

## **Rethinking Community Development, Resources and Partnerships for Indigenous Governance**

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### **Introduction**

This paper looks at what Aboriginal people think and feel about governance and those issues that are relevant to or impact on developing their communities. It then explores the argument that governance is a process of Aboriginal empowerment rather than just a mechanism to improve accountability and provide services. Finally the paper looks at some key elements of a governance and development approach to Aboriginal development.

The intention was not to write an academic paper but to base it on the authors experience, knowledge, views and interest in the subject of Aboriginal governance and development.

### **The Social and Political Situation**

Last year I had the opportunity of doing a consultancy job for ATSIC in top end Aboriginal communities talking about the idea of a treaty. In those discussions people were clearly interested in governance and they made some interesting comments about matters that go to the heart of governance. These issues related to process, representation, decision making and legal authority, for example:

- Who speaks for whom – representation on the governing body;
- More Aboriginal politicians – more representation in the public government of the NT;
- More accountability from elected officials – better representation by politicians and elected officials;
- Recognition of Aboriginal law and authority – recognition and strengthening of Aboriginal law;
- More influence and power – participation in mainstream political processes;
- Legal authority – a legislative framework for Aboriginal governance.

People also raised a range of other issues of concern, which are very relevant to governance functions. For example the main issues they raised are:

- access to health services;
- access to education;
- lack of housing;
- real employment (not just CDEP) and training for community jobs;
- economic development;
- land management;
- substance abuse (mainly alcohol and drugs) and violence;
- community policing;
- bringing back ceremony and culture to country; and
- taking control and responsibility in communities.

They also raised other issues, which they felt were important, for example:

- rights to land, waters and natural resources;
- commercial exploitation of natural resources;
- better funding for communities;
- more education and qualifications;
- independent schools;
- more recognition given to the worth of Aboriginal people;
- more employment opportunities for local people;
- compensation for land stolen;
- better arrangements with government;
- control over service delivery;
- sealed roads and airstrip; and
- recognition of Aboriginal law by the police and court systems.

These issues are not new, because Aboriginal people have been raising them for some time. Most people feel a sense of powerlessness and feel that nothing is going to change. Unfortunately these issues will eventually become one of the many wish lists, unless a community has the capability to do something about them. But most Aboriginal communities are socially and economically poor because of:

- high unemployment;
- lack of job prospects;
- lack of economic or business opportunity;
- low incomes;
- dependence on government pensions and allowances;
- dependence on outside assistance and expertise;
- lack of housing and low home ownership;
- inability to accumulate capital;
- greater school drop out rates;
- lower post school qualifications; and
- lower life expectancy.

The poor social and economic situation of Aboriginal communities is a major barrier or impediment to improving people's lives and tackling issues of concern. Communities lack the tools and resources to deal with the problems and issues because they lack:

- skills and capabilities;
- authority and control over decision making;
- knowledge and understanding of issues;
- adequate resources;
- relationships and networks with government, the private sector and civil society organizations; and
- credibility in the broader society.

Many people felt they did not have the authority, capabilities, resources, support, control or even energy to do anything about these problems and issues. From their own perspective people could see a number of factors that continue to impede the "development" of their communities, for example:

- Colonization has forced many changes and has disempowered Aboriginal people;
- Substance abuse (alcohol and drugs) is destroying people and the future of communities;
- Aboriginal law and culture is breaking down;
- Dependence upon non-Aboriginal people to manage and control communities;
- Lack of interest in developing communities and moving forward;
- Lack of cooperation and cohesion within communities and between communities;
- Local authority and power is being usurped by bureaucracy;
- Conflict between land owners and other long term resident groups;
- Friction between landowner authority and the authority of local government councils.

But there are also other factors, barriers or impediments that operate at higher or different levels, but which have significant impact on communities, such as:

- Outdated Aboriginal affairs policy which is based on historical welfare policies of control, assimilation and dependency;
- The focus of Aboriginal "development" is more on economic growth and westernisation;
- Aboriginal authority and power is not recognised as a component of "development";
- Very little focus on human resource development at a local level;
- Lack of information for communities to make informed decisions;
- Very little jurisdictional authority for communities to control the important matters;
- Lack of strong and effective governance institutions grounded in culture and tradition;
- Lack of a land base or no access to traditional lands;
- Lack of control over the distribution and use of natural and economic resources;
- Lack of capacity to solve problems and manage individual, family and community matters;
- Dependence upon Government and bureaucracy to meet needs;
- Categorising Aboriginal people as disadvantaged, rather than as peoples who have rights and responsibilities.

