

1. Understanding Indigenous Australian governance—research, theory and representations

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An intercultural allegory

Scene 1: the opening of Parliament House, Canberra, May 1927

Crowds gather on a flat, dusty, ceremonial ground—witnesses to the first steps in the invention of a capital city. The Duke and Duchess of Kent have travelled from the mother country to preside over proceedings. The sovereign Crown come down under.

In the midst of the huddle one figure stands out. He is an Aboriginal man dressed in an old suit, dogs at his side ... A report from the *Canberra Times* referred to him as 'a lone representative of a fast vanishing race' who had come only to salute 'visiting Royalty'. His name was Jimmy Clements. Whitefellas, as was their way, referred to him as 'King Billy'. On seeing Clements, a policeman immediately asked him to leave. He was apparently dressed inappropriately for the occasion—a King not fit to be in the presence of English royalty. But Clements did not want to be moved on; this country was his after all.

... the crowd on the stands rallied to his side. There were choruses of advice and encouragement for him to do as he pleased. A well known clergyman stood up and called out that the Aborigine had a better right than any man present to a place on the steps of the House of Parliament and in the Senate during the ceremony. The old man's persistence won him an excellent position, and also a shower of small change ...

The following day, May 10, prominent citizens were paraded before the Duke and Duchess as they stood atop the steps of Parliament House. Clements was among those who passed before them ... *The Argus* reported, 'an ancient aborigine, who calls himself King Billy and who claims sovereign rights to the Federal Territory, walked slowly forward alone, and saluted the Duke and Duchess. They cheerily acknowledged his greeting.'

... the Aboriginal man who 'claims sovereign rights' at the very moment the sovereignty of the Crown and the Australian parliament is asserted.

(McKenna 2004)

Scene 2: the opening of Parliament, Canberra, February 2008

Politicians and dignitaries have gathered in the centre of Parliament House for the first-ever indigenous welcome. With rain gently falling across Canberra ... Ngambri elder Matilda House-Williams ... accompanied by a didgeridoo player and her two grandchildren, greeted Prime Minister Kevin Rudd and presented him a message stick.

She said her welcome, on this occasion, was far different from that accorded Jimmy Clements in 1927 ... Ms House-Williams described the day as significant because it was the first time parliament had opened with an Indigenous welcome to country ceremony ... 'A welcome to country acknowledges our people and pays respect to our ancestors' spirits who've created the lands,' she said. 'In doing this the prime minister shows what we call proper respect, to us, to his fellow parliamentarians and to all Australians.' ... The welcome symbolised a united Australia, Ms House-Williams said. 'The hope of a united nation through reconciliation, we can join together the people of the oldest-living culture in the world and with others who have come from all over the globe and who continue to come.'

A smiling Mr Rudd said he would respond, first by honouring the traditional owners of the land, now occupied by Parliament House, as well as the traditional owners of all lands across Australia ... He said exactly 100 years ago Canberra was chosen as the site of the nation's capital, 80 years ago the first parliament house was built and 20 years ago new parliament house opened. 'Yet the human history of this land stretches back thousands of years to the Dreamtime,' he said.

'Despite this antiquity among us, despite the fact that parliaments have been meeting here for the better part of a century, today is the first time in our history that as we open the parliament of the nation, that we are officially welcomed to country by the first Australians of this nation,' ... 'Today we begin with one small step, to set right the wrongs of the past, and in this ceremonial way it is a significant and symbolic step.' Mr Rudd said the ceremony should become a permanent practice for future governments. 'Let this become a permanent part of our ceremonial celebration of the Australian democracy.'

(AAP 2008)

The debate about Indigenous governance in Australia teeters on the brink of becoming inane and unilateral. As McKenna (2004) details above, in 1927, Jimmy Clements, or King Billy as he was known to the citizens of Canberra, was seen as ‘a lone representative of a fast vanishing race’. At the same time as his ‘race’ was supposedly vanishing, he ‘claim[ed] sovereign rights’ at the very moment ‘the sovereignty of the Crown’ was being asserted in the opening of the first Australian Parliament. Eighty years later, Indigenous Australians have not disappeared. They are still asserting their sovereign rights and interests as the First Australians, and still doing so within a highly charged and contested environment in which the Australian state holds pre-eminent power. In many ways, government discourse and public understanding of the nature of Indigenous Australians’ own systems of governance, and how these function within contemporary Australian society, have not progressed far since 1927. Their views continue to be pervaded by misunderstanding, half truths and convenient assumptions.

The two news events related above, linked across almost 80 years, stand as a rich allegory for the struggle, vulnerability and sustaining practices of Indigenous governance in Australia. They pose Indigenous systems of governance squarely within an intercultural post-colonial frame, in which the Australian state has overarching sovereign power and jurisdiction. Today, Indigenous Australians have secured only limited jurisdictional authority through the erratic enactment of land rights, native title and local government legislation in the states and territories. In the absence of treaties or constitutional recognition, they are having to find their pathways to self-governance within the wider ‘governance environment’ that encompasses them. This continues to bring them face to face with the governance systems, structures, concepts and values of non-Indigenous Australia—many of which are incompatible with their own.

A broad theme running through *Contested Governance: Culture, Power and Institutions in Indigenous Australia* is that the engagement between Indigenous people, their organisations and the Australian state is essentially intercultural in nature (cf. Hinkson and Smith 2005; Merlan 1998). That is, what we are trying to understand is a heterogeneous and relational field of governance (see B. Smith this volume, Chapter 6). The case studies presented here illustrate this point vividly. It is simply impossible to understand the governance of Australian Indigenous communities and organisations as separate from the encapsulating governance environment of the Australian state.

