

Elaine Kelly

Each community's title deed carries the indelible blood stains of our ancestors. (Watson, "Howard's End" 2)

Introduction

According to the Oxford English Dictionary, the term coalition comes from the Latin *coalescere* or 'coalesce', meaning "come or bring together to form one mass or whole". Coalesce refers to the unity affirmed as something grows: *co* - "together", *alesce* - "to grow up". While coalition is commonly associated with formalised alliances and political strategy in the name of self-interest and common goals, this paper will draw as well on the broader etymological understanding of coalition as "growing together" in order to discuss the Australian government's recent changes to land rights legislation, the 2007 Emergency Intervention into the Northern Territory, and its decision to use Indigenous land in the Northern Territory as a dumping ground for nuclear waste.

What unites these distinct cases is the role of the Australian nation-state in asserting its sovereign right to decide, something Giorgio Agamben notes is the primary indicator of sovereign right and power (Agamben). As Fiona McAllan has argued in relation to the Northern Territory Intervention: "Various forces that had been coalescing and captivating the moral, imaginary centre were now contributing to a spectacular enactment of a sovereign rescue mission" ([par. 18](#)). Different visions of "growing together", and different coalitional strategies, are played out in public debate and policy formation. This paper will argue that each of these cases represents an alliance between successive, oppositional governments - and the nourishment of neoliberal imperatives - over and against the interests of some of the Indigenous communities, especially with relation to land rights.

A critical stance is taken in relation to the alterations to land rights laws over the past five years and with the Northern Territory Emergency Intervention, hereinafter referred to as the Intervention, firstly by the Howard Liberal Coalition Government and later continued, in what Anthony Lambert has usefully termed a "postcoalitional" fashion, by the Rudd Labor Government. By this, Lambert refers to the manner in which dominant relations of power continue despite the apparent collapse of old political coalitions and even in the face of seemingly progressive symbolic and material change.

It is not the intention of this paper to locate Indigenous people in opposition to models of economic development aligned with neoliberalism. There are examples of productive relations between Indigenous communities and mining companies, in which Indigenous people retain control over decision-making and utilise Land Council's to negotiate effectively. Major mining company Rio Tinto, for example, initiated an Aboriginal and Torres Strait Islanders Policy platform in the mid-1990s (Rio Tinto). Moreover, there are diverse perspectives within the Indigenous community regarding social and economic reform governed by neoliberal agendas as well as government initiatives such as the Intervention, motivated by a concern for the abuse of children, as outlined in *The Little Children Are Sacred Report* (Wild & Anderson; hereinafter *Little Children*).

Indeed, there is no agreement on whether or not the Intervention had anything to do with land rights. On the one hand, Noel Pearson has strongly opposed this assertion: "I've got as much objections as anybody to the ideological prejudices of the Howard Government in relation to land, but this question is not about a 'land grab'. The Anderson Wild Report tells us about the scale of Aboriginal children's neglect and abuse" (ABC). Marcia Langton has agreed with this stating that "There's a cynical view afoot that the emergency intervention was a political ploy - a Trojan Horse - to sneak through land grabs and some gratuitous black head-kicking disguised as concern for children. These conspiracy theories abound, and they are mostly ridiculous" ([Langton](#)). Patrick Dodson on the other hand, has argued that yes, of course, the children remain the highest priority, but that this "is undermined by the Government's heavy-handed authoritarian intervention and its ideological and deceptive land reform agenda" ([Dodson](#)).

Whiteness

One way to frame this issue is to look at it through the lens of critical race and whiteness theory. Is it possible that the interests of whiteness are at play in the coalitions of corporate/private enterprise and political interests in the Northern Territory, in the coupling of social conservatism and economic rationalism? Using this framework allows us to identify the partial interests at play and the implications of this for discussions in Australia around sovereignty and self-determination, as well as providing a discursive framework through which to understand how these coalitional interests represent a specific understanding of progress, growth and development.

Whiteness theory takes an empirically informed stance in order to critique the operation of unequal power relations and discriminatory practices imbued in racialised structures. Whiteness and critical race theory take the twin interests of racial privileging and racial discrimination and discuss their historical and on-going relevance for law, philosophy, representation, media, politics and policy.

