

COMMENTARY

The Uluru Statement and the Promises of Truth

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We want Australia to take a giant leap in humanity. This is about truth-telling.

Delegate, Adelaide Regional Dialogue
7–9 April 2017

Our truth has to be told before we can move from that.

Delegate, Melbourne Regional Dialogue
17–19 March 2017¹

On 26 May 2017, more than 250 Aboriginal and Torres Strait Islander peoples gathered at the First Nations Constitutional Convention and issued the Uluru Statement from the Heart. This Convention was the culmination of an Indigenous designed and led process of regional dialogues across the nations designed to elicit from First Nations what meaningful constitutional recognition would mean to them. The deliberative dialogue process adopted by the Referendum Council sought to build an informed consensus across Aboriginal and Torres Strait Islander communities on reform proposals. The Statement called for two key reforms: a voice for Indigenous peoples in the constitutional structure (the so-called ‘Voice to Parliament’) and a Makarrata Commission to supervise a process of agreement, or treaty-making, and a ‘truth-telling about our history’.

Truth-telling has not been absent in the relationship between Indigenous and non-Indigenous Australia. As early as the first half of the nineteenth century there have been murder trials conducted in the courts, and there have been parliamentary inquiries in that

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¹ The Records of Meetings of the Referendum Council’s Regional Dialogues are referred to throughout this commentary. While these have not been made public, they are referred to extensively throughout the full Uluru Statement from Heart, reproduced in the Referendum Council’s final report: Referendum Council, *Full Report of the Referendum Council* (30 June 2017), 16–32, https://www.referendumcouncil.org.au/sites/default/files/report_attachments/Referendum_Council_Final_Report.pdf (accessed 10 September 2018).

same century into killings and massacres.² More recently, there have been specific commissions of inquiry, such as the Royal Commission into Aboriginal deaths in custody, recognising the damage and ongoing intergenerational trauma caused by dispossession, violence and assimilation policies; and the Human Rights and Equal Opportunity Commission's Bringing them Home Report into the stolen generations, which included testimony from individuals who had been affected by the government's policies.³ There have been public acknowledgements of past wrongs by our political leaders: Prime Minister Paul Keating's Redfern Speech and Prime Minister Kevin Rudd's Apology to the Stolen Generations. History has, for many Aboriginal and Torres Strait Islander peoples, become intricately connected to the law and courtrooms, for instance, through the onerous requirements to show 'connection' to country under the *Native Title Act*.⁴ Academic historical accounts, 'reconciliation literature', films, television series, songs, dance, theatre, and exhibitions in galleries and museums have proliferated.⁵ There has been the work led by Lyndall Ryan mapping the massacres of Aboriginal and non-Aboriginal people across the country from 1780–1930.⁶ There are oral histories being recorded. And there are many, and increasing numbers of, locally initiated rememberings

² For example, the trial for the Myall Creek Massacre (cf. Rebecca Wood, 'Frontier Violence and the Bush Legend', *History Australia* 6, no. 2 (2009): 67.1-67.19). The House of Commons, 'Australian Aborigines: copies or extracts of despatches relative to the massacre of various Aborigines in Australia, in the year 1838, and respecting the trial of their murderers', Paper no. 526, printed 12 August 1839, *British Parliamentary Papers* 34 (1839), National Library of Australia website, <http://nla.gov.au/nla.aus-f2763> (accessed 10 September 2018).

³ Australian Human Rights Commission, 'Indigenous Deaths in Custody: Report Summary', <https://www.humanrights.gov.au/publications/indigenous-deaths-custody-report-summary> (accessed 10 September 2018); Human Rights and Equal Opportunity Commission, 'Bringing them home: Nation Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families', (Sydney: Commonwealth of Australia, 1997).

⁴ See further analysis of this in Ann Curthoys, Ann Genovese and Alexander Reilly, 'Rights and Redemption: History, Law and Indigenous Peoples', *Aboriginal History* 32 (2008): 186–88.

⁵ Mark McKenna, 'Moment of Truth: History and Australia's Future', *Quarterly Essay* 69 (2018): 29.

⁶ Colonial Frontier Massacres, in Central and Eastern Australia 1788–1930, <https://c21ch.newcastle.edu.au/colonialmassacres/map.php> (accessed 10 September 2018).

in all different forms.⁷ Nonetheless, the truth-telling in these remembering and oral histories remains ad hoc and piecemeal over the decades and there is little coherency across the federation. There remains a level of disaffection, disinterest and denial of Aboriginal and Torres Strait Islander history in Australia, reflected, for instance, in the failure of the Australian educational curriculum to comprehensively and consistently teach this history.

