

INDIGENISING POST-COLONIAL GOVERNANCE: THE HARVARD PROJECT ON NATIVE
AMERICAN ECONOMIC DEVELOPMENT AND ITS RELEVANCE TO ABORIGINAL POLITICAL
LIFE IN AUSTRALIA

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ABSTRACT

It is widely acknowledged that indigenous communities in Australia are in crisis (Dodson, 2003), and increasingly that this is a crisis of governance. Anthropological analysis of pre-colonial Aboriginal political life has characterised it as 'ordered anarchy' (Hiatt, 1998). The introduction of order into anarchy results from the tension between relatedness and autonomy mediated by an ideology of nurturing (Myers, 1986). Colonisation of Australia resulted in the coercion of Aboriginal people into settlements - either missions or pastoral enterprises. Since *de jure* emancipation settlements have been nominally under Aboriginal control (see Sullivan 1996). The conundrum for post-colonial public policy in Australia, that this paper addresses, is how to effectively service Aboriginal peoples needs, encourage the good governance that self-determination requires, institute regimes of respect for civil and human rights within these communities and still remain sensitive to the fact of a continuing lively Aboriginal culture informed by pre-colonial forms of sociality. The Harvard Project on Indian Economic Development (US) appears to hold out the hope of a post-colonial indigenised governance attractive to both government and indigenous interests. It proposes that there are three pre-requisites for development in indigenous communities: sovereignty, good institutions (meaning, in this instance, good management), and cultural match (Jorgensen and Taylor, 2000; Cornell, 2002; Dodson and Smith, 2003). This paper takes the Harvard project's prescriptions as problems rather than solutions and asks whether they are reconcilable with Aboriginal political life on the one hand, and contemporary views of intersubjective social relations on the other (eg Jackson, 1998). Indigenous communities are clearly embedded in post-colonial settler relations in multiple ways (see Kymlicka's summary of this view 2001:22; Waldron, 1992). Authority in indigenous life, as much as in post-colonial administration, is layered, contextual, contested and continuously subject to exegesis such that both the totality of the settler state and the essentialised nature of indigenous groups that confront it are called in question. This paper looks for ways of meeting three competing aims: effective indigenous governance, respect for indigenous culture, and acknowledgement of the need for human and civil rights within indigenous communities that reflect that they are embedded in wider socialities.

Indigenising Post-Colonial Governance – the Harvard Principles

The Harvard Project on Indian Economic Development has been operating for about 18 years, based in the John F. Kennedy School of Government (http://www.ksg.harvard.edu/hpaied/res_main.htm). Recently its activity has become coordinated with the Native Nations Institute, Udall Centre, University of Arizona (<http://www.nni.arizona.edu>). Mainly their work has been producing quite specific papers on particular Native American communities, or particular questions that arise in these communities, similar to the work of the Centre for Aboriginal Economic Policy Research at the Australian National University. Broadly speaking, the work is concerned with relationships between economic development, governance principles and social wellbeing within indigenous communities. Although the case studies have been produced by numerous scholars, references to the Harvard Project in this review are primarily to the work of Prof. Stephen Cornell and to two indigenous scholars associated with the project Manley Begay and Neil Sterrit. In Australia they are the public face of the Harvard Project, having toured several times and presented summaries of their work at indigenous governance conferences (2002, 2003). It is these presentations, and not the Harvard project as a whole, that have been influential in Australian indigenous affairs in recent years and it is timely that they receive some scrutiny.

