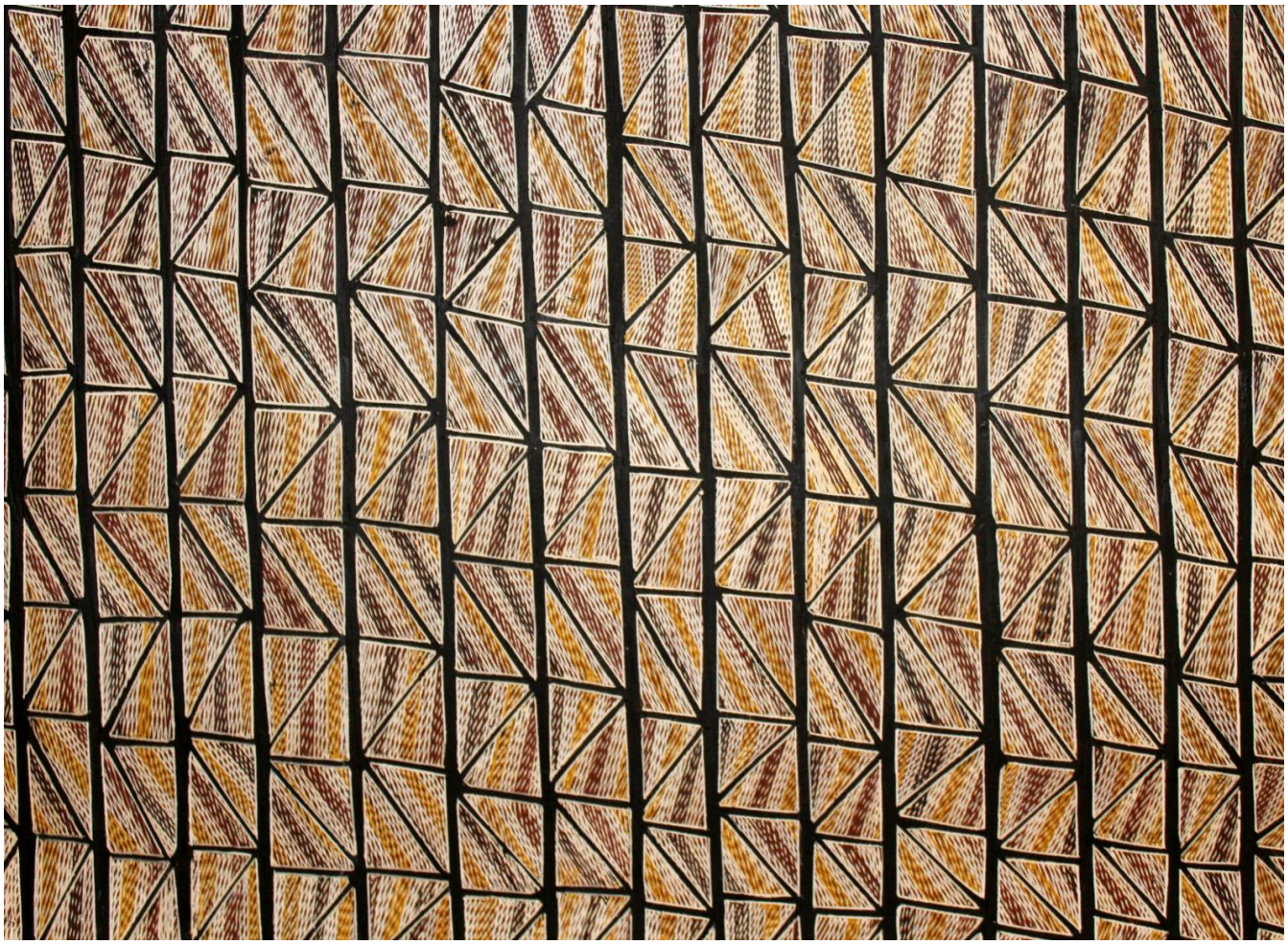


A COMPARATIVE RESEARCH ANALYSES:

FINAL PROJECT REPORT

Indigenous Governance of Development:
Self-Determination and Success
Research Project 2019 – 2022

M. Harrington, J. Field, D. Smith, K. Bellchambers

Front cover image: Terry Ngamandarra Wilson, Gulach (detail), painting on bark, private collection © Terry Ngamandarra, licensed by Viscopy, 2016

ACKNOWLEDGEMENTS

We would like to acknowledge the sustained commitment, time, energy and resources made to IGD Project by our Indigenous partner organisations and First Nation groups. Their road to securing rights and rebuilding self-governance has been long and often hard. The resilience and strengths we have witnessed in how they have worked to govern the devastating impacts of the Covid Pandemic, bushfires and floods on your families and communities, at the same time as undertaking high-pressured negotiations, has shown the nation what generosity of spirit and looking after Country actually means, and demonstrated to governments and industry what it means to be both agile and capable in governing.

We would also like to acknowledge our IGD Project funders without whom the research would not have been possible. The Australian Institute of Indigenous Governance provided the core commitment of funds as well as valuable staff and research resources, and we would like to thank the AIGI Board, CEOs and staff for their stalwart support of the project's applied research focus at a time of daunting challenges for Indigenous Australians. The Centre for Aboriginal Economic Policy Research also provided funds towards project staff salaries, as well as substantial administrative support, project logistics and coordination during turbulent times. We would also like to acknowledge the much-appreciated funding contribution made by Queensland South Native Title Services towards the salary of a project researcher working with their native title holders, and especially appreciate the generous time and professional insights contributed by all the QSNTS executive and staff.

We were fortunate to secure the input of several high-quality Interns (both Indigenous and non-Indigenous) from the Aurora Foundation's excellent Internship Program. Malcolm Connolly, Frank Algra-Maschio, and Olivia Freund made invaluable contributions to different project case studies. Finally, our project research team from CAEPR and AIGI have been stalwart in working alongside their Indigenous partners, often under stressful pandemic conditions and natural disasters, and in spite of their own related illness. Our efforts in synthesising your experience, insights, evidence-based findings, and policy recommendations into this Comparative Analyses, do not do justice to the depth of detail and understanding presented in each of your published case-study papers.

The Authors,
August 2022

Contents

1. Introduction

2. **General Observations on the Cotemporary Governance Environment**
   - 2.1 Is governance self-determined and 'fit for development purpose?'
   - 2.2 New concepts: Adaptive self-determination, and resilient adaptive governance
   - 2.3 Multiple and Different understandings of governance and development
   - 2.4 Indigenous governance operates in an intercultural interface

3. **Methodology and Methods**
   - 3.1 Overarching Methodology
   - 3.2 Evidence for the Comparative Analysis
   - 3.3 The Project Research Papers
   - 3.4 A Mix of Intersecting Methods
   - 3.5 The Centring of Local Knowledge, Views, Experiences and Priorities

4. Core Concepts and Understandings
   - 4.1 Self-Governance
   - 4.2 Development, *With* Culture and Identity
   - 4.2 Self-determination

5. Major Themes and Practical Findings
   - 5.1 Group Identity is defined by Culture and the Relational Self
   - 5.2 Youth and Country are Primary Concerns
   - 5.3 Governance is enhanced by Resilience and Adaptive Self-Determination
   - 5.4 Acts of Self-Determined Governance are Crucial
   - 5.5 Self-Governance Strengths Funded and Embedded for Resilience, Recovery and Rebuilding
   - 5.7 Relationships, Trust and Healing are keys for Governing Development
   - 5.7 Digital Governance and *Digital* Sovereignty to be Mobilised

6. Policy Conclusions and Recommendations
   - 6.1 Governance is *with* Culture and Identity. Development is *with* Culture and Identity
   - 6.2 Most Indigenous organisations do not have the stable resources necessary to enact self-determined development.
   - 6.3 National government's commitment to building governance capabilities *in developmental and self-determined ways* are virtually non-existent.
   - 6.4 A National Indigenous Digital Strategy, and Digital Sovereignty Framework should be established
   - 6.5 A National Indigenous Emergency Institution should be established

Figures and Appendices

Fig. 1 Indigenous Resilient Adapative Self-Determination
Fig. 2 IGD Research Framework.
Fig. 3 Governance rebuilding as a Journey
Appendix A. Project Research Handbook

1. Introduction

This report synthesises the overall findings of *The Indigenous Governance of Development: Self-determination and Success* (IGD) Project, (mid-2019 – mid-2022). It sets out the major issues and common themes that have emerged, and provides practical and policy recommendations for ways to bolster the strength of Indigenous self-governance, and better support the work of First Nations and their organisations to implement a self-determined development agenda.

The big picture issues and trends discussed in this report are based on robust, case-study research evidence from the IGD Project.

This Comparative Analysis Report can also be used as a pathway into the more detailed evidence and conclusions of the nine case studies, and to the Strategic Governance Tool framework produced under the IGD Project. Preferably, the report should be read in conjunction with the more detailed Project papers which are currently in publication by CAEPR:

1) *Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires* – by Bhiamie Williamson

2) *Indigenous self-governance and 'nation' building: Considerations for a strategic self-analysis tool* – by Toni Bauman and Diane Smith

3) *Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations* – by Lara Drieberg, Diane Smith, and Dale Sutherland

4) *People, Place and Partnerships: A Native Title Model for Reclaiming the Governance of Development* – by Diane Smith and Jason Field

5) *'That Computer is Clever like a Dingo': Principles and practice for Indigenous Digital Governance Sovereignty* – by Diane Smith

6) *Indigenous 'Elder' Organisations: Resilient Adaptive Governance as a Capability for Longevity and Renewal*, by Lara Drieberg, Mia McCulloch, Diane Smith, Francis Markham

7) *Aboriginal Peoples and the 2022 Northern New South Wales Floods* – by Bhiamie Williamson

8) *Governing Country: Indigenous Ranger Programs and Indigenous Governance Principles* – by Kate Bellchamber and Jason Field

9) *Framework and Facilitation Notes for a Strategic Governance Analysis Tool* – by Toni Bauman

10) *Inter-Indigenous Treaty Making: Ancient Principles for Contemporary Purposes* – by Malcolm Connolly and Diane Smith

To bring Indigenous voices to the fore, throughout the Report we have drawn on direct quotes from partner organisations and nation leaders who are cited in the individual case-study publications. Accordingly, we provide references back to those papers (as numbered above). This report also draws on discussions from several project workshops, as well as interviews and conversations with Indigenous people. On occasions we have cited these as '*pers com anonymised'* (in accordance with our ethics

and project research agreements). Where comments are attributed, it is on basis of the person or organisation having agreed.

An important foundation of the project has been to **make the research count** for our Indigenous partners, including AIGI, and to identify **broadly relevant findings** that have wider potential to positively inform the self-governance and development initiatives of First Nations. We identify many of the **practical strategies, tips and solutions** our partners are using that might be of interest to others encountering the same obstacles and challenges. Many of these insights are being incorporated into AIGI's governance online Toolkit and education work.

At the conclusion of the Report, there are also **policy recommendations** made for consideration by organisations, governments and industry.

While Indigenous diversity means no single solution will be suitable for all groups and their representative organisations, we have also identified some **deep commonalities of Indigenous experience and principles** that appear to **underlie their self-determined agency** ---- across all the case study locations in which we worked.

These Indigenous principles form a menu of culture-centred practices and norms which we believe will broadly relevant for all First Nations in Australia. They are valuable Indigenous foundations for putting **adaptive self-determination** and **resilient governance** into daily practice.

These common culture-centred principles, and the **Indigenous capability for self-determined, adaptive governance are major findings of the IGD Project**. They provide Indigenous groups with a valuable pathway to design their own customised strategies, and for AIGI to produce the next generation of resources for governance masterclasses, workshops and forums with Indigenous people.

We have confidence that other groups in similar situations can build on our findings to fast-track their own local solutions.

2. GENERAL OBSERVATIONS ON THE CONTEMPORARY GOVERNANCE ENVIRONMENT

Below we make some general observations about project insights about several big issues at play in the contemporary governance environment in Australia. We believe these have significant practical implications for First Nations, and for governments and industry alike. These are then taken up in subsequent sections of this Report, in the context of specific findings from across all the case studies..

2.1 Is governance self-determined and 'fit for' by Indigenous development purpose?'

Many Australian First Nations, communities and their representative organisations are undergoing a period of accelerated governance and nation rebuilding. Successes in gaining native title and land rights over the past fifty years mean groups are in a position to leverage agreements, settlements and, more recently, enter into treaty discussions with different jurisdictional levels of Australian government. As a result, they are initiating a wide variety of development initiatives.

An overarching question addressed in this project, and critical for development outcomes for First Nations peoples, is whether the current collective group and organisational models of governance are actually 'fit for the purpose' of getting development happening *in a way that Indigenous people choose for themselves.*

The governance conversation in Australia has evolved rapidly over the past two decades. The IGD project has documented **an extraordinarily diverse continuum** of governance solutions and capabilities across the country. It is clear that people are working hard at local and regional levels to craft their own solutions (see examples in Papers 1, 3, 5, 6 7, 8). They are also working strategically to tailor inadequate erratic funding, and adapt externally imposed models and program goals to better suit their own purposes (see Papers 3, 6, 8). But it is also evident that for some Indigenous groups, there is **a growing mismatch** between the direction want to take their *collective* self-governance, and the options and structures being proposed and or already created *for* them.

