

# WEEK NINE

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## CONTEST AND CONSENT: THE LEGACY OF THE WILD RIVERS ACT 2005 (QLD)

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*by Timothy Neale*

### INTRODUCTION

The *Wild Rivers Act 2005* (Qld) ('WRA') seems to be not long for this world. Put in place following an election commitment by Peter Beattie in January, 2004, the first comparatively uncontroversial Wild Rivers areas were declared in February, 2007, in the Gulf of Carpentaria, southwest Cape York and on the southeast coast. These were followed by three Cape York areas in April 2009—the Lockhart, Stewart and Archer River areas—and another in June, 2010, over the Wenlock catchment. In December, 2011, three areas were declared in the Lake Eyre basin in the southwest of the State. The central restriction of a *WRA* declaration is its designated High Preservation Area ('HPA'); (typically) a one-kilometre buffer zone around designated waterways intended to insure that 'the natural values of the rivers declared wild are not impacted'. In practice this means no mining or intensive aquaculture within an HPA, though grazing and other activities are allowed.<sup>1</sup> After vowing, in late 2011, to 'axe' the Act, newly elected Premier, Campbell Newman, has taken the first step by releasing a scoping paper towards a new Bio-Regional Management Plan for Cape York Peninsula. This will, in turn, inform part of a forthcoming Regional Management Plan. One function of this process is effectively to rebrand some aspects of the *WRA* and remove others.

The Act first drew public criticism, in mid-2006, from an alliance of interests, including the Cape York Land Council ('CYLC'), AgForce, and Cook Shire Council. At an AgForce meeting in central Cape York, former-CYLC chairman, Noel Pearson, summarised the belief that 'the Greenies are in the ascendant' in Brisbane, and the Act, emblematic of that ascendancy, would be 'a death by a thousand cuts'.<sup>2</sup> Nonetheless, the following year stakeholders seemed to bury their disagreement through a negotiated compromise of the *Cape York Peninsula Heritage Act 2007* (Qld) ('CYPHA'). In the words of *The Australian*, the 'native title crusade' had been won.<sup>3</sup> But this was not the end of the disagreement, and in April, 2009, Pearson was reported as having stood down from his role at the Cape York Institute to fight the Act. In February, 2010,

Federal Opposition leader, Tony Abbott, announced he would introduce legislation to 'overturn' the Queensland Act, leading to three Parliamentary inquiries between 2010 and 2011. In May, 2011, Family First Senator, Steve Fielding, revealed he would no longer support the Bill, effectively ending its parliamentary prospects.

The *WRA* will be replaced only in Cape York, for now, as there has been noted support for the regime in the Gulf and Channel Country. Why the discrepancy? As stakeholders critical of the *WRA* have explained, the Peninsula declaration areas covered predominantly Aboriginal title. Others point to the Wenlock declaration having jeopardised a bauxite project near Mapoon favoured by traditional owners. Meanwhile, supporters of the *WRA* argue that the region was subject to a concerted 'misinformation' campaign about the Act's effects. As John Holmes has shown, more generally, the controversy over the Act provided an opportune point of articulation for long-term contests over the Cape's future to gather around,<sup>4</sup> just as elsewhere I have argued that the *WRA* controversy illustrates the ironic 'duplicity' of government dealings with traditional owners.<sup>5</sup> These are issues and contests that neither originate in, nor are decided by, the *WRA*. Nonetheless, whatever the cause of the controversy, as one stakeholder put it in Weipa, 'the wild rivers bogey is out there'.<sup>6</sup> This is an appropriate moment to survey the issues that—having been raised by the *WRA* controversy—must now be faced by the Newman administration.

### CONSENT / CONSULTATION

Perhaps the most vital issue raised by the *WRA* controversy has been the issue of negotiating with Aboriginal titleholders. The issue of consultation has been of particular concern to those who consider a declaration to be 'similar to the creation of a reserve' and to therefore constitute a future act.<sup>7</sup> Of course, when the *WRA* says a declaration 'can not have the direct or indirect effect' on the enjoyment of native title, it is thinking of a legal rendering—usufructuary native title rights—which fall far short of an ability to '[s]peak for, on behalf of and

authoritatively about' country.<sup>8</sup> Nonetheless, consultation with some Indigenous stakeholders occurred in late 2005-06 and, after contracting CYLC-affiliated Balkanu Cape York Development Corporation to help facilitate the process in 2008, the State Government undertook a variety of consultative measures towards specific declarations.<sup>9</sup>

Initial reports on the Act suggested that it had been formulated 'without any consultation with the traditional [I]ndigenous landowners'.<sup>10</sup> In the acrimony that followed it became clear the consultation measures were inadequate. Meetings were few and information was poorly communicated, and, as one inquiry concluded, the involvement of Balkanu may have constituted a conflict of interest, given its executive opposed the *WRA*. But these issues were, in a sense, secondary. As Noel Pearson now stated, in an interview on *Lateline* in July, 2009, the issue was not consultation: 'Our complaint ... is there's been no consent'.<sup>11</sup> The subsequent 'Abbott Bill' proposed that relevant owners of 'Aboriginal land' must first provide consent to any Wild River declaration through an Indigenous Land Use Agreement, involving up to eight forms of 'owner' and seven forms of 'Aboriginal land'.<sup>12</sup> Introducing the Wild Rivers (Environmental Management) Bill 2011 (Cth) to Parliament, Abbott continued to claim that the Queensland Government had conducted 'not the slightest skerrick of consultation' in relation to the 2005 Act.<sup>13</sup> Announcing his own attempt to amend the Act, LNP Premier Campbell Newman recently tempered this by saying there had been 'little or no consultation'.

A right to consent, rather than consultation, goes to the heart of criticisms of contemporary native title. The restricted application of this principle to one piece of environmental legislation raised the suspicions of several traditional owners who refused this Bill to 'protect the interests of Aboriginal traditional owners'. Nonetheless, 'cultural strangeness' of Coalition and LNP politicians publicly endorsing an Indigenous right to consent is itself important, particularly given each party's historical antipathy towards the United Nations Declaration on the Rights of Indigenous Peoples ('UNDRIP').<sup>14</sup> As Jon Altman has argued, the Bill would 'take the property rights of owners of Aboriginal land within a wild river area to a level that is unprecedented in Australia'.<sup>15</sup> Subsequently, those who opposed the *WRA* voiced their concerns through the terms and language of the UNDRIP and, specifically, the 'right to own, use, develop and control' traditional lands (Article 26) and the rights to 'free, prior and informed consent' (Articles 19 and 28).

But so far there has been no mention of consent by the Newman administration, stating instead that it will 'replace' the *WRA* after 'extensive' consultation. Initial consultation with primary stakeholder representatives commenced in late June and ended in late September, 2012,<sup>16</sup> and it is anticipated community consultation will begin in early 2013 before the legislating of a finalised plan in October, 2013. In short, a set of parties, identical to those involved in negotiations over the *WRA*, have been invited to partake in a process that plans to renovate the management planning of the entire region in 13 months. The gazettal and declaration of single Wild River areas often took longer. More vitally, the new process is not consent-driven and is therefore vulnerable to exactly the same objections that hounded the *WRA*. There are significant reasons to believe that consent processes deliver the strongest long-term results for Indigenous groups, in part because they integrate the involvement of Indigenous stakeholders into open-ended processes.<sup>17</sup> As LNP Ministers travel the Cape today, they may notice the signs that still hang by the roadsides: 'No Wild Rivers Without Our Consent'.

#### REPRESENTING 'CAPE YORK'

Another issue raised by the Wild Rivers controversy has been over who gets to speak on behalf of Cape York's Indigenous and non-Indigenous residents. For many who opposed the *WRA*, the Act was taken as a typical instance of 'Brisbane' inferring with the Cape to appease urban electorates; Premiers and Ministers were called to account for what was assumed to be a 'preferences deal'. On the opposing side were a dozen traditional owners who, taking exception to Pearson's national prominence and his speaking in the name of 'we in Cape York', travelled to Canberra in September, 2010, to announce that he 'doesn't speak for us'.<sup>18</sup> In the months that followed Murrandoor Yanner, the Chairman of Carpentaria Land Council, also questioned Pearson's role while criticising the Abbott legislation.

In a parallel development, the Queensland Government announced in March, 2011, that future consultation would occur through its own Indigenous Reference Committees of identified traditional owners. The idea, originally circulated in a 2009 discussion paper on 'alternative frameworks for Indigenous engagement', potentially sidelined the CYLC and Balkanu from future discussions. Both organisations are publicly affiliated with Noel and Gerhardt Pearson. More recently, the mayors of Cape York communities, collected as the Regional Organisation of Councils of Cape York ('ROCCY'), have presented criticisms of how regional reform projects are funded.

