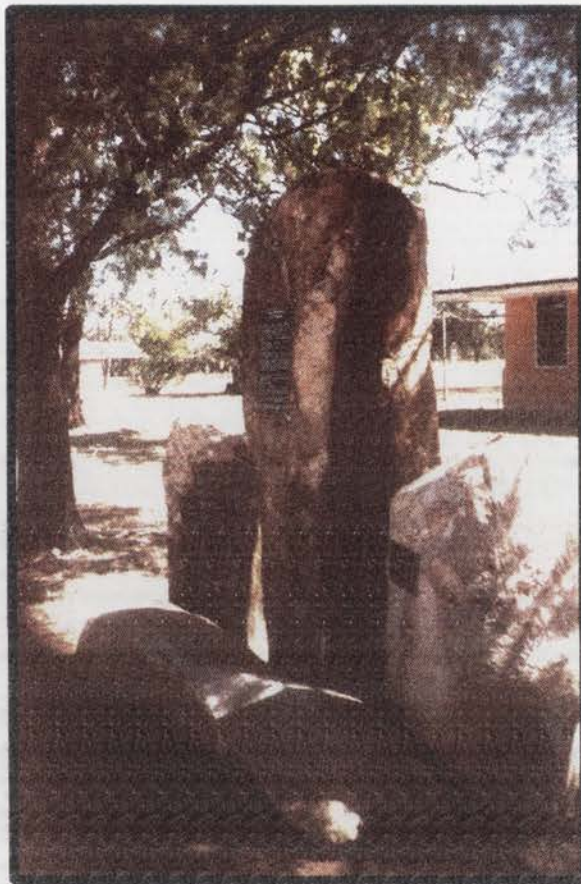


Aboriginal Self-determination In The Jawoyn Nation



The Barunga Statement, Barunga, Northern Territory

Christopher Gibson
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The road leading to the production of this 'finished' thesis has been a long and winding one. I've had to embrace alien theoretical worlds, stretch the [already limited] analytic capabilities of my brain, accept my own limitations and the reality of cultural differences. But simultaneously, I have made many friends, and seen and experienced many wonderful things. My time in the Northern Territory taught me how to live again.

Without the support, guidance, humour, friendship and advice of 'Mr Bill' Pritchard this thesis would never have been written. Bill's thirst for the exchange of ideas, his capacity for patience and intuitive guidance as ideas slowly evolve into something of substance was irreplaceable. His friendship remains a treasure.

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This thesis is dedicated to Arizona, and her new world.

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Aboriginal Self-determination in the **Jawoyn Nation**

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List of Acronyms

ABTA	Aboriginal Benefits Trust Account
ADC	Aboriginal Development Corporation
AEDP	Aboriginal Economic Development Programme
AIATSIS	Australian Institute for Aboriginal and Torres Strait Islander Studies
ARLA 1976	<i>Aboriginal Land Rights Act</i> (Northern Territory) 1976
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSICDC	Aboriginal and Torres Strait Islander Commercial Development Corporation
AULAs	Aboriginal Urban Living Areas
CAR	Council for Aboriginal Reconciliation
CCF	Constitutional Centenary Foundation
CCNT	Conservation Commission of the Northern Territory
CDEP	Community Development Employment Scheme
CEIS	Community Economic Initiatives Scheme
CGC	Commonwealth Grants Commission
CHIP	Community Housing Infrastructure Programme
CLC	Central Land Council
DAA	Department of Aboriginal Affairs
DEET	Department of Employment, Education and Training
IWGIA	International Working Group on Indigenous Affairs
KCAO	Katherine Combined Aboriginal Organisations
KALAWP	Katherine Aboriginal Living Areas Working Party
NARU	North Australia Research Unit, Australian National University
NLC	Northern Land Council
NT	Northern Territory of Australia
NTG	Northern Territory Government
OATSISJC	Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner
UN	United Nations

Chapter 1: Introduction

...[self-determination] is our inherent right. The right to govern ourselves and choose and create our own political organisations for doing so is not a provisional concept but a fundamental freedom...

Marcia Langton, Cape York Land Council

As the twentieth century draws to a close, indigenous peoples have come to occupy a unique juncture in national and global geopolitical arenas. Whereas once the liberal democratic state was perceived as a fixed entity, the universal endpoint of national political development (Fukuyama, 1992), indigenous claims to land, resources, rights of sovereignty and self-governance have emerged as fundamental challenges to its political and economic hegemony. Many 'first world' nation-states are having to reassess the legitimacy of their colonial histories, the security of their 'national' identities and institutions, and the appropriateness of their internal political structures. Meanwhile, the growth of indigenous political unity on a global scale is leading to the formation of norms and rights for indigenous groups in international law. The rights of indigenous people to determine their own lives are being entrenched in various documents, culminating in the *Draft Declaration on the Rights of Indigenous Peoples*. This *right to self-determination*, as defined in the first article of the United Nations charter, decrees that:

all people have the right to self determination; by virtue of that right they may freely determine their political status and freely pursue their economic, social and cultural development (United Nations, 1960)

In Australia, indigenous calls for self-determination have led to a re-examination of identity, justice and representative political structures. Debates about the constitution, Commonwealth/State relations and cultural diversity have flourished, summoning a re-examination of the formal relationships between indigenous peoples and non-indigenous Australian governments. The historic *Mabo* decision, handed down by the High Court in June 1992 in favour of the claims of the Meriam people of Murray Island (Mer), offered a compelling challenge to the ideological cornerstones of the Australian nation-state, and "inaugurate[d] a new field of political and legal possibilities, up to and including Aboriginal self-determination" (Patton, 1995:154).

Since the early 1970s, successive Australian governments have adopted self-determination as an official policy in Aboriginal Affairs¹. Over that period, Commonwealth instruments for Aboriginal self-determination - namely land rights mechanisms (such as the *Aboriginal Land Rights Act* (Northern Territory) 1976 and more recently the *Native Title Act 1993*), and systems of representative bureaucracy such as the Aboriginal and Torres Strait Islander Commission (ATSIC) - came to dominate the imagination of policy-makers in Aboriginal Affairs. Through these instruments, indigenous groups in Australia were to be empowered to take control over their lives, to determine their social, economic and political development.

However, the policy of Aboriginal self-determination has been pursued without a full recognition of the meaning of the terms, rights and responsibilities concerned. It is a policy that has been adopted as an attempt to combat contemporary Aboriginal deprivation and poverty, rather than address indigenous challenges to Australia's historical and geopolitical legitimacy. Aboriginal self-determination, as instituted by Australian Governments, is not a policy response to movements in international law, or an expression of Australian decolonisation. Nor is it the result of a recognition of collective rights flowing from the recognised prior sovereignty of Aboriginal people. Self-determination has been in the main, a welfare rather than human rights policy (Dodson, 1995a; Central Land Council, 1995; Gardiner-Gardeu, 1992; Jull, 1995). Consequently, structures that have evolved through government policy confine self-determination within the ideological and functional parameters of the capitalist state, manifest in land rights mechanisms and systems of bureaucracy and governance that actively fragment Aboriginal notions of self-determination. The Australian nation-state legitimates Aboriginal self-determination by confining it to structures of the non-Aboriginal realm - the dominant capitalist state attempts to subsume the 'Other' and its attempts to "implement alternative practices based on...vision[s] of local identity, specific knowledges, and cultural systems" (Dodds and Sidaway, 1994:521).

This thesis seeks to understand the significance of self-determination in the changing geography of the nation-state, by examining the ways in which 'self-determination' is interpreted and translated by indigenous groups, and non-indigenous governments. Aboriginal groups and non-Aboriginal governments construct fundamentally different notions

¹ Although, between 1975 and 1983, the Fraser Government replaced 'self-determination' with 'self-management' (Sanders, 1991)

of 'self-determination', and produce heterogenous 'worlds of meaning' surrounding the term (cf. Jackson, 1989). Aboriginal notions of self-determination are distinctly geopolitical, inextricably linked to 'private' constructions of Aboriginal identity in relation to land (cf. Carleton, 1994). The project of asserting Aboriginal rights to self-determination flows from a shared indigenous status - as the original occupants of Australia, as the guardians of an unceded sovereignty over traditional country, as the displaced and dispossessed (Gilbert, 1993; Coe, 1994). Aboriginal strategies for self-determination are multivalent cultural expressions, implying control over all relevant 'spheres of life', and thus demanding a diverse range of geopolitical responses from national governments (Central Land Council, 1995; Jawoyn Association, 1994a). They often include, but are not limited to, recognition of the importance of land in Aboriginal society, ownership and control over land, land management, development, service and infrastructure provision, and the recognition of Aboriginal law and decision-making structures in local Aboriginal governance (Dodson, 1995a).

In spatial terms, the constructions of self-determination by indigenous groups and non-indigenous governments occur at different geographic scales, and often result in conflicts within and between scales (cf. Slater, 1993; Wong, 1994). The 'worlds of meaning' of self-determination are manifest in unique sets of relations in the local and regional contexts. Consequently, this thesis aims to demonstrate the significance of Aboriginal self-determination for the new geography of the nation-state by offering an analysis of the constructions of self-determination by the Jawoyn people and by non-Aboriginal governments in the Katherine region of the Northern Territory. The Jawoyn are the traditional owners and guardians over country around Katherine, and have, through land rights mechanisms and the formation of agreements with governments and mining companies, been able to secure title over some of their lands. Subsequently, the Jawoyn have constructed strategies for self-determination based on land ownership, grounded in their representative non-government organisation, the Jawoyn Association. The strategies to 'rebuild the Jawoyn Nation' are holistic in their outlook, and demand a plethora of geopolitical responses from the Australian nation-state (Jawoyn Association, 1994a). Non-Aboriginal constructions of self-determination, however, are manifest in formal structures of legislation, governance and bureaucracy in local and regional contexts which entrench the geopolitical dominion of the Australian state. Consequently, non-Aboriginal structures for self-determination mitigate against Jawoyn strategies for empowerment, fragmenting governance and divorcing land ownership from effective control. This thesis analyses current geopolitical processes in the Katherine to

highlight how the constructions of 'worlds of meaning' for self-determination continue to produce and reproduce social relations of material inequity; and to suggest the extent to which indigenous constructions of self-determination could be accommodated within a newly-structured Australian geopolity.

1.1. Theoretical Perspectives - Geopolitics/ Structure/ Resistance

An analysis of the construction of 'worlds of meaning' surrounding Aboriginal self-determination must be equipped with the epistemological tools necessary to recognise the relative, socially-produced nature of knowledge. As such, this research is situated within the paradigm approaches of radical geography, borne out of the realisations in the 1970s that orthodox and supposedly 'value-free' social science contained implicit political bias (Peet, 1977); and that the world was no longer "self-evident or that the 'facts simply [spoke] for themselves'" (Dodds and Sidaway, 1994:518). In response to this realisation, geographers engaged in new critical research, which firstly, contained relevance to real problems (poverty, social inequity, oppression etc), and that secondly, broke through descriptive layers of surface geographic phenomena, to expose structural and fundamental conflicts and contradictions contained within society and economy. (Peet, 1977; Maguire, 1987; Unwin 1992).

In more recent times, radical geography has diversified to encompass a number of possible approaches to geography, some complementary and others apparently opposed. During the 1980s, the moves of radical geography towards relativistic epistemologies were further developed through the adoption of Foucauldian concepts of power and knowledge (Dodds and Sidaway, 1994; Ó Tuathail, 1994). Paradigms of postmodern and poststructuralist geography emerged, seeking to identify the social construction of 'discourses' - semiotic "spatialisation[s] of knowledge, demarcation[s] of a field of knowledge, and the establishment of subjects, objects, rituals and boundaries by which a field (and the world) is to be known" (Dodds and Sidaway, 1994:516). Poststructuralist approaches to geography sought to establish how, through the production of discourses and narratives, those in the dominant sites of power relations marginalise the 'Other' in order to legitimate their hegemony. Geographies were 'deconstructed' in order to demythologise the 'Other' in favour of a highly contextual, heterogenous representation of 'reality' (Ó Tuathail, 1994; Watts, 1993; Luke, 1994).

Following Said's (1978) adoption of this framework in examining the construction of the 'Orient' through Western discourse, a school of critical social science has emerged which targets the homogenous spatialisation of the non-Western world through discourses and narratives of political and economic development. The traditions of liberalism, democratisation and the capitalist development 'ethos' are no longer seen as the yardsticks of national 'evolution'. Rather, they are identified as the mechanisms of domination: ethnocentric doctrines which maintain systems of inequity and oppression between the rich 'first' and poor 'third' worlds; whilst constructing spaces of threat or strategic importance - the spaces of the communist world and the "codes of the Cold War" (Dodds and Sidaway, 1994:517). New areas of 'postcolonial' and 'subaltern' geography reject the doctrines of a passive, receptive 'Other', affirming the legitimacy of localised political movements in contradiction to the ideologies of the West. Consequently, they delineate a 'politics of difference', and stress the importance of incorporating "the [resistant] discourse of the unified consciousness of the subaltern"(Spivak, 1987:210) into the dominion of academia (see Watts, 1993; Guha (ed), 1984; and Spivak, 1987 for a survey of approaches within the field of postcolonial and subaltern studies). In the context of an analysis of Aboriginal self-determination, postcolonial geography and subaltern studies offer an analytical framework which recognises the primacy of the subject, and the social construction of space as a nexus of power relations between hegemon and 'Other'. Thus, the postcolonial paradigm forms one possible starting point from which to account for a term such as 'self-determination', which subsequently constitutes different 'worlds of meaning' for lawyers, policy makers and indigenous people, and which maintains sets of inequitable social relations in the local and regional context.

There are however, limits to the applicability of this approach. In the first instance, poststructuralist approaches to social phenomena reject the primacy of material sources of oppression, focusing their analysis on the geographies of discourses and narratives in power relations. The concepts of fixity, domination and entrenchment are replaced by notions of fluidities. Poststructuralists wish to portray the world as inherently heterogeneous and amorphous, as defined by its "lines of flight" (Deleuze, 1994, quoted in Patton, 1995:153). This requires a shift in the geographical imagination from "place to flow, terrains to streams, landscapes to cyberspaces..."(Luke, 1994:620); whilst characterising social change "as essentially unfinished, in transition or in motion towards a perpetually receding horizon" (Patton, 1995:153). Meanwhile in geopolitical terms, poststructuralists are keen to replace

the primacy of absolute state sovereignty with new “imagi-nations...of performative videoscapes, plutoscapes, narcoscapes, technoscapes...” (Luke, 1994:626, 623). The extent to which systems of domination and subjugation are entrenched in temporally and spatially ‘fixed’ structures, which can be characterised by their continuity and ‘stubbornness’ rather than their fluidity, remains beyond the framework of poststructuralist geography. By limiting research to a deconstruction of narratives and fluid social change, poststructuralist geography “can lose sight not only of stubborn fixities but also of the complex interlocking of change and continuity” (Slater, 1994:237). In an Aboriginal context, the continuing colonial experience remains embedded in material relations - in the formal systems of the Australian Federation, in systems of governance and law, and in the continuing underprovision of essential services to communities from mainstream bureaucracies. The relations between culture, representation and empowerment which dominate the ‘Aboriginal domain’ (cf Rowse, 1992a), are produced, maintained and expressed not only through the ‘discourses of imperialism’ but through the formal arrangements of the capitalist state. Thus, the need for research which goes beyond the realms of discursive analysis is increasingly being recognised by researchers in indigenous contexts (Tulberg, 1995; Jull, 1991b).

Furthermore, many poststructuralist approaches continue to hold tenuous relationships with the original ‘emancipatory’ intentions of radical social science. Originally intended as a more sophisticated means through which to identify and overcome systems of oppression, deconstructive approaches became increasingly divorced from material processes and concurrently, shrouded social analysis in a ‘discourse’ of their own. A ‘postmodern idiom’ evolved, with its own celebratory and playful register, and its own terms of inclusion/exclusion. Power relations of knowledge within the academic institution became more pronounced, and poststructuralist research remained the exclusive domain of its educated and well-paid proponents. The field of knowledge construction remained largely inaccessible to those marginalised groups whose status as ‘Other’ remained, ironically, the subject of inquiry, whilst oppressive circumstances persisted through very ‘real’ material processes (McDowell, 1992). As such, poststructuralist approaches to geography ran the risk of perpetuating the imperial tradition, becoming “little more than a fig-leaf behind which one could hide all difficult questions of education and class” (MacCabe, 1987, quoted in Spivak, 1987:xii).

Consequently, an analysis of Aboriginal self-determination which is based on the recognition of the social construction of 'worlds of meaning' surrounding the term, must also aim to locate how those 'worlds' are produced and maintained within local material processes and embedded in features of the nation-state - into the 'structures of meaning' of contemporary Australia that perpetuate colonial relations with indigenous people. Thus, this thesis retains a focus on the social construction of knowledge, and the possibilities for localised cultural expressions, whilst recognising the importance of a new critical geopolitics, that is equipped with a political economy approach to formal sources of domination. Social relations can then be characterised as the dialectical interplay between transformation and continuity, between 'discourses of imperialism' and the relations of accumulation, between the ideologies of the hegemon, and their translation into the material processes and geopolitical structures of nation-states.

Several scholars in human geography have recently discussed the attraction of a political economy approach within new critical geopolitics (Slater, 1993, 1994; Dodds and Sidaway, 1994; Escobar, 1992; Watts, 1993). Studies conducted in Latin America, Brazil and Africa have attempted to locate a critique of the hegemony of neoliberal developmentalist ethics within an analysis of material and structural processes - the 'formal sites of geopolitics' (Dodds and Sidaway, 1994:521). However, as Dodds and Sidaway argue, the new 'geopolitical economy' research has concentrated on processes of domination and subjugation between the nation-states of the West (the sources of developmental power relations) and those countries characterised as 'Other'. This tendency is in itself a spatial bias towards the national, a perpetuation and entrenchment of the primacy of the nation-state as a political-economic entity (Dodds and Sidaway, 1994; Ó Tauthail, 1994), and a trivialisation of the local (Howitt, 1993a). Moreover, some of the most compelling challenges to the nation-state geopolity reside within nation-states:

One of the most important areas critical geopolitics could further explore concerns the roles of social movements throughout the world in resisting the power of development programmes and the state system...such social movements are often place specific and are frequently involved in forms of resistance which...attempt to create and implement alternative practices based on a vision of 'local' identity, specific knowledges and cultural systems. (Dodds and Sidaway, 1994:521)

As projects constructed upon "histories, traditions and self-identification", indigenous self-determination "challenge[s] currently held normative views and practices of nation-states"

(Wong, 1994:30), and constitutes a hitherto neglected geopolitical domain. In general, studies of indigenous self-determination have avoided any explicit examination of its geopolitical implications, focusing on the ramifications of self-determination *within* conventional national and international legal systems (Nettheim, 1994a, 1994b; Poynton, 1996; Knight 1988; Barsh, 1984; Davies, 1985); its practical applications in regional contexts (Fletcher (ed), 1994a; Rowse, 1995); or on the possibilities of redrawing political borders within normative doctrines of political development (Mansell, 1994; Tulberg, 1995). Meanings of the term 'self-determination remain hazy, lacking a focus on cultural specificity, and assume a 'fixed' ontological status (cf. Mitchell, 1995). Recent literature from Canada and Aotearoa/New Zealand (Sharp, 1990; Asch, 1992; Cassidy, 1991; Barnaby, 1992), whilst recognising culturally-specific notions of broader indigenous rights, confines its scope to domestic political debates, without a thorough focus on the geographic and political-economic dimensions of self-determination. Academic energy has not been dedicated to an explicitly geopolitical examination of local indigenous strategies as they relate to the embedded 'structures of domination' of the capitalist state.

Consequently, this thesis explores the constructions of 'structures of meaning' surrounding self-determination, by the dominant Australian state, and in the local/regional context of the 'Jawoyn Nation'. Those constructions of 'self-determination' are located in the 'structures of meaning' of law, governance, and bureaucracy that characterise the capitalist state and its attempts to subsume the localised differences of indigenous groups. This thesis therefore seeks new theoretical ground, exploring the geopolitical implications of indigenous calls for self-determination for the nation-state. It does this through a political economy framework which locates systems of domination in the structures of the Australian state, and the material dispossession and deprivation of indigenous peoples. Thus, it attempts to grasp the "opportunities to investigate how the demands of the nation-state (with its fixed spaces and discourses of sovereignty) are to be reconciled with the claims to (national) identity(ies) within the context of...local resistances"(Dodds and Sidaway, 1994:520).

1.2. Methodology - Participant Action Research

Since the advent of radical geography and the recognition of the socially-constructed nature of knowledge, it has become necessary to forge a genuine reconciliation of the dichotomy between 'researcher' and 'researched upon' within a methodological context (Harvey, 1984; Howitt, 1993b). Studies that attempt to examine how systems of domination subsume and

contain 'the Other' within dominant political economic regimes can no longer, through the conduct of the research, legitimately exclude those 'Other' voices from research or from the relations of power that surround knowledge production². In response to these ethical considerations, new methodological techniques, including *participant action research*, have evolved that attempt to shift the power (im)balance inherent in academic research, equipping 'the Other' through control over the construction of knowledge.

In an Aboriginal context, *participant action research* is becoming a more frequently used methodological tool, particularly in the areas of human geography and political economy. *Participant action research* attempts to overcome the legacy of academic colonialism in Australia by grounding control over the construction of knowledge with indigenous communities - by designing research proposals and compiling results through consultations and participation, with individuals, within communities, or through the identified needs of indigenous representative organisations (Howitt, Crough and Pritchard, 1990). Examples of research recently undertaken in Australian geography that have adopted this framework include Crough, Howitt and Pritchard (1989); Crough and Christopherson (1994); Storey (1995); and Mitchell (1989). The power over the construction of knowledge in each case was not the sole dominion of the academic or "owned by one person for his own selfish purpose" (Marika, Ngurruwutthun and White, 1992:151). Research was carried out with the formal cooperation of Aboriginal organisations³, who ultimately, held authority over the research. Thus, power over the construction and dissemination of knowledge ceased to be the sole domain of the non-Aboriginal academic.

The conduct of research which culminated in this thesis utilised the methodological precedents of *participant action research*, in particular those studies undertaken with the cooperation and control of Aboriginal representative organisations. The emphasis of this research is not 'a study on' the Jawoyn people, and the extent to which 'they' achieve Aboriginal self-determination. Research was conducted with the cooperation of the Jawoyn Association, to ensure that, while fulfilling the requirements of an honours thesis, results were

² Aspects of the methodologies adopted by some poststructuralist researchers maintain such hegemonic relations of the construction of knowledge. Despite the potential for genuine participant observation, the domain of academia, and thus control over knowledge production is retained by those in institutions who 'know the codes' (cf. McDowell, 1992)

³ Respectively, the Central Land Council, the Kimberley Land Council, the Combined Aboriginal Organisations of Alice Springs and the Mperinge - Arnapipe Outstation Council.

geared towards the needs of Jawoyn people⁴. This process enabled the power over decision-making and ownership of knowledge to shift away from the exclusive domain of academia, to a mutual agreement between the researcher and the Jawoyn people. As is commonly the case with contemporary research into Aboriginal issues, *participant action research* took on an explicit, formally arranged nature. Rather than using more covert methods of 'participant observation', that run the risk of performing 'cultural theft', overt methods were used, formalising relations between the parties.

The application of *participant action research* nonetheless encounters ethical and practical difficulties in the context of producing an honours thesis. Ultimately, the white, middle-class author retains 'ownership' of knowledge through the 'name on the spine', and reaps its [potential] benefits through qualification. Furthermore, the canonic requirements of honours theses, including a thorough grounding in disciplinary paradigms and the persistent use of 'academic' register, tend to produce research outcomes that are not necessarily in the most appropriate format for use by participants. Nonetheless, during the formalisation of *participant action research* arrangements between the author and the Jawoyn Association, it was agreed that the final product - the thesis - could be used as the basis for further research and policy reports in line with the demands of the Jawoyn. Thus, the emancipatory potential of this thesis extends beyond the realms of its cover. The author (if successful), provides a basis for the further development of Jawoyn self-determination strategies, rather than perpetuating the legacy of Australian colonisation.

⁴ Relationships between researcher and the Jawoyn people were formalised in the establishment of the Jawoyn Monitoring Committee, consisting of directors and advisers of the Jawoyn Association. The committee's reviews of research progress served a double purpose, to ensure that research is kept relevant to the concerns of the Jawoyn people, and also to advise and assist in the research process.

Aboriginal Self-determination, Meanings and Myths

'Self-determination' is a term which is thrown around by government departments, splattered through policy documents, bludgeoned by the media, wrestled with by academics, and aspired to by the world's indigenous peoples. It is a word that, like others including 'development', 'management' and 'participation', has come to occupy a particular place in the imagination of policy-makers, with an almost exclusively unchallenged, 'given' definition. Often it is used with a limited understanding of its meaning, its implications, and what is necessary for its effective application. This chapter aims to survey the constructions of 'worlds of meaning' for 'self-determination' in three broad domains: the international fora surrounding the United Nations (as an introduction to the legal definitions of 'self-determination'); the strategies of indigenous groups and representative organisations; and the policies of the governments of capitalist nation-states. Establishing the socially-constructed nature of 'self-determination' enables an understanding of the cultural 'embeddedness' of indigenous strategies for empowerment; whilst locating the ideological foundations of non-indigenous structures of self-determination in geopolitical tendencies of the capitalist state. Thus, this chapter forms the basis upon which a geopolitical-economic analysis of the tensions between the structuration of land rights mechanisms and systems of governance, and multivalent indigenous conceptions of self-determination, is undertaken in chapters 3 and 4.

2.1. Self-determination - the International Domain

All people have the right to self-determination; by virtue of that right they may freely determine their political status and freely pursue their economic, social and cultural development. (United Nations, 1960)

Reference to self-determination can be found in articles 1 and 55 of the United Nations charter. Identically worded articles on self-determination appear again in the two documents on universal human rights (*International Covenant on Civil and Political Rights* and the *International Covenant on Economic Social and Political Rights*), to which Australia is signatory. The above expression of the right to self-determination appears in each. In its

¹ Maori term meaning, literally, standing place for the feet, implying "the rights of a tribal group in land and the consequential rights of individual members of the group" (Knight, 1988:126)

'international domain', self-determination has come to represent a fundamental freedom upon which other systems of international law and human rights norms are based (Jull, 1994a). Since the 1960s, however, there has been considerable debate over the extent to which these covenants apply collectively to groups of indigenous peoples [Appendix I]. Despite recent affirmations of the right to self-determination applying to indigenous groups in international law (such as the UN *Draft Declaration on the Rights of Indigenous Peoples* - Appendix II), its inscription into the domain of the nation-state remains problematic. Constructions of self-determination can be located in the arenas of indigenous cultural politics and in the structures of the nation-state, which have profound geopolitical implications. Thus, it is necessary to delineate the origins of these constructions and their translation into 'structures of meaning' - the 'formal sites of geopolitics' (Dodds and Sidaway, 1994:521).

2.2. Indigenous Constructions of Self-determination

Tracing the development of 'indigenous perspectives' remains a problematic venture. Much criticism has correctly targeted research that, for the purposes of argument, homogenises indigenous peoples' opinions and aspirations. Indigenous societies throughout the world are frequently characterised as static and monolithic, shrouding internal dynamism and heterogeneity. These constructions of homogeneous, unchanging Aboriginality have been central to colonial attempts to subsume indigeneity within the imposed dominion of the nation-state (Carleton, 1994; cf. Escobar, 1995). However, this criticism should not imply a situation where endlessly eclectic individual perspectives exclude indigenous peoples from forming unified (geo)political strategies. In recent decades, indigenous groups have developed global political unity, recognising the similarities of their internally colonised circumstances and 'the essence of their aspirations to survive and to prosper with freedom and dignity' (Tulberg, 1995:12). Indigenous peoples, beyond obvious internal heterogeneities, construct 'projects' for the recognition of their fundamental rights *as indigenous peoples* - as culturally distinct groups who have had to contend with colonisation and dispossession (Thomas, 1994; Wong, 1994; Jull, 1994a; ATSIC, 1993a). These rights include self-determination - the right to determine social, political and economic status, and maintain distinct cultural expressions. As such, the evolution of indigenous strategies for self-determination constitutes forms of resistance to the political hegemonies of nation-states, and

implies genuine alternatives to western modes of development (cf. Escobar, 1992; Dodds and Sidaway, 1994).

Indigenous peoples throughout the world affirm fundamental rights which stem from their status as distinct peoples who still retain inherent sovereignty over traditional lands (Jull, 1994a, 1995; Wong, 1994). This sovereignty extends out of elementary relationships between indigenous people and territory - an indigenous 'essentialism' that transcends Western metaphysical and epistemological categories and their libertarian-political and capitalist-economic translations (cf. Carleton, 1994; Goldberg, 1993). For many groups in colonised nation-states such as Canada, Aotearoa/New Zealand and the USA, self-determination is a translation of indigenous status (Levine and Henare, 1995; Lyons, 1985; Ittinuar, 1985). Its 'worlds of meaning' are delineated by assertions of cultural distinctness, and survival as 'peoples' who share 'different ways of thinking and acting, of conceiving social change, of organising economies and societies, of living and healing' (Escobar, 1995:75). Given this understanding, self-determination can be accorded the quality of 'multivalence', as having several layers of meaning dependent on its contextual use. Extending Weaver's (1985:141) analysis of claims to indigenous rights in Canada, self-determination

can be a unifying force, a focus of common identity on a [geo]political movement, because of [its] high level of inclusiveness (generality), and because of [its] 'condensation' of meanings...[symbols of self-determination] can be changed over time to include new demands, and...can be operationalized or translated differently by diverse native groups to serve their unique historical or regional purposes.

