

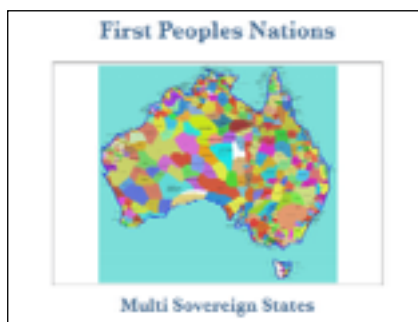
Sovereignty & Recognition Basics

Part 1

Sovereignty

Sovereignty Definition: "A political society, or state, which is sovereign and independent." (Black Laws Dictionary 2nd Edition)

Sovereign State: Definition: A Sovereign State is Sovereign People within a given land boundary that has it's own established Governance.



- Each Nation is its own Sovereign State
- Australia prior to Colonisation was already Multi Sovereign States



- States and Territories have their own Sovereignty Jurisdictions
- Each State and Territory has its own flags signifying the Sovereign State or Status.
- State and Territory Legislations for land such as land rights acts which are now overridden by Commonwealth Legislations



- The Commonwealth was established in 1901, Over 100 years after British initial settlement.
- The Commonwealth is its own Sovereign State Jurisdiction which is growing its foundations by the syphoning of Firs Peoples Sovereignty known as Usurp

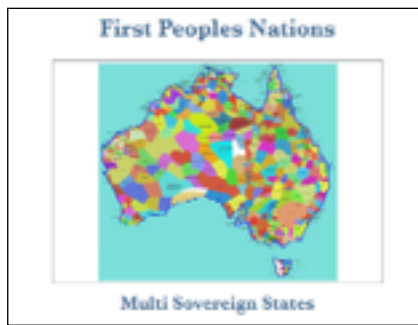


- Aboriginal is its own Sovereign State.
- It is an amalgamation of all the Individual Nations in Australia except the Torres Strait Islands whom have their own flag and Sovereign State or status.

In summary for the Australian Government they have State and Territory Jurisdictions acting as Sovereign States



- The Commonwealth is obtaining Sovereignty by taking our Sovereignty by carefully strategically splicing out components at a time



- Every Time a Nation signs a Native Title agreement the Sovereignty of that Nation is Transferred via the Prescribed body to the Australian Commonwealth



- The more Native Title contracts that are signed then the Sovereignty of the Aboriginal Nation becomes weaker

- **The Aboriginal Tent Embassy in Canberra sits on International Land in the Parliamentary Grounds.**
- **The claim of Sovereignty pulls the Aboriginal Nation out of Jurisdiction under the International Law called Sovereignty.**
- **The Sovereignty is weakened by the Usurping of the Australian Government.**
- **The Australian Government usurps First Nations Peoples Sovereignty via Native Title, Welcome to Country, Land Lease Agreements and other various agreements or Consent processes.**

Sovereignty & Recognition Basics

Part 2

Land Rights vs Native Title

Land Rights

For decades and decades our people across the country were fighting for their rights to Land. There were countless protests across the country. Many know this as the 'Land Rights' struggle.

The States and Territories after much public pressure eventually gave in to quarantining land under the various Land Rights Acts. Some sacred sites became protected under Heritage Listing.

The Government has never had power to make Laws for our people so they created Land Councils to gain the Consent for the Land Rights Acts to be established.

Native Title

"Native title is the recognition in Australian law, under common law and the Native Title Act 1993 (Cth), of Indigenous Australians' rights and interests in land and waters according to their own traditional laws and customs." <http://www.atns.net.au/extglossary.asp?GlossaryID=230>

The LAND ADMINISTRATION ACT 1997 states in part 9, that the Government hold the 'Compulsory acquisition of interests in Land'.

The Native Title Act 1993 was created after the Mabo 2 Decision where ‘Terra Nullius’ was over thrown which was enacted 1st January 1994. The consent by First Nations People to make this Law was given by the ‘Magnificent 7’ comprising of Noel Pearson, Marcia Langton, Lois O’Donohue and others.

The Consent for the Native Title Act was granted without proper consultation or mandate by First Nations People of Australia.

Native Title and Land Rights Act

The following provides the difference between Native Title and the Land Rights Act by the Australian Government.

“There are fundamental differences between land rights and native title. Land rights are rights created by the Australian, state or territory governments. Land rights usually comprise of a grant of freehold or perpetual lease title to Indigenous Australians.

By contrast, native title arises as a result of the **recognition**, under Australian common law, of pre-existing Indigenous rights and interests according to traditional laws and customs. Native title is not a grant or right created by governments.” Source: <http://www.ag.gov.au/LegalSystem/NativeTitle/Pages/default.aspx>

Notice that the Native Title ‘arises as a result of the **recognition**, **under Australian common law**, of **pre-existing** Indigenous rights?’

