

The Northern Territory 'Intervention'

Crisis Exploitation: Reflections on the 'National Emergency' in Australia's Northern Territory

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Any government that prides itself on its ability to manage crises is sure to find crises to manage. (Murray Edelman¹)

The NT intervention puzzle

There is no doubt that the Howard government's emergency intervention into Indigenous communities in the Northern Territory will go down in history as one of its most remarkable and controversial actions. Whether it will also come to be noted as one of its main achievements is doubtful.

In this paper, I will not join the debate between critics and defenders of the intervention's content and the intentions behind it. Being relatively unfamiliar with Indigenous affairs in this country, I can be agnostic about these matters. The puzzle that occupies me here is a different one. How come a highly experienced government, led by an agile prime minister, willingly exposes itself to such considerable risks of failure - particularly in an area where it has little political capital and where the accumulated wisdom of decades of policy experimentation is that quick fixes do not exist, despite the best of intentions.

There are many possible answers to this question. They range from the very benign ('an act of great leadership') to the cynical ('blatant, short-sighted electoral posturing'). The very timing of the initiative - just months before an election - and its follow up just days before the election was called (Howard's constitutional referendum pledge on reconciliation) do little to belie the cynics' interpretation. Yet on the other hand, the Howard government did not control the timing of the trigger to this entire intervention, the *Little Children Are Sacred* (hereafter: LCS) report. Its stark facts, vivid imagery and impassioned plea struck a chord in the press, the public, and most importantly, among key Indigenous community leaders. Doing nothing in the face of a widespread moral outrage was hardly an option.

In my view, a more persuasive answer to the puzzle is that the government both purposefully used, and at the same time now finds itself trapped in, the rhetoric of emergency it chose to adopt in framing its interpretation of the report. This is not a unique phenomenon. In what follows, I shall draw on the findings of the interdisciplinary social science field of crisis research to uncover some of the general mechanisms that may be at play here, as in many other cases of drastic government initiatives in response to social or international crises. First, I shall reflect on the notion of emergency, its political ramifications, and the political leadership challenges that arise when a sense of crisis becomes widespread in the community. I will then examine how key players within and outside the Howard government dealt with these challenges. Since the inside story of the policy making process will most likely remain unwritten for some time to come I rely here on media reports and the interpretations of the numerous authors of the quick-response volume of essays about the intervention, entitled *Coercive Reconciliation: Stabilise, Normalise, Exit Aboriginal Australia*.²

From social emergency to political opportunity: crisis leadership

Emergencies of various kinds – past and future ones, local and far away ones, natural, technological and antagonistic ones – have risen to unprecedented prominence on public and political agendas in recent years. Many of them cast long shadows on the politics in which they occur. The sense of threat, violation, uncertainty and urgency that terms such as emergency and crisis convey, shatters people's understanding of the world around them. Emergencies are associated with social trauma, but their potential impact transcends the community level. Increasingly, emergencies have become theatres of high politics. After all, labelling a particular disaster or a certain state of affairs in society as a 'national emergency' has potentially large practical, but also political, consequences. It may open the floodgates of resources flowing in, but at the same time it may also herald major contention. To declare something to be an emergency (or a crisis, terms that are used interchangeably) boils down to saying the following: something is seriously wrong; urgent and drastic action needs to be taken to cope with the consequences and prevent further escalation; somebody needs to be blamed for this unacceptable turn of events.

When governments use the label 'emergency' to denote a particular set of physical events and/or social conditions, they set up themselves, as well as other political stakeholders, for some serious leadership challenges. In many cases, governments will be on the back foot when a major disaster happens or when advocacy groups succeed in getting public support for their designation of certain problems as emergencies. In those cases, governmental crisis management is a form of 'defensive containment', aimed at curbing impact, controlling damage and moving back to 'normal' as soon as possible. Yet in political science it has long been observed that actors bent on getting things done may need to frame 'problems' in order to promote their own pre-existing political authority claims or policy preferences as 'solutions.'³ Governments can thus be tempted to take the initiative in moving an issue from 'business as usual' to the domain of 'emergency.' Doing so opens up semantic and political space to radically redefine existing problems, propose new policies, foster public reflection, gain popularity and strike at opponents.

Emergencies raise the stakes of this ongoing effort. Political actors seek to 'exploit' the disruption of 'governance as usual' that emergencies entail. They manufacture and exploit dramatic labels such as emergency and crisis to defend and strengthen their positions and authority, attract or deflect public attention, get rid of old policies or sow the seeds of new ones. Disasters and social disruptions can thus be understood politically as 'contests' between frames and counter-frames concerning the nature and severity of the problems at hand, their causes, the responsibility for their occurrence or escalation, and their implications for the future. The challenge is to get one's preferred frame accepted as the dominant narrative.

