

The Guardian

A year on, the key goal of Uluru statement remains elusive

The Indigenous convention was hailed as a breakthrough but constitutional reform is yet to gain bipartisan support

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Anangu elder Rolley Mintuma performs a dance at the closing ceremony of the Uluru convention exactly a year ago. Photograph: Calla Wahlquist/The Guardian

In the 12 months since it was signed by a gathering of about 300 Aboriginal and Torres Strait Islander people at Uluru, the canvas bearing the official copy of the Uluru statement from the heart has travelled to five states and territories in Australia.

The statement is a proposal of constitutional reform that would establish a constitutionally enshrined First Nations representative body to advise parliament on policy affecting Indigenous peoples and commit Australia to a process of truth-telling of its colonial history through the establishment of a Makarrata commission.

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The official canvas, now painted and signed, was presented to Malcolm Turnbull and Bill Shorten at the Garma festival in the Northern Territory and appeared alongside John Butler at the Woodford folk festival in Queensland.

Its words have been declaimed to crowds both solemn and cheering across the country and count among its supporters the disparate voices of Yawuru Labor senator Patrick Dodson, rightwing broadcaster Alan Jones and former prime minister Kevin Rudd.

But despite public willingness to consider its proposals, the key proposition – for a constitutionally enshrined Indigenous voice to parliament – has yet to gain the bipartisan support.

In October, the prime minister said the proposal was neither “desirable nor capable of winning acceptance at referendum”, was inconsistent with democratic principles because only Indigenous Australians would be able to be or elect members of the representative body, and would “inevitably become seen as a third chamber of parliament”.

Instead, the government announced a joint parliamentary committee to consider the Uluru statement in the context of other proposals for constitutional reform.

For many Aboriginal and Torres Strait Islander people, it felt as if the clock had been reset.

Those at Uluru last year felt they were witnessing a paradigm shift, witnessing the largest ever consensus of Aboriginal and Torres Strait Islander people on a proposal for substantive recognition that had improbably been drafted by constitutional conservatives.

It was hailed as a breakthrough, a line in the sand. But Australia has drawn plenty of those over the years, and the wind blows them away. The Yirrkala bark petitions in 1963, the Larrakia petition in 1972 and the Barunga statement in 1988 all called for self-determination and a recognition of First Nations sovereignty alongside other demands for land rights. Recognition has not been granted.

Dodson was at Barunga to see Bob Hawke accept and later reject the call for a treaty and is intimately familiar with promises of reform being brushed away.

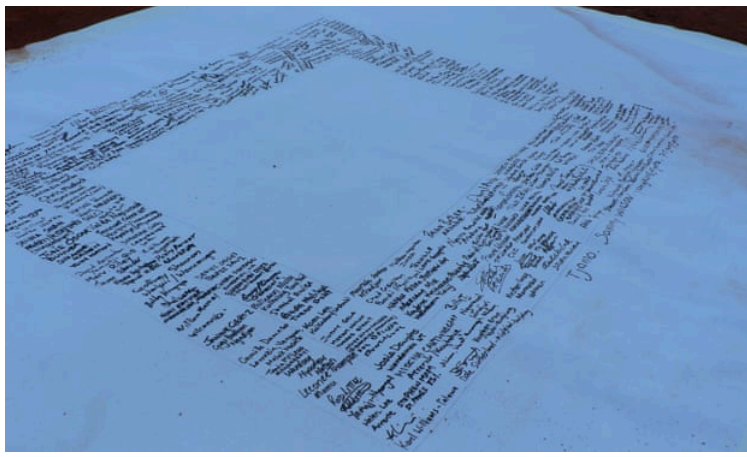
It leaves First Nations people with only one possible approach, he said. When the line in the sand is erased, you step up and draw the line again.

“Because the longer we leave the command of the jurisdictions over us, the greater we become disinherited,” Dodson told Guardian Australia.

Dodson led the attempts at reconciliation that followed Barunga and was a member of the 2012 expert panel that put forward one model for constitutional reform and recognition prior to joining parliament.

He will co-chair of the current joint parliamentary committee with Liberal MP Julian Leeser, which is currently open for submissions and due to produce an interim report by 30 July.

Dodson said the parliamentary committee is a necessary step to fill in the detail of the proposed voice to parliament, which was not provided by the Referendum Council report. (The council argued that determining the scope of a body reporting to parliament was a matter for parliament.)