The Australian Common Law is where the Sovereignty of The Australian Government had started to grow it’s Sovereignty from. The Australian Government began to **usurp** First Nations People Sovereignty after Terra Nullius being over thrown which also over turned their Sovereign claim.

Sovereignty & Recognition Basics

Part 3

Reconciliation

Reconciliation is a known legal accounting term to wipe past debts.

'Reconciliation' in the Black Laws dictionary 'analogous' to “condonation.” Condonation is further explained as a ‘Conditional Remission, which protrudes to a “a release of a debt”’.

Reconciliation was created by the Coalition and Joe Hockey to release the Australian Government of any financial obligation to the unlawful Colonisation of Australia. The Australian Government relies on the endorsement of First Nations People for Reconciliation.

“In May 2006, the then Minister for Human Services, the Hon Joe Hockey, MP, the Acting Secretary of the core Department and each of the Human Services Agency Heads signed a statement of commitment to reconciliation.”

(Department of Human Services, Reconciliation Action Plan)

What has Reconciliation have to do with Recognition?

“Recognition has a lot to do with reconciliation—the two go hand in hand.”

(Reconciliation Australia Website) <http://www.reconcile.org.au/home/resources/constitutional-recognition> Sovereignty & Recognition Basics

Part 4

Recognition

What is Recognition?

In the Black Law's Dictionary 'Recognise' is to 'enter into a recognisance'.

What is Recognisance?

Recognizance

This was a formal acknowledgement before witnesses of a binding transaction between parties. Making the acknowledgement before legal authorities, or reporting it to them, with a view to having it registered in court rolls, established an official record to which reference could be made to prove or disprove subsequent legal disputes related to the transaction; this was superior to any other means of proof. Recognizances could be applied to the incurrence of a debt, a transfer of real estate (including via testamentary bequest), or certain disclaimers of rights to real estate.

Recognizances represent a consensual situation, as opposed to the adversarial situations legal authorities more often dealt with, and were intended to avoid the risk of drawn out legal disputes. In situations where property involved in a transaction was considered by the law to be jointly owned by a husband and wife (normally this was the case with property owned by a woman prior to the marriage), it was required for the wife to make a personal and free-will acknowledgement (before the authorities) of consent to her husband alienating the property.

Source: (Medieval English Towns - Glossary <http://users.trytel.com/~tristan/towns/glossary.html>)

The Australian Government will attempt to collect all ownership of our lands by entering into RECOGNIZANCE”

Aboriginal and Torres Strait Islander Peoples Recognition Act

1st Sunset Clause

On the 7th February 2013 the Sunset Clause ‘Aboriginal and Torres Strait Islander Peoples Recognition Act 2013’ was passed through the House of Representatives. This sunset clause had a duration of 3 years.

2nd Sunset Clause

On the 26th February 2015 the ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES RECOGNITION (SUNSET EXTENSION) BILL 2015 was passed through the House of Representatives. This bill extended the ‘Aboriginal and Torres Strait Islander Peoples Recognition Act 2013’ until 2018.

The Bill highlights ‘Human rights implications’ and states that “This Bill does not engage any of the applicable rights or freedoms.”

Nick Hobson highlighted in his submission to the ‘Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples Submission’ that The Recognition of Aboriginal and Torres Strait Islanders People will complete The Australian Constitution by giving it “absolute sovereignty” (Nick Hobson)

Nick Hobson also noted that in ‘Section 128 of the Australia Constitution (at clause 9 of the Constitution Act) is not available as it now stands to amend the existing preamble of the Constitution Act.’

Noel Pearson Proposal

Noel Pearson recommends:

Constitutional reform: Amend s 51 (xxvi) of the Constitution (the Race Power) to become a power to make laws with respect to Aboriginal and Torres Strait Islander Peoples.

Did You Know?

Western Sahara Case

In 1975, the International Court of Justice confirmed in the Western Sahara Case that, where an indigenous people exercise a traditional use of passage and/or, a usufructuary right, that land cannot be regarded as terra nullius - land belonging to no-one.⁽⁵⁾ Aboriginal sovereignty continued unextinguished despite the Spanish colonists' claim that the land was terra nullius.

In a separate opinion, Judge Ammoun referred to Mr Bayona-Ba-Meya, Senior President of the Supreme Court of Zaire, who dismisses the materialist concept of terra nullius and substitutes a spiritual notion:

... the ancestral tie between the land, or 'mother nature', and the man who was born therefrom, remains attached thereto, and must one day return thither to be united with his ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty... (6)

In the Western Sahara Case the claim of terra nullius had to give way to the original sovereignty of the indigenous owners due to evolving International legal standards.