigenous peoples' representatives and institutions, building on the report of the Secretary-General on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on the issues affecting them.

We have exhausted all legal domestic remedies and will proceed to take a case to the International Court of Justice (ICJ) using jus cogens powers.

A number of Australian High Court cases, including *New South Wales v Commonwealth* [1975] HCA 58; (1975) 135 CLR 337 (17 December 1975) referred to as the Seas and Submerged Lands Case and *Joosse & ANOR v Australian Securities and Investment Commission* M35/1998 (15 December 1998) were unable to locate a time when Australia became an independent Nation State. There is no one day that can be truly called 'Australia Day', unlike other countries that can celebrate an Independence Day, when they were liberated from their colonial masters.

It must be understood that a solution for peaceful-co-existence can only be achieved when there are true and meaningful negotiations, which must include a Truth Commission, along the lines of the South African model.

Australia cannot continue to deny its Black History. The world has openly admitted the evil of the Hitler Third Reich regime and its genocidal horrors and human rights atrocities during the second world war. Australia can no longer deny the genocide perpetrated against Aboriginal Peoples since 1788, as Justice Crispin confirmed in the ACT Supreme Court:

There is ample evidence to satisfy me that acts of genocide were committed during the colonisation of Australia.

[at para 78 In the matter of an application for a writ of mandamus directed to Phillip R Thompson Ex parte Wadjularbinna Nulyarimma, Isobel Coe, Billy Craigie and Robbie Thorpe (Applicants), Tom Trevorrow, Irene Watson, Kevin Buzzacott and Michael J Anderson (Intervenors) [1998] ACTSC 136 (18 December 1998)]

We demand the Commonwealth of Australia to enact the full force of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The new legislation must take away the necessity of the Attorney-General to approve a case against genocide, as currently enshrined in the International Criminal Court (Consequential Amendments) Act 2002.

All parties need to enshrine a peaceful solution to end the ongoing 'scourge of colonialism', which continues to take its toll on Aboriginal Nations and Peoples throughout Australia. To this end we seek an immediate commitment and action from the Commonwealth, State and Territory governments to refrain from continuing to perpetrate the grave humanitarian crisis inflicted upon Aboriginal people.

In light of the continuing assault on Aboriginal people, land, Law and culture we refer to past dialogue between Committee on the Elimination of All Forms of Racial Discrimination (CERD) and Aboriginal delegates. We demand that the CERD recommendation:

...the Committee recommends that the State party consider the negotiation of a treaty agreement to build a constructive and sustained relationship with Indigenous peoples. [CERD/C/AUS/CO/15-17/CRP.1]

be implemented and enacted as a matter of urgency.

Accordingly, the National Aboriginal Freedom Movement demands the following as a new pathway forward to locating solutions:

Australia must become an independent Federated Republic. As the Nations and Peoples we call on the Commonwealth of Australia to immediately commence the process of decolonisation, based on successfully negotiated Sovereign Treaties with all Aboriginal Nations States. From this a new constitution must be enshrined that will truly represent a complete liberation from the apron strings of the mother country, Britain, and Australia can then stand alone as a true unified Federated Republic.

For a new Federated Republic of Australia to be possible it needs to consist of all defined Aboriginal Nation States and there must be an agreement through individual Sovereign Treaties that Aboriginal Law is included as part of the new legal system of the Federated Republic of Australia.

It is imperative that Nations and Peoples' sovereignty, which has never been ceded, is to form the basis of the new Federated Republic of Australia and in the process local and state governments become redundant. This will establish massive cost savings and prevent duplication of administration due to the three tiers of government.

All Allodial land title must remain with the Sovereign Nation States and mining authority be issued from these States, as is recommended to UN by the Final report of the Special Rapporteur, Erica-Irene A. Daes, on Indigenous peoples' permanent sovereignty over natural resources [E/CN.4/Sub.2/2004/30 13 July 2004].

Revenue:

We demand our full share of all revenues raised from the past, present and future exploitation of the natural resources of Nations and Peoples' land. This will serve to provide the appropriate economic resource to rebuild our Nations; to recover our physical, emotional, social and spiritual well-being; and to establish culturally appropriate governance.

