

HOW SHALL WE WRITE THE HISTORY OF SELF-DETERMINATION IN AUSTRALIA?

Laura Rademaker and Tim Rowse

The Uluru Statement from the Heart of May 2017 articulated an Indigenous vision for a better relationship between settler and Indigenous Australians: one ‘based on justice and self-determination’.¹ The culmination of years of consultation with Indigenous people about constitutional recognition, the statement proposed a referendum in which the Australian people could approve (or not) the formation of an Indigenous deliberative and advisory body – a Voice to Parliament. The government-appointed Referendum Council endorsed this proposal, but the Australian Government quickly dismissed it in October 2017. One prominent advocate of the Uluru Statement and member of the Referendum Council, Megan Davis, seemed to anticipate that response when, back in January 2016, she stated that ‘Australia has rejected self-determination – freedom, agency, choice, autonomy, dignity – as being fundamental to Indigenous humanness and development’.²

Davis’s words are an example of a phenomenon that prompts the writing of this book: the interlacing of historical narratives into the discourse of Indigenous rights. As Bain Attwood has pointed out, Indigenous Australians’ political discourse about how they are entitled to be treated has long included a consciousness of history.³ For both Indigenous and

1 Referendum Council, *Uluru statement from the heart*.

2 Davis, ‘Listening But Not Hearing’.

3 Attwood, *Rights for Aborigines*, see index entry ‘history, Aborigines’.

non-Indigenous Australians, the propositions we exchange about our relationship resonate with frequently retold narratives of how the colonists and the colonised treated each other. Indigenous historical consciousness is rich in accounts of what Indigenous people have done: either to resist or to accommodate the colonists, and to assist (or sometimes to thwart) one another. Telling the truth about history has become so central to Indigenous politics that the Uluru Statement included recommending a truth-telling commission. Non-Indigenous historical consciousness, likewise, has recently become a contested awakening to difficult truths – how authority might have been used better, or perhaps shared through negotiation – pointing to possible paths of national repair.

Davis is not alone in decrying the failure of self-determination. As Patrick Sullivan notes, the failure of past policies for Indigenous Australia is something that ‘everybody knows’.⁴ Broadly, there are two versions of the failure thesis. One says that from 1973 to the final years of the Howard Government (1996–2007) all governments implemented ‘self-determination’ but that this failed to empower Indigenous Australians and to reduce the socio-economic ‘gap’ between Indigenous and non-Indigenous Australians.⁵ The other version agrees that socio-economic differences have been stubbornly persistent, but accounts for it by saying that self-determination was never attempted or that, when attempted, it was crippled by underfunding and/or compromised by restraints imposed by Australian laws, policies, institutions and attitudes and/or unjustly terminated (with the Howard Government cast, usually, in the role of terminator). These competing histories of ‘failure’ not only point to contrasting prescriptions for future action but also marshal different understandings of what ‘self-determination’ is and could be.

Since both non-Indigenous and Indigenous Australians’ senses of political purpose are so saturated with narratives about what happened, what could have happened, and what might yet happen, the question ‘how shall we write the history of Indigenous Australian self-determination?’ is of more than simply academic interest. Answers to that question are inescapably political in their contribution to non-Indigenous and

4 Sullivan, *Belonging Together*, 7.

5 Johns argues that had ‘self-determination’ not been attempted in Australia the following trends would have continued to create ‘more options and choices’ for Indigenous Australians: ‘movement off the land, intermarriage, general economic and cultural adjustment, and better education’. Self-determination, he claims, has reinforced Aboriginal people’s ‘inability to adapt’. Johns, *Aboriginal Self-determination*, 66–67.

Indigenous Australians' understandings of their relationship and what that relationship might become. The aim of this book, therefore, is to enrich the historical consciousness in which Indigenous rights advocacy is embedded.

We can thus hear Davis's January 2016 remark as a provocation to historical inquiry, posing the following questions for empirical investigation. How did Australia 'reject self-determination'? Did 'rejection' take the form of specific actions by the state? If so, what were the dates and contexts of these decisive actions? Or was rejection less a set of specifiable state actions and more an entrenched posture of Australian society, manifest in many kinds of actions and attitudes? Before this 'rejection', did 'Australia' ever attempt 'self-determination'? If so, in what forms? And when? Why were they discontinued? Or has Australia never tried self-determination? If that is so, what would be a better description of what governments and people were doing when, in the 1970s, they called the new policy 'self-determination'? Or was Davis's January 2016 statement quite wrong? Perhaps Australia has commenced and continued to apply self-determination, so that the task for the historian is to narrate self-determination's inevitable difficulties (including those bleak moments – such as the extinguishing of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2004–05, or the Northern Territory Intervention in 2007 – when what was actually happening seemed far from self-determination). Implicit in all these questions is the likelihood that 'self-determination' has meant different things to different people at different times; a history of the contest of the meanings of 'self-determination' is a necessary part of the history of our recent times.

Such are the questions that the authors of this book tackle. In this introduction we seek to distinguish between two approaches to writing the history of self-determination: 'self-determination' as what individuals and organisations actually did when they said they were enabling self-determination, and 'self-determination' as an ideal – derived from international law, political theory and Indigenous demands – against which actions can be judged as succeeding or failing to enable 'self-determination'.

The first approach seeks not to endorse any *a priori* definition of 'self-determination', but to treat 'self-determination' *descriptively* – examining what Australian governments did when they said their policy was self-determination. This immediately raises a question of

periodisation. We can say with certainty that on 6 April 1973 Prime Minister Gough Whitlam stated to a conference of Commonwealth and state ministers concerned with Aboriginal affairs in Adelaide that ‘the basic object’ of his Aboriginal affairs policy ‘is to restore to the Aboriginal people of Australia their lost power of self-determination in economic, social and political affairs’.⁶ What his government then did can thus be studied as Australia’s approach to self-determination. But after the Whitlam Government ... ? Has this policy ever been explicitly renounced by subsequent governments and replaced by a policy with a different name and aim? There is no universally agreed answer to this question. In her chapter, Johanna Perheentupa argues that ‘self-determination’ policy ceased in 1976, when the Fraser Government preferred the label ‘self-management’ for programs towards Indigenous Australians. In her view, the shift from self-determination to self-management made a real difference to what was possible for Indigenous Australians under Whitlam (1972–75) and then Fraser (1976–83). Conservative governments since Whitlam have been cast as enemies of self-determination, and so many would assent to Jon Altman’s opinion that the Australian Government’s self-determination policy ‘*de facto* ended in 1996 with Howard’s first election and *de jure* with the demise of ATSIC in 2004’.⁷ Perhaps ‘neoliberalism’ has been the nemesis of self-determination? A recent attempt to describe Indigenous public policy in the ‘neoliberal age’ argues that some features of neoliberalism (such as the vesting of property rights in Indigenous peoples and the promotion of their economic autonomy) are conducive to expressed Indigenous aspirations while other features (the intrusive management of the poor, the insistence that Indigenous organisations compete for government contracts with non-Indigenous providers) have eroded self-determination. Neoliberalism, according to this argument, has done much to promote self-determination as well as much to undermine it.⁸

We doubt that government practices changed significantly when Fraser’s ‘self-management’ replaced Whitlam’s ‘self-determination’, and we note Will Sanders’s point that, although the Fraser Government promoted ‘self-management’ as different, the instances of self-management to which it pointed were the same as those that exemplified the Whitlam Government’s self-determination. They were: the formation of the National

6 Whitlam, ‘Aboriginals and Society’.

7 Email to the editors, 24 October 2019.

8 Howard-Wagner, Bargh and Altamirano-Jiménez, ‘From New Paternalism’.

Aboriginal Conference in 1977 (as a successor to the National Aboriginal Consultative Committee); 'the influence of Aboriginal organisations such as legal aid and Aboriginal health; the opportunity for Aboriginal councils to provide municipal services in the larger remote settlements; and the opportunity to choose "a traditional lifestyle" by movement to outstations'.⁹ The difficulty of deciding when Australian governments ceased to be committed to 'self-determination' is made even more evident if we note that as recently as 2007 one agency of the Howard Government urged 'that any means of protecting Indigenous cultural and intellectual property is based on the principle of self-determination'.¹⁰ In sum, while there is little doubt that the Whitlam Government wanted its programs to be understood as embodying a policy of 'self-determination', the duration of the self-determination policy era remains a matter for interpretation.¹¹

As editors, we welcome the approach taken by several of the authors in this book: that what the Whitlam and successor governments did – laws, reports, policies, institutions – can be understood as exemplifying Australia's approach to 'self-determination'. When this approach finds continuities between preceding policies – protection, assimilation – and Australian practices of self-determination, the inference is not necessarily that these residues are flaws in self-determination. In fact, there is no presumption, in this descriptive approach, that 'self-determination' should be a radical rupture with the colonial past. Even if some promoters of self-determination in the early 1970s emphasised the novelty of actions taken in the name of self-determination and celebrated them as the repudiation of a bad past, historians working from what we are calling a descriptive perspective are not obliged to agree. Issues of periodisation, continuity and rupture are open to debate.

9 Sanders, 'From Self-determination to Self-management', 8.

10 Australia Council for the Arts, *Protocols*, 8. The protocols declare: 'Indigenous people have the right to self-determination in their cultural affairs and the expression of their cultural material' (p. 12).

