Indigenous autonomy matters: what's wrong with the Australian government's 'intervention' in Aboriginal communities

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On 21 June 2007, the (then) Prime Minister of Australia, John Howard, announced an 'emergency intervention' into Aboriginal communities in the Northern Territory. The intervention was justified as a crisis response to allegations of widespread child sexual abuse in Aboriginal communities, allegations contained in the *Ampe Akelyernemane Meke Mekarle: 'Little Children Are Sacred'* report. The terms of the intervention were far-ranging, including the quarantining of welfare payments, new alcohol restrictions, compulsory health checks for children, and the acquisition of townships by the government through five-year leases. This article argues that the neo-paternalism of the federal intervention is a simplistic and wrongheaded response to the complex reality of Indigenous political culture. Australia's colonial history has created a range of dependencies in Aboriginal communities, against which Indigenous people have struggled in their quest for greater autonomy. Recent debates about the contribution made by 'welfare dependency' to the breakdown of social norms in many communities have paved the way for paternalistic policy that seeks to control Aboriginal people's behaviour through coercion and punishment. This article concludes that such policy is precisely the wrong response to problems in Aboriginal communities, as it will further entrench the dependencies that have caused social breakdown in the first place.

Introduction

Wherever one looks in the world, one sees that colonisation has created dependency. In every European 'settler' society where Indigenous people have been subjected to a colonial regime, pre-colonial autonomy has been eroded. In its place, a range of dependencies have manifested themselves in ways damaging to Indigenous peoples' lives. In Australia and internationally, Indigenous individuals, families and communities struggle against these postcolonial dependencies in an effort to regain their autonomy as self-determining peoples and as political actors. These struggles take place in political contexts that tend to necessitate at least some degree of dependence on non-Indigenous structures of government. In Australia, such struggles have been particularly disheartening, and today Aboriginal people here probably experience

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less in the way of formal political autonomy than any comparable settler society anywhere in the world (Bradfield 2006, 8).

The mainstream political response to the complexities of Aboriginal dependency in Australia has been simplistic and timid. Although Australia had a formal policy of Indigenous self-determination between 1972 and 2005, this policy was always more rhetorical than real. No Australian government has ever been prepared to unsettle the status quo sufficiently to afford Aboriginal people real autonomy. Some strategies that have been made to look like self-determination are in fact understood by Aboriginal people to further restrict their political autonomy. In 2005, the previous government's so-called 'new arrangements' in Indigenous affairs replaced even the rhetoric of self-determination with neo-paternalistic policies cloaked in language of mainstreaming and mutual obligation. And in 2007, despite growing international evidence that more, rather than less, autonomy is the pathway to improved Aboriginal life chances, the former Australian government initiated the most blatant threat to Aboriginal autonomy yet seen in the post-assimilation period: the Northern Territory 'intervention'. How has this happened?

This article does not address the social issue (that is, child sexual abuse) ostensibly underpinning the Northern Territory intervention. Rather, it analyses the contrasting political values of autonomy and dependency as they have been played out in Indigenous affairs policy in Australia and uses the recent case of the Northern Territory 'intervention' as an example of a particular style of policy in this area. The article argues that the paternalism underpinning the intervention is likely to produce negative unintended consequences precisely because it undermines Indigenous autonomy. It contrasts the political philosophy underpinning the intervention with earlier iterations of domestic Indigenous affairs policy, most notably the policy of self-determination and its alleged expression through the creation of the Aboriginal and Torres Strait Islander Commission (ATSIC). The article concludes that there is more in common with these approaches than might be assumed and that a far more radical reappraisal of this country's approach to Indigenous affairs policy is required.

The Northern Territory 'intervention'

On 21 June 2007, the then Prime Minister, John Howard, announced an 'emergency intervention' into Aboriginal communities in the Northern Territory. The announcement was a response to the *Ampe Akelyernemane Meke Mekarle: 'Little Children Are Sacred'* report that had recently been released by the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (Wild and Anderson 2007). This report had itself been commissioned by the Northern Territory government in response to allegations of rampant abuse made by the Alice Springs Crown Prosecutor,

Nanette Rogers, on ABC Television in 2006 (ABC 2006). The *Little Children Are Sacred* report confirmed what many Aboriginal people had been saying for years: that many of their communities had broken down to the point that widespread violence, suicide, alcohol and other substance abuse, and the abuse of children, had become a way of life. Until this report, however, pleas for help had fallen on deaf ears. As Indigenous lawyer and academic Larissa Behrendt suggested, this was 'the national emergency that was sitting neglected for over thirty years' (Behrendt 2007, 15).

