
ABORIGINAL SOVEREIGNTY BOTH VIABLE AND EXERCISABLE

Thus by no Principle in Law has Australia a legal claim to the Sovereign Root Title over this land.

The British claim to acquisition of sovereignty has been based on an untenable fiction without legal authority, negotiation, instrument of acquisition, nor indeed, is the claim within the legal bounds of British or international law.

The acquisition of a legal position can only be maintained if it is firmly established, within the framework of legal standing based upon both application of legal precedent and acceptable to the Law of Nations.

To acquire a sovereign legal position over a territory and its possessors and inhabitants, the legal instrument must be in the most precise and unequivocal terms, capable of clear intent and direction and, when translated, admit to no aberration, misconstruction or anomaly. The legal instrument must be incapable of causing omissions, negation of direction, nor abrogate the clear direction of right inherent in the party or parties specified in that instrument. In effect, unless and until natural rights are specifically circumscribed or abrogated in unequivocal terms, which agrees to give land in return for rights, compensation or natural benefits, the rights remain.

The sovereign or legal personality perceived to reside in or enable the enforcement of a law, has to take cognisance in good faith of the specific inherent right, and, in strict conformity with lawful process of establishing a derivative root title of sovereignty to the standard of principle under the law of nations in order to establish a valid sovereign status for the coloniser.

When a sovereign nation legally claims 'possession' and sovereign root title over a territory, and afterward establishes a legal personality, that national personality becomes enshrined as the authoritative entity with all sovereign right intact and unassailable.

Where a national personality, however, has *illegally* assumed a possessory and sovereign right over an inhabited land by the unlawful means of terror, murder, invasion and fraud, and without declaration of war, such as is instanced in Britain's claim to sovereignty over these our lands, the natural right of the original possessor and the Sovereign Aboriginal Estate thereon does in no way become erodable, nor does the original indigenous root title languish or become extinct. (If such were the case, then any robber or entity with criminal intent could well deprive a citizen or nation of a rightful possession, cut out the victim's tongue, claim a possessory right over those goods unlawfully obtained and claim the victim's right

to redress has been extinguished, by removal of the ability to speak and status to representation is therefore lost according to international criteria.)

Despite the event of Britain's assumption of 'sovereignty' and 'possession' over our inhabited lands, this fraudulent claim and assertion as to its 'vacant' or 'unoccupied' condition does not and cannot give legal credence to the invader (Britain/Australia)

Nor can a legally constituted sovereign lawfully expand his territory by departure from the recognised legally binding practice of the day to embrace the role of the usurper and robber baron.

Where an act in good faith by a representative of the crown results in an illegal statute or act of state, the continuation of the anomaly can in no way regularise nor enshrine that anomaly as a legal act or position.

Where anomalies arise so as to deprive nations, People, or an individual of those inherent rights, then continuation of the anomalies do not, by the mere passage of time, erode the right that exists in law, nor enshrine the anomaly as an acceptable institution or article within the law.

Where the doctrine of *terra nullius*, has assertively been advanced as a reason to establish the claim of sovereignty over inhabited lands, or lands wherein Aborigines exercise a possessory and natural usufructuary right in common, that assertion and claim of sovereignty, on the basis of *terra nullius* has been dismissed in contempt and in no way given legal credence.

Where the doctrine and assertion of '*peaceable settlement*' has been advanced, as a reason to establish the claim of sovereignty over lands, wherein the Aborigines have suffered invasion, terror, annihilation of representative structure, group imprisonment, denial of human right, having their ancient and customary law overturned and outlawed by the oppressor, who refuses human right and protection within his own legal framework, such contraversion of fact does not itself give credence to that assertion.

In both the foregoing instance, Britain's claim to any 'legal' entitlement or 'sovereignty' is without legal foundation and cannot be presumed to hold any status or superior right over and above that right that is held as our inherent right as original indigenous possessors. In effect, all such ulterior claims as evinced in the British claim to 'sovereignty' over these our lands are without legal foundation and therefore *legally null and void*.

Aboriginal sovereignty and the substance thereof is both viable and exercisable. The fact that the 'ancient law of the kingdom' has never been legally extin-

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guished means that it is still in force and that indigenous right takes precedence over all alien jurisprudence. The recognition of our inherent possessory and sovereign right does not rest solely upon our knowledge and the laws and traditions of our ancient culture. Rather, our rights rest upon international law.

In effect, the ancient ruling method by which we effected our government of peoples, defined our

manner of land ownership and rights, exercised our executive controls in Nation State did not then, and does not now, require our laws to be akin to, nor decipherable to those of Britain nor Australia. The fact of Aboriginal Dominion, possession, usage, tradition and law was, and is, sufficient unto the facts at law in International Principle.

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