In different contexts, the case studies have revealed a mismatch or misalignment between local aspirations and capabilities, and external government program goals and policy agenda. On occasion the disconnect is made worse by the lack of information and direct accountability from governments and business to groups. On other occasions, the problem is too much information that is too complex and locally irrelevant (see Papers 1, 3, 7). We have observed also the enormous daily pressures on both groups and their organisations to quickly enter into complex negotiations and take up development offers, but where their internal governance is not adept or able to deal with the multiple, sometimes competing demands and decision making involved.

This disconnect is critical. It means that the governance of an incorporated organisation can end up not being fit for the more diverse purposes of the communities they represent. This can quickly become a critical turning point whereby organisations can slide into crises and end up not fit for any purpose, or groups can experience debilitating internal differences (see Paper 6).

It is not surprising, then that during the course of the IGD Project we witnessed Indigenous groups and organisations where their governance arrangements are not fit for emerging new development purposes and opportunities, and who are experiencing significant pressures on their governance, including those who are not leveraging benefits.

In this context, there appears to be a genuine and deep level **of dissatisfaction with existing government approaches**, in particular with: the regulatory/ corporate compliance approach that characterises Australian governments frameworks for incorporated organisational governance; and with the inability of governments to act or intervene when actually requested. It is not the kind of *self*-governance that people have emphasised to us they want or are working for.

2.2 New Concepts: Adaptive Self-determination, and Resilient Adaptive Governance

We have identified several innovative initiatives which are examples of strong Indigenous capability to pivot and act in agile, effective ways.

We argue this is **a profound existing Indigenous capability function** ---- at collective group, community and organisational levels.

We have coined the terms: **Adaptive self-determination**, and **resilient adaptive governance** to highlight their demonstrated practical importance for outcomes (See Figure 1).

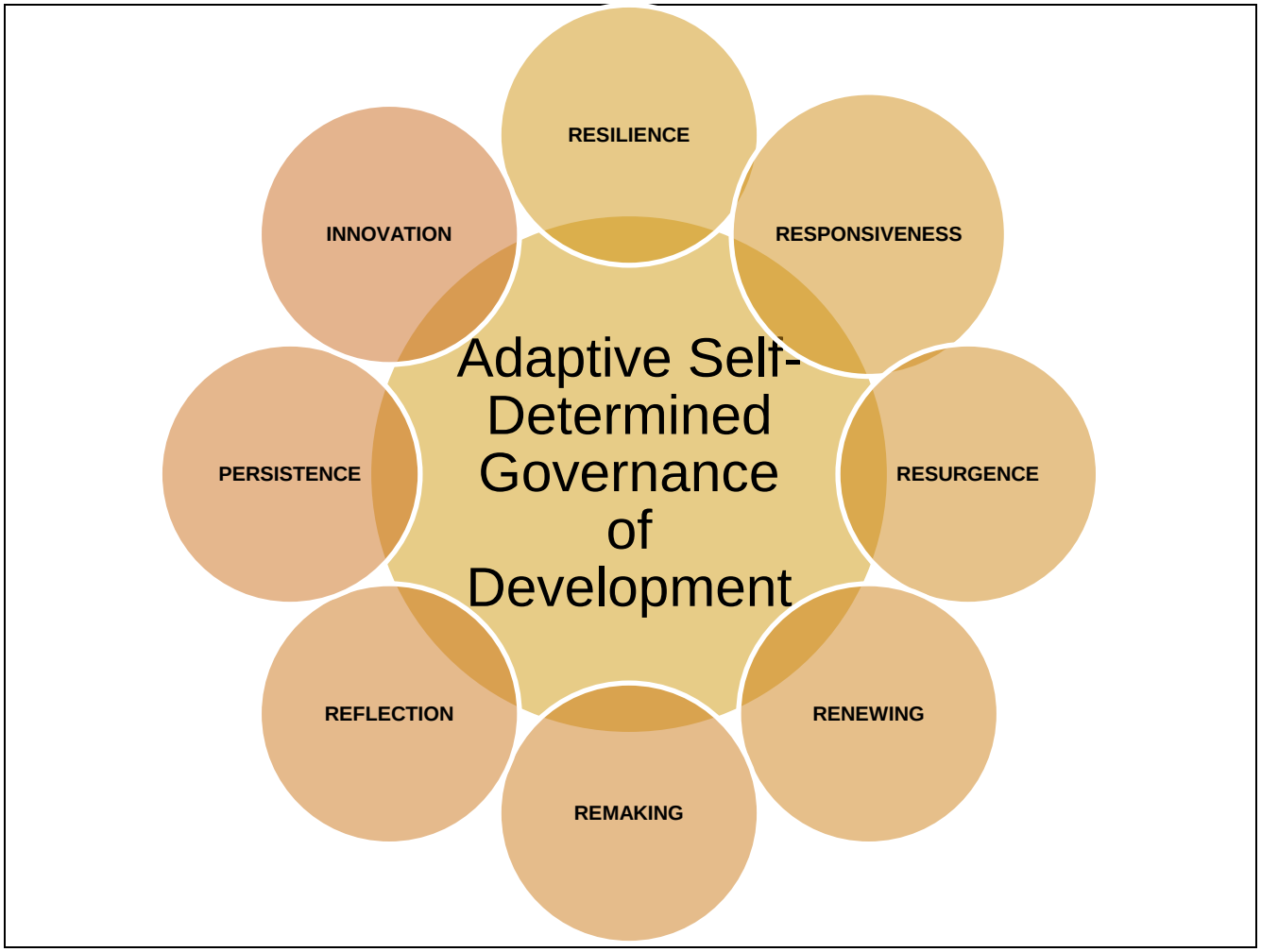
Solid example of this are the organisations that took the actions they deemed would best support their community members in circumstances of extreme crises, especially during the Covid-19 Pandemic (Paper 3), bush fires (Paper 1), and floods (Paper 7) that affected eastern Australia between 2019 and 2022.

We found more instances of it amongst the Elder organisations (Paper 6) who have been able to steer a course through the critical junctures of major crises or take up important opportunities by governing in resilient adaptive ways. This led us to coin the concept of 'adaptive self-determination'.

We have also seen it being demonstrated in multiple Indigenous-initiated and led Ranger programs in Caring for Country (Paper 8).

And it is being demonstrated across Australia in the digital innovations Indigenous groups are making in their customisation and uses of digital tools, software and hardware (Paper 5).

Figure 1. Indigenous Adaptive Self-Determined Governance of Development.



Source: Jason Field Project Manager, IGD Project.

2.3 Multiple and Different understandings of Governance and Development

As noted above, the combined research of the IGD project points to a huge disparity in depth of understanding of what governance could be. Governments, industry, Indigenous peoples and the organisations that represent them have very different interpretations of the concept. This leads to frustrated efforts all both sides.

For governments, governance is generally equated with being about effective service delivery and compliance with legislative and policy requirements. This is a downgrading of the self-determination and self-governance goals that inform many Indigenous understandings of the word 'governance'. It also links to government program funding being allocated to particular kinds of governance performance (financial, statutory and reporting), and not others (such as the sustained rebuilding of self-governance capabilities). Insufficient and erratic funds and resources are being allocated to the kinds of governance services that communities and organisations actually want (Paper 4).

For industry, governance if often equated with the 'sustainability' of their resource extraction under leases, agreements, contracts and joint ventures with Indigenous peoples. But sometimes can align with Indigenous needs based on personal relationships and an ability to respond locally (Paper 3).

Indigenous understandings of the concept among Indigenous Australians are diverse and localised (demonstrated in all papers). Invariably they centre self-determined decision-making, and local control and authority (all Papers).

These differences in understandings of what is ostensibly 'one concept' have **significant implications** for the regulation, funding, administration and facilitation of Indigenous self-governance of development.

The research we have conducted with Indigenous partners and their organisations shows just how varied understandings of governance can be.

We have also found there are **differences between the governance of a community and its collective objectives, and the governance of the organisations** incorporated to achieve community-wide or collective group goals. These representative organisations operate in an extremely volatile and challenging governance environment, are established under Western legal constraints, at the same time as seeking to operate in culturally-centred ways. In times of crises and disasters, their cultural agency and innovation rises to the fore (Papers 3, 4, 6, 7).

Despite this diversity, the organisations and groups involved in the IGD Project research emphasised that **culture is absolutely central to their goals for governance**. This sentiment was so strong that one participant declared that 'culture is our governance'.

We saw culture **at the heart of multiple ways of governing approaches to development** – in the form of Caring for and Looking after Country (Paper 8), and governing knowledge and Indigenous Cultural and Intellectual Property (Paper 5); governing disasters and crises (Papers 1,

Other nations and their organisations emphasised their resilience and longevity was linked to their cultural values and purpose (Paper 6), to the design of innovative strategies for governing new modes

of development (Paper 4, 5), for governing the Pandemic (Paper3) and natural disaster risks and recovery (Papers 1, 7), and for making agreements and alliances with each other (Paper10).

Given that culture is consistently placed at the heart of self-governance and development agendas by Indigenous groups, it is concerning that understandings of governance by some governments and industry remain misaligned with those values, and that among members of some incorporated organisations the idea of 'governance' seems to be limited to the corporate norms and Rule Book template of the Office of Registrar of Indigenous Organisations (ORIC).

In general, we found that Indigenous understandings of 'governance' and 'self-governance' go well beyond dominant Western concepts and legal recognition. Indigenous ideas about governance have been routinely shown in the IGD Project case studies to be broader and deeper, and include cultural, social and environmental concerns.

This same deeper, wider understanding is also demonstrated in Indigenous understandings of the term 'development', which invariably has Country, Culture, Relationships and Knowledges at their heart ---- including when a development initiative has strong economic objectives.

This has been recognised by the United Nations Declaration on the Rights of Indigenous People (UNDRIP), which refers to how 'respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment' (UN, 2007) and the United Nations Declaration on the Right to Development (1986) which confirmed that the right to development, 'is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, [including] … the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development…(UN, 1986).

2.4 Indigenous governance operates in an intercultural interface

Indigenous governance of nations, communities and organisations sit at an 'intercultural interface' with mainstream Australian society (Paper 4, 6).

For representative organisations, to meet the **competing expectations and demands** of both their members and diverse stakeholders can create a tension from which many challenges for governance, self-determination and development arise. This is **a messy personal, politicised space** to be in. In one way or another, all of the case study research discussed in this report grapples with what it means to govern development at this intercultural interface, **in ways Indigenous people *choose*, and which are both *meaningful* and *productive* for them**.

This inter-cultural positionality affects everything groups and organisations do to govern development - from their goals and vision, through to their capabilities to implement development priorities, to build effective ways of governing knowledge and heritage, Country, and to looking after their kin during crises and disasters.

The **digital technologies** that are increasingly being explored for the governance of Indigenous communities and organisations are simply another recent component of this cultural interface. Across all the case studies we witnessed Indigenous groups and organisations being digitally active and

innovative in their governance and development initiatives - all the while negotiating the balancing obligations of community and regulator (Papers 5, 6, 8).

Differences in how governance is understood and valued affects what kinds of development are resourced and how. Some nations, communities and organisations are positioning themselves to take control of development on their terms and achieve what governments cannot (All Papers). A few large Indigenous groups and their organisations have secured funding from industry and philanthropics and been able to create innovative spaces in which to remake the kinds of governing and development arrangements they want (Papers 4, 5).

However, most Indigenous organisation rely entirely on the **public funding** granted to them, which in many cases is so limited that it in fact stifles effective self-governance and development initiatives (Paper 1, 3, 4, 6). Most are working tirelessly to **diversify their funding bases** so as to not be reliant on government funding and related strings attached. (Papers 3, 6, 8). Understandings of nation governance and self-governance can be very limited within poorly resourced organisations.

The debilitating impacts of bad government policy and erratic short-term program funding – in other words, the **poor 'governance of government**' – means that some organisations are currently overwhelmed by the magnitude of the external 'engagement' they become embroiled in, leaving them vulnerable to the 'development' priorities of other stakeholders.

Worryingly, we have seen some organisations implode from the pressure of such demands. To make matters worse, insufficient funding and weak internal self-governance mean that the members of representative some organisations struggle to even come together to talk about their future options, or stagnate and find it hard to recover (Paper 4, 6).

The rest of this Report explores the project's comparative findings about what this wider environment and cultural interface means for Indigenous efforts to govern development - from the perspective of the Indigenous partners with whom we have worked.

3. Methodology and Methods

3.1 Overarching Methodology

This Project has used an overarching methodology in order to derive valid comparative insights across different case studies. This approach proved productive and robust in earlier, longer-term research by CAEPR and Reconciliation Australia for the 'The Indigenous Community Governance Project 2003-2008, (Smith 2006).

The current ICG Project **methodological approach** common across all the research and published papers is one that seeks **to centre Indigenous voices, local experience and knowledge**, and identify tangible local practice and solutions.

Our methodological intention is summarised well in the paper 'Indigenous self-governance and 'nation' building: Considerations for a strategic self-analysis tool,' which notes that 'the principles of place-based strengths, and incremental development through self-reflection and renewal underwrite the overall methodological framework' (Paper 2. Bauman and Smith, 2021, p. 32).