11 Just as it remains a matter for debate when 'assimilation' ceased to be Australian Government policy. In the 1960s, critics of 'assimilation' sometimes presented what they considered to be a less coercive policy, which they called 'integration'. What distinguished 'integration' was professed respect for Indigenous choices about the pace and manner of their acculturation to the Australian way of life. 'Integration' recognised value in distinctly 'Aboriginal' or Torres Strait Islander customs, including their senses of shared identity and their social solidarity or 'group life'. Russell McGregor presents a well-documented and thoughtful discussion of the relationship between the terms 'assimilation' and 'integration' in the 1960s. While the advocacy of 'integration' can be seen as paving the way for 'self-determination' to be declared the new policy ideal in 1973, advocates of 'Black Power' were suspicious of 'integration', just as they were adamantly opposed to 'assimilation'. McGregor, *Indifferent*, 177–78.

The second approach to Indigenous self-determination is more explicitly critical, as it measures the practice of self-determination against what Indigenous Australians have said that they wanted (or what the historian infers that they wanted), or what human rights doctrines (in law or in political thought) say they are entitled to. This prescriptive use of 'self-determination' seems to be the perspective that Davis voiced in 2016. This approach views history from the standpoint of an ideal of self-determination that arises from empathy with Indigenous Australians as an imagined subject of history and/or from doctrines of law or concepts in political theory to which the historian assents. The historian then gives a more judgemental account of what actually happened, enabling the reader to see the gap between the ideal and the reality of its flawed Australian practice. Comparison with other settler colonial societies may also inform histories that invoke international law. The historian working in this second perspective may give significance to questions of periodisation, continuity and rupture, arguing, for example, that it is a political indictment of governments and others if elements of 'protection' and 'assimilation' can be detected in practices whose stated intention was 'self-determination'. For example, in her 1977 review of 10 years of Australian policy innovation, Marcia Langton asserted that 'self-determination is a front for assimilation and exploitation'.¹²

In our invitations to participate in our October 2018 workshop, and in our subsequent conversations with authors, we welcomed both descriptive and normative approaches. Indeed, some chapters demonstrate different ways to combine the descriptive and the normative. We do not claim that this book is an Indigenous history of self-determination. Although it is produced in partnership with and includes contributions from leading Indigenous scholars, it does not represent the diverse views, experiences and ambitions of Indigenous people on questions of self-determination. We hope that this book will be useful to Indigenous thinkers and activists, even as we anticipate learning from their insights and critiques. We also hope to see more feminist scholarship around the history of self-determination. We have questions about the gendering of self-determination policies, how they unevenly affected Indigenous men and women and played into (or challenged) existing gender politics of Indigenous and settler communities, that we were unable to address in

12 Langton, 'Self-determination as Oppression', 5.

this volume. There is likewise scope for further research in the history of self-determination and the arts as well as the international movements for Indigenous self-determination and their connections to Australia.

Self-determination as what was done

What were the policy innovations that the Whitlam Government called 'self-determination' and that the Fraser Government subsequently endorsed as 'self-management'? While no list is definitive, here is ours:

- establishing a 1973–74 Royal Commission on land rights whose report led to a 1975 Bill and then to the *Aboriginal Land Rights (Northern Territory) Act 1976*
- establishing a national agency, the Department of Aboriginal Affairs, represented by a minister in Cabinet and making grants to Indigenous organisations, including to remote missions and settlements that were evolving into Indigenous townships and to Aboriginal-controlled urban service organisations
- establishing the National Aboriginal Consultative Committee (NACC) as an elected advisory body in 1973, and replacing it with the National Aboriginal Conference in 1977
- establishing the Aboriginal Land Fund Commission, to purchase economic and cultural assets for Aboriginal people to own
- affirming the inherent worth of Indigenous cultures. This included support for bilingual education, and it required the Australia Council, the arts patronage body formed in 1973, to include an Aboriginal Arts Board, made up entirely of Aboriginal and Torres Strait Islander people appointed by the minister for the arts
- outlawing racial discrimination (the *Racial Discrimination Act 1975*), while providing for lawful discrimination in favour of Aboriginal and Torres Strait Islander people
- legislating to facilitate Indigenous Australians to form corporations, to enable their collective action (the *Aboriginal Councils and Associations Act 1976*)
- initiating consultation with Torres Strait Islanders about where to place the border between Australia and Papua New Guinea, and signing a treaty with Papua New Guinea in 1978 that made substantial concessions to Islanders' demands.

Each of these elements of 'self-determination' is dealt with both descriptively and evaluatively in this book.

Continuities with earlier practices

Many of these innovations had continuities with practices under the preceding policy of assimilation. Sana Nakata's chapter reveals that changes to the Census (between the 1966 and 1971 censuses) that acknowledged the social, rather than biological bases of self-identification preceded the government's commitment to self-determination. Sanders shows that the introduction of municipal government in remote regions began as an assimilatory policy and continued as a way to deal with the changes in land title mandated by self-determination. Similarly, as Rademaker demonstrates, the missions in the 1960s were rediscovering the nineteenth-century missiological concept of an 'Indigenous church': 'Aboriginal people taking responsibility for church life, expressed in their own languages, cultures and governance'. The missions also supported moves for Aboriginal political representation, considering all these as consistent with the government's policy of assimilation. Chris Haynes reveals how Northern Territory Welfare Branch officers sought to respond to Aboriginal initiative during the 'assimilation' years, and he dates support for the outstation movement to the mid-1960s.¹³ Perheentupa points out that some Aboriginal organisations funded under 'self-determination' policy had been set up to deliver 'welfare' and that what government conceived as the goals of 'welfare' were similar to the aims of 'assimilation'; how to practise 'self-determination' thus became an issue between these organisations and the government. Likewise, Boughton includes within his account of self-determination Aboriginal education collectives, such as Tranby, that date from the 1950s when they were supported as agencies promoting assimilation. Finally, as Simpson shows, mother-tongue education was central to the mission educations at Hermannsburg and Ernabella (admittedly, these missions were in the minority), long before Whitlam.

13 This is amply demonstrated by some outstation histories. See Peterson and Myers, *Experiments in Self-determination*.

So what distinguished Australian practices of self-determination from policy approaches before 1973? Was there a core policy logic that marked self-determination as a rupture with previous policy eras? Some would say that giving Indigenous Australians land title (mostly to former reserves) was self-determination's defining rupture from 'assimilation', but against this view we make two observations. First, South Australia, Victoria, New South Wales and Western Australia were already beginning to vest reserve titles in Aboriginal trusts in the years 1966–72, arguably as an adjustment in their tactics of assimilation.¹⁴ Second, as Maria John argues in her chapter, to postulate land rights as self-determination's prerequisite or distinctive feature ignores what urban Indigenous people have said about the struggle for Indigenous health.

As some of our authors note, steps taken in the name of self-determination were sometimes presented as primarily leading to economic independence and the amelioration of disadvantage. Jon Altman reminds us that the goal of 'social and economic equality' underpinned government support for land rights. To Justice Woodward, for instance, land rights were a 'first essential step for people who are economically depressed'.¹⁵ Mike Dillon begins his history of capital funds in 1968, when the Australian Government, in the name of 'assimilation', created the Commonwealth Capital Fund for Aboriginal Enterprises. Some of the Aboriginal Cattle Enterprises supported under self-determination policy, Charlie Ward shows, began as 'assimilation' programs on missions and reserves. The Whitlam Government was 'predisposed to support' what it understood to be Gurindji aspirations to run their own cattle enterprise, giving 'insufficient thought to whether incorporated proprietary companies were appropriate vehicles for remote Indigenous aspirations'. As Ward points out, the increasing availability of welfare payments (according to assimilation's quest for 'equality') contributed to the economic autonomy for individuals of the next generation, frustrating the Gurindji elders' authority as managers. Other contributors suggest that the underlying logic of self-determination policy was to encourage 'responsibility', implying control and self-governance. In his study of the superintendency of John Hunter at Maningrida, Haynes identifies the desire to foster Aboriginal initiative, self-motivation and 'responsibility' as integral to a burgeoning self-determination in Arnhem Land. Rademaker suggests

14 Rowse, *Indigenous and other Australians*, 325–28.

15 Woodward, *Aboriginal Land Rights Commission*, 2.

that self-determination and assimilation as applied on Christian missions shared a common interest in Aboriginal people ‘taking responsibility’, the difference under self-determination being that they were to do so *now* rather than at some future date.

However, what was imagined as ‘control’ varied. In her chapter outlining the Royal Commission on Government Administration (RCAGA), Elizabeth Ganter explains that, for some, it was mere consultation and ‘respect for Aboriginal aspirations’, while for others it required Aboriginal involvement in decision-making. In his analysis of the creation of municipal governance on discrete Indigenous communities, Will Sanders suggests we can see the limits of self-determination policy: were discrete communities on Aboriginal land made up of ‘self-governing landowners’ or merely ‘self-servicing landholders’?

The recognition of Indigenous peoplehood was central to the developing body of international law on self-determination, as Asmi Wood’s chapter shows. ‘Peoples’ are not statistically aggregated individuals; they enact their peoplehood as a capacity for collective action by forming institutions. It is therefore significant that one enduring Australian practice of self-determination that distinguishes it from assimilation is to encourage the formation of groups – imagining Indigenous advancement as the work of potent collectives and not just of successful individuals. Katie Curchin and Tim Rowse trace the history of the statutory regulation of Indigenous corporations, arguing that the robust Indigenous sector is the product of self-determination. Mike Dillon also argues that self-determination continues to mean a government preference to engage with Indigenous people as groups, rather than as individuals. Tim Rowse argues that Torres Strait Islanders had long been treated as a collective political entity through Queensland’s practices of ‘indirect rule’. The Whitlam Government’s innovation in 1973 brought the Commonwealth Government into this scene, vying with Queensland as the government that would recognise and reward Torres Strait collectivity.