This is not an assertion of categorical control or domination by the Australian state. Rather, it identifies the importance of the interplay of relationships, practices and agency taking place in the intercultural governance field. The inter-penetration evolves and is neither uniform nor unidirectional. The focus of the book is squarely on that field, for it is where our research has found

contemporary Indigenous governance practices are being shaped and often actively asserted, and where differences between the cultures of governance are being contested and negotiated. In other words, there is significant 'inter-influence' (Merlan 1998, 2005).

The case study research presented here indicates that Indigenous and non-Indigenous governance systems are far from separate in respect to issues of power, authority, institutions and relationships. And there are intended and unintended consequences—beneficial and negative—for both Indigenous and non-Indigenous Australians arising from what Hinkson and Smith (2005: 160) refer to as 'the complexities of lived interculturalism'. In particular, the contemporary governance systems of Indigenous communities, their organisations and leaders have been influenced by their interactions with the Australian state over many decades. To a lesser extent, the state has in turn been influenced by its interactions with Indigenous Australian governance systems, an influence that is most apparent at the level of its institutional engagement and policy implementation.

Contesting governance

Because one cannot simply demarcate the colonial past from struggles in the present, the contemporary exercise of Indigenous governance is a process that must constantly attempt to renegotiate the balance of domination, subordination and contestation in its interactions with the Australian state (Pels 1997: 163). Furthermore, 'the state' does not sit in splendid isolation in the nation's capital. Nor is it homogeneous. In its governmental, departmental and bureaucratic guises, the state daily manifests itself in Indigenous communities and organisations. The governmentality of the state can be understood as a pattern of power and set of supporting institutions that are dispersed—and not uniformly so—through the Indigenous social body. Contestation also highlights relationships between sets of individuals, as well as systems. These relationships may vary from local, familiar and seemingly benign, to distant, alien and antagonistic.

A broad perspective running through this book is that we must therefore study Indigenous governance as relationships between and among Australian governments and Indigenous groups, and as contestation and negotiation over the appropriateness and application of policy, institutional and funding frameworks within Indigenous affairs. The self-determination policy initiated various government experiments with community management, service delivery and institutional mechanisms for Indigenous-specific funding. More recently, a dominant mode of the state has been increased unilateral intervention into the political, social, family and economic lives of Indigenous communities. This has been particularly evident with the exercise of Commonwealth powers in the Northern Territory (NT).

There is little doubt that the difficulties of Indigenous governance in the context of extremely limited self-determination have long been apparent to those who study the aftermath of Indigenous struggles in the post-colonial world. In Australia it is evident, for example, in lost economic and resource rights, ruptured social fabrics, diminished law, language and ceremony, ill health, broken families and extreme welfare dependency. It is not surprising then that some commentators, including influential Indigenous spokespersons, argue that direct intervention by the state is long overdue and is justified to end dysfunction. But in these unilateral interventions, government support for Indigenous self-governance and related capacity-building is noticeably absent.

Indigenous self-determination in Australia is now widely disparaged. It has failed to deliver expected improvements in socioeconomic outcomes and has been poorly implemented by governments (Hunt this volume, Chapter 2). While there are some examples of outstanding Indigenous governance success (Reconciliation Australia 2006, 2008), there are also examples that have tragically failed to provide for the most basic rights of the people they are meant to represent. A preoccupation with Indigenous governance failure and dysfunction, however, has taken hold among policy makers and commentators alike, to the point that Indigenous institutions and capacity are now commonly seen through the lens of a deficit model of, and a problem for, 'good governance'.

Within this environment, Indigenous peoples in Australia have also been determined to increase their authority and capacity over their own affairs, resources and futures. They also point to the dysfunction and lack of governance capacity within governments as being equally relevant causal factors contributing to their poor community governance and socioeconomic disadvantage.

Partly as a result of these outcomes and public debates, the issue of governance and more particularly 'good governance' has come into greater prominence in Australian Indigenous affairs. As the concept of 'good governance' has rapidly transferred from the arena of international development and corporate management into policy making and bureaucratic language, some State and Territory governments have shown an interest in paying attention to Indigenous governance, but have found implementation difficult; their own capacities have been challenged by the task. The issue of governance also preoccupies Indigenous communities, organisations and leaders who have been bitterly disappointed with the political rhetoric and institutional failures of the Australian state over many decades. Indigenous groups are increasingly considering whether governance offers them an avenue to greater self-determination, when the official policy by that name did not, and while many remain so dependent on the state.

Getting governance right is gradually being recognised by both Indigenous and non-Indigenous Australians as fundamental to improving Indigenous well-being and generating sustained socioeconomic development. But its introduction into

Australia has been loaded with unrealistic expectations and contradictory assumptions. There is little critical understanding or consensus about its meaning, or how effective governance in Indigenous communities and regions might be developed, so that people talking about governance are often ‘talking past each other’, as Thorburn’s chapter (Chapter 13) in this volume illustrates.

The purpose of the book

Contested Governance looks to this intercultural arena to put forward ethnographic accounts of the ‘cultures of governance’ of both Indigenous peoples and the Australian state, and explores their institutional inter-relationship. The book seeks to unite empirical, theoretical and action research by using these accounts to critique the concept and meanings of governance, and to pose questions about the nature and future of Indigenous governance in ‘post-colonial’ Australia.

From a scholarly perspective, the contributors seek to understand and problematise how Indigenous governance operates—in all its diversity—at the local level: its cultural foundations, values and principles, what is working, what is not, and why. The chapters collectively aim to better elucidate the relationship between the effectiveness of governing arrangements in diverse contexts, and factors of institutional form, scale, power, autonomy, legitimacy, representation and accountability. A key aim is to instil comparative data, greater analytical rigour and theoretical content into debates on these issues.