Foregrounding contemporary analysis in whiteness studies is the central role of race in the development of the Australian nation, most evident in the dispossession and destruction of Indigenous lands, cultures and lives, which occurred initially prior to Federation, as well as following. Cheryl Harris's landmark paper "Whiteness as Property" argues, in the context of the US, that "the origins of property rights ... are rooted in racial domination" and that the "interaction between conceptions of race and property ... played a critical role in establishing and maintaining racial and economic subordination" (Harris 1716).

Reiterating the logic of racial inferiority and the assumption of a lack of rationality and civility, Indigenous people were named in the Australian Constitution as "flora and fauna" – which was not overturned until a national referendum in 1967. This, coupled with the logic of *terra nullius* represents the racist foundational logic of Australian statehood. As is well known, *terra nullius* declared that the land belonged to no-one, denying Indigenous people property rights over land.

Whiteness, Moreton-Robinson contends, "is constitutive of the epistemology of the West; it is an invisible regime of power that secures hegemony through discourse and has material effects in everyday life" (*Whiteness* 75).

In addition to analysing racial power structures, critical race theory has presented studies into the link between race, whiteness and neoliberalism. Roberts and Mahtami argue that it is not just that neoliberalism has racialised effects, rather that neoliberalism and its underlying philosophy is "fundamentally raced and produces racialized bodies" (248; also see Goldberg *Threat*). The effect of the free market on state sovereignty has been hotly debated too. Aihwa Ong contends that neoliberalism produces particular relationships between the state and non-state corporations, as well as determining the role of individuals within the body-politic. Ong specifies:

Market-driven logic induces the co-ordination of political policies with the corporate interests, so that developmental discussions favour the fragmentation of the national space into various contiguous zones, and promote the differential regulation of the populations who can be connected to or disconnected from global circuits of capital. (Ong, *Neoliberalism* 77)

So how is whiteness relevant to a discussion of land reform, and to the changes to land rights passed along with Intervention legislation in 2007? Irene Watson cites the former Minister for Indigenous Affairs, Mal Brough, who opposed the progressive individual with what he termed the "failed collective." Watson asserts that in the debates around land leasing and the Intervention, "Aboriginal law and traditional roles and responsibilities for caring and belonging to country are transformed into the cause for community violence" (*Sovereign Spaces* 34). The effects of this, I will argue, are twofold and move beyond a moral or social agenda in the strictest sense of the terms: firstly to promote, and make more accessible, the possibility of private and government coalitions in relation to Indigenous lands, and secondly, to reinforce the sovereignty of the state, recognised in the capacity to make decisions. It is here that the explicit reiteration of what Aileen Moreton-Robinson calls "white possession" is clearly evidenced (*The Possessive Logic*).

Sovereign Interventions

In the Northern Territory 50% of land is owned by Indigenous people under the *Aboriginal Land Rights Act 1976* (ALRA) (NT). This law gives Indigenous people control, mediated via land councils, over their lands. It is the contention of this paper that the rights enabled through this law have been eroded in recent times in the coalescing interests of government and private enterprise via, broadly, land rights reform measures.

In August 2007 the government passed a number of laws that overturned aspects of the *Racial Discrimination Act 1975* (RDA), including the *Northern Territory National Emergency Response Bill 2007* and the *Aboriginal Land Rights (Northern Territory) Amendment (Township Leasing) Bill 2007*. Ostensibly these laws were a response to evidence of alarming levels of child abuse in remote Indigenous communities, which has been compiled in the special report *Little Children*, co-chaired by Rex Wild QC and Patricia Anderson. This report argued that urgent but culturally appropriate strategies were required in order to assist the local communities in tackling the issues. The recommendations of the report did not include military intervention, and instead prioritised the need to support and work in dialogue with local Indigenous people and organisations who were already attempting, with extremely limited resources, to challenge the problem. Specifically it stated that:

The thrust of our recommendations, which are designed to advise the NT government on how it can help support communities to effectively prevent and tackle child sexual abuse, is for there to be consultation with, and ownership by the local communities, of these solutions. (Wild & Anderson 23)

Instead, the Federal Coalition government, with support from the opposition Labor Party, initiated a large scale intervention, which included the deployment of the military, to install order and assist medical personnel to carry out compulsory health checks on minors. The intervention affected 73 communities with populations of over 200 Aboriginal men, women and children (Altman, *Neo-Paternalism* 8).

The reality of high levels of domestic and sexual abuse in Indigenous communities requires urgent and diligent attention, but it is not the space of this paper to unpack the media spectacle or the politically determined response to these serious issues, or the considered and careful reports such as the one cited above. While the report specifies the need for local solutions and local control of the process and decision-making, the Federal Liberal Coalition government's intervention, and the current Labor government's faithfulness to these, has been centralised and external, imposed upon communities.