If ‘self-determination’ meant recognising Indigenous peoples as collective actors, it also raised the issue of cultural difference: did government policy enable ‘groups’ only on the condition that their goals and methods depart from ‘custom’ in order to conform to non-Indigenous Australian norms? Jon Altman’s chapter is about the tension between landowners ‘becoming equal and remaining different’. At the same time as they have become landowners, the distinct peoplehood of Indigenous Australians in their

land *use* has come under pressure. In our two chapters on education (Bob Boughton and Jane Simpson), the recognition of Indigenous people as peoples made for a new urgency in Indigenous control over training and education. No longer focused on educating the individual, the assumption under self-determination was that Indigenous people required language and literacy skills to represent themselves and pursue their interests as peoples.

Yet, well before Australian governments committed to self-determination, they were professing respect for Aboriginal and Torres Strait Islander cultural heritage. Rademaker shows that the protection of Aboriginal cultural life was key to missionaries' re-imagining their role in Aboriginal communities in the 1960s. Self-determination meant that Aboriginal people were to be 'free' to be Christians in their own way. Part of the legacy of the missionisation of these communities, which Simpson identifies, is that Aboriginal people's cultural rights to language received broader recognition from governments than their communication rights. Indigenous health services in both Australia and the United States were, as Maria John reveals, not only sites of Indigenous control but also environments where Indigenous people could be 'proud to be themselves'. Self-governance of these organisations was not an end in itself; it was a means to create urban spaces where Indigenous cultures could flourish.

Given these complexities, as editors, we remain agnostic on the question of whether 'self-determination' had a 'core' that marked it as distinct. Perhaps what most marks the initiatives listed above as a break from the past was the rhetoric of their presentation and the matching enthusiasm and commitment of the Indigenous people who engaged.

Self-determination as Indigenous project

The normative approach to writing the history of self-determination understands self-determination as an ongoing Indigenous ambition within a project of decolonisation. This understanding was reflected in the Uluru Statement and, before it, the Redfern Statement (2008) and Barunga Statement (1988), each demanding Indigenous 'self-determination'. In his 1999 Vincent Lingiari lecture, Pat Dodson claimed that 'Aboriginal peoples have the right to self-determination', that is, the right to 'negotiate our political status and to pursue economic, social and cultural

development'.¹⁶ Despite the shortcomings of rights-based discourses (discussed further below), Indigenous people have harnessed the language and visions of self-determination discourses within international law and turned these to their own purposes.

For many Indigenous people, 'self-determination' has meant not only choosing how they will relate to the settler colonial state and economy, but also making choices that would maximise autonomy, driven by a shared memory or imagined ideal of the autonomy they enjoyed before colonisation began. The Whitlam Government's claim to '*restore* to the Aboriginal people of Australia their lost power of self-determination in economic, social and political affairs' reflected this understanding.¹⁷ Many Indigenous Australians understand self-determination to refer to the political realisation of their inextinguishable sovereignty: they never ceded their sovereignty and never could or would cede it. By this understanding, Indigenous 'self-determination', though never entirely lost, was (and is) under continual attack by processes of colonisation. Consequently, for many Indigenous people, 'self-determination' could not be 'bestowed' by governments, it must be asserted, practised and maintained, often despite government policy. As Wiradjuri scholar Robynne Quiggin argued, 'we have a long history of "setting our own course" despite the rejection, confinement and cruelty of colonisation'.¹⁸

This question of who owns or confers self-determination (and whose interests it ultimately serves), has led some Indigenous thinkers to adopt other frames for Indigenous political mobilisation. As Borrows and Tully¹⁹ recently articulated, Indigenous projects of decolonisation are being conceptualised either as projects of 'reconciliation' with the settler state that might, for instance, include demands for treaties, recognition, return of land, rights and reparations, or as what some call 'resurgence', that is, of reclaiming Indigenous cultures, lands and ways of being without reference to the colonisers. For those seeking resurgence, reconciliatory movements can entail colonising concessions. But where do claims to self-determination fit in relation to these projects? Are claims for self-determination claims of resurgence – because self-determination entails restoring to Indigenous people their authority? Or is demanding Indigenous self-determination

16 Dodson, 'Until the Chains Are Broken', 29.

17 Whitlam, 'Aboriginals and Society' (emphasis added). See also Hocking, 'A Transforming Sentiment', S5–S12.

18 Quiggin, 'What Does Democracy and Self-determination Mean', S52–S53.

19 Borrows and Tully, 'Introduction', 1–6.

an act of reconciliation – because it demands concessions from the settler state? The settler state has an incentive to make such concessions: these might give it the moral legitimacy it craves. Stephen Young points out that the state's recognition of Indigenous people, their nationhood and self-determination, also serves to legitimate its own assertions of sovereignty and nationhood.²⁰ As Noel Pearson recently argued, restoring Indigenous people in Australia their right to 'self-determination' and 'responsibility' would create a 'more complete Commonwealth'.²¹

For some, 'self-determination' is no longer the right way to conceptualise the pursuit of Indigenous interests. Cherokee political scientist Jeff Corntassel argues that the failure of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to uphold Indigenous peoples' land and water cultural relationships, favouring instead the territorial integrity of the state, is indicative of the false promises of rights-based and state-centred strategies for achieving decolonisation.²² Quiggin also noted that 'self-determination has its origins in the processes of imperialism and the development of the nation state', that is, the very processes that fuelled the dispossession of Indigenous people.²³ For her, this is not a reason for Indigenous people to reject self-determination but a reason to assert their own self-determination more forcefully in the face of colonising authorities. As Anishinaabe scholar Aaron Mills similarly pointed out, 'self-determination is the language of our settler-colonizer'.²⁴ Mills argued that self-determination undercuts Indigenous conceptions of selfhood and political community that value interdependence and relationship. For Indigenous people, freedom is not about 'standing apart' but 'standing with' the other.²⁵ Where Indigenous people mobilise state-centric rights discourses that focus on the supposedly autonomous self, their demands cannot lead to a sustainable self-determination based upon spiritual foundations and on Indigenous peoples' relationships and responsibilities to the natural world. Dene political theorist Glen Coulthard argued in 2007 for Indigenous practices 'less oriented' to attaining 'affirmative [forms] of recognition from the settler state and society, and more about critically reevaluating, reconstructing and redeploying culture and

20 Young, 'The Self Divided', 195.

21 Pearson, 'A Rightful Place', 72.

22 Corntassel, 'Re-envisioning Resurgence', 92.

23 Quiggin 'What does', S52.

24 Mills, 'Rooted Constitutionalism', 160.

25 Mills, 'Rooted Constitutionalism', 160.

tradition in ways that seek to prefigure, alongside those with similar ethical commitments, a radical alternative to the structural and psycho-affective facets of colonial domination'.²⁶

Aileen Moreton-Robinson makes a similar critique while also distinguishing the Indigenous male from the Indigenous female as a self-determining subject. Her Indigenous feminist critique of self-determination as espoused by liberal settler colonial governments argues that Indigenous women give priority to the collective rights of Indigenous people rather than to the individual rights of liberal citizenship. This means that 'Indigenous women's perceptions of self-determination and sovereignty are not consistent with the liberal idea that, through citizenship, self-determination can be realised'.²⁷ While she does not abandon the language of self-determination, Moreton-Robinson is sceptical of the ability of settler colonial governments' policies of 'self-determination' to empower Indigenous women. Megan Davis has also differentiated the Indigenous subject by gender, arguing that 'the right to self-determination' has 'promoted an impoverished form of self-determination for Aboriginal women in Australia'.²⁸ Davis's argument is not so grounded in an assumption of Indigenous women's cultural distinction: she draws on Martha Nussbaum's argument that implementing human rights necessitates attention to the practical 'capabilities' of all humans, and she is more optimistic than Moreton-Robinson about the liberal settler colonial state's ability to realise human rights.