That all changed when John Howard and his Indigenous Affairs Minister, Mal Brough, announced their 'emergency response' to the report, a response that would contain governmental interventions unmatched by anything introduced in the past 40 years (Hinkson 2007, 1). To tackle the issue of child sexual abuse, the Howard government undertook to apply a range of 'emergency' measures to all people resident in remote Aboriginal communities in the Northern Territory. Specifically, it would introduce a range of coercive measures including widespread alcohol restrictions; the banning of X-rated pornography, including audits of all publicly funded computers to identify illegal material; the marshalling of local workforces to undertake clean-up and repair in communities; reforming community living arrangements, including introducing market-based rents and 'normal' tenancy arrangements; and the quarantining of welfare payments, both to stem the flow of cash into communities and in order to link income support and family assistance payments to school attendance. The intervention would also introduce compulsory health checks for all Aboriginal children to identify and treat health problems and to detect any signs of sexual or other abuse. These measures would be enforced through greater control and surveillance of Aboriginal people through the forced acquisition of townships prescribed by the Commonwealth Government through five-year leases; increased policing levels in prescribed communities; the scrapping of the permit system for common areas, road corridors and airstrips for prescribed communities; and the appointment of managers of all government business in prescribed communities (Brough 2007a).

The intervention was to commence immediately, drawing on police and army personnel and a volunteer workforce of doctors and other professionals. The three Bills comprising the complex 500-page emergency response legislation were introduced to the House of Representatives on 7 August 2007 and passed that same day with bipartisan support.[1] Following a hastily convened one-day Senate inquiry

1 The package of legislation underpinning the intervention included the Northern Territory National Emergency Response Bill (2007); the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill (2007); and the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill (2007).

on 10 August, the legislation passed in the Upper House on 17 August without amendment. The passage of the legislation required the suspension of the federal *Racial Discrimination Act 1975* (RDA) by prescribing the intervention as falling under the 'special measures' provision of the Act. A further change, which predated the intervention but was part of the emergency response, was the abolition of the Community Development Employment Program (CDEP), set to be phased out by 30 June 2008, with CDEP jobs replaced with 'real jobs' or participants moved onto mainstream Work for the Dole arrangements. The abolition of CDEP was alleged to be necessary in order to create a single welfare system to streamline the quarantining of welfare payments (Hinkson 2007, 1–5).

Initial responses to the intervention emphasised the relief that many Aboriginal people felt that the issue of child sexual abuse and community decline more generally were at last on the government radar. The large budget attached to the program was also welcomed. However, this early optimism soon turned to anger as many Aboriginal leaders and activists realised that the intervention would have a dire impact on everyday life.

Rex Wild and Patricia Anderson, the authors of *Little Children Are Sacred*, were devastated that their report had been used to justify the intervention. They told the audience at the 2007 Garma Festival at Gulkula in north-east Arnhem Land that when they had seen 'the troops roll in' they had felt 'betrayed and disappointed, hurt and angry and pretty pissed off at the same time'. Anderson was concerned that despite government claims the intervention was a response to their report, there was 'not a single action that … corresponds with a single recommendation … There is no relationship between this emergency protection and what's in our report' (quoted in Ravens 2007, 3). A resolution signed by more that 400 participants at the Garma Festival argued that '[t]he government does not have to destabilise communal rights to land to effectively address sexual abuse, social dysfunction or poverty' (quoted in *Koori Mail* 2007). Indeed, there was an underlying concern in much public debate, particularly with regard to the imposition of five-year leases over prescribed communities, that the intervention represented a specific threat to the right to maintain traditional land tenure systems as outlined in the UN Declaration on the Rights of Indigenous Peoples.