The key findings of the Harvard Project that have caused enthusiasm in Australia are that sovereignty is very important for development on Native American lands, that good governance is very important and also that culture is very important. The Harvard project proponents tend to summarise this as:

- Sovereignty matters
- Good governance matters
- Culture matters

(Cornell 2002; this appears to be adapted from Harvard Project researchers Jorgensen and Taylor, 2000. Summarised as key research findings at <http://www.ksg.harvard.edu/hpaied/overview.htm>. Re-iterated once more in Cornell, Curtis, Jorgensen, 2004:7. For Australian uptake see Dodson and Smith, 2003). These are apparently simple proposals that can potentially be applied to the delivery of services for indigenous Australia. They add two other factors in more recent work: that strategic thinking and leadership are also very important, but it is the first three of these principles that will be addressed here. They have currently been seized upon for their application to Australia because, on the indigenous side, they seem to demonstrate that development (which all can agree is a ‘good thing’) proceeds from sovereignty, or relative autonomy. To government, Harvard promises to make indigenous communities, especially remote communities, good subjects of development by instituting good governance and protecting ‘culture’, whatever this may mean. The Harvard formula thus exemplifies the problems that this paper wishes to address.

At first glance the principles are apparently based within a post-colonial thematic which argues for de-colonisation of indigenous peoples and the recognition of indigenous practice in community governance and development (see eg Marsden, 1994; Adedeji, 1981; Warren, Van Slikeveer & Titilila 1989). The Harvard studies therefore offer a solution to a widespread concern of post-colonial development: how to implement indigenous governance that is respectful of cultural norms, responsive to

local wisdom and at the same time delivers practical outcomes that reassure institutional investors. This paper investigates whether the Harvard project has indeed solved this problem, whether in fact it is solvable in the terms proposed by Harvard, and if, as the paper concludes, it is not, then what alternative approach may be more productive.

Firstly, the paper examines whether the principles can be implemented even within their own terms, and at the same time scrutinises their postcolonial credentials. Secondly, by analysis of anthropological knowledge of Australian indigenous political life, the paper questions whether culture in the Australian context could ever be imported into contemporary community governance. Put simply the argument is: if processes for good governance as understood in contemporary terms exist in indigenous cultural practice there is no need for intervention, nor would we see the dysfunction that has been publicly acknowledged for at least twenty years (eg. Von Sturmer; Sullivan, 1986; Rose, 1986; Sutton, 2001; Dodson, 2003). If, however, indigenous political systems are incompatible, inappropriate or simply do not engage with good development practice, how can they be acknowledged? In the concluding passages of this paper this question is addressed by moving beyond the Harvard (and contemporary Australian) blending of good governance as organisational management with governance as political process, inherent in practice rather than organisations. It suggests, using a modification of the principle of subsidiarity, that functional organisations should put aside concerns about culture. Institutions for the delivery of services, development programmes, and policing of basic standards of respectful behaviour should adhere to universal standards of good management first and foremost. Nevertheless, I argue that culturally informed distributions of power and authority existing within indigenous groups should influence organisations from without. There should be institutionalised relations, then, between indigenous political forms at whatever level these are found and functional managing organisations, they should not be built in to these organisations. Thirdly, I argue that human rights principles based in liberal values, that guarantee a group's well being and are as much desired by indigenous peoples as by their encompassing states, can be accommodated by interventions that are sensitive to the degree to which abuses occur (how widespread they are) and the intensity with which they occur (how severe are their consequences). This is an adaptation of the principle of subsidiarity and deals with liberal rights theory's grappling with the problem of non-liberal societies (eg Kymlicka, 1995: 157-172) simply by a long overdue application of common sense.

To return to the Harvard Project's principles, we must note that the first principle, sovereignty, is not as contentious a term in North America as it is in Australia. The idea that some measure of sovereignty is retained by indigenous nations in North America is commonplace and in some cases is reflected in the law. It is reflected in the different tax status, for instance, that some North American Indian communities enjoy, and certainly in their self-governance arrangements in some areas, for instance in the operation of Native American courts. Yet Australians are wary about importing this concept of sovereignty from America into the Australian situation since there is substantial political sensitivity attached to it, risking backlash, and that is why, where the work has been used in an Australian context, the word 'sovereignty' has been dropped and we see other terminologies such as 'substantial control' (Dodson and Smith). In relation to sovereignty, Cornell in any case is not primarily concerned with the structural relationship that indigenous people have with the state. He clarifies that

