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Australia

# Constitutional change: symbolism won't cut it

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**If one thing is clear from the “[Uluru Statement From the Heart](#)”** issued after a large Indigenous conference in late May, it is that mere symbolic constitutional recognition of their existence will not satisfy Indigenous people.

The Uluru Statement reflects, in some measure, their desire for real structural change to address the effects of racism and dispossession, for a treaty and for a real say in what happens to them.

The focus is still on changing the constitution. But instead of symbolic recognition, the statement calls for “a First Nations Voice enshrined in the constitution”. In addition, it demands a “Makarrata Commission [\[1\]](#) to supervise a process of agreement making between governments and First Nations and truth-telling about our history”.

A constitutional amendment will be proposed by the Referendum Council to the government later this month. It will not address any of these demands. It is not meant to.

Wiradjuri leader Jenny Munro was one of 19 elected delegates who, with other anti-Recognise activist observers, walked out on the second day of the conference. She said, “It’s not a dialogue, it’s a one-way conversation ... the Noel Pearson road map [\[2\]](#)... is about validating their (the Crown’s) sovereignty on our land”.

The history of the call for constitutional recognition tells us a lot about its intentions. It originated with John Howard in 2007 promising a referendum to insert a tokenistic preamble within 18 months. This symbolism came just months after his government had launched a massive attack on Aboriginal people in the form of the Northern Territory intervention.

Just as subsequent Labor governments continued and intensified the humiliations of the intervention, so too did they persist with the fig leaf of a multi-million dollar constitutional campaign, ultimately called “Recognise”.

Suggestions from the “expert panel” set up by Julia Gillard in 2010 did include some form of treaty process and self-determination, and later the idea of a clause prohibiting racial discrimination. All of these were dismissed, either with the excuse that they would fail at referendum or, by 2015, because the government opposed them.

It was in response to growing hostility to Recognise amongst Indigenous people that conservative Indigenous figure Noel Pearson began to promote the idea of amending the constitution to enshrine an Indigenous “voice to parliament”. Most importantly, to make the proposal palatable to business and the Liberal government, this voice would be advisory and have no real powers. As with Kevin Rudd’s apology to the Stolen Generations in 2008, any mention of reparations was excluded.

Yet despite all these concessions, because it rejects purely symbolic recognition, the Uluru Statement has received a very lukewarm (at best) response from politicians, Malcolm Turnbull warning that “constitutional change would be very difficult” and Bill Shorten [\[3\]](#) only saying that we “owe the (Uluru delegates) an open mind”.

Others have been less restrained. As we mark the 25th anniversary of the historic [\[4\]](#) that finally ended the legal fiction of terra nullius, we should recall that this recognition of reality was met by a vile racist campaign about “Aborigines taking over your backyard” from government ministers, academics, business leaders and the media.

Today, it is Deputy Prime Minister Barnaby Joyce decrying the idea that Indigenous people might have a few rights, or Liberal Party MP George Christensen proclaiming that any constitutional change will give “one group special privileges that no other group in the country has”. John Roskam, executive director of the right wing Institute of Public

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Affairs, adds to this atmosphere, claiming that the “moral force (of the Indigenous body) would be very significant, in effect making it difficult to override it”, describing it as an “effective veto” on matters such as the NT intervention.

The hostility is to any idea that significant change is needed instead of symbolic words in the constitution that will change nothing for Aboriginal people.

*June 4 2017*

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[1] According to the Northern Territory government, Makarrata is a word in the Yolngu language meaning a coming together after a struggle, facing the facts of wrongs and living again in peace.

[2] Noel Pearson is a conservative Aboriginal leader

[3] Leader of the Opposition and the Australian Labor Party

[4] [Mabo decision](#)