So what really 'is' an emergency? From a political perspective it is first and foremost a mobilising device. If public opinion can be persuaded that something terrible is occurring that undermines core social values and/or structures and that there is no time to lose to respond to it, avenues for action open up that would otherwise remain closed. Invoking a state of emergency enables office-holders to:

- centralise authority in order to pave the way for the decisive, swift, coordinated action that is allegedly needed to curb the threat;

- muster people and resources widely within and across levels of government as well as within the private and community sectors;
- rally popular support for the executive, silence opposition and in some cases formally suspend politics as usual for the duration of the emergency; and
- discredit disliked or oppositional individuals, groups and/or states by asserting they bear responsibility for the occurrence of the emergency.

As stated, the government and its leaders are not the only set of actors seeking to play the emergency card. Oppositional counter frames may effectively neutralise or trump government emergency rhetoric, making the government look dishonest, disorganised, out of touch or even outright culpable. The dynamics and outcomes of these crisis exploitation efforts are unpredictable. The public passions that physical and/or socially constructed disruptions arouse can be volatile, and the persuasiveness of particular ways of framing emergencies can change abruptly, triggering political reversals of fortunes for key players, policies and institutions.

When the Madrid bombings occurred just days before the 2004 national elections in Spain, the incumbent government of Prime Minister Aznar and the opposition led by social-democrat Zapatero sponsored radically different interpretations of the disaster. Aznar maintained it was an attack by his old nemesis, Basque separatist group⁴ ETA; the opposition accused him of a cover up, claiming the real culprit must have been al-Qaeda delivering its bloody form of 'payback' for the government's participation in the war in Iraq. Within the space of 48 hours, a frenetic framing contest ensued. The government's position gradually lost credibility as more details of the police investigation became public. The opposition deftly used internet and SMS to stage 'flash mob' rallies at the governing party's offices around the country, giving the impression that the population at large was up in arms against the alleged cover up. Zapatero won the election on a last minute swing against the government.⁵

The Madrid example is unusually clear cut. Many other instances are not, and we do not as yet possess systematic knowledge of how and why some crises claim political scalps, create political heroes, and generate winning coalitions in favour of certain 'lessons' and 'reforms', while others do not. What we do know is that behind all the rhetoric of crisis, the calls for investigation, the mobilisation of emergency funds, the rushing through of emergency legislation, and the efforts to assign and deflect blame lies an impetus that few political actors can afford to ignore. This is the temptation to treat signs of major physical or social disruption as not just operational but as political challenges. Both governments and their critics will to some extent engage in *crisis exploitation*, which I define as *the purposeful utilisation of crisis-type rhetoric to significantly alter public perceptions, public policies and public careers*.

Crisis exploitation is a high-stakes game, and is problematic on various fronts. First, when are things 'bad enough' to be described in terms of emergency, disaster or crisis? Physical indicators of misery are hardly a reliable guide. Hundreds of people killed in a flood in Bangladesh are considered a routine disturbance there, whereas in Australia this would be a national tragedy which would cast a very long political shadow indeed. Emergency is a label, not a fact. The applicability of the label is contingent upon indeterminate combinations of a whole range of factors, such as: types of triggers; nature, scope and extent of physical disturbance; relative (in)visibility of human consequences; public credibility of the source(s) of the emergency claim; timing of the labelling exercise relative to other significant issues in the public domain; and so on.

Secondly, it is one thing to evoke a public sense of emergency. It is quite another to control its abatement. When does a particular problem cease to be an emergency? Who, if anyone, gets to make that call, other than in the formal-legal sense of rescinding disaster declarations and the like? Thirdly, how much suspension of politics as usual can and should a democracy be prepared to bear, and for how long?

Finally, the long-term implications of 'emergencies' are not only significant but quite often widely perceived as undesirable. Because they serve to release the constraining impact of procedural niceties, checks and balances, and existing path dependencies, episodes of emergency government often entail sweeping initiatives and big reforms – but also big mistakes. These prove exceedingly hard to undo, if only because policy makers have made a highly public commitment to their crisis response policies. They almost literally have 'too much invested to quit', as, for example, in Bush's road from 9/11 to the Iraq fiasco.⁶

From inquiry to intervention: a contested emergency

As an act of crisis exploitation, the Northern Territory (NT) intervention so far has been only partially successful for the government. From the government perspective, there were some clear positives. It engaged in an intensive 'meaning-making' exercise, drawing on powerful (if sometimes inappropriate) historical analogies such as hurricane Katrina to drive home the seriousness of the situation.⁷ It did manage to capitalise on the LCS report to instil a sense of urgency around the issue. It also managed to suspend politics as usual, for instance by pushing an unprecedented package of legislation and measures through Parliament in record time. And it did get a federal operation on the ground in a matter of weeks, thus sidestepping the usual delays and dilutions of policy implementation in normal times.