Indigenous peoples in several nation-states have begun to articulate geopolitical strategies for self-determination as multivalent symbols of inherently *collective* rights². In many cases the presence of treaties with colonising forces recognised prior indigenous sovereignty, but extinguished the legal jurisdiction of collective rights within the nation-state³ [Appendix III].

² See Lyons (1985), Plain (1985) and Ittinuar (1985) for expressions of indigenous rights including the right to self-determination, as a symbol of distinct ethnicity in Canada; Sharp (1990) and Cox (1993) survey issues in Aotearoa/New Zealand.

³ Such treaties include the 1840 Treaty of Waitangi in Aotearoa/New Zealand (Kawharu, 1989), and several settlements between the Crown and indigenous groups in Canada between 1850 and 1929 (Boldt and Long (eds), 1985)

Concurrent to the growth of a new indigenous global unity, indigenous peoples in Australia are constructing 'worlds of meaning' for self-determination based on multivalent interpretations of sovereignty and identity. For Aboriginal groups, the form of title acquired by the British Crown over the Australian continent did not nullify their existence as 'peoples', and therefore never extinguished their rights to distinct sovereignty (Gilbert, 1993). The right to self-determination, which flows collectively from sovereignty, can be seen as persisting from pre-colonial times:

...we hold that [self-determination] is a right that has operated since time immemorial amongst our peoples, but it is the right which is at the centre of the abuses we have suffered in the face of invasion and colonisation. (Dodson, 1995, quoted in Central Land Council, 1995:9)⁴:

The project of asserting indigenous rights to self-determination as an expression of cultural autonomy and governance over traditional country gelled in Aboriginal land rights movements of the 1970s and 1980s. In 1988, Aboriginal leaders from across Australia met in Barunga, Northern Territory to formulate unified demands of the Australian Government. The resulting declaration, now known as 'the Barunga Statement', called on the Australian nation-state to recognise a range of collective indigenous rights and individual human rights, including self-determination and sovereignty, and negotiate a treaty with indigenous peoples [Appendix IV]. The recognition of inherent Aboriginal rights as following from a status as distinct peoples has also been central to the submissions made by several Aboriginal organisations to the Commonwealth Government as it considers its Social Justice Package for Indigenous Australians⁵ (Central Land Council, 1995; Council for Aboriginal Reconciliation, 1995, Jull, 1995).

Indigenous notions of self-determination are consequently multivalent, asserting the rights of indigenous groups, as distinct 'peoples' to exercise influence over political, economic and social status. As contemporary responses to histories of dispossession and persistent relations of colonialism, indigenous strategies summon a re-examination of the concepts of 'citizenship'

⁴ This understanding of Aboriginal sovereignty formed the basis of Isabel Coe's 1978 High Court challenge to Australian sovereignty (Coe v Commonwealth, 1978), which proved unsuccessful. See Coe (1994) and Poynton (1995) for surveys of the legal implications of the acquisition of Australian sovereignty by the British Crown, and Aboriginal resistance through the affirmation of indigenous rights.

⁵ The federal government's third response to the High Court's 1992 *Mabo* decision that recognised prior native title rights. It follows the *Native Title Act 1993* and the *Land Fund and Indigenous Land Corporation (ATSIC amendment) Act 1995*

and 'democracy' (Wong, 1994), and call for new geopolitical arrangements with nation-states.

2.3. Non-indigenous Constructions of Self-determination

As a non-indigenous policy construction, Aboriginal self-determination has arisen out of a specific history of Commonwealth involvement in Aboriginal Affairs. Analysis of this history sheds light on the role of government within the ideological parameters of the capitalist state.

The evolution of the Commonwealth's position towards Aboriginal self-determination is inextricably linked to capitalist state ideologies. Firstly, the Australian state retains control over the 'monopoly of violence'. As such, absolutist legal and administrative structures are constructed which simultaneously delineate territorial boundaries and declare all individuals within that territory as equal citizens. Absolute systems of land tenure are required to secure the rights of ownership over land for private residents and for use by capital, land being the essential resource base for capitalist economic development (Thiele, 1993). The nation-state provides a securely defined geopolitical space for the expansion of capitalism (cf. Giddens, 1981). The role held by the Australian state as monopolist of sovereignty and land tenure renders irreconcilable notions of indigenous sovereignty persistent beyond the original *act-of-state* acquisition of the Australian continent. Systems of law emanating from the original *act-of-state* acquisition of the Australian continent have their own circulatory logic, whereby Australian sovereignty cannot be challenged in the legal forums that were created from that original acquisition. Citizenship of the capitalist state is based on the notion of equal individual rights within its drawn-up boundaries⁶ (Weaver, 1985). Discourses of nationalism and patriotism strengthen the homogeneity of equal individual citizenship in capitalist states, appealing to the mainstream notions of 'one nation', 'one sovereignty' and 'one law' (Anderson, 1991; Giddens, 1981). Indigenous people's assertions of distinct cultural identity and collective maintenance of sovereignty strike a discord with the axioms of the nation-state.

Simultaneously, the capitalist state establishes administrative authorities within its securely-defined territorial limits, producing and maintaining a dominant bureaucratic core. Originally conceived as responses to the administrative needs of society, bureaucracies tend to develop

⁶ Although in Australia, there was a failure to recognise Aboriginal people as citizens of Australia until 1967.

their own dynamics which pervade beyond, and which can exist independently of, the prerogatives of their constituency. Bureaucratic decision-making procedures are also fragmented through a plethora of departments, committees and service provision agencies. Such departmentalisation is, on one level, a response to the need for specialisation in certain areas of expertise⁷. At a more fundamental level however, the fragmentation of power within bureaucracies can be seen as an attempt of the state to avoid destabilising the hegemony of private capital over national economic arenas (Eisenchitz and Gough, 1993; Dyck, 1985). By dissolving power through a myriad of agencies, each bureaucratic niche is given its own responsibilities - its own 'turf', which is then demarcated and guarded from other niches⁸. The 'rationally organised' bureaucracy thus forms an administrative apparatus deigned to enhance, rather than threaten the operation of free markets. Given this insight, bureaucracies constitute an understated geopolitical structuration of the nation-state.

The history of non-Aboriginal Australia and government policies towards Aboriginal people since the 1960s exposes these geopolitical underpinnings of the nation-state. Self-determination is inscribed into 'structures of meaning' that paradoxically, contain its expression within the ambit of the Australian capitalist state: within the economic, governmental and legal systems of non-Aboriginal Australia. The tendencies of the Australian state to monopolise sovereignty and law, to be in turn dominated by bureaucracy and fragment power within bureaucracy all shape the state's construction of the policy of self-determination.

Central to the relationship between the Australian state and Aboriginal people has been the tendency for the state to monopolise sovereignty and law. Unlike in other colonised countries, the European invaders made no attempt to recognise or reconcile indigenous sovereignty through the signing of treaties⁹. Absolute sovereignty was claimed over the entire Australian continent through the *act-of-state* method of land acquisition which denied Aboriginal people arenas in which to voice opposing claims to land and sovereignty. In addition to the appropriation of legal sovereignty by the British Crown, Australian capitalism

⁷ Changes in the structure of departments and authorities, such as the introduction of new departments can also be seen as symbolic of the changing political concerns of governments (Wanna et al, 1992).

⁸ Contemporary tendencies of governments towards the corporatisation of bureaucracy (and the adoption of principles of 'efficiency', 'rationalisation' and 'competition') have tended to further entrench inter-departmental antagonism and perpetuate the state fragmentation of power.

⁹ At that time, the colonial practice of signing treaties with indigenous peoples was a feature of international law, and English common law (Nettheim, 1994b; Pearson, 1993).

spread across the continent in an ad hoc fashion, despite the attempts of central governments to limit pastoral expansion. Through physical force, displacement and competitive exploitation of land resources, Australian capitalists asserted their own form of sovereignty over the land of Aboriginal 'nations'. This political economic confrontation proceeded in an uncoordinated and sporadic, yet violent and thorough process (Reynolds, 1987, 1990).

Initially, governments supported the 'extermination' of natives who interfered with the 'improvement of the colony' (Davis and Prescott, 1992:87; Reynolds, 1994b:20). Such policies culminated in a series of confrontations, massacres and round-ups across the continent, such as Tasmania's 'black line', drawn in 1830 by the military with the intent to hunt and capture the island's Aboriginal inhabitants (Suter and Stearman, 1994:5). From the 1890s, protectionist policies prevailed that were designed to 'smooth the dying pillow' of Aboriginal Australia. These gave way, with the realisation that the Aboriginal 'race' would not die out, to assimilationist and integrationist policies of the post war period, designed to homogenise, and pasteurise Aboriginal culture into wider Australian society (Crough, Howitt and Pritchard, 1989:79).

In the late 1960s and early 1970s, several events changed government perspectives towards Aboriginal people. The 1966 Gurindji walk-off from Wave Hill cattle station; the 1967 referendum establishing Aborigines and Torres Strait Islanders as Australian citizens, and the Aboriginal Tent Embassy outside Parliament House in Canberra, all signalled a changing political climate - from the integrationist remnants of assimilation, to Aboriginal self-determination (Rowley, 1986). Simultaneously, the newly-elected Whitlam government officially recognised Aboriginal self-determination as government policy, and set up the Department of Aboriginal Affairs (DAA), with a full-time minister. The Whitlam government also initiated the movements which would eventually lead to the *Aboriginal Land Rights Act* (Northern Territory) 1976 (Sanders, 1991). Thus, two broad wings of the government's policy of Aboriginal self-determination were instituted - new administrative structures, and land rights. These 'structures of meaning' of self-determination highlight the geopolitical tendencies of the capitalist state.

In response to the 1973-74 Woodward Royal Commission, the Whitlam Government established the DAA with its own minister, as an instrument of self-determination. In doing so, the Whitlam Government symbolically recognised Aboriginal poverty and signalled its

intention to redress Aboriginal marginalisation. However, as Rowley (1986) argues, the Department became a bureaucracy in its own right, installing a bureaucratic culture and bureaucratic notions of 'success' and 'efficiency'. Proposals by local Aboriginal bodies to take on responsibilities previously held by the department were more likely to be rejected or deferred than approved. As a result, self-determination was constructed by Australian Governments as an administrative arrangement falling within the ambit of current systems of bureaucracy.

The perceived shortcomings of the DAA led to its dissolution in 1989, and its replacement by the Aboriginal and Torres Strait Islander Commission (ATSIC)¹⁰. The explicit purpose of the new Commission was to advance Aboriginal self-determination by delegating decision-making through a new structure of ATSIC regional councils to regionally elected councillors. Budgetary considerations were to be disseminated to the regional councils, devolving central power to grass-roots levels (ATSIC, 1994d). ATSIC would hold responsibility for the funding of particular programmes over and above those that would be provided to Aboriginal people by other governments and departments. However, as discussed in further detail in Chapter 4, ATSIC's ability to facilitate self-determination has itself been seriously limited by bureaucratic constraints. Rather than forming a radical departure from 'traditional' bureaucracies, ATSIC forms a more subtle form of welfare colonialism, maintaining a focus on government accountability rather than indigenous self-determination (Sanders, 1993; Rowse, 1995).

Parallel to changes in Aboriginal Affairs bureaucracy was the recognition of indigenous land rights. The Aboriginal land rights struggle was given national prominence by the 1966 Wave Hill walk-off¹¹. The resulting 1973/74 Woodward Royal Commission led to the eventual passing of the *Aboriginal Land Rights Act* (Northern Territory) 1976. Other land rights legislation was passed in NSW, Victoria and South Australia, generally on an ad hoc basis, in a way which did not challenge Australian sovereignty or the concept of *terra nullius* used to acquire that sovereignty (Table 2.1).

¹⁰ The then minister for Aboriginal Affairs, Gerry Hand, merged the DAA with the ADC and AIATSIS to form ATSIC.

¹¹ Aboriginal stockmen, headed by Vincent Lingari, occupied an area of traditional country in defiance of their non-Aboriginal employer, calling for award wages and control of their land.

Table 2.1. Land Rights Legislation in Australia

<i>Year</i>	<i>Legislation</i>	<i>Parliament enacted</i>
1966-75	<i>Aboriginal Land Trust Act</i>	South Australia
1970	<i>Aboriginal Land Act</i>	Victoria
1976	<i>Aboriginal Land Rights Act (NT)</i>	Commonwealth
1981	<i>Pitjantjatjara Land Rights Act</i>	South Australia
1983	<i>Aboriginal Land Rights Act</i>	New South Wales
1984	<i>Maralinga Tjarutja Land Rights Act</i>	South Australia
1986	<i>Aboriginal Land Grant Act</i> (Jervis Bay)	Commonwealth
1987	<i>Aboriginal Land Act (Lake Condah and Framlingham Forest, Vic.)</i>	Commonwealth
1991	<i>Aboriginal Land Act</i>	Queensland
1991	<i>Torres Strait Land Act</i>	Queensland
[June 3rd, 1992- High Court <i>Mabo</i> decision]		
1993	<i>Native Title Act</i>	Commonwealth

[Source: Altman, 1994:63]

However, in June 1992, the High Court handed down the *Mabo* decision on the Murray Island (Mer) land claim, which overturned the concept of *terra nullius*¹². As a result, native title became enshrined in Australian common law, claimable by indigenous groups where other property rights have not been established. In December 1993, the Federal Government passed the *Native Title Act 1993*, in response to the *Mabo* decision, seeking to formalise the conditions for native title rights, and streamline the processing of claims. Nonetheless, this national system of land rights conceived by the Commonwealth Government for the exercise of Aboriginal self-determination also legitimates previous acts-of state, and entrenches the geopolitical dominion of the capitalist state.

Self-determination is therefore constructed as 'worlds of meaning' by indigenous groups and non-indigenous governments. Indigenous interpretations of self-determination are holistic, based on a recognition of indigenous rights, and provide a geopolitical challenge to the

¹² *Mabo and Others v the State of Queensland, No. 2.*

dominion of the nation-state. Non-indigenous constructions of self-determination are confined within the structures - legal, political, economic - of the hegemonic nation-state, and as such, attempt to subjugate organic indigenous political strategies, containing 'the Other' within its dominion. Chapters 3 and 4 offer an analysis of multivalent indigenous constructions of self-determination, whilst delineating non-indigenous 'structures of meaning' in the geopolitical arenas of land rights, governance and bureaucracy. Chapter 4 concludes with an assessment of proposed *regional agreements* between indigenous groups and governments, as attempts to reconcile two disparate notions of self-determination.

Chapter 3: Kanyininpa Ngurra¹ :

The Geopolitics of Land and Sovereignty

Because I'm saying, we the one with the land. Sitting on the land, Aboriginal people. You got nothing, all you government...Government been coverem up me. Coverem over. But anyway, I can tell him. You'll have to agree with us, agree with the people, people on the land. You gonna agree because Aboriginal people owning on the land. You gonna agree because Aboriginal people owning.

Hobbes Danyarri, Yarralin community, quoted in Rose, 1984

Land, land tenure and systems of land rights legislation, are crucial elements in the constructions of 'worlds of meaning' for self-determination, by both indigenous groups and non-Aboriginal governments. This chapter aims to discuss the constructions of self-determination as they relate to issues of land and sovereignty. The centrality of land in Aboriginal identity-formation, and its incorporation into indigenous strategies for self-determination will be discussed, alongside an examination of some benefits of land rights to traditional owners. Secondly, this chapter will locate the containment of land rights regimes within the legal structures of the Australian nation-state, legitimating the previous and continuing acts of colonialism, and confining indigenous scope for self-determination within its parameters. This discussion consequently acts as a precursor to Chapter 4, in which issues of governance and control over activities *on* land will be surveyed, to establish how the structural geopolitical relations of self-determination continue to suppress localised indigenous strategies.

3.1. Land and Aboriginal Identity

'Identity', 'rights' and 'responsibilities' within indigenous societies retain an essential geopolitical element - constructed in relation to land. The concepts are fundamental and not readily demarcated by non-Aboriginal definitions or legal restrictions. Their meanings and implications are fused in complex dialectical relationships. The Maori terms *Rangatiratanga* and *Turangawaewae* embody indigenous metaphysical concepts, covering the identity, rights

¹ Pintupi term meaning 'holding a country', implying ownership of land through control of its sacred associations (Myers, 1989)

and responsibilities of *iwi* (tribal groups) that stem from absolute inherent 'sovereignty' over land, within a single term, a single concept (Sharp, 1990).

The holistic nature of the relationship between identity and land is embodied within denotative Aboriginal linguistic domains. A particular group shares the same term for country, language and identity (both collective and individual). Thus *Jawoyn* denotes a specific geography (*Jawoyn country*), a language group and the identity of people ('he is, she is, they are, I am *Jawoyn*'). This contrasts with non-Aboriginal Cartesian dualisms of individual from external context, of subject from object, of individual from immediate environment². Rather than constructing notions of identity through certain formal arrangements (e.g. citizenship, land holdership, employment status etc), identity-construction occurs through a holistic (and dynamic) intertwining of land, law and culture; forging for example, the concept of 'Jawoyn-ness' (Jawoyn Association, 1994a:17, Myers, 1989). Avoiding the Cartesian divide in personal identity that for over 400 years has formed the basis of Western epistemology, Aboriginal personal identity-construction revolves around notions of the individual inseparable from the collective and the universal:

The land is *my* spirit. Whatever you do on *my* land, you are damaging *my* spirit and would damage *my* backbone...*Our* land is *our* spirit. (Munungarritj, Yirrkala community, quoted in Jull et al (eds), 1994:129, emphasis added)

As Myers (1989) argues with reference to the Pintupi people of the Western desert, Aboriginal identity combines elements of 'autonomy' (individual) within networks of shared responsibilities. Land, as a form of 'property', is "an expression of identity, a node of personal identity caught at once in webs of shared identity" (Myers, 1989:22). Aboriginal territorialities therefore represent discrete geopolitical identities, and fundamentally different epistemic domains to the commodifying logic of the capitalist state (Verran, 1995; Patton, 1995; Barnaby, 1992). For Aboriginal people to achieve self-determination *in their terms*, indigenous control over land must be a central policy:

² Descartes' famous assertion 'I think therefore I am' asserted the individual's self-awareness as the only certain form of knowledge. His philosophies argue that a rational, ordered, but fundamentally independent external world exists beyond our perceptions, and are widely used assumptions in various western systems such as science, economics, and the geopolitics of the nation-state (Cottingham, Stoothoff and Murdoch (eds), 1988).

Without control [over land], the peoples' rights and responsibilities cannot be fulfilled and identity within territory is threatened. The word control implies self-determination. (Knight, 1988:126)

This argument was central to the findings of the 1973/74 Woodward Royal Commission, which recommended that land title be returned to Aboriginal people on a needs as well as a traditional basis.

3.2 The Importance of Land Rights for Indigenous Self-determination Strategies

Indigenous strategies for self-determination affirm rights to cultural autonomy, and "survival as peoples" (Jull, 1991b:29), based on ownership and control of traditional country [see Jull, 1994a and Hoekema, 1995 for overviews of self-determination strategies internationally; and Dodson, 1995a for Australian contexts]. There are fundamental cultural, spiritual and psychological elements to self-determining strategies, including the ability to affirm or reestablish kin links, family structures, promote community and individual identity and to achieve peace-of-mind and security. Empowerment provides arenas in which Aboriginal people can define distinct cultural identity, whilst maintaining a plurality of dynamic lifestyles.

Securing title over traditional lands enables groups to be able to establish social formations appropriate to family and kin structures. Since the advent of land rights the homelands, (outstations) movement has emerged, as family and/or kin units move away from forced settlements in urban areas, town camps or missionary settlements, to scattered smaller communities across traditional lands. Rather than being shaped by non-Aboriginal notions of 'community' (cf. Smith, 1989), the homelands movement reflects indigenous mobility priorities, and fundamental relationships between Aboriginal people and land. As a consequence, they are often transient, dynamic and adaptive to changes in environmental conditions (House of Representatives Standing Committee on Aboriginal Affairs, 1987).

Economic features of self-determining strategies relate to the ability of indigenous groups to forge alternative paradigms of development in traditional country. Such strategies often include culturally appropriate and environmentally sustainable land use practices as management principles (see Jawoyn Association, 1994a). Through sensitive use of land under

control, Aboriginal people may be able to obtain a measure of independence from government subsidies and welfare funds, enhancing personal empowerment within the realms of collective responsibilities. This is apparent in the significant number of mining and exploration agreements forged by traditional owners under the *Aboriginal Land Rights Act* (Northern Territory) 1976, where royalty equivalent monies are paid to groups negotiating developments³.

From monetary benefits gained through royalties, compensation payments and other contingent negotiations associated with mining, Aboriginal communities have been able to collectively invest in various sectors of the mainstream economy, furthering alternative approaches to development. For example, Aboriginal people in Central Australia have funded the development of Aboriginal retail activities (such as the Yeperenye Shopping Centre, Alice Springs), and have become involved in the transport sector (including Toyota dealerships, and airlines such as Ngaanyatjarra Air and Nguratjura Air Pty Ltd)⁴. Often the emphasis of such activities is not on their commercial possibilities, or their levels of profitability, but on the extent to which they facilitate self-determination:

Control of transport is clearly control over opportunities. Investments in fuel, air charter services, freighting, and bus shuttles within Alice Springs are important not so much for their potential profitability, but because they allow Aborigines to take greater control of their lives. (Crough, Howitt and Pritchard, 1989:46)

Through funds raised from mining royalties and other sources, some Aboriginal groups have been able to purchase existing pastoral leases covering their traditional lands, subsequently claiming those lands under the NT or other land rights mechanisms. Economic benefits from pastoralism on traditional lands so far have, in general, proved to be marginal (see Jawoyn Association, 1994a; Crough, 1993; Allen, 1995); however, this is only in relation to non-Aboriginal ideologies of productivity and profitability. As Crough (1993) argues, Aboriginal interests in pastoralism on traditional lands combine aspirations for economic survival as well as social revival - integrating pastoralism with other land use activities such as facilitating the outstations movement, and supporting subsistence activities.

³ Mining royalties gained through the *ALRA* 1976 are channelled to traditional owners, Land Councils and all Aborigines in the Northern Territory through the Aboriginal Benefits Trust Account (ABTA)

⁴ Funds for these investments were made available through the ABTA and the Aboriginal Development Commission (ADC).

Consequently, land rights - through its advancement of spiritual, psychological, social and economic needs - forms a crucial material element to governments' promotion of self-determination for Aboriginal people. Indigenous strategies for self-determination demand real and effective control over traditional lands (and seas). However, non-Aboriginal constructions of self-determination maintain and legitimate relations of sovereignty and capital accumulation characteristic of the nation-state, and consequently, restrict the extent to which indigenous self-determining strategies can be exercised.

3.3. Land Rights and the Australian State

Non-indigenous authorities construct Aboriginal self-determination as a policy response to Aboriginal impoverishment, rather than an inherent collective right flowing from sovereignty. As part of this 'world of meaning' of self-determination, statist perspectives on land, land ownership, and land obligations are legitimated through systems of land rights (Verran, 1995), concurrently restricting the judicial and administrative mechanisms through which land rights can be claimed.

The acquisition of land title over the Australian continent occurred through the use of the *act-of-state* legal method. Regardless of the means by which the sovereignty over land was acquired (by force, by treaty etc), all inhabitants of that territory (prior or otherwise) could only appeal to the courts of that new sovereign power, under the rights and laws recognised by the new sovereign power. This *act-of-state* method was used to nullify native title in the Australian continent, on the basis of the principle of *terra nullius* - 'empty land'. Consequently, since the initial colonisation/invasion of the Australian continent, indigenous sovereignty rights have been ignored (Coe, 1994; Gilbert, 1993). The failure to recognise Aboriginal sovereignty, a central feature of the early settlers' 'free' expansion of land resources, has become embedded in the legal, constitutional, representative and vernacular aspects of Australian 'national' identity. Whilst granting land title to traditional owners, systems of land rights such as the *Aboriginal Land Rights Act* (Northern Territory) 1976 refuse to acknowledge the disparate systems of prior [and continuing] Aboriginal sovereignty (Verran, 1995). The operation of land rights mechanisms, as designed by the non-Aboriginal state for self-determination, provide no challenge to the sovereignty bestowed by the British

Crown upon the Australian Federation, or to the functioning of its economic and geopolitical hegemony.

Furthermore, the position taken by the High Court in its historic *Mabo* decision, does not fundamentally challenge Australian sovereignty resulting from the initial *act of-state* (despite overturning the principle of *terra nullius*). It therefore entrenches Western geopolitical notions of the monolithic nation-state (Rowse, 1993a)⁵:

“The acquisition of territory by a sovereign state for the first time is an act of state which cannot be challenged, controlled or interfered with by the courts of that state.” This principle, stated by Gibbs J. in the *Seas and Submerged Lands Case*[23], precludes any contest between the executive and the judicial branches of government as to whether a territory is or is not within the Crown’s Dominions. (Brennan, 1992, *Mabo and others v the State of Queensland*, No.2)

There is an explicit acceptance of the *act-of-state* method of acquiring land control, which necessitates that any challenges to the legitimacy of the ensuing sovereignty must be situated within the legal frameworks set by the imposing powers (thus making Aboriginal claims over Australian sovereignty, in a legal sense, null and void - cf. *Coe v Commonwealth*, 1978). It is evident that such a circularity of geopolitical logic operates even within the *Mabo* judgement to exclude Aboriginal people legal recognition of prior sovereignty.

These persistent structural relations of the geopolitics of the Australian nation-state translate into the material relations of domination which characterise the problematic operation of land rights regimes in Australia. First, as has been shown in the Northern Territory since the passing of the *ALRA 1976*, land rights acts can be amended and changed. Ultimate power over the design of land rights legislation remains in the hands of parliaments, and acts can be repealed in the name of the ‘national interest’⁶.

Second, as a result of the entrenchment of land rights mechanisms within non-Aboriginal parameters of land and land ownership, Aboriginal people are only able to claim unalienated Crown land. This ensures that the state retains the prerogative over which Aboriginal groups can or cannot claim rights over ancestral lands. Thus, the situation arises where some

⁵ Despite, as Crough (1994) shows, the relatively fractured sense of sovereignty which pervades the Australian federation of states.

⁶ However, repealing Aboriginal freehold would require compensatory payments from the Commonwealth government.

Aboriginal groups are able to successfully claim ownership of their traditional lands (because they happened to be unused by non-Aboriginal people) while others, who live within the boundaries of pastoral stations or town limits, are denied such access. The state actively constructs notions of 'real' Aboriginal people - those able to claim land - and those who, through the processes of colonisation/invasion, have somehow come to lose indigeneity⁷ (cf. Carleton, 1994; cf. Beckett (ed), 1988, Weaver, 1984). The state defines 'public' Aboriginality within the confines of its geopolitical dominion.

The fundamental implication of the nature of land rights legislation in Australia is that it does not imply, or facilitate, indigenous performance of prior sovereign rights over traditional country other than the occupation of formal title⁸. The failure to reconcile the geopolitical hegemony of the capitalist state with Aboriginal native title rights equates with the continued tendencies to deny Aborigines other indigenous sovereign powers. Despite the presence of national regimes of land rights (the *Native Title Act 1993*), Aboriginal people are denied legal authority to govern over the lands to which they have claimed ownership. This is in spite of the fact that Aboriginal groups, in establishing a case for land rights, have to provide evidence of their sovereignty over traditional country.

The lack of legal authority Aboriginal people have to govern over their ancestral lands is reproduced in the systems of bureaucracy, administration and infrastructure that pervade life in indigenous Australia. Systems of governance and bureaucracy fragment decision-making control over land away from ownership. As such, they actively fragment indigenous strategies for self-determination and maintain the geopolitical legitimacy of the nation-state. It is to these areas, of governance and bureaucratic structures, that we now turn.

⁷ Under the *ALRA 1976*, indigenous groups must be able to provide evidence of prior and continuing occupancy of land for it to be claimable.

⁸ Although certain effective powers are exercised by the Aboriginal Land Councils under the 1976 *ALRA*, including access to lands through permits and consultation requirements for resource development.

Chapter 4: Governance and Self-determination

Constructions of Aboriginal self-determination by Australian governments are confined within the geopolitical parameters of the capitalist nation-state, delineating 'worlds of meaning' for the exercise of indigenous empowerment. This chapter assesses the structural manifestations of these processes. Systems of land rights are examined in relation to structures of governance conceived by Commonwealth and Territory governments as instruments of self-determination. Systems of governance actively divorce control over land from traditional owners, destabilising the coherence of indigenous strategies for self-determination, and thus maintaining the primacy of the capitalist geopolitical regime. This is followed by an analysis of systems of bureaucracy and service provision, and the relations of colonisation which persist through the nation-states' "administrative imagination" (Rowse, 1992a). Bodies such as the Aboriginal and Torres Strait Islander Commission (ATSIC), the Commonwealth Grants Commission (CGC), and the myriad of relevant departments, committees and funding programmes are, in their practical applications, seen as manifestations of the capitalist state's bureaucratic dynamics. Consequently, they define the geopolitical boundaries to the expression of localised indigenous strategies.