In the weeks following the announcement of the intervention, Aboriginal leaders and activists organised quickly. On 28 June, Arrernte and Guudanji woman Pat Turner, former CEO of ATSIC, spoke on behalf of an alliance of Aboriginal organisations in accusing the government of 'using child sexual abuse as the Trojan horse to resume total control of our lands' and declared the intervention 'totally unworkable'. On 10 July the Combined Aboriginal Organisations of the Northern Territory (CAO)

released a comprehensive response complete with their proposals for redesigning the intervention to become a five-year development plan (CAO 2007). The government ignored these proposals. Around Australia, Aboriginal leaders and activists expressed their anger and concern. Former Northern Territory MLA John Ah Kit, representing a group of Northern Territory Indigenous leaders, condemned the government for rushing through the legislation and claimed that it was 'the beginning of the end of Aboriginal culture' and would 'go down in history as one of the bleakest days in the history of the country' (quoted in Gartrell and Bunce 2007, 20). Muriel Bamblett of the Secretariat of Aboriginal and Islander Child Care (SNAICC) pointed out that the words 'child' and 'children' did not appear even once in the legislation, and argued passionately that:

> This legislation does nothing for children, nothing for Indigenous disadvantage, nothing to actually stop child abuse. It takes control away from Indigenous communities. It allows government bureaucrats to force themselves into our boardrooms. It takes over our land. It takes away our ability to have a say on who can come onto our freehold title land. It places bureaucrats in charge of our lives. And it exempts these and other actions from the *Racial Discrimination Act*, which means it acknowledges that some of its measures may be racially discriminatory. This legislation is an attack on our people. [Quoted in *National Indigenous Times* 2007, 16.]

David Ross from the Central Land Council expressed the view that the intervention would have 'deeply negative consequences for Aboriginal people in remote communities' and argued that it would be 'unconscionable' to support legislation that 'pervades and controls every level of Aboriginal people's lives in the Northern Territory'. Ross suggested that '[w]hen the army and government business managers are sent in to fix child abuse, one has to wonder at the sheer nonsense associated with the whole exercise' (quoted in *National Indigenous Times* 2007, 17). William Tilmouth made the point that the intervention policies were being 'driven by people who do not have to live with the consequences', whereas Aboriginal people were concerned with 'the direct implications for themselves, their families and communities, and for land and culture' (Tilmouth 2007, 231). Harry Nelson, a traditional owner from Yuendumu who had been part of a delegation of Aboriginal leaders who went to Canberra to try and stop the passage of the legislation, was distressed at its passing, saying:

> Our dream has been shattered. This is coming from my heart. We can't go home from Canberra and hold our heads up. I've got no answer for my people because the minister wouldn't even meet with us. I feel sad and no good. I fought for my land and they can take away all the houses but they can't take my land. After all these years of fighting for our land and our freedom, this is where we end up. [Quoted in *National Indigenous Times* 2007, 16.]

Certainly not all Aboriginal leaders and activists shared these concerns. In the days immediately following the 21 June announcement, Cape York leader Noel Pearson, who was seen as close to the Howard government, defended the intervention and attacked its critics. He described the negative reaction from many Aboriginal leaders and activists as 'a kind of madness', saying that he was 'just amazed that anybody would put the protection of children secondary to anything else' (ABC 2007). Others, such as Warren Mundine, Marcia Langton and Alison Anderson agreed, although they appeared to be in the minority. Feedback from traditional landowners and community members collated in a briefing paper by the Central Land Council suggested that although people remained supportive of efforts to address child abuse in their communities, they were 'overwhelmingly opposed' to many of the intervention measures and upset by the lack of consultation in introducing these changes (Central Land Council 2007).

In October 2008 a review commissioned by the new federal government with a hand-picked board headed by Yawuru leader Peter Yu presented its report to government. The report recommended changes to a number of key measures in the intervention, most notably that income management apply only to families whose children did not attend school or had been reported to child protection authorities (rather than to all families in prescribed communities), and that the intervention legislation be amended to allow the immediate restoration of the RDA. The new federal Minister for Indigenous Affairs, Jenny Macklin, chose to ignore these recommendations, opting instead to persist with compulsory income management, claiming it was 'a tool to reduce alcohol related violence, to protect children, to guard against humbugging and to promote personal responsibility' (quoted in Gartrell 2008). The minister also announced that she would delay the restoration of the RDA by another 12 months.

The political subtext to public discussion of the intervention was a long-running debate about what has come to be termed 'welfare dependency'. In the decade prior to the announcement of the intervention, welfare dependency had become an influential concept in public discourse in Indigenous affairs. Often taken out of historical context, the idea of welfare dependency came to be understood by both policy makers and the media as the central cause of the myriad problems besetting Aboriginal people in many parts of Australia. Just days before the announcement of the Northern Territory intervention, for example, and in response to a report from Noel Pearson's Cape York Institute, the then Indigenous Affairs Minister, Mal Brough, confirmed his view that welfare in Indigenous communities in Cape York offered 'little more than a pathway to lifelong dependency' (Cape York Institute 2007; Brough 2007b). In contrast to a simplistic analysis such as this, however, with its emphasis on the corrupting effects of contemporary welfare payments, a deeper understanding of Aboriginal dependency must begin with understanding how this dependency has been created over time.