But the government's framing effort did not go uncontested. This began with its insistence, backed by the LCS report, that child sexual abuse in certain Indigenous communities was rampant and constituted a real, present, urgent and above all utterly unacceptable violation of key social values. Although this way of framing the emergency was widely accepted as such, various critics argued that this problem had been named in various investigations long preceding the LCS report. They sought to reframe the crisis as a product of prior government negligence, questioned the government's timing, and therefore, its motives. Why declare this an emergency now, that is, just months before an election? Was the government trying to create a 'wedge issue' for federal Labor? Was it part of its ongoing pre-election campaign to blame the Labor-led states and territories for some of the country's most troubling public policy conundrums (eg, water management, hospital care)? As a result the 'rally around the flag' effect aimed for by the government did not last.

There was also intense criticism of the discrepancy between the scope of the original LCS diagnosis, which provided the key rationale for the intervention, and the sweeping breadth and depth of the government's response. The government claimed its approach was designed to address not just the symptoms (child abuse) but to eradicate the root causes of the problem (the vicious cycle of low incentives to study and work, joblessness, poverty, despair, alcohol and substance abuse, and dysfunctional behaviour). This could only be accomplished by a broad-based campaign effectively entailing a federal take-over of local communities. Its critics argued that the government was abusing the LCS report to create momentum for what it sold as a straightforward 'rescue operation' but what in fact amounted to an all-out assault on the prevailing policy paradigm in Indigenous affairs. They pointed out that

along with the nurses, doctors, policemen, inspectors and above all truck loads of money would come renewed dispossession of land, the end of self-government, and relentless pressure to abandon identity-based Indigenous ways of life. In their hands, the government's stated aim to 'normalise' the situation became a much bigger threat to Indigenous communities than the original child abuse crisis ever was.

Thirdly, there was a strand of essentially pragmatic criticism saying the government's plans simply would not work. Critics in this vein hit a familiar, but evidence-based note: Canberra's great hopes and best laid plans will be dashed when implemented in Milingimbi, Milikapati, Mutitjulu and all those other complex, remote communities. That's how it has been in the past in Indigenous affairs. It is also what more than three decades of implementation research, worldwide, suggests.⁸ Policies devised and decided on the run tend throw up a host of debilitating execution problems: disagreement, delays, ducking, disorganisation and distortion. The result: cost explosions, loss of bureaucratic momentum and political support, and a host of unintentional negative effects on target populations that come to rival if not overshadow those anticipated.

Finally, there was concern about the open-ended nature of the federal intervention. Although there was talk of 'normalisation and exit', it remained unclear when exactly the situation would be seen to be sufficiently 'stabilised' to warrant a federal retreat and, presumably, a return to more decentralised forms of governance.

Whereas one might argue that the first two strands of criticism are rooted in ideological differences, the latter two are not. Although the supporters of the intervention are likely to dismiss the prediction of implementation failure as a 'rhetoric of reaction', it has a lot of social science research and practitioner wisdom on its side. Certainly the findings of comparative crisis research echo those of the general implementation literature: the bigger a crisis-induced policy reform and the more it is imposed from the top, the more problem-ridden its implementation and the more likely its eventual futility or jeopardy.⁹ Many of the officials and agencies currently engaged in this intervention are well aware of the enormous risks the government is running. One might expect that for that very reason some of them have, or would have, urged for more caution and consultation in the process. Clearly, those voices did not carry the day. In the months and years to come we will find out if the NT intervention fits the pattern of emergency-induced reforms turning into reform-induced fiascos, or whether it proves to be one of the rare exceptions to that rule. The same goes for the lack of a clearly circumscribed exit scenario: like the 'war on terror', the 'NT emergency' is open-ended, metaphorical, and therefore potentially endemic and enduring.

How did the intervention happen?

Political leaders sometimes have to 'gamble with history', as one observer of the early, radical years of Ronald Reagan's presidency characterised that leader's political style.¹⁰ But boldness alone does not make for great leadership: most successful reformers make sure they have support from the key actors inside and outside government whose cooperation is essential to make things work on the ground.¹¹ This was clearly not the case here. This takes us back to the puzzle of this discussion: how come?