4.1. Self-determination: Land and Governance

Systems of land rights formulated by various levels of Australian governments provide limited means for the expression of Aboriginal self-determination strategies, particularly in respect to *governance* over traditional country. The *Aboriginal Land Rights Act* (Northern Territory) 1976 (*ALRA 1976*) established a structure of Aboriginal Land Councils throughout the Territory, whose explicit duties included representing traditional owners in land rights claims, liaising with mining companies and governments regarding resource and commercial developments, and providing advice on land management. The formality of the Land Councils' obligations to traditional owners (in the *ALRA 1976*) ensures a measure of representation and governance affiliated to land ownership. Through the Land Councils, Aboriginal groups are able to exercise the powers of veto over mining development contained within the 1976 Act, and control access to traditional country through the issue of land permits. However, the failure of the Australian state to recognise prior and continuing indigenous sovereignty over land within systems of land tenure has rendered ineffective

governing strategies beyond the scope of the Land Councils. Since the institution of the 1976 Commonwealth legislation, systems of governance have been formulated by governments under the auspices of self-determination, which, neglecting indigenous sovereignty, dissociate decision-making ability from land ownership. Imposed governing structures, including the various State and Territory Local Government schemes, are not bound to land ownership, and as such, fragment possible avenues for indigenous self-determination¹.

The Northern Territory Government's *Local Government Act, 1978*², has been promoted as an avenue of governance through which self-determination can be facilitated (Rowse, 1992a). Aboriginal communities are encouraged to incorporate under its system of Community Government Councils, which, according to the Northern Territory Government, allows greater flexibility and a wider range of powers than any other form of local government in Australia. However, as Rowse (1992a:63) argues, the Community Government legislation represents the Northern Territory's "bid for non-Aboriginal hegemony over the Aboriginal enclave"; and attempts to fragment Aboriginal claims to sovereignty in the light of its push for Statehood. It actively supplants the collective 'sovereignty' of traditional land owners with that of the individual citizen of the dominant nation-state, through systems of democratic election based on residence within clearly defined geographic boundaries (Rowse, 1992a). The election process of the Territory's local government scheme consequently threatens the ability of traditional owners to determine activities on their land, imposing 'top-down' notions of representation and administration (Wolfe, 1989).

In addition to systems of local governance formulated by various State and Territory Governments for the exercise of self-determination, the Aboriginal and Torres Strait Islander Commission (ATSIC) and its system of elected Regional Councils provides another layer of representation for Aboriginal people, and another geopolitical dimension of the constructions of self-determination by the Australian nation-state.

¹ Crough, G, Acting Director, North Australia Research Unit, pers.comm., 4/7/1995

² The Northern Territory Government's *Local Government Act, 1978* was revised in 1985 and 1993. The geopolitical ramifications of the original Act persist through the revised editions.

4.2. The Aboriginal and Torres Strait Islander Commission (ATSIC)

The goal of the Aboriginal and Torres Strait Islander Commission is to secure the empowerment of our people so that, through self-determination, we can make the decisions that affect our lives and share in Australia's land, wealth and resources, contributing equitably to the nation's economic, social and political life, with full recognition of our indigenous cultural heritage as the First Australians. (ATSIC, 1994c:vii)

ATSIC, formed in 1990, is the main bureaucratic arm of the Commonwealth Government in Aboriginal Affairs and has become the cornerstone of federal attempts to construct representative bodies for self-determination. The Commonwealth's key innovation in forming ATSIC was the introduction of a democratically-elected representative structure of 36 Regional Councils in 17 zones. ATSIC holds responsibility for the formulation and administration of the Commonwealth's Aboriginal-specific programmes, including the CDEP scheme, the Community Economic Initiatives Scheme (CEIS), specialist housing schemes, land acquisition and social justice programmes and other community planning schemes.

By instituting a system of Regional Councils and elected regional representatives, ATSIC was promoted as a break away from 'traditional' bureaucracies where policies and funding prioritisation were decided by public servants responsible to their minister. ATSIC's goal was to be responsive to its constituency, incorporating indigenous self-management and self-determination within its own structure. Decisions over funding allocation were to be devolved away from central office to the Regional Councils, to facilitate grass-roots decision-making by Aboriginal communities³. However, since its inauguration in 1990 much criticism has been levelled at ATSIC⁴. To understand the limitations of ATSIC in furthering Aboriginal self-determination, it is necessary to place its formation in the contexts of the geopolitical hegemony of the nation-state, and its attendant bureaucratic dynamics.

³ To a measured extent some of these aims have been achieved. Around 60 per cent of programme prioritisation has been devolved to the regional council level (ATSIC, 1994d:4).

⁴ Criticisms of ATSIC's operations have been forwarded from diverse angles, including academics (Sanders, 1993; Jull, 1991b, 1994a; Rowse, 1992b; Crough and Pritchard, 1991); policy-advisers (Johnston, 1991; House of Representatives Standing Committee on Aboriginal Affairs, 1990); Aboriginal organisations (Central Land Council, 1995; Dodson, 1995a); and the mainstream media (SMH, 9/2/95, 24/4/95; ABM, March 1995).

4.2.1. *The Geopolitics of ATSIC*

The system of elected councils and commissioners incorporated into ATSIC's structure to facilitate self-determination represents the attempt of the Australian state to produce and maintain systems of political representation which legitimate its sovereign hegemony and contain indigenous strategies within its parameters. When ATSIC was formed in 1990, government policy-makers transferred the liberalist constructs of democracy and representation into an Aboriginal context, negating the ability of Aboriginal groups to exercise self-determination by forming their own political-representative structures. Positions of power within many Aboriginal communities are not 'won' through democratic election but earned through knowledge, experience and initiation. These power structures may be based on kin relationships, such as the patrilineage system of Jawoyn *Morrwurrwurr*; levels of cultural knowledge in relation to traditional land (who 'speaks for country') or may be based on age and experience. Such systems of representation are not formalised within ATSIC's elected structure:

Aboriginal people rarely accept election as conferring legitimacy for the exercise of authority. Indeed, many Aboriginal leaders do not accept the primacy of the electoral process over traditional structures and refuse to stand for election. Authority is derived from one's position in the traditional hierarchy and based more on traditional knowledge and age. (House of Representatives Standing Committee on Aboriginal Affairs, 1990:20)

In addition to this, many of ATSIC's Regional Council boundaries cross over, or amalgamate culturally heterogeneous groups. An elected system of Regional Councillors does not guarantee effective representation of the Aboriginal population of those regions. In the first instance, regional governance is not reconciled with traditional ownership. The strategies of Aboriginal groups for self-determination which involve control over land in addition to legal title are fragmented by ATSIC's presence in the region. Furthermore, numerically larger Aboriginal groups may end up with an imbalanced representation to the detriment of smaller groups; whilst commissioners may have to represent groups who are historically antagonistic (Fletcher, 1994b). In addition to the formation of ATSIC's Regional Councils as a geopolitical attempt of the nation-state to confine self-determination within its ideological parameters, many elected commissioners continue to experience the frustrating impotence of their 'scaffolding' role in relation to ATSIC's strong bureaucratic core of service delivery.

4.2.2. ATSIC as 'Bureaucentric'

Despite structures of elected representatives designed to enhance Aboriginal self-determination, ATSIC is fundamentally a bureaucracy, and as such, is dominated by bureaucratic considerations. As a result, ATSIC remains a vestige of colonial 'bureaucentrism' - a geopolitical response to Aboriginal poverty rather than an expression of fundamental indigenous rights.

As argued earlier [chapter 2.3], footprints of the capitalist state's tendency to be dominated by bureaucratic dynamics can be traced in the formation of ATSIC as an Aboriginal bureaucracy from the Department of Aboriginal Affairs (DAA). When ATSIC was formed in 1990, it was intended that non-Aboriginal bureaucracy's hegemony over policy-formulation could be tackled by the introduction of the elected Regional Council system (ATSIC, 1994c). The 'bureaucentric' relations of the Australian state were to make way for the self-determined development of regional authorities.

However, as Crough and Pritchard (1991:6) argue, the majority of ATSIC staff are public servants, "whose primary responsibility is to the Chief Executive of ATSIC", not to their Aboriginal constituency. Despite the formation of elected Regional Councils, its structure lends itself to the "centralised bureaucratic determination of program implementation" (Johnston, 1991, Vol.4:9). Consequently, Aboriginal organisations such as the Jawoyn Association or Tangentyere Council often perceive themselves as peripheral voices in debates dominated by ATSIC bureaucrats. Ultimately, ATSIC becomes the 'no-sayer' to Aboriginal organisations, distributing funds between regions and between Aboriginal organisations according to its own priorities, rather than responding to, and accommodating itself within, the priorities of Aboriginal communities (Crough and Pritchard, 1991).

Ironically however, ATSIC's power to radically divert funding or policy direction is tempered by its relationship with other government departments. ATSIC is not, and as many argue should not be, responsible for the delivery of citizenship services to Aboriginal people. The responsibility for the provision of essential services and infrastructure falls on a variety of departments at Federal, State and Territory level, and on local councils and shires. As a result, the majority of decisions about mainstream service delivery that affect Aboriginal

people continue to be made in other government departments, beyond the input and scrutiny of ATSIC or other Aboriginal representative bodies. The absence of accountancy measures for service provision outcomes⁵ means that the relationship between Aboriginal people and government remains one characterised by dependency and uncertainty. In this sense, ATSIC forms merely what Jull (1991b:17) describes as “an advisory scaffolding added onto a strong federal bureaucracy”, doing little to empower Aboriginal people through self-government, whilst being unable to ensure more effective provision of services through existing mechanisms. It is unlikely that ATSIC’s difficulties in exercising Aboriginal self-determination would be negated by the ‘fine-tuning’ of its internal representative and bureaucratic procedures (Jull, 1991b), as the geopolitical structuring of self-determination by the nation-state entrenches the operations of ATSIC within systems of mainstream service bureaucracies.

4.3. Mainstream Service Provision

Beyond ATSIC, structural features in Australian governance perpetuate colonial relations by subsuming indigenous notions of self-determination within the dominant tendencies of the capitalist state. A hitherto underestimated geopolitical aspect of this process relates to service provision, and the means of fiscal distribution which enable various levels of government to fulfil their responsibilities to provide equitable levels of services and infrastructure. The roles of the Commonwealth Grants Commission, policies of fiscal equalisation and the constitutional rights of States and Territories to provide services and infrastructure, illuminate the geopolitics of the Australian Federation which construct ‘worlds’ for the inclusion and exclusion of indigenous self-determining strategies.

4.3.1. The Commonwealth Grants Commission and the Australian Federation

Untied funds to be directed to the States and Territories from the Commonwealth’s revenue sources are decided annually at the Premiers’ Conference. The task of the Commonwealth Grants Commission (CGC) is to allocate the share of funding between the States and Territories, through the application of the principle of fiscal equalisation, designed to give

⁵ There are no systems by which the effectiveness of service delivery can be assessed against the initial distribution of resources by the Commonwealth Grants Commission

each of the State and Territory Governments the ability to give a standard range of services (Searle, 1994).

Complex equations and formulae are applied to accommodate certain disability factors, such as distance and size of State, inability of States with smaller populations to raise their own revenue; and other social and economic factors that demand higher levels of funding. In the case of the Northern Territory and other States with a high proportion of remote-dwelling Aboriginal people, equalisation implies higher amounts of funding being provided to the relevant governments in order to compensate for the unique requirements of providing mainstream services to Aboriginal people who are isolated and dispersed. As a result of its relatively high Aboriginal population, historically low levels of infrastructure development and remoteness, the Northern Territory receives five to six times the per capita amount directed to the States of Victoria and New South Wales, and around four times that of Western Australia, South Australia and Queensland (Table 4.1.).

Table 4.1. Commonwealth General Revenue Assistance

	1991-92		1992-93	
	\$ million	\$ per person	\$ million	\$ per person
New South Wales	4,898	825	5,136	842
Victoria	3,604	812	3,835	843
Queensland	3,253	1,084	3,379	1,084
Western Australia	1,888	1,144	1,910	1,122
South Australia	1,802	1,240	1,866	1,250
Northern Territory	813	4,843	810	4,673
Tasmania	660	1,406	701	1,456
ACT	460	1,572	303	1,001

[Sources: Crough, 1993:96; Snowden, 1995:7]

Despite the fact that States and Territories receive General Revenue Assistance funds on the basis of factors such as Aboriginality, there are no requirements that they be spent in those areas of need. Transfers remain untied, enabling States and Territories to exercise their constitutional powers to determine the allocation of resources within their jurisdiction. Expenditures of General Revenue Assistance monies are determined by State and Territory

governments, and can often result in large scale 'misdirection' of funds away from initially targeted areas⁶.

These dilemmas are born out of the geopolitical framework of the Australian Federation. Commonwealth/State financial arrangements are a translation of a historical legacy that pits the priorities of the original European colonies (now the States and Territories) against those of federal governments. Australia maintains a federal system where the Commonwealth raises the bulk of national revenue through taxation, while the States retain the bulk of responsibilities over mainstream service delivery. The resulting vertical fiscal imbalance requires 'tax reimbursement' grants from the CGC, to enable the States and Territories to provide those services (Searle, 1994). As a consequence, the States' constitutional monopoly over certain areas of service provision persists - even though it is the Commonwealth Government upon whom the States and Territories rely for the bulk of recurrent funding. By keeping General Revenue Assistance untied, the States' rights to ultimately dictate service funding priorities are preserved. Given this, the underprovision of services and essential infrastructure to Aboriginal communities is not simply a matter of blurred policies, bad management or a lack of accountancy in current financial procedures. Rather, it is a manifestation of the forms of Australian governance and the legacy of the Australian Federation. By entrenching patterns of fiscal transference and service provision within the Australian Federation, the nation-state actively constructs exclusionary geopolitical parameters for Aboriginal self-determination⁷.

⁶ Recent examples in the Northern Territory include the highly publicised construction of a new Parliament House in Darwin, government housing and schooling facilities for employees at Yulara resort near Uluru-Katajuta National Park, and extensive road funding in and around the Darwin urban area. The material outcomes of the confinement of self-determination within the parameters of the Australian Federation can be observed at the settlement of Yulara, where the lush green expanses of government-funded cricket and football ovals remain largely unused, only a few kilometres away from Aboriginal communities where the lack of proper roads funding, sewerage and water facilities cause continual environmental health problems.

⁷ Recent attempts of the Australian state to address infrastructure underprovision in Aboriginal communities have failed to recognise its deeper structural causes. The 1992 *National Commitment to Improved Outcomes in the Delivery of Programs and Service for Aboriginal Peoples and Torres Strait Islanders*, endorsed by the Council of Australian Governments, has made little or no actual difference to program delivery or equitable outcomes. Importantly, the *National Commitment* provided no challenge to the deeper structural causes of Aboriginal service underprovision, and no questioning of the roles of the Commonwealth Grants Commission and untied General Revenue Grants. Rather than challenge the logic on which existing systems of fiscal transference are based, the *National Commitment* in effect offered little more than a promise of 'streamlining' infrastructure provision through tighter accountancy measures, consequently legitimating present geopolitical relations of self-determination.

The institutional structures of the Australian Federation perpetuate material relations of Aboriginal welfare dependency. Aboriginal people, both individually, and collectively, are kept in a state of 'catch-up', reliant on to the welfare system to provide what infrastructure and utility services are available. The absence of a capital base in many communities, and the lack of consideration of capital shortfalls in the processes of the Commonwealth Grants Commission mean that significant development of Aboriginal communities through mainstream economic activity is highly doubtful (Altman, 1994; Sackett, 1990). Consequently, the role of mainstream welfare agencies directly affects empowerment.

4.3.2. Mainstream Funding Bodies and the 'Bureaucentric Maze'

Beyond the features of the Australian Federation which impinge on the distribution and control over resources to Aboriginal groups, the *nature* of Australian bureaucracies construct parameters for the confinement of self-determination. Rather than evolving from, or responding to, policies of Aboriginal self-determination, the funding of citizenship services is conducted by agencies who remain at the centre of power relations. Such 'bureaucentrism', or 'bureaucratic welfare colonialism' (Yu, 1993:5) is perpetuated by many factors including the unnecessary complex arrangements of different service providers and programmes; the duplicity and overlapping of service provision responsibilities; the resulting lack of coordination between agencies, and the procedures and attitudes of many departmental authorities (Yu, 1993, 1994; Flick, 1994; Sackett, 1990). In lobbying for the provision of mainstream services, Aboriginal communities have to deal with a myriad of departments, commissions and authorities, each of which have their own eligibility criteria, administrative procedures, accountability requirements and decision-making hierarchies. The levels of negotiation and consultation with Aboriginal communities vary between departments, without any overarching uniformity or established ways of incorporating Aboriginal prioritisation and self-determination into strategic funding decisions. As concluded by the House of Representatives Standing Committee on Aboriginal Affairs (1990), the most likely outcome of present arrangements is a situation where Aboriginal communities are consulted on some funding matters only after prioritisation and decision-making has occurred. Bureaucentric power structures are maintained between individual service providers and their Aboriginal constituencies. The plethora of different departments, levels of government and programmes dealing with Aboriginal citizenship services results in the maintenance of bureaucratic colonialism and the confinement of localised expressions of self-determination (Bartlett and

Legge, 1994; Flick, 1994; Durie, 1994; Yu, 1994) [see appendix V for an overview of the 'bureaucentric maze' at Commonwealth and State levels].

Conditions of Aboriginal poverty form the material expression of these constructions of self-determination by Australian governments. Through federal systems of fiscal transference and persistent 'bureaucentrism', Aboriginal access to resources is remote. Symptoms of poor health, lack of education and poor access to basic infrastructure illuminate how the dominance of the state in shaping 'worlds of meaning' for self-determination, can impact on the quality of people's lives [Appendix VI]. However, indigenous groups are not simply the passive receivers of such systems of oppression. Characterising Aboriginal people as 'helpless' neglects Aboriginal resistances to domination. Aboriginal political strategies for self-determination continually evolve, seeking new ways in which to assert a geopolitical presence beyond the parameters of the nation-state. One current expression of this dynamic is the emerging call for Aboriginal self-government, based on negotiated *regional agreements* between indigenous landowners, governments, service providers and potential resource developers.

4.4. Regional Agreements - the New Indigenous Strategies

Since the High Court's 1992 *Mabo* decision, and the passing of the *Native Title Act 1993*, many indigenous groups in Australia have sought the means by which more holistic approaches to self-determination can be pursued (Yu, 1994; Toussaint, 1992; Pearce, 1994; Coombs, 1994; Council for Aboriginal Reconciliation, 1994). Aboriginal organisations in areas such as the Kimberley, Cape York, the Torres Strait and Arnhem Land have developed strategies which involve direct negotiations with Australian Governments in an attempt to "recognise indigenous rights and to protect them in a contemporary legal system" (Craig and Jull, 1994:3). The proposals for negotiations between the state and indigenous groups are based on the experiences of indigenous groups in Canada, including the formation of the *Nunavut* agreement between the Inuit of the former North West Territories and the Canadian Government⁸ (Jull, 1994a, 1994b; Richardsdon, Craig and Boer, 1995). Prospects for *regional agreements* in Australia were enhanced by the inclusion of provisions in the Commonwealth's *Native Title Act 1993*, for the possibility of comprehensive negotiations

⁸ See Cassidy, 1995; Asch, 1992; Plain, 1985 for aspects of the Canadian *regional agreements* experience.

between groups based on a recognition of indigenous rights⁹ (French, 1995:3). Subsequently, *regional agreements* have been integrated into many indigenous strategies for self-determination, a common component of which is the resolution of indigenous rights to land title within the nation-state - a 'settlement' of disparate knowledge systems and geopolitical paradigms (cf. Verran, 1995). Potential agreements between indigenous people and governments could include an integrated resolution of other relevant issues, including use of traditional land and seas; resource management; control of the nature of, and/or delivery of services; the recognition of indigenous law and governing structures, and other social and cultural issues (Crough, 1995:4). As Crough (1992) demonstrates, the possibility exists for financially autonomous Aboriginal self-government as part of negotiated *regional agreements*. Structures of Aboriginal governance could be guaranteed recurrent funding for the control and/or delivery of services through the Commonwealth Grants Commission's present mechanisms of fiscal equalisation.

Regional agreements may also provide a framework within which multivalent notions of self-determination are reconciled with the geopolitical structures of the nation-state. Through a recognition of indigenous sovereignty over traditional country, indigenous groups would be able to negotiate with governments over a range of issues that are relevant to their political strategies, effecting indigenous control over the public construction of 'worlds and structures of meaning' for self-determination:

[The agenda for regional agreements] represents a major change and clearing of Australian policy thinking which has lingered in a hazy zone where *self-determination* has been the grandiose misnomer for what has been little more than official paternalism. (Jull, 1995:1)

Importantly, the proposals for *regional agreements* do not imply a quick shifting of the boundaries - a changing of the borders - or systems of Aboriginal 'nationhood' within Australia based on the geopolitical assumptions of western nation-states. The possibility of *regional agreements* offers a framework within which indigenous groups would be able to *evolve* strategies for empowerment, structures of governance and formal relationships with governments (French, 1995; Jull, 1994). As Craig and Jull (1994:4) argue, "there is no pre-

⁹ The *Native Title Act 1993*, Section 21 states: "21(2) The [regional] agreement may be given for any consideration and subject to any consideration, agreed by the parties (other than consideration or conditions that contravene any law)" and "21(4) [This] does not prevent agreements mentioned in that subsection being made by native title holders on a regional or local basis" (quoted in French, 1995:3).

ordained form which a regional agreement should take". In this sense, *regional agreements* provide a potential challenge to the 'stubborn fixities' (cf. Slater, 1994) of Australian geopolitics, and the attempts of Australian governments to subsume self-determining strategies within the domain of the dominant capitalist state. By emphasising holistic approaches to governance based on indigenous notions of sovereignty, *regional agreements* could facilitate self-determination through "vision[s] of local identity, specific knowledges and cultural systems" (Dodds and Sidaway, 1994:521), challenging non-indigenous constructions of self-determination, and attempting to reconcile localised cultural expressions with the monolithic primacy of the 'nation-state'.

At the time of writing, strategies for the forging of comprehensive *regional agreements* are at varying stages of evolution. Aboriginal organisations in the Kimberley region of Western Australia have sought negotiations with Australian governments in an attempt to integrate future land ownership with control over other aspects of governance (Independent Aboriginal Organisations of the Kimberley, 1994). The complexity of arrangements through which Aboriginal groups would have to prove native title (under the *Native Title Act, 1993*), and 'bureaucentric' structures designed by governments to facilitate self-determination have prompted indigenous groups in the region to seek alternative sites of expression for self-determination (Crough, 1995; Sullivan, 1995). Elsewhere in Australia, Aboriginal groups are evolving structures of governance and control over areas of service provision. In Central Australia, indigenous groups have built upon a trial system of direct funding for road construction and maintenance by organising structures of decision-making, and forming their own umbrella-style representative body - the *Ananguku Yiwarra Aboriginal Corporation* - to liaise and negotiate with governments¹⁰. Meanwhile, in 1994 the *Torres Strait Regional Authority* was established, in an attempt to forge greater regional autonomy and facilitate self-determination through the control of service provision (Snowdon, 1995).

In the Katherine region of the Northern Territory, the Jawoyn traditional owners of the region have developed strategies for self-determination captured by the use of the phrase 'rebuilding the Jawoyn Nation'. On the 25th January, 1993, the strategies of the Jawoyn were significantly exercised with the signing of the *Mt Todd Agreement* between the Jawoyn Association Aboriginal Corporation, Australian Governments and resource developers. This

¹⁰ Crosby, J, Senior Policy Officer, Central Land Council, pers.comm., 13/6/1995

regional agreement reflected the efforts of the Jawoyn in developing strategies for self-determination beyond the geopolitical limits imposed by Australian governments (cf. Chapters 3 and 4), and constituted one of the first concrete manifestations of the new indigenous agendas in Australia. In seeking to delineate the geopolitical relations of self-determination as they are manifest in local and regional contexts, this thesis subsequently turns to focus on Katherine region, and the reconstitution of the Jawoyn Nation.

Chapter 5: Katherine and the Jawoyn Nation

The constructions of 'worlds of meaning' for Aboriginal self-determination by indigenous groups and non-indigenous institutions manifest themselves in sets of unique relations in the local and regional context. National scale processes such as the formulation of Commonwealth Aboriginal Affairs policy and administrative frameworks; fiscal transference between levels of government; national regimes of law and land rights legislation all impact upon indigenous groups and their calls for localised, self-determined development. This is strikingly apparent in the Katherine region of the Northern Territory. Jawoyn people are the traditional owners of much of what is now called the Katherine region, including the area the town itself now occupies, and vast tracts of territory to the north, north-east and east. The Jawoyn have, through a series of land claims and disputes over non-indigenous development of their resources, formed their own representative organisation, the Jawoyn Association Aboriginal Corporation. Increasingly this has become the voice and mechanism through which Jawoyn reinforce their calls for self-determination. Jawoyn notions of self-determination are holistic, and imply a plethora of geopolitical responses based on a fundamental recognition of the Jawoyn's prior and continuing sovereignty over traditional country.

Alternatively, non-indigenous constructions of Aboriginal self-determination are manifest in the localised context, with profound implications for the exercise of Jawoyn self-determination. Tendencies of the capitalist state to be bureaucratically centred, to divide local control over service provision from land ownership, and to fragment decision-making and bureaucratic structures, lead to the construction of policies of Aboriginal self-determination that are subsumed within the non-indigenous domain (cf. Rowse, 1992a). Those structures, including the Aboriginal and Torres Strait Islander Commission (ATSIC), the multitude of government agencies involved in the provision of services to Aboriginal people, systems of land tenure, local government and law all mitigate against the development of political structures that facilitate effective self-determination for the Jawoyn people.

5.1. A Brief History of the Region

5.1.1. Jawoyn life and land

Jawoyn country covers a vast expanse of what is now known as the Top End of the Northern Territory. The general area recognised as Jawoyn country stretches from the present area around Mataranka in the south where it adjoins Yangman country; to the south-east adjoining Mangarayi; the east to Ngalkbon country; the north towards Rembarrnga country; north and north-east adjoining Mayali country in what is now Stage III of Kakadu; to the north and north-west towards Pine Creek where it adjoins Wagiman country; and to the west where it adjoins Wardaman country (Jawoyn Association, 1993a, 1994a). For at least an estimated 50,000 years prior to European invasion, complex, holistic systems of law, responsibility and social organisation, linked intrinsically to traditional country, delineated Jawoyn sovereignty over land. This allowed Jawoyn to traverse freely across their land to hunt, gather and perform ceremonies (Jawoyn Association, 1993a; CCNT and Nitmiluk National Park Board of Management, 1993). Jawoyn boundaries with other linguistic groups were often in flux, and mobility patterns were dynamic, in keeping with cultural needs and prevailing environmental constraints.

5.1.2. Non-indigenous Settlement/Invasion

European sovereignty over land in the Katherine region was acquired by the British Crown, using the *act-of-state* method, at the instant at which title was declared over the whole continent (Reynolds, 1987). Despite there being no physical presence of European settlement in the Katherine region, and despite the colonisers' lack of knowledge of the extent of the Australian continent, legal sovereignty over Jawoyn lands had been claimed by, and Jawoyn people had become subjects of, the British Crown. This acquisition of Jawoyn lands through the *act-of-state* legal mechanism was converted into de facto control by European invaders with the spread of pastoralism and settlement following John McDouall Stuart's expedition in

1862 and his subsequent reporting of favourable pastoral conditions in country north of the Roper River¹.

For South Australian colonists, the north was an untapped pastoral paradise which provided opportunities to build their own colonial empire in competition with Sydney and Melbourne (Forrest, 1985). The South Australian government, rather than negotiating with indigenous traditional owners, persistently applied to Britain for the acquisition of northern lands. In July 1863, the British colonial authorities eventually yielded to their demands, and the 'Northern Territory of Australia' was established. The spaces of Northern Australia were thus 'emptied' of legitimate indigenous settlement, ready for the spread of European control and the growth of the 'myth of Northern development' (Jull, 1991a).

Permanent settlement occurred in the Northern Territory following the decision of the construction of an Overland Telegraph Line, connecting Adelaide with Darwin. For the colonists, the completion of the Overland Telegraph in 1872 provided a thin line of 'civilisation' in the 'untamed' Northern Territory. The repeater stations of the Overland Telegraph Line also became outposts of colonial discipline. Police stations were established at strategic points, including Katherine, charged with the task of protecting the interests of colonists, their land and stock. Prevailing social Darwinistic principles rationalised the agenda of police authorities and normalised the widespread killings of Aboriginal people throughout the Northern Territory, who were seen as threats to the security of stock (Davis and Prescott, 1992; Reynolds, 1987). The South Australian government, keen to exploit its newly acquired land resources in the Northern Territory, drew arbitrary lines around parcels of land of approximately two hundred square miles, and declared them open to claim for pastoral leasehold. If the areas of land were stocked within three years of claim, leases would then be issued. The Telegraph stations, as the only outposts of 'civilisation', subsequently became springboards for the encroachment of pastoralism in the Northern Territory. By 1875 the first permanently settled pastoral stations emerged, including Undoolya, Owen Springs, Idracowra and Erldunda.