his intention is to address the control that people have over their own lives and the control that they have over the activities that happen in their communities. Looking closely at what he says, it is simply that, if people have control of decision making over the activities that are going to happen on their lands, and some control over the benefits that come out of that activity, then they are likely to make much better decisions. Where people are asked to make decisions without any real control, either they may make extremely irresponsible decisions, because, of course, there is no comeback on the person making the decision, or they make decisions with good will that are nevertheless ill-informed, or decisions may be made by people who just don't care one way or another. This is very common in Australian Aboriginal communities that are continually subjected to 'consultation' about what they think about something that is about to happen, without any control over whether it will happen, nor indeed whether they believe something else ought to happen. The results are often very inconsistent because the people have no real control over the course of the project or its outcomes.

What the Harvard project found is not surprising: where people really feel that they are going to be able to have some effect on a proposal, and that the results of their decisions are going to have some effect on themselves, and it is going to be long-term, then they will think about it much more seriously and will get better information about it. They probably also tend to take more balanced and more conservative decisions. Where that happens over a period of time there is a 'feedback loop' of experience, where people learn from the last decision that they made and use that experience to make the next one and so on. They get better and better at understanding how to make good decisions. So, in a sense, what Cornell et al (2002; 2001; 1995; 1993) are promoting is that if external operators want to get good and balanced and productive decisions out of Aboriginal communities, that are good for the external players as much as the community itself, then they have to relinquish a good deal of control to the communities. Clearly that message goes down very well among indigenous groups in Australia.

The next requirement that Cornell identifies (2002: 5) is the requirement for good governance. By way of introduction to this topic, it is worthwhile to reflect on what the project was about at the outset. It is called the Harvard Project on Indian Economic Development because it was a project primarily about how to get good commercial developments to happen on Indian lands. Such developments should benefit those communities and address some of the very pressing needs of poverty that they have, and will also take some drain off the state in meeting needs through welfare. It is important to understand this to know where the Harvard project researchers began from when addressing good governance because it explains their conflation of governance as management with governance as politics. Their approach to good governance is founded in fairly straightforward business management principles. To attract beneficial investment to Indian lands risk must be controlled. Where there is poor governance there is high risk. Investment either is not attracted, or, where it is, then the investors will want to see a much greater return from this more risky environment. If a community puts in place good processes of governance, it will see the converse. It will attract more investors, those that found it too risky in the first place, and they can be persuaded to take less of a return because they can be assured that their investment project is less likely to fall over and cause them to lose everything. As well, they can be assured that it will go on for a longer period of time

so they can put in place better plans and not be rapacious. This is what the Harvard project originally aimed to encourage: reduce risk by good governance and attract investment to indigenous lands.

Applicability to Australian remote communities is difficult since they quite explicitly ignore the investment potential of Aboriginal lands. These have been returned under various legislative programmes of the last three decades largely where they are unused by non-indigenous people and have little or no productive potential. Taking into account the level of need, the cost of development because of location, the difficulty of multifactorial development (everything depends on everything else, because everything is at such a low base) it doesn't seem as if there is much potential for commercial activities at hugely significant amounts that will lift the levels of material well-being to something approaching the general Australian standard.

Admittedly, this can change over time as new opportunities arise. Recently there has been a big rise of opportunity in tourism, for instance, which was not evident a decade ago, and in the potential for marketing indigenous art. Even in such basic things as resource extraction there are new technologies for exploration and production that can make previously unattractive areas prospective. Commercial opportunities are not absolute but are relative to other developments. In general, though, it is the case that the reason that there are still large numbers of indigenous people in any particular place across the country is because so far nobody else has wanted it. The corollary is that the involvement of the state in Aboriginal development has always been high.