[Rebecca Stringer](#) argues that the

Trojan horse thesis indicates what is at stake in this Intervention, while also pinpointing its main weakness. That is, the counter-intuitive links its architects make between addressing child sexual abuse and re-litigating Indigenous land tenure and governance arrangements in a manner that undermines Aboriginal sovereignty and further opens Aboriginal lands to private interests among the mining, nuclear power, tourism, property development and labour brokerage industries. (par. 8)

Alongside welfare quarantining for all Indigenous people, was a decision by parliament to overturn the "permit system", a legal protocol provided by the ALRA and in place so as to enable Indigenous peoples the right to refuse and grant entry to strangers wanting to access their lands. To place this in a broader context of land rights reform, the *Aboriginal Land Rights (Northern Territory) Act 2006*, created the possibility of 99 year individual leases, *at the expense of* communal ownership. The legislation operates as a way of individualising the land arrangements in remote Indigenous communities by opening communal land up as private plots able to be bought by Aboriginal people or any other interested party.

Indeed, according to Leon Terrill, land reform in Australia over the past 10 years reflects an attempt

to return control of decision-making to government bureaucracy, even as governments have downplayed this aspect. Terrill argues that Township Leasing (enabled via the 2006 legislation), takes “wholesale decision-making about land use” away from Traditional Owners and instead places it in the hands of a government entity called the Executive Director of Township Leasing (3). With the passage of legislation around the Intervention, five year leases were created to enable the Commonwealth “administrative control” over the communities affected (Terrill 3). Finally, under the current changes it is unlikely that more than a small percentage of Aboriginal people will be able to access individual land leasing.

Moreover, the argument has been presented that these reforms reflect a broader project aimed at replacing communal land ownership arrangements. This agenda has been justified at a rhetorical level via the demonization of communal land ownership arrangements. Helen Hughes and Jenness Warin, researchers at the rightwing think-tank, the Centre for Independent Studies (CIS), released a report entitled *A New Deal for Aborigines and Torres Strait Islanders in Remote Communities*, in which they argue that there is a direct casual link between communal ownership and economic underdevelopment: “Communal ownership of land, royalties and other resources is the principle cause of the lack of economic development in remote areas” (in Norberry & Gardiner-Garden 8). In 2005, then Prime Minister, John Howard, publicly introduced the government’s ambition to alter the structure of Indigenous land arrangements, couching his agenda in the language of “equal opportunity”.

I believe there’s a case for reviewing the whole issue of Aboriginal land title in the sense of looking more towards private recognition ..., I’m talking about giving them the same opportunities as the rest of their fellow Australians. (Watson, “Howard’s End” 1)

Scholars of critical race theory have argued that the language of equality, usually tied to liberalism (though not always) masks racial inequality and even results in “camouflaged racism” (Davis 61). David Theo Goldberg notes that, “the racial status-quo - racial exclusions and privileges favouring for the most part middle - and upper class whites - is maintained by formalising equality through states of legal and administrative science” (*Racial State* 222).

While Howard and his coalition of supporters have associated communal title with disadvantage and called for the equality to be found in individual leases (Dodson), Altman has argued that there is no logical link between forms of communal land ownership and incidences of sexual abuse, and indeed, the government’s use of sexual abuse disingenuously disguises it’s imperative to alter the land ownership arrangements: “Given the proposed changes to the ALRA are in no way associated with child sexual abuse in Aboriginal communities [...] there is therefore no pressing urgency to pass the amendments.” (Altman *National Emergency*, 3) In the case of the Intervention, land rights reforms have affected the continued dispossession of Indigenous people in the interests of “commercial development” (Altman *Neo-Paternalism* 8).

In light of this it can be argued that what is occurring conforms to what Aileen Moreton-Robinson has highlighted as the “possessive logic of patriarchal white sovereignty” (*Possessive Logic*). White sovereignty, under the banner of benevolent paternalism overturns the authority it has conceded to local Indigenous communities. This is realised via township leases, five year leases, housing leases and other measures, stripping them of the right to refuse the government and private enterprise entry into their lands (effectively the right of control and decision-making), and opening them up to, as Stringer argues, a range of commercial and government interests.