¹ The reaction of South Australian colonists to Stuart's communications was hysteric, as they pursued further land resources for capital exploitation: "Stuart's success triggered a South Australian clamour to possess and settle this new land....For them, this land to their north offered a coastline only a few degrees from Asia, with a wet and fertile hinterland to compensate their home colony for the fact that it was the driest in Australia...Underlying all these ambitions was the secure expectation that the South Australian heritage of *free* settlement and *free* enterprise would prevail to bring success..." (Forrest, 1985:4, emphasis added)

The expansion of pastoralism, and the explosion of mining activities that followed the discovery of gold at Pine Creek during the construction of the Overland Telegraph Line, had tragic consequences for Aboriginal groups throughout the Northern Territory, including the Jawoyn. Jawoyn indigenous sovereignty over traditional territory was disregarded in the often violent process of asserting European sovereignty over land². Jawoyn people no longer had free access and mobility over their country. Pastoral stock polluted water sources, and made the availability of game more problematic; the threat of violence forced Jawoyn into safe areas distant from pastoral stations, and traditional lands became populated by strangers. Jawoyn people were, by the turn of the century, “experiencing the violence and culture shock of colonisation” (Jawoyn Association, 1993a:9). Thus, the South Australian ‘settler frontier’ which traversed northwards, constituted a ‘geopolitical frontier’, with fundamental disruptions to incumbent society and sovereignty (cf. Davis and Prescott, 1992; Reynolds, 1990). In addition to the disrupting influence that the European geopolitical frontier had on traditional demographic patterns, many Aboriginal groups began to congregate around pastoral stations and mines. These areas, provided an attraction for Jawoyn in terms of the commodities available, and their relative safety, when compared to other areas on pastoral properties. For pastoralists, the recruitment of Aboriginal people meant a cheap labour force, who possessed traditional knowledge of land and resources, and whose services could be exchanged for food and clothes. As such, Jawoyn labour was regarded and exploited as a ‘natural resource’ (Davis and Prescott, 1992; Jawoyn Association, 1993a).

These processes continued with the growth of the township of Katherine, initially around the Telegraph station³. With the construction of the Pine Creek to Katherine railway in 1925, leases were issued along the Katherine river for the development of agricultural activities such as peanut farming. The effect of this agricultural expansion for Jawoyn was also dramatic. Many Jawoyn sites of significance for camping, hunting and ceremonial purposes were rendered inaccessible, and many Jawoyn began to use campsites further back from the banks of the river, often on the fringes of European settlement (CCNT and Nitmiluk National Park Board of Management, 1993:7).

² Jawoyn who had not been ‘contained’ within the control of government authorities or settlers, were the recipients of attempted genocide: “The Eastern and African Cold Storage Co. Ltd. for example, is known to have engaged in systematic hunting out of ‘wild’ Aborigines who had not come into pastoral properties.” (CCNT and the Nitmiluk National Park Board of Management, 1993:5)

³ In 1916 the North Australia Railway reached the north bank of the Katherine River two kilometres downstream, leading to the establishment of a new settlement, Emungalen. In 1925 the railway bridge was completed across the Katherine river, and by 1926 further development had joined the two settlements into what is now the Katherine township.

World War II led to the construction of the Katherine region as a non-indigenous space of strategic military importance. As such, the war had a drastic effect on Aboriginal people in the Katherine region. An administrative order in 1942 prohibited Aborigines from remaining north of the Edith River, required the establishment of Aboriginal compounds at Mataranka and Katherine, and the formation of 'Native Control Camps'. Aboriginal groups from many areas, and from different cultural backgrounds were for the first time brought into prolonged contact. Native Affairs Branch officers were employed to 'control' Aboriginal groups in the camps. In 1946 the Native Control Camps were abandoned, and Aboriginal inhabitants were moved to a number of welfare camps, in particular Bamyilli, now Barunga. Aboriginal stockmen were trained on Eva Valley pastoral station, purchased in 1947 for that explicit purpose. Rigid disciplinary measures were maintained at welfare camps, in an attempt to assimilate Aboriginal people into non-Aboriginal ways-of-life, and force an 'evolution' along imagined social-Darwinistic paths (CCNT and Nitmiluk National Park Board of Management, 1995:7; cf. Reynolds, 1987).

In 1962 Katherine Gorge was declared a National Park, and the associated influx of tourists led to further cultural disruption as the *Bolung* (Rainbow Serpent dreaming of Nitmiluk's 'second' gorge) had been disturbed. Jawoyn distanced their everyday lives from the immediate vicinity of Nitmiluk. Concurrently, the granting of award wages to Aboriginal workers in 1968, combined with the adoption of new technological methods in the pastoral industry resulted in many Aboriginal people leaving the cattle stations and led to increasingly mixed populations in Katherine, Pine Creek and Bamyilli.

During the 1980s, the strategic military importance of Katherine was again amplified, with the construction of Tindal RAAF base. The effects of this development have been profound and continue to ripple through the region. Whilst it perpetuated the importance of public infrastructure spending for the maintenance of local and regional economies, the development provided minimal long-term benefits for Aboriginal employment (Crough, 1993). Concurrently, the construction of Tindal doubled the non-Aboriginal population of Katherine, providing extra pressure for suburban development in the Katherine region, and jeopardising the security and future of some Aboriginal Urban Living Areas (AULAs) in the vicinity of the town.

5.2. Jawoyn and Other Aboriginal Groups in Contemporary Katherine

The history of the colonisation of Australia has had dramatic effects on the demographic patterns of Aboriginal groups in contemporary Katherine. The Jawoyn, despite being traditional owners of the region, are now a minority on their lands. In the first instance, Aboriginal people comprise 2,319 or around 20 per cent of the 12,042 people living on Jawoyn lands (Jawoyn Association, 1994a:18; Australian Bureau of Statistics, 1992). Despite an overall increase in Katherine township's Aboriginal population of 69% from 1986-1991, overall Aboriginal population growth on Jawoyn lands remained at around 2 per cent (Jawoyn Association, 1994a:18). In addition to this, Katherine now has a highly mixed Aboriginal population. According to the Jawoyn Association, there are approximately 900 Jawoyn of all ages living on Jawoyn lands. This forms only 38 per cent of the local Aboriginal population and around 8 per cent of the total population living in Jawoyn country (Jawoyn Association, 1994a:18).

Jawoyn reside at, and move between, a number of locations [see Figure 5.1]. Communities are situated on traditional Jawoyn country in remote areas, such as Barunga (Bamyilli), Manyallaluk (Eva Valley) and Wugularr (Beswick); in outer living areas of Katherine town, such as Rockhole, and Jodeluk; in Aboriginal Urban Living Areas (AULAs) within Katherine such as Mialli-Brumby (Kalano), and Nundajou (Warlpiri camp); within town housing and in other communities such as Jilkminggan, Patonga and Gunbalanya, Pine Creek and Darwin (Kalano Association, 1993). There is also evidence of the homelands movement within Jawoyn society, with the establishment of the Werenbun-Barnjarn outstation on Jawoyn traditional lands, and the provisions of the Jawoyn Corporate Plan to facilitate "our peoples' desires to 'return to country'" (Jawoyn Association, 1994a:73). Many people from other communities in the wider region also frequent the immediate Katherine area, often staying with relatives or camping in the 'long grass' around town. Table 5.1 provides a summary of populations of various communities and urban living areas.

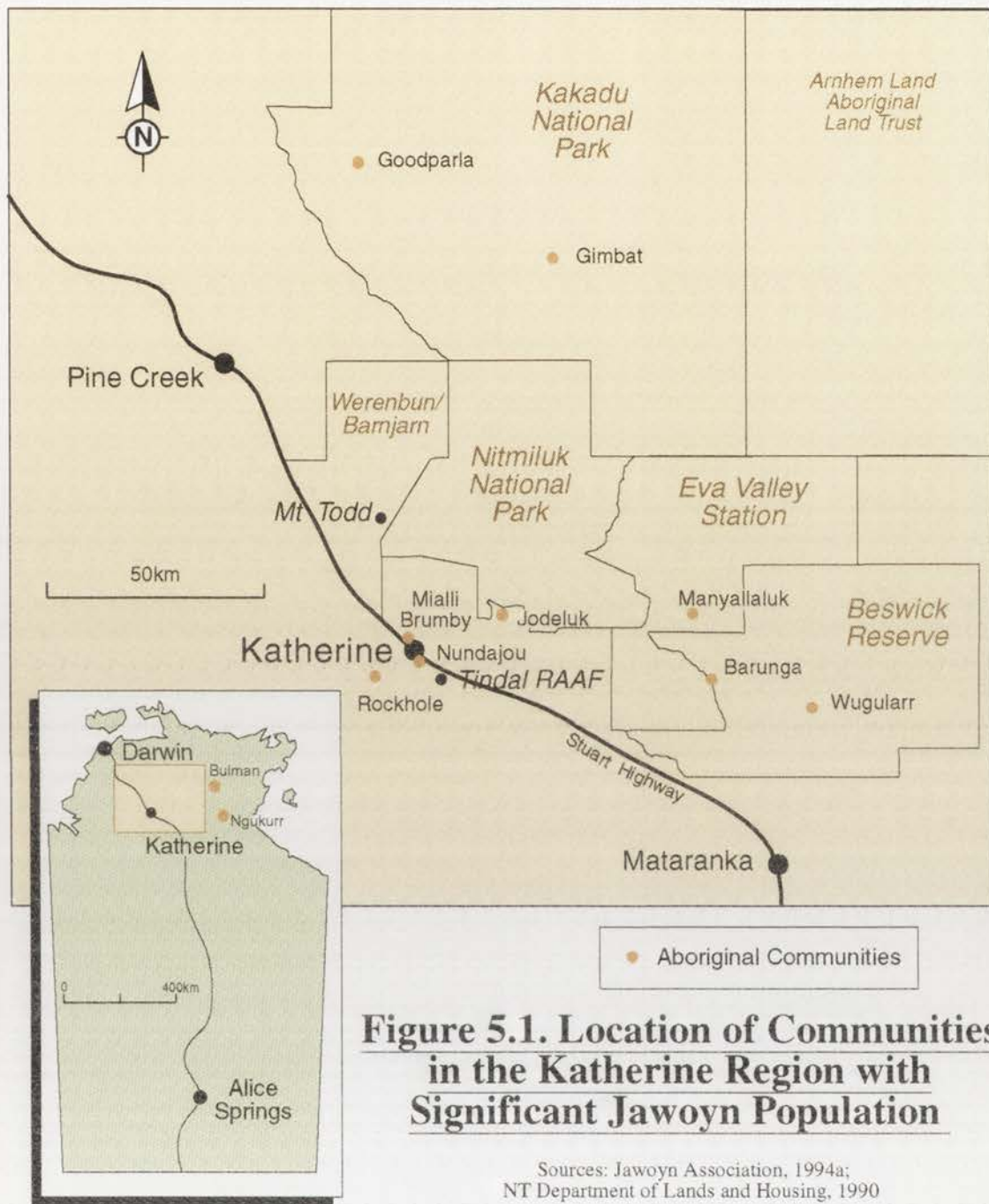


Figure 5.1. Location of Communities in the Katherine Region with Significant Jawoyn Population

Sources: Jawoyn Association, 1994a;
NT Department of Lands and Housing, 1990

Table 5.1. Aboriginal Population by Community, Katherine Region, 1992
(ATSIC Estimates)

<i>Community</i>	<i>Population</i>	
Barunga	360	
Binjarri	110	
Borroloola	118	
Bulman	150	
Daguragu	230	
Jilkminggan	160	
Jodeluk	15	
Kalkaringi	210	
Katherine Town	900	
-including AULAs	1435	
Lajamanu	800	
Manyallaluk/Eva Valley	75	[Manyallaluk estimate 110]
Mialli Brumby/Kalano	200	[ABS estimate 239]
Minyerri	220	
Nandajou/Warlpiri Camp	60	[Kalano estimate 112]
Ngukurr	800	[Kalano estimate 1000+]
Rockhole	150	[Kalano estimate 162]
Werenbun outstation	15	
Wugularr	370	

[Sources: ATSIC, 1994e:7; Kalano Association, 1993:20]

Aboriginal people in the Katherine region are, still experiencing the material relations of Australian colonialism. The effects of 200 years of dispossession, alienation, exclusion, and forced assimilation manifest themselves in the indicators of persistent Aboriginal poverty in the region. Aboriginal people in the Katherine region experience extreme disadvantage in terms of health, education and the provision of basic services and infrastructure [Appendix VII provides an illustration of such disadvantage].

However, much is changing for the Jawoyn people since government policies turned towards facilitating Aboriginal self-determination. Jawoyn have been able to secure ownership of tracts of traditional land through the Commonwealth's *Aboriginal Land Rights Act* (Northern Territory) *Act 1976*, and through post-*Mabo* negotiations in the *Mt Todd Agreement*. From this land base, the Jawoyn have been able to secure arrangements over mining and national park management, whilst the Jawoyn Association has formulated long-term strategies for economic independence and the reconstruction of the 'Jawoyn Nation'. Nonetheless,

institutional constructions of self-determination by non-indigenous governments continue to impact on the expression of Jawoyn strategies, including the fragmentation of self-determination, continued 'welfare colonialism' and the geopolitics of the Australian federation. Chapters 6 and 7 of this thesis consequently examine the constructions of 'worlds of meaning' of self-determination by the Jawoyn and by non-indigenous governments, and their manifest tensions in the Katherine region.

Chapter 6: The Jawoyn Nation: Jawoyn Self-determination

6.1. 'Our Land Is Our Life'¹, and the Inalienable Essence of 'Jawoynness'

The individual conduct of Jawoyn lives in contemporary Katherine are predicated by a dialectical mix of personal and communal responsibilities, motivations, aspirations and responses to change. With the colonisation of the region, the lives of many Jawoyn people - their mobility patterns, daily occupations and routines - have undergone dramatic change. People's responses and reactions to continuing colonial relations are varied and complex. Nonetheless, Jawoyn people share a common sense of community - identifying as Jawoyn, as indigenous guardians of their country - as 'one Jawoyn mob'. Jawoyn status continues to be a distinct, inalienable signifier of personal and communal identity. Many Aboriginal people in the region refer to this fundamental aspect of personal identity as 'Jawoynness' - an expression of 'private' Aboriginality and of an Aboriginal 'essence' (cf. Carleton, 1994).

'Jawoynness' is linked inextricably to Jawoyn country - the individual and communal affiliations to land. Affiliation is dependent on descent from a Jawoyn father and/or mother, denoting firstly, primary spiritual responsibilities for specific sites of importance; and secondly, communal responsibilities for Jawoyn country as a whole². Knowledge of land, the education of younger Jawoyn, performance of ceremonies and the 'maintenance of country and law' are central to Jawoyn cultural expression and remain primary objectives of senior Jawoyn elders (Jawoyn Association, 1993a:2-3). Thus, the term *Jawoyn* denotes a language, a people ('we are Jawoyn'); an expression of individual identity ('I am Jawoyn') and cultural identity ('Jawoynness'); and areas of traditional country ('Jawoyn land'). It refers to the 'collective ownership of language and responsibility for traditional lands' (Jawoyn Association, 1994a:17).

Augmenting the collective Jawoyn identity as 'one mob', are a series of discrete clan groupings known as *mowurrwurr* or *daworo*. Membership of *mowurrwurr* is determined by

¹ 'Our Land Is Our Life' is a phrase commonly used by both the Jawoyn Association and the Northern Land Council in relation to indigenous rights and self-determination (Jawoyn Association, 1994a)

² 'Jawoynness' is not however, a racially based distinction dependent on the amount of 'blood' in one's descentance. Being 'Jawoyn' implies a cultural distinction, and can be accepted by adoption into particular clan groupings (Jawoyn Association, 1994a:47)

patrification³. Complimentary features of Jawoyn social organisation are the *Yirritja* and *Dua* - Aboriginal moieties divided into four subsections with a male and female version⁴. Knowledge of these forms of social groupings has survived the Jawoyn experiences of colonisation, and is currently undergoing a renewed importance in the processes of Jawoyn decision-making in relation to land use and land management issues (Jawoyn Association, 1994a:47).

In one sense, the holistic nature of 'Jawoynness' - simply 'being' Jawoyn and living under Jawoyn law ('maintaining the country') is an expression of self-determination. Being Jawoyn, and thus living as Jawoyn under Jawoyn law has not been ceded away since European settlement. Jawoyn have not ceased to be Jawoyn. Aboriginal self-determination is not something that, in this sense, could ever be *given* to Jawoyn people from Australian governments and institutions. Self-determination represents the cultural distinctiveness of *being Jawoyn*.

In a second sense, this innate set of responsibilities and rights to self-determination has been shaped and developed by the Jawoyn into strategies of empowerment within contemporary geopolitics. Collective Jawoyn rights, as indigenous owners and guardians of Jawoyn country, form a basis for the development of political strategies for self-determination. These strategies provide a challenge to the dominant geopolitical regimes of the nation-state, and require a whole plethora of geopolitical responses from non-Aboriginal governments and institutions. Jawoyn self-determination is expressed through the use of the phrase 'rebuilding the Jawoyn Nation' (Jawoyn Association, 1994a). This demands a recognition of Jawoyn rights as indigenous 'guardians' of the region in addition to, and distinct from, the 'equality' or 'citizenship' rights of the wider Australian population:

...all Jawoyn people have collective responsibility for their lands and sites on the land and, by inference, over economic and other developments on their lands. (Jawoyn Association, 1994a:17)

Jawoyn claims to indigenous rights, which have become crystallised in the use of the concept of the Jawoyn 'nation', are multivalent and represent a people, a language and areas of

³ Membership of *morwurrwurr* clan groupings is dependent on one's father's *morwurrwurr* status (Jawoyn Association, 1993a, 1994a).

⁴ The Jawoyn origins of the *mowurrwurr*, *Yirritja* and *Dua* are in the *Burr* (Dreaming), with the figure *Nagorrko*, a spiritual and moral teacher who arrived at Eva Valley (Manyallaluk) from Ferguson River to the north of Jawoyn country (Jawoyn Association, 1993a).

traditional country (cf. Weaver, 1985). Originally, the use of the term 'nation' to represent Jawoyn people emerged through the processes of claiming land under the *Aboriginal Land Rights Act* (Northern Territory) 1976. The Jawoyn (Katherine Gorge) Land Claim, covering traditional country over what is now Nitmiluk National Park, was successfully conducted upon the basis of Jawoyn ownership of land as 'one mob'. The 'one mob' approach also formed the principle of membership for the Jawoyn Association, established during the process of the Jawoyn land claim. Jawoyn have also constructed the notion of 'nationhood' in response to an array of political and economic circumstances which negate their ability to exert control over traditional lands and render the Jawoyn an Aboriginal minority upon them. As such it represents the attempt of the Jawoyn to express their distinct status as indigenous people of the region. It does not represent Jawoyn claims to separate 'nationhood' in a western political sense, rejecting its "eurocentric and monolithic conception of...appropriate form" (Patton, 1995:156), and thus averting the implication of long term strategies for secession from the Australian nation state⁵. Jawoyn remain a minority on their own lands, and Jawoyn lives are inextricably linked to those of other Aboriginal and non-Aboriginal people. The use of the term Jawoyn 'nation' celebrates the persistence of 'Jawoynness' in contemporary life, rather than appealing to simplistic notions of a separatist, static 'traditional' system of governance. The use of such cultural expressions form a "contemporary response to political and social pressures on Jawoyn people" (Jawoyn Association, 1994a:17), encapsulating Jawoyn rights as distinct indigenous peoples of the region. Central to its use are strategies to increase Jawoyn autonomy and "allow the Jawoyn to exert political, social and economic influence over a country in which they now find themselves a minority" (Jawoyn Association, 1994a:17). As such, the 'rebuilding of the Jawoyn Nation' circumvents derivative discourses, "amount[ing] to a [geopolitical] project, to a whole transformative endeavour" (Thomas, 1994:106).

6.2. The Exercise of Jawoyn Strategies for Self-determination

Jawoyn strategies for self-determination have developed considerably in the last ten years, particularly with the advent of Commonwealth policies in relation to Aboriginal land rights. Jawoyn strategies for self-determination, the use of the term 'Jawoyn Nation', and Jawoyn

⁵ Unlike the approach of the Aboriginal Provisional Government, towards an autonomous Aboriginal nation state, with its own political structure and territorial integrity (Mansell, 1994).

involvement in land management and development issues have attracted much media attention, not only in the Northern Territory but across Australia (Weekend Australian, 16-17/4/1994, SMH, 14/3/95). The Jawoyn have been able to claim back title to much of their traditional country, and, from that land base, establish the Jawoyn Association (hereafter 'the Association') as an advocacy and political-representative body. The Association has evolved its own decision-making structures that attempt to represent the interests of its members and their calls for self-determination. The Association membership consists of all adult Jawoyn, who are in turn represented by the Association Executive - traditional owners from the clan groups and geographic areas within Jawoyn lands. Annual general meetings of the membership, and the monthly meetings of the Executive, determine the policies, strategies and objectives of the Association. It is the responsibility of the Association's Secretariat, as permanent employees of the Association, to carry out the identified strategies in line with the policies and objectives of the Executive. These include management of mining and tourism agreements, representing the Jawoyn and liaising with welfare and other government bodies, and conducting employment and training schemes. As such, the Secretariat remain accountable to the Executive [Appendix VIII]. Since its inception, the Association has acquired the organisational and administrative expertise, and the political clout, to become involved in a wide variety of activities, including the management of Nitmiluk National Park, tourism and mining ventures, training and employment schemes, and the establishment of new communities and outstations. Control over traditional country continues to form the basis of Jawoyn strategies for self-determination.

The Commonwealth's 1976 *Aboriginal Land Rights Act* preceded the handing back of Beswick Reserve to its traditional owners in 1977, and provided the legislative recognition that allowed the Jawoyn to claim other previously unalienated tracts of traditional land. In 1978 the Jawoyn placed the Jawoyn (Katherine Gorge) Land Claim over areas to the north of Katherine township, including Nitmiluk Gorge. After extended hearings, the Jawoyn were eventually granted 2,032 square kilometres (from an original claim for approximately 5,000 square kilometres). The land was eventually handed back in October 1989, following the signing of a lease-back agreement with the Conservation Commission of the Northern Territory (CCNT) over Nitmiluk National Park (Jawoyn Association, 1994a:18).

Immediate ownership and control over traditional country followed the hand back of Nitmiluk National Park in 1989. Jawoyn were also able to secure (as part of the lease-back

arrangement with the CCNT) a majority Jawoyn presence on the Nitmiluk National Park Board of Management, and guaranteed royalty payments from the CCNT for the Park. Decision-making influence over the nature of activities within Nitmiluk was consequently secured through the Jawoyn presence on the Board of Management. At the Nitmiluk Board of Management meetings held during June 1995, the author observed the extent to which the majority traditional owners on the board exerted control over the management of Nitmiluk. Meetings were conducted in two official stages. The first meeting, of the executive committee⁶, discussed the details of land use and development proposals in the Park, which would be raised at the main board meeting (comprising the majority traditional owners). In the main meeting, CCNT representatives related to traditional owners on a consultative basis, as trained experts in conservation and land management issues, rather than as controlling bureaucrats or 'managers' of the National Park. Although conducted largely in English, the meetings were chaired by a Jawoyn elder from the Jawoyn Association who communicated with traditional owners in Kriol and Jawoyn. Importantly, this second, official meeting was preceded by an informal meeting of traditional owners, the chairman, and representatives of the Jawoyn Association, who discussed upcoming issues for the official meeting. In these preliminary discussions, held in Jawoyn or Kriol, traditional owners were able to form a coherent position on an issue preceding the official meeting, and through their prior consensus remained the central decision-making group in the management of Nitmiluk National Park⁷.

6.2.1 The Mt Todd (Regional) Agreement

In addition to Nitmiluk National Park and Beswick Reserve, title to other areas of traditional country have been acquired by Jawoyn traditional owners. The primary source of such title, and the mechanism that forms the core of Jawoyn strategies for self-determination is the historic *Mt Todd Agreement* between the Jawoyn Association, the Commonwealth and Northern Territory Governments, and the mining company Zapopan NL. At the time that the High Court handed down its *Mabo* decision, claims under the *Aboriginal Land Rights Act*

⁶ The Nitmiluk Executive Committee is made up of the Board Chairman (Jawoyn), representatives of the Jawoyn Association (including the National Parks Special Projects Officer), and representatives of the CCNT

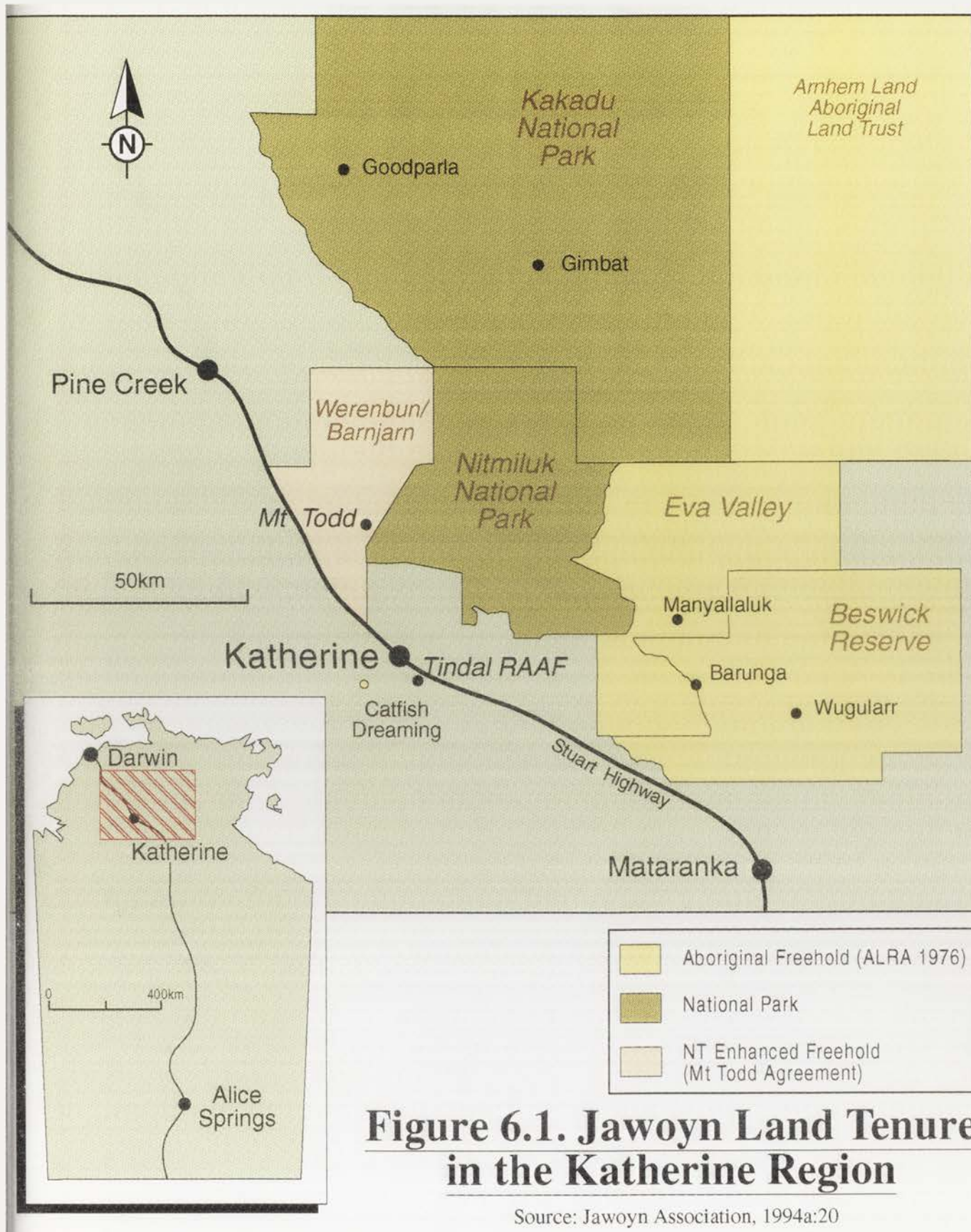
⁷ The effectiveness of Jawoyn control over traditional lands in Nitmiluk National Park can be compared to that of Kakadu Board of Management, where the increased size of the Park results in the majority Aboriginal presence on the board being split up along tribal/clan lines. It has been argued by members of the Jawoyn Association that differences in opinion between Aboriginal groups in Kakadu have provided the non-Aboriginal members of the board opportunities to 'divide and rule'. This situation seriously negates the localised self-determination and control of traditional lands within Kakadu National Park by the Jawoyn.