The overarching framework for the entire project is set out in detail in the 'Indigenous Governance of Development Project' **Project Research Handbook** (IGD Research Team, 2021). **(Appendix A**).

The Handbook:

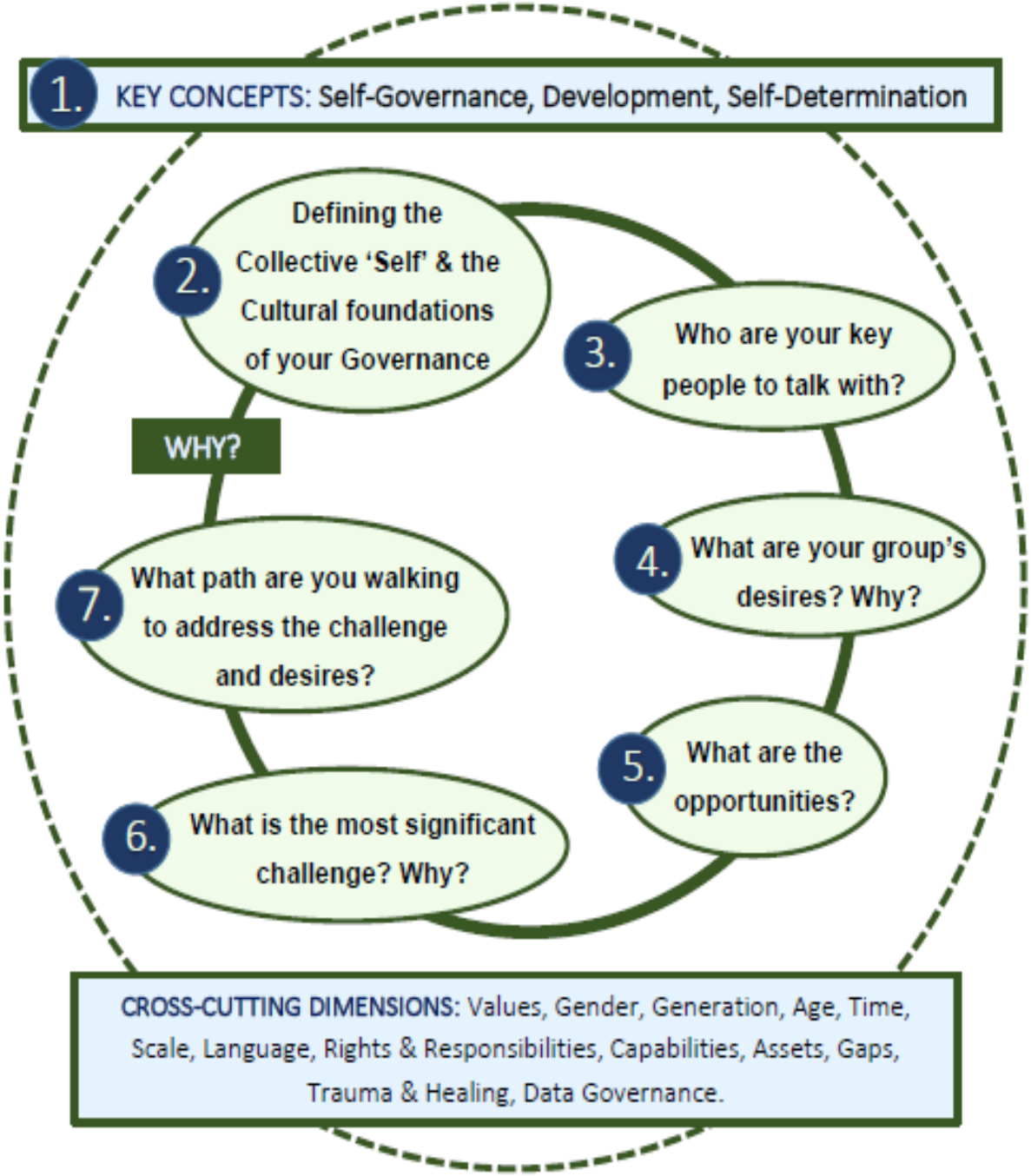
- Was developed at the start of the project, and contributed to by all the project collaborative team (AIGI and CAEPR) as part of a workshop of all the project team to identify key topics for research.
- Was written to assist the work of each researcher in their own unique contexts.
- Describes the core conceptual framework, issues, cross-cutting dimensions and core questions to be investigated and tested by researchers in their unique case study contexts.
- Includes Figure 2 which shows how key topics intersect. It was created to visualise a 'governance journey' and the turning points along it for groups and organisation, about which project researchers posed some common questions.

The Handbook and research framework thus enable us to look at general principles and factors at work in contemporary Indigenous governance of development, and to now compare those across different case study research papers.

A set of related central questions were also designed at our first workshop and in discussion with our partners, to guide our research conversations. The research themes and central questions are listed in the Project Research Handbook.

These core questions informed the survey of researchers conducted in 2021, and our regular Zoom conversations with the Project team members. Our aim has been to identify potentially common issues, which have, in turn, formed the basis of this report.

Figure 2. The IGD Project Research Framework: Core Concepts (1), Core Parts of the Journey (2-7), Cross-cutting Dimensions, and Core Questions (Handbook)



3.2 Evidence for the Comparative Analysis

The comparative analysis presented in the following pages has been drawn from the following inter-connected sources of research data and evidence:

1. **Case studies with Indigenous Partners** which look deeply at the dynamic and unique aspects of governing development by polities and their representative organisations - at local, regional and national scales. Each case study has produced detailed **Research Papers** produced throughout this project and listed below. These are being published by CAEPR as

2. **Annual Project Research Workshops**, including notes of discussion and Mentimeter results.

3. **Regular zoom yarns** between Project researchers, especially at the beginning of the project during Pandemic lockdowns and isolation rules.

4. A **Research Team Survey** of all the project members (AIGI and CAEPR) and analyses of their written responses to Handbook Questions and their research that identified emerging insights and issues; (end of 2020).

1. A **Synthesis** of the survey responses by Diane Smith; (beginning of 2021).

2. A detailed **Analyses of the first set of Case Study Papers** for comparative issues, themes and concepts by Kate Bellchambers (beginning of 2021).

3. A series of recent (August 2022) recorded **Zoom conversations** with each researcher and AIGI partners, to discuss their own big picture findings, undertaken by Diane Smith and Jason Field.

4. End of **Project Research Team Sharing of Research Findings** via online Zoom. The collective team provide feedback of a draft of this report (August 2022).

5. **Written notes and zoom audiovisual recordings** of various workshops, and multiple conversations held by project team members with our Indigenous partners over 2019-22.

3.3. The Project Research Papers

The research papers produced for the project (and from whose evidence this comparison is drawn) were developed in collaboration with participating partners and organisations over the two-and-a-half-year course of the project.

Each paper deals with an aspect of Indigenous governance in careful detail. The purpose of this comparative analysis is to outline and discuss the similar issues and themes that emerged across all of these papers. In doing so, this Report identifies some major opportunities and challenges for the Indigenous self-determined governance of development in Australia.

The numbering used below for Project papers are used throughout the Report to enable readers to link analyses and conclusions back to relevant papers. They will be progressively accessible on the CAEPR and AIGI websites as they are peer reviewed and published as part of CAEPR Discussion Paper Series:

1. *Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires* – by Bhiamie Williamson

2. *Indigenous self-governance and 'nation' building: Considerations for a strategic self-analysis tool* – by Toni Bauman and Diane Smith

3. *Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations* – by Lara Drieberg, Diane Smith, and Dale Sutherland

4. *People, Place and Partnerships: A Native Title Model for Reclaiming the Governance of Development* – by Diane Smith and Jason Field

5. *'That Computer is Clever like a Dingo': Principles and practice for Indigenous Digital Governance Sovereignty* – by Diane Smith

6. *Indigenous 'Elder' Organisations: Resilient Adaptive Governance and Management as a Capability for Longevity and Renewal*, by Lara Drieberg, Mia McCulloch, Diane Smith, Francis Markham

7. *Aboriginal Peoples and the 2022 Northern New South Wales Floods* - by Bhiamie Williamson

8. *Governing Country: Indigenous Ranger Programs and Indigenous Governance Principles* – by Kate Bellchambers and Jason Field

9. Draft *Framework and Facilitation Notes for a Strategic Governance Analysis Tool* – by Toni Bauman

10. *Treaty-Making between First Nations: Ancient Principles for Contemporary Purposes* – by Malcolm Connolly and Diane Smith

3.4 A Mix of Intersecting Methods

Each research team drew on the common Research Handbook as well as an interdisciplinary mix of Indigenous and social science research methods, relevant to their case study and topics, and designed with our Indigenous Project Partners. The papers above each include a section explaining their set of research methods.

The range of methods include:

- In-depth case studies.
- Tighter focus case studies of innovative Indigenous initiatives
- 2 online national surveys of Indigenous incorporated organisations, designed and conducted over several months.

- Creation of bespoke databases collated over several weeks from ORIC and ACNC public registers.

- Demographic overviews for PBC organisation and disaster events.

- Zoom and face-to-face interviews, multiple and often lengthy with individual Indigenous people from community, organisation, board, staff and management levels

- Several systematic literature reviews (national and international) of topics, tools, websites, inquiries, reports relevant to case studies, and Indigenous governance and development issues (some assisted by Aurora Interns).

- Field-based research trips when possible during Covid-19 and natural disasters.

- Qualitative analyses of evidence using content analysis, thematic categorisations and unpacking core concepts.

- Co-production of a Strategic Governance Analysis Tool through workshops with Indigenous board members and youth from our project partners, as well with Indigenous participants in specially-convened session at conferences, workshops, and forum

- Targeted topic meetings and conversations with partner Indigenous organisations and delegates.

- An online survey of the project research team, and annual workshops with them.

- Creation of a large EndNote library.

3.5 Centring Local Knowledge, Views, and Priorities

The centring of local voices, understandings and place-based practice is clearly identifiable in the papers that examine the impact of the COVID-19, floods and bushfire disasters on Indigenous communities. For example, in 'Governing the Pandemic,' the authors asked 'exactly how were local organisations governing the pandemic, with its rapidly changing local manifestations?' and 'to what extent and how did local Indigenous organisations adapt (or not), so as to more effectively govern the impacts of the pandemic on their community members? (Paper 3 Drieberg, Smith, Sutherland, 2022, p. 12)

The paper 'Aboriginal Community Governance on the Frontlines and Faultlines in the Black Summer Bushfires' (Papers 1 & 7, Williamson, 2022) was similarly concerned with the impacts of a vast crisis that affected much of Australia on local communities directly impacted by bushfires. That research segued into understanding the next disaster – the floods in northern NSW – which asked what role local Indigenous organisations played in the safeguarding and recovery of their community members.

In this way, our research has been able to draw out universal experiences and the kinds of Indigenous capabilities mobilised during these events, from different local contexts. We have found strong resonances between the Indigenous capabilities activated for governing disasters, and other domains

of adaptive governing such as those harnessed by Elder organisations to survive and renew the 'critical junctures' of transitions in their life courses (Paper 6, Drieberg, McCullough, Smith & Markham et al.)

Though the research methods have been diverse, these insights all speak directly to each other.

4. Core Concepts and Understandings

As the Figure 2 above shows, the three core concepts that guided the IGD Project were 'self-governance', 'development', and 'self-determination'.

We see these concepts as tightly intersecting, with the research showing them to be as much about practical group processes on the ground, as they are expressions of Indigenous rights and interests.

Here we discuss some of the major insights, issues and interrelations identified by the research to do with these concepts.

4.1 Self-Governance

In his paper 'Healing, Decolonisation and Governance', Bhiamie Williamson states that 'Indigenous governance is a philosophy, theory and practice performed in the context of contemporary settler-colonialism' and that 'Pre-colonisation, Indigenous Australians possessed highly complex and deeply rooted governing arrangements that varied greatly between different cultural, linguistic and familial groups.' (Williamson 2021a, p. 334-335). While our research found an *enormous* range of understandings of self-governance, one thing that was consistently emphasised was the centrality of culture, and people's desire to be in control of their own futures.

The director of one organisation asked Toni Bauman, '*Why can't they call it the cultural aspect of the human race which is to operate under the system which we are calling now governance. … we operate as a cultural mob not a governance mob*.' Similarly, a key finding of the Elder Organisations paper was that '*Culture is a bedrock, it can't be cut out of organisations'*. One leader spoke of its overall importance in terms of their aim being to '*live and breathe it every day and in every way*' (cited in Paper 6).

The principle of cultural legitimacy was also found at the heart of our research about governing Country through IPAs and Ranger Programs. A board member of one organisation member stated that, *'I have this structure which is still, what we do today, but while it is actually a white governance structure of the moment, I've been doing governance ever since the old people, but it is just that not the word. Governance is just a made-up word*.'(Bauman pers com interview PBC member)

As our research with Barengi Gadjin Land Corporation and Boonthamurra PBC members found, the word 'governance' can be misleading, and needs to be locally contextualised. Governance can relate to specific corporate, organisational, or community projects, as well as to the groups relationships with governments and other organisations. The 'People, Place and Partnerships' paper found that governance is about bringing a group of people or community together to discuss matters that affect them, to make and enact decisions, work together get things down, and to hold their leaders accountable. In discussing governance as self-determination, it emphasised the importance of

collective 'grouphood' where a people share a common identity…In other words, the Indigenous nation is embedded as a form of relational sociality as much as it is a political formation'.