Arguing that communities see too little of approximately \$200 million in annual support, the Pearson-led Cape York Welfare Reform Trial had its funding extended to the end of 2014 on the condition that ROCCY members would participate in the oversight of the program.<sup>19</sup>

As such, it could be argued that part of what the *WRA* controversy has brought to light are ongoing contestations over who represents Cape York Peninsula. While news media tend to focus on the personalities at play, it may be more illuminating to think of the symbolic roles of stakeholders and sources of authority they draw upon. For instance, native title representative bodies and corporations are having their roles as de facto advocates contested, as are non-elected figures. Environmentalists now less frequently make their own claims on the region, and more often cite the positions of Indigenous or scientific authorities. Interestingly, as this controversy has developed, discussions have continued with Cape York traditional owners over areas that may be nominated for World Heritage in February, 2013. While Federal Minister, Tony Burke, has repeatedly stated that any nomination relies on traditional owner consent for the relevant areas, ROCCY mayors and pastoralists have raised concerns about a lack of consultation with the larger 'Cape York community'. As such, were the new Regional Management Plan processes to implement right to consent—which they presently do not—would this be restricted to traditional owners and the principles of the UNDRIP? Would it include other Aboriginal titleholders, as in the Abbott Bill? As one non-Indigenous pastoralist has stated, the feeling that 'minority numbers' are taken as representative presently provokes some bitterness.<sup>20</sup>

### REBRANDING RANGERS

A third legacy of the *WRA* controversy is its program of Indigenous rangers. The Bligh administration committed, with no specific delivery date, to employ a total of 100 Wild Rivers Rangers. Originally bound to *WRA* declarations and, therefore, bound to the *WRA*'s fate, the positions were denigrated by some as 'green welfare'. Subsequently, the roles were made permanent, immune from the rituals of tri-annual funding or federal funding. By mid-2011 the State Government was employing 40 Wild Rivers Rangers, at an annual cost of \$5.6 million, and it currently employs 45 Rangers, 27 of whom are stationed in regions north of Cairns. Elsewhere, the Queensland Parks and Wildlife Service has set a target of 50 per cent employment of Indigenous rangers on Cape York by 2018. In 2011 it had achieved 36 per cent,<sup>21</sup> though there is no available data on whether these rangers were residents of Cape York prior to their employment.

The Wild Rivers Rangers throughout the State have recently been rebranded as the Queensland Indigenous Land and Sea Rangers. According to Government information, the Newman administration has committed to employing 40 new rangers, possibly bringing the total to 80 by the end of 2015.<sup>22</sup> A large body of research indicates that land management and environment services are important to Indigenous people in remote and regional Australia, providing skills and employment that can be, potentially, converted into Indigenous enterprises while allowing people to achieve aspirations of staying on country.<sup>23</sup> But there has been no concerted assessment of the Wild Rivers Rangers program, its training processes, its allocation of resources, or its effectiveness. Anecdotal evidence suggests it has achieved some successes but few would argue, regarding Cape York, that 27 Indigenous rangers employed to participate in the management of an area of over 13 million hectares is sufficient. How will this rebranded program be managed and assessed by the State Government?

### CONCLUSION

These are three central issues, out of many raised by the Wild Rivers controversy, inherited by the new LNP administration: consent, contested authority and Indigenous employment in land management. What this amounts to, in sum, is a test of its ability to balance the claims made for and about Cape York Peninsula by its Indigenous and non-Indigenous residents within an agreement-making process. This was a task that the Beattie and Bligh Governments both evidently struggled with and it is a task complicated by the acute criticisms that Indigenous stakeholders, pastoralists and federal and state politicians made of the Wild Rivers regime. It is a task within which the retraction and rebranding of the *WRA* serves a largely symbolic purpose.

### ACKNOWLEDGEMENT

My thanks to John Holmes for his comments on this piece.

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<sup>1</sup> As Dr Chris McGrath has argued, it is difficult to determine in the abstract what kinds of development can go ahead in Cape York Peninsula, with or without the *WRA*, given the complexity of the environmental legislation regime in place. Chris McGrath, Submission No 35 to House of Representatives Economics Committee, *Inquiry into issues affecting Indigenous economic*

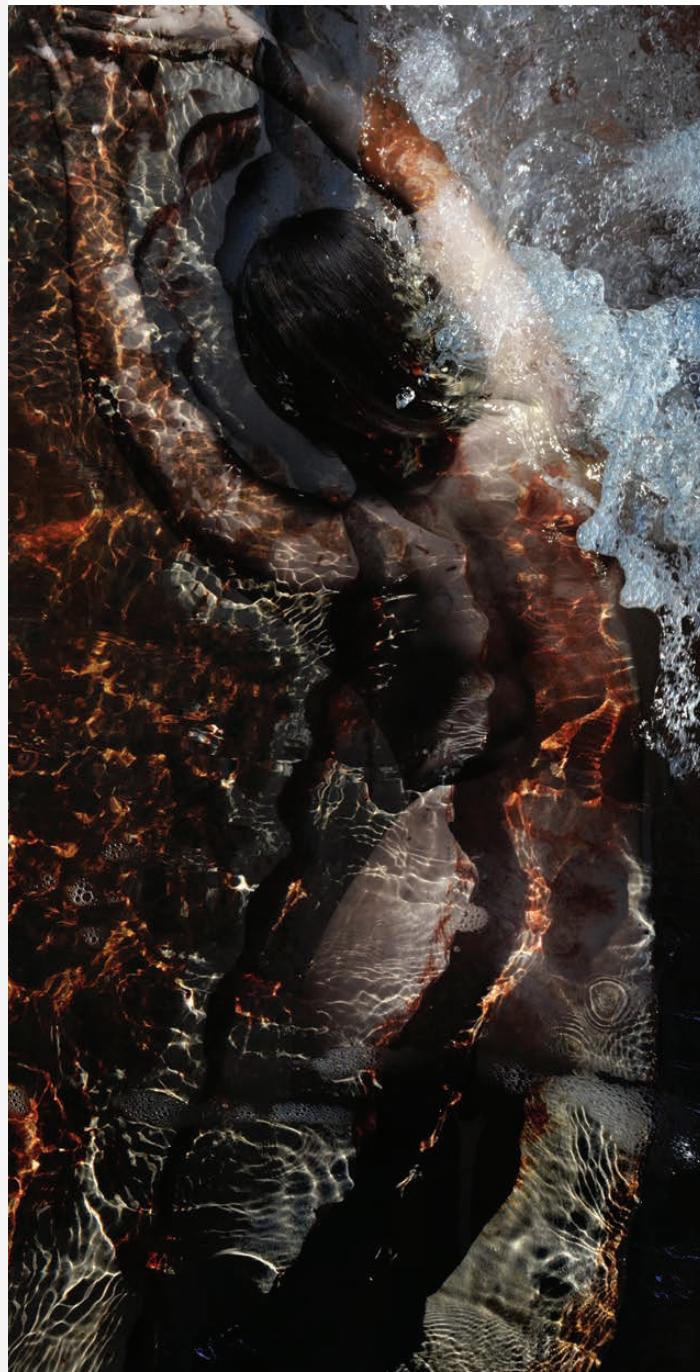
*development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010.*

- 2 Noel Pearson, 'Wild Rivers and the Cape York Heads of Agreement' (Speech delivered at Musgrave, Cape York Peninsula, 3 June 2006).
- 3 Tony Koch, 'Cape Native Title 'Crusade' Won', *The Australian*, 8 June 2007.
- 4 John Holmes, 'Contesting the Future of Cape York Peninsula' (2011) 42(1) *Australian Geographer* 53.
- 5 Timothy Neale, 'Duplicity of Meaning: Wildness, Indigeneity and Recognition in the Wild Rivers Act Debate' (2011) 20(2) *Griffith Law Review* 310.
- 6 Evidence to Economics Committee, *Wild Rivers (Environmental Management) Bill 2010*, Weipa, 30 November 2010, ECO 37 (Dick Foster).
- 7 Greg McIntyre, 'Native Title: Speaking for Their Country', *Online Opinion* (12 October 2009) <<http://www.onlineopinion.com.au/view.asp?article=9554>>.
- 8 Wild Rivers Act 2005 (Qld) s 44(2); Wik Peoples v State of Queensland [2000] FCA 1443.
- 9 See, Queensland Government, Submission No 29 to House of Representatives Economics Committee, Inquiry into issues affecting Indigenous economic development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010, 13-17, 94-5.
- 10 Tony Koch, 'Freeze on Wild Rivers Protection Bill', *The Australian*, 16 June 2006; Tony Koch, 'Government in Deep Water on Wild Rivers', *The Australian*, 6 May 2006.
- 11 *Pearson Discusses Wild Rivers Laws* (ABC Lateline, Australian Broadcasting Association, 2009).
- 12 The initial Bill solely required the agreement of traditional owners, though this was altered in Wild Rivers (Environmental Management) Bill 2011 No. 2 and all subsequent drafts.
- 13 Commonwealth, *Parliamentary Debates*, 22 February 2010, 1401-2 (Tony Abbott).
- 14 Sarah Burnside, 'Wild Rivers and Indigenous Economic Policy' (2010) *Centre for Policy Development* <<http://cpd.org.au/2010/09/wild-rivers-and-indigenous-economic-policy/>>.
- 15 Jon Altman, 'Wild Rivers and Indigenous Economic Development in Queensland' (CAEPR Topical Issue No. 6, 2011).
- 16 Queensland Government, 'Cape York Peninsula Bioregion Management Plan: Scoping Paper' (28 June 2012) <<http://ehp.qld.gov.au/cape-york/pdf/bioregion-plan.pdf>>.
- 17 Patrick Sullivan, 'Indigenous Governance: The Harvard Project on Native American Economic Development and appropriate principles of governance for Aboriginal Australia' (2006) 17 *AIATSIS Research Discussion Paper* 30.
- 18 Michael Gordon, 'Noel Pearson Not Our Leader, Say Wild River Men', *The Age*, 30 September 2010.
- 19 Maria Hatzakis, 'Cape York welfare reform trial extended,' *ABC News*, 13 September 2012.
- 20 Charlie McKillop, 'World Heritage uncertainty blankets Cape York,' *ABC Rural*, 31 October 2012.
- 21 Queensland Government, Submission No 29 to House of Representatives Economics Committee, Inquiry into issues affecting Indigenous economic development in Queensland and review of the Wild Rivers (Environmental Management) Bill 2010, 5.
- 22 In the short term the southeast Cape community of Wujal Wujal will prospectively soon gain 5 rangers and in Lake Eyre basin up to 10 ranger positions are planned over next 3 years. State of Queensland, *Queensland Indigenous Land and Sea Rangers* (2012).
- 23 See Jon Altman et al, 'Indigenous Cultural and Natural Resource Management Futures' (CAEPR, 2011).