(Northern Territory) 1976 remained over Jawoyn traditional lands under the Eva Valley Pastoral Lease, and the Gimbat and Goodparla areas in stage III of Kakadu National Park. The Jawoyn Association, with the presence of land rights claims under the *ALRA 1976*, and the possibility of Native Title claims over the Werenbun-Barnjarn area, approached Zapopan NL (who had gold-mining interests in these locations) and the Commonwealth and Northern Territory Governments in December 1992, for discussions regarding land tenure. The outcome of this meeting and the perceived threat of 'big stick' Native Title claims to the Werenbun-Barnjarn area, was the forging of the *Mt Todd Agreement*. As part of the agreement, the Jawoyn were able to secure title over various parcels of land, in exchange for the extinction of Native Title rights to land identified for exploration by Zapopan [see Table 6.1., and Figure 6.1. for a survey of Jawoyn control over traditional lands]. Those parcels of land were transferred to the Jawoyn Association under an enhanced Northern Territory Freehold status, whilst other areas under claim were returned to the Jawoyn as inalienable Aboriginal freehold under the *ALRA 1976*. In addition to the granting of land to Jawoyn traditional owners, the mining company Zapopan NL agreed to provide funds for the establishment of an outstation at Werenbun; the operation of a bus service for the mine and guaranteed placements for the training and employment of Jawoyn and other Aboriginal groups in the region [Appendix IX].

Table 6.1. Jawoyn Title to Traditional Lands

<i>LAND</i>	<i>FORM OF TITLE</i>	<i>AREA</i>	<i>ACQUIRED</i>
<i>Beswick Reserve</i>	ALRA Inalienable Freehold	3404 km2	1977
<i>Jawoyn Land Claim</i> <i>[Nitmiluk National Park]</i>	ALRA Inalienable Freehold	2032 km2	1989
<i>Werenbun-Barnjarn</i>	NT Enhanced Freehold	1368 km2	1993
<i>Eva Valley Pastoral Lease</i>	ALRA Inalienable Freehold	2926km2	1993
<i>Conservation Land</i>			
<i>Corporation Block</i>	NT Freehold	804km2	1993
<i>Catfish Dreaming</i>	ALRA Inalienable Freehold	2ha	1993

[source: Jawoyn Association, 1994a:20]



The western portion of the Eva Valley pastoral lease (Katherine River catchment area) was consequently incorporated into Nitmiluk National Park, increasing its size by approximately 75 per cent. In line with the increase in Park size, the Mt Todd negotiations resolved to raise the Park rents paid to Jawoyn by the CCNT, from \$115,000 to \$140,000 per annum (Jawoyn Association, 1994:19).

With the recognition of native title rights over traditional country, and with the effective resources and expertise of the Jawoyn Association and the Northern Land Council, the Jawoyn were able to negotiate this *regional agreement* with governments and mining companies and significantly further their strategies for self-determination. Importantly, it was the High Court's recognition of the existence of *collective* indigenous rights, that formed the Jawoyn's 'big stick' with which to negotiate⁸. Rather than considering the issue of mining on traditional lands as a matter of ownership of title (in a Western legal sense), a recognition of native title rights enabled the Jawoyn to negotiate as indigenous sovereign guardians over their country. Consequently, the terms of reference in the *Mt Todd* negotiations extended much further than the immediate issue of title ownership, to include the Jawoyn's *continuing* influence over land. Rather than operate within existing non-indigenous 'worlds' of self-determination, the Jawoyn forged a unique agreement on a regional and cultural basis - based on a recognition of prior and continuing sovereignty over land. The Jawoyn approach to self-determination is also being pursued by other Aboriginal groups in the region (and elsewhere in Australia such as the Kimberley), and provides "a way of creatively approaching the issue of native title so that the High Court's recognition of indigenous rights in this country can be used to extend, and not limit, benefits to Aboriginal and Torres Strait Islander people" (Ah Kit, 1993:2).

6.3. The Jawoyn Association and Economic Independence

In the two years since the forging of the Mt Todd (regional) Agreement, the Jawoyn Association has experienced a massive expansion of its responsibilities and activities. In addition to taking on board the additional tasks required for the management of the Mt Todd

⁸ The native title rights of the Jawoyn over the region were captured in the deed of the Mt Todd Agreement: "The Jawoyn assert common law 'native title' rights in Northern Territory Portion 3469 [Werenbun-Barnjarn] and to the lands mentioned in Schedule 1 the subject of this agreement and subject to claim ('Schedule 1 land') in accordance with the principles recognised by and the doctrines enunciated in the High Court decision *Mabo and others v State of Queensland* (1992)..." (Northern Territory of Australia, 1993:2)

Agreement, the Jawoyn Association has branched out into other areas of development, including tourism and mining activities, and has broadened its scope in the delivery of services, particularly employment and training. The process of expansion of the Jawoyn Association is linked to another facet of the self-determining strategies of the 'Jawoyn Nation' - the Association's planned independence from government funding by the year 2000.

Jawoyn strategies to become economically independent are outlined in the Association's planning report: *Rebuilding the Jawoyn Nation: Approaching Economic Independence* (Jawoyn Association, 1994a). This report had its genesis in the Coronation Hill dispute of 1987-1990⁹. Completed by 1994, this comprehensive report outlines Jawoyn strategies for the Association to become economically independent within six years, through the development of environmentally sustainable, and culturally appropriate enterprises. The means by which the Jawoyn aim to fulfil such strategies is through control over traditional country:

Land has always been a part of our traditional economy. We've used it, but that doesn't mean we simply see it as something to be exploited. It's not just there to make money out of and then leave behind...we have responsibilities to the old people, the present generation and our children and grandchildren. We have to use the land wisely. (Lee, 1989, quoted in Jawoyn Association, 1994a:13)

Thus far, Jawoyn involvement in environmentally and culturally sensitive enterprises has tended to occur where and when the realistic and culturally appropriate opportunities arise. As such, the Jawoyn's main areas of involvement outlined in the report are currently in the mining and tourist sectors of the Katherine regional economy¹⁰. Joint venture agreements signed with mining companies (the *Mirrkworlk Joint Venture* and *Wandie Joint Venture*), and with the tourist operator *Travel North*, enable the Jawoyn Association to expect returns by 1997-98 that would begin to fulfil the Association's goals of economic independence.

⁹ The dispute over land and resource use at Guratba (Coronation Hill) in the late 1980s and early 1990s led to an inquiry by the Federal Resource Assessment Commission (RAC) into Kakadu National Park. As a result of this inquiry, mining of Gold and other resources at Guratba (in the Jawoyn 'sickness' country) was blocked by the Commonwealth Government. Recommendation 3 of the RAC report into Guratba pointed to the need for a review of the Jawoyn Association and relevant government agencies, and a planning document for the future of Jawoyn economic development (Jawoyn Association, 1993b:15).

¹⁰ Through such involvement the Jawoyn Association has been able to secure Aboriginal employment at the Mt Todd mine site at around 25-30% of the total workforce, compared to the industry average of approximately 4% (Lear, G, Mining Officer, Jawoyn Association, pers. comm., 20/6/1995).

The ability and expertise gained by the Jawoyn Association in forging agreements with governments and mining companies have been used to secure funding from the Commonwealth Department of Employment, Education and Training (DEET), for the Association to administer and provide employment and training schemes (Jawoyn Association, 1994c). The Association can thus employ its own administrative and teaching staff, and provide culturally appropriate training either on its own premises in Katherine township or in Jawoyn communities, enhancing personal empowerment of Jawoyn, and furthering the move away from welfare dependency¹¹. With the incorporation of DEET training schemes into its activities, the Association effectively doubled in size, and broadened its base from a political advocacy body to a mainstream service provider to Jawoyn communities. The Association's successes in training have gained wide media coverage throughout the Territory, and have added considerably to the acceptance within Katherine of the Jawoyn Association as a body of governance representing the interests of Aboriginal people.

The Association recognises that these very real examples of control over the delivery and nature of service provision cannot be easily replicated in other areas. The scale of administrative support, staff and funding required to replicate the training successes in an area such as health services provision are simply unattainable, given the Jawoyn's relatively small population. Furthermore, the Jawoyn firmly reiterate the responsibilities of governments to provide the bulk of essential services to Jawoyn, as an extension of their citizenship rights¹². Nonetheless, Jawoyn involvement in the control of training services to local communities, demonstrates in a concrete sense the value of self-determining strategies which tie employment opportunities and influence over the nature of service provision to land ownership and control. Rather than remain as an advocacy body bargaining for services along the arguments of disadvantage/welfare need, the Jawoyn Association is able to incorporate its training services into long-term strategies for self-determination based on land ownership and control, and thus into its vision of the reconstituted 'Jawoyn Nation'.

¹¹ Training schemes include Certificates in Preparation for Work Skills, Preparation for Office Skills (undertaken at the Barunga community office) and Preparation for Mine Skills. Other training schemes conducted by the Jawoyn Association include the Landcare and Environment Action Program (LEAP), providing training in conservation and land management issues; the Training for Aboriginals (TAP) scheme; DEET's Jobskills programme and the ATSIC-funded Inwork programme.

¹² Havnen, J, Senior Projects Officer, Jawoyn Association, pers.comm., 1995

6.4. The Rebuilding of the Jawoyn Nation

The use of the term 'Jawoyn Nation' and strategies for self-determination through economic independence are still in the process of development. A considerable amount of the Association's resources are engaged in the day-to-day handling of present activities and responsibilities. New areas of involvement are often taken on board as a result of rising opportunities, beyond the execution of carefully structured strategic plans. Consequently, there is no fixed Jawoyn 'vision' of the Association's precise future roles, and the relationships it would have with government departments, other Aboriginal organisations and Jawoyn at the community level. It is possible however, to delineate many of the objectives of the Jawoyn Association Executive and Secretariat towards future self-determination, their practical outcomes and geopolitical ramifications.

During the Jawoyn Association Executive meetings, held in June 1995, the author was able to observe discourse between the Jawoyn Association Chairman, Executive Officer, Senior Projects Officers and traditional owners, over the direction and planning of the Association, and strategies to overcome social problems at the localised level. The emphasis, during debate over issues such as unemployment, alcohol abuse and the maintenance of land and cultural practices centred on two principles: firstly, the interconnectedness of all issues and the need for holistic, coordinated approaches to problem-solving; and secondly, the necessity for those approaches to ensure and facilitate local control and self-determination. Jawoyn elders argued that problems of alcohol abuse and lack of motivation were directly related to the 'lack of culture' or failure to maintain the responsibilities that accompany 'Jawoynness' in the Katherine urban setting. To overcome such problems would require much larger, longer, more sophisticated solutions than the short-term measures proposed by other local political actors, and would demand the growth of local indigenous strategies rather than the imposition of mainstream solutions¹³. Only through an integrated and self-determined approach, at both community and regional level, can these issues be addressed.

The Jawoyn Executive meetings also highlighted the importance of self-determination as a *process* of geopolitical development. Proposals for possible Jawoyn structures of governance varied. The preservation of high levels of community autonomy; 'umbrella' style structures

¹³ These proposals, in remedy of Aboriginal substance abuse, including enforcing the two kilometre law which bans public drinking within two kilometres of a licensed liquor outlet.

for the Jawoyn Association in relation to communities, and more regionally coordinated Aboriginal strategies were all discussed. As the Jawoyn 'rebuild' and assert collective indigenous rights, structures of governance are developed and refined, attempting to merge the objectives of 'cultural appropriateness' and 'political effectiveness'.

Through the security of title over traditional lands, the Jawoyn Association has been able to develop strategies for self-determination that involve a whole range of activities and spheres of influence. Control over land use and land management, maintenance of Jawoyn law and culture, influence over the nature of service provision, and integration of Jawoyn perspectives into regional economic development plans are all aspects of the proposals to 'rebuild the Jawoyn nation'. Thus far, the Jawoyn have been able to extend their influence and further strategies for self-determination through the *Mt Todd Agreement*, through the ownership and management of Nitmiluk National Park and through involvement in mining and tourism enterprises on their lands. The Jawoyn have exercised control over their lives beyond the ambit of governments and legislation that attempts to define the boundaries of self-determination, and, with the growth of the Association, have attempted to evolve organic forms of governance. As such, the geopolitical implications of a rebuilt 'Jawoyn Nation' are profound. Jawoyn strategies provide a challenge to the dominant geopolitical entity of the nation-state. Proposals to 'rebuild the Jawoyn Nation' are based on the assertion of collective rights and represent holistic strategies which tie governance and land management to land ownership, challenging the sovereign hegemony of the Australian Federation (without having to resort to western notions of 'nationhood'). Moreover, the strategy to 'rebuild the Jawoyn Nation' is an attempt to engage Aboriginal empowerment through cultural identification, beyond the structuring of different geopolitical-economic boundaries. In an attempt to examine the limits to such cultural expression, Chapter 7 charts the geopolitics of self-determination as constructed by non-Aboriginal governments, and as translated into the structural relations of the Katherine region.

Chapter 7: Non-indigenous Self-determination in the Katherine Region

Non-indigenous constructions of Aboriginal self-determination are manifest in distinct relations in the Katherine region. Their 'worlds of meaning' can be traced through the operations of land rights legislation and systems of governance; systems of bureaucracy and mainstream service delivery; and the underprovision of services and infrastructure to Aboriginal communities. This chapter illuminates the impacts of these non-indigenous notions of self-determination in a number of cases - at the regional scale (the 'Jawoyn mob'), and in the localised context of two communities - Barunga and Manyallaluk. Finally, current debates over the availability and security of housing and infrastructure for urban-dwelling Aborigines in Katherine are surveyed to illustrate how holistic approaches of Aboriginal groups to self-determination are frustrated by non-indigenous constructions of self-determination.

7.1. Land Rights Regimes in the Katherine Region

As discussed in Chapter 6, the Jawoyn's ability to secure vast tracts of traditional country has formed the basis for strategies of self-determination, autonomy, economic independence and the 'rebuilding of the Jawoyn Nation'. However, the lands secured by the Jawoyn represent only 20 to 25 per cent of all traditional country (Jawoyn Association, 1994:20). The ability of Jawoyn to regain control of traditional country is directly infringed by the historical legacy of colonisation and capitalist expansion over their lands. Under land rights legislation such as the *Aboriginal Land Rights Act* (Northern Territory) 1976 and the *Native Title Act* 1993, parcels of land previously alienated are rendered inappropriate for claim. Areas including King Valley pastoral lease to the south-east of Katherine remain central to notions of 'Jawoynness' and strategies to 'rebuild the Jawoyn Nation' (Jawoyn Association, 1994b). However, systems of land rights conceived by the Commonwealth government with the intention of furthering Aboriginal self-determination, legitimate previous exercises of dispossession and eliminate formal channels through which the Jawoyn can assert influence over these areas of land. During 1995 this was highlighted in two seemingly disparate debates surrounding land use in the region. The first debate concerned the exclusion of mining veto provisions for traditional owners in the Commonwealth's *Native Title Act* 1993. In response

to the national land rights legislation, the Jawoyn Association maintains that regardless of the legal status of traditional lands (alienated or otherwise), indigenous peoples must be consulted prior to commercial developments. Jawoyn responsibilities to 'care for country' are not 'alienated' with a change in the legal tenure status of land. Aboriginal self-determination and the wider recognition of indigenous rights therefore obligates developers to consult with Jawoyn traditional land owners before the approval of activities such as mining (SMH, 28/9/1995). These principles are also highlighted in the apparently contrary issue of the proposed heritage listing of Jawoyn land at Yinberrie Hills. Without any prior consultation with the Jawoyn Association or individual traditional owners, Jawoyn rights to influence environmental management as indigenous guardians were abrogated by the imposition of "external heritage mechanisms" (Jawoyn Association, 1995b:np) [Appendix X]. The translation of non-indigenous constructions of self-determination into the regional context thus legitimatises the persistence of the state as the hegemonic political and economic entity - its notions of land title and value (Verran, 1995), and its attempts to suppress "alternative visions of democracy, economy and society" (Escobar, 1992:22)¹.

7.2. Jawoyn Land Rights, Governance and Autonomy

In the contemporary Katherine region, non-indigenous structures of governance lauded as the means to self-determination fragment control over activities that occur on Aboriginal land, effectively displacing power from traditional land-owners². The Northern Territory Government's Community Government Councils scheme, and ATSIC's Regional Councils, represent the imposition of non-indigenous "structures of meaning" for self-determination, preventing the organic development of appropriate forms of Aboriginal governance from within communities.

¹ The tendencies of the Australian state to remain the radical titleholder of all land within the Australian continent, granting land to those groups who can demonstrate prior and continuing traditional association also results in the growth of tensions and friction between Aboriginal groups in the region. By actively creating 'haves' and 'have nots', non-indigenous systems of land rights can fragment Aboriginal decision-making processes, and render problematic, attempts to reach consensus on regional issues. Recommendations 32 and 33 of the 1994 Jawoyn Association report *Rebuilding the Jawoyn Nation: Towards Economic Independence* attempt to address this continuing tension, and recognise the importance of a formalised, coordinated approach between the region's Aboriginal land-owning groups (Jawoyn Association, 1994a:58)

² Gilmour, S, Lawyer, Northern Land Council, Katherine, pers. comm., 29/6/1995

7.2.1. Self-determination and Local Government

For many Jawoyn elders, the Northern Territory Government's Community Government Councils scheme effectively abates their ability to "have the final say" (Rowse, 1992a:69) over what activities occur on their land. In the Northern Territory scheme, local government administration allows for council control over activities on land including:

- commercial development
- community amenities
- education or training
- electricity supply
- health
- housing
- community employment
- roads and associated works
- sewerage
- water supply
- welfare

(Northern Territory of Australia, 1993a:52-53)

Such powers exceed those of any other form of local government in Australia, and form the basis of the Northern Territory's promotion of community government as flexible and self-determining (Manager of Local Government, Katherine Region, pers.comm., 1995). However, the incorporation of communities under the NT legislation removes absolute control over these activities from traditional land owners, and locates decision-making ability with a community council, election to which may be based on residence within a defined council area, rather than coincide with traditional kin status. As such, non-Aboriginal or non-Jawoyn residents can be elected into office, negating or overriding traditional owners' rights to self-determination gained through the granting of Aboriginal freehold (Mowbray, 1990, Rowse, 1992a). The scheme employs mechanically geographic notions of 'community' based on residence within an area, rather than recognising the social and cultural identification of 'community' (Smith, 1989; Rowse, 1992b). Moreover, the community councils extend the 'jurisdictional authority' of the Northern Territory Office of Local Government, precluding the "pursuit of other, more autonomous and self-determining forms of government by Aboriginal communities" (Wolfe, 1989:np). This tension between the decision-making rights of traditional owners (recognised in the 1976 *Land Rights Act*) and those ascribed to

community councils remains paramount, particularly given the Jawoyn's status as a demographic minority on their lands and in communities:

Suppose we get the land claim through, are we going to be under them [Manyallaluk Community Government Council]? Are we traditional owners under them?...if the schedule comes through, have we got any rights? My problem I got is that we get chucked out of here from our own country. (Brian Baruwei, senior Wurrkbarbar man, quoted in Jawoyn Association, 1994a:24)

Increasingly, Aboriginal Community Government Councils in the Northern Territory are being encouraged to raise revenue through rates and levies in order to provide a range of basic municipal and essential services (Northern Territory of Australia, 1986, 1993a). The inequity of these proposals is apparent when compared to the generous funding of the Northern Territory through the Commonwealth Grants Commission for Aboriginal community services [see Chapter 4.3.1.] (cf. Mowbray, 1986). Communities are firstly denied access to equitable levels of infrastructure and service provision from the relevant Northern Territory Government departments, whilst encouraged to become responsible for the actual funding and provision of those services. Secondly, communities are attracted to incorporate under the community government scheme through the offer of guaranteed funds from the Office of Local Government. This not only manipulates Aboriginal rights, as citizens of Australia, to adequate services, but also ignores the inability of the residents of many Aboriginal communities to support mainstream economic activities and raise potential rates and levies (Mowbray, 1986).

The Barunga/Manyallaluk Community Government Council has not imposed rates upon its residents, however this decision has placed the council in a precarious position. The underprovision of services to the communities places pressure on the council to introduce a measure of rate revenue collection, whereas, such action would seriously deplete the already low incomes in the communities and thus infringe (personal) empowerment [see Table 5.5 above]. Residents of Barunga and Manyallaluk, in the large, simply cannot afford to raise the revenue required to satisfy needs for essential services. The Community Government scheme, in addition to its role in fragmenting strategies for self-determination, remains inappropriate for the social support needs of communities³. As a consequence, the attempts of the Northern Territory to fragment Aboriginal control over activities away from a land base

³ Fletcher, J, Town Clerk, Barunga/Manyallaluk Community Government Council, pers.comm., 28/6/1995

(through its Community Government Councils scheme) actively construct barriers to the exercise of Jawoyn strategies for self-determination at the localised level. Systems of local government paraded by the state as a boon for Aboriginal self-determination actively impede indigenous self-determination strategies and maintain sets of structural relations in which power over the 'Aboriginal domain' remains within the ambit of the Northern Territory Government (cf Rowse, 1992a).

7.3. Self-determination and ATSIC in Katherine

Non-indigenous constructions of self-determination in Katherine also fragment Jawoyn self-determination through the operation of the ATSIC Regional Council. The Garrak Jarru Regional Council has, under policies for the devolution of responsibilities away from ATSIC central offices, gained influence over a range of activities in relation to the region's Aboriginal population. The Garrak Jarru Regional Council is considered by the Commonwealth to be the primary mechanism through which self-determination is to be facilitated, and the priorities of Aboriginal people in the region are to be represented. As such, the ATSIC Regional Council has established another layer of governance and representation for Aboriginal people in the region, forming another instrument of the state in the 'Jawoyn domain'(cf. Rowse, 1992a). Importantly, the ATSIC Regional Council's jurisdiction remains divorced from land, and Aboriginal land-owning groups. Despite the status of Jawoyn elders as land-owners of much of the region, and their concurrent roles in 'caring for country' (Jawoyn Association, 1994a:24), decision-making ability over regional matters resides with the ATSIC Regional Council - an arbitrary construction of the non-indigenous state, imposed upon Jawoyn without a recognition of their rights or strategies for self-determination. The ATSIC Regional Council structure, and its disassociation from Jawoyn land and law, forms another imposition of governing structures 'from above', rather than in response to, Aboriginal demands (cf. Wolfe, 1989, 1990).

Following the amendments to the ATSIC Act in 1992/93, the misrepresentative nature of the ATSIC Regional Council structure was amplified. Prior to 1992, what is now the area covered by the Garrak Jarru Council was previously the jurisdiction of two autonomous councils: the Victoria River Council and the Mulgan Regional Council. With the merging of responsibilities of the two Councils, the Katherine region came to include lands from the Western Australian to Queensland border - from Robinson River and Borroloola through

Jawoyn country; Katherine township and on through Wardaman country; to Yarralin and further south to Daguragu, Kalkaringi and Lajamanu [see Figure 7.1]. Consequently, the Regional Council came to represent various linguistic and tribal groups, across a wide geographic area. Regional Council boundaries often cut through areas of traditional country, divorcing many groups of the same kin or linguistic background between council regions. Such is the case for the Jawoyn in areas to the north of Katherine township, with communities around Pine Creek, and the lands of the Bula, (or 'sickness country') separated from the representative sphere of other Jawoyn. Furthermore, the Regional Councils continue to be based on non-indigenous axioms of individual election and democratic representation, which, in the context of the 'Jawoyn Nation', prove problematic. Systems of decision-making such as the Jawoyn *Morrwurrwurr* and social groupings such as the *Yirritja* and *Dua* are disregarded by a system of representation which imposes notions of equal citizenship and equal voting rights based on deterritorial perspectives on land (cf. Goldberg, 1993). The Garrak Jarru Regional Council consequently persists as a testament to the building of structures of meaning of self-determination - structures lauded as emancipatory but which reveal "dark side[s] of domination" (Escobar, 1992:23). Thus, the Regional Council (and Community Government Councils) can be characterised as "Aboriginal government created in the image of whitefella government"⁴; that remain active in the continued (albeit more subtle) processes of colonisation and assimilation in the region.

⁴ Gilmour, S, Lawyer, Northern Land Council, Katherine, pers.comm., 29/6/1995

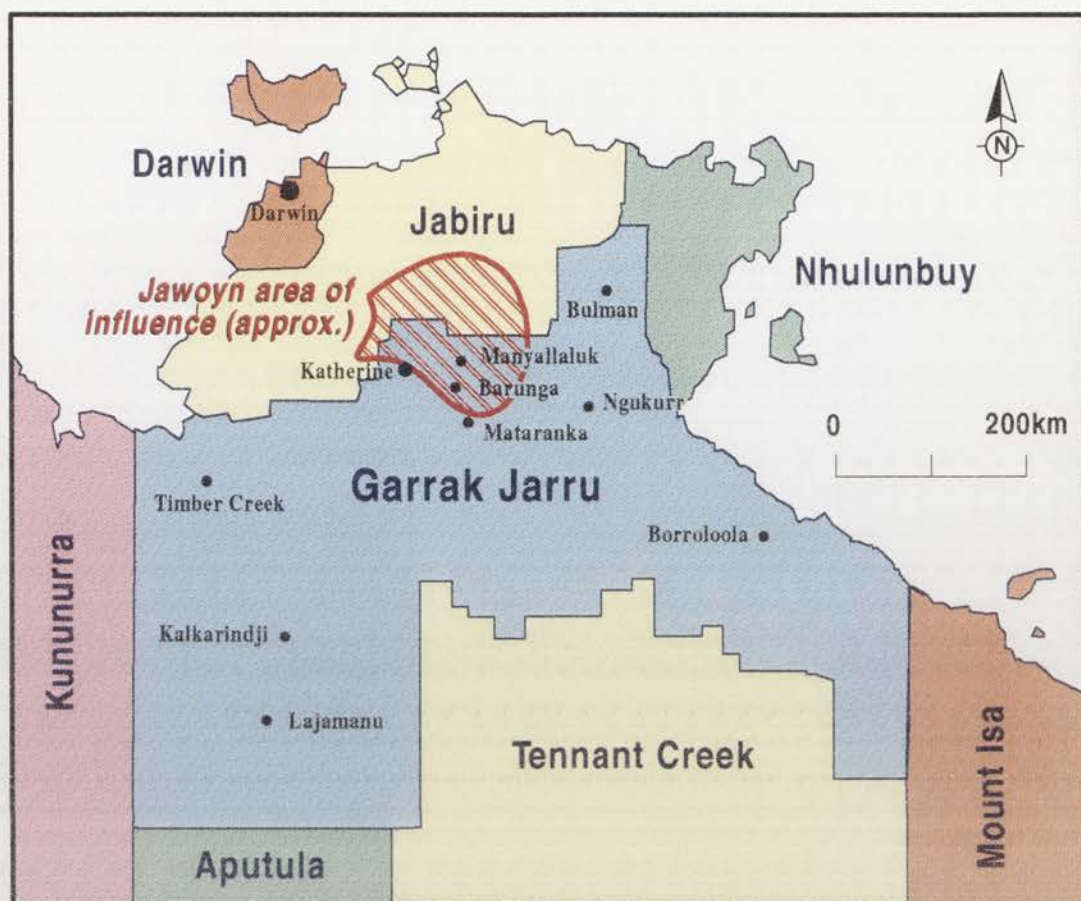


Figure 7.1. The Geopolitics of ATSIC: The Garrak Jarro Regional Council and the Jawoyn Area of Influence

Sources: ABS CDATA 1991; ATSIC, 1993; Jawoyn Association, 1994. Note: This map does not attempt to comprehensively map all Jawoyn traditional country. The above map presents only an approximation of the Jawoyn areas of influence.

Despite the Jawoyn Association's goals of independence from government funding within six years, the Association continues to be held in dependent relations with ATSIC because of its continued reliance on funding gained through the Garrak Jarru Regional Council⁵. In 1992/93 however, the Association's funding from the (then) Mulgan Regional Council was cut by more than 30 per cent. Political differences between disparate Aboriginal groups on the Regional Council, led to attitudes that the Jawoyn 'got too much', and accounted for the 1992/93 funding cutback. The role of regional councils to make informed decisions based on the premise of the 'best interests of all' Aboriginal people in the region, denies the persistence of kin relations within Aboriginal society, and the extent to which elected councillors will 'look after their own mob'⁶. Paradoxically, decisions over the prioritisation of funding and land acquisition applications can often deviate significantly from the wishes of one group in preference to another, regardless of the premises of fair and equal representation. As a result, the ability of Jawoyn to maintain their range of activities, and develop self-determining strategies, was seriously jeopardised by the ATSIC funding recoil (Jawoyn Association, 1994a:57).

In addition to the representative problems of its Regional Councils, ATSIC forms an impasse for Jawoyn strategies for self-determination in its persistent role as a bureaucracy. The maintenance of 'bureaucentric dynamics' at the expense of Aboriginal self-determination (cf. Sanders, 1993) becomes paramount in the localised context, where the capacity of communities to develop self-determining strategies is undermined by the Regional Council's responsibilities to remain accountable to government, and through an annual funding cycle which precludes the forecasting of long-term budget strategies.

ATSIC's administrative and accountancy requirements remain constant sources of problems for Aboriginal communities in the region. To fail to meet these 'bureaucentric' obligations results in communities constituting 'in breach' status - jeopardising future budget allocations and threatening the removal of current ATSIC programmes. Barunga's Community Development Employment Program (CDEP) scheme was removed (from operation) due to the inability of community staff to meet accountability requirements. Consequently, many essential municipal services normally funded through the CDEP scheme could not be fulfilled

⁵ Reasons for this include the rapid expansion of the Association's activities, namely the MT Todd Agreement and National Park management, and the time-lag prior to returns from the Jawoyn's investment in tourist enterprises (Jawoyn Association, 1993b).