For Indigenous activist and public intellectual Noel Pearson, self-determination is best applied on the levels of both individual and community. 'Liberty, responsibility and self-determination' are, to him, 'basically the same'. They are all about 'the freedom and power to choose'.²⁹ Pearson argued that the right of self-determination includes the ability and 'right' to 'take responsibility'.³⁰ Notions of 'responsibility' – both individual and collective – are familiar to many Indigenous people who feel a keen sense of responsibility to their country, ancestors and kin.³¹ For many Indigenous people, these responsibilities are also the grounds of Indigenous sovereignty. Though Pearson is strongly committed to the idea

26 Coulthard, 'Subjects of Empire', 456.

27 Moreton-Robinson, 'Patriarchal Whiteness', 70.

28 Davis, 'Aboriginal Women', 78–88, 79.

29 Pearson, 'A Rightful Place', 43.

30 Pearson, *Up from the Mission*, 167.

31 Cornthassel, 'Re-envisioning Resurgence', 93.

that Indigenous Australians are ‘peoples’, he does not use the language of ‘sovereignty’. Pearson argues that an obsession with ‘self-determination and international law’ and ‘concepts of autonomy and sovereignty’ have distracted from the ‘practical realities of self-determination’.³² By ‘practical realities’ he means the financial and social capital that would enable Indigenous people to make decisions about their lives. Decisions about how to take responsibility might even lead to ‘assimilation’, a possibility raised by Mike Dillon in this volume (considering the forms that Indigenous ‘wealth’ can take) as well as by Michael Mansell. Mansell identifies three political options for Indigenous Australians under self-determination: ‘to form a new state through secession, agree to autonomy or association in a federal state, or to integrate or assimilate in a single unitary state’.³³

But elsewhere ‘sovereignty’ has risen to prominence in Indigenous political discourse since it emerged in the 1960s.³⁴ Sovereignty and self-determination are often used together, presented as two approaches to or conceptualisations of a single struggle, as John’s chapter points out.³⁵ While critiquing both ‘sovereignty’ and ‘self-determination’ as European imports to Indigenous political discourses,³⁶ Taiaiake Alfred described ‘the two most important strategies’ for Indigenous people as ‘assertion of prior and coexisting sovereignty’ and ‘the assertion of a right of self-determination’, describing these strategies as ‘woven together’.³⁷ To Leroy Little Bear, sovereignty is ‘about making your own decisions, following your own mind, being self-determining’ without forgetting our interdependence; sovereignty is ‘qualified by your dependence on other people’.³⁸ In Australia, Michael Mansell explained that ‘sovereignty’ underpins other Indigenous ambitions, including self-determination.³⁹ In 2003, Larissa Behrendt described ‘recognition of sovereignty as an expression of distinct identity and a starting point for the exercise of self-determination as a way of achieving empowerment, autonomy and equality’.⁴⁰ In 2013 she distinguished ‘self-determination’ (‘when Indigenous people are involved

32 Pearson, *Up from the Mission*, 168.

33 Mansell, *Treaty and Statehood*, 165.

34 Moreton-Robinson, ‘Introduction’, 3.

35 Strelein, ‘Missed Meanings’, 85, 89.

36 Alfred, ‘Sovereignty’, 40.

37 Alfred, ‘Sovereignty’, 37.

38 Little Bear, ‘An Elder Explains Indigenous Philosophy’, 7.

39 Mansell, *Treaty and Statehood*, 74.

40 Behrendt, *Achieving Social Justice*, 115.

in the setting of priorities within their community, the development of policy, the delivery of services, and the implementation of programs’) from ‘sovereignty’ (‘when control is given centrally to Aboriginal people without constraint’). Indigenous Australians have sometimes practised both self-determination and sovereignty: ‘many successful programs ... [have been] developed by community members, often without government assistance, such as night patrols, dry-out areas, and safe houses’.⁴¹

Non-Indigenous Australians have sometimes responded defensively to Indigenous claims of ‘sovereignty’, despite its close association with self-determination (which is seen as less threatening) and notwithstanding that sovereignties can be understood as multiple and overlapping.⁴² Tim Rowse’s chapter is a caution against assuming that the Indigenous assertion of sovereignty necessitates the rejection of Australian sovereignty. When Torres Strait Islanders asserted their customary interest in the social and ecological relations of the border between Australia and Papua New Guinea, they insisted that their lands and seas be protected by continuing to remain under Australian sovereignty. Indigenous claims to sovereignty do, however, expose the fragility of the settler state’s own claims. As Asmi Wood explains, in law ‘there is no doctrinal answer to the question of how [non-Indigenous or colonial] sovereignty was acquired’. There is, therefore, ‘both an opportunity and a space for negotiations and discussions on self-determination without preconditions’, and ‘the principle of *uti possidetis* puts Indigenous Australians in a position to negotiate under international law’. Perhaps the growing appeal of the language of sovereignty to Indigenous activists is that they believe self-determination to have failed: they are looking for new ways to make settler colonial society pay attention to their claims.

Self-determination and international law

Dylan Lino has summarised what extant international law offers to Indigenous Australians:

First, the established international law is very specific, entailing a limited number of legal remedies, for example decolonisation, that have no applicability to Indigenous peoples in settler-colonial

41 Behrendt, ‘Aboriginal Sovereignty’, 171–72.

42 Behrendt, *Achieving Social Justice*, 115; Strelein, ‘Missed Meanings’, 85.

states like Australia. Second, despite the presently limited nature of the established law on self-determination, the law is continuing to develop. It is true that legal rules applying the right of self-determination to Indigenous peoples are yet to crystallise into a clear and cogent body of law, but there is certainly a space in international law – especially post-UNDRIP – in which to flesh out an Indigenous right of self-determination. Third, the direction in which the nascent law on Indigenous self-determination is developing is moving away from secession and independence and towards internal, intra-state configurations.⁴³

Three chapters of this volume engage with international law as a resource for Indigenous political thought.

Asmi Wood points out that self-determination began to circulate as a concept of international law when Woodrow Wilson and Vladimir Ilyich Lenin enunciated it, in their different ways, in 1918. The Charter of the United Nations in 1945 mentions ‘self-determination’, and the concept has been the focus of discussion and development in UN forums ever since. In 2007, the UNDRIP included:

Article 3.

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4.

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.⁴⁴

As Maria John observes in her chapter, the UNDRIP was deliberately unspecific about the scope of Indigenous peoples’ self-determination. It references only internal matters and ‘local affairs’, and it does not allow territorial sovereignty as a basis of Indigenous self-determination. Self-determination as a norm of international law has disappointed some Indigenous people who see it as too vague and imprecise to serve as a foundation for Indigenous claims.⁴⁵ Wood argues that Australian

43 Lino, ‘The Politics of Inclusion’, 850.

44 United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*.

45 Mansell, *Treaty and Statehood*, 194.

Indigenous people should nevertheless continue to press for Australia to legislate to ratify the UNDRIP. This would compel Australian courts to adjudicate disputes around Indigenous self-determination with regard to international law and literature, giving Indigenous people greater opportunity to exercise their peoplehood under the law, as well as laying the ground for treaty negotiations.

Sana Nakata also refers to self-determination as a concept in international law, alluding – like Wood – to the UN Charter, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In her reading of the history of ‘self-determination’, there is a deep connection between the right of an individual to identify with a ‘people’ and the right of that ‘people’ to self-determination; that is, both rights make appeal to the values of ‘Autonomy. Freedom. Sovereignty ... concepts that attach as much to individual human beings as they attach to nations and states’. Nakata then argues that the institutional form of peoplehood can be evaluated according to its practice towards the autonomy of the individual.

Nakata and others are therefore troubled by the way that the state has delegated the adjudication of individuals’ claims to be ‘Aboriginal’ to the Indigenous sector. In Australia, she argues, the colonial sovereign’s criteria for recognising a people are likely to result in the mis-recognition of some individuals. Nakata draws on Bronwen Carlson’s ethnography *The Politics of Identity* to illustrate Indigenous experiences of mis-recognition that seem to have become increasingly common in the early twenty-first century – that is, of having one’s identity claims rejected by Indigenous organisations. If the purpose of ‘recognition’ is ‘justice’, then mis-recognition (rejecting a person’s claim to be Aboriginal) is injustice, Nakata argues. The injustice of such mis-recognition is compounded where the state empowers Indigenous organisations to give or withhold recognition. She also raises the possibility that, as Indigenous Australian claims give emphasis to *constitutional* recognition of peoplehood, there will be less need for any authority to judge an individual’s claim to be Indigenous. Nakata insists that Indigeneity is too dynamic historically to be contained by official criteria, not least because both colonisation and the pursuit of rights are ongoing disruptors of Indigeneity.

Failure narratives and self-determination

Many accounts of self-determination have argued true ‘self-determination’ (variously defined) was never really attempted in Australia because, in valuing the preservation of Indigenous cultural difference, the policy set limits to Indigenous choices to change. Pearson, for instance, argued that self-determination failed because the ‘preservation of some kind of imagined cultural purity’ trumped giving Indigenous people real choices about ‘how to reconcile their cultures with the demands of development’.⁴⁶ In Peter Sutton’s view, the new rights of the self-determination era were not matched with measures ‘designed to assist people through the crises of occupation, discipline, motivation, conflict management and community trauma that soon erupted and by the 1990s had reached a crescendo, especially in the remoter regions’.⁴⁷ Likewise, according to conservative commentator Gary Johns, self-determination was never really tried, because a commitment to an idealised version of Aboriginal cultures, together with an incoherent pursuit of both Aboriginal separatism and integration, prevented Aboriginal people from pursuing their own interests.⁴⁸ Moreover, Johns argues that Aboriginal people lacked the capacity to manage their own affairs and to make decisions, meaning that they ‘won their freedom and lost their livelihood’: self-determination as practised in the 1970s was never true freedom.⁴⁹

Refuting Johns and reviewing policy from 1972 to 2005, Stuart Bradfield argued that self-determination enacted ‘a logic of “domestication”, which acts to manage and curtail Indigenous separatism, rather than give expression to it’.⁵⁰ Aboriginal political identities were ‘contained’ via ‘impotent representative bodies’ from the 1970s. Land rights were granted, but were always managed by the state.⁵¹ Even ATSIC, supposedly exemplary of self-determination, remained subject to federal control and was eventually dismantled, as Aileen Moreton-Robinson, Elizabeth Strakosch and Will Sanders also note.⁵² Moreton-Robinson argues that

46 Pearson, ‘A Rightful Place’, 47.

47 Sutton, *The Politics of Suffering*, 58.

48 Johns, ‘The Failure of Aboriginal Separatism’, 18.

49 Johns, ‘The Failure of Aboriginal Separatism’, 12.

50 Bradfield, ‘Separatism or Status-Quo?’, 82.

51 Bradfield, ‘Separatism or Status-Quo?’, 84.

52 Bradfield, ‘Separatism or Status-Quo?’, 88; Moreton-Robinson, ‘Introduction’, 4; Strakosch, ‘The Technical Is Political’, 126; Sanders, ‘Missing ATSIC’, 113–30.

so-called 'self-determination' policy was only ever 'self-management'.⁵³ This position is also reflected by some authors in this volume. Perheentupa, for instance, argues that the Department of Aboriginal Affairs never intended to give Aboriginal organisations the autonomy they claimed and that the 1975 shift to 'self-management' further undermined Aboriginal autonomy.