### **The Way Out of the Mess**

The future does not look bright for Aboriginal people because the social and economic situation of communities is not improving, in fact its getting worse. The number of Aboriginal people in jail in the Northern Territory is increasing. Health has not improved in any significant way. Education levels so low that most people can only be employed as labourers on CDEP (work for the dole programs). Substance abuse and violence is destroying people and their communities. There is no shortage of stories in the news papers about this social and economic disaster.

There are no easy or quick fix solutions because past neglect has resulted in a backlog of problems which are now starting to impact on the broader society, especially in regards to the amount of public resources required to deal with these

problems. First and foremost Governments must show genuine good faith towards Aboriginal people because there is distrust, cynicism, frustration and anger within communities. Secondly we need to recognize and acknowledge that past and present policies, programs and practices have failed and that new policies and practices are required. Thirdly there needs to be a major focus on increasing the capabilities of community people to build effective governance institutions and processes, provide leadership, and implement and manage new governance functions/arrangements instead of being passive bystanders in the process.

In the Northern Territory, there is already a policy framework in place that uses the ideas of governance and regional partnerships for regional social and economic development: The Building Stronger Regions – Stronger Futures Strategy. Governance and regional development is being touted as mechanisms to reorganize and regenerate our communities. It is still early days for this strategy, however from an Aboriginal perspective its success will be seen in how it is implemented and whether the outcomes meet the unique social, economic, political and environmental needs of Aboriginal communities.

Certainly governance has the potential for Aboriginal communities and groups to take responsibility for their own decisions, manage their own affairs and exercise authority to deal with a range of political, social and economic matters. However to be effective governance strategies must combine with development practices and processes that enable Aboriginal people to gain more control over their lives and their communities.

Community development and capacity building (or capacity development) have a role in Aboriginal communities because they enable communities to identify concerns and problems, understand and find solutions to those problems, acquire skills, make decisions and develop appropriate community responses. There is a real need to strengthen community activities and community organizations to build: structures, systems, people, networks and competencies so they can define and achieve objectives, engage in consultation, negotiation and planning, manage community projects and take part in partnerships and community enterprises.

But community development has not always empowered Aboriginal people, built capacity or brought about change. We need to critically analyse and examine development programs because community development has been used to:

- Oppress, dominate and impose western beliefs, cultural values and traditions;
- Centralise power and decision making away from communities;
- Impose jurisdictional authority, co-opt communities, save money and avoid responsibilities;
- Impose western ideas of economic development;
- Impose practices of economic efficiency, productivity, competition and winding back of public services;
- Create a pool of cheap labour thereby avoiding the need to create real jobs.

In the Aboriginal “development” context, governance is a process of empowerment that promotes Aboriginal participation and control through social action and capacity building. Governance is a necessary condition to community development and capacity building because all of these mechanisms or processes are related to the

assertion and maintenance of control by Aboriginal peoples - control over such matters as land, economy, health, education, politics, family, infrastructure and research.

However governance for Aboriginal people is not just about:

- Drafting a constitution, choosing governing council members and seeking incorporation or legal recognition; or
- Having an organisation to deliver services or delivering services on behalf of government agencies; or
- Putting in place structural and funding arrangements to ensure financial accountability; or
- Designing Aboriginal organizations to interface with government, bureaucracy, and the dominant society.

This type of governance has been designed and put in place in Aboriginal communities to serve the interests or objectives of the Territory or Federal Governments. In this form of governance Aboriginal people are passive 'clients' or disadvantaged Australians with no rights and responsibilities and who need more service delivery to solve their problems or need to be controlled and assimilated. This method of governance concentrates power, resources and initiatives within bureaucracy or government. It is a passive welfare or welfare dependency approach and as Noel Pearson says, it is a method of governance used to manage marginalized groups at minimal cost.