⁶ Miller, W, Director, Katherine Aboriginal Legal Aid, pers.comm., 30/6/1995

and strategies for personal empowerment through employment and training were obstructed⁷. The accountability requirements of ATSIC also impact on the self-determining capabilities of communities by making them reliant on the employment of non-Aboriginal staff to handle the heavy administrative burden of ATSIC submissions and other community funding arrangements. The ability of a community to exercise self-determining strategies becomes highly dependent on the skills and integrity of their non-Aboriginal administrators, bookkeepers, consultants and town clerks. This reliance on non-community staff often perpetuates outmoded, paternalistic relations of assimilation and 'surveillance', rather than promote the empowerment of Aboriginal people. In some communities this 'internal disempowerment' becomes amplified where the agendas of non-community individuals vanquish the objectives of Aboriginal self-determination. In communities where the Jawoyn Association conducts training schemes in office skills, this situation may improve, with the gradual occupation of positions by community people. Nonetheless, ATSIC's accountability requirements will continue to absorb large amounts of time and resources that could be more effectively channelled into community projects.

ATSIC's annual funding cycle forms another 'bureaucentric dynamic' which impacts on the implementation of indigenous self-determining strategies. Grants to the Aboriginal organisations, as noted earlier in reference to the Jawoyn Association, are made on an annual basis rather than a recurrent basis, and can fluctuate considerably from year to year. As such, the Jawoyn Association and individual communities have a limited scope to develop long-term strategies for self-determination through service provision linked to land ownership (cf. Dodson, 1995a). Considerable resources are exhausted fulfilling applications each financial year, without the certainty of guaranteed funding. What results is an annual funding 'cycle', based on community anxiety over future funding, rather than security of empowerment. During June 1995, the author observed the extent to which communities are prevented from forming long-term strategies for self-determination through ATSIC funding cycles. At the meeting of the Barunga/Manyallaluk Community Government Council at Eva Valley (28/6/1995), the communities concerned were notified of the 1995/96 budget allocations, only two days prior to the commencement of the financial year. As a result of budget estimate shortfalls, the council had less than 48 hours in which to terminate the employment of two

⁷ This situation continues to be amplified by the Northern Territory Government's evasion of service and infrastructure responsibilities through the devolution of responsibilities to Community Councils [see 7.2. above], and the underprovision of services from mainstream agencies [see 7.3. below].

staff members. In small communities such as Barunga and Manyallaluk, cutbacks such as these seriously impede the ability to fulfil basic municipal tasks, and plan long-term strategies for empowerment. In response to these dilemmas, the Jawoyn Association has recommended triennial funding as a basis for long-term financial planning (Jawoyn Association, 1994a, recommendation 44:12).

The operations of ATSIC, in addition to the Northern Territory Government's *Local Government Act 1978*, consequently divorce Aboriginal governance from land ownership, and fragment governance between jurisdictional and spatial scales. Thus, non-indigenous constructions of self-determination are translated into [geopolitical] 'structures of meaning' which attempt to contain indigenous expressions of empowerment within the dominant site of power, namely the capitalist state. A structural analysis of the [under]provision of services to by mainstream agencies to Aboriginal people in the Katherine region allows further insights into the tensions between indigenous strategies for self-determination and the political economy of the Australian state.

7.4. Service Underprovision and Self-determination

The underprovision of services to Aboriginal people in the region can be seen in two distinct contexts with reference to self-determination. In the first instance, the lack of adequate services such as health and education facilities, and sufficient levels of infrastructure serve as barriers to self-determination and personal empowerment. As Langton argues, adequate services and infrastructure are the most basic requirements upon which to develop strategies of self-determination. Without proper levels of education and training, the (individual's) potential for empowerment is severely constrained. Without sufficient levels of health and well-being, and appropriate systems of administration and maintenance, whole communities can "fall through the floorboards"⁸. The anecdotes of many Jawoyn Association staff and members of the Barunga/Manyallaluk Council reflect these comments. At varying times communities are seemingly placed in battles to avoid social disintegration due to the absence of basic needs.

⁸ Langton, M, Lecturer, Northern Territory University, pers.comm., 3/7/1995

In addition to the material underprovision of services to Aboriginal people, the Commonwealth/Territory relations in relation to service funding construct restrictive parameters for the expression of indigenous self-determination. In the regional context, the Northern Territory Government retains its hegemony over the determination of service delivery patterns to Aboriginal people [see chapter 4.3.1]. 'Structures of meaning' for self-determination, as constructed by the Australian state, do not give sanction to indigenous control over the nature of mainstream service delivery in a regional context. Control over the nature of service delivery, identified as an element of empowerment strategies by Aboriginal groups such as the Jawoyn, is, in the large, yet to be considered within the public parameters of self-determination.

Power relations within mainstream service underprovision are exacerbated by programme and policy complexity [Chapter 4.3.2.]. Such complexity forms a 'bureaucentric maze' through which Aboriginal communities in the region must navigate (cf. Bartlett and Legge, 1994; Flick, 1994). Members of Barunga/Manyallaluk council and the [then] Barunga town clerk expressed frustration with the proliferation of government field officers from a myriad of departments and agencies from governments at different levels who, rather than coordinate times of consultation with Barunga, arrive intermittently according to their own schedules expecting effective discussion with community leaders, in the often inadequate period of their stay. Meanwhile, at the regional level, most of the day-to-day resources of the Jawoyn Association are exhausted dealing with an array of relevant government departments and agencies. In the context of Aboriginal service delivery in the Katherine region, such intransigence forms another layer of 'bureaucentrism', another expression of the state's tendency to define the parameters of self-determination within power relations of agency and constituency. Table 7.1 lists the agencies with which the Jawoyn Association, at various times, has to cooperate.

Table 7.1. Agencies and Departments relevant to the Jawoyn Association

Federal Agencies

Aboriginal Benefits Trust Account
 Aboriginal Hostels Ltd
 ATSIC
 ATSIC Regional Council
 Aboriginal and Torres Strait Islander
 Commercial Development Corporation
 Australian Heritage Commission
 Australian Institute of Aboriginal and Torres
 Strait Islander Studies
 Australian Nature Conservation Agency
 Australian Science and Technology Council
 Australian Taxation Office
 Australian Tourist Commission
 Bureau of Rural Resources
 Department of Employment, Education and
 Training
 Department of Health, Housing and Community
 Services
 Department of Immigration, Local Government
 and Ethnic Affairs
 Department of Social Security
 Office of Northern Development
 Resource Assessment Commission

Territory Agencies

Aboriginal Areas Protection Authority
 Conservation Commission of the NT
 Department of Community Welfare
 Department of Education
 Department of Health and Community Services
 Department of Industries and Development
 Department of Mines and Energy
 Department of Transport and Works
 Department of Lands, Housing and Local Government
 Northern Territory Auditor General's Office
 Northern Territory Buffalo Industry Council
 Northern Territory Police
 Northern Territory Tourist Commission
 Northern Territory Pastoral Industry Working Party
 Northern Territory Ombudsman's Office
 Office of Aboriginal Development
 Power and Water Authority

[Source: Jawoyn Association files, 1995]

7.4.1. Aboriginal Urban Living Areas in Katherine

During the course of 1995, considerable debate has ensued over the provision of services and infrastructure for the establishment of new Aboriginal Living Areas within Katherine township. This debate has occurred in a number of arenas - within and between government departments, and Aboriginal organisations, and in the public domain, most notably in series of public meetings and street rallies in Katherine and Darwin. The disputes and debates over the provision of services for urban-dwelling Aborigines illuminate the holistic strategies of indigenous groups, and the impediments to their implementation.

Contemporary Katherine is characterised by the gross underprovision of services to urban-dwelling Aborigines. Katherine at present has only two tenured Aboriginal Urban Living Areas (AULAs)⁹ within reach of the urban centre, compared to 11 in the town of Tennant

⁹ The KCAO prefer the use of the term 'Aboriginal living areas' over that of 'town camps' in an attempt to combat racist discourse of 'fringe-dwelling' Aborigines as social misfits

Creek, and 19 in Alice Springs. At present, the estimated urban Aboriginal population is 738, with a population growth rate of around 3% per annum. Current housing and infrastructure shortages point to the need for an additional 71 new houses, simply to meet current accommodation needs, while another 45 would need to be built within 8 years (Jawoyn Association, 1995a). As a consequence of such infrastructure shortfalls, there is an immediate need for the establishment of 4 new [alcohol-free] AULAs, in addition to discrete temporary camping areas and alcohol consumption zones.

Indigenous groups within the region have developed coordinated strategies for the immediate provision of services to AULAs within Katherine, the establishment of new AULAs, and the maintenance and management of AULAs in the future. In late 1994 the Katherine Aboriginal Living Areas Working Party was formed, comprising representatives of Katherine Combined Aboriginal Organisations (including the Jawoyn Association) and other non-Aboriginal bodies. Research was conducted into the social and physical planning needs of the town's Aboriginal population, based on the 1991 *Kalano Town Camp Development Strategy* and the 1993 *Kalano Land Needs Study*. The resulting *Physical Planning Principles* (1995), and strategies for the establishment of AULAs were the focus of a series of public meetings throughout 1995¹⁰. The strategies of the Katherine Combined Aboriginal Organisations represent Aboriginal constructions of self-determination which seek process-based solutions through holistic, integrated approaches to service delivery. The social and cultural needs of Aboriginal people were highlighted with respect to land and housing in Katherine, and linked to issues to local control and management, cultural maintenance and substance rehabilitation¹¹.

However, the debates that have surrounded the proposed AULAs, have featured a series of ideological and structural impediments. The public meeting held to discuss the implementation of proposals for AULAs (28/6/95) highlighted many such ideological affronts to indigenous projects of self-determination. The overriding thrust of public opinion in reference to the proposed AULAs was a rejection of the notion of a 'politics of difference'. Despite the exclusion of Aboriginal people from the resources of non-Aboriginal governments in the region, the position was made repeatedly that Aboriginal residents of Katherine would have to 'pay for their land and services like non-Aboriginal people'. However, as the KCAO

¹⁰ Including a widely publicised public meeting attended by the author on the 28/6/1995.

¹¹ Miller, W, Chairman, Katherine Combined Aboriginal Organisations, pers.comm., 30/6/1995

argue, Aboriginal people have not had equal access to basic infrastructure and have experienced “bureaucratic intransigence sustained by non recognition of Aboriginal social and cultural values” (Chairman, KCAO, quoted from public meeting on AULAs, 28/6/1995). The ideological positions of prominent local figures led to the dismissal of fundamental indigenous rights to determine social and cultural status, and a concurrent reduction of the whole debate to finding immediate ‘solutions’ to the ‘problem of Aboriginal drunkenness’. A whole series of non-indigenous constructions of ‘the town camp’ were employed in order to equate the proposed AULAs with “deprivation and environmentally unhealthy living conditions” (Kalano Association, 1991) that would cause an embarrassment to the municipality of Katherine. As such, the debates that surrounded indigenous strategies for self-determination in relation to land and accommodation needs in urban areas became the domain of non-indigenous discourses and their [perceived] solutions to [perceived] problems [see Plate 7.1. for local media coverage of the AULAs debate].

Since the June meeting, the holistic proposals for new AULAs in Katherine have encountered considerable geopolitical impediments. During October 1995, Aboriginal organisations organised successive rallies through the main streets of Katherine and Darwin, to demonstrate their frustration in being denied the fulfilment of citizenship rights, and the expression of indigenous rights. The rallies sought to secure meetings with relevant ministers, in order to present their demands for secure land tenure for appropriately-planned infrastructure in new AULAs. Whilst these actions have not yet resulted in any concrete outcomes, they do provide an unequivocal illustration of the structural features of the Australian Federation (including the hegemonic dominion of the Territory over the provision of mainstream services) which ensure the political priorities of governments in determining the nature of service provision. The decision-making power to allocate land for indigenous proposals for AULAs in Katherine resides with the Minister for Lands, Planning and the Environment. Consequently, indigenous strategies for self-determination encounter the Territory’s rights to sovereignty. Disputes over AULAs in Katherine therefore constitute a locus of geopolitical tensions between indigenous strategies to exercise self-determination and [re]affirm cultural identity, and the attempts of non-Aboriginal governments to exclude such expressions or confine them within the existing parameters of the state.

More town camps not the solution - Reed

People advocating more town camps for Katherine "might be disappointed" with the outcome, Katherine MLA Mike Reed has warned.

Mr Reed said proposals made by the Katherine Combined Aboriginal Organisations Association for more housing needed to be carefully considered.

Detailed

"As the Katherine member I will be looking for detailed information about how they perceive town camps will solve the (accommodation) problem," he said.

"Town camps are not the solution (to the lack of available accommodation for Aborigines).

"Alice Springs is an example of how town camps do not work.

"They have lots of



• Mike Reed

camps and the problems (of accommodation) still exist.

Disappointed

"(People who want more town camps in Katherine) might be disappointed."

Katherine Times

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70c



THE BATS HAVE GONE
Regards
Mataranka
Homestead

WIN ... 20 free tickets to the opening night of the circus
See page 16 for details



PLUS
Manzie
blocks rent
rise - page 6

Town camps up in the air

The future of more Aboriginal living areas and the question of how to solve Aboriginal housing problems in Katherine is still up in the air, despite last Wednesday night's public meeting on town camps.

by Chris Ryan

"I don't expect a final decision on the meeting tonight, as the meeting had a lot of issues to address."

The previous Lands Minister Steve Humby had said that his department had agreed to a proposal that he

would become the Minister responsible for Lands.

"I think that if you look at the experience in Alice Springs, that a true town camp hasn't solved the problem," Mr Reed said.

The Australian newspaper last month reported that the Federal Minister Steve Strong supported the creation of

Tempers flare

K. TIMES 5/7/95

Town camps meeting provokes hostilities

Last week's public meeting on Aboriginal living areas in Katherine was closed after about three hours, with claims that the debate had "descended" into racist dialogue.

The Katherine Combined Aboriginal Organisations working party presented a proposal for four more living areas to be developed immediately, in order to meet the requirement for 71 houses, including:

- an additional living area for a family based group presently living at Mialli Brumby (Kalano)
- an additional living area for a family based group presently living at Rockhole
- a living area for residents of the camp known as Wallaby Camp located in east Katherine
- a living area for resi-

dents of the camp known as Redgum Camp located near the Katherine Showgrounds

Numerous people, including Chamber of Commerce and Industry chairperson Annie Shepherd, expressed their opposition to more town camps. Others expressed concerns that town camps would devalue the land and investments of property owners, while some voiced doubts that town camps would solve anti-social behaviour problems and claimed that Katherine could become a "war zone" like Tennant Creek.

On the question of funding for living areas, work-

ing party consultant Julian Wigley said: "One would assume that since the NT Government has set up the working party to look at the needs ... that somewhere along the line there is going to have to be some funding support coming too".

At the meeting, the working party released a strategy to tackle social problems and a set of physical planning principles, to ensure that the social and cultural planning requirements of Aborigines were implemented in the layout of the proposed living areas.

It was recommended that the four separate living areas be divided between different linguistic groups.

Former Kalano director John Havnen said more town camps in Katherine

were long overdue.

"Town camps are nothing new in the Territory," he said.

"They've been around for years in Alice Springs and in Tennant Creek, Elliott, Borroloola and any other Territory town you want to look at. But one thing that is different about Katherine is Katherine has never done anything about attempting to address its actual housing needs properly.

"And that's why you don't have the numbers of town camps that you do have in other centres. And that's why you do have the housing problem that you have here in Katherine."

The working party invited the community to contribute to the plans.

Land claim to Katherine threat
K. TIMES 8/3/95
by Sarah Addison
"... we don't have much alternative but to discuss ... a land claim"

Chapter 8: Aboriginal Self-determination in the Jawoyn Nation:

a Synthesis

In providing an analysis of the constructions of Aboriginal self-determination by indigenous groups and non-indigenous governments, this thesis has developed a new political geography of the nation-state. The emergence of 'worlds of meaning' which surround the term Aboriginal self-determination was traced through an understanding of localised indigenous strategies for empowerment, and the structuring of self-determination within the nation-state. Indigenous peoples affirm self-determination to be a fundamental collective right which stems from distinct cultural status, and persistent and diverse modes of sovereignty over traditional country. Self-determination is therefore a multivalent symbol, representing a variety of holistic indigenous strategies for empowerment, and expressions of distinct cultural identity [Chapter 2.2.].

The constructions of self-determination by non-indigenous governments produce and maintain the geopolitical parameters of the nation-state. Governments develop 'structures of meaning' for self-determination which attempt to subsume localised indigenous cultural expressions, and contain empowerment within its own hegemonic domain. Systems of governance, law and land tenure, conceived by Australian governments to facilitate Aboriginal self-determination, produce and legitimate the capitalist state's geopolitical primacy, and maintain paternalistic colonial relations with indigenous people [Chapter 3.3, Chapter 4].

8.1. The Jawoyn Nation

In the Katherine region of the Northern Territory, geopolitical tensions persist between the expression of localised indigenous strategies for self-determination, and the attempts of the Australian state to subsume such challenges within dominant paradigms of sovereignty and governance.

Jawoyn traditional owners of the Katherine region have evolved 'worlds of meaning' for self-determination which provide distinct challenges to the dominion of Australian governments. In its most fundamental sense, self-determination refers to Jawoyn rights to express cultural identity, through strategies to 'rebuild the Jawoyn Nation' [Chapter 6].

These 'localised knowledges' reiterate Jawoyn rights to discrete strategies for empowerment, modes of development and mechanisms of governance, providing fundamental challenges to the ideological cornerstones of the hegemonic nation-state. In the first instance, strategies for the reconstitution of the 'Jawoyn Nation' challenge the dominant geopolitics of absolute sovereignty. By asserting responsibilities to 'care for country', Jawoyn self-determination equates sovereignty with localised cultural expressions, questioning the legitimacy of the Australian monopoly of absolute control of land. The Jawoyn affirm their status as indigenous guardians over traditional country regardless of the legal status of that land. Consequently, Jawoyn sovereignty persists in a form beyond the ambit of the absolute powers of the Crown and its 'externally-imposed mechanisms'. However, in using the term 'nation', the Jawoyn do not propose the establishment of separate 'nationhood' within the Australian continent by using similar absolutist claims to sovereignty. The Jawoyn's strategic geopolitical manoeuvres are not attempts to facilitate a monolithic Jawoyn nation-state, suggesting instead new modes of *shared* sovereignty between the dominant state and the (minority) indigenous traditional owners. The forging of the *Mt Todd Agreement* as a part of Jawoyn strategies attempts to overcome the geopolitical and economic omnipotence of the Australian state - (re)affirming the primacy of localised cultural identity, and asserting indigenous rights through the negotiation and settlement of disparate knowledge systems. Jawoyn self-determination acknowledges the need for new multifaceted modes of sovereignty.

Jawoyn self-determination projects also require *process-based* approaches to sovereignty - incorporating Jawoyn influence into a range of regional land use and management practices, and constructing arenas in which the Jawoyn can develop systems of governance from grass-roots levels. 'Rebuilding the Jawoyn Nation' implies a process that includes delineating future decision-making structures, consolidating traditional patrilineal systems with contemporary political organisation, and maintaining the integrity of localised attachments to place. Thus, in addition to the essentialism implied in the use of the term 'nation', Jawoyn self-determination implies a simultaneous focus on the geopolitical 'project'. These strategies therefore challenge dominant systems of sovereignty which seek immediate resolution to contested political spaces with new lines, new borders, new maps. Rather than appeal to changes in geopolitical regimes within conventionally rigid and fixed senses of sovereignty, indigenous strategies (as cultural expressions which persist through the day-to-day activities of Jawoyn) require a continuing process of recognition.

In addition to challenging normative modes of sovereignty, localised calls for indigenous self-determination demand a re-examination of ideologies of 'the individual' in the promotion of the classic nation-state. The affirmation of Jawoyn sovereignty and responsibilities to 'care for country' introduce notions of *collective* rights - which operate in addition to the rights of the individual. Collective rights flow from the endurance of the Jawoyn as a 'people' who assert distinct identity, who have distinct sets of aspirations and who hold distinct attachments to traditional country. As such, Jawoyn self-determination demands a reconceptualisation of the geopolitics of governance in contemporary Australia.

Nonetheless, the constructions of self-determination by Australian governments attempt to subsume indigenous strategies for empowerment in the localised context. Self-determination is confined within the structures of governance, law and bureaucracy conceived by levels of the Australian state. The Jawoyn have been limited in their ability to assert their rights to govern activities on traditional country, despite the legal recognition of Jawoyn ownership gained through the *ALRA 1976* and the *1993 Mt Todd agreement*. Structures of governance conceived by governments for self-determination fragment control away from land owners through the 'top-down' imposition of notions of representation. 'Bureaucentric' relationships are maintained between indigenous groups and the maze of mainstream service providers. The parameters within which the Jawoyn are able to develop and express strategies for self-determination are limited by the Australian Federation and its ascribed constitutional rights for the States and Territories to control the nature of public spending and land allocation. Government constructions of self-determination entrench relations of paternalism and dependency between Jawoyn communities and centralised authorities, jeopardising their ability to 'rebuild' through discrete strategies of cultural expression.

8.2. Reconciling Aboriginal Self-determination with the Australian State

As the Jawoyn Association is keen to stress, the replicability of Jawoyn experiences for other indigenous groups is limited. Jawoyn strategies for self-determination affirm 'Jawoynness' as a emblem of distinct cultural identity, ways of negotiating with governments, and geopolitical aspirations. Jawoyn strategies for empowerment are intrinsically connected to traditional country, and are therefore in a very physical sense, geopolitically specific. Without the presence of minerals in Jawoyn country, and interest from resource developers, it is unlikely

that the *1993 Mt Todd Agreement* could have been signed. Similarly, ownership of Nitmiluk National Park guarantees the Jawoyn a legitimate voice in regional debates on land management. Nonetheless, a wider geopolitical analysis illuminates the important precedents which the experiences of the Jawoyn provide for other indigenous groups. The regional agreements approach to governance, land ownership and management, and service provision provides a framework within which indigenous groups can formalise the context for empowerment without sacrificing the legitimacy of their strategies for self-determination. Central to the proposals for regional agreements is the recognition of collective indigenous rights to exert influence over traditional country. Consequently, they allow indigenous groups to negotiate with relevant agencies over the appropriate terms of empowerment in regionally specific geopolitical contexts. If negotiations towards regional agreements are instigated from grass-roots indigenous levels (and are not characterised by the 'top-down' imposition of dominant geopolitical paradigms), they could provide opportunities for indigenous groups to develop more culturally appropriate modes of governance, and *assert indigenous notions of self-determination as the norm*.

However, as experience in Canada shows, regional agreements must also be based on a wider recognition of inherent indigenous sovereign rights, the formal entrenchment of which could take many forms, including constitutional reference to rights to self-determination, legislative reform or the signing of national treaties (Constitutional Centenary Foundation and the Council for Aboriginal Reconciliation, 1993). Without such recognition, regional negotiations may construct a geopolitical framework within which indigenous groups may be "stripped...of their native title and associated rights in order to make way for expanded resource development" (Richardson, Craig and Boer, 1995:73), forming yet another structuring of self-determination within the state's hegemonic domain.

8.3. Contextualising Aboriginal Self-determination in Geography

This analysis of the geopolitical relations of Aboriginal self-determination has provided several key insights into the contemporary political geography of the nation-state, and furthermore, challenges many current accounts of social relations. Poststructuralist accounts of society as caught in a state of continual flux (Patton, 1995, Luke, 1994), fail to account for the 'stubbornness' of the nation-state's hegemonic claims to sovereignty and governance, and the

extent to which internal social conflicts remain unresolved. This thesis, in highlighting the geopolitical fixities of the capitalist state, whilst delineating indigenous challenges to its hegemony, attempted to portray social relations as being characterised by constant *tensions* - between fixity and fluidity, hegemon and the marginal, between disparate epistemologies.

More specifically, emerging disciplinary approaches to political geography have recognised the possibilities of new social movements, “in resisting the power of development programmes and the state system...” (Dodds and Sidaway, 1994:521; cf. Escobar, 1992; Slater, 1993, 1994; Watts, 1993). Political geography no longer remains the study of ‘formally’ arranged national entities and their multilateral relations. Rather than accept the democratic nation-state as the end-point of human political development (Fukuyama, 1992), new critical geopolitics recognises its primacy in the maintenance of inequitable power relations, and therefore welcomes *internal* challenges to its formal hegemony. This thesis has attempted to extend geopolitical analysis by examining the constructions of ‘worlds of meaning’ for self-determination. Indigenous strategies for self-determination demand a reconceptualisation of the axioms of the nation-state - the primacy of individual citizenship rights, absolute sovereignty, and relationships between cultural identity and political representation. Meanwhile self-determination emerges as an explicitly geopolitical construct of the nation-state, maintaining indigenous empowerment within (its) conventional doctrines of political development. In this research, self-determination consequently provided a sharp focus for an examination of colonial relations and structures of oppression, in addition to indigenous resistances, as they are manifest in the new local, regional and national tensions of territorial integrity.

This thesis also sought to extend the discipline of geopolitics beyond the current turn in social science towards ‘deconstructive’ readings of ‘discursive’ events (cf. Ó Tuathail, 1994; Luke, 1994). Rather than submit to the relativistic fervour of many post-structuralist accounts of social relations, this thesis builds upon a recognition of socially-constructed epistemes to account for the grounding of contemporary colonialism in the structures of the nation-state, thus responding to Dodds and Sidaway’s (1994) call for a focus on the ‘formal sites’ of geopolitics. In an indigenous context, the state inscribes self-determination in systems of law, governance and bureaucracy which impede the evolution and exercise of local strategies for empowerment. The ‘structures of meaning’ of self-determination are therefore characterised by their entrenchment in formally ‘fixed’ relations, including the previously neglected

geopolitical arenas of service provision bureaucracies and systems of intergovernmental fiscal transference.

As this thesis reaches its conclusion, more questions remain unanswered, more uncertainties remain unresolved, than could ever hope to be surveyed within its specific scope. As indigenous groups come to occupy unique positions in national and global consciousnesses, it is the task of geographers to chart their geopolitical strategies, whilst querying the relevance of normative doctrines of political development. Considerable energy must be directed towards assessing the possibilities for indigenous self-determination as challenges to the nation-state's hegemony, and as alternatives to mainstream economic development. Concurrently, comparative studies in other nations with indigenous populations would reveal many consistencies and disparities of post-colonial conditions. More attention is required in examining the experiences of other indigenous groups who have formed regionally-based agreements with governments, and the possibilities for the constitutional entrenchment of indigenous rights in Australia. The critical attention of geographers could also provide beneficial to indigenous political strategies, as groups pursue distinct avenues for self-determination. The development of *regional agreements* as possible instruments of empowerment will no doubt become another site of geopolitical tension, as governments attempt to maintain the primacy of the nation-state's sovereign monopoly. The application of a distinctly geopolitical imagination to the new tensions of territorial integrity can assist in ensuring that local indigenous aspirations for cultural autonomy are not subsumed by the imposition of ascendant political doctrines. As the Australian nation draws towards its federal centenary, the profundity of the post-colonial project remains - to enable the empowerment of Australia's indigenous people, through a transference of geopolitical power over the constructions of self-determination, from the sphere of governments to local indigenous guardians.

Appendix I. Self-determination in International Law

Debates over the applicability of self-determination to indigenous groups have been conducted on three main fronts: the relevance of self-determination to collectives within nation-states; its applicability to indigenous peoples over other ethnic minorities; and its legality as a principle of collective rights as opposed to individual rights. Originally, it seems the United Nations documents were drafted implying that the right to self-determination applied for sovereign nation/states, and externally colonised nations as opposed to peoples who were internally colonised (minorities, indigenous people). Thus, the original emphasis of the United Nations Charter was on the maintenance of state territorial sovereignty (Knight, 1988:119), and the classic nation-state. Many nation/states, including the United States, Venezuela and Brazil expressed concern over the extent to which self-determination could be extended to minorities or indigenous peoples within those states (Netthiem, 1994a, Tulberg, 1995). Neo-liberal notions of the primacy of individual over the state characterised the arguments of many governments, who saw the recognition of indigenous rights, fundamentally unique to those of general 'citizenship' to the nation-state, as a threat to their geopolitical integrity.