From policy and practical perspectives we believe that high quality research can have significant value to both Indigenous groups and governments concerned with enabling community ‘governance building’. For the communities involved, the field research has been applied and collaborative—it has aimed to make research ‘count’ on the ground (see Holcombe this volume, Chapter 3). All the authors have worked on practical initiatives with Indigenous communities, organisations and leaders to identify the shortfalls and assets in governance power, institutions and capabilities, and to highlight successful governance strategies and solutions for wider dissemination. To that extent, the authors seek to make an empirical, conceptual and practical contribution to the governance field in Indigenous affairs in Australia and more widely.

Authors of the various chapters explore fundamental questions about the histories, nature and exercise of Indigenous governance, and its place in Indigenous communities and the wider Australian state. These issues have taken on an added urgency since the unilateral intervention by the previous Australian Government into NT communities (see Altman, Hunt, Smith, Ivory, this volume), and the current Federal Labor Government’s formal apology to the Stolen Generations following the opening of the Australian Parliament in early 2008,

referred to at the beginning of this introduction.¹ These two events, though diametrically different in character and intention, have focused attention squarely back onto issues of Indigenous legal rights, socioeconomic status and self-determination and, by implication, onto Indigenous self-governance.

Researching governance

The research on which this volume draws has arisen from a comparative research project—the ‘Indigenous Community Governance Project’ (ICGP)—which has been carried out over the five years 2004–08. The project involves a partnership between researchers from the Centre for Aboriginal Economic Policy Research at The Australian National University and Reconciliation Australia, as well as individual researchers from several other tertiary institutions. While national in coverage, the project is community and regional in focus, bringing together a multidisciplinary team² to investigate Indigenous governance arrangements and processes across different rural, remote and urban settings.

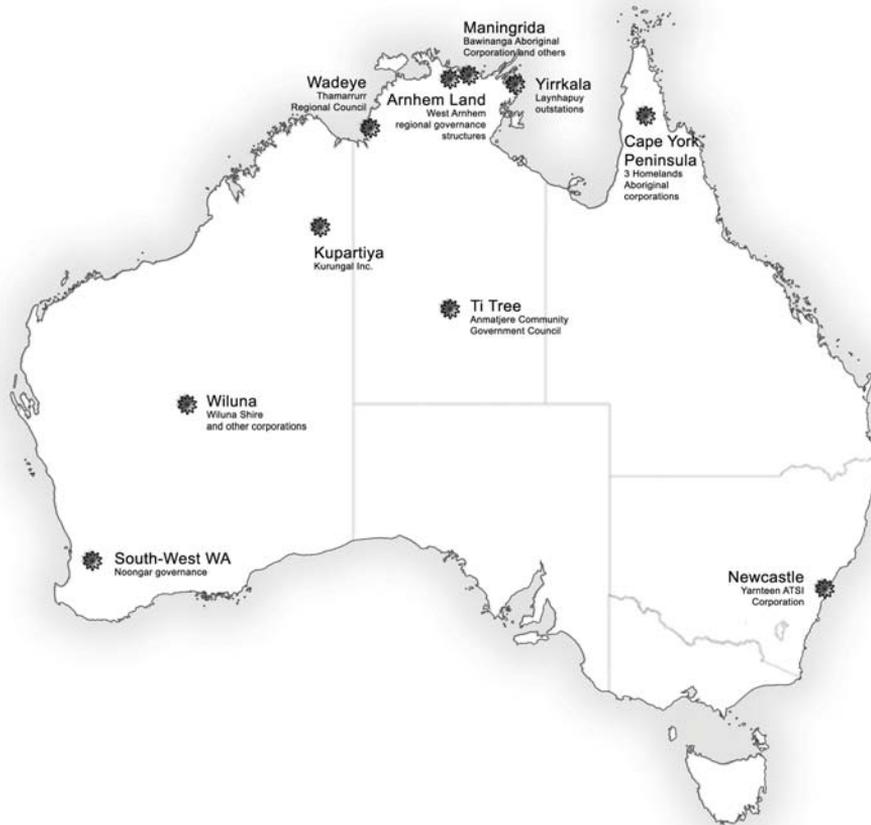
Researching governance is challenging given the multidimensional complexities of politics, ideology and institutions that are encompassed, and all the more so given its different cross-cultural meanings and expressions and the multiple agents involved (see Holcombe and Hunt this volume, Chapters 3 and 2 respectively). With these conditions in mind, and in order to support the objectives of the research project, the team leaders developed an overarching comparative methodological framework with several core components (see Smith 2005).

At the heart of the project are a number of ethnographic case studies undertaken with participating Indigenous communities and organisations. These include a sample of different ‘types’ of Indigenous ‘communities’ in diverse geographical locations (see Fig. 1.1). Researchers were engaged with the same communities and organisations over three to five years so that the dynamic aspects of local governance could be documented over time. A community collaboration strategy was developed that aimed to engage Indigenous organisations, leaders and community residents as active researchers in these case studies.

¹ See Altman and Hinkson (2007) for several authors’ descriptions and analyses of the Australian Liberal Government’s intervention strategy in 2007. See also the text of the Prime Minister’s apology speech to Australia’s Indigenous peoples (Rudd 2008).

² The ICGP brought together researchers with professional expertise in political science, anthropology, demography, geography, development studies and economics. The researchers worked alongside community research collaborators with expertise in local culture, business development, social organisation, language, history and local politics.

Fig. 1.1 The ICGP case study sites included in this volume



ICGP researchers also undertook case studies of the ‘governance environment’, which was conceptualised separately for analytical purposes. These studies focused on the changing policy, service delivery and funding frameworks being implemented by different levels of government. The goals and rationale of government strategies were analysed and their impacts on the ground investigated. Language is a key feature of political and policy processes. Indigenous and government discourse about governance was thus a key component of the analysis. Within their host communities, project researchers mapped the wider field of players, and external conditions and relationships that impinge directly on the legitimacy, effectiveness and outcomes of Indigenous governance.