**'Lowanna' Series**

Wayne Quilliam

*Infusing textures of earth onto the human form.*



# **Radical American Environmentalism and Wilderness Preservation: A Third World Critique**

Ramachandra Guha\*

I present a Third World critique of the trend in American environmentalism known as deep ecology, analyzing each of deep ecology's central tenets: the distinction between anthropocentrism and biocentrism, the focus on wilderness preservation, the invocation of Eastern traditions, and the belief that it represents the most radical trend within environmentalism. I argue that the anthropocentrism/biocentrism distinction is of little use in understanding the dynamics of environmental degradation, that the implementation of the wilderness agenda is causing serious deprivation in the Third World, that the deep ecologist's interpretation of Eastern traditions is highly selective, and that in other cultural contexts (e.g., West Germany and India) radical environmentalism manifests itself quite differently, with a far greater emphasis on equity and the integration of ecological concerns with livelihood and work. I conclude that despite its claims to universality, deep ecology is firmly rooted in American environmental and cultural history and is inappropriate when applied to the Third World.

*Even God dare not appear to the poor man except in the form of bread.*

—Mahatma Gandhi

## **I. INTRODUCTION**

The respected radical journalist Kirkpatrick Sale recently celebrated "the passion of a new and growing movement that has become disenchanted with the environmental establishment and has in recent years mounted a serious and sweeping attack on it—style, substance, systems, sensibilities and all."<sup>1</sup> The vision of those whom Sale calls the "New Ecologists"—and what I refer to in this article as deep ecology—is a compelling one. Decrying the narrowly economic goals of mainstream environmentalism, this new movement aims at nothing less

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<sup>1</sup> Kirkpatrick Sale, "The Forest for the Trees: Can Today's Environmentalists Tell the Difference," *Mother Jones* 11, no. 8 (November 1986): 26.

than a philosophical and cultural revolution in human attitudes toward nature. In contrast to the conventional lobbying efforts of environmental professionals based in Washington, it proposes a militant defence of "Mother Earth," an unflinching opposition to human attacks on undisturbed wilderness. With their goals ranging from the spiritual to the political, the adherents of deep ecology span a wide spectrum of the American environmental movement. As Sale correctly notes, this emerging strand has in a matter of a few years made its presence felt in a number of fields: from academic philosophy (as in the journal *Environmental Ethics*) to popular environmentalism (for example, the group Earth First!).

In this article I develop a critique of deep ecology from the perspective of a sympathetic outsider. I critique deep ecology not as a general (or even a foot soldier) in the continuing struggle between the ghosts of Gifford Pinchot and John Muir over control of the U.S. environmental movement, but as an outsider to these battles. I speak admittedly as a partisan, but of the environmental movement in India, a country with an ecological diversity comparable to the U.S., but with a radically dissimilar cultural and social history.

My treatment of deep ecology is primarily historical and sociological, rather than philosophical, in nature. Specifically, I examine the cultural rootedness of a philosophy that likes to present itself in universalistic terms. I make two main arguments: first, that deep ecology is uniquely American, and despite superficial similarities in rhetorical style, the social and political goals of radical environmentalism in other cultural contexts (e.g., West Germany and India) are quite different; second, that the social consequences of putting deep ecology into practice on a worldwide basis (what its practitioners are aiming for) are very grave indeed.

## II. THE TENETS OF DEEP ECOLOGY

While I am aware that the term *deep ecology* was coined by the Norwegian philosopher Arne Naess, this article refers specifically to the American variant.<sup>2</sup> Adherents of the deep ecological perspective in this country, while arguing intensely among themselves over its political and philosophical implications, share some fundamental premises about human-nature interactions. As I see it, the defining characteristics of deep ecology are fourfold:

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<sup>2</sup> One of the major criticisms I make in this essay concerns deep ecology's lack of concern with inequalities *within* human society. In the article in which he coined the term *deep ecology*, Naess himself expresses concerns about inequalities between and within nations. However, his concern with social cleavages and their impact on resource utilization patterns and ecological destruction is not very visible in the later writings of deep ecologists. See Arne Naess, "The Shallow and the Deep, Long-Range Ecology Movement: A Summary," *Inquiry* 16 (1973): 96 (I am grateful to Tom Birch for this reference).

First, deep ecology argues, that the environmental movement must shift from an "anthropocentric" to a "biocentric" perspective. In many respects, an acceptance of the primacy of this distinction constitutes the litmus test of deep ecology. A considerable effort is expended by deep ecologists in showing that the dominant motif in Western philosophy has been anthropocentric—i.e., the belief that man and his works are the center of the universe—and conversely, in identifying those lonely thinkers (Leopold, Thoreau, Muir, Aldous Huxley, Santayana, etc.) who, in assigning man a more humble place in the natural order, anticipated deep ecological thinking. In the political realm, meanwhile, establishment environmentalism (shallow ecology) is chided for casting its arguments in human-centered terms. Preserving nature, the deep ecologists say, has an intrinsic worth quite apart from any benefits preservation may convey to future human generations. The anthropocentric-biocentric distinction is accepted as axiomatic by deep ecologists, it structures their discourse, and much of the present discussion remains mired within it.

The second characteristic of deep ecology is its focus on the preservation of unspoilt wilderness—and the restoration of degraded areas to a more pristine condition—to the relative (and sometimes absolute) neglect of other issues on the environmental agenda. I later identify the cultural roots and portentous consequences of this obsession with wilderness. For the moment, let me indicate three distinct sources from which it springs. Historically, it represents a playing out of the preservationist (read *radical*) and utilitarian (read *reformist*) dichotomy that has plagued American environmentalism since the turn of the century. Morally, it is an imperative that follows from the biocentric perspective; other species of plants and animals, and nature itself, have an intrinsic right to exist. And finally, the preservation of wilderness also turns on a scientific argument—viz., the value of biological diversity in stabilizing ecological regimes and in retaining a gene pool for future generations. Truly radical policy proposals have been put forward by deep ecologists on the basis of these arguments. The influential poet Gary Snyder, for example, would like to see a 90 percent reduction in human populations to allow a restoration of pristine environments, while others have argued forcefully that a large portion of the globe must be immediately cordoned off from human beings.<sup>3</sup>

Third, there is a widespread invocation of Eastern spiritual traditions as forerunners of deep ecology. Deep ecology, it is suggested, was practiced both by major religious traditions and at a more popular level by "primal" peoples in non-Western settings. This complements the search for an authentic lineage in Western thought. At one level, the task is to recover those dissenting voices within the Judeo-Christian tradition; at another, to suggest that religious tradi-

<sup>3</sup> Gary Snyder, quoted in Sale, "The Forest for the Trees," p. 32. See also Dave Foreman, "A Modest Proposal for a Wilderness System," *Whole Earth Review*, no. 53 (Winter 1986-87): 42-45.

tions in other cultures are, in contrast, dominantly if not exclusively "biocentric" in their orientation. This coupling of (ancient) Eastern and (modern) ecological wisdom seemingly helps consolidate the claim that deep ecology is a philosophy of universal significance.

Fourth, deep ecologists, whatever their internal differences, share the belief that they are the "leading edge" of the environmental movement. As the polarity of the shallow/deep and anthropocentric/biocentric distinctions makes clear, they see themselves as the spiritual, philosophical, and political vanguard of American and world environmentalism.

### III. TOWARD A CRITIQUE

Although I analyze each of these tenets independently, it is important to recognize, as deep ecologists are fond of remarking in reference to nature, the interconnectedness and unity of these individual themes.

(1) Insofar as it has begun to act as a check on man's arrogance and ecological hubris, the transition from an anthropocentric (human-centered) to a biocentric (humans as only one element in the ecosystem) view in both religious and scientific traditions is only to be welcomed.<sup>4</sup> What is unacceptable are the radical conclusions drawn by deep ecology, in particular, that intervention in nature should be guided primarily by the need to preserve biotic integrity rather than by the needs of humans. The latter for deep ecologists is anthropocentric, the former biocentric. This dichotomy is, however, of very little use in understanding the dynamics of environmental degradation. The two fundamental ecological problems facing the globe are (i) overconsumption by the industrialized world and by urban elites in the Third World and (ii) growing militarization, both in a short-term sense (i.e., ongoing regional wars) and in a long-term sense (i.e., the arms race and the prospect of nuclear annihilation). Neither of these problems has any tangible connection to the anthropocentric-biocentric distinction. Indeed, the agents of these processes would barely comprehend this philosophical dichotomy. The proximate causes of the ecologically wasteful characteristics of industrial society and of militarization are far more mundane: at an aggregate level, the dialectic of economic and political structures, and at a micro-level, the life style choices of individuals. These causes cannot be reduced, whatever the level of analysis, to a deeper anthropocentric attitude toward nature; on the contrary, by constituting a grave threat to human survival, the ecological degradation they cause does not even serve the best interests of human beings! If my identification of the major dangers to the integrity of the natural world is correct, invoking the bogey of anthropocentrism is at best irrelevant and at worst a dangerous obfuscation.

<sup>4</sup> See, for example, Donald Worster, *Nature's Economy: The Roots of Ecology* (San Francisco, Sierra Club Books, 1977).

