

## THE SOVEREIGN UNION

The Sovereign Union is a Union of First Nations Peoples in Australia.  
It was formed at a meeting on June 12-14, 1999.

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*~ Indigenous Peoples & Land ~*

**WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS TO ELABORATE  
A DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES.**

**GENEVE.**

**July 26 – 30, 1999.**

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the EUAHLAYI NYOONGAHBURRAH  
and the SOVEREIGN UNION.<sup>1</sup>**

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## *Indigenous Peoples and Land.*

**Madam Chair,**

**Once again I thank the chair for this time.**

**Fellow brothers and sisters I submit to this forum that the Chair obtain copies of the 1981 papers on 'Indigenous Ideologies and Land'. In these papers, Madam Chair, are statements by some of our elders whose wisdoms and knowledge has been captured for time to come.**

**What I don't understand, Madam Chair, is why are people being asked to be repetitive. Surely, you have sufficient data on this topic to prepare a report full of knowledge and wisdoms of our Peoples on land and its significance.**

**For me to conclude my input on this topic is for me to say that, Land is the very essence of our existence. It is our mother, it gives us life, it gives us all the necessities for our health and wellbeing, spiritually and physically.**

**I wish to read a poem written by an elder from home, this poem I believe is a statement made by our mother earth:**

### *First Born*

**Where are my first-born, said the brown land, sighing;  
They came out of my womb long, long ago.  
They were formed of my dust – why, why are they crying  
And the light of their being barely aglow?**

**I strain my ears for the sound of their laughter.  
Where are the laws and the legends I gave?  
Tell me what happened, you whom I bore after.  
Now only their spirits dwell in the caves.**

**You are silent, you cringe from replying.  
A question is there, like a blow on the face.  
The answer is there when I look at the dying,  
At the death and neglect of my dark proud race.**

**I put it to this forum that we must move on. There are issues that must be dealt with as a matter of urgency. To listen here and have the forum being told that what we say now will become the issues for the next forum represents a major fraud on the part of this working group.**

**Why are we asked to come and attend such an important place as this only to find that we are attending a fact finding mission. Some of you may say that yes this maybe so and we need to do this, but I put this to this forum that we are not dealing with the issues. The issue is the draft Declaration and in particular the issue of our sovereign rights, that I submit, automatically gives us the right of self-determination.**

**There are wars going on in some of our communities between the colonial Governments and the people who are very humble people, but have realised that the survival of our MOTHER EARTH and their very right to exist is what has to be defended.**

**I submit that what I have been seeing here over the past three days echoes the way in which the Australian Government operates a program of fraud and deceit. They use nice words that sound so soothing to the ears. Money, Money, is all they can offer, as my brother from Australia said yesterday: Money is the way our oppressor maintains his control over us. We want our mother returned to us. As the poem tells us MOTHER EARTH is crying, I gave you life, I once provided for you, now I need you to look after me. The resources that she has and all the things natural will provide for us. We are the protectors of the land and her resources. If they are to be exploited, it will be us who will establish a management program for any exploitation of this wealth with the advice of the great spirits and our elders.**

**If we cannot gain our right to decide, this United Nations must be prepared for the conflict that will escalate throughout the world of the Indigenous peoples. We are defending our Mother, against a united nations based on forced law. That is, when we resist, they send in the armies. At present we are defenceless against tyranny. Remember that the colonists of the past were lead by ruthless churches and dictators. GOD AND GOVERNMENT. Something they always told us we never had.**

**The Australian Government, in presenting their paper, has presented a silver tongue smooth sounding well orchestrated government working relationship with Indigenous Peoples. What they have not told this forum is:**

**1. A Federal Court decision is being awaited by Indigenous Peoples as to whether we are able to prosecute the Prime Minister and his government for genocide. The government is arguing that it does not have any domestic laws against genocide.**

**2. In March this year the CERD (Committee for the Elimination of Racial Discrimination) found Australia to be guilty of major violations of the Convention on the Elimination of All Forms of Racial Discrimination. Australia is to come before the CERD again on August 16 this year.**

**3. The Native Title Act 1993 as amended is a legislative regime consistent with Articles 3 and 17 of the German Socialist Workers Party manifesto, which set out the Final Solution for the Jews in Nazi Germany. In these articles they said they needed lands for future acts, such as settling the growing population and to guarantee land interests and securities for food production and the public need for wealth and job opportunities, all at the expense of our commonlaw Native Title rights.**

**4. What the Australian government doesn't tell this forum, about the Boards of Education and vocational training for Indigenous Peoples, is that the National Education policy was designed and drafted by white bureaucrats. Also the newly funded education policies are very restrictive and will effectively cut back quite significantly the number of Indigenous persons going into higher education.**

**5. The talked of Indigenous Land Fund Commission and the amount of money they provide is also misleading. They do not tell you , when and if they purchase land, that in the event of buying freehold land (that is in fee simple) they convert this land to Native Title, an Aboriginal land title that is an inferior title. We do not have the legal right to negotiate these lands as a commercial asset, because under the legislation, the Minister's**

approval has to be sought first before we can deal with the lands. He holds the power over our right to deal with land.

7. They spoke of commercial . Recently, the Indigenous Land Corporation purchased land for my People as traditional owners and my Aunty signed for this. Now they send her a letter that until \$3 M is repaid to them, they will retain the land title. My people became concerned because they don't understand why this should be.

It turns out that the Indigenous Land Corporation purchased the land only, while the Aboriginal Development Corporation made a loan to the Commission to purchase all land improvements and stock on the properties. As a condition of this grant a white advisory body on business is appointed. This committee consists of white pastoralists and others.

My People have little to no right to decide and feel that the debt of \$3M will be used to manipulate and control us. This is not self-determination. .

I wish to conclude by saying that the Australian Government has set aside \$1.5M to pay for the National Farmers Federation in Australia to fight me and my People over our Native Title claim, in the hope of re-opening Wik. For my part, my lawyers are defending and fighting without any funding but to fight for right and justice.

We put to this forum that Australia continues to act in accordance to the instructions issued to Governor Phillip in 1786 when he was instructed to found the colony, according to the rules and disciplines of war. We are still waiting the the peace process to begin.

A positive development has occurred at this forum in that dialogue has commenced with mining companies. Now I call upon the Office of the High Commission on Human Rights to convene and continue meetings for future dialogue on this matter.

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