Creating dependency

The transformation of Aboriginal peoples from autonomous societies to a dependent minority began at colonisation. Dependency arrived with the colonising forces that invaded Aboriginal lands, and developed during periods characterised by dispossession, protectionism and assimilation (Cronin 2007, 186; Palmer 2005, 101). By the time Australia introduced a weak and compromised self-determination in the 1970s, much damage had already been done, meaning that something far more radical would be needed to restore Aboriginal dignity and autonomy.

Darryl Cronin has argued that dispossession is the 'core of Indigenous disadvantage' because it saw Indigenous peoples lose control of their natural and cultural resources, but also because of the trauma that this dispossession engendered — the 'devastating spiritual and psychological impact' that it had on Aboriginal people (Cronin 2003, 152). Jiman and Bunjalung woman Judy Atkinson, who has spent 15 years researching Indigenous trauma, agrees, claiming that dispossession 'enforced dependency' as it 'tore families apart' and 'destroyed any sense of self-worth and value in culture' (Atkinson 2002, 67). Many Aboriginal people carried the trauma of earlier periods of violent dispossession with them onto reserves and missions. Here, as colonial governments attempted to 'smooth the dying pillow' of a culture apparently destined for extinction, they experienced further threats to their spiritual beliefs and traditional ways of life while becoming newly dependent on rations and handouts. The missions did much to entrench a post-invasion dependency. But in the cities and towns too, away from the direct control of missions and reserves, Aboriginal people found themselves increasingly trapped in a 'welfare milieu' that provided 'more subtle forms of domination' but nonetheless denied them their autonomy (Howard 1982, 7).

The racialised thinking of the time allowed non-Aboriginal people to believe that Aboriginal people were not really capable of living autonomous lives. The 'neo-evolutionary' views held by non-Aboriginal politicians, both then and now, endorse a view that Aboriginal people need to be helped or forced to overcome their dependency through paternalistic policies, regardless of the effects these policies may have on Indigenous culture. It must therefore have been something of a surprise and an irritation that Aboriginal people seemed so reluctant to accept this paternalism or to allow their cultures and communities to be eradicated. Aboriginal people from diverse contexts continued to assert their distinctiveness and their autonomy (Coombs and Robinson 1996, 2). By the 1970s, the Aboriginal voices clamouring for recognition could no longer be ignored, and the election of the Whitlam Labor government in 1972 saw the formal introduction of a policy of Aboriginal 'self-determination'.

Self-determination meant many things. In some parts of Australia it meant the decline and eventual withdrawal of missions; in other places it meant the emergence of

Aboriginal-controlled organisations. Some Aboriginal people gained limited rights or ownerships of their lands. The assumption from the outset was that the new policies would both lessen Indigenous dependency and allow Aboriginal people to make decisions about their own priorities and lifestyles. However, it is worth noting two fundamental problems with the way that 'self-determination' was introduced in Australia that contrast with the understanding of the concept as a fundamental human right, as articulated in Art 3 of the United Nations Declaration on the Rights of Indigenous Peoples. The first problem was the assumption that, after nearly two centuries of domination and dependency, Aboriginal people would immediately be equipped to assume greater autonomy over their lives. It is a sad irony that regimes of dependency, such as missions, did irrevocable damage to traditional social norms and modes of social control during their tenure, and their withdrawal also meant that their imposed set of laws was simultaneously revoked, leaving a significant social void (Sutton 2001, 128).

In short, the protectionist and assimilationist periods in Australia did not leave Aboriginal communities well equipped for the immediate take-up of these tasks. This lack of readiness to assume administrative and social responsibility for community management also became something of a self-fulfilling prophecy, with governments expressing their lack of confidence in Aboriginal people by continuing to weigh down 'seemingly liberating policy' with continuing government controls (Lippmann 1981, 96). This dynamic was further compounded by the newly dependent relationship that many leaders and activists found themselves in once they had accepted government positions or funding (Jones and Hill-Burnett 1982, 238; Attwood and Markus 1999, 277).