(2) If the above dichotomy is irrelevant, the emphasis on wilderness is positively harmful when applied to the Third World. If in the U.S. the preservationist/utilitarian division is seen as mirroring the conflict between "people" and "interests," in countries such as India the situation is very nearly the reverse. Because India is a long settled and densely populated country in which agrarian populations have a finely balanced relationship with nature, the setting aside of wilderness areas has resulted in a direct transfer of resources from the poor to the rich. Thus, Project Tiger, a network of parks hailed by the international conservation community as an outstanding success, sharply posits the interests of the tiger against those of poor peasants living in and around the reserve. The designation of tiger reserves was made possible only by the physical displacement of existing villages and their inhabitants; their management requires the continuing exclusion of peasants and livestock. The initial impetus for setting up parks for the tiger and other large mammals such as the rhinoceros and elephant came from two social groups, first, a class of ex-hunters turned conservationists belonging mostly to the declining Indian feudal elite and second, representatives of international agencies, such as the World Wildlife Fund (WWF) and the International Union for the Conservation of Nature and Natural Resources (IUCN), seeking to transplant the American system of national parks onto Indian soil. In no case have the needs of the local population been taken into account, and as in many parts of Africa, the designated wildlands are managed primarily for the benefit of rich tourists. Until very recently, wildlands preservation has been identified with environmentalism by the state and the conservation elite; in consequence, environmental problems that impinge far more directly on the lives of the poor—e.g., fuel, fodder, water shortages, soil erosion, and air and water pollution—have not been adequately addressed.<sup>5</sup>

Deep ecology provides, perhaps unwittingly, a justification for the continuation of such narrow and inequitable conservation practices under a newly acquired radical guise. Increasingly, the international conservation elite is using the philosophical, moral, and scientific arguments used by deep ecologists in advancing their wilderness crusade. A striking but by no means atypical example is the recent plea by a prominent American biologist for the takeover of large portions of the globe by the author and his scientific colleagues. Writing in a prestigious scientific forum, the *Annual Review of Ecology and Systematics*, Daniel Janzen argues that only biologists have the competence to decide how the tropical landscape should be used. As "the representatives of the natural world," biologists are "in charge of the future of tropical ecology," and only they have

<sup>5</sup> See Centre for Science and Environment, *India: The State of the Environment 1982: A Citizens Report* (New Delhi: Centre for Science and Environment, 1982); R. Sukumar, "Elephant-Man Conflict in Karnataka," in Cecil Saldanha, ed., *The State of Karnataka's Environment* (Bangalore: Centre for Taxonomic Studies, 1985). For Africa, see the brilliant analysis by Helge Kjekshus, *Ecology Control and Economic Development in East African History* (Berkeley: University of California Press, 1977).

the expertise and mandate to “determine whether the tropical agroscape is to be populated only by humans, their mutualists, commensals, and parasites, or whether it will also contain some islands of the greater nature—the nature that spawned humans, yet has been vanquished by them.” Janzen exhorts his colleagues to advance their territorial claims on the tropical world more forcefully, warning that the very existence of these areas is at stake: “if biologists want a tropics in which to biologize, they are going to have to buy it with care, energy, effort, strategy, tactics, time, and cash.”<sup>6</sup>

This frankly imperialist manifesto highlights the multiple dangers of the preoccupation with wilderness preservation that is characteristic of deep ecology. As I have suggested, it seriously compounds the neglect by the American movement of far more pressing environmental problems within the Third World. But perhaps more importantly, and in a more insidious fashion, it also provides an impetus to the imperialist yearning of Western biologists and their financial sponsors, organizations such as the WWF and IUCN. The wholesale transfer of a movement culturally rooted in American conservation history can only result in the social uprooting of human populations in other parts of the globe.

(3) I come now to the persistent invocation of Eastern philosophies as antecedent in point of time but convergent in their structure with deep ecology. Complex and internally differentiated religious traditions—Hinduism, Buddhism, and Taoism—are lumped together as holding a view of nature believed to be quintessentially biocentric. Individual philosophers such as the Taoist Lao Tzu are identified as being forerunners of deep ecology. Even an intensely political, pragmatic, and Christian influenced thinker such as Gandhi has been accorded a wholly undeserved place in the deep ecological pantheon. Thus the Zen teacher Robert Aitken Roshi makes the strange claim that Gandhi’s thought was not human-centered and that he practiced an embryonic form of deep ecology which is “traditionally Eastern and is found with differing emphasis in Hinduism, Taoism and in Theravada and Mahayana Buddhism.”<sup>7</sup> Moving away from the realm of high philosophy and scriptural religion, deep ecologists make the further claim that at the level of material and spiritual practice “primal” peoples subordinated themselves to the integrity of the biotic universe they inhabited.

I have indicated that this appropriation of Eastern traditions is in part dictated by the need to construct an authentic lineage and in part a desire to present deep ecology as a universalistic philosophy. Indeed, in his substantial and quixotic

<sup>6</sup> Daniel Janzen, “The Future of Tropical Ecology,” *Annual Review of Ecology and Systematics* 17 (1986): 305–06; emphasis added.

<sup>7</sup> Robert Aitken Roshi, “Gandhi, Dogen, and Deep Ecology,” reprinted as appendix C in Bill Devall and George Sessions, *Deep Ecology: Living as if Nature Mattered* (Salt Lake City: Peregrine Smith Books, 1985). For Gandhi’s own views on social reconstruction, see the excellent three volume collection edited by Raghavan Iyer, *The Moral and Political Writings of Mahatma Gandhi* (Oxford: Clarendon Press, 1986–87).

biography of John Muir, Michael Cohen goes so far as to suggest that Muir was the "Taoist of the [American] West."<sup>8</sup> This reading of Eastern traditions is selective and does not bother to differentiate between alternate (and changing) religious and cultural traditions; as it stands, it does considerable violence to the historical record. Throughout most recorded history the characteristic form of human activity in the "East" has been a finely tuned but nonetheless conscious and dynamic manipulation of nature. Although mystics such as Lao Tzu did reflect on the spiritual essence of human relations with nature, it must be recognized that such ascetics and their reflections were supported by a society of cultivators whose relationship with nature was a far more *active* one. Many agricultural communities do have a sophisticated knowledge of the natural environment that may equal (and sometimes surpass) codified "scientific" knowledge; yet, the elaboration of such traditional ecological knowledge (in both material and spiritual contexts) can hardly be said to rest on a mystical affinity with nature of a deep ecological kind. Nor is such knowledge infallible; as the archaeological record powerfully suggests, modern Western man has no monopoly on ecological disasters.

In a brilliant article, the Chicago historian Ronald Inden points out that this romantic and essentially positive view of the East is a mirror image of the scientific and essentially pejorative view normally upheld by Western scholars of the Orient. In either case, the East constitutes the Other, a body wholly separate and alien from the West; it is defined by a uniquely spiritual and nonrational "essence," even if this essence is valorized quite differently by the two schools. Eastern man exhibits a spiritual dependence with respect to nature—on the one hand, this is symptomatic of his prescientific and backward self, on the other, of his ecological wisdom and deep ecological consciousness. Both views are monolithic, simplistic, and have the characteristic effect—intended in one case, perhaps unintended in the other—of denying agency and reason to the East and making it the privileged orbit of Western thinkers.

The two apparently opposed perspectives have then a common underlying structure of discourse in which the East merely serves as a vehicle for Western projections. Varying images of the East are raw material for political and cultural battles being played out in the West; they tell us far more about the Western commentator and his desires than about the "East." Inden's remarks apply not merely to Western scholarship on India, but to Orientalist constructions of China and Japan as well:

Although these two views appear to be strongly opposed, they often combine together. Both have a similar interest in sustaining the Otherness of India. The holders of the dominant view, best exemplified in the past in imperial administra-

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<sup>8</sup> Michael Cohen, *The Pathless Way* (Madison: University of Wisconsin Press, 1984), p. 120.

tive discourse (and today probably by that of ‘development economics’), would place a traditional, superstition-ridden India in a position of perpetual tutelage to a modern, rational West. The adherents of the romantic view, best exemplified academically in the discourses of Christian liberalism and analytic psychology, concede the realm of the public and impersonal to the positivist. Taking their succour not from governments and big business, but from a plethora of religious foundations and self-help institutes, and from allies in the ‘consciousness industry,’ not to mention the important industry of tourism, the romantics insist that India embodies a private realm of the imagination and the religious which modern, western man lacks but needs. They, therefore, like the positivists, but for just the opposite reason, have a vested interest in seeing that the Orientalist view of India as ‘spiritual,’ ‘mysterious,’ and ‘exotic’ is perpetuated.<sup>9</sup>

(4) How radical, finally, are the deep ecologists? Notwithstanding their self-image and strident rhetoric (in which the label “shallow ecology” has an opprobrium similar to that reserved for “social democratic” by Marxist-Leninists), even within the American context their radicalism is limited and it manifests itself quite differently elsewhere.

To my mind, deep ecology is best viewed as a radical trend within the wilderness preservation movement. Although advancing philosophical rather than aesthetic arguments and encouraging political militancy rather than negotiation, its practical emphasis—viz., preservation of unspoilt nature—is virtually identical. For the mainstream movement, the function of wilderness is to provide a temporary antidote to modern civilization. As a special institution within an industrialized society, the national park “provides an opportunity for respite, contrast, contemplation, and affirmation of values for those who live most of their lives in the workaday world.”<sup>10</sup> Indeed, the rapid increase in visitations to the national parks in postwar America is a direct consequence of economic expansion. The emergence of a popular interest in wilderness sites, the historian Samuel Hays points out, was “not a throwback to the primitive, but an integral part of the modern standard of living as people sought to add new ‘amenity’ and

<sup>9</sup> Ronald Inden, “Orientalist Constructions of India,” *Modern Asian Studies* 20 (1986): 442. Inden draws inspiration from Edward Said’s forceful polemic, *Orientalism* (New York: Basic Books, 1980). It must be noted, however, that there is a salient difference between Western perceptions of Middle Eastern and Far Eastern cultures respectively. Due perhaps to the long history of Christian conflict with Islam, Middle Eastern cultures (as Said documents) are consistently presented in pejorative terms. The juxtaposition of hostile and worshiping attitudes that Inden talks of applies only to Western attitudes toward Buddhist and Hindu societies.