Many Indigenous intellectuals insist that Indigenous demands were not heard under self-determination. Gary Foley, for instance, lamented that Indigenous leaders were quickly disappointed by the gap between the Whitlam Government's promises to Indigenous people and its actions, particularly its failure to enact its stated principle that Aboriginal people should run their own affairs (which Foley calls 'sovereignty').⁵⁴ Ian Anderson traced a state of 'chronic crisis' in Indigenous policy and politics, dating back to the removal of barriers to citizenship for Indigenous Australians (presumably in the late 1960s).⁵⁵ The perpetual crisis, Anderson argued, is attributable in part to institutional structures of our parliamentary system that have never required consultation with Indigenous people or representation of Indigenous interests.⁵⁶ There was no structural mechanism to ensure self-determination for Indigenous people.

Numerous scholars from an anthropological background have pointed to cultural barriers to self-determination. As Cowlshaw argued, under self-determination the 'bourgeois ideal of autonomous, self-willed subjects' drove policies and governance of Aboriginal people. Aboriginal communities were to learn to value independence, self-management and autonomy, whether these represented Aboriginal values or not.⁵⁷ Tatz objected to the artificial formation of these 'autonomous' communities. These had previously been ruled as 'total institutions' (i.e. as missions or settlements), often consisting of tribal and language groups with conflicting interests, frequently rivalries, but were made to become 'communities', 'regardless of whether or not there was an actual *communitas*'.⁵⁸ The forms of governance these communities were made to adopt bore little resemblance to Indigenous peoples' own ways of governing themselves.

53 Moreton-Robinson, 'Introduction', 4.

54 Foley, 'The Australian Labor Party', 125.

55 Anderson, 'The Crisis of Australia's Indigenous Policy', 54.

56 Anderson, 'The Crisis of Australia's Indigenous Policy', 59.

57 Cowlshaw, 'Erasing Culture and Race', 150.

58 Tatz, *Aboriginal Suicide*, 27.

Others suggest that self-determination was attempted, but later undermined. The shift in government focus towards 'reconciliation' in the 1990s, followed by the Howard Government's emphasis on 'practical reconciliation' and the policy of 'closing the gap', have eroded policies of self-determination by deliberately avoiding and undermining Indigenous claims to sovereignty and self-determination.⁵⁹ Under the Abbott Government's Indigenous Advancement Strategy, funding for non-Indigenous organisations with 'Reconciliation Action Plans' and 'philanthrocapitalism' 'replaced self-determination as the path to modernisation', argues Davis. What some call 'neoliberal' commitments reframed Aboriginal polities simply as the 'Indigenous sector', along with the 'business sector' or 'education sector'. When understood as a mere 'sector', Davis argues, Indigenous Australians are denied the right to self-determination.⁶⁰ With the return of a conservative national government in 1996, governments showed greater antipathy to rights-based policy agendas for Indigenous people. Indigenous services were instead to be 'mainstreamed' and 'normalised' within a broader 'neoliberal' agenda.⁶¹ As noted above, one of the effects of the 'neoliberal age' is a return to government intrusion in Indigenous peoples' private lives.⁶² Chapters by Altman and Boughton are instances of this failure narrative, arguing that 'neoliberal' reforms beginning in the 1990s undermined previous gains for Aboriginal people. According to this understanding, the 'deficit discourse' that accompanied 'practical reconciliation' and the 'closing the gap' agenda further discredited self-determination. As Laurie Bablett argued, describing and defining Indigenous people only in terms of disadvantage and deficit 'makes it easier to deny Aboriginal communities self-determination on the grounds of incapability'.⁶³

59 Ladner, 'Proceed with Caution', 250.

60 Davis, 'Gesture Politics'.

61 Lovell, 'Languages of Neoliberal Critique', 223.

62 Howard-Wagner, Bargh and Altamirano-Jiménez, 'From New Paternalism to New Imaginings', 14–15.

63 Bablett, 'Serious Whitefella Stuff', 81.

Self-determination as a concept implicit in Indigenous action

The historian who wishes to compare the actual practice of self-determination to what Indigenous Australians wanted (or to what, in the historian's opinion, they were entitled) may search for statements by Indigenous people and/or by authorities concerned with formulating Indigenous rights or at least human rights. However, historians might also infer Indigenous conceptions of 'self-determination' from actions and from words that do not include the phrase 'self-determination'.

The fact that Indigenous Australians have been a colonised people is, for some historians, sufficient basis for attributing to them a strong desire for self-determination. According to this approach, the task for the historian is to discover the contingent expressions of that desire in what Indigenous Australians said (or did not say) and what they did (or did not do) in specified times and places. Anthropological research has sometimes deciphered political messages in Indigenous Australians' ritual innovation. Ronald Berndt, for instance, interpreted the Yolngu decision to display secret objects in 1958 as expressing a desire for a 'greater measure of control over their own affairs, politically and religiously, and especially in relation to education and employment'.⁶⁴ Berndt, however, did not call this a claim to 'self-determination'; that concept in international law had not yet acquired the 'domestic' meaning it later gained. In some contexts, explicit programmatic statements by Indigenous Australians are discoverable in the archive and easy to interpret (some even use the word 'self-determination'). In other contexts, however, the historian engages in reasoned attribution, finding what he/she considers to be 'self-determination' in certain words and actions. For example, Tim Rowse presents certain actions and words of Torres Strait Islanders in the 1970s as 'self-determination', notwithstanding their explicit demand to remain within Australian sovereignty. What the historian considers 'self-determination' to mean is, therefore, an important question for historians' practice, an aspect of the question that animates this book: 'How shall we write the history of Australian Indigenous self-determination?'

64 Berndt, *An Adjustment Movement*, 87.

Haynes's account of Hunter is grounded in the view that Aboriginal people were 'self-determining' when they first came to the settlement at Maningrida and when they left for outstations. By characterising Indigenous agency this way, Haynes is able to describe the space that was open to Hunter's prefiguring of self-determination, that is, a space defined by people sometimes *not* taking up what governments offered. The gap between white official (assimilationist) expectations and actual Aboriginal behaviour is sometimes described as Aboriginal 'resistance' to assimilation, and this indeed is the term Haynes chooses. In the story as Haynes tells it, the historian does not need to find evidence of an articulate Aboriginal concept of self-determination; 'self-determination' was prefigured in Hunter's practice to the extent that he acknowledged and bent to realities (geographical, human) that were beyond government control.

If Indigenous agency is to be treated historically, the story of the emergence of Indigenous points of view will include discursive gaps, silences and hesitations. For example, reviewing gains made by Indigenous Australians in the period 1967–77, Nugget Coombs (chair of the Council for Aboriginal Affairs, 1967–76) celebrated Arnhem Land's outstation movement as self-determination in action, before commenting that in several other domains of public policy – education, health and housing – self-determination had not yet displaced assimilation.⁶⁵ By way of explanation, he mentioned government inertia, as well as Indigenous Australians not yet having had time to consider and to articulate their distinctive needs for education, health and housing. The point should not be missed by historians: willingness and capacity to speak programmatically has developed unevenly across Australian regions and across policy domains. Not every instance of Indigenous aspiration is as articulate as the statements from the Tent Embassy, cited by Jon Altman.

Elizabeth Ganter's chapter exemplifies another way to attribute Indigenous conceptions of 'self-determination'. The term 'self-determination' is nowhere in the 1977 Royal Commission on Australian Government Administration (RCAGA) report, yet Ganter shows how we might find it implicit. Some recommendations of the report were a (neglected) stimulus to 'self-determination', as she understands that concept. Ganter is explicit in deriving her conception of self-determination from recent political theories of representation that urge democratic states to recruit public

65 Coombs, *Australia's Policy Towards Aborigines*.

servants diversely. A state committed to Indigenous self-determination would ask: how can Indigenous public servants be ‘both grounded ... in their communities and empowered ... in government decision-making’? Ganter argues that certain RCAGA recommendations in effect addressed that question: they looked positively on the possibility that Indigenous individuals would be mobile between public service employment and working in the Indigenous sector, thus ‘building relationships between Indigenous administrators on the inside and their communities and organisations on the outside’. Ganter reports from her own interviews with Indigenous officers of the Northern Territory Government that many of her interviewees were mobile between government and Indigenous sector employment, just as the RCAGA recommendations had imagined. Her task as historian is thus to theorise these peoples’ careers as an emergent practice of self-determination.