Further complicating the attempted transition to self-determination was the clash between traditional structures of community organisation and control and the newly imposed structures such as community councils, with their elected representatives. Richard Trudgen (2000) observes that there was an assumption that, as the missions withdrew from communities in north-east Arnhem Land, the Elders would take control of the new community councils. In most cases, however, this did not happen because the new 'Balanda [white] processes' were only understood by some of the younger, Western-educated Yolngu (2000, 55). As a result, traditional models of social organisation were undermined at a time when stability was desperately needed. Despite the rhetoric, the new policy of self-determination in fact contained underlying pressures for acculturation that were not all that different to the pressures of the assimilation era (Rowse 2002, 231).

The second problem with the way that policies of self-determination were introduced in Australia was their weak and compromised philosophical underpinnings.

Australian governments have never dealt with Aboriginal people 'government-to-government', but have instead insisted on a 'top-down approach' to self-determination (Brennan et al 2005, 32) — clearly, a contradiction in terms. This approach has meant that aspirations for autonomy have been 'buried in practices that are assimilationist' (Young 2005, 120), thus compromising the capacity of Aboriginal people to actually exercise their individual and collective responsibility. As will be discussed further below, ATSIC is seen by many to epitomise these shortcomings in the Australian approach to self-determination, given its creation through federal legislation and the requirement that it report to the minister of the day. Aileen Moreton-Robinson (2005) suggests that government policies of self-determination have been more concerned with organisational and community management than with placing meaningful political and economic power in Aboriginal hands (2005, 63). This profound *lack* of self-determination at the heart of policies ostensibly espousing self-determination has continued to frustrate Indigenous desires for a more meaningful autonomy.

Living with dependency

Few would dispute the extent of the social crisis being experienced in many Aboriginal communities. It is generally understood that what has now become a 'self-perpetuating cycle of poverty and despair' (Stokes 2002, 196) has its roots in Australia's colonial history and is perpetuated by a present-day sense of powerlessness and lack of control by Aboriginal people over their own lives. As Richard Trudgen observes:

> When any group of people lose control of the basic things of life, the result is disaster. Normal things become abnormal and the people concerned start to suffer in all sorts of strange ways. [Trudgen 2000, 58.]

For some Yolngu, this has meant a descent into *wulula*, or hell. As one man, John Djatjamirrilil, observed to Trudgen:

> Living in the community is like *wulula*. We sit with sad faces, with nothing to do except watch the Balanda [white people] running around doing everything for us … That's what *wulula* is like. It's like living in a [present-day Arnhem Land] community. [Quoted in Trudgen 2000, 158.]

This dependence on non-Aboriginal people for administration and management in communities is certainly troubling to observe. Anyone who visits a remote Aboriginal community will see the multitude of white public servants — CEOs, teachers, nurses, police — who essentially run the place. In many communities there are multiple forms of 'bureaucratic and technical dependency' (Palmer 2005, 104) that have developed

due to operational complexity, multiple funding and reporting requirements, and the necessary maintenance of inappropriate and overly complex equipment. Both the number of white bureaucrats and the complexity of community administration have been significantly increased since the intervention began.[2]

In recent years, much public debate about the problem of welfare dependency in Aboriginal communities has been led by Noel Pearson. Pearson has described the 'institutionalised dependency' that he believes has been created by a regime of 'passive welfare' (2007, 17). He has also claimed that these symptoms of welfare dependency, particularly the collapse of social norms and the rise of ills such as violence, suicide, alcoholism and child abuse, are recent rather than historical phenomena, dated to the rise of 'victim politics' in which the 'increased recognition of black rights' was accompanied by 'a calamitous erosion of black responsibility' (2007, 26). Pearson argues that three factors have contributed to Cape York Aboriginal communities' 'descent into hell' over recent decades: the equal wages decision in 1966, which saw the collapse of Aboriginal employment in the pastoral industry; the introduction of social security payments; and the attainment of full citizenship, which brought with it the right to drink alcohol (2007, 26–27). Pearson and his colleagues at the Cape York Institute summarise the situation by arguing that:

> … the current problems of Indigenous people are very much the result of passivity problems created by earlier interventions. Passivity, at its core, involves an abandonment of responsibility by individuals, families and communities. With the decline of responsibility comes family and community breakdown and social problems. [Cape York Institute 2007, 44.]

