

Five factors that will shape the outcome for 'recognise' at Uluru

Politicians are hoping for a consensus to come from the constitutional recognition conference this week. It's unlikely to happen – here's why



Dancers from East Arnhem Land at the opening ceremony for the Indigenous constitutional recognition convention in Mutitjulu near Uluru on Tuesday. Photograph: Lucy Hughes Jones/AAP

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Australia's federal political leadership wants a momentous thing from this week's big meeting of Aboriginal and Torres Strait Islander delegates about constitutional "recognition" at Uluru.

Ideally, it wants the 300 or so delegates to emerge late this week (50 years since the 1967 referendum gave the commonwealth power to legislate for Aboriginal and Torres Strait Islander people) with a decision about how to constitutionally recognise Indigenous people that can be put to another peoples' vote.

After Uluru, they want the referendum council to finalise a proposal for federal parliament's four "pro-recognise" Indigenous MPs, known by some in the delegation as the "four trackers" – Ken Wyatt, Linda Burney, Patrick

Dodson and Malarndirri McCarthy – to deliver to federal parliament for bipartisan blessing ahead of a “recognise” referendum next year.

Given the disparate experiences of delegates and their divergent views (on recognition versus treaties and another publicly-funded elected Indigenous representative body, reconciliation ahead of public truth telling, and agreeing to recognition when sovereignty has never been surrendered), anticipating agreement on so momentous a proposition vastly underestimates the complexities.

But then again, our white politicians have always imposed expectations on Indigenous political comportment and consensus-making they’d never self-apply.

So, if you’re following events at Uluru this week, here’s five things to bear in mind.

1: The settler state’s founding document

Since British invasion in 1788, Indigenous people have not surrendered the continent to the occupier. As the sign outside Canberra’s Aboriginal Tent Embassy reminds us, “Sovereignty – never ceded”. Many Indigenous people, their views reflected by some in the Uluru delegation, have no desire to be recognised in the federated settler state’s founding document.

At 12 community dialogues (from which delegates are drawn) ahead of Uluru, Indigenous people raised fears recognition could indicate ceded sovereignty. An almost overwhelming priority at the community meetings was for treaties ahead of recognition, amid expressions of concern that the formal process of reconciliation in Australia came before any conciliation (read treaties) on divisions that began at 1788.

2: Truth telling

There have been suggestions from mainstream Australian politicians – taken up by some black leaders – that the constitution’s preamble ought to contain some “poetic” reference to Indigenous continental history. Such poetry would bely an honest reflection of history and there’s been virtually no interest in it from the community meetings.

Discussions focused heavily on the need in Australia for a South Africa-style public truth process to deal with the orchestrated violence against Aboriginal people (mass shootings, burning of bodies, widespread poisoning, the theft of children, the violence of “native police” against other Indigenes) and associated assimilationism that conspired to vanish them.

Proponents argue truth telling should be intrinsic to treaties which could – if there was a later desire – precede some form of later constitutional recognition.

3: Lessons of history

The historical symmetry and symbolism of neat consensus at Uluru is irresistible for federal proponents of recognise, who've sunk tens of millions of dollars into the PR "Recognise" campaign. But Australian history continues to betray our Indigenous people.

Yes it's 50 years since 1967. But it's also: 25 years since Paul Keating's Redfern speech ("We took the traditional lands and smashed the traditional way of life: We brought the diseases. The alcohol; We committed the murders; We took the children from their mothers."); 25 years since Australia signed the United Nations declaration on the rights of Indigenous peoples; a decade since the Northern Territory "intervention"; 30 years since the beginning of the royal commission into black deaths in custody; 20 years since the national inquiry into the stolen generations.

Keating remains the only political leader to acknowledge, unqualified, colonialism's malevolent impact on the Indigenous. Australia continues to effectively ignore the UN's criticisms. The intervention's use of troops to combat alleged child abuse in communities remains near impossible to justify on policy or law enforcement grounds.

Just a few of 339 recommendations of the black deaths in custody royal commission have been implemented and the situation regarding Indigenous fatalities during incarceration has worsened. No compensation has been paid to members of the stolen generation (Kevin Rudd gave a rhetorically and legally specific, recompense-evasive, apology) and Indigenous children are still removed in disproportionate number.

4: Too little post-1967

The Federal Council for the Advancement of Aborigines and Torres Strait Islanders and the earlier Aboriginal Australian Fellowship were predominantly non-Indigenous organisations that proved critical to the black struggle for "yes" at the 1967 referendum which gave the commonwealth powers to legislate for Aboriginal and Torres Strait islander people.

The prime minister Harold Holt was eager to move quickly to respond to the sentiments expressed by more than 90% of Australian voters. But he disappeared in late 1967 and his immediate successors, John Gorton and

William McMahon, were, respectively, uninterested in and hostile to, Indigenous rights.

The Whitlam government moved quickly on limited land rights which the Fraser government legislated; the Keating government responded to the high court's Mabo ruling with native title legislation that – while welcomed – remains limited and vexed for some Indigenous peoples who must prove continuous association with land based largely on the evidence of white mapping and anthropology. The Howard government scrapped the Aboriginal and Torres Strait Islander Commission and reverted to policies underscored by assimilation. Indigenous policy, including on the intervention and recognise, has since been largely bipartisan.

Australians voted “yes” in droves in 1967 and Indigenous support for the referendum was far more widespread and unified. But the discomfiting truth remains: Australia has been utterly remiss since then on advancing Indigenous outcomes.

5: Whose vote?

Should Uluru arrive at a form of words for a “recognise referendum”, whose voices will carry it across the line to win broad voter support? Indigenous activists are at best divided on the broad proposition (see point 1), while non-Indigenous voters will not be subject to the same consensus (white, middle-class) activism of the likes of Jessie Street and Faith Bandler that led to the 1967 outcome. Legitimate Indigenous divisions would be far more pronounced this time, while illegitimate (racially motivated) opposition from reactionary columnists and megaphone shock jocks would likely resound.

Less than 60% of Aboriginal and Torres Strait Islander people are enrolled to vote. Their formal voting rate is far lower than average. Perhaps 40% of Indigenous Australians would cast formal votes in any referendum. And how many of them would vote in favour of any referendum proposition that comes out of Uluru? How conclusively could any outcome reasonably be said to reflect the will of Indigenous people?

The politicians privately hope, therefore, a “white” vote can carry any proposition, symbolic or otherwise.

And that's worth considering while discussions end at the rock late this week, half a century after the 1967 referendum promised so very much but resulted in so pitifully little.