Researchers employed a variety of methodologies, including: demographic analysis; investigation of the governance histories of communities and organisations; participant observation; language and discourse analysis; mapping

the community and governance environment; conducting organisational evaluations; documentation of decision-making processes and meetings; analyses of policy and legal frameworks; recording the life histories of individual leaders; and a range of interview, survey and questionnaire techniques. This approach was designed to elicit valid and meaningful information about the diverse conditions and attributes of Australian Indigenous community governance, and to help elucidate both the Indigenous and government 'cultures of governance'.

A comparative analysis of the case study evidence was undertaken (see Hunt and Smith 2006, 2007; Smith 2005). To enable comparative data to be collected at each field site the research leaders developed a set of questions and issues in a field manual, which each researcher investigated and subsequently reported upon. This enabled the project leaders to test hypotheses and location-specific evidence, in order to generate more broadly relevant insights into principles about Indigenous governance. These findings were then scrutinised at research workshops and the project's advisory committee meetings. Across the research sites, fundamental concepts such as 'governance', 'community', 'leadership', 'institutions', 'capacity', 'accountability' and 'legitimacy' were unpacked. The research team was endeavouring to identify underlying values, meanings and norms, and to test what might constitute valid criteria and principles for designing and evaluating Indigenous governance (Hunt and Smith 2006, 2007).

Conceptualising governance

The concept of governance has multiple origins and meanings. The academic literature is eclectic and rather disjointed and the term can sometimes serve to obscure rather than clarify issues. For the purposes of the ICGP, we define 'governance' as: the evolving processes, relationships, institutions and structures by which a group of people, community or society organise themselves collectively to achieve the things that matter to them. To do this they need to make decisions about:

- their group membership and identity (who is the 'self' in their governance);
- who has authority within the group, and over what;
- their agreed rules to ensure authority is exercised properly and decision-makers are held accountable;
- how decisions are enforced;
- how they negotiate their rights and interests with others; and
- what arrangements will best enable them to achieve their goals (see Hunt and Smith 2006).

In other words, governance is as much about people, power, and relationships as it is about formal structures, management and corporate technicalities. Indeed, the relational aspects of governance are often critical factors in effective performance (Hunt and Smith 2006).

Governance is not culture-neutral. Assessments of what is 'good' about governance cannot be separated from culturally-based values and normative codes about what is 'the right way' to get things done. In an intercultural milieu, determining whose way is the 'right way' is frequently a contested issue. A related undercurrent running through recent Australian debates about Indigenous governance is the role of 'culture'. To put it most starkly, some commentators question whether Indigenous people are culturally capable of 'good' governance in western terms. Blame for the failings of community and organisational governance are variously laid at the door of a perceived unchanging culture, whose values are supposedly antithetical to good governance; of leaders who are abnormally corrupt; or a culture now so dysfunctional that it is unable to deliver good governance (Hughes 2007; Vanstone 2005).

In a highly charged debate, what constitutes 'Indigenous' governance, 'leadership' and 'community' is also contested, and so has been problematised and closely examined by several authors in this volume.

The ICGP defines a 'community' as 'a network of people and organisations linked together by a web of personal relationships, cultural and political connections and identities, networks of support, traditions and institutions, shared socioeconomic conditions, or common understandings and interests' (Hunt and Smith 2006: 5). The concept can therefore encompass different types of 'community' including: a discrete geographic location; a 'community of identity' comprising a network of Indigenous people or organisations whose membership is based on cultural and historical affiliations, rather than geographic co-residence; a 'community of interest' comprising people who may not necessarily share the same world view or customs, but who share a set of common goals; and a political or policy community, such as a bureaucratic network of individuals (*ibid.*).

Such distinctions are useful for analytic purposes, but as the authors document here, several of these different types of community can be found in a single location. Communities are more than just residential locations or interpersonal networks. They can take on enduring social patterns, institutional voices, roles, functions, collective identities and structures.

The 'communities' that feature in this volume reflect much of the complexity and diversity elaborated above. In the context of governance, the concept of community immediately raises issues of scale, cultural geographies and boundaries, and contestation over those. The ICGP research therefore focused beyond the geographic boundaries of discrete communities to include the more permeable and mobile collectivities to be found dispersed across wider regions, and which are often seen by Indigenous people as constituting the more legitimate bases for the 'self' in their community self-governance.

Theorising governance

The chapters in this volume speak collectively to a pluralistic understanding of governance. The relatively under-theorised nature of the concept of governance encourages the broad methodological approach researchers have adopted. Accordingly, amongst the following papers, the authors critically test the relevance of theories of transformation and transition; political economy; network theories of governance; leadership theory; intercultural theory; and interpretative policy analysis.

At the same time, an underlying concern common to all the authors is to examine Indigenous governance as a site for the unfinished business of post-colonial struggle, which constantly contests and renegotiates the balance of power and relationships between Indigenous Australians and the Australian state. Collectively, the chapters call attention to the hyper-fluidity of the current government policy and institutional conditions under which Indigenous Australians are seeking to develop their community, regional and national governance arrangements.

Another broad finding evident in this volume is the relevance of 'culture', both as an object of governance and as an explanatory variable for differences in the workings and effectiveness of governance regimes within Indigenous societies, and in its contested mode within the Australian state. In each chapter, different authors investigate particular dilemmas and issues that come to the fore in the everyday experience of Indigenous community and organisational governance.