It would be a mistake, however, to think that Pearson's diagnosis is new. Writing in the early 1970s, the late Kevin Gilbert observed that 'Aboriginal life is an ocean of suffering, maladjustment, ill-health, dreadful conditions, stunted wasted lives, dying babies and frustration' (Gilbert 2002 [1973], 141). Gilbert, like Pearson, also claimed that, 'dependence on "handouts" has sapped the initiative and the substance of blacks' and advocated 'the need for community self-discipline and total community organisation' (2002 [1973], 148, 149). However, unlike Pearson and his more paternalistic proposals for restricting welfare payments based on behaviour, Gilbert advocated a more radical autonomy, claiming that '[t]he only thing that years of white administration have proved to us is that it doesn't work, it can't work' (2002 [1973], 160). Gilbert further argued that 'what blacks really want' is a combination of 'land, compensation,

2 The intervention has required at least 700 new public servants to administer programs such as the quarantining of welfare payments.

discreet non-dictatorial help and *to be left alone* by white Australia', insisting '[y]ou'll never heal a wound if you keep picking at it' (2002 [1973], 175, emphasis in original).

In other words, where Pearson advocates greater community responsibility through individual coercion, Gilbert was calling for a more meaningful form of Aboriginal autonomy that requires of Aboriginal people a true range of responsibilities for their communal welfare and wellbeing. As Gary Foley also argues, the solution to dependency articulated by activists in the 1970s was to 'put the resources into the hands of the communities themselves, cut out the middle man and … let the communities make their own mistakes. Create real self-determination' (ABC 2003). Many other Aboriginal leaders and activists today still point to paternalism and interference as contributing to ongoing dependency. In the 2006 HREOC Social Justice report, Tom Calma points out that the irony of failing to treat Aboriginal people as 'partners and equal participants in creating a positive life vision' is that this approach 'fosters a passive system of policy development and service delivery while at the same time criticising Indigenous peoples for being passive recipients of government services' (ATSISJC 2007, 18).

Pearson is correct in highlighting the growing dependence on welfare payments since the advent of self-determination in the 1970s. In many Aboriginal communities, in both remote and urban locations, social security or CDEP payments make up the majority, if not the whole, of the local economy, leaving Aboriginal people 'hopelessly dependent on the dominant culture' (Trudgen 2000, 160). A problem arises, however, in much current debate, with a tendency to 'blame the victim'. The reality is that determining responsibility for the current state of affairs is as difficult as it is pointless. As Tim Rowse notes, '[t]he attribution of responsibility is often part of the game of politics itself' (1993, 75). Nevertheless, the 'blame the victim' approach, along with Pearson's influential neoliberal arguments, is used to justify the imposition of paternalistic policies, including the new 'intervention' in the Northern Territory. But one of the results of the 'top down' approach to self-determination so favoured by Australian governments is the maintenance of passivity, as Aboriginal people are subjected to the ever-changing policies of governments.

So, while many Aboriginal leaders and activists around Australia agree with Pearson's diagnosis of the disease of dependency that is crippling their communities, Pearson finds himself almost a lone voice in advocating his particular cure. The majority of Aboriginal leaders and activists see more, rather than less, autonomy as the answer to dependency. In light of this, it is concerning that the Northern Territory intervention is precisely the opposite of what the majority of Indigenous leaders and activists believe is needed. As Judy Atkinson has noted, there is a long history of 'multiple, protracted and many-layered' interventions by governments and others into Aboriginal lives.

These interventions have, at many levels 'acted as traumatising agents, compounding the agony of already traumatised individuals and groups' and have 'increased the dependent conditions of the oppressed' (Atkinson 2002, 68). Despite this, Aboriginal people have continued to resist.

Struggling for autonomy

Worimi Historian John Maynard (2007) points out that Aboriginal people were calling for self-determination as early as the 1920s. It is the later articulation of these demands, however, under the banner of 'Black Power' that is best known and associated with political strategies such as the Aboriginal Tent Embassy. Black Power became a means of articulating a rejection of white paternalism and an assertion of demands for Aboriginal control and autonomy (Attwood 2003, 322–24). It also provided a space for Aboriginal people to grow in both confidence and community strength (de Costa 2006, 105).