Considerable debate within international fora also focused on the extent to which, if self-determination applied to internal groups of a nation-state, it applied specifically to indigenous peoples. Emerging policies of multiculturalism in some nation-states blurred public perceptions of indigenous populations in relation to other minority groups. Indigenous groups remained cautious of these developments, reaffirming their rights to self-determination as incumbent guardians of country, as opposed to simply being another 'minority' (Knight, 1988, see also Carleton, 1994). Nonetheless, by 1981 the United Nations had changed its tack on indigenous rights. Debate on the applicability of the term 'peoples' (and thus the right of self-determination) for indigenous peoples began to recede. A 1981 report to the UN Human Rights Commission defined a people as:

...a social entity possessing a clear identity with its own characteristics, including some relationship with a territory, even if the people in question has been wrongfully expelled from it and artificially replaced by another... (cited in Knight, 1988:123)

In 1981 the World Council of Indigenous Peoples drafted an initial declaration on the rights of indigenous peoples. This declaration added to the above definition a recognition of the act of colonisation upon a people, and the lack of administrative control given to indigenous peoples within the imposed nation states (thus raising a broad agenda for self-government). By 1988, the UN Working Group on Indigenous Populations drafted a set of 28 principles, working towards a *Universal Declaration on Indigenous Rights* (see Appendix II). Further reference to indigenous peoples and rights to self-determination was made in the United Nations' 1987 Brundtland Report on development and environmental issues:

The starting point for a just and humane policy for [indigenous] groups is the recognition and protection of their traditional rights to land and the other resources that sustain their way of life...the recognition of traditional rights must go hand in hand with measures to protect the local institutions that enforce responsibility in resource use. (Brundtland et al 1987, quoted in Jull, 1991b:13)

From these movements, self-determination has evolved to represent a number of meanings in an international context, and in the covenants of international law.

Appendix II: A Draft Declaration on the Rights of Indigenous Peoples.

The following is a draft declaration on indigenous rights, formulated by the United Nations Working Group on Indigenous Populations in 1988. It captures the 'worlds of meaning' ascribed to self-determination in international law.

1. The right to the full and effective enjoyment of all fundamental rights and freedoms, as well as the observance of the corresponding responsibilities, which are universally recognised in the Charter of the United Nations and in existing international human rights instruments.
2. The rights to be free and equal to all the other human beings in dignity and rights to be free from adverse distinction or discrimination of any kind.
3. The collective right to exist and to be protected against genocide, as well as the individual rights to life, physical integrity, liberty and security of person.
4. The collective right to maintain and develop their ethnic and cultural characteristics and identity, including the rights of peoples and individuals to call themselves by their proper names.
5. The collective right to protection against ethnocide. This protection shall include, in particular, prevention of any act which has the aim or effect of depriving them of their ethnic characteristics or identity, of any form of forced assimilation or integration, of imposition of foreign lifestyles and of any propaganda directed against them.
6. The right to preserve their cultural identity and traditions and to pursue their own cultural development. The rights to the manifestations of their cultures, including archaeological sites, artefacts, designs, technology and works of art, lie with indigenous peoples or their members.
7. The duty of States to grant - within the resources available - the necessary assistance for the maintenance of their identity and their development.
8. The right to manifest, teach, practise and observe their own religious traditions and ceremonies, and to maintain, protect and have access to sacred sites and burial grounds for these purposes.
9. The right to maintain and use their own languages, including for administrative, judicial and other relevant purposes.
10. The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct and control their own educational systems and institutions.
11. The right to promote intercultural information and education, recognising the dignity and diversity of their cultures, and the duty of States to take the necessary measures, among other sections of the national community, with the object of eliminating prejudices and of fostering understanding and good relations.
12. The right of ownership and possession of the lands which they have traditionally occupied. The lands may only be taken away from them with their free and informed consent as witnessed by a treaty or agreement.

13. The right to recognition of their own land-tenure systems for the protection and promotion of the use, enjoyment and occupancy of the land.
14. The right to special measures to ensure their control over surface resources pertaining to the territories they have traditionally occupied, including flora and fauna, waters and sea ice.
15. The right to reclaim land and surface resources or where this is not possible, to seek just and fair compensation for the same, when the property has been taken away from them without consent, in particular, if such deprivation has been based on theories such as those related to discovery, terra nullius, waste lands or idle lands. Compensation, if the parties agree, may take the form of land or resources of quality and legal status at least equal to that of the property previously owned by them.
16. The right to protection against any action or course of conduct which may result in the destruction, deterioration or pollution of their land, air water, sea ice, wildlife or other resources without free and informed consent of the indigenous peoples affected. The right to just and fair compensation for any such action or course of conduct.
17. The duty of States to seek and obtain their consent, through appropriate mechanisms, before undertaking or permitting any programmes for the exploration or exploitation of mineral and other subsoil resources pertaining to their traditional territories. Just and fair compensation should be provided for any such activities undertaken.
18. The right to maintain within their areas of settlement their traditional economic structures and ways of life, to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities, including hunting, fresh and salt water fishing, herding, gathering, lumbering and cultivation, without adverse discrimination. In no case may an indigenous people be deprived of its means of subsistence. The right to just and fair compensation if they have been so deprived.
19. The right to special State measures for the immediate, effective and continue improvement of their social and economic conditions, with their consent, that reflect their own priorities.
20. The right to determine, plan and implement all health, housing and other social and economic programmes affecting them, as far as possible through their own institutions.
21. The right to participate fully in the political, economic and social life of their State and to have their specific character duly reflected in the legal system and in political institutions, including proper regard to and recognition of indigenous laws and customs.
22. The right to participate fully at the State level, through representatives chosen by themselves, in decision-making about and implementation of all national and international matters which may affect their life and destiny.
23. The collective right to autonomy in matters relating to their own internal and local affairs, including education, information, culture, religion, health, housing, social welfare, traditional and other economic activities, land and resources administration and the environment, as well as internal taxation for financing these autonomous functions.

24. The right to decide upon the structures of their autonomous institutions, to select the membership of such institutions, and to determine the membership of the indigenous people concerned for these purposes.
25. The right to determine the responsibilities of individuals to their own community, consistent with universally recognised human rights and fundamental freedoms.
26. The right to traditional contacts and cooperation, including cultural and social exchanges and trade, with their own kith and kin across State boundaries in accordance with established laws and practices.
27. The duty of States to honour treaties and other agreements concluded with indigenous peoples.
28. The individual and collective right to access to and prompt decision by mutually acceptable and fair procedures for resolving conflicts or disputes between States and indigenous peoples, groups or individuals. These procedures should include, as appropriate, negotiations, mediation, national courts and international human rights review and complaints mechanisms.

(Hannum, 1990:85-87)

Appendix III: Self-determination and Sovereignty in Aotearoa/New Zealand

The Treaty (Waitangi, 1840) was not the source of *mana* (intrinsic right and duty to be Maori). *Mana* was the power and the glory which came from Maori communal descent from "Supreme Spiritual Beings", a descent expressed...in the duty of each generation to guard and protect the land and the world in which it lived... (Sharp, 1990:254)

Notions of indigeneity, of Maoridom, are affirmed in relation to distinct duties, responsibilities, customs and traditions that form sovereignty over a particular 'territory'. *Mana Maori Motuhake* captures these intrinsic rights and duties, specifying that they are to be separately and distinctly Maori (Sharp, 1990:249). As demonstrated by Levine and Henare (1995:193), *Mana Maori Motuhake* has come to be equated with "self-reliance" and 'self-determination' in a contemporary political sense.

From this *Mana*, comes the principle of *Rangatiratanga*, a term that embodies the right and duty of the *Mana*, and affirms the rights of each *iwi* (tribal group) to determine and control its own affairs. As is the case with other indigenous peoples, Maori see the right to self-determination, not as a gift of the United Nations, or a hard-fought victory within *Pakeha* (non-indigenous) bureaucracies for elements of decision-making ability, but rather as an intrinsic, non-negotiable duty and right that stems out of simply being Maori, of being indigenous 'governors' over a territory.

The ratification of these rights in Aotearoa/New Zealand is complicated by the 1840 *Treaty of Waitangi*. As shown by Sharp (1990), Maori hold that the 1840 *Treaty of Waitangi* did not cede away *Mana*, the intrinsic rights of *iwi* to determine and control their own affairs. Rather it recognised these concepts as something in existence long before the arrival of *Pakeha*:

Mana and rangatiratanga never had been ceded, and could never be ceded.
Cession was a moral impossibility. (Sharp, 1990:254)

Despite the recognition of prior Maori sovereignty over the land, the conditions of the treaty were not adhered to, allowing what is now an all too familiar post-colonial history of dispossession, bloodshed, attempted assimilation and ethnocide. As graphically portrayed by Mr Graham Anderson of Australia's National Maori Council:

It is like two rugby league teams going out onto the field. One is black and the other is white. And the white team goes on with the referee on their side and they break the rules. (quoted in SMH, 17/4/95:2)

Recent attempts by the New Zealand government to contain debate over the *Treaty of Waitangi* and its implications within the *Pakeha* system of administration and law, further the entrenchment of its hegemony over sovereignty. It is also a strategy that has polarised the Maori and *Pakeha* politically, leading to fury and frustration culminating in the well-publicised sit-ins over five areas of public land, including Moutoa Gardens park near Wanganui, in April 1995. By offering the Maori community a one-off package valued at \$NZ 1 billion in December 1994, to settle all land claims, the NZ Government, failing to recognise the depth of the *Mana* and *Rangatiratanga* duties and rights, resorted to western style bargaining instead. (SMH, 13/4/1995:1 and 14)

Appendix IV - The Barunga Statement

We, the indigenous owners and occupiers of Australia, call on the Australian Government and people to recognise our rights:

- to self-determination and self-management, including the freedom to pursue our own economic, social, religious and cultural development;
- to permanent control and enjoyment of our lands;
- to compensation for the loss of use of our lands, there having been no extinction of original title;
- to protection of and control of access to our sacred sites, sacred objects, artefacts, designs, knowledge and works of art;
- to the return of the remains of our ancestors for burial in accordance with our traditions
- to respect for and promotion of our Aboriginal identity, including the cultural, linguistic, religious and historical aspects, and including the right to be educated in our own languages and in our own culture and history
- in accordance with the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, rights to life, liberty, security of person, food, clothing, housing, medical care, education and employment opportunities, necessary social services and other basic rights.

We call on the Commonwealth to pass laws providing:

- A national elected Aboriginal and Islander organisation to oversee Aboriginal and Islander Affairs
- A national system of land rights
- A police and justice system which recognises our customary laws and frees us from discrimination and any activity which may threaten our identity, or security, interfere with our freedom of expression or association, or otherwise prevent our full enjoyment and exercise of universally recognised human rights and fundamental freedoms.

We call on the Australian Government to support Aborigines in the development of an international declaration of principles for indigenous rights, leading to an international covenant.

And we call on the Commonwealth parliament to negotiate with us a Treaty recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom.

Source: Barunga Monument, Barunga, Northern Territory, 1995 (see title page of this thesis)

Appendix V - Funding Complexity - the 'Bureaucentric Maze'

An illustration of funding complexity is provided in Tables V.I. and V.II., which list the public sector agencies concerned with the provision of mainstream services to Aboriginal people, at the Commonwealth level and in the state of Western Australia.

Table V.I. Commonwealth Public Sector Agencies Relevant to the Provision of Services to Indigenous Australians*

Aboriginal and Torres Strait Islander Commercial Development Corporation
Aboriginal and Torres Strait Islander Commission
Aboriginal and Torres Strait Islander Health Service
Aboriginal Education Consultative Commission
Aboriginal Hostels Ltd
Australia Council
Australian Broadcasting Corporation
Australian Electoral Commission
Australian Federal Police
Australian Film Commission
Australian Heritage Commission
Australian Institute of Aboriginal and Torres Strait Islander Studies
Australian Institute of Health and Welfare
Australian Nature Conservation Agency
Australian National Training Authority
Australian Sports Commission
Australian Taxation Office
Commonwealth Employment Service
Commonwealth Environment Protection Agency
Construction Industry Development Agency
Department of Administrative Services
Department of Communications and the Arts
Department of Employment, Education and Training
Department of Foreign Affairs and Trade
Department of Human Services and Health
Department of Immigration and Ethnic Affairs
Department of Primary Industries and Energy
Department of Social Security
Department of the Attorney-General
Department of the Environment, Sport and Territories
Department of the Prime Minister and Cabinet
Department of Transport
Department of Tourism
Home and Community Care
Housing and Regional Development
Human Rights and Equal Opportunity Commission
National Health and Medical Research Council
National Native Title Tribunal
National Science and Technology Centre
Office for Aboriginal and Torres Strait Islander Health
Office of Local Government
Office of Multicultural Affairs
Office of the Commonwealth Ombudsman
Office of the Status of Women
Special Broadcasting Service
Trade Practices Commission
Trade Union Training Authority

* - agencies with programmes specifically for indigenous people, or mainstream programmes with an identifiable indigenous element, or indigenous relevant mainstream programmes

[Source: ATSIC, 1995b:91-300]

**Table V.II. Western Australian Public Sector Agencies Relevant to the
Provision of Services to Indigenous Australians**

Aboriginal Affairs Planning Authority	Pubcom (PSC)
AIH	Public Trust
Alcohol and Drug Authority	ROTIA (Rottnest Island Authority)
Arts	State Energy Commission of Western Australia
Commerce and Trade	SESDA
Corrective Services	Western Australian Water Authority
Department for Community Development	Youth Justice Board
DEVET	
Department of Aboriginal Sites	<i>Agencies which identified no Aboriginal-specific or mainstream relevant components include:</i>
Department of Conservation and Land Management	
Department of Local Government	Department of Agriculture
Department of Land Administration	Department of Resources Development
Department of Main Roads	Department of State Services
DPUD	Department of Transport
Equal Opportunity Commission	Environmental Protection Authority
Fairtrading	Kimberley Development Commission
Health Department of Western Australia	Law Reform Commission
Homeswest	Office of Multicultural Affairs
Legal Aid	Office of Education and Training
LISWA (libraries)	Office of State Administration
Lotteries	Office of Higher Education
MED (education)	Pilbara Development Commission
Minerals and Energy	Rural Housing Authority
MSR (sport and recreation)	Secondary Education Authority
Museum	Small Business Development Authority
National Trust	WA Land Authority
OMB	WA Tourism Commission
OSI	
Western Australian Police	

[source: Task Force on Aboriginal Social Justice, 1994, Vol 1:154]

Many of the activities of the above Commonwealth and State agencies are split up further into specific programmes which collectively, provide another layer to the 'bureaucentric maze' (Tables V.III., V.IV.):

Table V.III. Commonwealth Programmes Relating to the Provision of Services to Indigenous Australians*

<i>Service Area</i>	<i>Indigenous Specific Programmes</i>	<i>Mainstream With Indigenous element</i>	<i>Mainstream With Relevance to Indigenous People</i>
Education	11	1	7
Health	3	17	6
Social Security and Welfare	8	9	4
Housing and Community Amenities	4	1	1
Culture & Recreation	17	12	18
Transport and Communications	-	-	1
Industry Assistance and Development	4	1	-
Labour and Employment	13	2	25
Law, Order and Public Safety	8	1	1
Assistance to Other Governments	-	-	4
General and Other	4	14	11
<i>Total</i>	<i>72</i>	<i>58</i>	<i>78</i>

* - programmes are categorised by ATSIC's following standards:

- programmes specifically for Aboriginal and Torres Strait Islander People
- mainstream programmes with an identifiable element designed to meet particular need of Aboriginal and Torres Strait Islander people
- mainstream programmes, with particular relevance to Aboriginal and Torres Strait Islander people

[Source: ATSIC, 1995b:94-100]

Table V.IV. Western Australian Government Programmes Relating to the Provision of Services to Indigenous Australians

<i>Programme Area*</i>	<i>Mainstream</i>	<i>Specific</i>
Social	28	38
Economic	3	29
Self-determination	1	9
Reconciliation	5	15
Total	37	91

* - Programme areas follow the WA government's categories of 'social', 'economic', 'self-determination' and 'reconciliation' which in itself illustrates government's lust for departmentalisation and the fragmenting of power. On a common-sense level, programme spending in employment and training, for example, would contribute to both 'social' and 'economic' objectives, while hopefully advancing 'self-determination' and 'reconciliation'.

[Source: Task Force on Aboriginal Social Justice, 1994, Vol 1:154]

Appendix VI - Aboriginal Poverty: the Material Relations of

Self-determination

All Australians, including indigenous Australians, possess rights of equity of access to citizenship services and infrastructure, including health care, education and employment opportunities, housing, sewerage, roads, water and electricity supply. The right of access to citizenship services, regardless of race, religion, class, language or culture, is enshrined in the Commonwealth's Access and Equity Strategy, and captured in the Commonwealth Grants Commission's principle of fiscal equalisation. However, as numerous studies have shown, many Aboriginal people are denied equitable access to mainstream service and infrastructure provision, despite Australia's institutional mechanisms for ensuring equity¹:

Many Aboriginal and Torres Strait Islander people have not benefited in any substantive way from government efforts to improve basic community infrastructure and the delivery of citizenship services. Infrastructure and services that are taken for granted in the capital cities or regional centres simply do not yet exist in many areas where the relatively large numbers of Aboriginal and Torres Strait Islander people live. (Dodson, 1995a:33)

Aboriginal people remain, collectively, the poorest Australians. Such poverty indicates the extent to which relations of colonialism and dispossession persist beyond 'discursive' realms, and are grounded in material processes. This is highlighted in general economic indicators such as income and employment status; health indicators such as infant mortality rates, length of life at birth and level of environmental health; and other social factors including housing status, levels of education and imprisonment. Tables VI.I. to VI.VII. represent different socio-economic indicators that point to the relative, collective poverty of indigenous Australians, and, as in many cases, a worsening of such conditions.

¹ See for example Crough and Pritchard 1991; Crough 1993; House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 1990; ATSIC 1992, 1995a; Dodson 1995a; Council for Aboriginal Reconciliation 1995; Central Land Council 1995; Snowdon 1995

Table VI.I. Comparative Income Status: Indigenous and Non-indigenous Australians, 1991

	<i>Aborigines</i>	<i>Torres Strait Islanders</i>	<i>non-Indigenous Australians</i>
Average Income - 1986	\$8100	\$9400	\$13200
Average Income - 1991	\$11600	\$13500	\$19300
<i>Ratio of Aboriginal /non-Indigenous incomes</i>			
1986 - 0.61			
1991 - 0.60			
<i>Ratio of Torres Strait Islander/non-Indigenous incomes</i>			
1986 - 0.71			
1991 - 0.70			

[Source: Taylor, 1993a:38]

Table VI.II. Comparative Rates of Unemployment and Labour Force Participation: Indigenous and Total Australians, 1971-1991²

	1971	1976	1981	1986	1991
<i>Unemployment Rate (percent)</i>					
Indigenous	9.3	17.8	24.6	35.3	30.8
Total Australia	1.7	4.4	5.9	9.2	11.7
<i>Ratio of Indigenous/Total Unemployment</i>					
	5.5	4.0	4.2	3.8	2.6
<i>Participation Rate (percent)</i>					
Indigenous	45.6	49.5	47.3	48.3	51.5
Total Australia	58.7	61.4	61.3	60.0	61.5

[Source: ATSIC, 1994a:25]

² Several problems have been noted with attempts to equate Aboriginal unemployment with poverty, due to the fact that subsistence and other non-mainstream economic activities are not considered as forms of 'employment', thus swelling unemployed numbers (Altman, 1994). Conversely, Aboriginal people engaged in CDEP schemes are considered employed. Many people argue that CDEP employment is little more than a change in transfer payment form, and does little to alleviate Aboriginal poverty. As such, the figures showing comparative improvement in Aboriginal employment can be transparent (Taylor, 1993a, 1993b)

Table VI.III. Comparative Welfare Dependency: Indigenous and Non-Indigenous Australians: Total Income by Labour Force Status, 1986-1991³

<i>Labour Force Status</i>	<i>Aborigines</i>	<i>Torres Strait Islanders</i>	<i>non-indigenous Australians</i>
1986			
Employed	\$479 mill (58.3%)	\$76 mill (74.4%)	\$111,234 mill (88.5%)
Unemployed	\$111 mill (13.5%)	\$9 mill (8.5%)	\$3,255 mill (2.6%)
Not in Labour Force	\$232 mill (28.2%)	\$18 mill (17.1%)	\$11,135 mill (8.9%)
Total	\$822 mill	\$102 mill	\$125,624 mill
1991			
Employed	\$826 mill (59.6%)	\$133 mill (73.1%)	\$168,285 mill (87.5%)
Unemployed	\$173 mill (12.5 %)	\$16 mill (8.8%)	\$6,956 mill (3.7%)
Not in Labour Force	\$386 mill (27.9%)	\$33 mill (18.1%)	\$16,975 mill (8.8%)
Total	\$1,386 mill	\$181 mill	\$192,216 mill

[Source: Taylor, 1993a:42]

Table VI.IV. Comparative Education Levels: Indigenous and Non-Indigenous Australians (Persons Over 15 Years with the Following Qualifications), 1991

<i>Australians</i>	<i>Indigenous Australians</i> (percent)	<i>Non-indigenous</i> (percent)
Degree or higher	0.8	7.7
Diploma	1.4	5.3
Trade qualifications	3.7	10.4
Basic qualifications	1.8	3.3
Inadequately described	12.6	12.5
No qualifications	79.7	60.9

[Source: ATSIC, 1994a:34]

³ Difficulties in quantifying 'welfare dependency' prevail. In the Aboriginal Economic Development Policy (AEDP), welfare dependency is viewed as reliance on unemployment benefits. Taylor (1993a) identifies the proportion of incomes derived from Government transfer payments as the best possible method

Table VI.V. Comparative Tertiary Education: Attendance of Indigenous and Non-indigenous Youth in Tertiary Institutions, by State, 1991 (percent)

	<i>NSW</i>	<i>VIC</i>	<i>QLD</i>	<i>SA</i>	<i>WA</i>	<i>TAS</i>	<i>NT</i>	<i>ACT</i>	<i>Total</i>
Indigenous Youth	11	12	7.5	12	7	16	8	19	8.5
Non-Indigenous Youth	23	22	17	20	22	21	11	31	21

[Source: *ATSIC, 1994b:12*]

Table VI.VI. Comparative Housing Status: Indigenous and Non-indigenous Australians, 1991

<i>Nature of Occupancy</i>	<i>Indigenous Australians</i> (percent)	<i>Non-indigenous Australians</i> (percent)
Owned	11.0	40.7
Being Purchased	16.8	26.8
Rented (Government)	31.1	6.6
Rented (Other)	33.3	19.7
Total Rented	64.4	26.3
Not Stated	7.7	6.3
Total	100.0	100.0

[Source: *ATSIC 1994a:35*]

Table VI.VII. Comparative Life Expectancy: Indigenous and Non-Indigenous Populations of Australia, USA, Canada, and Aotearoa/New Zealand - 1980s (life expectancy at birth in years)

<i>Country & Date</i>	<i>Indigenous Population</i>		<i>Non-indigenous Population</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Australia, 1991	54.0	61.6	72.8	79.1
USA, 1980	67.1	75.1	70.7	78.1
Canada, 1982-85	64.0	72.8	72.4	80.1
Aotearoa/New Zealand, 1980-1982	63.8	68.5	70.8	77.0

[Source: Bartlett and Legge, 1994:5]

Currently there exists a massive shortfall of service and infrastructure provision to Aboriginal people. According to ATSIC's 1992 *National Community Housing and Infrastructure Needs Survey*, the expenditure required to bring services and infrastructure in Aboriginal and Torres Strait Islander communities up to levels enjoyed by the non-indigenous population amounted to \$1,853 million. Of this, \$1,088 million was required to address backlog of housing needs in remote areas, \$208 million for the upgrading of existing housing, and \$347 million for the upgrading of internal access roads (Crough, 1993:74; ATSIC, 1995a:85). Recent revisions of the 1993 findings have put the shortfall at somewhere between \$3,000 million and \$3,500 million (Council for Aboriginal Reconciliation, 1995:64). In a more tangible sense, needs can be interpreted by the number of communities without adequate levels of services and infrastructure (Table VI.VIII.).

Table VI.VIII. Aboriginal Community Needs, 1992
(Excluding Outstations or Town Camps)

<i>Number of Communities Without - NT</i>		<i>QLD</i>	<i>SA</i>	<i>WA</i>
Formal land tenure	12	2	1	24
Medical services	114	14	1	44
Medical emergency evacuation	109	7	0	15
Health programmes	190	54	6	83
Sewerage disposal	94	8	8	27
Access to airfield	89	9	19	27
Electricity supply	156	29	20	44
Education services	233	34	12	71
Primary school within 30km	242	23	29	71
Secondary school within 30km	435	83	84	114
Garbage collection	141	25	18	5

[Source: ATSIC, 1992, in Snowdon, 1994:6]

In addition to the needs identified above, the 1992 ATSIC survey also concluded that:

- * - over 44,000 Aboriginal and Torres Strait Islander people live in such overcrowded conditions that they require new housing
- * - 39% of all housing stock required major repair or replacement
- * - one third of discrete communities had water supply that did not meet national standards for human consumption
- * - 13% of discrete communities did not have a regular water supply
- * - housing needs in urban areas totalled \$811 million

Appendix VII - Aboriginal Disadvantage in the Katherine Region

Table VII.I. Aboriginal Health in the Northern Territory: Age Standardised Mortality Rate*, All Causes, 1985-1991 (by Region)

	Male		Female	
	Indigenous	Non-Ind.	Indigenous	Non-Ind.
Katherine	2065	679	1499	312
Darwin Urban	1626	633	983	332
Darwin Rural	2319	595	1953	147
East Arnhem	2750	356	2324	118
Barkly	1735	827	1195	382
Alice Springs Urban	1932	562	1123	285
Alice Springs Rural	1857	715	1123	395

* - Mortality rate per 100,000

[Source: Plant et al (1995)]

Table VII.II. Aboriginal Education in the Northern Territory: Qualification Numbers and Rates by Community, Katherine Region, 1991

	<i>Total Persons 15 yrs and Over</i>	<i>Number of Qualified Persons</i>	<i>Percentage of Population Formally Qualified</i>
Indigenous Population			
Barunga	188	10	6%
Beswick (Wugularr)	199	0	0%
Borroloola	234	6	5%
Bulman	59	0	0%
Daguragu	135	0	0%
Kalkaringi	132	3	3%
Katherine Town	869	67	9%
Lajamanu	365	0	0%
Ngukurr	440	6	1%
Katherine Region	3594	106	4%
NT	24250	879	4%
Australia	159712	13071	9%
Total Population			
NT	129529	35877	32%
Australia	13082811	3572167	31%

[Source: ATSIC, 1994e:12]

Table VII.III. Aboriginal Income: Mean Income by Community, Katherine Region, 1991 (\$A)

	<i>Male Median Income</i>	<i>Female Median Income</i>	<i>Median Income</i>	<i>Median Family Income</i>
Indigenous Population				
Barunga	8,923	8,001	8,572	23,000
Beswick (Wugularr)	7,316	8,207	7,644	22,273
Borrooloola	7,022	7,743	7,362	20,001
Bulman	8,667	11,428	10,600	35,000
Daguragu	7,222	6,618	6,869	18,500
Kalkaringi	7,714	6,359	6,896	27,500
Katherine Town	9,443	10,422	10,071	27,700
Lajamanu	8,652	7,852	8,123	26,500
Ngukurr	6,644	7,390	7,021	20,250
Katherine Region	7,398	7,754	7,566	22,115
Northern Territory	7,281	7,923	7,571	24,291
Australia	9,460	8,624	8,939	27,003
Total Population				
Northern Territory	21,307	12,319	16,786	39,526
Australia	19,477	10,022	13,959	34,749

[source: ATSIIC, 1994e:20]

Appendix VIII - Structure of the Jawoyn Association

Jawoyn Association Membership



Jawoyn Association Executive



[Chairman]



Jawoyn Association Secretariat

Special Projects Officers:

Economist

Parks and Tourism

Training

Mining

[plus other specialised administration staff]

General Roles of Jawoyn Association Secretariat:

- ◆ Provide corporate focus for Jawoyn
- ◆ Provide management advice and training for Jawoyn Association members
- ◆ Develop/implement programs in response to social impacts arising from regional development
- ◆ Public relations - corporate voice to media generally
- ◆ Undertake/coordinate research for Jawoyn
- ◆ Represent Jawoyn in dealing with government at all levels [including Katherine Town Council]
- ◆ Welfare - liaise with various organisations
- ◆ Outstation resource support - lease formalisation, lobby for improved services
- ◆ Support outstanding land claims
- ◆ Cultural maintenance and regulation
- ◆ Site protection

[source: Jawoyn Association files, 1995]

**Appendix IX - The Mt Todd Agreement - Benefits in Addition to the
Acquisition of Title Over Land.**

- i) Outstation accommodation and facilities for Werenbun-Barnjarn, including but not limited to a permanent safe water supply, appropriate housing for six families, all weather vehicular access, a storage/cool room, appropriate power sources and ablution facilities.
- ii) Single men's accommodation at Werenbun for Aboriginal workers at Mt Todd mine.
- iii) Capital works to assist the development of accommodation at the Manyallaluk tourist venture at Eva Valley Station (\$60,000 over two years)
- iv) Transfer of ownership of the Nitmiluk Visitor Centre to the Jawoyn Association.
- v) Increase in park rents from \$115,000 to \$140,000 following the incorporation of the western half of Eva Valley pastoral lease into Nitmiluk National Park.
- vi) Employment commitments:
 - The Establishment of an Employment and Training Committee to oversee and promote employment and training opportunities for Jawoyn.
 - The employment of an Aboriginal Employment and Training Officer, to identify employment and training opportunities for Aboriginal people in connection to the Mt Todd Project
 - The guaranteed employment of Aboriginal people in five positions: including receptionists, survey assistants and accounts payable trainees.
- vii) Six education scholarships for Jawoyn people, including five to non-university higher education facilities and one to Northern Territory University.
- viii) The establishment of a regular bus service, owned and operated by the Jawoyn Association to provide transport for Mt Todd workers.

