An Aboriginal and Torres Strait Islander Voice to Parliament: why it matters to Australia’s Indo-Pacific relationships

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The Perth USAsia Centre’s Indo-Pacific Analysis Briefs seek to provide perceptive and contemporary insights from across the region. The series features leading analysts from Asia, Australia and the US to deliver up-to-the-minute assessments on issues of national and regional importance. This series will shine a light on the issues that remain critically important to Australia and the Indo-Pacific at a time when global events may otherwise dominate the news cycle.

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On 14 October 2023, Australia will vote on a referendum to enshrine an Aboriginal and Torres Strait Islander Voice to Parliament in the Constitution.

While the domestic debate on the potential impacts of an Aboriginal and Torres Strait Islander Voice has been covered extensively, there has been little debate on why it matters to Australia’s Indo-Pacific relationships.

Aboriginal and Torres Strait Islander people are Australia’s first diplomats and a ‘Yes’ vote will support the Australian Foreign Minister’s agenda to develop a First Nations Foreign Policy, while a ‘No’ vote could undermine Australia’s international legitimacy and soft diplomacy at a critical time for Australia’s Indo-Pacific relationships.
The Australian Government’s proposal to hold a referendum to enshrine a Voice for Aboriginal and Torres Strait Islander peoples in the Australian Constitution has sparked intense domestic debate. Much of the debate so far has focused on how such a change could impact executive government. But there’s been little public discussion about how this referendum may affect Australia’s ability to prosecute effective foreign policy in the region, both with traditional allies and in international institutions.

Individual voting decisions on the Voice will be driven by personal conviction and not a calculation about Australia’s international standing. That’s as it should be in a democracy. But as both “Yes” and “No” camps enter the final stages of campaigning, it’s worth examining how this moment in Australia’s history might be perceived from the outside and what it means for Australia. This paper seeks to provide a perspective on the level of international interest in the referendum and how the result of the vote may be interpreted by the region.

**Voting “Yes” – the road to First Nations Foreign Policy**

It’s clear in 2023 that the Australian Government wants a 21st century foreign policy that reflects the nation – for that, it not only needs the perspectives of First Nations People, but also a mechanism for those perspectives to be officially heard.

That push for a more representative Australian foreign policy explains why Australian Foreign Minister Penny Wong has been so prominent in the domestic campaign for a Voice to Parliament. On election night in May 2022, she was on stage next to Prime Minister Anthony Albanese when he committed to implement the Uluru Statement from the Heart in full (see Box 1). In April 2023, she appointed Australia’s inaugural Ambassador for First Nations people, Justin Mohamed, to help embed Indigenous perspectives into Australian foreign policy. And she begins every major speech with her commitment to the Uluru Statement.
First Nations Foreign Policy might be a new term, but it’s not a new practice – Aboriginal and Torres Strait Islander peoples have traded and negotiated with the Indo-Pacific region for millennia [see Box 2]. In the words of Gumatj leader Djawa Yunupingu at the Garma Festival in 2023, “on the winds came the Makassan traders who we traded with for hundreds of years in peaceful coexistence.”

Embedding Indigenous perspectives through an Aboriginal and Torres Strait Islander Voice to Parliament and in Australian foreign policy opens the door to a rich, shared history with the region and provides Australia with a natural competitive advantage.

It also returns Aboriginal and Torres Strait Islander people to a position which they naturally and comfortably occupied prior to European settlement.

Box 1 The Uluru Statement from the Heart – Voice, Truth, Treaty

The Uluru Statement from the Heart was drafted and signed in 2017 by more than 250 Aboriginal and Torres Strait Island leaders. It is the largest consensus of First Nations peoples on a proposal for substantive recognition in Australia’s history.

The Statement from the Heart (also sometimes referred to simply as “The Uluru Statement”) invites all Australian people to work together to address the historic and ongoing injustices faced by Indigenous Australians.

It calls for enshrining a First Nations Voice in the Australian Constitution (Voice), truth-telling about Australia’s history (Truth), and a process of agreement-making between the Australian Government and First Nations peoples (Treaty).

Political, legal and historical events have combined to leave Australia as the only Commonwealth nation without a treaty with its Indigenous people. This makes the Treaty element of the statement especially important.