Other organisations were keen to work out how they could better fit their cultural ways into their representative organisations and development initiatives. People emphasised a desire for practical solutions to real-world scenarios, and to learn together by doing problem-oriented work. We refer to this approach a 'relational learning' – a way of learning together connected to mob's histories, ways of governing in the past (Papers 5, 6). It was also identified as being a valuable way that old and young people are learning together (papers 5, 8). We saw people in organisations young and old – talking about wanting to learn more for themselves about their own ways of governing and how those can work in their daily lives, and seeing that not just as a collective journey, but as a personal one.

Our research also concludes that academic conversations about Indigenous governance are unnecessarily complicated for many Indigenous people actually working in the space. While we have talked to very informed board members who are negotiating major settlements and international alliances, we have also talked to others who did not realise that the purpose of a board was to provide guidance and direction to their CEO.

A limited understanding of (and associated poor practice of) the corporate roles and responsibilities within a board, between chairs and board members, and between CEOs and their boards (and vice versa) has appeared as a concern raised by a number Indigenous partner organisations and their staff, and in online survey and interviews (Papers 6). This raises a risk that governance capacity may continue to be limited. A related concern experienced by project researchers is the opinion of some senior board members that they already know everything they need to know about governance was what is in the ORIC rulebook, and what can be learned from an ORIC workshop. In some organisations, this has created a situation in which younger members are wary of learning, talking about new options for governing, or pushing for change - even though they are not satisfied.

On the other hand, some case studies documented the great strength of relationships and the role of trust and information within boards, and with their CEOs and staff (Papers 3, 6, 7). Interestingly the strength of these relationship and the role of key leaders, CEOs and Chairs was noted as coming quickly to the forefront during disasters such as the Pandemic, floods and bushfires. These have been events where leaders stepped outside the constraints of corporate governance and took effective, agile governing action.

The case studies highlight that governance can be affected by key individuals. A single person can have a huge impact on governance performance – for the better and for the worse. For example, Individual leaders were pivotal in spearheading the very successful establishment of Indigenous Protected Areas (IPAs) and Ranger Program. This leadership ability has a positive effect and leads to wider benefits for communities and organisations, as was evident during the pandemic, the floods and bushfires, and in negotiations with external bodies. But it was also reported to have negative impacts; such as, holding a group or organisation back, seriously undermining an organisation, leaving an organisation floundering to deliver its services. It is clear that groups and organisations need to develop institutions (internal rules, procedures) that enable members to differentiate between, and manage, individual *selfish*-determination that can undermine collective self-determination.

For some groups, the intergenerational trauma of colonialism (including forced removal from traditional lands) has been shown to carry over into their representative organisations. This manifests in disputes

about land ownership, native title, and creates fractious behaviours which are very hard to mediate within boards. It derails decision-making at meetings and AGMs, and leads to abuses of power by CEOs, board Chairs or community leaders (Paper 2, and team field observations at partner meetings; Also Williamson 2021). Examples include CEOs who do not properly brief or take instruction from their boards; Board Chairs who use their boards as a rubber stamp for their unilateral decisions, and community leaders who bring personal fights into an organisation or board.

From one of our online surveys, well-established organisations reported the top sources of 'internal' crises included: organisations finding themselves on the brink of insolvency: a lack of resources and capacity (at board, management and staffing levels) to meet their organisation's objectives; and conflict among board members and with CEOs. A shared purpose and vision, trusting and effective internal relationships, and skilled staff were ranked the top three governance factors which positively support an organisation to take up opportunities. While trusting and effective internal relationships, a can-do mindset, and skilled staff were ranked the top three governance factors which support an organisation to navigate a crisis. It is significant that the top ranking factors across both crises and opportunities in respect to governance are to do with the internal culture of the organisation, their own people and relationships (Paper 6).

> *The biggest challenge would be to bring on those skilled directors. Some board members felt that they knew everything, and they didn't need other people coming in telling them what to do. And some people embraced it. It was quite a journey to embark on. Once it happened everyone changed their minds very quickly, because they started building really good relationships with the two [skills-based recruited directors]* (cited in Paper 6).

An important implication is that people and their relationships with each other, their sense of trust and solidarity with each other, and their relationships with Country, lie at the heart and purpose of governance and governance renewal; not the structures or rule books (Papers 8, 5, 6, 3, 1, 7).

4.2 Development, *With* Culture and Identity

This comparative analysis (re)frames development as intercultural and relational; as 'development with culture and identity' (UNPFII 2010).

Though the groups and organisations involved in this project clearly desire development that provides jobs and income, the project research found that, in general, they do not think about or talk about development as being just 'economic development'. Rather their understandings of development go well beyond dominant Western concepts of economic progress, and involve complex cultural and social understandings of its purpose, benefits and sustainability (Paper 4, 8). Country, culture and relationships are at the root of these understandings (Papers 3, 5, 8). Economic independence is seen as vital, but of a kind that brings social, cultural and Country benefits with it, and actively reinforces those rather than undermining them (Paper 4, 5, 8).

Accordingly, the project proposes an understanding of development as being the initiatives of people that meet the chosen agenda and needs of the present, while safeguarding the cultural, social and ecological life-support systems on which the well-being and identity of current and future Indigenous generations depend. This is culture-centred, group-centred development, and is characterised by an integrated approach that builds on collective rights and the self-governance of lands and resources. It also builds on

the strengths of traditions and relationships, with respect for ancestors and the same time as being forward-looking. It includes social, cultural, political and spiritual systems as strengths (Papers 4, 5, 8).

Development therefore encompasses: the governance of knowledge as a form of 'development with culture and identity' (Paper 5); the governance of Country as a form of 'development with culture and identity' (Paper 4, 5, 8, 5); the recovery of communities from pandemics and natural disasters (Papers 1, 3, 7); the revitalisation and renewal of organisations (Paper 6); and the collective reclamation of ways of self-governing (Paper 2).

The formation of social cohesion, strengthening of social bonds recovery have been demonstrated in the research case studies to be vital forms of development. We have seen this in the: nurturing Elders, families without food, artists disconnected from their community support and bereft of incomes during the pandemic social isolation (Paper 3); the provision by community and family members of mutual support, counselling, food, and immediate services in times of disaster and recovery of the bushfires and floods (Papers 1, 7); the positive social impacts on dispersed group members returning together to remotely located Country (field trip 2019). The rebuilding of unity and cohesion within a group can be seen as a form of social development, but also as itself a process of governance building. Reducing the high degrees of lateral violence and engendering recovery from the intergenerational trauma experienced by Indigenous people are important examples of positive social development.

An immense range of possible types of 'development' activities and aspirations have been identified across all the case studies. They include: economic development, business creation, compensation, tourism, arts and creative projects, housing, community infrastructure such as airports, locally-based employment options and disaster recovery initiatives, language revival, cultural heritage protection, value-adding to Indigenous Cultural and Intellectual property, design of digital technology applications and databases, protecting and controlling heritage, language revival, governing knowledge, scholarships, ensuring a future for young people, looking after and mapping Country, environmental management, agreement-making and partnerships.

The great majority of these development initiatives are embedded within, and arise from, Indigenous place-based cultural knowledge of land and sea. People are hungry for development that makes their lives better *in ways they choose*. This is especially exemplified by Indigenous-driven projects of governing Country through IPAs and Ranger Programs.

As the *People, Place and Partnerships* (Paper 4) research highlights, the huge number of native title determinations has not translated in a huge amount of development. To date, there are 51772 determinations of native title covering 3.5 million square kilometres or 43.2% of the land mass of Australia and approximately 143,059 sq. kms of sea. Indigenous native title groups have entered into well over 1500 ILUA, which cover 39% of the land mass of Australia. There are hundreds of other kinds of agreements. In combination these agreements form a jigsaw puzzle of potential development in need of strong governance. However, the research points out 'while Indigenous people hold legal interests in more than 50% of Australia's landmass including waters, their participation in Australia's economies is minimal' (cited in Paper 4).

Furthermore, Project research is revealing that some native title groups are being held back from generating their own development initiatives as a result of not receiving the benefits and cash committed to them under some native title agreements. One representative organisation has recently identified that five of their PBC clients have not been paid approx $6.5million owing to them under their

agreements, because the funds have not been delivered by the stakeholder signatories (cited in Paper 4).

The IGD Project research concludes that the standard mode of native title meetings is used as a default for collective governance used during native title claims phase, and 'is *not* fit for the purposes of later holding native title and governing development on their own terms' (Paper 4).

> *… They get everyone together, and then it is like, "congratulations, you've got your native title". And then they step away. And it is like, "who's supposed to deal with all the governance now? And all the arranging meetings and all the compliance?* (Bauman pers com interview PBC).

The success of negotiations and the implementation of rights-based agreements depends greatly on the capacity and functionality of the PBC involved. As native title is recognised 'in perpetuity', PBCs will also exist forever. Of the 127 PBCs currently in existence, only a few enjoy the type of public development success that brings major benefits such as infrastructure, stable sources of income and permanent staffing. The majority rely on the approximately $50,000 to $60,000 a year provided by government (Paper 4). This is not enough to pay for permanent staff, let alone properly govern native title holders' rights, interests and aspirations. Similarly, for groups who are able to work together and outline their aspirations in Country-based plans, there are rarely sufficient resources available to enact these on the ground (Paper 4, 8).

An exception to this is where Indigenous groups and nations are leveraging substantial land rights and agreement benefits to take charge of governing their Country as they chose to. This has been documented (Paper 4, 8) through Ranger activities which has been an Indigenous established and led movement and is now so successful that governments are lining up to fund programs across Australia. The IGD Project case study (Paper 8) has identified for the first time that there are approx 250 Ranger Programs operating across the Country. Additionally, some nations and groups are using their own native title and other monies, to carry out their Cultural and Ecological Mapping of Country (Paper 4) and repatriate knowledge and Intellectual property (Paper 5).

The project also documented PBCs and other representative organisations finding themselves in high-pressured development negotiations (whether that be for economic agreements, ILUAs or settlement agreements etc) with industry and governments, which quickly become overwhelming. In such negotiations they are having to assess complex legal and technical documents, consider major financial options – and work to the short timeframes and priorities of external stakeholders. It is difficult to steer a self-determined direction for some organisations and consult with their members when they have board governance that lacks solidarity or capabilities, when they have insufficient staff or high staff flows, and when they little or no time to plan for the future or to do the practical work of rebuilding their internal governance. Yet it is precisely in such contexts that some organisations and groups are being offered potentially interesting development opportunities (Paper 4, 6).

> *So, you know, we're having to deal with one person having to do four jobs instead of one person just focusing on one job. And then the unskilled workers within the community, that creates an issue with ourselves as well, because we want to provide the training and give them the capacity to build up to those positions. But then we need to have the time to be able to do that. So we're time poor in that space. Sometimes we don't have the resources to be able to do that. Other times, we just don't have what it takes to be able to create that sustainability within the community.*

> *But then on top of that, you also have the whole issue of generational trauma. You have this negativity, this cloud hanging over the community … You know, it is, it is not just one thing, it is a whole stack of things that when you put it all together, it just turns into a melting pot of, basically, shit*.(cited in Paper 6)

Many smaller organisations do not have the governance arrangements needed to make the most of these high-pressured development opportunities (Paper 4). The gaps can include a lack of a well-functioning board to make decisions, or lack of the right mix of skills to make beneficial agreements. On the other hand, in this context, the project research also shows that some organisations are very much aware of not getting ahead of their community members own needs and priorities, and work hard to ensure they communicate well and often (Papers1, 3, 7). Indeed, having a strong *practice* of community engagement and communication with members, and an organisational internal culture and governance that reinforces that approach, seems closely connected to the longevity of longevity and effectiveness over time of the 'Elder' organisations (Paper 6).

With few resources, little or no staff, and no customised governance funding programs, nation building and self-governance rebuilding are the inevitable losers. This creates a vicious feedback loop, especially given that the national and international evidence strongly concludes that rebuilding the social and cultural fabric of Indigenous societies is a core component of getting sustainable development happening(See, the case study research in Australian Indigenous Community Governance Project (Hunt et al. 2008); the Harvard Project on Native American Economic Development (2008), the OECD Report (Jordan et al. 2019); Dodson & Smith (2003) and Indigenous case studies in Smith et al. (2021)).

4.3 Self-determination

Though they are clearly important, the research strongly suggests that neither rights nor successful native title determinations alone will deliver self-determination, sovereignty, or guarantee self-determined development outcomes. Rather, the ability to translate rights and recognition into tangible development realities relies on the will, perseverance, governance, vision, unity and hard work of Indigenous groups themselves (Paper 4, 8).

> *Shared respect for and commitment to self-determination is the other major factor which has held the organisation together. Strong Indigenous leaders have inspired other Indigenous leaders and young people to join in and stand up for the mission to work together to keep art, country and culture strong (Paper 6)*

The project accordingly defines self-determination to refer to Indigenous peoples' right to freely determine, take control and responsibility for the kinds of lives they want through the daily exercise of genuine decision-making powers, capable participation and control over their affairs and wellbeing (social, economic, political and cultural).

