

Detailed Outline of the Blak Sovereign Movement's Position on the Referendum

It is not an invitation from Aboriginal and Torres Strait Islander People

The Statement from the Heart is a beautifully worded document, full of emotive language, but with none of the legitimacy it purports to hold. It came from a process that is neither consistent with our cultural protocols or the democratic principles of the colonial system. It was a top down process that used limited consultation to create a veneer of consensus that was used to silence the diverse views of First People.

- The meetings at the Yulara Resort (Uluru) were not representative. They excluded people organisers disagreed with and did not come close to representing the diverse views and perspectives of First Nations communities.
- Anangu elders asked for Uluru not be used to name the Referendum Council's statement and later asked that the name be removed.
- Despite the process actively excluding many First Nations leaders, there were still many attendees who walked out of the Yulara convention in protest and disagreement with what was being proposed and imposed.
- Many participants asserted that reforms must advance self-determination and the standards established by the *UN Declaration on the Rights of Indigenous Peoples*. UNDRIP and the principles of Free, Prior and Informed Consent have been disregarded.

The 2021 Final Report on the Indigenous Voice Co-Design Process or Regional Dialogues has been used to argue that First Peoples across the country have called for a Voice to Parliament.

- The minutes from Regional Dialogues highlight the demand for Treaty, Truth and Sovereignty, not constitutional recognition or an advisory body.
- In November 2022, Megan Davis, co-chair of the Referendum Council, admitted that the Regional Dialogues *"banned significant leaders from the movement because of their cynicism about government and the country changing."*¹
- The Yulara convention and the regional dialogues leading up to it failed to consult with each Indigenous Nation - breaching both customary laws and democratic processes

For decades we have been calling for land rights, Treaty, Truth-telling and an end to the colonial violence inflicted on our people. The decades of resistance, the protests, the time, the suffering, the pain were not, are not, and will never be in pursuit of a powerless advisory body or constitutional recognition.

After 230 years of invading and illegally occupying our land, the best the colonial government can offer us is a token advisory body and assimilation into their constitution. It is an insult to our ancestors that have maintained our Sovereignty and culture. It is an insult to our warriors that died resisting the invaders and colonisers. It is a threat to the birthright of our children, and our children's children, to their Sovereign rights.

It is not an invitation from us.

¹ Megan Davis, 'National Press Club- <https://www.youtube.com/watch?v=IVVt1qfjwFY> Timestamp: 22:12

It is not a step in the right direction: just another powerless advisory body

Constitutional Recognition

Constitutional recognition was first proposed by John Howard after he launched the Northern Territory Intervention and was in reaction to the High Court's Mabo decision acknowledging our Sovereignty. It came from the conservative side of politics and has been framed as a 'progressive' measure. At best it is a useless symbolic addition to the colonial constitution and at worst it is a legal attempt to deny our Sovereignty.

- We do not recognise the legality of the colonial constitution and do not want to be a part of it.
- The current Labor Government stated that it would not impact our Sovereignty. However, in parliament, they refused to provide the definition of Sovereignty used by their lawyers. An assessment without a definition of Sovereignty means nothing.
- For the government to suggest that we are inviting Australians to let us into their constitution is deceptive and dangerous.
- It will be used to demonstrate that we have acquiesced to the colonial system and that we have given up our Sovereignty and accepted being governed by the colonial government of the King of England. We have not.

The Voice to Parliament

A powerless advisory body is not a new idea and the many that have come before are evidence that it is not a step in the right direction. Being in the constitution does not make the Voice any different to past advisory bodies that have been ignored and dismissed at the government's convenience.

- It would have no more or less power if the advisory body was legislated by parliament.
- Being in the Constitution does not make it permanent - where is the Inter-State Commission enshrined in section 101 of the Constitution?
- The constitutional change only states that there will be a body called the Voice and that it "**may** make representations to the Parliament and the Executive Government."
- The constitutional change makes clear that parliament will decide the Voice's "*composition, functions, powers and procedures.*"
- It undermines cultural governance protocols by allowing a select group of hand-picked people to speak on behalf of all 350+ nations across the continent, who hold the right to speak for themselves.
- The government has implied that the Voice will not provide advice on deaths in custody, child removals, incarceration or the destruction of our land, waters and air. They no longer say that the Voice will work towards Truth and Treaty.
- Something is not by default better than nothing, especially when it deflects attention away from urgent issues the government is failing on: over-incarceration, deaths in custody, child removals and destruction of Country.

In this referendum process, 97% of non-First Nations people are to decide what is good for the 3% of First Peoples. That is not self-determination.

It is a destructive distraction, absolving the government of its continued crimes

While our Elders sleep on the street, the government allocated \$364 million in the 2023-24 budget to a referendum on the Voice to Parliament. This includes \$10 million on the Yes/No Pamphlets that will rightly end up in the bin.

Labor has been able to deflect all criticism of its policies and inaction by deferring to the Voice, and has stalled a number of crucial and urgent reforms until after the referendum, including:

- New standalone cultural heritage protections, as they promised in the election platform.
- Implementing the *United Nations Declaration on the Rights of Indigenous Peoples*.
- Truth and Treaty as part of its commitment to the Statement from the Heart.

The Voice debate has created the illusion that the government is taking positive action when it is actually continuing the violence against our people and Country.