In this commentary, we will look at how the calls for truth-telling emerged from the Regional Dialogues that informed the Uluru Convention and Statement. We will explain further what was sought by the delegates at the Dialogues and Convention from a truth-telling process, and how it related to the other calls in the Uluru Statement. Finally, we reflect on what this means for how a truth-telling process might be undertaken in Australia.

The call for truth emerges

In the Regional Dialogues and at the Uluru Convention, there was an articulation of the objectives of a truth-telling exercise that reflect the prior experiences of Aboriginal and Torres Strait Islander peoples against a denial and indifference to their history and the celebration of some of their most painful historical moments as great national moments, for instance, through the erection of statutes and the celebration of Australia Day. Throughout the dialogues and Uluru, many eras of conflict were raised. These were set out in the full document of the Uluru Statement as seven phases of the history of struggle, from the ancient “Law”, the “Invasion” of the British, leading to massacres, disease and poisoning and ultimately resistance, through mourning and discrimination, which led to growing activism and the fight for land rights.⁸ The final phase, yet to be written, was a call for Makarrata. As this final phase revealed, these phases were intricately interlinked with the calls for political transition to achieve greater self-determination for Aboriginal

⁷ Penelope Edmonds, *Settler Colonialism and (Re)conciliation: Frontier Violence, Affective Performances, and Imaginative Refoundings* (Houndmills, Basingstoke: Palgrave Macmillan, 2016).

⁸ Referendum Council, *Full Report of the Referendum Council* (30 June 2017), 16–32, https://www.referendumcouncil.org.au/sites/default/files/report_attachments/Referendum_Council_Final_Report.pdf (accessed 10 September 2018).

and Torres Strait Islander peoples.

The Uluru Statement's call for a truth-telling emerged from the Aboriginal and Torres Strait Islander peoples themselves. Indeed, it emerged *independently* from the dialogue process as it was initially designed, which did not contain a truth-telling process as a separate option for reform; rather, it emerged organically but undeniably from the dialogues themselves as a step on the journey for how they believed they could address current disadvantage and power imbalance on their own terms. Most powerfully, the need for a truth-telling and remembering emerged on the first day of the dialogues, when delegates were asked, if meaningful reform was achieved, what might it mean on the ground in their communities. Delegates addressed this question by first explaining what had happened to them, thus themselves performing a truth-telling exercise to lay the foundation for a discussion about what meaningful reform might be able to achieve.

Truth-telling was also a key part of the discussions had in the deliberations around whether a constitutional statement of recognition or acknowledgement should be pursued. Delegates were firm that they thought such a statement – seen by most as a symbolic gesture – was not a reform priority for them. That is, they rejected a symbolic, truncated and singular statement of their truths, even if contained in poetic and moving words. The rejection of acknowledgement and its symbolism indicates that the call for truth telling was much more sophisticated, nuanced and meaningful; they were speaking of a truth telling that would inform a renegotiation of the political relationship between Aboriginal and Torres Strait Islanders and the rest of the nation.

The dialogues reveal the promises of truth telling

The call for a truth-telling in the Uluru Statement existed as one part of a larger call for structural reform that would include constitutionally guaranteed political participation (through the Voice to Parliament) and a process by which, informed by truth-telling, reparations and future relationships can be negotiated. This is also significant because it distinguishes the call in the Uluru Statement for a truth-telling from what the International Institute for Democracy and Electoral Assistance (IDEA) has referred to as an 'historical commission'. IDEA explains that historical commissions, in contrast to

truth commissions, 'are not established as part of a political transition and may not even pertain to today's political leadership or practices. Instead, they serve to clarify historical truths and pay respect to previously unrecognized victims or their descendants'.⁹ While much of the history that would be told in an Aboriginal and Torres Strait Islander truth-telling would be historical, it does, in IDEA's words, pertain to a political transition and today's political leadership or practices. The truth-telling that is sought is *part of* the need for political transition in relation to Aboriginal and Torres Strait Islander participation in Australia's constitutional structure, and the current governments recalibrating their relationship with Aboriginal and Torres Strait Islander peoples through a Makarrata. Holistically, what is being called for is a political transition, in recognition of the fact that Australia's political transition at the start of the twentieth century excluded Aboriginal and Torres Strait Islander peoples.