Project case studies reinforce that, at its core, self-determination is not simply about having power, but about having the *ability* to effectively exercise power as a people or a delegated entity.

The research also demonstrates that self-determined *choice* is critical for governing development. This is where the governance arrangements are determined, decisions are made, and actions are undertaken by the free, prior informed consent of Indigenous people themselves. (See exploration of

this in all Papers and especially Papers 2, 4, 5, 7, 8). This suggests that FPIC can be reframed to be a critical *process* that give *practical* realisation to self-determination. Access to meaningful information and data are also shown to greatly enhance decisive governance, informed action and protection of rights (Paper 3, 4)

Self-determined governance means groups, communities and organisations are in control of their affairs, are able to make decisions, and that all members are informed and able to have a say in their own group or organisation's governance.

The *ability* of groups, communities and organisations to do this has been a massive strength during pandemic, flood, and bushfire crises that occurred during the period of this research Papers 1, 3, 5, 7). Our research has identified a critically under-recognised set of *Indigenous* capabilities (defined in Paper 3 and 6) within communities and organisations: resilient adaptive governance and adaptive self-determination.

Project findings (Papers 1, 3, 6, 7) indicate the capabilities for resilient adaptive governance, and adaptive self-determination, have played a central role in disaster governance and recovery, in organisational longevity, in governing the impacts of hyper-changes in government policy and funding, and in their own rebuilding efforts. It enables organisations to assist their communities by making and implementing decisions quickly, effectively and legitimately.

The research concludes that adaptive self-determination is not a new or emerging thing in Indigenous organisations or communities. It is not a capability that had to be created for the first time, in response to a crisis. It is a pre-eminent, existing Indigenous capability.

This contrasts with much of the general literature, which focuses on ways to establish or encourage new modes of 'adaptability' and practices for 'resilience' (defined in Papers 3, 1, 7) during times of crisis or opportunity. Indigenous groups and organisations have always had to be inventive and adaptable. Over many decades this has embedded a capability for adaptive renewal. By implication, communities and organisations therefore need the flexibility and stability in their funding arrangements and self-governance options to enable such resilient practices to further flourish.

The research identifies many Indigenous leaders and organisations acting as 'adaptive agents' for innovation, where they strategically assess and reshape their governance arrangements and areas of operational control in order to rebuild, deliver critical services and support members in a timely way. They are able to effectively govern through their 'successful adaptation in the face of disturbance, stress, or adversity'. Importantly, the form this adaptive behaviour takes is a self-determined one:

> *The reality is that there's a lot of people out there that understand that things need to change. Yeah, understand that things are broken. Things that have been tried and invested in, in the past, haven't worked to the level and the intent, initially, and something different had to be done. But we brought along something different. And not only that, over the years, we've brought along the evidence base that proves that if you do this this way, this is what you're going to get.* (Paper 6)

We have coined and defined the term 'adaptive self-determination' (Paper 3) to mean the collective capability of Indigenous organisations to freely determine, autonomously exercise control and take responsibility for decision-making, which enables them to take agile action to modify their governing

and operational arrangements in a united, strategic and innovative way, in the face of crises and high risk, and when available evidence is unclear and often contradictory.

> *Always think big picture; what's gonna happen tomorrow, what's going to happen in 12 months' time. And how do we get there?* (Bauman pers com interview PBC member)

However, this nimble ability to address place-based needs does not seem to give groups and organisations the same kind of strength in more structured development opportunities where other stakeholders have considerable power and resources on their side (for example, such as the negotiation of treaties, settlements, and development agreements).

Here we are seeing the boards and staff of many organisation struggling to keep up with the massive external pressures put on them in protracted multiple negotiation situations. The complex technical, legal and financial information involved needs to be properly understood for groups and boards to make informed decisions that have long-term consequences. But case studies report that boards are often so pressed that they lack the specialist skills, and time necessary to keep community members informed about what is happening.

On the other hand, we are also seeing examples of extraordinary self-determined inventiveness around these challenges. One representative organisation routinely writes up plain English translations of all technical agreements signed by PBCs as one strategy to overcome this problem (Paper 4, 5). Another ensures that all computerised archival data are accessible through language guidelines and graphics (Paper 5).

During the pandemic the ability of organisations to get accurate timely information out in language versions of technical advice was astounding (see examples in Paper 3). During the bushfires and floods organisations and their leaders similarly demonstrated the Indigenous ability to mobilise networks out into communities for fast provision of important risk and recovery information (Paper 1, 7). The loss of a single key staff member (such as a trusted CEO or a valued staff member in a key planning position) can derail an organisations ability to maintain control and, in some situations, external professionals take over the development process.

5. MAJOR THEMES, PRACTICES AND FINDINGS

5.1 Group Identity is defined by Culture and the Relational Self

Definitions of group and corporate identity (fundamentally who *is* the Indigenous 'self' in these different contexts) have implications for the scope and structure of governance and development.

Across its different sites and issues of concern, this project has found that how a group, community, or organisation identifies its membership has implications for governance. Residence, collective identity and notions of nation are very influential in determining how development is governed, but are being interpreted and negotiated in different ways.

Where members of a group live – their residence – has major implications for collective Identity and ability to rebuild self-governance or set a development agenda. Many native title holders, claimants and

traditional owners do not live in the same place, but are widely spread across sometimes very large regions. This is a reality for the majority of Indigenous people in Australia, especially in regional and urban areas and this makes it hard for them to come together and form a cohesive collective identity and sense of solidarity. One partner participant remarked that, '*the decision-making process took significant time, effort, and resources. Many Directors needed to travel over 6 hours to attend meetings.* (Paper 3). Given these vast distances, some groups have found it useful to transition into hybrid meetings as a result, but not all have access to the equipment they need:

> *We found more advantages in online meeting – the Board were able to participate more readily. [The] Board was more engaged and adopted improved decision making. 100% of the Directors participated in all meetings - which was not the case prior to COVID-19.* (Paper 3)

> *The advantage for Board and committee members is it avoids the time that they have to take out of their office or home, and travelling time …. And we can achieve what we need to achieve - the papers can come up online, they can share the data and all that sort of thing. So, the chair of that meeting can run things more effectively, they actually run a bit quicker.* (Paper 3)

> *… a number of people were sort of saying that they only had really erratic access to technology - so you know their infrastructure was poor - and that's a problem. Like if we want to talk to people in the regions that poor access to stable technology connections can sometimes be an issue if they're outside the major regions and cities.* (Paper 3)

The term 'nation' is gaining increasing political currency at the level of collective polities such as land owning groups, traditional owners, native title claimants and holders, and the organisations that represent them. However, some groups say the term does not mean anything to them and that they want to use their own words and language names to talk about themselves. Terminology relating to 'nation' often emerges from an 'elite' in key positions in organisations exposed to broader national and international discourses.

In Victoria the words have gained considerable currency with the Treaty Assembly, changes to the names of government departments and programs, and 'nation building' packages administered by the Federation of traditional owners. In Queensland, in contrast, the term does not have such currency. Boonthamurra generally refer to themselves as 'the Boonthamurra' or perhaps 'the Boonthamurra tribe' or 'people' or, now that they have a determination, Boonthamurra Native Title Holders. We are at a political juncture in regards to Indigenous usage of the term 'nation'; what happens in the long run remains to be seen.

For Indigenous organisations and groups, *self*-governance transcends the formal structures mandated by legislation and corporate convention, and often incorporates broader networks of kin, diaspora, and nation. This inclusive relationality is an essential part of contemporary Indigenous governance. It also underpins the ways people prefer to learn about governance, to learn about new digital tech, to design new solutions – together. And in the context of real-world practical problems and scenarios.

This research has shown that Indigenous organisations routinely adapt ('tinker with') their corporate structures to incorporate kin and other relational structures that are the basis of Indigenous community. Examples of this are discussed in the subsidiarity that has been integrated into Indigenous Protected Ares and Ranger Programs and how relational networks at different levels are deployed (Paper 8).

Relational kin-based learning groups has been highlighted as a crucial way that one nation engages in using computers together and learning about their families' archival histories (Paper 5).

This can cut both ways. On the one hand, the cultural value of kin relationships can strengthen an organisation, but on the other, people can be reluctant to leave culture 'at the door,' and this can negatively impact on governance. Also, there are strong sometimes antithetical views about the value of family representation in organisations. It is seen as a major issue – of potentially great value, or a great threat for governance effectiveness and fairness.

As one board director stated:

> *Yeah, it is a family business. How do you treat family? What is acceptable? What's not acceptable? And then you throw the extra layer of corporate governance. But when you break it down. Like I said, it is the family business. We've got our own cultural law, just like all of the other groups, with governance, cultural law comes.* (Bauman pers com interview PBC member)

In thinking about nation building, the paper 'Indigenous self-governance and 'nation' building' shows how mainstream systems and structures require Indigenous groups 'to represent themselves as being discrete from each other' whereas the reality on the ground is very different and '[k]in-based, cultural and social networks link Indigenous groups cross regions for different purposes' (Bauman and Smith 2021, p. 16).

The research conducted for the 'Elder Organisations' paper found that more established organisation emphasise social relationships, and that family-based boards are a form of cultural governance that reinforce kin-based obligations and responsibilities. It also identified a fluidity around who such organisations consider themselves accountable too. This is often not simply 'members' or 'clients', but a broadly defined 'community' (Drieberg, McCulloch, Smith, Markham, 2022). For PBCs in particular, there is a residual impact from the way native title groups are defined (which apical ancestors are included and which are not, based on evidence and opinions). Apical groups often form the basis of decision making processes in the native title claim phase, too. These 'native title norms' can flow across into the post determination space of running a corporation (even though not required). It can take time for groups to begin thinking about the collective good when the claim process has been litigious and exacerbated internal tensions into outright disputes that continue to flare up in the post-determination context (Paper 4).

The research also identified the importance of 'downward accountability' – a leadership model in which directors are 'servants not bosses' of the community – as a method favoured by the organisations it surveyed. Indeed part of the reason the 'Elder organisations' last is because they continuously engage with the community to determine priorities (Paper 6). Because they respond to and enjoy the support of their communities they are able to respond to new opportunities and effectively deal with crises. As the 'Elder Organisation' paper states, '…once established, organisations also become specialised and locally customised around their membership and community needs and values. … they develop culturally-informed ways of putting their governing arrangements and organisational vision into practice, and design purposeful mechanisms for the allocation of roles, responsibilities and resources into work units that align and respond to local conditions. The intercultural engagement involved in governing such organisations is substantial…' (Drieberg, McCulloch, Smith, Markham, 2022, p. 5). All of this shows how Indigenous organisations practice governance in line with cultural values.

This has implications for decision making, which must be for the benefit of all, and not just the family or families represented by a decision maker. Internal interpersonal, family and historical disputes can be an obstacle to good governance (Smith, Summary of Researchers Responses to Internal Project Survey). Other research identified the issue of determining how skills-based representation can be integrated while not denying family representation. (Smith, Summary of Researchers Responses to Internal Project Survey). To remedy these issues, it is possible that more use could be made of diasporas. An important conversation that needs to happen is how 'disaporas' might provide innovations and be approached as an opportunity for Indigenous organisations. Skilled native title holders could be identified and 'headhunted' for their contributions.

Community networks came to the forefront during the floods and bushfires, as an invaluable daily way of governing immediate risks. However, this does not work well when decision-making power becomes concentrated in the hands of one person or one family. There is a thin but important line between culturally-centred governance and debilitating nepotism. Other concerns, of favouritism, family disputes, and the concentration of power within these kinds of arrangement were also expressed. Cohesive governance can be difficult within such 'relational' collectives. It can be a challenge for boards to deal with, and these internal issues can hold organisations back from taking up development opportunities.

While people express their identities in their relationships and recognise each other through extended kin and community networks, Indigenous corporations appear to be the only formal vehicles through which people can collectively express their identities (Smith, Summary of Researchers Responses to Internal Project Survey).

Incorporated organisations, no matter how representative, are not self-governing First Nation governments – they are Western corporations. This is a problem because corporate structures are not the most suitable for many Indigenous governance initiatives. This is one of the problems facing new, small PBCs such as some of our partner organisations are, and it highlights the need for forms of collective self-governance recognition via treaties and other settlement agreements. This will be a major issue in the future, and will link into the increasing use of the term 'nation'. This is also a clear example of what it means to be at the intercultural interface of governance.

Despite these drawbacks, relationality underpins networks that formed the basis for positive, proactive outcomes by Indigenous organisations in the early days of the COVID-19 pandemic. These organisations worked beyond formal corporate structures to deliver food and care to large networks of kin, diaspora and Nation. How we understand and talk about the complex intersections between opportunities, challenges and disasters, recovery and renewal in the context of governing development is an important 'new' issue for further consideration.