Many Aboriginal people observe that there was a fundamentally cynical response from governments to these Aboriginal demands for a greater political autonomy. There is a strong belief that many strategies appearing to 'allow' greater autonomy have really been government efforts to derail and de-mobilise the movement. Representative bodies from the 1970s, such as the National Aboriginal Consultative Committee and its successor the National Aboriginal Conference, have been assessed as 'impotent' bodies designed to contain a threatening political movement (Bradfield 2006, 84). Many government actions have created a 'dependent Aboriginal elite' (Howard 1982, 10) — an elite that has perhaps been somewhat lost since the abolition of ATSIC.[3] The incorporation of Aboriginal organisations under the policy of self-determination is seen as a factor that compounded, rather than alleviated, Aboriginal dependency. Early organisations, such as the Aboriginal legal and medical services, were intended to be as much about autonomy and self-determination as they were about service provision (Briskman 2003, 31, 33, 34). Through the incorporation of Aboriginal organisations, however, many previously autonomous leaders and activists found themselves 'integrated into the very structure of oppression that they are trying to combat' (Jones and Hill-Burnett 1982, 224).

In mainstream political circles and in the media, ATSIC is generally spoken about as though it really was an organisational model that afforded Aboriginal and

3 This dynamic, essentially one of co-option, is certainly not unique to the Indigenous rights movement. I have written elsewhere on the dangers of close relationships with apparently friendly government for the women's and environment movements; see Maddison and Edgar 2008.

Torres Strait Islander people some meaningful autonomy and that this so-called 'experiment in self-determination' somehow failed. However, despite a deep appreciation of many of the things that ATSIC offered, most especially an elected representative interface with the federal government, for most Aboriginal people ATSIC was never understood as an autonomous or Indigenous organisation. Rather, it was understood as a 'creation of non-Aboriginal Australia' (O'Shane 1998, 6) that hovered in 'uncertain space' between a dominant state and the possibility of Indigenous autonomy (Bradfield 2006, 88). Nor was it considered to provide for real self-determination. As Mick Dodson has argued in regard to ATSIC and the 'myth' that self-determination failed, '[a]n approach that has never been tested cannot be deemed a failure' (Dodson 2006).

Certainly, ATSIC had its critics. But, regardless of some of the structural problems that hobbled the organisation from the outset, there is still much anger at ATSIC's abolition. As Irene Watson has argued:

> Aboriginal people were given an under-resourced white model to perform the impossible task of caring for Aboriginal Australia. From the beginning the ATSIC project was doomed to fail and, when it did, white racism laid the blame in black hands. [Watson 2007, 24.]

One former ATSIC commissioner described the abolition as 'a step back into the draconian past of mission mentalities overlorded by bureaucrats whose bottom line is economic expediency' (Rick Griffiths quoted in Barnett 2005, 11). As Bill Jonas and Darren Dick (2004) have observed:

> It is one thing to suggest that ATSIC could perform its obligations to Indigenous peoples better; it is another thing entirely to suggest that there should not be a national representative body thorough which Indigenous people can participate in government decision making about their lives. [Jonas and Dick 2004, 14.]

This view is at the heart of Aboriginal people's struggles for autonomy. Being autonomous means making mistakes, being accountable, and fixing those mistakes yourself.

Since the abolition of ATSIC, Aboriginal people have been without national representation, without a recognised body for dealing with the federal government, and without a recognised body that was able to express views in Indigenous affairs that were often critical of government (Behrendt 2004, 3).

Conclusion

Complex debates about Indigenous autonomy and dependency have been almost overwhelmed by the 'Noel-Pearson-versus-the-rest' debate over rights and responsibility. Noel Pearson is quite correct in diagnosing passivity and dependency as significant social problems in Aboriginal communities all over Australia; indeed, many other leaders and activists concur. But Pearson's diagnosis is nothing new. Kevin Gilbert pointed out over three decades ago that 'the toughest thing that blacks are going to have to come to grips with' is the 'psychological damage done to individuals and communities' as a result of post-colonial dependency. Gilbert argued that even though 'the white man put you there, psychologically' even if he wanted to 'he can't get you out' (Gilbert 2002 [1973], 200).