A vote to formalise an Indigenous Voice to Parliament in the Constitution also provides Australia’s diplomats with the momentum to successfully embed a First Nations foreign policy into the practical application of international diplomacy.

The combination of the Voice and First Nations foreign policy has the potential to deliver tangible and practical outcomes, including in areas like trade. For example, the Australia and Aotearoa New Zealand Indigenous Collaboration Agreement, established in February 2020, focuses on agency, culture, wellbeing and economic outcomes, including business, trade and procurement policy.2 Aligned with the important principles of co-design, the collaboration is Indigenous-led and government-enabled. The momentum of a ‘Yes’ vote could enable Australia’s First Nations Ambassador to pursue similar agreements with Canada and the US and extend as far as Indigenous groups in South America. These types of agreements could help maturing Indigenous businesses in Australia access international markets.

First Nations Foreign Policy also has the potential to help Australia respond positively to its current strategic circumstances – which Foreign Minister Penny Wong has described as “the most confronting circumstances in decades.”3 With US leadership in the Indo-Pacific waning and challenged by China, traditional and regional alliances are key to Australia’s future security and prosperity.
Australia’s ability to influence and shape the region has never been more critical and must draw upon all tools at its national disposal. A component of this is the natural and strong relationships Indigenous Australians build in the Indo-Pacific.

**Box 2** Australia’s First Diplomats

Aboriginal and Torres Strait Islander peoples are Australia’s longest serving diplomats. Aboriginal people from the Kimberley to Arnhem Land in northern Australia engaged in trade with the Bugis people from Makassar [modern-day Sulawesi in Indonesia] from the mid-1600s, Bennelong worked to bridge the divide between the Eora and British nations from 1788 (in and around modern-day Sydney on what is known traditionally as Gadigal land), and there is a long-documented history of Torres Strait Islander barter and trade with tribes from Papua New Guinea, prior to European settlement. Contemporary research has also uncovered photographic evidence of Yolŋu people from northeast Arnhem Land in Sulawesi in the mid-1800s, highlighting “centuries-old trade and connections and exchanges with our region, with Indonesia and Sulawesi.”

The “No” scenario - impacts on Australia’s international legitimacy

On the other hand, an unsuccessful referendum on the Voice to Parliament could undermine Australia’s international legitimacy — just when the Indo-Pacific looks set to really deliver on its growth potential and at a time of increasing geo-strategic competition in the region. Australia’s history and legacy with its Indigenous population is closely monitored by our neighbours in the Indo-Pacific. And it is one area where Australian Governments of all persuasions have continually underdelivered. For example, only four of nineteen Closing the Gap targets are on track in 2023.

The objective of the National Agreement on **Closing the Gap** is to enable First Nations peoples and governments to work together to overcome the inequality experienced by First Nations peoples, and achieve life outcomes equal to all Australians.

When Prime Minister Albanese announced the proposed wording for the referendum, he noted it would not be without risk. He subsequently commented a ‘No’ vote could negatively impact Australia’s international standing. Critics argue Prime Minister Albanese needs to do more than “hold world opinion over voters’ heads.” But there are some clear impacts a no vote could have on our standing overseas. The clearest risk of a “no” vote extends to Australia’s position in the region as a leading advocate for human rights, and its efforts to work with partner countries to uphold Australian values of fairness and equality.

**Because the Voice referendum is a question of domestic politics, many countries in the region will be reticent to engage publicly on the issue. But Australia should operate with a high degree of assurance that the progress of the referendum will be reported to capitals, near and far.**

Former Department of Foreign Affairs and Trade Secretary Frances Adamson said in a speech in May 2021, “when we raise human rights with foreign governments or in the United Nations [UN], sometimes others respond by questioning us on our own record.” China’s been particularly active in this regard.
In 2021 for example, China’s foreign ministry spokesperson Hua Chunying said (with reference to Canada, the US, and Australia) that “discriminatory laws and policies against indigenous people are still effective, and indigenous people are still among the most oppressed and poverty stricken in the three countries.”