Taking this into account, Cornell (2002) goes one step further, and this is where the Harvard approach is particularly questionable for Australia. Harvard principles propose that just the same benefits from reducing risk for commercial development also flow to government interventions. Reducing risk for government means it will put more money into a community or regional area. If there is good governance in a community its leaders can go to government and say, 'Give us a programme here in an area of need,' and government will. At least, they will positively discriminate in relation to another group not operating within the same kind of governance framework. That is really not the case. Government works on different principles of rationality to those at work in business. Quite often they will not put their resources into groups that are well organised and perhaps could make good use of them for a range of internal policy reasons. One of these is that government has to address locales of glaring need which its personnel may be well aware are dysfunctional. Government policy is also informed by a principle of equity, needing to be seen to fairly distribute benefits across a region or throughout the country. Favouritism, where it occurs, also may have more to do with indigenous ability to manipulate government than the inherent worth of a project. Non-productive non-commercial skills at manipulating government policy flow-ons have been encouraged through decades of welfare interventions. Where the Harvard project tries to spread itself out from its original area of concentration, in commercial development, to make this applicable across the board to every kind of development activity in indigenous communities, it gets into some difficulties.

The third point that Cornell (2002: 6) raises is that culture matters. Development requires not only a measure of self-determination or control and good-governance structures, but also that these good-governance structures match with the culture of a

community that is the development target. The concept of 'cultural match' has become the current mantra in many areas of remote Australia. The terminology is problematic. When we investigate what it is that the Harvard project is actually suggesting, we find firstly that its researchers are not suggesting importing traditional forms of activity into modern organisations, although this is the interpretation put upon cultural match by development agencies and those community workers involved in facilitating community governance organisations. Neil Sterrit (2002), an indigenous Canadian associated with the Harvard project, is one such facilitator in his own country, yet his approach to good governance is quite standard public affairs administration good practice. He is concerned with transparency, accountability, the ability of the membership to recall the leadership, keeping good records, and similar basic matters (Sterrit, 2003 Jabiru). Similarly, the indigenous American Manley Begay, who regularly tours with Cornell and Sterrit, explains that cultural match is not concerned with tradition so much as the principle of legitimacy (Begay 2003). Clearly, this is why the Harvard project is as attractive to government as it is to indigenous political interests. It offers a way to insist on standard governance practice in Aboriginal communities, and to do so in the name of culture and autonomy without, so far, addressing the contradictions inherent in this approach. Cultural match is a problematic response to every researcher's experience of indigenous voices – that development processes 'need to follow our culture.' This is not unique to Australia, but is a refrain of post-colonial development everywhere. The message is strong, motivating the need to build it into the Harvard model. There is an obvious problem: purely traditional practices cannot be built-in to the kinds of governance structures Harvard promotes because they are obviously quite distinct ways of doing things adapted to other ways of life at another time. If traditional practice already had those good-governance principles, clearly good governance for the contemporary world would not be an issue in indigenous communities. Yet, if traditional practices are not compatible with modern good governance principles how much can adaptation occur and still produce 'cultural match' ?

The question can be first posed as 'on which side should adaptation occur ?'. Clearly, there is not much room for compromise on the non-indigenous side in principle, because good governance is, apparently, identifiable and anything else is bad governance. How much can bad governance be tolerated in the name of cultural match and still adhere to risk-reducing development principles ? The answer in Australia is, unfortunately, not much in principle but a good deal in practice. As outlined below, cultural match as interpreted in Australia can lead both to bad governance and an inherently oppressive codification of a bastardised reflection of culture. The Harvard project scholars, on the other hand, avoid these difficulties in the fine print of their model where they stipulate that far from importing traditional cultural forms, cultural match simply means having some form of culturally sanctioned legitimacy (Begay).