<sup>10</sup> Joseph Sax, *Mountains Without Handrails: Reflections on the National Parks* (Ann Arbor: University of Michigan Press, 1980), p. 42. Cf. also Peter Schmitt, *Back to Nature: The Arcadian Myth in Urban America* (New York: Oxford University Press, 1969), and Alfred Runte, *National Parks: The American Experience* (Lincoln: University of Nebraska Press, 1979).

'aesthetic' goals and desires to their earlier preoccupation with necessities and conveniences."<sup>11</sup>

Here, the enjoyment of nature is an integral part of the consumer society. The private automobile (and the life style it has spawned) is in many respects the ultimate ecological villain, and an untouched wilderness the prototype of ecological harmony; yet, for most Americans it is perfectly consistent to drive a thousand miles to spend a holiday in a national park. They possess a vast, beautiful, and sparsely populated continent and are also able to draw upon the natural resources of large portions of the globe by virtue of their economic and political dominance. In consequence, America can simultaneously enjoy the material benefits of an expanding economy and the aesthetic benefits of unspoilt nature. The two poles of "wilderness" and "civilization" mutually coexist in an internally coherent whole, and philosophers of both poles are assigned a prominent place in this culture. Paradoxically as it may seem, it is no accident that Star Wars technology and deep ecology both find their fullest expression in that leading sector of Western civilization, California.

Deep ecology runs parallel to the consumer society without seriously questioning its ecological and socio-political basis. In its celebration of American wilderness, it also displays an uncomfortable convergence with the prevailing climate of nationalism in the American wilderness movement. For spokesmen such as the historian Roderick Nash, the national park system is America's distinctive cultural contribution to the world, reflective not merely of its economic but of its philosophical and ecological maturity as well. In what Walter Lippman called the American century, the "American invention of national parks" must be exported worldwide. Betraying an economic determinism that would make even a Marxist shudder, Nash believes that environmental preservation is a "full stomach" phenomenon that is confined to the rich, urban, and sophisticated. Nonetheless, he hopes that "the less developed nations may eventually evolve economically and intellectually to the point where nature preservation is more than a business."<sup>12</sup>

The error which Nash makes (and which deep ecology in some respects encourages) is to equate environmental protection with the protection of wilderness. This is a distinctively American notion, borne out of a unique social and environmental history. The archetypal concerns of radical environmentalists in

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<sup>11</sup> Samuel Hays, "From Conservation to Environment: Environmental Politics in the United States since World War Two," *Environmental Review* 6 (1982): 21. See also the same author's book entitled *Beauty, Health and Permanence: Environmental Politics in the United States, 1955-85* (New York: Cambridge University Press, 1987).

<sup>12</sup> Roderick Nash, *Wilderness and the American Mind*, 3rd ed. (New Haven: Yale University Press, 1982).

other cultural contexts are in fact quite different. The German Greens, for example, have elaborated a devastating critique of industrial society which turns on the acceptance of environmental limits to growth. Pointing to the intimate links between industrialization, militarization, and conquest, the Greens argue that economic growth in the West has historically rested on the economic and ecological exploitation of the Third World. Rudolf Bahro is characteristically blunt:

The working class here [in the West] is the richest lower class in the world. And if I look at the problem from the point of view of the whole of humanity, not just from that of Europe, then I must say that the metropolitan working class is the worst exploiting class in history. . . . What made poverty bearable in eighteenth or nineteenth-century Europe was the prospect of escaping it through exploitation of the periphery. But this is no longer a possibility, and continued industrialism in the Third World will mean poverty for whole generations and hunger for millions.<sup>13</sup>

Here the roots of global ecological problems lie in the disproportionate share of resources consumed by the industrialized countries as a whole *and* the urban elite within the Third World. Since it is impossible to reproduce an industrial monoculture worldwide, the ecological movement in the West must begin by cleaning up its own act. The Greens advocate the creation of a “no growth” economy, to be achieved by scaling down current (and clearly unsustainable) consumption levels.<sup>14</sup> This radical shift in consumption and production patterns requires the creation of alternate economic and political structures—smaller in scale and more amenable to social participation—but it rests equally on a shift in cultural values. The expansionist character of modern Western man will have to give way to an ethic of renunciation and self-limitation, in which spiritual and communal values play an increasing role in sustaining social life. This revolution in cultural values, however, has as its point of departure an understanding of environmental processes quite different from deep ecology.

Many elements of the Green program find a strong resonance in countries such as India, where a history of Western colonialism and industrial development has benefited only a tiny elite while exacting tremendous social and environmental costs. The ecological battles presently being fought in India have as their

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<sup>13</sup> Rudolf Bahro, *From Red to Green* (London: Verso Books, 1984).

<sup>14</sup> From time to time, American scholars have themselves criticized these imbalances in consumption patterns. In the 1950s, William Vogt made the charge that the United States, with one-sixteenth of the world's population, was utilizing one-third of the globe's resources. (Vogt, cited in E. F. Murphy, *Nature, Bureaucracy and the Rule of Property* [Amsterdam: North Holland, 1977, p. 29]). More recently, Zero Population Growth has estimated that each American consumes thirty-nine times as many resources as an Indian. See *Christian Science Monitor*, 2 March 1987.

epicenter the conflict over nature between the subsistence and largely rural sector and the vastly more powerful commercial-industrial sector. Perhaps the most celebrated of these battles concerns the Chipko (Hug the Tree) movement, a peasant movement against deforestation in the Himalayan foothills. Chipko is only one of several movements that have sharply questioned the nonsustainable demand being placed on the land and vegetative base by urban centers and industry. These include opposition to large dams by displaced peasants, the conflict between small artisan fishing and large-scale trawler fishing for export, the countrywide movements against commercial forest operations, and opposition to industrial pollution among downstream agricultural and fishing communities.<sup>15</sup>

Two features distinguish these environmental movements from their Western counterparts. First, for the sections of society most critically affected by environmental degradation—poor and landless peasants, women, and tribals—it is a question of sheer survival, not of enhancing the quality of life. Second, and as a consequence, the environmental solutions they articulate deeply involve questions of equity as well as economic and political redistribution. Highlighting these differences, a leading Indian environmentalist stresses that “environmental protection per se is of least concern to most of these groups. Their main concern is about the use of the environment and who should benefit from it.”<sup>16</sup> They seek to wrest control of nature away from the state and the industrial sector and place it in the hands of rural communities who live within that environment but are increasingly denied access to it. These communities have far more basic needs, their demands on the environment are far less intense, and they can draw upon a reservoir of cooperative social institutions and local ecological knowledge in managing the “commons”—forests, grasslands, and the waters—on a sustainable basis. If colonial and capitalist expansion has both accentuated social inequalities and signaled a precipitous fall in ecological wisdom, an alternate ecology must rest on an alternate society and polity as well.

This brief overview of German and Indian environmentalism has some major implications for deep ecology. Both German and Indian environmental traditions allow for a greater integration of ecological concerns with livelihood and work. They also place a greater emphasis on equity and social justice (both within individual countries and on a global scale) on the grounds that in the absence of social regeneration environmental regeneration has very little chance of succeed-

<sup>15</sup> For an excellent review, see Anil Agarwal and Sunita Narain, eds., *India: The State of the Environment 1984-85: A Citizens' Report* (New Delhi: Centre for Science and Environment, 1985). Cf. also Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Indian Himalaya* (Berkeley: University of California Press, forthcoming).

<sup>16</sup> Anil Agarwal, “Human-Nature Interactions in a Third World Country,” *The Environmentalist* 6, no. 3 (1986): 167.

ing. Finally, and perhaps most significantly, they have escaped the preoccupation with wilderness perservation so characteristic of American cultural and environmental history.<sup>17</sup>

#### IV. A HOMILY

In 1958, the economist J. K. Galbraith referred to overconsumption as the unasked question of the American conservation movement. There is a marked selectivity, he wrote, "in the conservationist's approach to materials consumption. If we are concerned about our great appetite for materials, it is plausible to seek to increase the supply, to decrease waste, to make better use of the stocks available, and to develop substitutes. But what of the appetite itself? Surely this is the ultimate source of the problem. If it continues its geometric course, will it not one day have to be restrained? Yet in the literature of the resource problem this is the forbidden question. Over it hangs a nearly total silence."<sup>18</sup>

The consumer economy and society have expanded tremendously in the three decades since Galbraith penned these words; yet his criticisms are nearly as valid today. I have said "nearly," for there are some hopeful signs. Within the environmental movement several dispersed groups are working to develop ecologically benign technologies and to encourage less wasteful life styles. Moreover, outside the self-defined boundaries of American environmentalism, opposition to the permanent war economy is being carried on by a peace movement that has a distinguished history and impeccable moral and political credentials.

It is precisely these (to my mind, most hopeful) components of the American social scene that are missing from deep ecology. In their widely noticed book, Bill Devall and George Sessions make no mention of militarization or the movements for peace, while activists whose practical focus is on developing ecologically responsible life styles (e.g., Wendell Berry) are derided as "falling short of deep ecological awareness."<sup>19</sup> A truly radical ecology in the American context ought to work toward a synthesis of the appropriate technology, alternate

<sup>17</sup> One strand in radical American environmentalism, the bioregional movement, by emphasizing a greater involvement with the bioregion people inhabit, does indirectly challenge consumerism. However, as yet bioregionalism has hardly raised the questions of equity and social justice (international, intranational, and intergenerational) which I argue must be a central plank of radical environmentalism. Moreover, its stress on (individual) *experience* as the key to involvement with nature is also somewhat at odds with the integration of nature with livelihood and work that I talk of in this paper. Cf. Kirkpatrick Sale, *Dwellers in the Land: The Bioregional Vision* (San Francisco: Sierra Club Books, 1985).