Mike Dillon’s chapter is a third example of the possibility of inferring Indigenous conceptions of ‘self-determination’ from the practices of Indigenous people. His question is: in what ways could public sector capital funds have contributed to Indigenous self-determination? Writing from a normative standpoint, Dillon’s history of Indigenous Business Australia and the Indigenous Land Corporation and its associated Land Fund affirms a *procedural* notion of self-determination: that decision-making about the use of funds should maximise Indigenous participation at the highest level. When considering whether these investment decisions have achieved greater self-determination, he is more cautious. Noting that Indigenous people have different views about the forms that capital might take, he declines to say which uses of the capital funds *he thinks* would lead more to ‘assimilation’ than to outcomes more distinctively Indigenous. Instead, he alludes to ongoing debates among Indigenous Australians about how best to invest these funds. Such debates were crucial in defining what we might refer to as the Indigenous vision of self-determination, but little is yet known of them.

The limits of the settler colonial liberal nation-state

Some narratives of the historical failure of self-determination in Australia are grounded in a theory of the limited ability of settler colonial states to enable Indigenous autonomy. Gillian Cowlishaw argued that

self-determination in Australia created only ‘a semblance of autonomous governmental structures’ that were always subject to state strictures and regulations: ‘self-determination did not mean *laissez-faire* or autonomy from the state at all’.⁶⁶ In fact, self-determination policies had more to do with the settler colonial state repositioning itself as ‘the liberator from past oppression’ and disavowing its racist past than about eradicating racial inequalities.⁶⁷ Francesca Merlan concluded that, under self-determination, the state replaced ‘overt coercion’ with a mode of seeking to ‘elicit from Aboriginal people ... their own modes of organisation’ in order to ‘recast the management of Aboriginal affairs in what are seen to be indigenous terms’.⁶⁸ That is, the state did not and perhaps cannot cease to authorise (or disallow) versions of Indigenous tradition.

It remains unclear whether the Australian case illustrates deep limits to the settler colonial state’s sympathetic recognition of Indigenous difference. If there were such limits, then self-determination would be marked by contradiction and failure. For Peter Sutton, clashes between custom and corporate accountability under self-determination were symptomatic of a deeper contradiction between ‘modernism and cultural traditionalism’ within the very idea of self-determination.⁶⁹ Self-determination pursued Indigenous sameness in some ways and Indigenous difference in others, but the rationale for when or why one or the other was preferred was never articulated. In an influential critique of Australian multiculturalism, Elizabeth Povinelli has argued that the settler colonial state’s approach to culture – liberal multiculturalism – asserts the sovereign right to selectively approve differentiated aspects of Indigenous culture: there was no scope for Aboriginal practices that were contrary to governments’ agenda.⁷⁰ Anthropologist Emma Kowal also argued that the contradictory pursuit of sameness *and* difference is inherent to liberal multiculturalism. The ‘postcolonial logic’ that ‘prevailed in the self-determination era’ sought to eliminate inequality (which she calls ‘remedialism’) while also maintaining essential difference (‘orientalism’).⁷¹ Altman, in this volume, describes the ‘twin logics’ of the *Aboriginal Land Rights (Northern Territory) Act 1976*, namely ‘justice by returning ancestral lands’ while

66 Cowlshaw, ‘Helping Anthropologists, Still’, 53.

67 Cowlshaw, ‘Erasing Culture and Race’, 147.

68 Merlan, *Caging the Rainbow*, 150.

69 Sutton, *The Politics of Suffering*, 59.

70 Povinelli, *The Cunning*; Cowlshaw, ‘Helping Anthropologists, Still’, 53.

71 Kowal, ‘The Politics of the Gap’, 338.

also ‘improving socio-economic marginality’. These clashing logics mirror the ‘postcolonial logic’ that Kowal identifies. For Altman, these tensions within self-determination were exacerbated by recent Australian Government policies.

In this perspective, Australia, as a settler colony, must fail its projects of self-determination. A settler colonial state must continually contain and erase Indigenous sovereignty if it is to uphold its own legitimacy. In one version of this view, self-determination rhetoric was window-dressing for a new iteration of colonising policies. Elizabeth Strakosch refers to an unresolved ‘foundational sovereign conflict’; that is, an underlying clash of sovereignties between the settler colonial state and Australia’s Indigenous people. Although Indigenous policy may appear to pursue ‘self-determination’, it does not and cannot address the underlying structures. Quite the opposite: by acting unilaterally on Indigenous people (treating them as legitimate subjects of the state), and by representing Indigenous people as problems for the settler colonial state to address, Indigenous policy entrenches the colonial relationship.⁷² This was also true ‘despite the rhetoric of the self-determination era’.⁷³

It follows from this perspective that the settler state’s apparent concessions to forms of Indigeneity are always only ever strategic and that they render, eliminate or erase Indigenous people. In Patrick Wolfe’s theory, settler colonies are ‘premised on the elimination of native societies’.⁷⁴ For him, ‘a range of historical practices’ that ‘might otherwise appear distinct’ can all be understood through this lens.⁷⁵ These practices include, more recently, Australian Government policies that appear to celebrate Indigeneity: these are ‘strategic pluralism’.⁷⁶ According to this theory, government policies of self-determination, despite any benevolent appearances, further processes of elimination. It would, in fact, be impossible for the settler colonial state to genuinely pursue Indigenous self-determination as this would threaten its claim to legitimate sovereignty. It follows from this view that Indigenous self-determination can only ever be a project in opposition to the settler state.

72 Strakosch, ‘The Technical Is Political’, 116, 120.

73 Brigg and Maddison, ‘Unsettling Governance’, 6.

74 Wolfe, *Settler Colonialism*, 2.

75 Wolfe, *Settler Colonialism*, 163.

76 Wolfe, *Settler Colonialism*, 167.

This theory of the settler colonial state presents the relationship between Indigenous and settler authorities in zero-sum terms, such that Indigenous engagement with policies of self-determination is destined to fail and/or be self-deluding. We feel wary of this theoretical framework because it supposes reconciliation to be impossible, a process of mutual self-delusion. What is the historian to say of Indigenous people who have sought to work with and gain concessions from the settler colonial state (as many still do), not seeing their gains as merely illusory? As Borrows and Tully comment in their critique of the limits of settler colonial theory, ‘independence and interdependence have characterised Indigenous–settler relationships for centuries’.⁷⁷ We read the history of settler–Indigenous relationships as shaped by historical particularities, interdependence and political agency on each side, even as these can be understood within a broader colonial structure. We favour histories that offer Australians a broader range of political resources and possible futures as they pursue their interests.

The successes of self-determination

Thus we question the thesis that self-determination has failed entirely. Of course, Indigenous people have consistently asserted sovereignty and have been ‘self-determining’ in their resistance to and engagement with colonising powers; this form of self-determination has persisted under all kinds of policy agendas and continues today. In addition to this, we can identify some ways in which the policy suite introduced by the Whitlam Government enabled Indigenous people wider choices and greater control for themselves and their communities.

Phillip Falk and Gary Martin point out the multiple ways in which Indigenous people today have rights to ‘self-determination and self-management’.⁷⁸ While they concede that there are always limits on Indigenous control, disputes and policy failures, they argue that Indigenous people are exercising authority across many domains in which, 50 years ago, they had little control. On territorial sovereignty, there is lands rights legislation, native title land and land granted through the Indigenous Land Corporation. In health, there are now Indigenous medical centres and Indigenous health professionals. In education there are Indigenous

77 Borrows and Tully, ‘Introduction’, 8.

78 Falk and Martin, ‘Misconstruing Indigenous Sovereignty’, 40.

pre-primary, primary and secondary schools, and Indigenous student support centres in TAFEs and universities as well as Indigenous education institutes. Indigenous people are now co-managers of some national parks and involved in land and water management beyond parks. The federal *Aboriginal Councils and Associations Act 1976* has also enabled Indigenous people a degree of self-government on the local level.⁷⁹ Moreover, on the level of the individual, many Indigenous people have more options in their lives than ever before. But, as Stan Grant remarked, Indigenous successes such as these are ignored in the face of an overwhelming narrative of failure:

65 per cent of Indigenous people in Australia (360,000) are employed and living lives, materially and socio-economically, like those of other Australians ... There is a story here, a story largely untold. It is a story of success and how it is spurned like an unwanted child.⁸⁰

Such achievements, on the individual and communal level, must have a historical explanation. We suggest they can be explained historically by the operation of three strands of self-determination identified in this book: international law, Indigenous political ambition and the policy suites that issued from the 1960s and were declared as 'self-determination' in the 1970s.

Of course, the achievements of self-determination have also been uneven. This very unevenness has, perhaps, contributed to the widespread view that self-determination failed entirely. On the level of the individual, many of those who were best able to take advantage of self-determination were those who had experienced policies of assimilation most intensely. We see this in the ways that mission and church leaders rose to positions of secular leadership under self-determination. We also see this in the ways that skills some gained under assimilation policies, particularly literacy in English, became useful and politically potent. Indigenous women have, perhaps, been better positioned to take advantage of self-determination on an individual level, despite their marginal role in some formal institutions of self-determination. The gendering of assimilation around feminine domesticity in some ways created employment opportunities for Indigenous women under the economic changes of 1980s as well as kinds

79 Falk and Martin, 'Misconstruing Indigenous Sovereignty', 41.

80 Grant, 'The Australian Dream', 68.

of jobs in demand (particularly in administration, health and education) under self-determination.⁸¹ It is also true, however, that women bore the brunt of what are often identified as self-determination's failures: drug and alcohol abuse, family violence and community disorder. The gendering of self-determination is an area that requires further research.