This National Freedom Movement condemns all Aboriginal collaborators, paid or voluntary agents of the colonisers;

As an interim measure of goodwill, leading to full reparations and compensation; we call for the Commonwealth of Australia, including State and Territory governments, to implement:

Country:

- a. Repeal the Native Title Act as amended in 1998 and enter into Sovereign Treaties with full free, prior, informed consent.
- b. Culturally appropriate methods to restore, protect and preserve vast areas of Country that are under threat or desecrated, in order to permit the regeneration of totemic animals and plants, natural ecosystems and waterways, according to the appropriate Universal Declaration on the Rights of Mother Nature;
- c. A moratorium on mining and other development ministerial approvals, which would result in the desecration of sacred and religious sites;
- d. Restore land ownership to the Aboriginal Nations and Peoples concerned without any encumbrances;
- e. An immediate moratorium on the shutting down of homeland communities all over Australia. As part of the reparation process consultations commence immediately, in respect to micro-economic development within each Nation to assist in sustainable development, which must include all appropriate infrastructure;

Families and children:

- a. A moratorium on the removal of Aboriginal children from their families be activated immediately and that each state and territory government commence community consultations forthwith in respect to children identified as at risk. Immediate arrangements be made to restore those children already removed to their Aboriginal family. Community management plans be put in place to support these mothers, fathers and extended family in their healing and well-being;
- b. All children who have been institutionalised and forcibly removed are to be released immediately back to their communities
- c. We totally oppose the adoption of Aboriginal children into an alien culture.
- d. An independent review of Commonwealth, State and Territory

judicial processes and laws that cause the over representation of Aboriginal juveniles and adults in Australia's prison systems. Such a judicial review must be conducted under international scrutiny and be witnessed by the UN Rapporteur on Independence of the Judiciary;

- e. Funding to be made available immediately to establish in key regional centres throughout Australia, as nominated by Aboriginal Peoples and their Nation States, for the establishment of appropriate designed centres that are to address social and economic problems that lead to the escalating community frustrations, because of the poverty that eventually results, in most cases, in the removal and institutionalisation of our children, including the imprisonment of adults;
- f. All people in prison for non-payment of fines and driving without a licence be released immediately and appropriate arrangements be made for their supported return to their community;
- g. A moratorium to be put in place in respect to the Western Australian law of the 'three strikes' and that the parliament commence immediately cease using this law and repeal it and other laws that have similar legal effects in all colonial States;
- h. Tribal Elders to be released from prison forthwith. Each of the tribal Elder's cases be the subject of independent judicial review, with a view to understanding the judicial and government purposes for imprisoning them;
- i. Immediate appropriate free public transport be made available to all rural and isolated Aboriginal Nations communities, based on the eastern states community transport initiatives already in existence;
- j. Governments to immediately effect remedy and closure for Deaths in Custody. We demand an end to police investigating themselves and to have our own elected people to investigate police abuse and coverup with each incident in all States and Territories;
- k. We demand an independent national reporting system on all issues affecting Aboriginal people, including forced removal of Aboriginal children, youth and adult incarceration, and Aboriginal youth suicide;
- l. Subsidise isolated and rural driver training programs in order to provide drivers licenses for community members, thus avoiding unnecessary imprisonment;
- m. As part of the reparations package, the colonial governments to immediately fund community-controlled local trauma, grief and loss centres after full consultation and consent with each community. This may assist in addressing the high suicide rate;

Education

- a. A history module of the educational curriculum be developed to teach the real history of this Country, and that bilingual cultural programs be commenced throughout the continent at every level of the educational curriculum;
- b. Reinstate education in the mother tongue language of each Aboriginal Nation. We demand our universal right to educate our own children at all levels without interference of any foreign body;
- c. **Racist and inappropriate legislation**
Immediately commence legislative reviews of all legislation with the view to repealing all the racist laws that subjugate Nations and Peoples. These laws have enormous impacts on the Aboriginal populations, while not having the same degree of impact on the non-Aboriginal population. Many of these racist laws are responsible for the high rates of suicide, incarceration and forced removal of children;
- d.v) Immediately repeal the Northern Territory Intervention, also known as Stronger Futures;
- e. Immediately repeal all laws that serve to criminalise Aboriginality and otherness;
- f. A new national cultural heritage framework to protect all sacred sites and key Storyplaces. Aboriginal religion and spirituality connect every Aboriginal Nation and People on the continent and off the coast through our Creation Songlines. Each Nation must be granted ownership and control of their own cultural heritage and inheritance under their Law and custom. Any refusal and/or resistance is in violation of international legal norms and is a violation of Section 116 of the existing constitution of Australia [Freedom of religion]. We must have the right to practice our religion through ceremony as this is a fundamental Human Right in all civilised societies and cannot be interfered with;
- g. We call upon the Commonwealth, State and Territory governments to immediately refrain from issuing 'Consent to Destroy' permits, mining tenements and/or exploration licences without the free, prior and informed consent of each Nation concerned. The colonial 'national interest' cannot take precedence over Aboriginal ancient religion, spirituality and beliefs, which have been held from time immemorial and the Beginning of the Aboriginal Law of the Dreaming.



KOORIWEB.ORG

BRISBANEBLACKS.COM

INTERCONTINENTALCRY.ORG

NATIONALUNITYGOVERNMENT.ORG

FIRSTNATIONSLIBERATION.WORDPRESS.COM