

Foreword

Governance has become a concern for Indigenous peoples worldwide, so it is significant that the research that informed this book grew out of early linkages between Australian researchers and Indigenous leaders with their Canadian and US counterparts. These early relationships, with people associated with the landmark *Delgamuukw v British Columbia* case, the Harvard Project on American Indian Economic Development and the Native Nations Institute at the Udall Centre at the University of Arizona, developed into a series of exchanges across the Pacific Ocean that have been ongoing since the late 1990s.

In April 2002, the first national *Indigenous Governance Conference* was held in Canberra, under the auspices of Reconciliation Australia. It drew on international and Australian speakers and its outcomes raised key points, which were articulated on behalf of the organisers in a closing speech by Fred Chaney:

First we'd say that it's been pretty clearly indicated that good governance requires communities having genuine decision-making powers, and that's overwhelmingly confirmed by the evidence presented at this conference.

Second, the compelling evidence presented to us from local experience, as well as our friends from overseas, shows that sustained and measurable improvements in the social and economic wellbeing of Indigenous people only occurs when the real decision-making power is vested in their communities, when they build effective governing institutions, and when the decision-making processes of those institutions reflect the cultural values and beliefs of the people.

A second conference was convened 18 months later at Jabiru in the Northern Territory (NT). It focused on presenting Indigenous Territorians' stories of their initiatives to develop practical, capable and legitimate governance in that jurisdiction. The timing coincided with a new NT policy for the development of Regional Authorities, which were to have the jurisdictional powers of local governments and reflect 'Indigenous cultural relationships and communities of traditional interest'.¹ This promised a significant reshaping of Indigenous governance arrangements. The timing also coincided with the Australian Government's abolition of the peak Indigenous representative body for the country, the Aboriginal and Torres Strait Islander Commission (ATSIC) and its 35 Regional Councils, and the commencement of a Council of Australian Governments (COAG) trial of 'whole-of-government' coordination in several Indigenous communities across Australia.

¹ See D. Smith, 2004, 'From Gove to governance: reshaping Indigenous governance in the Northern Territory,' *CAEPR Discussion Paper No. 265*, CAEPR, ANU, Canberra, p. 9.

The national and international research presented at both conferences, reinforced by local speakers' own experiences, was that a number of preconditions were essential to successful Indigenous governance. Dr Neil Sterritt, a Gitxsan leader and First Nations governance expert from Canada, noted at the 2002 conference that strong Indigenous governance could be characterised as having four main attributes or dimensions: legitimacy, power, resources and accountability. These preconditions resonated with many of the conference participants, who noted their absence from the Australian context.

The Harvard Project on American Indian Economic Development derived a similar set of prerequisites from their long-term research among over 60 Native American tribal governments in the United States. This international research emphasised four fundamental preconditions to strong and effective Indigenous governance:

- power ('de facto sovereignty' or genuine decision-making authority for 'self-rule');
- ownership and access to resources (natural, human, capital etc.);
- effective governing institutions and accountability; and
- legitimacy and 'cultural match'.

But we needed to know whether these preconditions were necessary, similar or even sufficient in the intercultural and political context of Indigenous Australia.

It was against this backdrop that researchers at the Centre for Aboriginal Economic Policy Research at The Australian National University, in partnership with Reconciliation Australia, initiated the Indigenous Community Governance Project (ICGP), an Australian Research Council project, as a longitudinal, comparative study. National in coverage, and community and regional in focus, it pulled together a multidisciplinary team to work with partner communities and organisations to investigate Indigenous governance arrangements—the processes, structures, scales, institutions, leadership, powers, capacities, and cultural foundations—across rural, remote and urban settings.

The ICGP has been ambitious. It aimed to elucidate the diverse conditions and models of contemporary Indigenous governance in different community and regional settings, with a focus on governing bodies and leaders, and the underlying cultural systems within which their governance is embedded. Recognising the dominant powers and institutions of Australian governments in Indigenous affairs, the project also sought to explicate the nature of the broader governance environment (at regional, state and national levels), its differing governance values and rationales, and its impacts on Indigenous community governance.

ICGP researchers have explored the diverse forms of governance in Indigenous communities and the ramifications of these for community and regional

self-determination, and for sustainable socioeconomic development. In doing so, the project aimed to identify broadly relevant insights and enduring Indigenous 'design principles' that might assist other initiatives to strengthen community governance, including options that address intercultural matters of power, autonomy, scale, representation, legitimacy and accountability.

As part of this process, the researchers also analysed the nominations from the 2005 and 2006 *Indigenous Governance Awards*, a related initiative of Reconciliation Australia, to recognise and reward standards of excellence in Indigenous governance. Both the research and the awards processes have revealed highly competent organisations that have found ways to balance their cultural imperatives and practice with the demands of legal incorporation and government funding regimes. In doing so, they demonstrate how to build practical capacity and secure community legitimacy, and the importance of developing strong Indigenous leadership across the generations.

My thinking has been profoundly altered by my involvement in both the research project and the governance awards. Both have demonstrated to me the value of the research and the fact of Indigenous success: built on innovation, ingenuity, determination and community initiative. We have a duty to ensure that this success is replicated across the country.

In confronting the challenges posed in getting governance right we should not lose sight of the successful models of governance that Indigenous peoples and their organisations and communities are already employing.

This book is one of many publications from the ICGP, and it complements other materials directed specifically to governments and Indigenous communities. In this way, I trust that the research counts in terms of the evidence and practical guidance it can provide to governments and Indigenous leaders about community governance in Indigenous Australia, and contributes to enhancing the success I have mentioned. In the chapters that follow, the researchers document many of the challenges, opportunities and issues facing those engaged in trying to achieve legitimate and effective governance on the ground. I trust that the insights this book offers will, in their own way, help in that very practical and important endeavour.

Finally, I would like to acknowledge the valued collaboration of the many Indigenous communities and organisations participating in the research, the detailed intellectual and practical governance work of the research team, the support of the funding partners, and the valuable contribution of the International Advisory Committee for the project. In particular, I wish to thank Professor Stephen Cornell, Dr Manley Begay and Dr Neil Sterritt for planning and hosting an Australian Indigenous delegation on a visit to North America to examine governance issues confronting Native Americans and Aboriginal Canadians. All have contributed enormously to this ground-breaking book,

which sheds new light on the significant underlying problems that have to be resolved if Indigenous social and economic development is to be achieved and sustained.

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