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## The push for a treaty with Indigenous Australians and why some don't want recognition in the Constitution

Kerry Brewster  
ABC-TV - *Lateline*  
27 April 2016

Transcript:

**MATT WORDSWORTH, PRESENTER:** It's been nearly 50 years since the historic referendum, when Australians voted to recognise Aborigines and Torres Strait Islanders in the census and empower the federal government to make laws for them.

Today the National Congress of Australia's First Peoples released the results of another poll: and where Indigenous communities stand on the issue of constitutional recognition.

It reveals 47 per cent back recognising Aboriginal Australians in the document, but there's even stronger support for a treaty.

The survey shows that 68.8 per cent of the National Congress members agree that should be the first priority before recognition. Such a treaty would be similar to the First Peoples' treaties in New Zealand and Canada.

Nayuka Gorrie is one young Indigenous woman with some pretty strong views about the need for a treaty. Her essay on the subject went viral after first being published online by Vice.

Later we'll be joined by Tanya Hosch, who leads the campaign to recognise Indigenous Australians in our constitution and Tony McAvoy, Australia's first Aboriginal SC, who advocates for a treaty framework.

But first: here's Nayuka gory delivering her provocative essay, produced by Lateline's Kerry Brewster.

*And a warning: it contains strong language. And to our Indigenous viewers: there may be images of people who have died.*

**NAYUKA GORRIE, AUTHOR:** My name is Nayuka. I'm a Gunai/Kurnai, Gunditjmarra, Wiradjuri and Yorta Yorta woman.

What do Andrew Bolt, Cory Bernardi and I have in common? We all don't support constitutional recognition.

My reasons, however, are very different from theirs. I really believed in it, probably for the same reasons you might. Racism sucks and shouldn't be in the Constitution. Certain clauses stink and need to go. And surely it doesn't hurt to mention some truth in this old document.

Right now, I just want to yell: "F\*\*k your recognition." I know you think it's the right thing to do, but I don't want it and we don't need it.

I want a treaty.

A treaty forces you to see me as an equal with a separate identity, history and culture that has existed for tens of thousands of years. Recognition forces me to ask to be seen by you in a colonial system that I don't want to legitimise.

F\*\*k that.

Imagine for a moment: you're living in this sick share house. You have rules, you have food and you all pay rent on time. Then suddenly, some random starts rocking up and uses your s\*\*t and your utilities. After 228 years you're like, "Hey, bro, can we talk about that time you moved in and didn't ask?"

**DUPLICATE OF NAYUKA GORRIE** (as 'housemate'): Hey, I made this joint better. You should thank me for squatting.

**NAYUKA GORRIE:** They've made themselves so comfortable that your only real choice is to ask them to sign onto the lease. "We were here first," you say. "Pay the bond. You keep putting holes in our pristine walls."

But instead, this housemate says they will recognise you and they will ask all their friends which way would be the best way to do it. All you want is this housemate on the lease.

This is what the Government have done: pulling together a crew to explore different constitutional recognition models, largely made up of old white men. Many of the consultation panels held by these experts were invitation only, excluding voices of the broader black community.

(Footage of Yothu Yindi performing 'Treaty')

**MANDAWUY YUNUPINGU** (sings): Treaty, yeah / Treaty now...

**NAYUKA GORRIE:** Treaties are legal mechanisms between two parties that recognise one another's sovereignty. Like any negotiation, some people get stuff and some people lose stuff.

So far, this whole invasion meant us losing stuff, getting scraps and being told to be thankful. The thing we want recognised is our sovereignty.

We fought. We were massacred. We were subject to genocidal policies. But not once did we give up our sovereignty. Time may have gone on, but the elephant in the share-house remains and continues to grow.

Most colonised nations have treaties. In fact, Australia is the only Commonwealth country without one. They aren't perfect, but they are tangible and are a good bloody start.

Another concern I have is that constitutional recognition is entirely symbolic. Symbolism does matter, but it needs to be coupled with something real and tangible.

Take, for example, the 2008 apology.

**KEVIN RUDD, PRIME MINISTER** 2007-2010, 2013 (13 Feb. 2008): As Prime Minister of Australia, I am sorry.

**NAYUKA GORRIE:** Kevin Rudd's words don't mean much to me when we have more black kids than ever being taken from their homes.

This is a fluff piece for white people to feel good about themselves without any implications for the real world, which is why it's appealing.

It is the legal equivalent of sharing that dumb Kony video: nice, misguided and does f\*\*k-all.

**JASON RUSSELL, INVISIBLE CHILDREN** (Kony 2012 campaign video): For 26 years, Kony has been kidnapping children into his rebel group, the LRA.

**NAYUKA GORRIE:** I'm just one of over 500,000 black people in Australia. There are a few blackfellas who want recognition and a few that don't - and I don't pretend to represent anyone but myself.

But together, we make up less than three per cent of the Australian population. Even if every single black Australian voted against constitutional recognition, we still wouldn't have the numbers to outvote the rest of the country, who are being told: "Vote 'yes'."

Let's try another metaphor. Say you're in an auditorium with a bunch of other people: 97 of them, to be exact. There are three spare seats up the front that you and your two friends want, but every single person has to vote to decide if you get them.

"Can't we just take the three up the front?," you ask. "Hey, the front is rad but you can't just decide where you sit," the reply comes. "We all get a say, you fascist."

This is where we really are.

Black Australia has been in the room the entire time. We were there first, but where we get to sit is still being decided by people who aren't us.

Democracy is tops, but I can't see any point in any political action that disempowers people in the process without any meaningful outcomes. What would be even more tops - and I'm sure at least a couple of you would be thinking this - is to maybe just ask us what we want to do and where we want to sit.

Right now, black people across the country are mobilising the push for a treaty. And right now, I ask that you back them.