Legitimacy is one thing; cultural match, or the attempt to find cultural match, as it has been interpreted in Australia is another. Legitimacy is a good deal more flexible as a principle. It could be said, for instance, that the pastoral station owners and the non-indigenous stockmen in the pastoral lands of three decades ago had a degree of legitimacy in indigenous eyes, at least in the running of the pastoral station. Similarly, so did the missionaries in ordering life on the missions. Though they did not have legitimacy beyond these areas. Legitimacy is contextual. Where an ability to assert

power is legitimate in one context or in one area of activity, it can be completely inappropriate in another. It also can vary over time. Legitimacy can be withdrawn. It becomes even more slippery when we ask 'Legitimacy in whose eyes?' An organisation may be legitimate to one part of a group and may be a completely spurious authority in the cultural expectations of another part of the group. So the foundations of legitimacy, what is legitimate at any one time and what it is legitimate to do, requires some complex analysis to move beyond the basic requirement that an organisation 'have legitimacy'.

Legitimacy is the underpinning of cultural match, at least in the Harvard Project writings. What we get in Australia is another thing altogether. It is the idea of cultural match which looks for some pre-existing form of organisation, institution, political authority or distribution of power, and then attempts to import the reflection of this into the developmental or service delivery organisation. At the same time, these functional organisations that run settlements or regions become the bearers of the relative autonomy promised by this model because of their apparent reflection of this political structure. The development organisation then stands in place of the social group that is its target and subject. There are considerable problems with this misreading of the Harvard project. It is something that is done, with the best of intentions, because indigenous people do say, 'We want this organisation to be in keeping with our culture, our way of life, the things that are important to us'. Development facilitators charged with constructing these organisations in consultation with 'the community' (the teleology is evident) take a mechanical mix-and-match approach that is inherently un-anthropological. An approach that asks of itself 'how can we take bits of that and put it in here?' This is of particular concern currently, because it is now apparently going on with all the authority of the prestigious Harvard project behind it.

This paper must now take an extended detour into our current knowledge of Aboriginal political life in order to establish two things: Aboriginal culture is not constituted in such a way that it can be reflected in effective modern organisations in any deep sense (although congenial symbolism and toleration of an informal culture within the organisation may be another matter), and to do so is an ill-considered act of modernisation that does violence both to continuing cultural practice and principles of good governance. These points will be returned to.

Aboriginal political life

This is a review of Aboriginal authority systems as anthropologists have understood them. It begins with Radcliffe-Brown who, in the 1930s, felt that he had discovered the kernel of the modern state in what he called the Aboriginal 'horde' (Radcliffe-Brown, 1935-40:288). While it is difficult to know precisely what he meant by this (he certainly wasn't an evolutionist) he felt that he had discovered some simple operation of what in non-indigenous society was the complex operation of the modern state. He found it in what he called the 'horde'. This was a small group, in his words, from about 30 to 100 people (Radcliffe-Brown 1940:xix). Even in his own writings, his understanding of what that term meant varied from time to time, as Les Hiatt (*Lost Horde*.) initially pointed out and more recently Peter Sutton (2003) has explored. Sometimes he conflated it with the 'clan', which can be glossed as an extended family related by blood ties. Sometimes it means that group and the people who have married

into that group, and sometimes it means a wider group, the extended family, the married-in members of the family and other people that are attached to the group for various contingent reasons. As we know, Aboriginal society was, and remains, highly mobile, and clearly any one group at any one time is made up of people that were not directly related to each other, either by blood or by marriage. They may have ceremonial ties, for instance, and other forms of relationship. If that is the group that we are looking at for the fundamentals of the operation of authority in Aboriginal society, clearly that has implications for contemporary governance of indigenous communities. Firstly, the existence of small groups of this type implies continual relation, which changes as membership changes, with other small groups, such that the conceptual cohesiveness of these groups breaks down (Sullivan, 1998). Australian indigenous communities (whether we mean by this residential settlements or socialities) are made up of lots of small groups whose membership overlaps, is negotiable, contextual and varies over time. But when, in Australian anthropology, we examine concepts of larger groups, it is very difficult to describe how they operate.