- Government has taken no action on the *Bringing them Home Report* recommendations, despite 23,000 First Nations children currently living in out of home care and record rates of child removal.
- The current government has only implemented one recommendation of the *Royal Commission into Aboriginal Deaths in Custody* and that was to count the body bags of our people killed in custody. They have not even implemented the simple recommendation to remove hanging points in cells.
- The government continues to approve mining and land clearing despite the loud and clear opposition from Traditional Owners. Despite the outrage at the destruction of Juukan Gorge, our sacred sites continue to be destroyed, our songlines disrupted, and our culture attacked.
- Funnelling \$14.2 million of Blak money to the Northern Territory Police through the National Indigenous Australian Agency.
- Right across the continent First Nations community water supplies are being contaminated with toxic chemicals or dammed off up-river, denying our fundamental right to safe drinking water.
- Delaying the report on the Inquiry into the UN Declaration on the Rights of Indigenous Peoples and thus delaying the implementation and protection of essential human rights for First Peoples.
- Closing the Gap targets: rates of incarceration, rates of suicide, the number of children developmentally on track and the number of children in out-of-home care are all worsening.

This destructive distraction will continue if the referendum passes. A Yes will mean many more months of debating the legislation to create the Voice, heightened racism and deflection of responsibilities. It will mean victim blaming when a powerless advisory body (backed by mining companies) achieves, like those before it, nothing.

Recognition of Sovereignty and Truth-telling are the key to real change

Sovereignty

The current proposal is demanding that we be complicit in our own colonisation and assimilation, that we cede our Sovereignty and acquiesce to colonial rule.

- First Peoples have never surrendered. The war is ongoing. We are still here, we belong here and we maintain our rights, our borders, and our Sovereignty.
- First Peoples are not interested in participating in a process that is only going to further seek to uphold the illegal occupation of our lands.
- Land rights are central to our Sovereignty. Native Title is not land rights. Our struggle for real land rights is an assertion of our Sovereignty.
- Labor has disregarded our Sovereignty. In parliament, Senator Lidia Thorpe requested the government both provide the definition of Sovereignty used by their constitutional lawyers and asked that the government recognise First Nations Sovereignty. The government refused both of these requests.
- Sovereignty is defined. The following amendment to the Constitution Alteration Bill was rejected by Labor, Greens, Coalition and cross-bench senators:

the Sovereignty of Aboriginal and Torres Strait Islander people means an unceded right held in collective possession by the members of Aboriginal and Torres Strait Islander nations which grants usage, access and custodianship to the lands, waters and natural resources of [the Australian] continent, and the right of Aboriginal and Torres Strait Islander people to exercise an unimpeded and collective self-determinate governance over their political, economic and social affairs.

- All nations across this country maintain the right to continued independence and statehood, our sovereignty from the Crown of Great Britain and from their colonial government. Each has its own Lore, politics, tradition, Elders and decision-making mechanisms.

Truth-telling

Truth-telling is in the interests of all people living on this land. The bullying, racism and confusion of the Voice debate highlight how denying the Truth of this country's history will forever cause pain and suffering.

- History will keep repeating if we don't learn the lessons from the past. People would not be wasting time on the Voice if they knew the history of advisory bodies having no impact on government policy.
- There can be no progress or healing until all people living on this land learn, accept, and act on the Truth of what the invasion and continued colonisation means for us, for settlers, and for how this country is governed.
- Australians need to know the truth about the atrocities, the massacres, the land theft, the murders, the genocide, ethnic cleansing, and the scientific racism that underpins this whole colonial system.

There is another way

The Voice to Parliament and constitutional recognition are not the only options on the table. There has been a long-standing invitation for settlers to engage in a Truth-telling process, to support us in defending our land and children, and to recognise our Sovereignty. The invitation still stands and you can respond right now.

- Demand the government implement the 30 year old recommendations from the *Royal Commission into Aboriginal Deaths in Custody* and the *Bringing them Home Report*.
- Demand the government meet international human rights standards and implement the *United Nations Declaration on the Rights of Indigenous People*.
- Learn the real history of this land. You have a responsibility to learn and understand the violence inflicted on our Country and our people.
- Learn about the Country you are living on. Recognise and learn from the true Sovereigns of that land.
- Truth-telling and Self-determination can set out the proper and just methods with which we can work towards real reconciliation at a community level, addressing our needs and conditions the way we know best.
- Don't waste your anguish on the Voice. If you need to shed a tear let them rain for the children locked up and torn away from their mothers, for the Country being destroyed for profit. Stand in solidarity with First Peoples fighting for change that will genuinely change things for the better.
- If the only voices you are hearing or amplifying are the "progressive Yes" or "the conservative/racist No", it shows you are failing to engage with the diverse spectrum of grassroots Blak voices across the country. We may not be on the front page but we are most definitely still here.
- We don't have the time or resources to campaign against the Voice. We are occupied with defending our land and people from this colonial system. Stand with us.
- Why waste time on something we know won't work: where is the evidence that a powerless advisory body will change anything? History tells us it won't.
- Take the space from the racists. We have been saying No to these tokenistic reforms and assimilative gestures for decades.
- Do not be bullied by the Yes campaign and do not be intimidated by the racists. Do not let yourself be emotionally blackmailed. There are many good reasons to say No.

We have survived.

We never raised a white flag.

Our Sovereignty has never been ceded.

Join us on a journey of Truth and healing that can bring peace to this land.