We believe that the multi-disciplinary and methodologically varied research framework, when combined with a comparative exploration of common research issues, has provided a rich source of data and critical analysis from different perspectives about the same fundamental issues. As a consequence, it is possible to look at the papers overall and extrapolate a set of broader theoretical propositions about 'governance' (see also Kooiman 2003; Pels 1997; Stoker 1998), and 'Indigenous governance' in particular.

The first proposition about the governance of Indigenous communities that emerges from the collected papers is that the concept refers to a field characterised by a plurality of actors, institutions and systems, and a multiplicity of forms of action. Today these are drawn from both the public and private sector, and Indigenous societies. As several authors note, the field of governance in Australia has been significantly widened in the last 40 years through the burgeoning of Indigenous community service organisations. That sector has taken over some of the usual tasks of government in Indigenous affairs. Conversely, the increased involvement of the private and voluntary sectors, and unilateral intervention by the public sector into Indigenous organisations and community life, highlights the potentially greater role of all these external players in either facilitating or undermining local governance arrangements.

The second proposition that emerges is that culture matters for governance. By culture we mean the shared values, meanings, ways of understanding the world, and beliefs of a group that inform their everyday practice. It underpins the way Indigenous people work together in their communities and organisations, and it flows through their governance arrangements in persistent and innovative ways. It is clearly relevant both as a dimension and object of governance, and as an explanatory variable for differences in the operation and the effectiveness of governance. It is also a critical factor in the outcome of encounters between Indigenous Australians and the state.

Acknowledging the first proposition also means recognising that there are several different 'cultures' of governance operating within the broad field of governance in Australia. The book examines this complex diversity and the contestation that occurs over the role of 'culture' in governance. The research findings of several authors testify to the fact that culture cannot simply be quarantined outside of the workings of governance. Indeed, they demonstrate how it can constitute an important component of governance legitimacy and effectiveness. Overall, the papers suggest that what is required is a far more sophisticated understanding of how Indigenous peoples are inserting their culturally-based world views, values and institutions into their contemporary governance arrangements, and the ways these interact with the cultural values and institutions underlying the western systems of governance in Australia.

A crucial issue that is highlighted by the collection of papers is that the expectations and values imposed by the state for 'good governance' are often counterproductive to the establishment of workable forms of Indigenous governance. On the other hand, several chapters address the argument that governance should not be reduced simply to cultural relativism; there may be principles for effective governing that apply or resonate across many cultures, and several authors address these.

The third proposition about governance that emerges from the collected papers is the blurring of boundaries and responsibilities that occurs in tackling social, economic, law and order, and political issues. Given the entrenched levels of Indigenous socioeconomic disadvantage, this proposition identifies that there may be a concomitant blurring of departmental accountability for allocation of resources and for key outcomes, where governments can shift blame onto Indigenous organisations and people for their failures.

Within Indigenous communities, this proposition partly explains the institutionalised forms of competition between organisations for scarce government resources, and the pressure organisations endure due to the administrative overload of multiple program grants that are necessary for them to meet immediate community needs. These pressures are counterproductive to organisations taking on more strategic governance roles.

The fourth proposition about governance identifies the power dependence and inequalities involved in the relationship between the institutions of the state on the one hand, and those of Indigenous Australia on the other. This proposition acknowledges that governance is inseparable from the contestation, negotiation and construction of political identity and the exercise of institutional power; that is, who gets to decide the rules and make the decisions about important matters. In an intercultural milieu, it highlights the fact that governance is also about the politics of cultural identities.

This proposition also identifies a major challenge currently confronting Indigenous Australians: can their culturally-based predilection for small-scale, local autonomy be sustained in the context of living in contemporary Australia, where not only governments but also some Indigenous leaders and organisations are contemplating other scales of cultural geography for Indigenous governance?

The fifth proposition highlighted by the papers is about the inter-connectedness and autonomy of self-governing networks of actors, and communities of identity and interest. Here, governance describes the interaction of self-organising networks. This proposition suggests that the institutions of governmentality are now dispersed beyond governments to the private, voluntary and Indigenous sectors, which have their own forms of authority and rules. These sectors form networks with more and less enduring features and alignments of cultural values.

This proposition suggests that governance is always an interactive process—it is about relationships; a point noted by all the papers in this volume. Indigenous and non-Indigenous governance networks are inter-linked. Several authors in the volume investigate how Indigenous actors come to form networks, what holds them together, how they maintain identity, how they mobilise resources, what determines their choices, and how they influence their joint governing decisions. They document the anticipated problems of scale and autonomy emerging, as Indigenous networks and communities struggle to develop and maintain effective governing capacity and deliver outcomes. They also examine the nature and extent of the interaction between Indigenous and non-Indigenous governance networks, and the degree of their mutual commensurability.

The final theoretical proposition emerging from the collected papers is that governance recognises that the legitimacy and capacity to get things done does not rest alone on the power of government to command or use its authority. This proposition suggests that Indigenous governance poses a challenge to the authority of the state, and to its capacity to facilitate (rather than unilaterally impose) governance institutions and effectiveness.

A dilemma documented by the papers is the issue of the inertia or self-interest of policy makers (and departments) who seek to maintain policy and implementation choices that prove counterproductive to the achievement of effective, legitimate Indigenous governance. But a related dilemma is where

Indigenous leaders and organisations also resist internal governance reform because it erodes their power base. This proposition implies that governance capacity and legitimacy are, first and foremost, internal matters for the members of the Indigenous group or community concerned, and can only be enduringly transformed by them.

These theoretical propositions arising from the collective analyses presented in the following chapters are inter-related. They demonstrate that 'governance' is at times an analytical, at times a normative, concept; at other times it defines a specific policy, system, process, structure or political environment. All these meanings of governance are the product of cultural values, norms, institutions, behaviours and motivations.