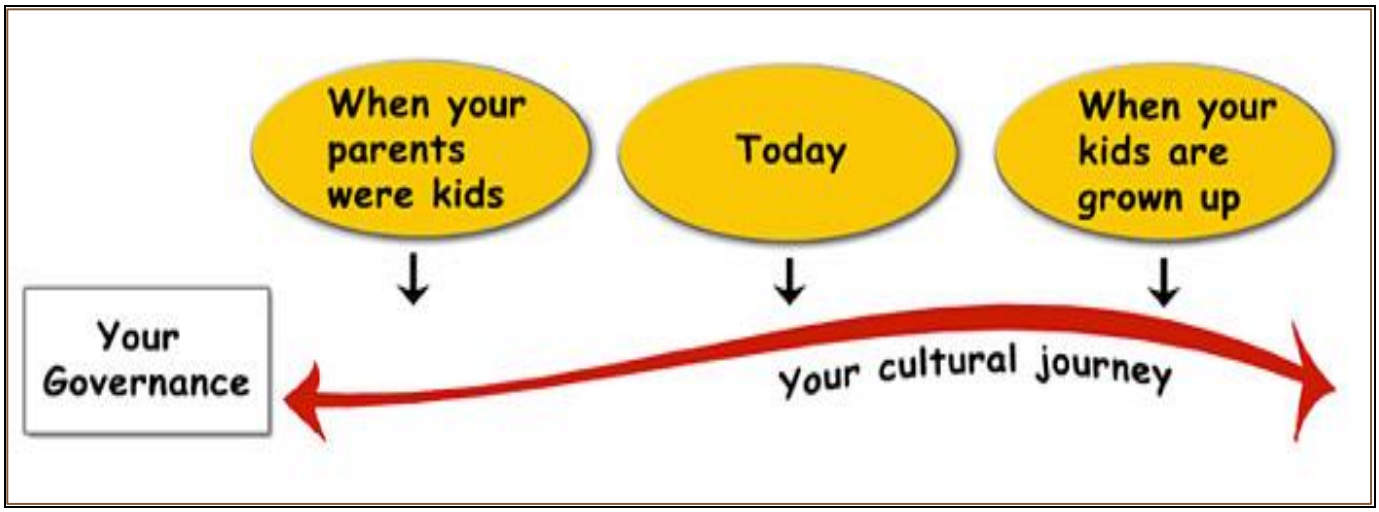
5.2 Youth and Country are Primary Concerns

The new generations of youth and their connections to Country, knowledge and opportunities are central concerns for all the people with worked with, and key considerations for future governance building and development planning.

In our conversations with Indigenous organisations and leaders, the importance of youth and Country are two things that were continuously emphasised across all aspects of self-determination and

development. The 'Indigenous self-governance and 'nation' building: Considerations for a strategic self-analysis tool' paper usefully framed development as an intergenerational journey (Figure 2). This puts the focus on future generations.

Figure 3: Governance Rebuilding as a Journey



Source: Diane Smith for the AIGI Toolkit.

In the 'Elder Organisation' paper, one participant stated that what made their organisation's 'shared vision' unique, was that it was for the long term, focusing on "50-year, two generational change[s]". This concern with future generations was also found in the work of QSNTS with Boonthamurra.

Boonthamurra and BGLC emphasise the engagement of youth and the importance of youth understanding governance and what youth may be required to do in the future. Researchers found that young people are already learning from organisation and PBC board meetings, including how to speak up in front of others, thus gaining confidence. At the Bonthamurra workshop at Eromanga, Toni Bauman's Tool Workshop at the AIATSIS Conference, and then the AIGI Youth Forum and Tool session with BGLC and Boonthamurra groups in Brisbane, many young people said there was a lot more they want to learn about how to govern well for the future not just of the organisation in question, but for their own development and for the eventual benefit of their own kids.

At the Eromanga meeting, young people indicated that they wanted to learn more about governance. An identified highlight of the Boonthamurra site visits was that the younger generation were enabled to visit country, something many of them had not had the opportunity to do before. The comments by Boonthamurra family members (including many younger generations who had never been on their own Country, and others who had not been back for a long time) were strikingly emphatic about the personal and collective benefits for them of being 'on Country':

- I enjoyed seeing the younger generation being out on Country;
- Enjoyed seeing the elders out on Country;
- Healing; We always feel that our ancestors are walking with us while on Country;
- Good to see the little cousins walking around on Country;
- Sharing of knowledge from elders;

- First time seeing Kyabra Creek, it was amazing to see for the first time, I was so grateful to learn traditions from our elders and the sand dune was so beautiful;
- Exciting to see all our elders on Country, and being on Country for the first time with my kids, showing them the artefacts that I've had experience seeing myself;
- The feeling coming back is beautiful. Feeling the sand can't get much better. The heat not so much. Learning everything from my elders is amazing and I can pass things onto everyone in front of me. Hopefully, I can be better next generation moving forward;
- Very special to my children on Country here… can't wait to create more memories on Country with my siblings and mob.

At the Youth Forum/Masterclass, BGLC youth also expressed a desire to have more youth on the board, and to establish a youth subcommittee. However, there is a need for further, sustained capacity building for Youth understanding of governance in both running complex new organisations like PBCs, and broader terms. There appears to be substantial gaps in intergenerational governance, and capacity-building for youth in the area of governance. Here the case study research highlights some valuable initiatives that work well, including reference the community-based participatory planning and intergenerational knowledge transfer in action through Ranger Programs and IPAs (Paper 8). And the innovative digital knowledge archives and cultural mapping being undertaken by PBCs and representative organisations, which have as a central motivation the desire to ensure their younger generations' learn their histories, their identities, and learn 'On Country' (Paper 5).

As stated above, understandings of development go well beyond economic growth, and Country is a major focal point. Country is at the core of how people are coming together to talk about their own ways of governance. We have seen Country acting as a place for governance rebuilding, of renewing relationships, for recovering and being protected from impacts. But we are also seeing a downside for some groups who are spread so far and wide that they have huge difficulties simply in getting back on Country at all.

Our analysis of how Indigenous communities and organisations were affected by the bushfire and flood disasters shows that access to and protection of country is of paramount concern. Cultural heritage clearance and related work offers an important opportunity for these Indigenous development values to be expressed, but the development of good relationships with local councils and pastoralists is crucial. For the Boonthamurra, returning to country, and ensuring that it is accessible to all members, many of whom descend from people driven off country, is a key development aspiration. BGLC is concerned about distinctions made between 'people living on country' and 'people living off country' as they put it. Some feel that those living on country should get specific attention since they will be there for the long haul; but others note that they are living off country as a result of colonisation and it is not their fault.

The question is how to identify 'development' projects that match the substantive, emotional and procedural interests with native title holders, including intergenerational advancement and environmental concerns. And then how to obtain the resources, capabilities, and time to build governance to maxmise the outcomes from those.

5.3 Governance is enhanced by Resilience and Adaptive Self-Determination

This research highlights the strength of Indigenous governance and how acts of self-determined governance at local, community and organisational levels are able to meet local needs that are not

being met by mainstream systems and structures. In response to this research evidence, the authors of 'Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations' coin the new concept of 'adaptive self-determination' to refer to:

> *this functional practice, and define it to mean the collective capability of Indigenous organisations to freely determine, autonomously exercise control and take responsibility for decision-making, which enables them to take agile action to modify their governing and operational arrangements in a united, strategic and innovative way, in the face of crises and high risk, and when available evidence is unclear and often contradictory.* (Sutherland, Drieberg & Smith (2021, p. 43)

This paper identifies Indigenous self-determined actions in response to COVID-19: 'well before these national initiatives, many Indigenous communities and their organisations simply stopped waiting for governments to act, and began to make and implement their own decisions on the ground. They started the practical work of governing the pandemic, to protect their people and communities.' This included new alliances for crisis management, response plans, 'governance policies and financial strategies' (Sutherland, Drieberg & Smith 2021, p. 33).

We argue that resilience and adaptation are different sides of the same coin, both of which are essential to successful governance. As the 'Elder Organisations' paper states, resilient adaptation is 'a dynamic interplay and pattern of persistence and transformation, which we couch firmly within a human capabilities framework in organisational settings.' It means the ability of an organisation, group or community to be innovative, and we found that this is key to organisational longevity. This paper concluded that 'Elder Indigenous organisations have a high capability for resilient adaptation which they mobilise in diverse contexts of major change,' such as the aforementioned crises.

Valuable practical examples are highlighted throughout several of the case study papers; for example, Williamson's paper (e.g. Waminda on page 14-15, discussion from page 18 onwards) and Sutherland, Drieberg and Smith's papers (in particular in zoom yarn boxes, for example Bundiyarra on page 26), and the Elders paper (in particular quotes and lists of capabilities).

The ability to adapt was also a key finding from the paper 'Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations' and informs a conclusion for policy and practice: 'governance innovation complimented and reinforced operational innovations; and vice versa. CEOs and board chairs and members regularly worked together in collaborative ways that ventured beyond the western governance protocol of 'separation of powers'. Decision-making at these senior levels of organisations was a more braided, joined-up process, based on regular conversations and exchange of information' (Sutherland, Drieberg and Smith 2021, p. 49).

Further, innovation was a key consideration in designing the Governance Self-Analysis Tool. The paper 'Indigenous self-governance and 'nation' building' states that, 'the proposed tool rests on an assumption that as a mechanism to promote this process in Indigenous contexts, it may contribute to the incremental transformation of preferences, motivations and opinions (not necessarily to the exclusion of contestation or difference) about the form of self-governance and future development group members choose. We consider this to be a form of 'innovation'; that is, a socially instituted process of adaptive change that can win members' approval if it is judged to have cultural integrity. From this perspective, governance adaptation or innovation can be understood as a process of creating, gaining support for,

and implementing novel ideas or solutions to address collective needs and problems' (Bauman and Smith 2021, p. 17).

Similarly, the paper 'Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires' describes how Indigenous people and organisations stepped in to provide crucial support during the black summer bush fires when mainstream services were ill prepared or culturally unsafe (Williamson 2021, p. 17-18). From immediate responses such as emergency shelter, food, and supplies, to longer term strategies such as undertaking qualifications in order to work with state services in emergency scenarios and contribute vital country expertise and cultural advice otherwise absent. Individual leadership of CEOs and community leaders made an enormous difference to the coordination of disaster relief. The existing strong relationships between CEOs and Boards, and between boards and their communities was a key. It is a form of cultural and social capital already established, which organisations were then able to immediately harness – producing automatic mobilisation of support. In effect, organisations and communities proved themselves to be the expert at this, far beyond mainstream NGOs and government agencies. They are quickly able to step outside comfort zones into informed action.

It may well be that Indigenous communities are going to be more susceptible to natural and biological disasters given the current climate change conditions and their stewardship of Country. Furthermore, the leaders of communities and organisations are themselves also 'victims' of disasters and crises at the same time as having to play a frontline role. Organisations are drawing on their own funding for these heightened times of support and recovery as they have been ignored in government emergency funding systems and programs. This is a new dimension of Indigenous governance that will become increasingly important into the future. But the research also demonstrates the many innovative creative development initiatives that are being forged on Country; including Ranger ecological surveys; mapping threatened species (Papers 8, 5). The research also suggests that Indigenous digital innovation is creating 'virtual Country' that may enable diasporas to maintain connections and young people to learn about their lands and waters (Paper 5).

5.4 Acts of Self-Determined Governance are Crucial

Acts of self-determined governance are crucial - not only in times of disasters, but also in the routine exclusions and lack of representation of Indigenous people in mainstream policy and planning. We are seeing instances where Indigenous people are taking action to govern their Country even when their rights and authority are not legally recognised (Paper 8) and to govern their cultural identities and histories (Paper 5).

The project research highlights for example, that the so-called 'digital divide is 'not in fact a divide of aptitude, interest, ability, creativity or motivation. But rather a divide borne of affordability, remoteness, poor quality supply, and the systemic failure of successive Australian Governments and industry to provide the most basic digital infrastructure, hardware, systems and programs, stable connection and adequately funded digital training to Indigenous remote and rural communities.

In 'Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires', Williamson (2021) observes in relation to emergency planning: 'These planning documents are critical sites where it is possible to observe who or what is prioritised during disasters, and who or what is prioritised in recovery. Critically examining these documents also reveals who or what are not prioritised

or worse, made absent. In the context of this paper, examining these policy documents reveals the almost complete absence of Aboriginal people'. In crisis situations it is clear that community organisations actively stepped up and made decisions. This is an extraordinary of Indigenous agency, which stands in contrast to organisational norms of Indigenous governance

Similarly, 'Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations' found that, at least in the initial stages of the pandemic, Australian governments did not have a strong, consistent, bipartisan approach to the crisis or its particular effects on Indigenous communities. In contrast, "the most adept and timely actions on the ground in the initial phase of the pandemic came from Indigenous organisations" (Sutherland, Drieberg, and Smith 2022, p. 12).

If these crises show the practical outcomes of good planning in times of crisis, the Governance Tool developed as part of this project shows how the same principles of self-determination are essential to building good governance over the long term. "…such a tool can contribute to transformative learning about preferred ways of rebuilding and renewal that are under the direct control of groups and nations themselves." (Bauman and Smith 2021, p. 35).

Having control over agreement information and cultural knowledge in archives are also highlighted as platforms which nations and organisations can use to practically exercise their self-determination. For example, being accurately informed as to the status of their agreement payments led one PBC to refuse to enter into new negotiations with a stakeholder who had not met their previous commitments. (Paper 4). Another nation and their representative organisation have established their own culturally-based rules for the design, access and use of information on their digital archive. It is not available to the public at all, and different components of the archive are available based on gender and age (Paper 5).