Nor are Pearson's proposed solutions as innovative as he would like to think. In essence, Pearson's proposed solution to passivity and dependency is more paternalism and coercion. This approach is evident in the measures introduced under the Northern Territory intervention. But paternalism — the insistence that disadvantaged groups must be coerced into greater individual responsibility — is not an original idea. Pearson's rhetoric here is slippery. When he talks about Aboriginal peoples' 'right to take responsibility' (2000), he is in fact talking about the quarantining of welfare payments of 'irresponsible' individuals. It is difficult, therefore, to assess the reality of his claim that he finds 'widespread resonance with the responsibility agenda' in Aboriginal communities (Pearson 2007, 56). It is certainly evident that, over many, many years, Aboriginal people have been struggling for forms of autonomy that would increase their responsibility for themselves. As Lowitja O'Donoghue has pointed out, Aboriginal people have never been 'content to play the role of helpless victim' (1997, 30). However, there is a wide gulf between the type of meaningful, self-determining autonomy articulated by the majority of Aboriginal leaders and activists and Pearson's neo-paternalistic proposals.

Many Aboriginal people believe that Pearson's new iteration of paternalism, and the implementation of such an approach in the Northern Territory intervention, will do nothing to relieve Aboriginal dependence on 'the beneficence of government' (Cronin 2007, 199). Where Pearson is most at odds with his peers is in his rejections of what he calls a 'victim politics'. This perspective gives greater weight to the wrongs of Australia's colonial past and insists that until some of those wrongs are properly addressed and corrected, Aboriginal people will be forced into relations of dependency with governments. Autonomy is, after all, about more than just 'where the money comes from'. It is more fundamentally about the sense of ownership and control people have over their lives (Rowse 1992, 35). Larissa Behrendt argues that it will only be through the recognition of Aboriginal autonomy that Aboriginal people will experience dignity and respect (1995, 104).

As Aden Ridgeway has noted, Australian governments have had 'report after report' that have consistently advocated the same principle — that is, that '*Indigenous disadvantage can only be improved when Indigenous people are given greater control over the decisions that impact on their daily lives*' (Ridgeway 2003, 188, emphasis in the original). Rex Wild and Patricia Anderson, the authors of the report into child sexual abuse in the Northern Territory that allegedly prompted the federal government's intervention, have added to this list of reports, pointing out that the continuing failure to find solutions to the problems in Aboriginal communities is exacerbated by 'an ongoing paternalistic approach' that fails to address the problem (Wild and Anderson 2007, 9). International evidence also supports this view (Cornell 2004; Fournier 2005; Harvard Project 2008), as does the evidence from the Indigenous Community Governance Project (Hunt and Smith 2007). As Alexis Wright observes, Aboriginal people have been left with the 'chaos' caused by two centuries of non-Aboriginal 'solutions' proposed by 'the good the bad and the incompetent'. In light of all that has been tried and has failed, why, Wright wonders, can non-Indigenous Australia not just embrace 'the Indigenous vision'? (Wright 2005, 107).[4]

So, rather than self-determination having 'failed', as Pearson and the former Prime Minister would have us think, advocates of Aboriginal autonomy would say that *real* autonomy, *real* self-determination, has never been tried in Australia. Gularrwuy Yunupingu has argued that '[g]overnments must stop babysitting us because we are not children. But if treated like children, people will behave like children. It is time for us to be given responsibility in the right way' (Yunupingu 2007). The right way means recognising that real autonomy will not be achieved until the legal basis of relations between Aboriginal and non-Aboriginal Australians is resolved. While Darryl Cronin emphasises that the right to self-determination is 'not a right to secession' but rather a 'right to some form of autonomy *within* the Australian nation' (Cronin 2003, 158, emphasis added; Ivanitz 2002, 133–34), for others, such as Lester-Irabinna Rigney, a treaty would at least provide a form of inoculation from ongoing assimilation, without which Indigenous people will continue to be 'forced into government care and obligation with its associated paternalistic practices' (Rigney 2003, 76). ATSIC was making a similar point over a decade ago, arguing that Australia:

> … must make a quantum leap, from patronising and condescending welfarism and the dependency and sense of inadequacy it engenders, to a policy foundation of full recognition of the rights of Indigenous peoples. [ATSIC 1995.]

4 Or, indeed, many 'Indigenous visions' — the point being that it should be Indigenous peoples rather than non-Indigenous governments that develop policy and programs to support their visions and aspirations.

Far from making such a leap, the Northern Territory intervention represents a retrograde step in Australian Indigenous Affairs policy. The decision by the Rudd government to continue key aspects of the intervention will have real and long-term implications that are likely to further erode Indigenous autonomy, compounding the very social problems the intervention is intended to combat. ●

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