The chapters in this volume are clustered according to these common themes and issues, which have determined the five sections of the book.

Part One sets the scene, both in terms of the policy environment and the research challenge. Janet Hunt outlines the recent history of the Australian Government's policy frameworks for Indigenous affairs. The period during which the ICGP was being undertaken witnessed a large shift away from self-determination and acceptance of the rights of Indigenous people in Australia—a process experienced by all of the communities in which the authors worked. Some representative Indigenous organisations were dismantled by the Australian state; other organisations collapsed or struggled in the face of the overload attached to the dramatic policy changes of the past decade. She argues that resilient Indigenous governance structures and reinvigorated networks of mutual support might provide the basis for Indigenous people to regain some momentum for self-determination.

At the same time, Hunt highlights the need for governments to reform their own internal institutional arrangements. She exposes several key areas of policy and funding where this might be undertaken, and which would significantly improve both the quality of services due to all Indigenous people as citizens, and the scope for their legitimate exercise of self-determination.

Sarah Holcombe illustrates some of the dilemmas and challenges of undertaking research in the intercultural arena of Indigenous community governance. She examines what happened to the knowledge produced by the researchers in one location, Ti Tree in the NT, and demonstrates how, through the course of the research, power relationships between Indigenous people and the state—as well as relationships within their own council—were slowly revealed and activated.

Holcombe's chapter also sheds light on what 'policy' is, and how it is promulgated and rationalised. She challenges the concept of 'equity' in service provision, and raises questions about ideas of Aboriginal choice and demand-driven development. The impact of a multitude of different players with an interest in

the situation of some 100 Aboriginal people camping on unserviced land close to the Ti Tree township is highlighted. Holcombe thus shows the governance complexities and the blurring of responsibilities that are inherent in resolving many of the entrenched socioeconomic problems experienced by Indigenous Australia.

In **Part Two** of the book, Diane Smith, Frances Morphy and Ben Smith directly examine issues of culture and power inequalities in the operation of Indigenous governance. The papers foreground the issues of different cultural assumptions and ways of doing things, and how the complex 'field of governance' in which Indigenous communities and organisations operate influences their governance decision making, systems of representation, legitimacy and effectiveness.

Diane Smith's study (Chapter 4) of the processes of regionalising governance in West Arnhem Land in the NT highlights the continuing assertion of state power through both the minutiae of policy implementation processes and bureaucratic institutions. She describes Indigenous efforts to negotiate space within these processes, in order to reassert their own governance values and institutions. She introduces the concepts of 'cultures of governance' and the 'governance of culture' to elucidate the nature of the interaction and contestation between Indigenous community leaders and organisations, and the state.

Over several years, the Bininj people have tried to assert and insert their decision-making processes, cultural geographies and institutions into a government-initiated regionalisation of local government. In doing so, they have been confronted by non-Indigenous notions of what is 'right', legitimate and 'fair'. As Smith observes: 'the Australian state exercises overwhelming legal, policy and financial powers to govern Indigenous culture, and through that power seeks to make Indigenous governance and people "good" in western terms'. However, as Smith demonstrates, Indigenous peoples' capacity to transform and recreate their own institutions can also operate as a powerful tool, not only to positively build governance institutions that suit new conditions, but also to modify the state's efforts to govern Indigenous culture.

Frances Morphy's study describes an outstation resource agency, Laynhapuy Homelands Association Incorporated (Laynha), located in northeast Arnhem Land, which finds itself at the centre of an intercultural process: attempting to mediate between a highly structured, yet flexible Yolngu system and the world of the encapsulating settler state. Over the period of her case study research, the impact of government policies on the organisation has created major tensions. Yolgnu conceptualisations of their own organisation and those of its government funders have come into direct conflict, and the very survival of the organisation has been at stake.

Just as in the West Arnhem case described by Smith, underlying the struggles that Laynha is experiencing are different culturally based conceptions and values

of what 'good' governance looks like. Morphy recognises that the state and Yolngu have to recognise that *both* systems of value are at play and are complex, and both have to get beyond a simple deficit view of each other. Above all, resolving the tensions will require the state, as the more powerful party, to accept cultural difference and diversity into its policy and institutional thinking, rather than viewing it as a problem. This implies the need for governments to negotiate strategies that will work across the systems of Indigenous and non-Indigenous governance, to achieve mutually agreed outcomes.

Ben Smith provides a detailed account of the efforts of Kaanju people of the upper Wenlock and Pascoe River regions in Cape York to establish outstations on their traditional country, a process which again testifies to the complex field of governance in which Indigenous and non-Indigenous aspects of governance are irrevocably intertwined. Contemporary Kaanju identities and interests are now intercultural.

The interaction between local Indigenous interests and those outside the region produces, he argues, three key tensions: between the homelands-based, and other sub-regional and regional Aboriginal organisations; between contemporary Indigenous law and custom and 'mainstream' governance systems; and between different articulations of Indigenous identity at various scales. But for Smith the distinction between the Indigenous domain and the Australian 'mainstream' fails to provide a full account of the contemporary dynamics of the governance field. Thus, conflicts over appropriate governance are conflicts about interconnected institutions at a variety of scales and with diverse mandates. 'Cultural match', the idea of matching an institution to an underlying social order, is similarly problematised. Smith envisages it as a complex, contested institutional field in which Indigenous organisations extend the realm of Indigenous politics and assert differing Indigenous identities.

In Part Three, Jon Altman and Diane Smith focus on the Indigenous design, form and role of institutions of governance, and the challenges these pose for both indigenous leaders, communities and their organisations, and for governments. Bill Ivory explores similar themes through an investigation of the concept of Indigenous leadership; an often poorly understood institution of Indigenous governance systems.