This comes back to the simple principle, expressed by Romlie Mokak, a First Nations Commissioner with the Australian Productivity Commission that "those who are most invested and most impacted must not be assigned to simply be policy render. They must be the designers, the architects, the builders and even the evaluators for impact and change. (as cited in Easton, 2019)" (Bauman and Smith, 2021, p. 35).

5.5 Self-Governance to be Embedded for Resilience, Recovery and Rebuilding

The case study on the Indigenous organisations governance of the Pandemic (Paper 3) states that, 'there are urgent lessons to be learned from the effective agency of Indigenous organisations to date, that should inform the next phases of the pandemic. In Australia, Indigenous representative and service-delivery organisations have acted as crucial hubs to constructively govern the impacts of the pandemic, for local and regional coordination, distribution of resources and information, and for mobilising community cohesion and cultural capital during the pandemic. Indeed, to date they have done that far better than governments' (Sutherland, Drieberg and Smith 2021, p. 50).

An insight here is that Indigenous organisations and their extensive networks have been able to unlock local resources, knowledge and human capital for their own communities and clients that would otherwise not have been available to them from government, NGOs, industry, or partner agencies. Therefore 'Indigenous organisations offer a crucial organisational entry point for the ongoing governance of the pandemic and recovery efforts' (Sutherland, Drieberg, Smith, 2022, p. 59)

The paper on 'Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires' suggests that 'increase in funding, additional resources and targeted training would create a surge capacity that currently does not exist, within Aboriginal organisations that can be called upon in times of disaster'. He goes to state that '[r]ather than wait for the next disaster, the time for addressing these shortcomings lies in planning' (Williamson (2021, p. 19–20).

The Indigenous 'Elder' Organisations paper shows that one of the keys to the longevity and renewal of Indigenous organisations is good planning and strategic adaptation, specifically "the importance of taking a 'holistic' approach to understanding an organisation's competing governance priorities" and not putting "one priority, or goal, above the other as more important" (Drieberg, McCulloch, Smith, Markham, 2022, p. 39). The People, Place and Partnership model being implemented by QSNTS with PBCs argues that governance rebuilding needs to be incremental and for that purposes requires stable funding in order to embed an integrated 'developmental' approach with PBCs and their members. This developmental model is iterative and able to be customised by PBCs (Smith, Paper 4).

5.6 Stable Funding and Resourcing for Implementing Self-determined Governance

Across all of our research, lack of adequate resourcing is a problem most Indigenous organisations face. For example:

- The paper 'Indigenous self-governance and 'nation' building' suggests '[a] threshold issue in developing the tool relates to identifying the nature of a First Nations group to have the conversations and do the work; and the workload involved' (Bauman and Smith, 2021, p. 34).

- The 'Elder Organisations' paper found that 'Insufficient resources' was ranked as the biggest barrier most organisations face when navigating an opportunity, and second biggest barrier in a time of crisis' (Drieberg, McCulloch, Smith, Markham, 2022, p. 43).

- The paper 'Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires' describes the costs carried by Indigenous people and organisations in bushfire response as 'financial (such as buying goods), time (sitting in [Incident Management Teams] IMTs) and emotional (supporting communities as first responders when staff are also victims)' (Williamson 2021, p. 8).

- The 'People Place and Partnership Model for Development' notes that PBCs are set up in perpetuity and yet are severely under resourced, with the effect that native title holders are being set up for development failure (Smith Paper 4).

- While the Rangers Program Governing Country notes that they are recognised as successful Indigenous-led initiatives, yet are challenged by continuous funding shortages (Bellchambers and Field Paper 8).

- The Pandemic Paper noted that organisations were already undertaking additional services for community members beyond their funding from governments well before the pandemic and that those increased substantially during the pandemic (Drieberg et al. Paper 3)

Our research with one organisation shows that, although they are a PBC, and required to hold an annual AGM, they are not given the funds necessary to bring together their members, who are spread across a vast area. This makes it very difficult to govern development. While digital tools (Zoom meetings) are suggested as solution, only the directors have laptops, which they return at the end of their term. Many members, including youth, have no money, no transport and no internet signals.

The 'People, Place and Partnership' research(Paper 4) indicates the nationwide scale of underfunding for PBCs and the potential of that to lead to development stagnation for native title holders.

The fissures in the underfunding of Indigenous organisations have been exposed in the recent flood and COVID-19 crises. In one Aboriginal community, the extensive damage caused by the floods led to the wholesale rebuild of what had been decaying housing stocks. Similarly, the COVID-19 pandemic led to renewed investment in outstations in the Kimberley. After years of defunding the outstation movement, outstations were fixed up to provide 'arks' for elders to retreat to from main communities so they could be safe from COVID. Crucially, this was achieved by Indigenous organisations working in partnership with industry and philanthropic organisations, and not government.

The paper 'Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations' reflects more broadly on how Indigenous organisations, as well as outstations and small communities, have been undermined by 'repeated cycles of government funding cuts, and been subjected to a government rollercoaster of program short-termism and hyper-changing policy frameworks (Sutherland, Drieberg and Smith 2021, p. 15)'.

The Indigenous 'Elder' Organisations paper found that the most resilient organisations survive despite these pressures. 'The wider operating environment of Indigenous organisations is uniformly characterised by a debilitating fragmentation of government policy initiatives, and stop-start program funding administered by a multiplicity of siloed departments lacking coordination with each other' (Drieberg, McCulloch, Smith, Markham, 2022, p. 16)

5.7 Relationships, Trust and Healing are keys for Governing Development

Relationships proved critical in governing the pandemic, in governing floods and bushfires, governing organisational transitions, and governing country. Two thirds of the 'elder organisations' surveyed as part of this research 'rated their board members' strong relationships in communities as an extremely helpful strength. Long-standing local organisations benefited from the community relationships and trust they already had established' (Sutherland, Drieberg & Smith 2021, p. 24). Relationships extended beyond the local setting and 'organisations were able to quickly mobilise their relationships with non-Indigenous partners and stakeholders, well beyond their immediate Indigenous networks' (Sutherland, Drieberg & Smith 2021, p. 46).

Similarly, the paper 'Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires' suggests that '[a]s organisations embedded in, and governed by, local communities, trust and familiarity already exists between Aboriginal communities and their organisations. In times of disaster, it is a natural fit that these governing institutions be utilised to support communities, whether as evacuation centres, outreach, providing relief or coordinating external agencies. These activities were seen to occur during the Black Summer bushfires including by GEGAC, Waminda and Katungul. Indeed, this level of operational ability can be seen as a unique mode of development' (Williamson 2021, p. 19).

This paper also remarks that 'these partnerships between emergency agencies and Traditional Owner corporations were developed largely on the back of local relationships and the initiative of staff. There remain no legislative requirements in any emergency legislation in Australia that requires local Traditional Owners to be members of an IMT or other comparable decision-making groups' (Williamson 2021, p. 20). The negative experiences of Indigenous people with mainstream agencies during the bushfires as resulted in what this paper refers to a 'trust deficit between Aboriginal people and government' (Williamson 2021, p. 19).

This trust deficit came to the fore in the Elders organisation survey interviews where a number of organisations were critical of the lack of support they received from government departments and agencies at times of major need:

> *Serious breaches from public servants and unprofessional bias conduct created a serious situation for this organisation… The fact these public men in power expressed openly to third parties their expectations for this organisation to fail and disappear, is outrageous…*
>
> *The government sort of wanted to commandeer the model and this sort of thing. So we were looking at losing ownership of it in something that we designed and developed and delivered, so we didn't feel that was the relationship that we wanted to have moving forward. So what we've done, because this, this is all about developing a model that'll work… So what actually happened was the government within their structures are on three and four year cycles, Ministers change and shift. People come and go, and you deal with a lot of people in a short period of time. So you're continually having conversations about what you're doing, and impact and results and all this sort of business.*
>
> *Now, I've experienced myself in previous government business that you can be the best community organisation going around. And if they need to find some funding, or strip back some funding for some reason, then you can get hit, and your doors can close. And it is like you never existed. So we didn't want to have that hanging over us"*
> *"[the] government funded agency responsible for training and oversight of effective governance failed our corporation… they had no interest in our corporate objectives. ORIC for many years failed to respond, until we accessed effective leadership* (Paper 6)

The strategic tool paper highlights the importance of relationships within Indigenous communities and considers relationships in the context of nation building and the 'crucial practical issues which First Nations in Australia are increasingly grappling with around group membership and solidarity, collective decision making, renewal and healing' (Bauman and Smith, 2021, p. 38).

5.8 Digital Governance and *Digital* Sovereignty to be Mobilised for Development

Digital Governance provides promising opportunity for Indigenous groups, communities and organisations, but Digital Sovereignty (including equality of access, better quality of service, and culturally centred policies) are necessary to ensure it can be effectively leveraged. 'That Computer is Like a Dingo' suggests that the need for governance of all forms of digital Information and Communication Technologies (ICT) is an increasingly big issue. This not simply an issue of data sovereignty, but much wider.

Our research papers point to the need for data that accurately reflects Indigenous experience to enable effective governance. In relation to the COVID-19 pandemic, 'Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations' refers to the United Nations Research Roadmap for the COVID-19 Recovery and their inability to assess Indigenous impacts globally, because 'there is a dearth of evidence on the role of racial inequity' during the pandemic (Sutherland, Drieberg and Smith, 2021, p. 9).' Having access to accurate, timely data on agreements and development initiatives has been highlighted as a critical governance facilitator, enabling FPIC to be exercised in practical contexts (Smith Paper4).

The paper 'Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires' cites an Aboriginal Corporation's report that an emergency agency did not collect information on Indigenous status because they said that 'everyone should be treated the same' or 'we are all equal' (Williamson, 2021, p.11). It goes on to state that 'relief and recovery agencies collect uneven and irregular data on Aboriginal people. To ensure that accurate and timely information is being collected in order to target resources and support communities, the collection of data on Aboriginal status for people impacted by disasters must be standardised and collected. To ensure that these data are not misinterpreted or mistreated, Indigenous data governance arrangements to manage Aboriginal data must be put in place. Once more, local Aboriginal organisations, given the appropriate resourcing and capacity, are natural guardians of such data sets' (Williamson, 2021, p.19).

While these are good examples, many organisations lack access to the technologies necessary to govern in such a way. Our research found that the issue of digital access, use and literacy may well be the new deficit for many Indigenous communities and organisations. Given the accelerated reliance on digital access by Indigenous organisations and communities during the pandemic, this digital gap warrants the fast track formulation of a 'National Indigenous Digital Strategy' with linked funding'.

These problems highlight the significant access, quality of service, affordability issues for Indigenous people, particularly in remote and regional areas. As 'That Computer is Clever like a Dingo' points out, the so-called 'digital divide' is not one of aptitude, interest or motivation but, rather, 'a divide borne of a systemic failure by successive Australian Governments to provide the most basic digital infrastructure, hardware, systems and programs, stable connection and adequately funded digital training to remote and rural communities' (Smith, 2022, p. 36).

However, this paper shows that, despite this obstacle, Indigenous organisations are able to take advantage of the promise of Digital Sovereignty. There are all kinds of information – recordings, music, oral histories, stories – that are being curated into digital archives, and these are being governed as collective knowledge.

The paper uses the example of Ara Irititja knowledge management database (also known as Keeping Culture) to show how Indigenous organisations can harness digital tools to meet culturally-specific needs. This evolving knowledge-management software system designed by the Ngaanytjarra, Pitjantjatjara and Yankunytjatjara peoples has been purpose-built to ensure culturally appropriate access, ownership, accountability and control over material (Smith 2022).

'Rights and interests' are another critical area of digital governance. For example, a group of Native Title Holders, native title claimants or traditional organisations may get a resource development agreement or joint venture going, but these agreements must be monitored to ensure that commitments are met. An exemplary approach to this is the TraKs software developed by QSNTS, which enables the

management of agreements and benefits stemming from native tile rights and interests, thus ensuring that development projects actually deliver on their legal commitments; the use of GPS mapping to facilitate the governing of Country, including for national parks, conservation and protected areas; and the preservation of stories and other cultural artefacts in a 'Virtual Country', which could prove to be an important political tool for nation rebuilding.

The long-term benefits of appropriately used technology are also shown in the Indigenous 'Elder' Organisations paper, which found that well-managed, well-governed data was valuable for 'implementing practices that produce the information an organisation needs to make evidence-based 'informed decisions' in the interest of their members' (Drieberg, McCulloch, Smith, Markham, 2022, p. 62). Similarly, the Pandemic paper demonstrated that a digital transformation has occurred in many organisations - they rapidly engaged in expanding on their ICT.

Smith concludes from the combined quantitative and qualitative research being undertaken by the IGD Project, and the analysis in her paper 'That Computer is Clever Like a Dingo' that *Digital* self-determination and *Digital Sovereignty* need to be reflected in Australian Government policy, programs and funding, in ways that are consistent with Indigenous laws, principles and collective identities. For that purpose she sets out a framework of Indigenous standards, principles and values to inform a *Digital Sovereignty* Agenda.