In linking assimilation and self-determination in this way we are presenting a contestable history of 'assimilation'. We would argue that, in many ways, assimilation policies created a class of people ready to take advantage of self-determination policies. But this was not because they were assimilated; on the contrary, many of them had already joined together to denounce and oppose assimilation. The political experience of resistance to assimilatory policies and the creation of pan-Aboriginal identities in opposition to assimilation laid the ground for even greater gains in the 1970s. As Grant put it:

Assimilation was about how government tried to control this 'problem', but it was also about how we negotiated this new reality ... It is a mark of the strength of Aboriginal people that they not only endured this, but responded with renewed demands for equality and rights. The Aboriginal political movement found its voice, campaigning for full citizenship and jobs.⁸²

It was not necessarily easy for Indigenous people who were most acculturated to settler colonial society to adopt the empowered positions that self-determination policies created. Often these very people faced new challenges of legitimation to their communities under self-determination. They were sometimes seen as too 'Aboriginal' for the state, but too 'white' for many Indigenous activists. As Francesca Merlan points out, in the 1970s, the very people who were 'marching in the front ranks towards assimilation' became, in some contexts, 'marginal to a policy that now valorised Aborigines' cultural continuity'.⁸³

81 Haebich, *Spinning the Dream*, 124.

82 Grant, 'The Australian Dream', 77.

83 Merlan, *Dynamics of Difference*, 163–64.

The future of self-determination

Self-determination continues as a topic for Indigenous Australian political theory.⁸⁴ We conclude by pointing to two questions faced in such theoretical work.

First, the federal structure of the settler colonial state provides opportunities. As Will Sanders's survey of local government reminds us, it is not only at the national level that significant policy decisions are made: Australian federalism also makes sub-national governments effective shapers of the processes through which Indigenous Australians are governed and through which they may govern themselves. At the time of writing, two jurisdictions (Victoria and the Northern Territory) are considering agreements with the Aboriginal people whose countries fall within their borders. Both jurisdictions will create models from which the other six sub-national jurisdictions will learn.

Second, the relationship between the individual 'self' and the collective 'self' is becoming problematic as people enact the right to self-identification. Mick Dodson declared in 1994 that 'the right to control one's own identity is part of the broader right to self-determination; that is, the right of a people to determine its political status and to pursue its own economic, social and cultural development'.⁸⁵ In this formulation, the dual meaning of 'one' (a person, a people) presents a question of identity that remains to be resolved by Aboriginal communities.

The roots of this second problem are found in one of the policy changes that blurs the temporal boundary between 'assimilation' and 'self-determination' policy eras. Australian practices of self-determination include a census questionnaire, reformed between the 1966 and 1971 censuses, that allows a person to identify as 'Aboriginal' without the respondent having to consider whether he or she is 'half' or 'one-quarter' Aboriginal (as he/she was obliged to do in the 1966 Census). In confidential responses to the census, the claim to be Aboriginal or Torres Strait Islander is not subject to any qualifying 'blood' test: the individual is truly autonomous in self-identification. However, Indigenous identity is also a public matter in that policy regimes attach finite, palpable benefits to successful assertions of Indigenous identity. Those who consider themselves

84 For example Vivian et al., 'Indigenous Self-government'.

85 Dodson, 'The Wentworth Lecture the End in the Beginning', 5.

entitled, as Aboriginal or Torres Strait Islander persons, have an interest in policing the boundary between who can have the benefit and who cannot. Nakata is critical of the Australian Government's identification protocol for conferring on Indigenous 'community' organisations a responsibility to inspect and verify (or not) an individual's public assertion of Aboriginal or Torres Strait Islander status.

Alexis Wright recently asked: 'What kind of people are we?' She answered: 'We are becoming more complicated. Were we ever more individualistic in spirit than we are today?'⁸⁶ One recent ethnographic inscription of 'Indigeneity' highlighted the individual as the unit of 'self-determination'. According to a study of cultural practice in the Melbourne home of an Indigenous woman named Maree: 'Culture-making occurs *in a self-determined place* where Maree has curated safety and belonging for informal, intercultural exchanges exemplifying decolonising co-production in contemporary, cosmopolitan Melbourne'.⁸⁷ As well, Elizabeth Watt and Emma Kowal have used recently collected interview data to illustrate the terms in which 'an increasing number of Australians are identifying as Indigenous later in life' – terms that may not persuade invigilating Indigenous organisations.⁸⁸ The question of who is the 'self' of Indigenous self-determination, it seems, will become more complex with more possible answers in coming years.

References

- Alfred, Taiaiake. 'Sovereignty'. In *A Companion to American Indian History*, edited by Philip Deloria and Neal Salisbury, 33–50. Malden: Blackwell, 2002.
- Anderson, Ian. 'The Crisis of Australia's Indigenous Policy'. *Meanjin* 74, no. 3 (2015): 54–59.
- Attwood, Bain. *Rights for Aborigines*. Crows Nest, NSW: Allen and Unwin, 2003.
- Australia Council for the Arts. *Protocols for Producing Indigenous Australian Writing* (second edition). Strawberry Hills: Australia Council for the Arts, 2007.

86 Wright, *Tracker*, 1.

87 Thorner et al., 'Maree's Backyard', 281 (emphasis added).

88 Watt and Kowal, 'To be or not to be Indigenous?', 76.

- Bamblett, Laurie. 'Serious Whitefella Stuff: When Solutions Become the Problem in Indigenous Affairs [Book Review]'. *Australian Aboriginal Studies*, no. 2 (2018): 80–81.
- Behrendt, Larissa. 'Aboriginal Sovereignty: A Practical Roadmap'. In *Sovereignty: Frontiers of Possibility*, edited by Julie Evans, Ann Genovese, Alexander Reilly and Patrick Wolfe, 163–77. Honolulu: University of Hawai'i Press, 2013. doi.org/10.1515/9780824865764-009.
- Behrendt, Larissa. *Achieving Social Justice: Indigenous Rights and Australia's Future*. Alexandria, NSW: Federation Press, 2003.
- Berndt, Ronald. *An Adjustment Movement in Arnhem Land, Northern Territory of Australia*. Paris: Mouton, 1962. Reissued as *Oceania Monograph*, no. 54. Sydney: University of Sydney, 2004.
- Borrows, John and James Tully. Introduction to *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings*, edited by Michael Asch, John Borrows and James Tully, 3–28. Toronto: University of Toronto Press, 2018. doi.org/10.3138/9781487519926-002.
- Bradfield, Stuart. 'Separatism or Status-quo?: Indigenous Affairs from the Birth of Land Rights to the Death of ATSIC'. *Australian Journal of Politics & History* 52, no. 1 (2006): 80–97. doi.org/10.1111/j.1467-8497.2006.00409a.x.
- Brigg, Morgan and Sarah Maddison. 'Unsettling Governance: From Bark Petition to YouTube'. In *Unsettling the Settler-State: Creativity and Resistance in Indigenous-Settler State Governance*, edited by Sarah Maddison and Morgan Brigg, 1–15. Alexandria: Federation Press, 2011.
- Coombs, H. C. *Australia's Policy towards Aborigines 1967–1977*. Report (Minority Rights Group), no. 35. London: Minority Rights Group, 1978.
- Corntassel, Jeff. 'Re-envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-determination'. *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 86–101.
- Coulthard, Glen S. 'Subjects of Empire: Indigenous Peoples and the "Politics of Recognition" in Canada'. *Contemporary Political Theory* 6, no. 4 (2007): 437–60.
- Cowlshaw, Gillian. 'Erasing Culture and Race: Practising "Self-determination"'. *Oceania* 68, no. 3 (1998): 145–69. doi.org/10.1002/j.1834-4461.1998.tb02663.x.
- Cowlshaw, Gillian. 'Helping Anthropologists, Still'. In *Culture Crisis: Anthropology and Politics in Aboriginal Australia*, edited by Jon Altman and Melinda Hickson, 45–60. Kensington, NSW: UNSW Press, 2010.