The canvas signed by delegates at the Uluru convention.
Photograph: Calla Wahlquist/The Guardian

Dodson is also not necessarily in favour of the full scope of the Uluru statement reforms as expanded by the Referendum Council, saying that a constitutionally enshrined voice offered a weaker legal protection against discrimination than changes to the race power proposed by the expert panel. But he said the scale of the consensus at Uluru - the largest ever reached on this issue among Aboriginal and Torres Strait Islander people, although many people were not represented - should not be ignored.

“People with strong views on different sides of the argument were able to come to a consensus view about the way forward,” Dodson said. “I would not be dismissing that very lightly. But many years ago I was at Barunga when Bob Hawke promised a treaty. And we said, ‘oh, that’s a beauty’, and as soon as he got back to Canberra the opposition said if you pass a treaty we’ll tear it up the next day. So, you know, 30 years on I’m still talking about let’s keep working to achieve these things.”

A treaty remains the end goal, but the argument against it becomes more entrenched with every passing year since the Union Jack was planted in 1788. Because a treaty was not negotiated at the beginning, as the crown instructed, the debate will always come far too late for Indigenous peoples and far too early for some non-Indigenous people who argue Australia is not “ready” for such a conversation.

“We’re trying to not so much wind that back, but we’re trying to establish a new basis for a relationship on the credibility of our own sovereign position,” Dodson said. “That’s the real hard part because the government - any government - is going to be finding it difficult to think outside their set of known truths or what they believe are the truths.”

Lesser, a non-Indigenous lawyer and Dodson’s committee co-chair, was part of a group that helped Cape York leader Noel Pearson develop the Indigenous voice proposal before he entered parliament in 2016 and said he remains “personally supportive of the voice proposal.”

He told Guardian Australia the government’s stated opposition was to “one particular version of the voice that is an entrenched, elected and Indigenous-only body in the constitution.”

Both Leeser and Dodson have suggested that a non-constitutional model established by legislation might be a way to gain bipartisan support. Labor has proposed to do this if it wins government and then move to enshrine it in the constitution once it has bipartisan support.

But if the body is not constitutionally enshrined, thus guaranteeing it cannot be unilaterally dismantled like the Aboriginal and Torres Strait Islander Commission was in 2005, it no longer has the support of the Uluru forum.

One of the loudest resolutions from Uluru was a rejection of minimalist or symbolic constitutional recognition in favour of something capable of creating substantive change while maintaining Indigenous sovereignty. A non-constitutional voice is not that, says Cape York Institute's Shireen Morris.

"There has got to be a constitutional guarantee," Morris said. "That's what Uluru asked for and the bodies of the past have been short-lived and they have gotten struck down as soon as governments changed. By all means people should be working on the legislative design just to show how it could work, but I think it needs to be a constitutional guarantee and that should be a top priority."

Greens senator Rachel Siewert is also on the parliamentary committee and sat on the previous three attempts by the parliament to resolve this issue. She said the risk with Labor's proposal to create a voice to parliament by legislation first is that once it is up and running, some will argue that it does not need to be constitutionally enshrined in order to be maintained. The federal Greens party has endorsed the Uluru statement in full.

While politicians have been demeaning it, Aboriginal and Torres Strait Islander people have been having their own discussions. The Uluru statement canvas, escorted by Uluru delegate and Torres Strait man of Badhulgau and Kulkalaig heritage Thomas Mayor, has traversed the northern half of the country and made its way down the east coast to Melbourne, stopping in at community meetings, festivals, morning teas and business gatherings.

It's a slow, grassroots process, funded thanks to Mayor's role as the NT branch secretary of the Maritime Union of Australia - although strictly it's outside the union's remit - but the reception has been overwhelmingly positive.

"I still have hope because I've been travelling around with the Uluru statement and everywhere I go there's more and more support," he said. "I see momentum building. And when you explain to people how many similar moments of hope there have been throughout our history and how we have continued to struggle, and how this particular time we're not going to take no for an answer, and how this statement is just going to keep travelling until we get what we seek, I think that we can get enough pressure there so that those aspirations can be achieved."

Other working groups have been convened across the country. On Saturday the statement and Mayor will be in Turnbull's Sydney harbourside electorate of Wentworth, one of the wealthiest in Australia, for a door-knocking campaign aiming to convince people to lobby their local member to change his mind. They will also aim to counter misinformation about the proposal, which Mayor said is easily done once people hear the true intent behind the proposed reforms.

Mayor says the political needle will shift in favour of the Uluru statement.

"Like same-sex marriage [recently legalised after decades of campaigning and a national postal survey], you have generational change or public pressure that changes the mindset of

politicians across the spectrum,” he said. “Now that’s our responsibility to do that, to seize this moment that probably won’t be replicated for generations – that consensus in Uluru.”

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