<sup>18</sup> John Kenneth Galbraith, "How Much Should a Country Consume?" in Henry Jarrett, ed., *Perspectives on Conservation* (Baltimore: Johns Hopkins Press, 1958), pp. 91-92.

<sup>19</sup> Devall and Sessions, *Deep Ecology*, p. 122. For Wendell Berry's own assessment of deep ecology, see his "Amplications: Preserving Wilderness," *Wilderness* 50 (Spring 1987): 39-40, 50-54.

life style, and peace movements.<sup>20</sup> By making the (largely spurious) anthropocentric-biocentric distinction central to the debate, deep ecologists may have appropriated the moral high ground, but they are at the same time doing a serious disservice to American and global environmentalism.<sup>21</sup>

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<sup>20</sup> See the interesting recent contribution by one of the most influential spokesmen of appropriate technology—Barry Commoner, “A Reporter at Large: The Environment,” *New Yorker*, 15 June 1987. While Commoner makes a forceful plea for the convergence of the environmental movement (viewed by him primarily as the opposition to air and water pollution and to the institutions that generate such pollution) and the peace movement, he significantly does not mention consumption patterns, implying that “limits to growth” do not exist.

<sup>21</sup> In this sense, my critique of deep ecology, although that of an outsider, may facilitate the reassertion of those elements in the American environmental tradition for which there is a profound sympathy in other parts of the globe. A global perspective may also lead to a critical reassessment of figures such as Aldo Leopold and John Muir, the two patron saints of deep ecology. As Donald Worster has pointed out, the message of Muir (and, I would argue, of Leopold as well) makes sense only in an American context; he has very little to say to other cultures. See Worster's review of Stephen Fox's *John Muir and His Legacy*, in *Environmental Ethics* 5 (1983): 277–81.

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THE MONTHLY ESSAYS

# REMOTE CONTROL

## Ten years of struggle and success in indigenous Australia

BY NOEL PEARSON

MAY 2015



Noel Pearson with Tony Abbott, the latest in his collection of prime ministers, in September 2014. © Tracey Nearmy / Newspix

I've been to many remote places in Australia, but this is entirely new to me. I don't know the desert. From the air, the vastness of the rolling dunes, green after the summer rain, is beguiling, as is the mild weather when we land. But I've been to enough places in the north of the country to know that come October this land is

harder than any place I know. I'm travelling to the Pilbara with a former Western Australian state parliamentarian, Tom Stephens, whom I invited onto the board of an organisation that supports schools with tackling literacy. Stephens was a member for electorates in the Pilbara and the Kimberley and has been travelling to remote communities for the past 30 years.

The Martu leader at Jigalong, Brian Samson, picks us up from the charter and takes us to the school. Outside the gates, we are met as if royalty. Student leaders, the principal, Shane Wilson, and members of staff are there, replete with a welcome banner. We are as excited as they are. For the next three hours, we are taken on a tour of the school, visiting every classroom. After seven weeks of the Direct Instruction approach to teaching, the Jigalong School is moving. It reminds me of three schools in Cape York that started using Direct Instruction five years ago. It is doing as well as, if not better than, we were in our first term. What strikes me about the school is the quality of its leadership and the commitment of its teachers. Armed with an instructional program that works, the teachers and students are turning a virtuous circle. Students experiencing learning success means that teachers experience teaching success.

Samson is like me. Although I am from the coast and he is from the desert, he and I could well be brothers. We share a fierce hope for these children. He brought a crew of Martu leaders and educators to Cape York last year to visit our schools, and told me the first priority of Martu's native title organisation, the Western Desert Lands Aboriginal Corporation, is to ensure Martu children get a good education. There are more than half a dozen state and independent schools in the Pilbara region and on Martu land, which Martu children attend, more or less. Attendance levels are an obvious challenge.

Samson's aim was to bring this eclectic bunch of schools into an alliance. Each school would adopt the Direct Instruction program. Kids who travelled between communities and shifted schools could pick up in their new school where they had left off in their old.

I look at Samson, see his weariness and the obvious ravages of a whitefella diet of flour and sugar on his giant body. He could well think the same of me. The Martu have been embroiled in various controversies concerning mining and environmental protection. I know what Samson has been going through. Leadership in our world is full of strife and controversy.



**T**he big question in indigenous affairs after these past ten years is this: "Are things better since the demise of ATSIC?" I think in aggregate the show has gone backwards. The Aboriginal and Torres Strait Islander Commission collapsed in 2005 in a conflagration of vicious

internal rivalries. By that time, a maelstrom of media allegations about corruption and wastage had emerged, driven by John Howard from his very first press conference as prime minister in March 1996. Today the name “ATSIC” conjures up all that is bad and hopeless about indigenous affairs and indigenous people. But is this the truth?

If ATSIC failed, there were three parties to the failure. First, there was the indigenous leadership. Second, there was the bureaucracy that supported the commission: the Australian Public Service. Third, there was the growing private industry, largely comprised of consultants, some indigenous but mostly not, who generated most of the strategies, plans and design of programs that failed. There were three culprits, but only one was singled out for contumelious outrage.

Indigenous organisations and their leaders bore the brunt of allegations of corruption and wastage. They were the Aboriginal Industry. The public service and the private consultants escaped scot-free. Thus began a concerted scorched-earth policy on the part of the federal government to erase indigenous organisations from the landscape. The chief means for forcing the demise of the network of community and regional organisations across the country was to cease their operational funding. Instead, organisations were increasingly required to fund operations out of service-delivery grants. These programs in turn were subject to market forces. Indigenous organisations were unable to compete with larger organisations from the mainstream that soon entered the indigenous sphere. These large organisations had the benefit of scale, and the smaller indigenous ones died out.

It was as if the government had developed a great allergy towards putting money into the hands of indigenous peoples and their organisations. Of course, there were exceptions, but this was the rule. It was the rule of the past ten years.

The post-ATSIC story is one of ever-increasing passivity. Indigenous people are not even presiding over their own deathbed. Instead there is an army of white people with palliative responsibilities.

The truth is that ATSIC was not a complete failure. There were many positive features. Many indigenous leaders from communities around the country share my assessment that at the regional level, with the regional councils, many good things had taken place in the 15 years it operated. That was certainly the case in Cape York with the Peninsula Regional Council. In our region, the agenda constructed during the ATSIC days underpinned the decisions taken over the past 20 years, including on social and economic reform.

I was involved in the struggle to protect the 1992 Mabo High Court decision on native title from extinguishment at the hands of state governments and a hostile Hewson-led Coalition. We would never have succeeded if the Lowitja O'Donoghue-led ATSIC had not coordinated its defence. Under O'Donoghue, ATSIC achieved a great deal. But even she was dismayed by the internecine

conflicts and power struggles of the national organisation by the time it came to its bitter end.



The Productivity Commission reported that Australia expended \$30.3 billion on behalf of indigenous Australians in 2012–13. This is unbelievable. The figure represents not the funding that goes directly to indigenous Australians but the total quantum that indigenous Australians justify as part of allocations to Commonwealth agencies and state and territory governments. So-called “indigenous specific” funding is \$5.6 billion per annum. These numbers tell us several things. First, they tell us that even the funding that does go directly to indigenous affairs is not producing the outcomes that would be expected of it. The sheer lack of social and economic productivity from this investment is plain to see. Second, the extent to which governments and their agencies receive funding that is nominally allocated because of indigenous numbers is now transparent. The federation has been nominally allocating up to \$30.3 billion per year in the name of indigenous Australians and has been profoundly short-changing them. Third, the growth in indigenous expenditures has accelerated – occasioned by the growth of the real Aboriginal Industry. This Aboriginal Industry is largely not comprised of blackfellas, but a vast parasitic industry of government and private-sector players. Indigenous budgetary allocations now support not only indigenous organisations of varying quality and effectiveness but also an even larger non-government sector. Consultants and service providers, ranging from Work for the Dole programs and employment programs to child welfare protection organisations, have now colonised the entire indigenous landscape. Even community development activities like mowing lawns and painting rocks have been outsourced to these organisations, both not-for-profit and for-profit.

The burgeoning of this industry has largely taken place under the radar, and without critique. Because the majority of this industry is not indigenous, there is no controversy. There are no allegations of misuse and waste of money. There are no lurid media stories about misappropriation of funds. Bureaucracies who supervise the tendering of these programs are in cahoots with this industry. Many of the players are former public servants who have strong links with the political parties in office. When child protection organisations offer safe houses and foster-care homes for children, they can charge up to \$5000 per week per child. This is a lucrative industry. Basic questions like this one are rarely asked: should a commercial operator be given a five-year contract through a national tender process to supervise a Work for the Dole program in a remote Aboriginal community, if it results in an outcome no better than when the local community organisation operated the program?

The organisations embedded in this industry have their own lobbyists in Canberra. Since the demise of ATSIC, I know of no indigenous organisation that haunts the corridors of the parliament in as organised a way as this industry. Proponents are closely allied with MPs and therefore have leverage. They have former colleagues who are still in the bureaucracy who treat them favourably, notwithstanding the fig leaves of probity and competitive procurement. The bureaucracy itself equates success with the successful functioning of the industry, whereby the industry players make good profits and things are not as messy and controversial as in the old days.

This industry is the beneficiary of racial prejudice. Where blackfellas and money are concerned, the controversy is of great media interest. Indeed, the default assumption is that of corruption or mismanagement or misappropriation. The default position when it comes to whitefellas is the opposite: they are just running a business, and the fact that the outcomes may be no better than before is beside the point.

It is hard to see how this industry will be unwound. Indigenous people are employees of these organisations, the educated ones as consultants. They will therefore naturally defend this state of affairs. That there may be flashes of success and promise in various quarters also makes this overall critique difficult to accept. You can always point to good things happening, like you could in the old days. It is just that the overall impact of the new regime is no better than it was in ATSIC's day. I therefore well understand why some black Australians might occasionally look back with some nostalgia.

