Position Statement for Referendum Council's National Meeting at Uluru on the 24-26 May 2017

By the assembled Sovereign First Peoples at the Sovereign Union sovereignty workshops at the Aboriginal Embassy, Canberra

23 April 2017

We the sovereign peoples gathered at the Aboriginal Embassy state the following:

That we require independent international legal advisors to scrutinise the consequences and any possible future ramifications of what is being proposed by the Referendum Council, because there are contested sovereignties.

The Referendum Council's campaign is not just about recognition of Aboriginal people as the first inhabitants. We understand that there is no longer any discussion about a preambular statement of recognition in the Australian constitution. We know that it is predominately about including a constitutional head of power within the constitution itself that seeks to grant power and authority to the executive government and the Parliament of Australia to pass laws for Aboriginal and Torres Strait Islander people.

Currently Aboriginal and Torres Strait Islander race are outside the political and legal system of the colonial occupier state, as the use of the word 'race' in the constitutions race power is vague and it is unknown as to who exactly the law can apply to, furthermore, it lacks the initial consent mandate from our ancestors for us, as free and sovereign Peoples to be embedded in the foreign occupiers lawmaking document in the first place, to give it actual validity in law as being lawfully binding arrangement.

The only constitutional head of power that gives the national parliament the power to pass laws for Aboriginal and Torres Strait Islander Peoples is section 51 (26) - the race power. This fact clearly demonstrates that the government does not have any legislative power other than the race power to pass laws for Aboriginal and Torres Strait Islander People, thus their need to have a constitutional referendum and attempt to grant to themselves the power and lawful ability to pass laws for Aboriginal and Torres Strait Islander Peoples, without having to adequately gain our full free prior and informed consent as required under international conventions and norms.

Any continuing sovereign rights that we currently have will be wiped out if a referendum of this kind is successful. The Referendum Council's chosen facilitators (the two bob mob) cannot be permitted to participate in the voting process because they have a direct conflict of interest as paid employees. Parties with vested interest cannot deny us our purported democratic rights to be independent decision makers from the Federal Australian corporate government.

The current national deliberative process is flawed for the following reasons;

a) First Peoples generally have not been sufficiently consulted in accordance with our Law and culture. This failing is inclusive of, but not limited to, insufficient information distributed in the respective languages that are still spoken across the continent and not fully consulting all tribal and clan families.
b) The refusal to respect the assertion by First Peoples that sovereignty has never been ceded, nor have we been conquered in any declared war against our people by the British.
c) First Peoples throughout Australia have not been fully informed in an unbiased manner of the true nature and consequences of constitutional recognition and inclusion.
d) First Peoples have been denied true democratic representation due to a flawed selection of invited delegates, as was requested by the Referendum Council, which disregarded cultural laws and custom in respect to representation and decision making powers.
e) The Referendum Council has no mandate from First Peoples but rather is acting in the capacity as advocates for and on behalf of an occupying corporate government's interest.
f) Some regional dialogue meetings were not open and transparent which prevented us from recording the proceedings thereby ensuring that the reports written up from these dialogues meetings were a true representation of what was said, and what was concluded by the participants in attendance.

g) The consultation process is not inclusive but rather exclusive based on a statement that there is insufficient funds to consult with all First Peoples' tribes and clan families throughout Australia. With this being the case there can be no consensus mandate elicited from the people because our sovereign inherent rights have been violated, thereby negating any extraction of a national First Peoples' free, prior, and inform consent, which is being sought at the Uluru meeting
h) It cannot be accepted that the issue of sovereignty is left off the agenda in this process, just as it is not acceptable that the expert panel acknowledged that the issue of sovereignty was a central theme to their enquiry, but concluded in their report that it was their opinion that it is too difficult a question to present to the Australian public.
i) It is incorrect for the Referendum Council's facilitators to suggest that continuing Aboriginal sovereignty will not be impacted by any successful outcome in respect to the proposed constitutional reform.
j) It is not true to say that our sovereignty will not be acquiesced or ceded if a referendum is successful through the Referendum Councils national deliberative convention process.
k) It must be understood that in the absence of a material legal fact being specifically stated within the constitution that the parliament of Australia's right to pass laws for Aboriginal and Torres Strait Islander Peoples will not affect the continuing sovereignty of First Nations. Then our rightful claim to our inherent sovereignty and our sovereign rights and interests will be not protected.

And we demand the Referendum Council and this gathering at Uluru call upon the Australian government to resource First Peoples to conduct a referendum amongst First Nations of the continent of Australia, asking the question: "Do we, the Sovereign First Nations, Tribes and Clan Families agree to be included in a British Act of Parliament known as the Australian constitution?"

Having read the regional Dialogues online from the Referendum Council, we acknowledge that many delegates to the Dialogues refuse to be a part of an unlawful regime that admits that they are a foreign occupying power, and rule in the name of the Crown under British Crown sovereignty.

In summary, as Ghillar, Michael Anderson referred to the case *Advocate-General of Bengal v. Ranee Surnomoye Dossee* (48) (1863) in which Lord Kingsdown used the term "barbarous" to describe the native state of a settled colony and how English law is imported into colony:

> *Where Englishmen establish themselves in an uninhabited or barbarous country, they carry with them not only the laws, but the sovereignty of their own State; and those who live amongst them and become members of their community become also partakers of, and subject to the same laws.*
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> "The key to understanding the Recognise campaign and the role of the Referendum Council, that is, the Commonwealth government and the High Court understand full well that their claim to sovereignty is based on an internationally recognised wrongdoing and their only way out is to coerce First Nations Peoples to 'become members of their community, become also partakers of, and subject to the same laws and belief.' This is their only hope of countering our Sovereignty Movement."

The above statement by Ghillar is a true reflection of the government's attempt to gain First Nations Peoples acquiescence through deceit, which is an act of fraud against our people. The sovereignty movement's momentum continues to grow by providing our people with an understanding of our international rights as sovereign peoples and the pathway out of the poverty and oppression through self-determination, self-governance, independence, and full reparations.