Makarrata is a Yolngu word taken from a dispute resolution ceremony from the Gumatj clan located around Yirrkala in the Northern Territory that means 'coming together after a struggle'. There is a significance in asking for a Makarrata Commission to supervise the truth-telling because Makarrata is a process. The Regional Dialogues that preceded the Uluru Convention, at which the calls for truth were first made, emphasised that the truth was not for them as victims, or as survivors, or as resistance fighters, but for all Australians, now and, through ongoing educational programs, in the times to come. It was offered as part of a proposal to the Australian people for a different future, one in which all Australians could understand the truth, shame and complexity of their own stories and thus to move towards a stronger, freer and richer future. The idea of a Makarrata Commission, an *independent* Commission, to oversee the negotiation of agreements but also to oversee the truth-telling process, demonstrates the shared nature of this truth-telling. It is not for or owned by any particular group, but for all Australians as we come together after the many, often violent and tragic, struggles of our past.

The dialogues revealed a sophisticated understanding of the many and varied objectives of a truth-telling process. The idea that a truth-telling process would create a

⁹ David Bloomfield, Teresa Barnes and Luc Huyse, *Reconciliation After Violent Conflict: A Handbook* (Stockholm: IDEA Handbook Series, 2003), 123.

record, was evident in the dialogues.¹⁰ For instance, at the Dubbo dialogue, the record of meeting states that one group said:

It was important to correct the record. Delegates spoke of the need to acknowledge the illegality of everything done since colonization, the first act aggression on first contact, the extreme cruelty and violence of the government, and the impact of the forced removals.¹¹

Of course, as Daly observed, ‘No period of a nation’s history can be described by a single, elegant truth narrative’.¹² In a society in which truths have been denied for generations, construction and affection of the truth is particularly unsurprising. What then, is the purpose of establishing a ‘record’, as the Dubbo dialogue called for, if there is no single truth? Even if truth-telling cannot determine a single truth, it can go beyond divided versions of history, or ‘divided memories’ that compete for recognition in the history books.¹³ It can, as the Office of the United Nations High Commissioner for Human Rights observed, help societies understand the contested versions of their history, and the denials of some of those versions, and what to do from that point. A truth-telling exercise of this nature is not directed at determining a single truth necessarily, but to developing public understanding and deliberation about the different experiences of the society’s history.

Perhaps the most well-recognised objective of a truth-telling exercise is to establish a public and state-sanctioned platform for those affected by socially ignored and denied violence. The dialogues in and of themselves were a form of truth-telling, a state-sanctioned platform that gave voice to community people who ordinarily don’t have a voice in Aboriginal affairs. Moreover, in the dialogues, there was great recognition of the trauma of often long past victimhood, going back to colonisation, and the ongoing trauma of the social failure to recognise and address this. In the Torres Strait, the record of meeting started as follows:

¹⁰ David Bloomfield, Teresa Barnes and Luc Huyse, 125.

¹¹ Record of Meeting, Dubbo Dialogue, 17–19 February 2017.

¹² Erin Daly, ‘Truth Skepticism: An Inquiry into the Value of Truth in Times of Transition’, *The International Journal of Transitional Justice* 2, no. 1 (2008): 23–41, 25.

¹³ Paul Muldoon, ‘The Moral Legitimacy of Anger’, *European Journal of Social Theory* 11, no. 3 (2008): 299–314.

The meeting was opened with a prayer, an Island hymn, and a welcome to country by Kaurareg elder Milton Savage. He remembered the massacres of the Kaurareg nation, and that the hurt and pain this had continues to this day, unresolved.¹⁴

In other dialogues, more recent histories were remembered. For instance, in Perth, the record of meeting stated:

There's a lot of sad stories from the stolen generations: genocide, abuse. And none of the people will be brought before the justice system for the abuse of those children.¹⁵

And in Cairns:

The meeting reflected on how their history and the effects of a lifetime of racism and abuse could lead to anger and depression. Some of the stories of this history and abuse included family members being flogged while away working during the Protection era, and racism from teachers in their classroom.¹⁶

And in Ross River, a number of specific traumas that occurred in their region were recalled:

The meeting recalled the Coniston massacre, and the many other massacres throughout the region. The meeting remembered the Aboriginal people who had been involved in fighting in the frontier wars. They also spoke of the Aboriginal people who fought in the wars, such as in the Vietnam war, but have not been recognised. If the government want to speak about 'recognition' they need to recognise the true history, recognise the frontier wars. They need to recognise the atrocity of Maralinga.¹⁷

The dialogues connected this need to tell their truths as victims to self-dignity. They also explained the right to self-determination as key to their future but also a type of

¹⁴ Record of Meeting, Torres Strait Dialogue, 5–7 May 2017.