While service delivery and financial accountability are important matters, governance should also include matters that relate to building or strengthening Aboriginal authority and capacity, creating the enabling environment and providing the resources for Aboriginal people to define and implement their own "development" agenda. This includes such matters as:

- recognizing and strengthening Aboriginal authority and providing the space for it to operate;
- ensuring cultural values and Aboriginal knowledge constitute the basis of the structures and processes of governance;
- providing resources for community people to define and implement their own "development" agenda;
- increasing the level of authority and power to local or regional structures to enable control over important matters;
- developing legal, policy and financial frameworks to ensure effective governance;
- developing the human resource base by increasing skills, knowledge and capabilities of people;
- increasing interaction between the governing organizations, its constituent population and other stakeholders to deal with issues and problems;
- providing effective and culturally appropriate community dispute resolution processes;
- providing the opportunities for employment and social interaction with the broader society;
- creating an environment in which the community and outside investors want to assist improve the quality of life and develop economic opportunities;

- protecting and ensuring sustainable use of the natural and cultural environment.

There needs to be a major shift in thinking and practice in regards to governance, how we develop new and innovative policies and programs, how we coordinate the various service providing agencies that impact on communities, how we design and implement governance arrangements for Aboriginal communities and how we build or strengthen Aboriginal skill, knowledge and capabilities. If we don't change our thinking and practice we will continue to use the old welfare dependency models as the foundations for creating what may end up being new welfare dependency models of Aboriginal governance and development.

### **Some Key Elements of an Governance and Development Approach**

Much of the economic and social development that takes place on Aboriginal lands or communities is done without any regard to building or strengthening Aboriginal authority or improving Aboriginal capacity to manage and control such development. That is because "development" is generally always the agenda of outsiders, particularly government agencies or authorities who hold the power, capabilities and resources.

Increasing and improving the level of control that Aboriginal people have over their daily circumstance and their relationship with the wider society is an essential foundation for socio-economic improvements. There are some key elements that underlay any governance and development approach.

#### Aboriginal Authority

Aboriginal authority is described as the legitimate authority of distinct peoples to make their laws, design their governing institutions and govern themselves as they see fit (Cassidy 1994, p. 13). Aboriginal authority derives from a people's culture and tradition, which in turns derives from prior occupation and cultural rights and responsibilities to land, seas, and natural resources. It predates the formation and authority of Australian Governments.

Aboriginal rights to land and native title and the authority that flows from these rights are manifestations of Aboriginal authority. The recognition of native title and rights to land has provided the basis for recognising an autonomous source of legal and political authority. But the recognition of native title and rights to land has not translated into recognition of the underlying Aboriginal authority, which emanates from those titles because native title and rights to land have been confined to mere property titles.

In the United States of America Indian tribes retain a limited form of authority and power that has never been extinguished, although it is subject to modification or restriction by treaties and by legislation of Congress. An Indian tribe is a distinct political community, with its own territory and its own inherent exclusive authority and power to act. The source of that authority and power is Indian title, which is now recognised by treaties, statutes, executive orders and actions.

Despite the situation in Australia, aspects of Aboriginal authority should be incorporated in governance. This will require Aboriginal communities or groups to

define their status and the extent of their authority and power, by looking to the cultural values, traditions, customs, and institutions that constitute the basis of their society.

### Jurisdictional Authority

A key component of effective governance is adequate jurisdictional authority to perform functions of governance. Having jurisdictional authority can mean a major difference for Aboriginal governing bodies between having the authority to perform functions of governance or being treated as community service organizations delivering services on behalf of other governments.

Jurisdictional authority is the legal authority and power a government has to govern its people and its territory. In the Australian governmental framework the legal powers of the Federal, State and Territory Governments is set out in the Australian constitution, intergovernmental agreements and legislation. Aboriginal communities or organizations are not part of the Australian governmental framework, however there is a limited delegation of authority under legislation and such authority is usually exercised on behalf of Aboriginal people by statutory authorities or local government bodies.

This provides a limited role for Aboriginal organizations to exercise the statutory responsibilities of other Governments. However to be able to control the important matters Aboriginal communities will need to have a greater level of jurisdictional authority because governance without jurisdiction is governance without strength and power.

### Cultural Appropriateness

The governance model or arrangement must fit the culture and tradition of the community or peoples. For Aboriginal people "community" should normally imply a group of people who share common territory, who interact regularly in a socially organized way, and who share a common cultural identity or affiliation.

But most Aboriginal communities were artificially created for the convenience of government or missionaries as a means to control, manage and assimilate people. Today many communities are a mixture of Aboriginal language groups. Many of these groups have cultural similarities but there are also competing interests and conflicts. Much of this conflict revolves around family and other groups competing for resources allocated to community organisations and in some cases historical or contemporary antagonism and rivalry between families, clans and language groups. These artificial communities became the organisational unit of local government and are the basis for funding community councils and other community organisations.