Was the intervention nothing more than a classic 'knee-jerk' reform of a government swept along by the 'swirling cyclone of emotion' generated by the LCS report?¹² Howard's own account gives some room for this interpretation. He commented that it was Noel Pearson's trembling voice when he conjured up the image of the tiny child

cowering in the corner that prompted him into action. Altman may have found this surprising for a government normally wedded to 'economic rationalist approaches', but he shouldn't have been.¹³ Research suggests that the power of emotion in these cases cannot easily be understated: when children get hurt, emotions run high, and even experienced politicians can be caught in the maelstrom of calls for action fuelled by moral indignation that sometimes far exceeds the real proportions of the problem, or ignores the pervasive uncertainties about its causes.¹⁴

The Howard haters probably prefer the 'ideological zeal' explanation, pointing to what they perceive to be his and his government's long-standing opposition to Indigenous land rights, autonomy and identity politics. This explanation may perhaps explain the substantive thrust of the intervention, but cannot plausibly account for its timing. In the past 11 years there have been many reports and other indicators that the government could have chosen to interpret as the 'smoking gun' for the alleged failure of the policies, that have produced what Rowse has called the 'Aboriginal jurisdictions', to legitimise a drastic federal intervention - but it never bit that bullet. Others would say it did in fact try, but failed.¹⁵ Some would argue that LCS was simply the straw that broke the camel's back, depicting the intervention as 'the culmination of eleven years of chipping away at Aboriginal and Torres Strait Islander representative institutions'.¹⁶ I am not convinced. In my view, it is quite unlike Howard to leave such an apparently long-harboured ambition simmering until so late in his long reign.

A combination of situational and ideational factors bring us somewhat closer to a plausible explanation. The focal point then becomes the, perhaps, tacit but unmistakable nexus between Howard, his latest activist Indigenous affairs minister and former soldier Mal Brough, and Noel Pearson, in his role as a 'moral entrepreneur' in this crisis. In effect, the Howard government had an ideological disposition but lacked the moral capital in the Indigenous policy arena to act on it; Pearson possessed precisely such capital, and over the years had begun to advocate policy change which shared at least some of Howard's desire for a new, individualistic, mainstreaming-oriented departure in Indigenous economic and social governance. When Pearson then played up the LCS report's findings, Howard seized the momentum, borrowing from Pearson's work yet improvising a package that went well beyond Pearson's own comfort zone.¹⁷

In my view, this situational-ideological account needs to be complemented by an institutional one. In essence, such an explanation says: the government acted because it could, and because it had used the same strategy with political success in the past. As Walter and Strangio point out in an intriguing new book, Howard's frequent invocation of alleged 'threats' and 'crises' to unilaterally impose policies may be partly the product of his psychological fit with the 'strong leader' profile. This profile (as outlined by the Melbourne political psychologist Graham Little¹⁸), projects leadership as combating perceived adversities and opponents by a 'no-nonsense', hard-working, centrally orchestrated approach to governing.¹⁹ But the very viability of this style, which Howard shares with his latter-day nemesis Malcolm Fraser, has been greatly facilitated by the gradual accrual of institutional possibilities to rule from the top.

Walter and Strangio argue that Australian politics since Whitlam has seen a steady accumulation of power resources in the office and person of the prime minister, made possible by an erosion of potential sources of countervailing power (the party, the bureaucracy, parliament). Howard's particular leadership style is greatly facilitated by this potential for centralisation, after 2004 benefiting furthermore from the relatively

rare opportunity of Senate control to push through otherwise politically infeasible initiatives such as WorkChoices. In case of the intervention, the federal government's ability to directly intervene in a Territory's affairs, something it cannot do to the same extent in the States, was another institutional facilitator.

Within the Indigenous affairs policy subsystem, a similar form of 'hollowing out' (or outright abolition, eg, ATSIIC) of potential countervailing forces has occurred in the last decade. Hence it should come as no surprise that the federal government can intervene bluntly in what many thought was destined to become an ever more self-governing, and partly state-run policy arena.

Perhaps the most disturbing lesson of the entire episode is that it can easily happen again. From time to time, all prime ministers since Whitlam have fallen for the temptations open to them of turning emergency into a political style. That may have made for 'good politics' from their point of view, but more often than not it makes for 'bad policy' from the point of view of balanced and democratic public policymaking.