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## IV

**D**uring the Howard years, indigenous affairs was largely in a state of torpor. The main initiatives of the government had been negative, the first phase dominated by the debate about the High Court's 1996 Wik decision and John Howard's "Ten Point Plan" amendments to the *Native Title Act* – a protracted and bitter controversy. Howard's approach to reconciliation in this early phase culminated in what he himself considered the low point in his prime ministership, when he berated the crowd at the 1997 Reconciliation Convention after sections of it turned their backs on him.

Right up until the demise of ATSIC, indigenous affairs was largely an arena for conflict and controversy. The ministerial contributions of John Herron, Philip Ruddock and then Amanda Vanstone were largely exercises in political management. It was not until Mal Brough was appointed minister for indigenous affairs in 2006 that the real action started. Brough threw himself into the portfolio with the mindset of a former military man, making it clear he was

going to shake things up.

By the following year, the final year of the Howard government, Brough was constructing a radical reform agenda for his portfolio. In the meantime, Clare Martin's Northern Territory government had commissioned Rex Wild QC and indigenous health administrator Pat Anderson to review the state of child safety in remote communities of the Territory. The resulting report, *Little Children Are Sacred*, described "rivers of grog" and suggested that neglect and abuse of children were rife in many communities. Upon receiving the report, the Martin government sat on it and did nothing. To be fair to them, its recommendations did not lay out an easily graspable plan for action. The issues were so complex and the scale of the challenge so large it was difficult to translate the general prescription of "empowerment" into a concrete agenda. The Martin government's failure to respond to the *Little Children Are Sacred* report gave Brough the opening to prosecute his agenda.

In Cape York, we had been developing a reform agenda called the Cape York Welfare Reform Trial. Our proposal, duly laid out in the *Hand Out to Hand Up* report (tabled in June 2007), was the product of two years of consultation with four communities in Cape York whose leaders decided to participate in the trial. The resources allocated to the consultation process and the time spent on it were unprecedented. We had thought long and hard about the need for communities and their leaders to opt in to the proposed reforms, rather than being forced into them. A centrepiece of the proposed reforms included making welfare payments conditional upon school attendance, child protection, meeting housing tenancy obligations and abiding by local laws. It was proposed that a Family Responsibilities Commission be established under Queensland law, which would give authority to local Aboriginal elders to decide what should happen in the event that community members breached these welfare conditions. The aim was to support individuals to uphold their responsibilities to children and families by counselling them to attend support services; as a final resort, the local commissioners could place restrictions upon the income support they received. These restrictions could apply to part of their welfare, or for certain periods of time, and restrictions could be removed if the relevant individuals remedied their breach.

The Cape York Welfare Reform proposal did not apply to all community members. Rather it targeted only those community members who were failing to fulfil their responsibilities to their family. The principle was to intervene only when there was a consistent abrogation of responsibility.

With the 2007 federal election on the horizon, Brough launched the Northern Territory intervention. It borrowed some features of the proposed Cape York Welfare Reform, particularly the concept of income management. However, unlike the Cape York proposals, Brough's Northern Territory proposals were put forward on the basis that they would apply to all welfare

recipients, regardless of whether they were irresponsible or not. Its details were not clear to me until they were announced. Clearly it was Brough's and Howard's intention to produce some shock and awe with their announcement, akin to the asylum-seeker intervention when the *Tampa* came over the horizon in 2001.

On 5 July 2007, I wrote to Brough about his proposed approach with the NT intervention:

“ My primary concern with the Welfare Reform Policy proposed is that it makes no distinction between those individuals who are behaving responsibly and those individuals who are behaving irresponsibly. The policy states that all adults who have been on welfare for more than two years will automatically have 50% of their payments managed for them. This will impact nearly every adult in the communities targeted. ”

I explained that there were two practical problems. First, it would punish everyone, irrespective of their behaviour. “Consequently,” I added, “the measure will have limited, if any, impact on rebuilding social norms as it does not provide any signals as to what behaviour is unacceptable for motivation to curb that behaviour.” Second, it would build resentment among even the responsible adults towards the government’s intervention.

I also quoted to him a recent editorial from the *Australian* newspaper:

“ It is crucial to distinguish between good and bad parenting, rewarding the former with responsibility for handling their welfare entitlements, and withholding funds from the latter until they demonstrate they are able to look after their children. Not only is it insulting to suggest to good Aboriginal parents that they are unable to manage their funds, it denies them the opportunity to be positive role models for others. The whole point of the intervention is not to increase the role of the nanny state, but to encourage people to take responsibility for their children. ”

Brough responded to my letter, saying that he would persist with “blanket coverage” of welfare quarantining:

“ The approach that we are proposing to take in relation to welfare quarantining in the emergency area is quite different to the motivation behind the reform of welfare generally in Cape York. Providing blanket coverage tied to duration on welfare is not prompted by a desire to penalise or reward individuals, rather it is to reduce dramatically the amount of cash available in these communities for gambling and alcohol for a limited period until the situation is stabilised. ”

Brough’s insistence against the advice that I attempted to provide would become fatal for the entire initiative. It gave fuel to the anti-intervention campaign that started immediately and has

raged to this day. It was a wrong principle that came to colour the entire enterprise, and by his insistence Brough ended up discrediting the concept of income management. Even though the Cape York Welfare Reform pilot proceeded the way we had designed it, people both within and outside these communities equated the Cape York trial with the intervention – to our program’s great detriment. It made our reform challenge in Cape York all the more difficult and undermined the cause of reform. The anti-interventionists were mostly wrong in their arguments, but they were able to discredit genuine reform principles because Brough had given them ammunition to do so. The intervention fizzled out, and with it any momentum for change.

## V

**T**he social situation of many Aborigines will change with rapidity over the next decade.

Many will die wealthy, in possession of money or other assets for which their traditional law provides no disposal-procedure. There will be conflicts of interest between Aborigines which may be insoluble unless their own doctrine of what I have termed rights, duties, liabilities and immunities can be developed. The ‘Aboriginal problem’ thus goes beyond the ‘retention of their traditional lifestyle’: there is a problem of development as well as one of preservation.”

Professor WEH Stanner, ‘Aboriginal Law and Its Possible Recognition’, 1977

Indigenous Australians now live in a world dominated by liberal capitalism. There is nowhere to escape it. No society today, however traditional, is unaffected by it. There is no longer any splendid isolation of traditional societies from liberal capitalism’s gravitational pull and inexorable pressures. Even in the remotest places where its only presence is provisioning by the welfare state, redistributive welfare is obviously part of the same paradigm.

How peoples prosper or fail in the face of the seductive charms and liabilities of this new condition is now a question that indigenous Australians share with all societies and peoples around the planet. It may be trite to say, but it must be said, that indigenous peoples in contemporary times have *material needs*.

Indigenous peoples are, after all, human, and subject to similar rules for advancement and pauperisation as other humans, and are driven by the same basic motivations. Of course, our culture and traditions are not without influence here, and the ingrained and long-held influence of our inherited culture cannot be ignored or wished away. But the imperatives of liberal capitalism are so unavoidable and powerful because they are *culture blind* at their essence.

Whether you are European, Chinese, Indian, African, Pacific Islander or Australian Aboriginal,

they are equally ruthless. The allocation of winning and losing positions in this pyramid of advantage and disadvantage, happiness and suffering, justice and injustice, is now subject to forces and phenomena beyond the ken of traditional societies. There are now currents at play and forces to contend with that have no precedent in our traditional past.

If we don't understand these rules, we won't even hold our present position; indeed there is evidence that our societies can crumble. I am primarily motivated by a conviction that, in Cape York, the Hope Vale of today is socially and culturally weaker than the Hope Vale of my father's day. While materially there has been a revolution largely driven by the redistribution effects of the Australian welfare state, there has been a corresponding breakdown, and many important things have been fractured and weakened in these past decades.

We are no longer talking about splendidly isolated tribes. Opportunities for sustenance in our traditional economy are limited and can only ever be a partial and increasingly marginal part of it. We are dealing with the aftermath of a devastating and complicated history, and there is no framework for understanding our current condition and future policy.

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## VI

**T**hink about it. Just before Australia entered into one of the greatest mining booms in history, which lasted the best part of two decades, the High Court's 1992 Mabo decision recognised the land rights of Aboriginal people. The legislative protection of native title under Prime Minister Paul Keating's *Native Title Act* in 1993 and its subsequent expansion three years later in the Wik decision should have meant that traditional owners across the continent were now in a prime position to partake in the economic development of Australia. Never before in the history of Australia were its indigenous peoples better placed.

It didn't happen. Australians all over benefited from the mining boom. There seemed to be no end to the dividends and growth. The confluence of the rise of China and India and the advanced state of Australia's resource industry gave rise to an extraordinary period. It put the nation in a commanding position when the global financial crisis hit in 2008. But did the traditional owners whose rights were recognised in the Mabo decision truly share in this boom? The answer is no.

How could this have happened? Under Mabo and Wik, native title potentially existed over large swathes of the continent, particularly in the regions where resource-extractive industries were located. Native title laws gave traditional owners rights to negotiate access to land and resources. But the Ten Point Plan amendments to the *Native Title Act*, introduced by the Howard government in 1998 with the urging of the mining industry, had severely weakened the rights of

native title holders. Once Senator Brian Harradine sold out the Wik people in the final hours of that bitter debate, the leverage of native title holders was severely compromised. The mining industry had dealt themselves out of the 1993 negotiations around the *Native Title Act* by taking an extreme oppositional stance, refusing to acknowledge that the High Court's decision had fundamentally altered the assumptions upon which resource industries had operated unfettered for the previous century. Even the pastoralists, led by the former head of the National Farmers' Federation, Rick Farley, had been more sensible and constructive in their approach to these negotiations.