¹⁵ Record of Meeting, Perth Dialogue, 3–5 March 2017.

¹⁶ Record of Meeting, Cairns Dialogue, 24–26 March 2017.

¹⁷ Record of Meeting, Ross River Dialogue, 31 March–2 April 2017.

reparation. In Perth, a delegate recalled his current loss of agency and power, particularly over his own sacred sites, and said: ‘Aboriginal people have this curse on them declaring them nothing. That’s terra nullius’.¹⁸ The delegates also asserted that truth-telling must not be limited to narratives of trauma. It must also recall defiance against the government actions and policies, narratives of survival and revelation, thus telling a more complicated version of the truth, in which individuals are not simply victims, perpetrators or heroes, but live complex and heterogenous lives. In Darwin, for instance, the record states:

Our country is our university. We have learnt through the leaders of the Pilbara Strike, we have learnt from the stories of our big sisters, our mothers, how to be proud of who we are.¹⁹

And in Canberra, similar sentiments were shared:

The meeting began by reflecting on the activism of the past, and our role in the continued struggle. People remembered having marched in the past despite knowing that they’d be met with police brutality and unwarranted arrests.²⁰

In addition to those Aboriginal and Torres Strait Islander people and their descendants affected by the historical violence and injustices, truth-telling will be important for those people involved in the implementation of these actions, whether in their private capacity or in the process of implementing government polity. For instance, in Brisbane, the dialogue record picked up on the need to change the relationship between Aboriginal and non-Aboriginal Australia:

Members of the group felt that, in order for meaningful change to happen, Australian society generally needs to ‘work on itself’ and to know the truth of its own history. ‘They see us as disadvantaged, but the white people are more disadvantaged because they live in a country that is not their own. They’re living a lie.’²¹

In Darwin, the delegates focused on the importance of truth to bringing unity to Australia

¹⁸ Record of Meeting, Perth Dialogue, 3–5 March 2017.

¹⁹ Record of Meeting, Darwin Dialogue, 22–24 February 2017.

²⁰ Record of Meeting, Canberra Dialogue, 10 May 2017.

²¹ Record of Meeting, Brisbane Dialogue, 21–23 April 2017.

as a nation, with one delegate saying:

Australia must acknowledge its history, its true history. Not Captain Cook. What happened all across Australia: the massacres and the wars. If that were taught in schools, we might have a one nation, where we are all together.²²

The dialogues saw the potential for a truth-telling to inform public deliberation and informed public debate about the issues that must be addressed in the transition to resetting the relationship. In a number of dialogues, the delegates identified the currently damaging public experience of Aboriginal and Torres Strait Islander peoples and their affairs in the media. For instance, in Perth, the record of the dialogue stated:

Concern was expressed about the negative portrayal of First Nations people in the media, and how this dictates how the wider community perceives First Nations people and interacts with us.²³

Many delegates reflected on how a truth-telling process could lead to an ongoing change in how Australian history was taught in schools, in fact, it was one of the most repeated ideas in the Dialogues. For instance, in Darwin, one delegate said:

I look at when they said ‘Sorry’, yes, it was a great acknowledgement, and helped through healing process but if we don’t educate the country, we’ll be back in 25 years doing the same thing.²⁴

Similar sentiments expressed in Adelaide:

Several people emphasised the power of education. They wanted the history of Aboriginal people taught in schools, including the truth about murders and the theft of land, Maralinga, and the Stolen Generations, as well the story of all the Aboriginal fighters for reform. Healing can only begin when this true history is taught. They also stressed the importance of growing healthy and strong Aboriginal children through literacies, culture, spirituality, language, and heritage: teaching

²² Record of Meeting, Darwin Dialogue, 22–24 February 2017.

²³ Record of Meeting, Perth Dialogue, 3–5 March 2017.

²⁴ Record of Meeting, Darwin Dialogue, 22–24 February 2017.