Jon Altman examines how the Bawinanga Aboriginal Corporation (BAC), in the township of Maningrida in the NT, has managed similar governance tensions as those described by Diane Smith and Frances Morphy, and how over the almost 30 years of its existence it has grown considerably and transformed its roles. The BAC now services the social and economic interests of an extremely diverse population, including widely dispersed outstation communities.

Altman emphasises the intercultural checks and balances that lie at the heart of BAC's ability to straddle both the Indigenous and western worlds. He identifies

factors that have been instrumental to the organisation's resilience over periods of external and internal change, including the carefully negotiated balance of power amongst the local Indigenous leadership; the role of long standing non-Indigenous senior staff in attempting to balance the organisation's customary and community obligations with legal compliance and business goals; and efforts to build informal institutions that foster openness and transparency. Despite recent threats to its major programs, Altman concludes that BAC's continuing success can be attributed to its ability to evolve into an intercultural organisation which supports hybrid local economies and enables residential mobility between the outstations and township.

Diane Smith's study of a dramatically different context in urban Newcastle, Yarnteen Aboriginal and Torres Strait Islanders Corporation, provides another governance and economic success story. In this chapter, Smith poses the concepts of 'community' and 'family' as issues for Indigenous governance, especially in the context of economic development initiatives. She explores the current myths and negative assumptions held about these two concepts, and the ways in which they are variously cast as either antithetical or fundamental to 'good' Indigenous governance and economic success. Smith describes how Yarnteen's leaders have attempted to address these expectations and assumptions in order to develop a robust, evolving governance model that supports both its enterprise and community development goals.

Smith argues that integral to the organisation's acknowledged success in business is the critical role of its formal and informal institutions of governance, and the ways these have been deliberately embedded in Yarnteen's *modus operandi*. The organisation's governance institutions create a system of incentives, constraints, limits and processes that direct the board, senior management and individual staff members to behave and perform in particular ways. For Yarnteen, these institutions are a form of capital—governance capital—to which there is a distinctly Indigenous character.

In the final chapter of this section, Bill Ivory (Chapter 9) explores the particular institution of men's leadership in the Port Keats region of the NT. He analyses the governance and leadership histories of the Indigenous clans over their contact history, up to their recent establishment of a new regional governance structure based on a revitalisation of their traditional concept of *thamarrurr*. At different points in their governance history, clan leaders have attempted to create a 'responsive engagement' with the sequence of outsiders who have generated massive changes in their society.

Ivory traces the leadership development of different generations through personal and group case studies, and concludes that leadership operates in a 'flexible field of authority' centred on relatively fluid networks in which leaders operate as core nodes. These nodal leadership networks serve to satisfy the duality of a

simultaneously egalitarian and hierarchical society. However, the networked leadership model has been barely perceived or understood by those outside it, much less engaged with. Ivory echoes Morphy's plea for a mutual appreciation of the systemic differences as a basis for moving forward. He emphasises the contemporary significance of the clan unit and the concept of *thamarrurr*, the enduring way that clans cooperate together, and the positive ongoing role of the local world view within their governance system.

In Part Four, papers by Will Sanders and Manuhua Barcham focus on the cultural geographies of Indigenous governance—its changing scales, sociology and boundaries—and the contestation and negotiation that occurs within and between Indigenous communities and governments around definitions of the collective 'self' in governance arrangements. The challenge of developing larger, regional aggregations that have legitimacy and respect local autonomy, but which also generate greater capacity to achieve Indigenous goals, is the issue these chapters address. Traditionally, Indigenous governance has been highly localised and small scale, but with groups linked into ever-widening relationships and shared decision making. These pose the potential for larger scale, bottom-up alliances and confederations.

In Chapter 10, Manuhua Barcham traces the story behind the development of the successful Noongar native title claim over the Perth Metropolitan area; the first of six claims over southwest Western Australia (WA). After several false starts and seemingly interminable and debilitating problems of governance, Noongar people eventually developed a process and structure to articulate and progress their aspirations in the southwest.

Finding the right organisational and decision-making structure to represent their diverse interests was critical. The South West Aboriginal Land and Sea Council (SWALSC) achieved it. A process of detailed and lengthy genealogical work using participatory family research provided the basis for a family based representative structure for native title working parties and claimant groups. This was widely perceived to be legitimate and effective. SWALSC's experience indicates that aggregation of Indigenous interests beyond the local is possible if approached in a culturally legitimate and inclusive way.

Will Sanders explores how the Anmatjere Community Government Council (ACGC) has managed the tensions between regionalism and local autonomy in Central Australia over the past 15 years. The ACGC operated with a form of 'regional federalism', which had demanding quorum rules that became unworkable and were eventually reformed. But its success in supporting what Sanders describes as 'dispersed single settlement localism', while still managing its regional mandate, provides another illustration of how regionalism and localism can coexist successfully as a governance model; a conclusion that mirrors Diane Smith's analysis from West Arnhem Land.

In Part Five, papers by Christina Lange and Kathryn Thorburn examine two very different contexts in WA, where Indigenous groups are attempting to rebuild their governance arrangements and develop locally relevant governance capacities. These papers focus on how organisations and those who support them work to strengthen their governance in contexts where problems have been identified by external government agents who then take various kinds of action.

Christina Lange describes how the governance of Windidda Station, a pastoral lease owned by the Windidda Aboriginal Corporation (WAC) in the Shire of Wiluna, came to public attention through a complaint alleging neglect of cattle during the 2005 drought. At risk was the organisation's major asset, its pastoral lease. Contemporaneously, an investigation by the Registrar of Aboriginal Corporations demanded compliance with numerous conditions if WAC was to retain its registration. As Lange notes: 'Over an 18 month period the organisation had to deal with a barrage of bureaucratic and legislative challenges.' Power inequalities and misunderstanding of governance roles and responsibilities came to the fore.