[source: Northern Territory of Australia, 1993b: 14-16]

Appendix X - Jawoyn Self-determination and Environmental Management at Yinberrie Hills

Yinberrie Hills is situated on Jawoyn traditional land, held by the Barnjarn Aboriginal Corporation as enhanced Northern Territory freehold as part of the 1993 *Mt Todd Agreement*. The area is strategically important for strategies to 'rebuild the Jawoyn Nation', as it includes the Mt Todd mining project, and has been targeted for further land uses including Aboriginal living areas, cultural and ecotourism and alcohol rehabilitation (Jawoyn Association, 1995b:5). The area is also believed to contain several breeding grounds for the Gouldian Finch⁴, which has led to a proposal from the NT Environment Centre for Yinberrie Hills to be listed on the National Estate Register of the Australian Heritage Commission (this proposal has since been granted interim approval). However, since the initial proposal in 1991, there have been no attempts on behalf of the proponents of the listing, to communicate with traditional owners, or recognise Jawoyn strategies for environmentally sustainable development in the area. Jawoyn responsibilities to 'care for country' represent holistic approaches to land management:

Land has always been part of our traditional economy. We've used it, but that doesn't mean we simply see it as something to be exploited. It's not just there to make money out of and then be left behind. (Lee, 1989, quoted in Jawoyn Association, 1995b:np).

Jawoyn deem the proposed listing of Yinberrie Hills as an instance of the neglect of indigenous rights and sovereignty over land, and Jawoyn perspectives on environmental protection:

[The proposed heritage listing] has the potential to isolate a large tract of our traditional lands from our guardianship through external 'heritage' mechanisms which we regard as invalid. The Jawoyn people see this attempt to abrogate our responsibilities through the Listing as a serious affront to indigenous self-determination. (Jawoyn Association, 1995b:np)

In this instance, Jawoyn ownership of land (through the Mt Todd Agreement) has not been commensurate with control over the activities occurring on the land, consequently fragmenting Jawoyn notions of sovereignty and rights to influence regional environmental management.

⁴ The Gouldian Finch is believed to be threatened in Northern Australia. However, much evidence suggests that the current range of the species has been previously underestimated (Barnjarn Aboriginal Corporation, 1995).

References

Aboriginal and Torres Strait Islander Commission (1992) *National Housing and Community Infrastructure Needs Survey*, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1993a) *United Nations Working Group on Indigenous Populations, 11th Session, 19-30 July 1993, Geneva Switzerland, The Australian Contribution*, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1993b) *"Building a Partnership": Proceedings of the Indigenous Australians Shelter Conference*, Brisbane, 1-3 November, 1993, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1994a) *Indigenous Australia Today: An Overview*, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1994b) *Indigenous Australia Today: A Statistical Focus by ATSIC Regions*, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1994c) *Annual Report 1993-94*, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1994d) *What is ATSIC?*, Information booklet, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1994e) *Katherine Regional Information Package*, ATSIC Statistical Services, Canberra

Aboriginal and Torres Strait Islander Commission (1995a) *Recognition, Rights and Reform: Report to Government on Native Title Social Justice Measures*, ATSIC, Canberra

Aboriginal and Torres Strait Islander Commission (1995b) *Social Justice for Indigenous Australians 1994-95*, Annual paper circulated by the Minister for Aboriginal and Torres Strait Islander Affairs, ATSIC, Canberra

Ah Kit, J (1993) *Mabo: Putting the Big Stick to One Side?*, Speech presented to the 1993 Aboriginal Culture and Heritage Conference: *People Place Law*, Sydney, 8-11/9/1993.

Allen, C (1995) *Pastoralism, Sustainability and Self-determination in Central Australia: Aboriginal Multiple Land Use at Utopia*, Unpublished honours thesis, Department of Geography, University of Sydney

Altman, JC (1994) Economic Implications of Native Title: Dead End or Way Forward?, in Sanders, W (ed) *Mabo and Native Title: Origins and Institutional Implications*, CAEPR Research Monograph No.7, Canberra, 61-77

Altman, JC and Dillon, MC (1985) *Funding Aboriginal Development in Central Australia*, Centre for Resource and Environmental Studies Working Paper 23, Australian National University, Canberra

Anderson, B (1991) *Imagined Communities, Reflections on the Origin and Spread of Nationalism*, Revised Edition, New Left Books, London

Asch, M (1992) Political Self-sufficiency, in Engelstad, D and Bird, J (eds) *Nation to Nation: Aboriginal Sovereignty and the Future of Canada*, Anansi Press, Ontario, 45-52

Australian Bureau of Statistics (1992) *1991 Census: Final Counts for Selected Areas*, Australian Bureau of Statistics, Canberra

Barnaby, J (1992) Culture and Sovereignty, in Engelstad, D and Bird, J (eds) *Nation to Nation: Aboriginal Sovereignty and the Future of Canada*, Anansi Press, Ontario, 39-44

Barnjarn Aboriginal Corporation (1995) *Objection to the listing of the Yinberrie Hills area (NT Portion 3469) on the Permanent Register of the National Estate*, Submission to the Australian Heritage Commission, Barnjarn Aboriginal Corporation, Katherine

Barsh, RL (1984) Aboriginal rights, Human rights, and international law, *Australian Aboriginal Studies*, 1984, 2, 2-11

Bartlett, B and Legge, D (1994) *Beyond the Maze: Proposals for More Effective Administration of Aboriginal Health Programs*, National Centre for Epidemiology and Population Health Working Paper 34, Australian National University, Canberra

Beckett, J (ed) (1988) *Past and Present - the Construction of Aboriginality*, Aboriginal Studies Press, Canberra

Boldt, M and Long, JA (1985) *The Quest for Justice, Aboriginal Peoples and Aboriginal Rights*, University of Toronto Press, Toronto

Carleton J (1994) "Being black isn't the colour of your skin" *Identity and Aboriginality in Sydney*, unpublished honours thesis, Department of Geography, University of Sydney

Cassidy, F (ed) (1991) *Aboriginal Self-determination*, Oolichan Books and the Institute for Research on Public Policy, Lantzville, BC

Cassidy, F (1995) Troubled hearts: indigenous peoples and the Crown in Canada, *Pacific Viewpoint*, 35,2,173-192

Central Land Council (1995) *Social Justice*, submission to the Native Title Social Justice Task Force, Central Land Council, Alice Springs

Coe, P. (1994) The struggle for Aboriginal sovereignty, *Social Alternatives*, 13, 1, April, 10-12

Conservation Commission of the Northern Territory and the Nitmiluk National Park Board of Management (1993) *Nitmiluk (Katherine Gorge) National Park Plan of Management*, CCNT and the Nitmiluk National Park Board of Management, Katherine

Constitutional Centenary Foundation and the Council for Aboriginal Reconciliation (1993) *The Position of Indigenous Peoples in National Constitutions*, Speeches from the Conference, Canberra, 4-5/6/1993, AGPS, Canberra

Coombs, HC (1994) *A Way Towards Black Self-Rule*, The Canberra Times, 13/12/1994:8-9

Cottingham, J, Stoothoff, R, and Murdoch, D (eds) (1988) *Descartes: Selected Philosophical Writings*, Cambridge University Press, Cambridge

Council for Aboriginal Reconciliation (1994) *Controlling Destinies: Greater Opportunities for Indigenous Australians to Control Their Destinies*, Key Issues Paper 8, AGPS, Canberra

Council for Aboriginal Reconciliation (1995) *Going Forward: Social Justice for the First Australians*, a submission to the Commonwealth Government, AGPS, Canberra

Council of Australian Governments (1992) *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders*, Council of Australian Governments, Perth

Cox, L (1993) *Kotahitanga: The Search for Maori Political Unity*, Oxford University Press, Auckland

Craig, D and Jull, P (1994) *Regional Agreements - Options for Australian Indigenous Peoples*, Unpublished Working Document Prepared for the Office of the Aboriginal Social Justice Commission, Sydney

Crough, G (1992) *Towards the Public Sector Financing of Aboriginal Self-Government*, Discussion Paper No. 8, North Australia Research Unit, Australian National University, Darwin

Crough, G (1993) *Visible and Invisible: Aboriginal People in the Economy of Northern Australia*, North Australia Research Unit and the Nugget Coombs Forum for Indigenous Studies, Darwin

Crough, G (1994) Aboriginal sovereignty and self-government, *Social Alternatives*, 13, 1, April, 22-24

Crough, G (1995) *Towards a Regional Agreement in the Kimberley Region of Western Australia*, Paper delivered to the ATSIC conference on Regional Agreements, Cairns, May 1995

Crough, G and Christopherson, C (1994) *Aboriginal People in the Economy of the Kimberley Region*, North Australia Research Unit, Darwin

Crough, G, Howitt, R, and Pritchard, B (1989) *Aboriginal Economic Development in Central Australia*, Combined Aboriginal Organisations of Alice Springs, Alice Springs

Crough, G and Pritchard, B (1991) *Infrastructure Provision in Remote Aboriginal Communities in the Northern Territory*, Central Land Council, Alice Springs

Davies, M (1985) Aboriginal rights in international law: Human Rights, in Bradford, WM (ed): *Aboriginal Peoples and the Law*, Carleton University Press, Ottawa, 745-794

Davis, SL and Prescott, JRV (1992) *Aboriginal Frontiers and Boundaries in Australia*, Melbourne University Press, Melbourne

- Dodds, KJ and Sidaway, JD (1994) Locating critical geopolitics, *Environment and Planning D: Society and Space*, 12, 515-524
- Dodson, M (1995a) *Indigenous Social Justice: Strategies and Recommendations*, Submission to the Parliament of the Commonwealth of Australia on the Social Justice Package, Aboriginal and Torres Strait Islander Social Justice Commissioner, Sydney
- Dodson, M (1995b) *Indigenous Social Justice: Resource Materials*, Submission to the Parliament of the Commonwealth of Australia on the Social Justice Package, Aboriginal and Torres Strait Islander Social Justice Commissioner, Sydney
- Durie, M (1994) *Whaiora: Maori Health Development*, Oxford University Press, Auckland
- Dyck, N (ed) (1985) *Indigenous Peoples and the Nation-state: 'Fourth World' Politics in Canada, Australia and Norway*, Memorial University of Newfoundland, St Johns
- Escobar, A (1992) Imagining a Post-Development Era? Critical Thought, Development and Social Movements, *Social Text*, 31/32, 20-56
- Escobar, A (1995) Development Planning, in Corbridge, S (ed) *Development Studies, A Reader*, Edward and Arnold, London, 64-77
- Eisenchitz, A and Gough, J (1993) *The Politics of Local Economic Policy*, Macmillan, London
- Fletcher, C (ed) (1994a) *Aboriginal Self-determination in Australia*, Aboriginal Studies Press, Canberra
- Fletcher, C (1994b) *Aboriginal Non-Democracy: A Case for Aboriginal Self-Government and Responsive Administration*, North Australia Research Unit, Discussion Paper no. 23, NARU, Darwin
- Flick, B (1994) *Unravelling the Bureaucracy of Aboriginal Health*, paper delivered to the Biennial Women's Health Conference: "Women Making Connections", Darwin, October 4, 1994
- Forrest, P (1985) *Springvale's Story and Early Years at the Katherine*, Murrarji Press, Darwin
- French, Justice RS. (1995) Discussion Paper on a Process for Reaching Agreements About Future Developments on Native Title Land and the Possibility of Regional Framework Agreements,
- Fukuyama, F (1992) *The End of History and the Last Man*, Free Press, New York
- Gardiner-Gardeu, J (1992) *Aboriginality and Aboriginal Rights in Australia*, Background Paper 12, Parliamentary Research Service, Canberra
- Giddens, A (1981) *A Contemporary Critique of Historical Materialism, Vol 1: Property, Power and the State*, Macmillan, London

- Gilbert, K (1993) *Aboriginal Sovereignty: Justice, Law and Land*, Burrumbinga Press, Canberra
- Goldberg, DT (1993) *Racist Culture: Philosophy and the Politics of Meaning*, Blackwell, Oxford
- Guha, R (ed)(1984) *Subaltern Studies III: Writings on South Asian History and Society*, Oxford University Press, Delhi
- Hannum, H (1990) *Autonomy, Sovereignty and Self-determination - the Accommodation of Conflicting Rights*, University of Pennsylvania Press, Philadelphia
- Harvey, D (1984) On the history and present condition of geography: an historical materialistic manifesto, *Professional Geographer*, 36,1,1-11
- Hegedus, A (1976) *Socialism and Bureaucracy*, Allison and Busby, London
- Held, D (1993) Democracy: Past, Present and Possible Futures, *Alternatives*, 18,259-271
- Hoekema, A (1995) Do joint decision-making boards enhance chances for a new partnership between the state and indigenous peoples?, *Indigenous Affairs*, 1, Jan/Feb/March, 4-10
- House of Representatives Standing Committee on Aboriginal Affairs (1987) *Return to Country, the Aboriginal Homelands Movement*, AGPS, Canberra
- House of Representatives Standing Committee on Aboriginal Affairs (1990) *Our Future, Our Selves: Aboriginal and Torres Strait Islander Community Control, Management and Resources*, AGPS, Canberra
- Howitt, R (1993a) 'A world in a grain of sand': towards a reconceptualisation of geographic scale, *Australian Geographer*, 24, 1, 33-44
- Howitt, R (1993b) Social Impact Assessment as 'Applied Peoples' Geography', *Australian Geographical Studies*, 31,2 October, 127-140
- Howitt, R, Crough, G and Pritchard, W (1990) Participation, power and social research in Central Australia, *Australian Aboriginal Studies*, 1, 2-10
- Independent Aboriginal Organisations of the Kimberley (1994) *Towards Regional Autonomy*, Unpublished Statement to the Chairman of the Council for Aboriginal Reconciliation, October, 1994
- Ittinuar, P (1985) The Inuit Perspective on Aboriginal Rights, in Boldt, M and Long, JA (eds) *The Quest for Justice, Aboriginal Peoples and Aboriginal Rights*, University of Toronto Press, Toronto
- Jackson, P (1989) *Maps of Meaning: An Introduction to Cultural Geography*, Unwin Hyman, London

Jawoyn Association (1993a) *Jawoyn People, Land and Life*, Jawoyn Association Training Section, Katherine

Jawoyn Association (1993b) *Jawoyn Corporate and Strategic Plans*, unpublished preliminary report to the Jawoyn Association Executive, Green Ant Consultants, Darwin

Jawoyn Association (1994a) *Rebuilding the Jawoyn Nation: Approaching Economic Independence*, Green Ant Publishing, Darwin

Jawoyn Association (1994b) Unpublished Submission to ATSIC's Land Acquisition Programme for the Purchase of King Valley Pastoral Lease, Jawoyn Association files, Katherine

Jawoyn Association (1994c) *Interim Training and Employment Strategy*, Unpublished Policy Document, Jawoyn Association, Katherine

Jawoyn Association (1995a) *Aboriginal Housing Crisis in Katherine*, press release, Jawoyn Association files, Katherine

Jawoyn Association (1995b) *Objection to the listing of the Yinberrie Hills area (NT portion 3469) on the Permanent Register of the National Estate*, Submission to the Australian Heritage Commission, Jawoyn Association, Katherine

Johnston, E (1991) *National Report of the Royal Commission into Aboriginal Deaths in Custody*, 5 Vol, AGPS, Canberra

Jull, P (1991a) *The Politics of Northern Frontiers*, North Australia Research Unit, Darwin

Jull, P (1991b) *Australian Nationhood and Outback Indigenous Peoples*, Discussion Paper 1, North Australia Research Unit, Darwin

Jull, P (1994a) Indigenous Progress Abroad: Self-determination, Sovereignty and Self-government, *Social Alternatives*, 13,1, April, 25-28

Jull, P (1994b) *Regional Agreements: What are They?*, A note for use by the Office of the Aboriginal Social Justice Commissioner, Native Title Advisory Committee Seminar, Adelaide, 5-6/9/1994

Jull, P (1995) *Australia's New Indigenous Agenda: The 3 'Social Justice' Reports of 1995*, Unpublished Background Report for the International Working Group for Indigenous Affairs (IWGIA), Brisbane

Jull, P, Mulrennan, M, Sullivan, M, Crough, G and Lea, D (eds) (1994) *Surviving Columbus: Indigenous Peoples, Political Reform and Environmental Management in North Australia*, North Australia Research Unit, Darwin (proceedings of the conference Surviving Columbus: The Indigenous Environment Today and Tomorrow, Darwin, September 30th - October 2nd, 1992)

Kalano Association (1991) *Kalano Town Camp Development Strategy*, Kalano Association, Katherine

Kalano Association (1993) *Land Needs Study for Aboriginal Living Areas in Katherine, NT*, J and B Wigley Architects and Community Planners, Melbourne

Katherine Combined Aboriginal Organisations (1995) *Physical Planning Principles: Aboriginal Urban Living Areas*, Katherine, unpublished report, KCAO, Katherine

Knight, DB (1988) Self-determination for indigenous peoples: the context for change, in Johnston, RJ, Knight, DB, and Kofman, E (eds) *Nationalism, Self-determination and Political Geography*, Croom Helm, London

Kawharu, IH (1989) *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi*, Oxford University Press, Auckland

Levine, H and Henare, M (1995) Mana Maori Motuhake - Maori Self-determination, *Pacific Viewpoint*, 35,2, October, 193-208

Luke, T (1994) Placing power/siting spaces: politics of the global and the local in the new world order, *Environment and Planning D: Society and Space* 12, 613-628

Lyons, O (1985) Traditional Native Philosophies Relating to Aboriginal Rights, in Boldt, M and Long, JA (eds) *The Quest for Justice, Aboriginal Peoples and Aboriginal Rights*, University of Toronto Press, Toronto

Magiure, P (1987) *Doing Participatory Research: a Feminist Approach*, Centre for International Education, University of Massachusetts

Mansell, M (1994) Towards Aboriginal Sovereignty: Aboriginal Provisional Government, *Social Alternatives*, 13,1, April, 16-18

Marika, R, Ngurruwutthun, D and White, L (1992) Always together, Yaka Gana: Participatory research at Yirrkala as part of development of a Yolngu education, in Frideres, JS (ed): *A World of Communities: Participatory Research Perspectives*, Captus University Publications, Ontario, 147-164

McDowell, L (1992) Multiple voices: speaking from inside and outside 'the project', *Antipode*, 24, 1, 57-80

Mitchell, D (1995) There's no such thing as culture: towards a reconceptualisation of the idea of culture in geography, *Transactions, Institute of British Geographers*, 20, 102-116

Mitchell, M (1989) "We're Going Home to Stay", *External constraints on the community development of the Mpweringe-Arnapipe Outstation Council: A Social Analysis*, Unpublished honours thesis, Department of Geography, University of Sydney

Mowbray, M (1986) State control or self-regulation?: on the political economy of local government in remote Aboriginal townships, *Australian Aboriginal Studies*, 2, 31-39

Mowbray, M (1990) Mainstreaming as assimilation in the Northern Territory, *Australian Aboriginal Studies*, 2, 20-26

- Myers, F (1989) Burning the truck and holding the country: Pintupi forms of property and identity, in Wilmsen, EN (ed): *We Are Here: Politics of Aboriginal Land Tenure*, University of California Press, Berkeley, 15-42
- Nettheim, G (1994a) Mabo and Aboriginal political rights: the potential for inherent rights and Aboriginal self-government, in Sanders, W (ed): *Mabo and Native Title: Origins and Institutional Implications*, Centre for Aboriginal Economic Policy Research, Canberra, 46-60
- Nettheim, G (1994b) International law and sovereignty, in Fletcher, C (ed) (1994a), *Aboriginal Self-determination in Australia*, 71-85
- Northern Territory of Australia (1986) *Barunga-Wugularr Community Government Scheme*, Government Printer of the Northern Territory, Darwin
- Northern Territory of Australia (1993a) *Local Government Act, No 83 of 1993*, Government Printer of the Northern Territory, Darwin
- Northern Territory of Australia (1993b) *The Mt Todd Agreement, Deed between the Northern Territory of Australia, Zapopan NL and the Jawoyn Association Aboriginal Corporation*, Darwin
- Ó Tuathail, G (1994) Critical geopolitics and development theory: intensifying the dialogue, *Transactions of the Institute of British Geographers*, 19, 228-233
- Patton, P (1995) Post-structuralism and the Mabo Debate: Difference, Society and Justice, in Wilson, M and Yeatman, A (eds): *Justice and Identity - Antipodean Practices*, Allen and Unwin, Wellington, 153-171
- Pearce, D (1994) Aboriginal self-government, In Fletcher, C (ed) (1994): *Aboriginal Self-determination in Australia*, 47-52
- Pearson, N (1993) From remnant title to social justice, *Australian Quarterly*, 65, 4, 179-184
- Peet, R (1977) The development of radical geography in the United States, *Progress in Human Geography*, 3, 356-383
- Plain, F (1985) A Treatise on the Rights of the Aboriginal Peoples of the Continent of North America, In Boldt, M and Long, JA (eds) *The Quest for Justice, Aboriginal Peoples and Aboriginal Rights*, University of Toronto Press, Toronto
- Plant, AJ, Condon, JR, and Durling, G (1995) *Northern Territory Health Outcomes, Morbidity and Mortality 1979-1991*, Northern Territory Department of Health and Community Services, Darwin
- Poynton, P (1996) Dream Lovers: Indigenous Peoples and the Inalienable Right to Self-determination, in Howitt, R, Hirsh, P and Connell, J (eds) *Resources, Nations and Indigenous Peoples*, Oxford University Press, Melbourne [in press]
- Reynolds, H (1987) *Frontier: Aborigines, Settlers and Land*, Allen and Unwin, Sydney

Reynolds, H (1990) *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia*, Penguin, Ringwood

Reynolds, H (1994a) Origins and implications of Mabo: an historical perspective, in Sanders, W (ed)(1994) *Mabo and Native Title: Origins and Institutional Implications*, CAEPR, Canberra, 25-30

Reynolds, H (1994b) Land and Customary Law: 1993 perspective, in Fletcher, C (ed) (1994a): *Aboriginal Self-determination in Australia*, 19-25

Richardson, BJ, Craig, D and Boer, B (1995) *Regional Agreements for Indigenous Lands and Cultures in Canada: a Discussion Paper*, North Australia Research Unit, Australian National University, Darwin

Rose, DB (1984) The saga of Captain Cook: Morality in Aboriginal and European Law, *Australian Aboriginal Studies*, 2, 24-39

Rowley, CD (1986) *Recovery: The Politics of Aboriginal Reform*, Penguin, Ringwood

Rowse, T (1992a) *Remote Possibilities: the Aboriginal Domain and the Administrative Imagination*, North Australia Research Unit, Australian National University, Darwin

Rowse, T (1992b) The Royal Commission, ATSIC and Self-determination: A Review of the Royal Commission into Aboriginal Deaths in Custody, *Australian Journal of Social Issues*, 27, 3, 153-172

Rowse, T (1993a) *After Mabo: Interpreting Indigenous Traditions*, Melbourne University Press, Melbourne

Rowse, T (1993b) Rethinking Aboriginal 'Resistance': The Community Development Employment (CDEP) Program, *Oceania*, 63, 268-286

Rowse, T (1995) Putting regions on the agenda of indigenous Australian self-determination, *Pacific Viewpoint*, 35, 2, 143-172

Sackett, L (1990) Welfare Colonialism: developing divisions at Wiluna, in Tonkinson, R and Howard, MC (eds) *Going it Alone? Prospects for Aboriginal Autonomy*, Aboriginal Studies Press, Canberra, 201-217

Said, E (1978) *Orientalism*, Routledge and Kegan Paul, London

Sanders, W (1991) Aboriginal Affairs, in Galligan, B, Hughes, O, and Walshe, C (eds) *Intergovernmental Relations and Public Policy*, Allen and Unwin, Sydney, 257-276

Sanders, W (1993) *Reconciling public accountability and Aboriginal self-determination/self-management: is ATSIC succeeding?*, Centre for Aboriginal Economic Policy Research Discussion Paper 51, Australian National University, Canberra

Searle, RJ (1994) *The Commonwealth Grants Commission and Intergovernment Financial Relations*, paper for the Native Title Social Justice Committee, Commonwealth Grants Commission, Canberra

Sharp, A (1990) *Justice and the Maori, Maori Claims in New Zealand Political Argument in the 1980s*, Oxford University Press, Auckland

Slater, D (1993) The geopolitical imagination and the enframing of development theory, *Transactions, Institute of British Geographers*, 18, 419-437

Slater, D (1994) Reimagining the geopolitics of development: continuing the dialogue, *Transactions, Institute of British Geographers*, 19, 233-238

Smith, B (1989) *The Concept of "Community" in Aboriginal Policy and Service Delivery*, North Australia Development Unit Occasional Paper 1, Department of Social Security, Darwin

Snowdon, W (1994) *Public Infrastructure and Remote Australia: A Social Justice Agenda for Labor*, unpublished paper by the member for the Northern Territory, Canberra

Snowdon, W (1995) *Towards Regional Agreements: A Social Justice Response to Aboriginal and Torres Strait Islander Poverty in 1995*, unpublished paper by the member for the Northern Territory, Canberra

Spivak, GC (1987) *In Other Worlds: Essays in Cultural Politics*, Methuen, New York

Stanton, JE (1990) Autonomy and Dependency: the experience at Mount Margaret, in Tonkinson, R and Howard, MC (eds) *Going it Alone? Prospects for Aboriginal Autonomy*, Aboriginal Studies Press, Canberra, 219-233

Storey, M (1995) *People of the Land, People of the Song, People of the Constitution*, Central Land Council position paper on constitutional change in the Northern Territory, Alice Springs

Sullivan, P (1995) *The Scope for Comprehensive and Specific Purpose Agreements Between Aborigines and Others in the Kimberley Region*, Paper delivered to the ATSIC conference on Regional Agreements, Cairns, May 1995

Suter, KD and Stearman, K (1994) *Aboriginal Australians: an MRG International Report*, Minority Rights Group, London

Task Force on Aboriginal Social Justice (1994) *Report of the Task Force, April 1994*, Government of Western Australia, Perth [two volumes]

Taylor, J (1993a) *The Relative Economic Status of Indigenous Australians, 1986-1991*, CAEPR Research Monograph No. 5, CAEPR, Canberra

Taylor, J (1993b) *Regional Change in the Economic Status of Indigenous Australians, 1986-1991*, CAEPR Research Monograph No.6, CAEPR, Canberra

Thiele, LP (1993) Making Democracy Safe for the World: Social Movements and Global Politics, *Alternatives*, 18, 273-305

Thomas, N (1994) *Colonialism's Culture*, Oxford University Press, Melbourne

Toussaint, S (1992) Aboriginal resistance and the maintenance of identity: Nyungars and the state, *Social Analysis*, 32, December, 16-30

Tulberg, SM (1995) Indigenous Peoples, Self-determination and the Unfounded Fear of Secession, *Indigenous Affairs*, 1, Jan/Feb/March, 11-13

United Nations (1960) Declaration on the granting of independence to colonised countries and peoples, General Assembly Resolution 1514 (xv), 16/12/1960

Unwin, T (1992) *The Place of Geography*, Longman, Harlow

Verran, H (1995) Imagining Ownership - Working Disparate Knowledge Traditions Together, *Republica: Scarred For Life*, 3, Angus and Robertson, Sydney, 99-108

Wallace, NM (1990) European domination and cultural confusion: forced change among the Pitjantjatjara, in Tonkinson, R and Howard, MC (eds): *Going it Alone? Prospects for Aboriginal Autonomy*, Aboriginal Studies Press, Canberra, 83-95

Wanna, J, O'Faircheallaigh, C, Weller, P (1992) *Public Sector Management in Australia*, Centre for Australian Public Sector Management, Griffith University

Watts, MJ (1993) Development I: power, knowledge, discursive practice, *Progress in Human Geography*, 17,2,257-272

Weaver, S (1984) Struggle of the nation-state to define Aboriginal ethnicity: Canada and Australia, in Gold, GL (ed): *Minorities and Mother Country Imagery*, Social and Economic Papers 13, Institute of Social and Economic Research, Newfoundland, 182-210

Weaver, S (1985) Federal Difficulties with Aboriginal Rights Demands, in Boldt, M and Long, JC (eds) *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*, University of Toronto Press, Toronto

Wolfe, J (1989) *'That Community Government Mob': Local Government in Small Northern Territory Communities*, North Australia Research Unit, Australian National University, Darwin

Wolfe, J (1990) *Submission to the Royal Commission on Aboriginal Deaths in Custody*, North Australia Research Unit, Australian National University, Darwin

Wong, L (1994) Indigenous Peoples' Rights: Redrawing the Boundaries Between State Rights and Peoples' Rights, *Social Alternatives*, 13, 1, April,

Yu, P (1993) *The Kimberley: from welfare colonialism to self-determination*, speech delivered to the Conference on Aboriginal People, Federalism and Self-determination, Townsville, 31 August 1993

Yu, P (1994) Aboriginal Peoples, Federalism and Self-determination, *Social Alternatives*, 13, 1, April, 19-21