A Framework for Indigenous *Digital* Sovereignty is proposed which includes:

1. The collective right to Digital self-determination
2. Digital Development *with* Culture and Identity
3. An Ethics of Indigenous Knowledge Holding, Stewardship and Transmission
4. Indigenous Governance and Law-making for Digital stewardship
5. Place-Based Digital Solutions, Customisation and Responsiveness
6. A Diversity of Digital Self-Governance Solutions.
7. Inclusive Participation, Innovation and Engagement in Digital Governance
8. Data Sovereignty
9. Digital Accountability, Reciprocity and Mutual Responsibility
10. Digital Equity

It is not surprising that data governance is a concern of the strategic tool and a point of discussion was: 'the kind of data that First Nations see as important for constructing a baseline against which future progress can be measured and how they want to govern this data in respect to its ongoing confidentiality and use' (Bauman and Smith, 2021, p. 31). The authors continue: '[f]ree, prior and informed consent will be at issue including the issue of who gives consent.

While the project research partners will be involved in designing and road-testing the tool as part of the IGD Project, and in this process, could arrive at some base line data, subsequent users will often be starting from scratch. Though many Indigenous groups across Australia are already creating their own self-governance data bases, there may be a need to develop new databases that align with what groups have decided they want to do' (Bauman and Smith, 2021, p. 35).

The long term benefits of robust data governance are shown in the 'Elder Organisations paper', which found that the maintenance of good data helps keep organisations accountable. The leader of one organisation found that they could use it for 'measuring the long-term impact of their programs, as an evidence base for reporting to funders … an endorsement of their program model as well as for informing internal decision making' (Drieberg, McCulloch, Smith, Markham, 2022, p. 83)

"Digital technology does not exist in a vacuum and is not culturally neutral – it has enormous potential for positive change, but can also reinforce and magnify existing fault lines and worsen economic and other inequalities." (Smith in Paper 5)

6. Policy Insights and Recommendations

There are a range of issues highlighted in the case study papers that are worthy of deeper consideration for policy reform by governments at all levels. In combination, the issues are especially relevant to current public debates and Indigenous initiatives in respect to the Voice, treaty negotiations, and for Indigenous calls for chosen forms of self-governance at group, nation and local organisational levels to be actively enabled in government policies.

Indigenous peoples in Australia rely heavily on their community and representative organisations; especially at local and regional levels. They want them to work well and be governed in ways that are self-determining. One-third have survived for very long periods of time and act as banks of experience, stability and resilience for their members and other organisations. During recent disasters, a great many were able to immediately pivot, adapt their governance and modes of service delivery to provide crucial support to communities that governments were unable to. All are carrying out services well beyond their funding base. That is because they have a motivation and purpose driven by a commitment to improve the well-being of their members.

Local and representative organisations are the lifeblood of Indigenous communities, groups and nations. It is in the interest of the Australian nation as a whole that governments at all levels invest in the ability of organisations and First Nations to *govern well in self-determined ways*. The evidence-based findings of the IGD Project strongly reinforces that self-determined self-governance works.

What isn't working is the 'governance of governments' in the current national Indigenous Affairs arena. It seems to have vacated the field and left innovative thinking to the states and territories. This is especially apparent in the almost complete disjunct between Indigenous aims and understandings about self-determined governance, and national government aims and understanding, and the way its agencies, regulator and policy makers assume that successful Indigenous governance should be achieved.

Collectively, the IGD research papers demonstrate there are alternative ways to govern well, and to undertake development well. A key message of the research is that when Indigenous groups and organisations take control and mobilise their own existing capabilities for adaptive self-governance they get things done well and quickly, they provide urgently needs support during times of crises, they coordinate local relief and recovery efforts, they enable rebuilding – in ways that not only work extremely well, but that cannot be matched by governments or the private sector. These forms of Indigenous agency and capabilities are a national treasure.

The recommendations below arise out of these evidence-based understandings.

6.1 Governance is *with* Culture and Identity. Development is *with* Culture and Identity

Indigenous nations and organisations are working to ensure the way they govern is culturally centred, practical effective on the ground, and reinforces their cultural vitality, cohesion, and chose forms of future development. The evidence from this research is that they are choosing to govern well and engage in future development (economic, social and environmental), in ways that have culture and identity at their hearts.

The IGD Project recommends:

- Governments embed 'Self-governance *with* Culture and Identity', and 'Development *with* Culture and Identity' as foundations for policies and program implementation at all levels.

- The Australian Government co-design a national policy framework with First Nations and local and representative organisations that promotes, enables and invests in the ability of organisations and First Nations to *govern well in locally self-determined ways*.

6.2 Most Indigenous organisations do not have the stable resources necessary to enact self-determined development.

The way First Nations people want to govern their organisations is difficult to realise within the confines of heavily regulated corporate structures and major resource constraints imposed by government. However, the work done by Indigenous organisations to meet the needs of their (and wider) communities during the COVID-19, flood, and bushfire crises and recoveries shows how governance can be done well.

The IGD Project recommends:

- The Australian Government review and renew its entire financial framework for the funding, and provision of other resources and support to incorporated Indigenous organisations, based on an audit of actual costings of the full set of service-delivery and other functions undertaken by organisations.

- Commit to Long-term Funding Agreements with organisations that are reviewed according to changes in organisation's dynamic life courses. Funding Agreements should incorporate an allocation of funds to attract salaried staff to remote and rural regions, and to support long-term building of governance, and to support adaptive resilient capabilities for governance and management over the long-term.

6.3 National government's commitment to building governance capabilities *in developmental and self-determined ways* are virtually non-existent.

The IGD Project research indicates that the current system of regulatory oversight and compliance approaches do not build long-term governance capabilities. While organisation board members

may receive governance training from ORIC or private sector consultants, this is invariably one off and piecemeal, which does not embed practice.

The IGD Project recommends:

- The Australian Government resource an Indigenous-led organisation to provide full time, long-term governance support for regional based support for organisations.

- Governments at all levels embed into polices a commitment to governance training and support that reinforce incremental development, are based on proven best practices, and ensure the long-term stability of organisations.

- Ongoing governance training should be considered in policy frameworks and funding agreements as an investment in building communities and a risk management strategy, and so factored into organisation budgets accordingly.

- ORIC be reviewed by Indigenous organisations in respect to their needs and views of its ability to deliver productive, timely governance capacity building in an incremental way, and provide administrative support apart from 'administration'.

- Consideration be given to transferring governance capability-development to an Indigenous national institution equipped to provide that support in an ongoing, long-term way to organisations across the country. The ORIC regulator provide referral of organisations to this institution. This organisation could provide dispute mediation and decision making services.

- Governance building, focusing on existing capabilities that enable adaptive resilient and effective governance and management, be provided in the form of ongoing relational learning, expertise development, and practical problem-solving oriented to the tipping points and transitions encountered by organisations, rather than one-off workshops.

6.4 A National Indigenous Digital Strategy, and Digital Sovereignty Framework should be established

The pandemic saw a fast transition amongst many organisations to the use of digital communication applications, and much greater use of social media, video, local Indigenous broadcasters to locally circulate information and provide direct support. There has been an accelerated reliance on a range of digital technologies by Indigenous organisations and communities for their own governance purposes, and to govern risk and recovery for their communities during the pandemic.

The benefits of digital for governance and mental health support were noted by several organisations involved in this research, but the lack of suitable IT infrastructure and low levels of digital literacy present real obstacles to communication, governance participation and decision-making.

With the international trend towards greater use of electronic or 'eGovernance' amongst nation state governments, the issue of timely access to accurate and locally meaningful information has

been highlighted as being paramount in times of disasters. The deficit gap lays with governments and industry who are not providing the level of reliable high-quality infrastructure and connection in rural and remote communities.

The IGD Project recommends:

- This warrants the fast track formulation by the Australian Government of a 'National Indigenous Digital Strategy' with a central focus ion *Indigenous governance* of digital engagement and transformations.

- The Australian Government invests in an Indigenous governed Digital Transformation Fund for Indigenous communities, groups, nations and organisation to engage in and govern self-determined local digital initiatives.

- Indigenous Digital Governance be further enabled through a framework of principles for 'Indigenous *Digital Sovereignty'* and highlights the need for "culturally centred Digital Governance." This includes "Indigenous Digital Sovereignty, exercised as Indigenous chosen control (self-governance) over decision making about the form, pace, pathways, rules and outcomes of their engagement with digital transformations." Initiatives such as Ara Irititja 'Keeping Culture' Knowledge Management Archive, the Cultural Mapping of Country, the TraKS database created by QSNTS for tracking native title agreements, and use of digital technologies by the Ranger Program are all are exceptional examples of how this can be done.

- Data for self-determined governance and development: Data collection, management and evaluation processes within Indigenous organisations should be a central goal and funded by governments as part of long-term Funding Agreements.

6.5 A National Indigenous Emergency Institution should be established

The Flood and Bushfire papers (Williamson 2022; Williamson 2022a) have shown both the need for greater inclusion of Indigenous people in disaster management, as well as the capacity of Indigenous organisations to serve the people they represent during times of crisis.

The capability and agency associated with adaptive self-determination is a pre-existing Indigenous one. It can be mobilised at short notice by an organisations. Its constituent functions should be targeted for disaster/resilience funding support by governments at every level, and reinforced by Indigenous organisations wishing to strengthen their future ability in frontline governance of disaster risk and recovery.

Cultural values, knowledge, relationships and a collective vision lie at the heart of disaster resilience in Indigenous organisations. They were a source of real strength for organisations, providing a form of cultural capital that gave them an authorising mandate to make fast informed decisions and take agile action. This highlights the 'disaster value' of having strong cultural purpose and commitment within an organisation's vision and way of operating.

The IGD Project recommends:

- Indigenous disaster management and governance capacity as funded roles and responsibilities be formally incorporated into disaster management. Identified roles for Indigenous people should be created within and across disaster planning preparation.

- Legislation be introduced to require the inclusion of local traditional owner corporations in the Incident Management Teams that respond to disasters.
- Ranger groups across Australia be utilised as an emergency Indigenous workforce that could work alongside other response agencies. Not only do these groups have practical training and experience working on country, but they are well placed to work cross-culturally.

- This will require additional funding, and will also mean more employment for Indigenous people.

REFERENCES

Bauman, T. & Smith D. (2022). Indigenous self-governance and 'nation' building: Considerations for a strategic self-analysis tool

Bauman, T. (2022). Framework and Facilitation Notes for a Strategic Governance Analysis Tool

Bellchambers, K, & Field, J. (2022). Governing Country: Indigenous Ranger Programs and Indigenous Governance Principles

Connolly, M. & Smith, D. (2022). Treaty-Making between First Nations: Indigenous Principles and Practice for Governing Contemporary Treaty Practice in Australia

Drieberg, L, McCulloch, M, Smith, D, & Markham, F. (2022) Indigenous 'Elder' Organisations: Resilient Adaptive Governance and Management as a Capability for Longevity and Renewal

Dodson, M. and D. E. Smith. 2003. *Good Governance for Sustainable Development: Strategic Issues and Principles for Indigenous Australian Communities*. CAEPR Discussion Paper 250. Canberra: CAEPR, ANU.

Harvard Project on American Indian Economic Development. 2008. *The State of the Native Nations. Conditions under US Policies of Self-Determination.* New York: Oxford University Press.

Hunt, J., D. Smith, S. Garling and W. Sanders. 2008. *Contested Governance: Culture, Power and Institutions in Indigenous Australia*. CAEPR Research Monograph 29. Canberra: CAEPR, ANU. ICG Project. 2006. Annual Report 2006. Canberra: CAEPR, ANU.

Indigenous Governance of Development (IGD) Project Research Handbook (2021). CAEPR, ANU.

Indigenous Governance Program. (2022, August). Indigenous Governance Awards, https://indigenousgovernance.org.au/awards/

Jordan, K., Markham, F. Altman, and J.C. (2020). *Linking Indigenous Communities with Regional Development*, Report to the OECD.

Smith, D. E. (2006). *Researching Australian Indigenous governance: a methodological and conceptual framework*. Canberra, ACT: Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University.

Smith, D & Field, J. (2022). People, Place and Partnerships: A Native Title Model for Reframing the Governance of Development

Smith, D. (2022) That Computer is Clever like a Dingo: Principles and practice for Indigenous Digital Governance Sovereignty

Sutherland, D, Drieberg, L, & Smith, D. (2022). Governing the Pandemic: Adaptive Self-Determination as an Indigenous Capability in Australian Organisations

United Nations Permanent Forum on Indigenous Issues (UNPFII) (2010). Indigenous peoples: Development with culture and identity: Articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples, Report of the international expert group meeting. https://undocs.org/E/C.19/2010/14

United Nations. (2007). Declaration on the Rights of Indigenous Peoples, https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html

Williamson 2021 Developing Governance and Governing Development: International Case Studies of Indigenous Futures. Eds: Diane Smith, Alice Wighton, Stephen Cornell and Adam Vai Delaney, Rowman & Littlefield, 2021

Williamson, B. (2022a). Aboriginal Peoples and the 2022 Northern New South Wales Floods

Williamson. B. (2022). Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires

CONTACT US
Centre for Aboriginal Economic Policy Research
Research School of Social Sciences
ANU College of Arts & Social Sciences

Copland Building #24
The Australian National University
Canberra ACT 0200
Australia

T +61 2 6125 0587
W caepr.cass.anu.edu.au

ANU CRICOS Provider Number: 00120C