

**THE BLAK SOVEREIGN
MOVEMENT ON THE VOICE
TO PARLIAMENT**



**WHAT VOTERS
SHOULD KNOW
BEFORE
VOTING IN THE
REFERENDUM**

The Blak Sovereign Movement

We, the Blak Sovereign Movement, have been consistent in our opposition to constitutional recognition and the Voice to Parliament.

We are First Nations Elders, activists, academics and community workers that have been united by our work on the frontlines of the battle against colonisation, our commitment to Truth-telling and the value we place in our Sovereignty over this land.

We understand that many well-meaning folk are hurting as a result of being coerced by the Yes campaign, or are afraid to vote No due to the racism of the conservative No campaign.

Don't let it get you down.

The Voice debate is not just a waste of resources, it is a waste of your time and energy.

Something that pretends to be a great change, but provides none, is not a step in the right direction. When something isn't real it is not better than nothing. The Voice is nothing but cheap window dressing to constitutional recognition.

We don't want either.

Join us in looking forward, beyond the distractions of this Voice rubbish, to a place formed out of Truth that values our past, our Sovereignty over this land, and strives to address the injustices committed against our people and our Country.

There is another way.

A way forward based on the lessons of this country's short history of colonisation. Founded in Truth and developed out of the lived experiences of ourselves, our communities and our ancestors.

Our reasons for opposing the referendum and the proposal put forward by the Labor Government are summed up here and outlined in detail below:

- It is not an invitation from Aboriginal and Torres Strait Islander People.
- It is not a step in the right direction: just another powerless advisory body.
- It is a destructive distraction, absolving the government of its continued crimes.
- Recognition of Sovereignty and Truth-telling are the key to real change.

There are options that will have meaningful impacts today.

www.blaksovereignmovement.com.au

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

¹ Megan Davis, 'Address to the National Press Club on the Uluru Statement from the Heart' <https://www.youtube.com/watch?v=IVVt1qfjwFY> *Timestamp: 21:12*

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.

“Do not always look to the Blak and white letter of the law that has been developed by the thief who took the land from us, the thief who passes laws - who is in control, the thief who protects that which he controls with a gun, and police.

We are under threat, and our rights as a people and our very identity is at stake right now”

Ghillar Michael Anderson

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."

*"The voice is not land rights.
The voice is not environmental justice.
The voice is not judicial reform or change.
The voice is not a step in the right
direction.*

*At best, the voice is a distraction from
those demands.
At worst, it is absolute sabotage."*

Samuel Wiropa Watson

- 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.

"This government was created to oppress and deny our people our ancestral rights.

We stand on land that is illegally occupied at the expense, detriment and death and torture of our people, every day because your society allows people to abuse and inflict pain, suffering and torture."

Marianne Mackay

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 government are trying to manufacture consent in this country to say that they have a right to negotiate on their terms about our sovereignty in this country.”

Nioka Coe

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.

"There's pain every day in our hearts and it doesn't go away. And now we have Blak people in Parliament who are agents of the crown trying to sell this beads and blanket deal to us (the Voice)."

Barbara Flick

- 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.

“For all Australians to go forward and this year you all need to know the truth about the atrocities, the massacres, the land theft, the murders, the genocide, ethnic cleansing, the scientific racism that's based in this whole colonial system.”

Adrian Burragubba

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.
- 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.

- 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.

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.

"Our sovereignty is not inferior to Australian sovereignty or what Australia perceives their sovereignty to be. And we aren't interested, I know my community is not interested, in participating in a process that's only going to further seek to uphold the illegal occupation of our lands."

Leah House

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.**

www.blaksovereignmovement.com.au

The Blak Sovereign Movement's response to the Yes campaign's 8 reasons to vote Yes

1. This idea came directly from Aboriginal and Torres Strait Islander people

No it didn't. The idea of constitutional recognition came from John Howard. The idea of a powerless advisory body is nothing new, many came and went. The Uluru Statement came from a handpicked group of Aboriginal and Torres Strait Islander people.

2. Constitutional recognition for concrete results

Constitutional recognition was already rejected when the Recognise campaign began in 2012. Even delegates at the Uluru constitutional convention decided they did not want symbolic recognition in the constitution. Many First Peoples do not want to be part of the coloniser's constitution and see it as a step away from acknowledging First Nations Sovereignty. There is no evidence it would lead to concrete results.

3. Ensure people have a better life

A powerless advisory body is nothing new and recent history has proven it will make no difference. The government's examples of 'Listening Works' are not examples of an advisory body being listened to and a government acting on that advice, they are examples of self-determination.

4. Bring our country together

Putting constitutional recognition and a powerless advisory body before a process of Truth-telling was always going to further divide the country. We do not consider ourselves part of the Australian nation and have never ceded our Sovereignty. Truth-telling is the first step to harmony in this land.

5. Save money

There is absolutely no evidence of this. Powerless advisory bodies of the past have added costs. The spending on this referendum, including the distribution of the Referendum Pamphlet, is a waste of money.

6. The time is now

This is a cute catch phrase that epitomises the lack of substance in the referendum.

7. Practical advice that works.

It is telling that the government has already outlined what the Voice will give advice on. They have repeatedly ignored advice from First Peoples on how to address child removals, deaths in custody, institutional racism, protecting the environment, compensation, reparations, Truth and Treaty.

8. Making government work better.

Let's be honest, given the current state of our supposedly democratic institutions, this wouldn't be a great achievement. However, there is no reason a powerless advisory body would make things work better and there is nothing in the proposed change to the constitution that changes how the government operates.

The Blak Sovereign Movement's response to the racist No campaign's 10 reasons to vote No

1. The Voice is legally risky

It is legally risky for our Sovereignty. However, there is no basis for their fear mongering that it would be “the biggest change to our democracy.” The proposed constitutional change is clearly worded to ensure parliamentary supremacy is maintained and the Voice would be powerless.

2. There are no details

The government has provided many details, but they are details without substance. The vote is on the existence of a powerless advisory body, all else would be determined by parliament. It is very true that it has not been explained or discussed with First Nations communities.

3. It divides us

This land was divided from the moment it was invaded by the British Empire and it remains divided to this day. It is racist to suggest that the nation is united. We have resisted being assimilated into this nation for over 230 years. There are many nations in this land and the denial of Truth has included an attempt to deny the existence of our Sovereign nations.

4. It won't help Indigenous Australians

This is true. It is just a powerless advisory body, and being in the constitution does not make it any different to past advisory bodies that achieved nothing.

5. No issue beyond its scope

This is baseless fear mongering. Its scope is entirely determined by the parliament. The parliament will decide its “composition, functions, powers and procedures.”

6. It risks delays and dysfunction

It could, if that is how the government wanted to use it. There is a history of government’s using Indigenous advisory bodies to delay implementing change. There is also a history of government’s ignoring advice from advisory bodies, this would be no different.

7. It opens the door for activists

If only! Here the conservative No camp repeats its racist assumption that Australia is united and denies the existence of Sovereignty. It is a powerless advisory body and those that support it are not activists, they are asking for a seat at the coloniser’s table.

8. It will be costly and bureaucratic

Can’t argue with that. The claims they use to support it, however, are part of the racist myth that billions of dollars are going to First Peoples, when in actual fact much of it is going to government bureaucracies, white organisations and the police.

9. The Voice will be permanent

Where is the Inter-State Commission enshrined in section 101 of the Constitution?

10. There are better ways forward

Indeed, many of them are outlined in the Blak Sovereign Movement’s statement on the referendum.



www.blaksovereignmovement.com.au