With the election of the Howard government and the advent of the Ten Point Plan, the mining industry was more seriously organised to target native title leverage. The weakening of key provisions of the *Native Title Act* compromised the ability of traditional owners to extract fair outcomes from their negotiations with miners and diminished their capacity to participate in the burgeoning boom. That is why on the ledger of what was generated out of the boom and what indigenous people gained out of the boom there is simply no comparison. Miners 1000 points, native title holders 10.

Individual groups with strong leverage did manage to extract successful deals. Indeed, in the latter half of the boom, canny indigenous entrepreneurs and organised communities began carving out more of a share in mining and mining-related opportunities. Particularly in Western Australia. So when Professor Marcia Langton points out the emergence of a middle class from mining-related employment and business, it is the result of these individuals and groups getting organised despite the diminution of native title rights occasioned by the 1998 amendments.

Today there's much to be optimistic about in relation to the entrepreneurs and businesses that have emerged these past ten years. Many companies have been constructive in supporting this emergence. But the aggregate story is one of an enormous swindle perpetrated against Aboriginal Australians. Our people simply did not take a fair share of this boom, and our position as a whole did not measurably improve notwithstanding the fact that this extraordinary economic development happened on our doorsteps. Too many communities were unable to participate in the advantages and the opportunities. The fact that various groups extracted royalty revenues in their negotiations with companies did not of itself improve the social and economic strength of these groups. The best results have come where indigenous communities and entrepreneurs have established businesses that have employed their own people. The dilemmas of the so-called resource curse also emerged in this period. Some communities grappling with the social impact of royalty revenues and the disputations around these royalties must often pause to wonder about life before resource conflict.

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Now a new incarnation of *terra nullius* has emerged: the assumption that while the indigenes have

**N**symbolic title, and these homelands may in name belong to their traditional owners, they are foremost *the conservation heritage of the nation, and of the planet*. Decisions about the future of these lands are no longer the prerogative of their putative owners.

While more than 20% of the continent is held under various forms of Aboriginal title, a vast and ever-increasing proportion of these lands is being locked away under conservation agreements, covenants and regimes. Lands yet to be restored to traditional owners through unresolved claims are already subject to conservation caveats and limitations. Indeed, like development interests, conservation interests are asserted prior to the settlement of land claims in order to make them a condition of such settlements. If tribes do not agree to these conservation arrangements, they don't get settlement of their claims.

Therefore not only do traditional owners have to concede the lands already lost to their possession under the 200-year reign of the old *terra nullius*, but they also have to make concessions in respect of any remnant lands. They get the leftover land, but subject to the limitations that mean giving away Aboriginal land is a cost-free, electorally convenient exercise. Aboriginal land is a cheap giveaway for electioneering political parties.

Conservation as it is conceived today means locking Aboriginal people out of development. This is how Aboriginal groups now end up surrendering their lands and closing off future opportunities for their people. The chief difficulty for Aboriginal people is we have not understood how the concept of "land (and natural resource) management" has come to take over "land rights".

And what about the much-vaunted future carbon-trading economy? When Aboriginal lands are locked up pre-emptively through prohibitions on vegetation clearing and other means, Aboriginal landowners have been stripped of the one asset they might have to trade in that market.

More than 98% of Cape York retains its native vegetation. It is probably the region's largest economic resource. Its greatest value could possibly lie in its long-term preservation, but this value is being destroyed.

Contrast the traditional owner in Cape York with the white pastoralist in Central Queensland. The lands in Cape York have hardly been cleared. Meanwhile, the pastoral properties in the mulga country were cleared by ball and chain sometime over the previous century. The pastoralist enjoyed the returns from the old, dirty economy of the past. Those who had no foothold in the past have no foothold in the future.

**F**ollowing Brough's announcement of the NT intervention, I urged a meeting with Galarrwuy Yunupingu, which I attended in his homeland. I witnessed Yunupingu at his best. In situations like this, I have encountered few people with more compelling power and presence than Yunupingu. I allude to this meeting only to recount Yunupingu's rehearsal to Brough of his history of dealings with prime ministers and ministers of indigenous affairs during the course of his public life as an Aboriginal leader. He started with John Gorton and followed through with Gough Whitlam, Malcolm Fraser, Bob Hawke. He gave an account of his dealings with each, and with all of Brough's predecessors. It was a long, sometimes hopeful but ultimately depressing, history of personal interaction and experience.

It made me think about my own accumulating collection of prime ministers, premiers and ministers. Since 1993, when as a 28-year-old I was part of a delegation led by Mick Dodson and Lowitja O'Donoghue in negotiations with Paul Keating, my time in public life has seen another four prime ministers and a score of ministers of indigenous affairs. The present prime minister is the third with whom I have had close dealings. How did this aid me and my cause? I seem to have accumulated my own collection of prime ministers. What is the chance that I will come to look back on this history with Yunupingu's chagrin?

In theory, Tony Abbott represents the best opportunity to bring together the great dialectic of the indigenous rights secured by Paul Keating and the responsibility agenda that John Howard understood. This dialectic could synthesise in a full agenda of empowerment and recognition. Will this theory turn out in practice? This will be answered over the coming weeks, months and possibly years, but I am all too conscious that if the destiny of Aboriginal leadership is for people like Yunupingu, Pat Dodson, Charlie Perkins, Marcia Langton and Lowitja O'Donoghue to look back on a collection of prime ministers, then this one must be the last in my collection.

## VIII

**T**n 2005, the Cape York Institute, of which I was the director, gathered together a group of economists to consider the viability of remote communities. Economists from the Commonwealth and Queensland treasury departments and consultants from leading corporate partners joined our policy staff to devise a method by which the social and economic viability of remote communities might be assessed. We were joined by the development economist Professor Helen Hughes, then a fellow at the Centre for Independent Studies in Sydney. The project examined four communities in Cape York Peninsula: Aurukun, Coen, Hope Vale and Mossman Gorge. These communities were diverse in terms of size, their proximity to urban centres, and

the relative challenges they faced in accessing government services and developing local economies. The project produced a framework for thinking about whether or not a community or town is viable. Viability was not just confined to economic indicators; importantly, it encompassed indicators of social wellbeing.

The assessment framework was then applied to these four communities and some conclusions reached about their relative viability. According to our framework, none of these four communities was socially and economically viable, and the team then assessed what would need to happen if these communities were to become viable.

Scenarios of viability required greater success in education. Education clearly was the most important factor.

A second conclusion was that a significant number of the members of these communities needed to become mobile in search of work. While the take-up of local jobs was imperative, under no scenario were any of these communities viable without a significant proportion hitting the road in search of jobs within the district, or the region, or beyond the Cape York region. So mobility became, in our policy thinking, critical. Encouraging an expatriate community to engage in what we call orbits into the wider world in search of careers and employment was not just good for those individuals. It was also the means by which the viability of that community could be guaranteed.

The third conclusion was that utmost effort was needed to see if there was an anchor industry that could be established within these communities or nearby. In the case of Aurukun, the development of a new bauxite mine on their land could provide an industry buttress to the community, if the local people participated fully in the opportunity. In the case of Mossman Gorge, they did develop a significant tourism facility, taking advantage of the opportunity they had to corral visitors to the nearby Daintree National Park. The Mossman Gorge Centre has generated the kinds of employment opportunities that this small community needs. Hope Vale pursued horticultural industries and established a banana farm that has begun to generate employment for local people.

The outcomes of the 2005 viability study then became the basis of the Cape York Welfare Reform pilots. These four communities that were part of the viability study became members of the Welfare Reform pilot. We pursued Welfare Reform because we wanted to guarantee the viability of these communities. I pursued Welfare Reform because I wanted my own hometown to be viable. I wanted my people to live in a community that was socially and economically viable. That is why we have been so zealous in our reform agenda in Cape York.

Ten years later, following the largest mining boom in the history of the world, Western Australia, the province that was the largest driver and beneficiary of that boom, has announced the

potential closure of up to 150 remote indigenous communities. Many of these communities live in the shadows of the very mines that were part of that boom. Was there any province anywhere on the planet that generated as much revenue as this one? How could it be that at the conclusion of this boom, the government of this province could say that it could not afford to continue to support these unviable remote communities?

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## IX

I look at Brian Samson and his anxieties for his Martu people, and I see my own anxieties for the Guugu Yimithirr people of my hometown. We share an existential fear for the future of our mob. Samson has gathered together a large group of educators, Martu elders and young people at a conference room at Newcrest's Telfer mine on a Saturday morning. My message to Samson and his Martu leaders is that education is its own economic development strategy. Empowered by education, our children can pursue their own opportunities in the world. By being educated, they will themselves find answers to economic development. Even if we cannot conceive of all potentialities in these communities today, the children will find their own answers as individuals and as communities. Samson is right in making education his number one goal. This is the kind of serious leadership that is needed for those seeking a future for remote communities.

At the end of ten years of struggle and success, progress and failure, it is plain that the empowerment and development agenda for indigenous Australia must be our future course. I fear that the binaries of indigenous affairs, if left unresolved, will leave us caught between the laissez-faire of the left and the increasingly hardening hearts of the right. People like Samson and I are not content to be caught "formulated, sprawling ... pinned and wriggling" on the horns of that dilemma. M

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### ABOUT THE AUTHOR

#### **NOEL PEARSON**

Noel Pearson is a lawyer, activist and founder of the Cape York Partnership. He has published many essays and newspaper articles, as well as the book *Up from the Mission* (2009) and two Quarterly Essays: the acclaimed *Radical Hope: Education and Equality in Australia* (2009) and *A Rightful Place: Race, Recognition and a More Complete Commonwealth* (2014).

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