Future Concerns and Concluding Notes

The etymological root of coalition is *coalesce*, inferring the broad ambition to “grow together”. In the issues outlined above, growing together is dominated by neoliberal interests, or what Stringer has termed “assimilatory neoliberalism”. The issue extends beyond a social and economic assimilationism project and into a political and legal “land grab”, because, as Ong notes, the neoliberal agenda aligns itself with the nation-state. This coalitional arrangement of neoliberal and governmental interests reiterates “white possession” (Moreton-Robinson, *The Possessive Logic*).

This is evidenced in the position of the current Labor government decision to uphold the

nomination of Muckaty as a radioactive waste repository site in Australia ([Stokes](#)). In 2007, the Northern Land Council (NLC) nominated Muckaty Station to be the site for waste disposal. This decision cannot be read outside the context of Maralinga, in the South Australian desert, a site where experiments involving nuclear technology were conducted in the 1960s. As John Keane recounts, the Australian government permitted the British government to conduct tests, dispossessing the local Aboriginal group, the Tjarutja, and employing a single patrol officer "the job of monitoring the movements of the Aborigines and quarantining them in settlements" (Keane).

Situated within this historical colonial context, in 2006, under a John Howard led Liberal Coalition, the government passed the *Commonwealth Radioactive Waste Management Act* (CRWMA), a law which effectively overrode the rulings of the Northern Territory government in relation decisions regarding nuclear waste disposal, as well as overriding the rights of traditional Aboriginal owners and the validity of sacred sites. The Australian Labor government has sought to alter the CRWMA in order to reinstate the importance of following due process in the nomination process of land. However, it left the proposed site of Muckaty as confirmed, and the new bill, titled *National Radioactive Waste Management* retains many of the same characteristics of the Howard government legislation. In 2010, 57 traditional owners from Muckaty and surrounding areas signed a petition stating their opposition to the disposal site (the case is currently in the Federal Court).

At a time when nuclear power has come back onto the radar as a possible solution to the energy crisis and climate change, questions concerning the investments of government and its loyalties should be asked. As Malcolm Knox has written "the nuclear industry has become evangelical about the dangers of global warming" (Knox). While nuclear is a "cleaner" energy than coal, until better methods are designed for processing its waste, larger amounts of it will be produced, requiring lands that can hold it for the desired timeframes. For Australia, this demands attention to the politics and ethics of waste disposal. Such an issue is already being played out, before nuclear has even been signed off as a solution to climate change, with the need to find a disposal site to accommodate already existing uranium exported to Europe and destined to return as waste to Australia in 2014. The decision to go ahead with Muckaty against the wishes of the voices of local Indigenous people may open the way for the co-opting of a discourse of environmentalism by political and business groups to promote the development and expansion of nuclear power as an alternative to coal and oil for energy production; dumping waste on Indigenous lands becomes part of the solution to climate change.

During the 2010 Australian election, Greens Leader Bob Brown played upon the word coalition to suggest that the Liberal National Party were in COALition with the mining industry over the proposed Mining Tax – the Liberal Coalition opposed any mining tax (Brown). Here Brown highlights the alliance of political agendas and business or corporate interests quite succinctly. Like Brown's COALition, will government (of either major party) form a coalition with the nuclear power stakeholders?

This paper has attempted to bring to light what Dodson has identified as "an alliance of established conservative forces...with more recent and strident ideological thinking associated with free market economics and notions of individual responsibility" and the implications of this alliance for land rights (Dodson). It is important to ask critical questions about the vision of "growing together" being promoted via the coalition of conservative, neoliberal, private and government interests.

Acknowledgements

Many thanks to the reviewers of this article for their useful suggestions.

References

Australian Broadcasting Authority. "Noel Pearson Discusses the Issues Faced by Indigenous Communities." *Lateline* 26 June 2007. 22 Nov. 2010
<<http://www.abc.net.au/lateline/content/2007/s1962844.htm>>.

Agamben, Giorgio. *Homo Sacer*. Stanford, California: Stanford University Press, 1998.

Altman, Jon. "The 'National Emergency' and Land Rights Reform: Separating Fact from Fiction." A Briefing Paper for Oxfam Australia, 2007. 1 Aug. 2010
<<http://www.oxfam.org.au/resources/filestore/originals/OAus-EmergencyLandRights-0807.pdf>>.