Aboriginal languages in schools and of spreading bilingual education across the country from the few places that have it now.²⁵

Many dialogues specifically referred to the need for positive public statements recognising history and culture, not just through education, but in changes in naming for places and things, decolonising the land and landscape and reintroducing their first names. So, for example, in Brisbane, it was said by one delegate:

We should be using the proper names. It took years to get Ayers Rock changed back to Uluru. Every place in Australia should carry our names; that's the way we get our identity back. I say that I'm Gubbi Gubbi. If I say I'm Aboriginal I disappear.²⁶

Greater public education and cultural competency training for those interacting with Aboriginal and Torres Strait Islander peoples was also called for, with delegates at the dialogues recalling institutional and public racism that has been directed at them. The Dubbo dialogue stated:

Concerns were raised about the increased levels and sophistication of racism, and that people feel quite free and open to say whatever they like now. Police, hospitals and schools were not treating people with respect and humanity. Cultural competency needs to be enforced in agencies with advice and training.²⁷

Imagining truth-telling in Australia

The Regional Dialogues and the calls in the Uluru Statement demonstrate a sophisticated understanding of the promises of truth-telling in Australia, in full realisation that truth-telling will not, in itself, reset the relationship between First Nations and non-Indigenous Australians. We briefly conclude by imagining what a First Nations truth-telling supervised by a Makarrata Commission might look like, once these understandings in the Dialogues are considered.

²⁵ Record of Meeting, Adelaide Dialogue, 7–9 April 2017.

²⁶ Record of Meeting, Brisbane Dialogue, 21–23 April 2017.

²⁷ Record of Meeting, Dubbo Dialogue, 17–19 February 2017.

For many, the call for oversight by a Makarrata Commission was a call for a national truth-telling Commission, informed, for instance, by the experience in South Africa.²⁸ For Richard Flanagan, a museum that told, ‘the stories of the massacres, the dispossession, and the courageous resistance of these patriots’, would be a possible way of moving towards a national truth-telling.²⁹

Examination of the purposes that were seen for a truth-telling Commission in the Dialogues reveals a more complicated, but more promising alternative. The delegates spoke of injustices at a local level, and the promise of truth-telling leading to local understandings within communities of a shared history. Truth-telling must thus come from local communities, led by Aboriginal and Torres Strait Islander peoples working with non-Aboriginal people in that community. This work might be undertaken in conjunction with local councils, local history societies, or other local community groups. Indeed, as Penelope Edmonds has explained, locality is key because so many individuals and communities are wary of attempts at reconciliation led by the government, viewing previous attempts as ‘state-based and top-down social program[s]’ that can be ‘repressive and reinforce colonial hegemonies’.³⁰ Many locally initiated and led processes are already occurring. A Makarrata Commission, if established, should not step into this space and take this away; a Commission, rather, should provide additional support and resources to continue to facilitate and encourage such processes.

Delegates also spoke of the promise of truth-telling to inform public conversations, changes to the educational curriculum, to inform government training and policies and, of course, to ultimately inform the negotiation of treaties and agreements. Such promises require more than localised truth-telling. It requires these local truth-telling activities to be collated, properly archived, and, where appropriate and with the proper permissions, made public. This would create a record of history: a unified

²⁸ Fergus Hunter, ‘Bill Shorten announces support for constitutional Indigenous ‘Voice to Parliament’’, *The Sydney Morning Herald*, 6 August 2017; McKenna; Uphold & Recognise proposal, <http://www.upholdandrecognise.com> (accessed 10 September 2018).

²⁹ Richard Flanagan, “‘Our politics is a dreadful black comedy’ – press club speech in full’, *The Guardian*, 18 April 2018, <https://www.theguardian.com/australia-news/2018/apr/18/richard-flanagan-national-press-club-speech-full-politics-black-comedy> (accessed 10 September 2018).

³⁰ Edmonds, 8. See also at 184.

understanding of the contested nature and experience of Australia's history. The Makarrata Commission would be ideally suited to such national-level organisation, and for providing a permanent home for these materials. The purpose of the Makarrata Commission in this sense would not be to judge the truths that emerge from the locally led activities, but, rather, take responsibility for establishing a record of historical *experience*. By establishing a national record of historical experience, a Makarrata Commission would perform another important function. It would, as McKenna says, create a nation-wide footprint of the violence of our history.³¹

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³¹ McKenna, 39.