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¹ Edelman, Murray (1977). *Political Language: Words That Succeed and Policies That Fail*, New York: Academic Press: 47.

² Altman, Jon and Hinkson, Melinda (eds) (2007). *Coercive Reconciliation. Stabilise, Normalise, Exit Aboriginal Australia*. North Carlton: Arena Publications Association.

³ Kingdon, JW (1995). *Agendas, Alternatives and Public Policies*. New York: Harper Collins.

⁴ That is, Euskadi ta Askatasuna; Basque Nation and Liberty.

⁵ Based on Olmeda, J (2008). 'A reversal of fortune: blame games and framing contests after the 3/11 terrorist attacks in Madrid', in Boin, A, 't Hart, P and McConnell, A (eds) *Governing After Crisis*. Cambridge: Cambridge University Press (in press).

⁶ Teger, A (1980). *Too Much Invested to Quit*. New York: Pergamon.

⁷ True to the spirit of emergencies as 'framing contests', the government's critics used equally strong counter-analogies (the Nazis, the *Bringing Them Home* report, the Trojan Horse, and, but in a different sense again, 'Katrina') in their efforts to discredit the government's position. See for example Dodson, P (2007). 'Whatever happened to reconciliation?' in Altman and Hinkson *op cit*: 25. On the use of historical analogies in crisis management, see Brändström, A, Bynander, F and 't Hart, P (2004). 'Governing by looking back: historical analogies and crisis management', *Public Administration*, 81, 1: 191-210.

- ⁸ An allusion to the classic implementation study, Pressman, J and Wildavsky, A (1984 3rd ed). *Implementation: How Great Hopes in Washington are Dashed in Oakland (etc)*. Berkeley: University of California Press. An example of this type of critique of the NT intervention is Anderson, I (2007). 'Health policy for a crisis or a crisis in policy?' in Altman and Hinkson *op cit*: 133-40.
- ⁹ See Boin, A and 't Hart, P (2003). 'Public leadership in times of crisis', *Public Administration Review*, 63, 5: 544-553; Dekker, S and Hansén, D (2004). 'Learning under pressure: The effects of politicisation on organisational learning', *Journal of Public Administration Research and Theory*, 14, 2: 211-230; Boin *et al* (2008), *op cit*. The terminology adopted here comes from Hirschman, A (1991). *The Rhetoric of Reaction: Perversity, Futility, Jeopardy*. Cambridge: Belknap Harvard.
- ¹⁰ Barrett, Laurence I (1983). *Gambling with history: Reagan in the White House*. New York, London: Doubleday.
- ¹¹ Boin and 't Hart (2003) *op cit*; Goldfinch, S and 't Hart, P (2003). 'Leadership and institutional reform: Engineering macroeconomic policy change in Australia. *Governance: An International Journal of Policy, Administration and Institutions*, 16, 2, April: 235-270; 't Hart, P and Gustavsson, J (2002). 'Foreign economic crisis, reformist leadership and policy change: Lessons from Australia and Sweden', in *Administrative Theory and Praxis*, 24, 1: 145-174.
- ¹² On 'knee-jerk' responses to emergency, see Lodge, Martin and Hood, C (2002). 'Pavlovian policy responses to media feeding frenzies? Dangerous dogs regulation in comparative perspective', *Journal of Contingencies and Crisis Management* 10, 1: 1-13. The second quote is from Rundle, G (2007). 'Military humanitarianism in Australia's North' in Altman and Hinkson *op cit*: 37.
- ¹³ Altman (2007) *op. cit*: 318.
- ¹⁴ Lodge and Hood (2002) *op cit*. See also Goode, E and Ben Yehuda, N (1994). *Moral Panics: The Social Construction of Deviance*, New York: Wiley.
- ¹⁵ See, for example Tilmouth, W (2007). 'Saying no to \$60 million', in Altman and Hinkson *op cit*: 232.
- ¹⁶ Hinkson, M (2007). 'Introduction: In the name of the child', in Altman and Hinkson *op cit*: 7.
- ¹⁷ See Altman (2007) *op cit*: 309-10.
- ¹⁸ Little, G (1988), *Strong Leadership*, Melbourne: Oxford University Press.
- ¹⁹ Walter, J and Strangio, P (2007). *No, Prime Minister: Reclaiming Politics From Leaders*, Sydney: UNSW Press. For an elaboration of the argument in view of the NT intervention. see also Walter, J (2007). 'Post-democracy? The command culture and policy fiasco'. Paper presented at the Public Leadership in Australia and Beyond Workshop, ANU, 29-30 November..