A “no” vote also has the potential to put us at odds with our closest allies, who are doing more to engage their Indigenous populations. Canada has made reparations to its First Nations people under the Canadian treaty system; Maori influence continues to grow under the Treaty of Waitangi; there is genuine prosperity amongst First Nations groups in the United States; and Norway, Sweden and Finland all have a Sami Parliament in place. This is not to foreshadow where the Voice may lead, but to demonstrate progression in relationships with First Nations communities amongst the like-minded international partners Australia likes to compare itself to.

At the UN, Indigenous perspectives and rights are being advanced and a no vote in the referendum could undermine Australia’s legitimacy and message in this forum. It will be a particular challenge for front line diplomats, who are predominantly engaging in good faith and are seeking the advancement of the rights and economic security of first nations peoples.

For example, in 2021, more than 30 countries at the UN condemned Australia’s high rates of child incarceration, which disproportionately impacts Indigenous children and teenagers (for details on the age of criminal responsibility in Australia see Box 3). Interestingly, those countries most vocally urging Australia to raise the age included many western allies, such as Canada, Germany, France, Italy, Greece, Sweden, Norway, Spain and Portugal. The ‘Yes’ campaign’s narrative that an Aboriginal child is more likely to go to prison than to university further strengthens the case for condemnation.

**Box 3** Age of criminal responsibility in Australia

In Australia, the age of criminal responsibility remains at 10 at the Commonwealth level. However, the Northern Territory has passed legislation to raise the age from 10 to 12, commencing in the second half of 2023; the Australian Capital Territory has recently introduced legislation to raise the age from 10 to 14 by 1 July 2025; and the Victorian Government has announced plans to introduce legislation to raise the age to 12 in 2024 and 14 by 2027.
Racism in the campaign

It is not only the outcome of the vote which will be monitored internationally. The conduct of the campaign and increased prevalence of racism will also impact Australia’s international reputation. Indigenous groups have warned of the increased level of racism expected during the campaign, and a large number of detailed examples indicate this has commenced on social media.9 Concerningly, the Australian Security Intelligence Organisation Director General, Mike Burgess, responsible for monitoring threats from domestic terrorist and politically motivated groups, has warned of the risk of “spontaneous violence” in the lead up to the referendum.10

As with any issue of national significance in 2023, amplified mis- and disinformation on social media will unfortunately also play a role in shaping the debate. The Australian Electoral Commission is providing advice on how to identify and mitigate the risks of disinformation and Liberal Senator and Shadow Home Affairs Minister James Patterson has also warned of the risks of foreign interference during the campaign.11 Combining the two concerns, cyber security analysts at Recorded Future have issued a report indicating extremist groups and political conspiracy theorists are primarily behind the production of racist content about the Voice, while Chinese actors have been observed amplifying the reach of those divisive narratives in Australia.12

Where to next

The referendum will continue to dominate the political landscape in Australia for the rest of the year. Both leaders now have a lot riding on the outcome. With two experienced politicians – Prime Minister Albanese and Opposition Leader Peter Dutton – playing with such high stakes, the scene is set for a challenging debate and a difficult path for Australia to navigate in the remaining weeks of the campaign. It will attract significant international interest.

As Australians consider how they will vote in the upcoming referendum, Australia’s position on the international stage may not be the first consideration. But there should be an awareness of the global movement towards better relationships with First Nations communities and an understanding that the result will matter to Australia’s Indo-Pacific relationships.

Endnotes

1 Djawa Yunupingu, Yothu Yindi Foundation Chairman’s Welcome, Garma Festival, Gulkula, Northern Territory, Saturday 5 August 2023
6 Curran, James, “Will the World Condemn Australia for Saying No to the Voice?”, The Australian Financial Review, 2 April 2023
9 Latimore, J., “Meta rules online racism against Indigenous people meets community standards”, The Sydney Morning Herald, 23 August 2023
10 Lewis, R. & Ison, S., “ASIO warns the indigenous voice to parliament campaign may trigger ‘spontaneous violence’ ahead of the referendum”, The Australia 24 May 2023
11 Gailberger, J., ‘AG ’complacent’ over Voice interference”, The Herald Sun, 4 May 2023
12 Insikt Group, “Malign Narratives Oppose “the Voice” Ahead of Australia’s Referendum” Recorded Future, 28 August 2023
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