While we cannot erase the contemporary impacts of colonisation, we can at least minimize them by developing new Aboriginal governance models around "communities" or "peoples" that share a common language or languages, history, culture and kin relationships, and who identify with each other as belonging to a common political entity. Aboriginal governance arrangements should not be created because of geographical or administrative considerations. With the current emphasis on regional governance there is a need for community cohesion and collective effort and so governance will work for those "communities" or people who share common

concerns, common experiences, history or connections and have a sense of belonging to community and who believe in the importance of people and community.

However “cultural appropriateness” should not become an excuse or a practice for sub-standard governance, leadership, service delivery, management, expectations, performance and achievement.

### Research, Education and Training

The low levels of educational outcomes, particularly in rural and remote communities have destined most Aboriginal people to a life of welfare dependency. Low educational levels are the direct result of the lack of equitable and accessible educational services provided to communities. This in turn has contributed to the lack of skills and a lack of an education and learning culture in Aboriginal communities. Many young Aboriginal people (the future leaders) lack basic numeracy and English literacy competency.

Research, education and training are key components of governance and capacity building and must meet the developing needs and aspirations of Aboriginal communities. In that regard they. Community based research helps identify issues and creates understanding and knowledge of those issues as the basis for finding solutions and taking action. However a lot of research does not benefit Aboriginal communities because the impetus for research is generated not by the needs or priorities of communities but by the needs and priorities of the dominant academic and government institutions.

There is an obvious lack of connection between research effort and results on the ground. Research must find solutions to problems not offer more statistics or more theories. Research must contribute towards to the developmental processes taking place in Aboriginal communities, building or strengthening individual or community resourcefulness so that Aboriginal people can take control of their own institutions, resources and implement their own “development” agenda.

Current low education outcomes do not engender confidence in the future, especially given the processes of change in which many communities are developing or thinking about new ways of organizing themselves to meet their needs and achieve their goals. But how will Aboriginal people build, implement and manage these new governance arrangements? Will they be so complex that Aboriginal communities will have to employ more outsiders to manage these complex arrangements, structures and processes for them?

Better education and training is the key, but there are many priorities for education and training. However immediate priority should be given to increasing the levels of literacy and numeracy for all community people. There is an obvious urgent need to increase vocational training and higher education to Aboriginal communities in governance, leadership, management, administration, information technology, technical trades, teacher training and other areas such as arts/craft marketing and management, resource management and tourism. Education and training must be linked with management, economic development, improving employability skills and developing practical life skills.

There is a need to create greater educational opportunities and experiences for Aboriginal communities through improved primary education, the provision of secondary education and support for the establishment of Aboriginal community controlled schools. In addition there is the need to maintain language, identity and connection to country, including protection, recognition and maintenance of Aboriginal cultural values/practices and Aboriginal knowledge.

### Leadership

Leadership is not just confined to those people who head up an organization, is a council member or a public figure. There are many forms of leadership and the diversity in leadership must be encouraged in Aboriginal communities, particularly leadership in traditional and customary matters, social entrepreneurial ventures, learning and education, parental responsibility, business ventures, women and children's issues and youth matters. Leaders must not only lead effectively and be accountable to their community, they must also be able to relate to people, build relationships and most importantly they must be positive role models or examples for the community.

Many Aboriginal people feel that effective leadership is lacking in communities and organizations. This is not to say that there are not any effective leaders, but that there are only a small number of effective leaders. We really need to think about the type of leadership we want in our communities and organizations and develop future leadership based on strong skills, values and qualities. Leaders also need to be supported if they are to be effective.

On the other hand, though the expectations on Aboriginal leaders are great and because they shoulder a greater burden and lack support they get ground down thus losing their effectiveness. Further they also get blamed for the social and economic ills of our communities, while governments, politicians, bureaucrats and the broader society accept no responsibility. Most Aboriginal leaders go about their business of tackling issues in their own communities, however they are doing it in a very critical and unsupportive social and political climate.

### Strengthening Families

Most Aboriginal communities are organized around family and other smaller groups with kin based relationships. Therefore to build a community we need to strengthen families and other smaller groups. This involves assisting families acquire the skills and resourcefulness to manage personal and family income, take responsibility for family matters, access resources, take opportunities and solve problems. To strengthen families there is a need to strengthen parental leadership by improving and supporting leadership of families and responsibility for children, particularly in relation to health, education and social, cultural responsibilities and financial responsibilities. Parents need to be useful and responsible role models for their children.