However, the community had networks of support that it was able to call upon. These assisted it to confront and overcome its governance and management problems. Capacity building support of various kinds, including support from Lange herself, enabled the organisation to regain control of its pastoral lease, develop a plan for the pastoral business, and build the governance skills of its members. Importantly, in this process, governance came to be seen as a tool to enable the community to achieve its aspirations, rather than simply a compliance matter—an important lesson for strengthening self-governance.

Kathryn Thorburn analyses a different type of intervention; namely, a governance review exercise undertaken by a remote Aboriginal organisation in the West Kimberley region, which was experiencing some governance problems and thereby drawing unfavourable government scrutiny. Her study exposes the very different perceptions of the organisation: those held by the key government funding agency; the internal differences of views about what 'governance' might mean among the members of the organisation; and the views of its coordinator. The external consultant engaged to lead the review identified major cross cultural misunderstandings as factors contributing to the stresses being experienced by the organisation.

As with Ivory's chapter, Thorburn demonstrates that the history of the organisation and its community members are powerful factors shaping the extent of its Indigenous legitimacy and the ongoing tensions within it. Furthermore, the coordinator was clearly caught between two increasingly incompatible forms of bureaucratic demands and Indigenous expectations. The review itself, as a one-off exercise, was able to identify many of the underlying problems. But whilst 'governance' language opened up space for problems to be better

understood, the time allocated to the review and the lack of follow-up, meant that the specifics revealed went largely unresolved. The timeframes for capacity building interventions clearly need to be longer.

Conclusion

The two stories that opened this chapter stand as a testimony to the Indigenous struggle for the recognition and rights of their governance in Australia. The following chapters highlight the dilemmas and challenges involved in this, the nature of the contestation and negotiation between Australian governments, their agents and Indigenous groups over the appropriateness of different governance processes, values and practices, and over the application of related policy, institutional and funding frameworks within Indigenous affairs.

Collectively, the papers in this volume demonstrate that the facilitation of effective, legitimate governance should be a policy, funding and institutional imperative for all Australian governments—yet by and large it is not. There are examples of Indigenous groups successfully designing innovative governance arrangements, transforming their institutions, building new capacities and revitalising trusted processes. However, the contributions to this volume overwhelmingly point to the continuing challenges that Indigenous people face in their efforts to secure and exercise genuine decision-making authority and capacity over issues that matter to them, and therefore, to the related challenges facing the Australian state and its agents.

Today Indigenous systems of governance remain squarely located within an intercultural, post-colonial frame in which the Australian state has overarching sovereign power and jurisdiction, as they were 80 years ago when Jimmy Clements attempted to assert his sovereign rights at the opening of Australia's first parliament. Research for this book occurred during a period which has seen major interventions by governments in Indigenous affairs at national, State and Territory levels. In combination, the chapters also document the significant and ongoing negative impacts that the poor 'governance of governments' is having on the operation of Indigenous governance, and on people's daily experience of living and working in their communities and organisations.

Importantly, the chapters point to the need to rectify the common assumption that Indigenous cultures across the country are so completely different that general principles of Indigenous governance cannot be discerned. Whilst there is enormous variety of circumstance, the ICGP and the detailed accounts presented here do identify some common Indigenous 'design principles', which underpin governance across the diverse settings (Hunt and Smith 2007). Greater attention to these principles may be a fundamental factor in strengthening Indigenous governance.

Common Indigenous principles of governance include the relevance and legitimacy of:

- networked governance models;
- nodal networks and gendered realms of leadership;
- governance systems arising out of locally dispersed regionalism and 'bottom-up' federalism;
- subsidiarity and mutual responsibility as the bases for clarification and distribution of roles, powers and decision making across social groups and networks;
- cultural geographies of governance; and
- an emphasis on internal relationships and shared connections as the foundation for determining the 'self' in self-governance, group membership and representation.

In activating these principles, the institutional and organisational dimensions of Indigenous governance are both important. Institutions are often longer-lasting and more influential on people's behaviour than organisations. They are especially influential in determining the extent to which governance arrangements are judged to be proper and legitimate. To that extent, the chapters collectively remind us that institutional strength is not only fundamental to achieving effective Indigenous governance, but that it must be created from the considered and informed choice of Indigenous people themselves, not through external imposition.

To outsiders, Indigenous organisations and their leaders are often the most visible expression of governance in communities. But 'community governance' for Indigenous people is in fact a form of multi-networked, nodal governance that includes not only organisations, but also wider networks of leaders, families and communities. These nodal networks are embedded within the more formal wider governance environment that includes governments, bureaucratic and policy networks, private sector companies, voluntary organisations, and their individual officers.

The case study research presented here demonstrates that Indigenous and non-Indigenous governance systems are intercultural in respect to issues of power, authority, institutions and relationships. It also documents the intended and unintended consequences—beneficial and negative—arising for both Indigenous and non-Indigenous Australians from the realities of contested governance. In particular, the contemporary governance arrangements of Indigenous communities, their organisations and leaders have been significantly affected by their interactions with the Australian state over many decades. To a lesser extent, and at specific points, the state has in turn been influenced by its interactions with Indigenous Australians' systems of governance. That influence is most apparent at the level of the state's institutional engagement

and policy implementation in Indigenous affairs. It is likely, therefore, that the legitimacy and effectiveness of both Indigenous governance and the 'governance of governments' in Australia will continue to be inextricably linked, not only to the priorities, normative codes and institutional predilections of each, but to the extent of their mutual understanding and engagement.

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