- Davis, Megan. 'Aboriginal Women: The Right to Self-determination'. *Australian Indigenous Law Review* 16, no. 1 (2012): 78–88.
- Davis, Megan. 'Gesture Politics'. *The Monthly*, December 2015. Accessed 29 May 2019. www.themonthly.com.au/issue/2015/december/1448888400/megan-davis/gesture-politics.
- Davis, Megan. 'Listening But Not Hearing'. *Griffith Review*, 51 (2016). Accessed 29 April 2019. griffithreview.com/articles/listening-but-not-hearing/.
- Dodson, Michael. 'The Wentworth Lecture the End in the Beginning: Re(de) finding Aboriginality'. *Australian Aboriginal Studies*, no. 1 (1994): 2–13.
- Dodson, Patrick. 'Until the Chains Are Broken: Aboriginal Unfinished Business (Excerpts from the Vincent Lingiari Memorial Lecture 1999)'. *Arena Magazine*, no. 45 (2000): 29–31.
- Falk, Phillip and Gary Martin. 'Misconstruing Indigenous Sovereignty: Maintaining the Fabric of Australian Law'. In *Sovereign Subjects: Indigenous Sovereignty Matters*, edited by Aileen Moreton-Robinson, 33–46. Sydney: Allen & Unwin, 2007.
- Foley, Gary. 'The Australian Labor Party and the Native Title Act'. In *Sovereign Subjects: Indigenous Sovereignty Matters*, edited by Aileen Moreton-Robinson, 118–39. Sydney: Allen & Unwin, 2007.
- Grant, Stan. 'The Australian Dream: Blood, History and Becoming'. *Quarterly Essay*, no. 64. Carlton, Vic.: Black Inc., 2016.
- Haebich, Anna. *Spinning the Dream: Assimilation in Australia 1950–1970*. Fremantle, WA: Fremantle Press, 2008.
- Hocking, Jenny. "A Transforming Sentiment in This Country": The Whitlam Government and Indigenous Self-determination'. *Australian Journal of Public Administration* 77, no. S1 (2018): S5–S12. doi.org/10.1111/1467-8500.12353.
- Howard-Wagner, Deirdre, Maria Bargh and Isabel Altamirano-Jiménez. 'From New Paternalism to New Imaginings of Possibilities in Australia, Canada and Aotearoa/New Zealand: Indigenous Rights and Recognition and the State in the Neoliberal Age'. In *The Neoliberal State, Recognition and Indigenous Rights: New Paternalism to New Imaginings*, edited by Deirdre Howard-Wagner, Maria Bargh and Isabel Altamirano-Jiménez, 1–42. Canberra: ANU Press, 2018. doi.org/10.22459/caep40.07.2018.01.
- Johns, Gary. *Aboriginal Self-determination: The White Man's Dream*. Ballan, Vic.: Connor Court, 2011.

- Johns, Gary. 'The Failure of Aboriginal Separatism'. *Quadrant* 45, no. 5 (2001): 9–18.
- Kowal, Emma. 'The Politics of the Gap: Indigenous Australians, Liberal Multiculturalism, and the End of the Self-determination Era'. *American Anthropologist* 110, no. 3 (2008): 338–48. doi.org/10.1111/j.1548-1433.2008.00043.x.
- Ladner, Kiera. 'Proceed with Caution: Reflections on Resurgence and Reconciliation'. In *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings*, edited by Michael Asch, John Borrows and James Tully, 245–64. Toronto: University of Toronto Press, 2018. doi.org/10.3138/9781487519926-010.
- Langton, Marcia. 'Self-determination as Oppression'. Preface to *Australia's Policy towards Aborigines 1967–1977*, by H. C. Coombs. Report (Minority Rights Group), no. 35. London: Minority Rights Group, 1978.
- Lino, Dylan. 'The Politics of Inclusion: The Right of Self-determination, Statutory Bills of Rights and Indigenous Peoples'. *Melbourne University Law Review* 34 (2010): 839–69.
- Little Bear, Leroy. 'An Elder Explains Indigenous Philosophy and Indigenous Sovereignty'. In *Philosophy and Aboriginal Rights: Critical Dialogues*, edited by Sandra Tomsons and Lorraine Mayer, 6–18. Oxford: Oxford University Press, 2013.
- Lovell, Melissa. 'Languages of Neoliberal Critique: The Production of Coercive Government in the Northern Territory Intervention'. In *Studies in Australian Political Rhetoric*, edited by John Uhr and Ryan Walter, 221–42. Canberra: ANU Press, 2014. doi.org/10.22459/sapr.09.2014.11.
- Mansell, Michael. 'Mixed Ironies in Aboriginal Issue'. *The Australian*, 17 June 2004. Accessed 29 May 2019. www.kooriweb.org/foley/resources/pearson/aust17jun2004.html.
- Mansell, Michael. *Treaty and Statehood: Aboriginal Self-determination*. Alexandria: Federation Press, 2016.
- McGregor, Russell. *Indifferent Inclusion: Aboriginal People and the Australian Nation*. Canberra: Aboriginal Studies Press, 2011.
- Merlan, Francesca. *Caging the Rainbow: Places, Politics, and Aborigines in a North Australian Town*. Honolulu: University of Hawai'i Press, 1998. doi.org/10.1515/9780824861742.
- Merlan, Francesca. *Dynamics of Difference in Australia: Indigenous Past and Present in a Settler Country*. Philadelphia: University of Pennsylvania Press, 2018. doi.org/10.9783/9780812294859.

- Mills, Aaron. 'Rooted Constitutionalism: Growing Political Community'. In *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings*, edited by Michael Asch, John Borrows and James Tully, 123–74. Toronto: University of Toronto Press, 2018. doi.org/10.3138/9781487519926-006.
- Moreton-Robinson, Aileen. Introduction to *Sovereign Subjects: Indigenous Sovereignty Matters*, edited by Aileen Moreton-Robinson, 1–14. Sydney: Allen & Unwin, 2007.
- Moreton-Robinson, Aileen. 'Patriarchal Whiteness, Self-determination and Indigenous Women: The Invisibility of Structural Privilege and the Visibility of Oppression'. In *Unfinished Constitutional Business? Rethinking Indigenous Self-determination*, edited by Barbara Hocking, 61–73. Canberra: Aboriginal Studies Press, 2005.
- Pearson, Noel. 'A Rightful Place: Race, Recognition and a More Complete Commonwealth'. *Quarterly Essay*, no. 55. Carlton, Vic.: Black Inc., 2014.
- Pearson, Noel. *Up from the Mission: Selected Writings*. Carlton, Vic.: Black Inc., 2009.
- Peterson, Nic and Fred Myers (eds). *Experiments in Self-determination*. Canberra: ANU Press, 2016. dx.doi.org/10.22459/ESD.01.2016.
- Povinelli, Elizabeth. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham: Duke University Press, 2002.
- Quiggin, Robynne. 'What Does Democracy and Self-determination Mean for Indigenous Australians?' *Australian Journal of Public Administration* 77, no. S1 (2018): S52–S58. doi.org/10.1111/1467-8500.12359.
- Referendum Council. *Uluru statement from the heart*, 2017. Accessed 15 August 2020. www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF.
- Rowse, Tim. *Indigenous and other Australians since 1901*. Kensington, NSW: UNSW Press, 2017.
- Sanders, Will. 'From Self-determination to Self-management'. In *Service Delivery to Remote Communities*, edited by Peter Loveday, 4–10. Darwin: North Australia Unit, 1982.
- Sanders, Will. 'Missing ATSIC: Australia's Need for a Strong Indigenous Representative Body'. In *The Neoliberal State, Recognition and Indigenous Rights: New Paternalism to New Imaginings*, edited by Deirdre Howard-Wagner, Maria Bargh and Isabel Altamirano-Jiménez, 113–30. Canberra: ANU Press, 2018. doi.org/10.22459/caepr40.07.2018.06.

- Strakosch, Elizabeth. 'The Technical Is Political: Settler Colonialism and the Australian Indigenous Policy System'. *Australian Journal of Political Science* 54, no. 1 (2019): 114–30. doi.org/10.1080/10361146.2018.1555230.
- Strelein, Lisa. 'Missed Meanings: The Language of Sovereignty in the Treaty Debate'. *Arena Journal* 20 (2002): 83–96.
- Sullivan, Patrick. *Belonging Together: Dealing with the Politics of Disenchantment in Australian Indigenous Affairs Policy*. Canberra: Aboriginal Studies Press, 2011.
- Sutton, Peter. *The Politics of Suffering: Indigenous Australia and the End of the Liberal Consensus*. Melbourne: Melbourne University Press, 2009.
- Tatz, Colin. *Aboriginal Suicide Is Different: A Portrait of Life and Self-destruction*. Canberra: Aboriginal Studies Press, 2005.
- Thorner, Sabra, Fran Edmonds, Maree Clarke and Paola Balla. 'Maree's Backyard: Intercultural Collaborations for Indigenous Sovereignty in Melbourne'. *Oceania* 88, no. 3 (2018): 269–91. doi.org/10.1002/ocea.5206.
- United Nations. *United Nations Declaration on the Rights of Indigenous Peoples*. United Nations, 2008. Accessed 15 August 2020. www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf.
- Vivian, Alison, Miriam Jorgensen, Alexander Reilly, Mark McMillan, Cosima McRae and John McMinn. 'Indigenous Self-government in the Australian Federation'. *Australian Indigenous Law Review* 20 (2017): 215–42.
- Watt, Elizabeth and Emma Kowal. 'To be or not to be Indigenous?' *Ethnic and Racial Studies* 42, no. 16 (2019): 63–82.
- Whitlam, Gough. 'Aboriginals and Society'. Press statement no. 74, 6 April 1973. Accessed 29 May 2019. pmtranscripts.pmc.gov.au/release/transcript-2886.
- Wolfe, Patrick. *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. London: Cassell, 1999.
- Woodward, A. E. *Aboriginal Land Rights Commission: Report*. Canberra: Australian Government Publishing Service, 1973–74.
- Wright, Alexis. *Tracker: Stories of Tracker Tilmouth*. Artarmon, NSW: Giramondo, 2017.
- Young, Stephen M. 'The Self Divided: The Problems of Contradictory Claims to Indigenous Peoples' Self-determination in Australia'. *International Journal of Human Rights* 23, nos 1–2 (2019): 193–213. doi.org/10.2139/ssrn.3487235.

This text is taken from *Indigenous Self-Determination in Australia: Histories and Historiography*, edited by Laura Rademaker and Tim Rowse, published 2020 by ANU Press, The Australian National University, Canberra, Australia.