Violence, alcohol and drug abuse afflicts families and these problems need to be tackled immediately because they are barriers to improving communities. Women, children and the vulnerable need to be protected from violence and this involves strengthening the authority and resourcefulness of the community to develop,

implement and maintain programs that protect people who are at risk. However ultimately the focus should be on changing the culture of violence within families and within communities by challenging and eliminating the grog, drug and associated violent culture.

#### Direct Funding and Adequate Funding

Direct funding from the Federal Government to Aboriginal communities, thereby bypassing the filtering mechanisms of the Northern Territory and Commonwealth agencies, is a key Aboriginal policy plank for Aboriginal self-determination in the Northern Territory. But no Politician or Government would support this because the implication is that Aboriginal governance would be recognised as another order of governance within the Australian governmental framework. Unlike Canada and the United States, Australia is not prepared to accept an Aboriginal order of governance.

There are however, new initiatives in funding Aboriginal communities for service delivery, where regional organizations make decisions on pooled funds from the Northern Territory and Federal Government to either purchase or provide services. Also service delivery agreements between the Federal and Northern Territory Government and regional Aboriginal local government councils are being trialed in terms of pooling funding and coordinating government agencies. However Aboriginal organizations need to be mindful that in delivering services they do not mirror the passive welfare methods of service delivery practiced by government agencies and statutory authorities.

Aboriginal communities not only require a sustainable level of funding, they also require funding to meet the backlog of need. Housing is a good example because in many communities there is overcrowding, however housing need outstrips current funding because of the backlog of need and because community populations are growing at a fast rate. Given that there is very little indication that reducing this form of inequality is a priority of Government, Aboriginal families may be condemned to a lifetime of living in overcrowded houses.

#### The Private Sector and Civil Society Organisations

Governance and development, not only involves the state, but also involves the private sector and civil society organisations. The private sector has a role to play in development because it creates jobs and income, support business opportunities, attracts investment and creates goods and services. Civil society organizations facilitate political, economic and social action and mobilize groups in society. They influence public policies, provide a voice for people, provide services, protect people against adverse economic effects and protect culture, beliefs and values. They provide the important checks and balance to government power and on the private sector. Civil society organizations are diverse and include trade unions, non-government organizations, religious groups or organizations, foundations, charities, political parties, cultural groups, environmental groups, special interest groups, academic and research institutions and so on.

While governments provide citizenship services, the private sector and civil society organizations can assist Aboriginal communities examine problems, organize effort and support, find solutions, develop opportunities, and transfer knowledge and skills.

A recent article in the Sydney Morning Herald (Kershaw, 2003, p. 60) wrote of the benefits to communities in the Cape York region as a result of seeking the assistance of business and universities. Both sectors are providing voluntary assistance to Cape York communities to identify business opportunities and to assist in their development with positive benefits to the communities and to individuals, particularly in regards to identifying business opportunities, creating jobs, and providing skills and knowledge.

### The Capacity of Government Agencies

There are real doubts about whether governments and their agencies are capable of addressing the problems, concerns and aspirations of Aboriginal people. However given the failure of policy, programs and practices there is a need to retrain Government agencies away from passive welfare methods of engagement and service delivery with Aboriginal communities. For example Government agencies could require capacity building in areas such as:

- training staff in community development as well as training in Aboriginal and human rights issues.
- pooling resources and coordinating across jurisdictions and agencies to achieve better coordination.
- measuring results of policies and programs in terms of the agency's contribution to developing the capacity of Indigenous people to plan, implement and evaluate their own outcomes.
- developing processes to ensure transparency, downward accountability and responsibility to Indigenous communities.
- creating a holistic developmental philosophy and approach within government to providing long term sustainable commitment to dealing with issues.

### **Conclusion**

Governance and development can be useful, beneficial and empowering processes for Aboriginal communities. However if the processes are not designed, developed and implemented in accordance with community development methods and practices and genuine negotiations with Aboriginal communities, the results may be more of the same – more welfare dependency.

Aboriginal people need to take control of the processes to ensure their own empowerment and ensure their authority is not usurped. However the low level of education is a barrier to this happening. What is urgently required is a major education and training focus on site in communities to increase skills, knowledge and capabilities.

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