- Altman, Jon. "The Howard Government's Northern Territory Intervention: Are Neo-Paternalism and Indigenous Development Compatible?" *Centre for Aboriginal Economic Policy Research Topical Issue* 16 (2007). 1 Aug. 2010 <http://caepr.anu.edu.au/system/files/Publications/topical/Altman_AIATSIIS.pdf>.
- Brown, Bob. "Senator Bob Brown National Pre-Election Press Club Address." 2010. 18 Aug. 2010 <<http://greens.org.au/content/senator-bob-brown-pre-election-national-press-club-address>>.
- Davis, Angela. *The Angela Davis Reader*. Ed. J. James, Oxford: Blackwell, 1998.
- Dodson, Patrick. "An Entire Culture Is at Stake." Opinion. *The Age*, 14 July 2007: 4.
- Goldberg, David Theo. *The Racial State*. Massachusetts: Blackwell, 2002.
- . *The Threat of Race: Reflections on Neoliberalism*. Massachusetts: Blackwell, 2008.
- Harris, Cheryl. "Whiteness as Property." *Harvard Law Review* 106.8 (1993): 1709-1795.
- Keane, John. "Maralinga's Afterlife." Feature Article. *The Age*, 11 May 2003. 24 Nov. 2010 <<http://www.theage.com.au/articles/2003/05/11/1052280486255.html>>.
- Knox, Malcolm. "Nuclear Dawn." *The Monthly* 56 (May 2010).
- Lambert, Anthony. "Rainbow Blindness: Same-Sex Partnerships in Post-Coalitional Australia." *M/C Journal* 13.6 (2010).
- Langton, Marcia. "It's Time to Stop Playing Politics with Vulnerable Lives." Opinion. *Sydney Morning Herald*, 30 Nov. 2007: 2.
- McAllan, Fiona. "Customary Appropriations." *borderlands ejournal* 6.3 (2007). 22 Nov. 2010 <http://www.borderlands.net.au/vol6no3_2007/mcallan_appropriations.htm>.
- Moreton-Robinson, Aileen. "The Possessive Logic of Patriarchal White Sovereignty: The High Court and the Yorta Yorta Decision." *borderlands e-journal* 3.2 (2004). 1 Aug. 2007 <http://www.borderlands.net.au/vol3no2_2004/moreton_possessive.htm>.
- . "Whiteness, Epistemology and Indigenous Representation." *Whitening Race*. Ed. Aileen Moreton-Robinson. Canberra: Aboriginal Studies Press, 75-89.
- Norberry, J., and J. Gardiner-Garden. *Aboriginal Land Rights (Northern Territory) Amendment Bill 2006*. Australian Parliamentary Library Bills Digest 158 (19 June 2006).
- Ong, Aihwa. *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty*. Durham: Duke University Press, 2006. 75-97.
- Oxford English Dictionary*. 3rd. ed. Oxford: Oxford UP, 2005.
- Rio Tinto. "Rio Tinto Aboriginal Policy and Programme Briefing Note." June 2007. 22 Nov. 2010 <<http://www.aboriginalfund.riotinto.com/common/pdf/Aboriginal%20Policy%20and%20Programs%20-%20June%202007.pdf>>.
- Roberts, David J., and Mielle Mahtami. "Neoliberalising Race, Racing Neoliberalism: Placing 'Race' in Neoliberal Discourses." *Antipode* 42.2 (2010): 248-257.
- Stringer, Rebecca. "A Nightmare of the Neocolonial Kind: Politics of Suffering in Howard's Northern Territory Intervention." *borderlands ejournal* 6.2 (2007). 22 Nov. 2010 <http://www.borderlands.net.au/vol6no2_2007/stringer_intervention.htm>.
- Stokes, Dianne. "Muckaty." n.d. 1 Aug. 2010 <<http://www.timbonham.com/slideshows/Muckaty/>>.
- Terrill, Leon. "Indigenous Land Reform: What Is the Real Aim of Land Reform?" Edited version of a presentation provided at the 2010 National Native Title Conference, 2010.
- Watson, Irene. "Sovereign Spaces, Caring for Country and the Homeless Position of Aboriginal Peoples." *South Atlantic Quarterly* 108.1 (2009): 27-51.

Watson, Nicole. "Howard's End: The Real Agenda behind the Proposed Review of Indigenous Land Titles." *Australian Indigenous Law Reporter* 9.4 (2005). <<http://www.austlii.edu.au/au/journals/AILR/2005/64.html>>.

Wild, R., and P. Anderson. *Ampe Akelyernemane Meke Mekarie: The Little Children Are Sacred*. Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. Northern Territory: Northern Territory Government, 2007.