In the early years of Australian anthropology, about the turn of the century, a number of terminologies were used for large groups, including the terminology of 'nations' Daisy Bates (in White (ed), 1985) used this term, for instance, in Western Australia. At a slightly lower level the terminology of 'tribes' was used. In those early years there was no real investigation of what was meant by these terms, nor was there any investigation of how they mapped out onto actual groups on the land, because the field studies had only just begun to be done. It was initially with the work of Davidson (1938) and then, with much more detail and scope, Tindale (1974) that the identification of 'tribes' began in Australia. Tindale started out in field studies in 1938–1939. He initially published on those field studies in the '40s but it was not until 1974 that he produced his *Aboriginal Tribes of Australia*,– with maps of Aboriginal Australia showing boundaries between the various tribal groups. It is interesting, to go back to what Tindale said in his introduction to that 1974 work, bearing in mind that it is the culmination of this period of work from 1938 to 1974.

First of all he runs through the international literature on tribes and what we mean by tribes. In summary his view at that time was, however we look at it, the tribe as it operates in Australia is not the same as this international literature leads us to expect. It is not really the same sort of a tribe as apparently has been observed elsewhere by anthropologists. What we should really do in that case, then, is to find an indigenous word, an Australian Aboriginal word, for "tribe" and start to call this thing that we are talking about here by the name that it is given in Australia. The difficulty is there is no term for tribe. His introductory analysis hangs up in this indeterminate space where he asserts the empirical fact of tribes, not the tribes normally to be expected, a particularly Australian manifestation, but not recognised by any indigenous terminology. One thing is clear, the tribe doesn't do anything together. The members of the tribes that he identifies never attempt to come together in the same place at the same time, and no joint activity is done in the tribe's name. Nor is there any kind of organising authority throughout the tribe by which decisions are made and disseminated out to the further reaches of the group as a substitute for their coming together. Even for the kind of things that he says do describe the tribe, he produces even in his own work numerous counter-cases. He says, for instance, that the tribe is normally endogamous – that is, that the members of the tribe marry each other, and

yet he produces examples where members of what he calls a tribe habitually marry the members of what he calls another tribe.

Tindale's work has ensured that named Aboriginal groups in Australia are indelibly mapped onto the landscape. Even so, we certainly don't have, from the point of view of a political analysis, a tribal structure. It is hard to say, in fact, that we have a social group in any sense at all. This is particularly true of the more arid regions, as Berndt in his seminal analysis of the tribe in the Western Desert (1959) concluded. He found the concept unuseful. Contemporary anthropology has sided with Berndt, finding that 'tribe' is not a useful concept in any area, despite the fact that Tindale published later, had some dialogue with Berndt, and tried to reinstate it.

Berndt (1959) comes up with a much more fluid notion which he simply calls a 'society'. This is a wider unit than a 'tribe'. The quote below gives a sense of some of the complexities that Berndt identified, particularly in that Western Desert region. He says:

The significance of this wider unit rests primarily on the degree of interaction taking place among its members. Traditionally, those who occupy (not necessarily own) contiguous stretches of country would more probably be found coming together for seasonal meetings, and contacts between them would be stronger than with those further away. But this nucleus, by no means fixed since wandering was the norm, would consist of members of different local groups, different hordes and different dialect units. We cannot speak of it as a kin group, although relationships between members included in it would be articulated in kin terms. Further, representatives of more distant local groups and hordes might be present: the occasional coming together of those who are for the greater part of the year living apart, visits from areas relatively far away, are a notable feature of such gatherings. It is those who meet regularly and consistently, even if intermittently - and are closely involved in reciprocal duties and obligations - who make up the widest functionally significant group (Berndt, 1959:105).

This 'widest functionally significant group' he called a 'society'.

Following Berndt's critique the term 'tribe' increasingly dropped out of use in Australian anthropology, to the extent that Australian anthropologists nowadays don't avoid the term 'tribe' altogether, although in popular discourse it is much more common, and among indigenous groups themselves the term 'tribe' is frequently used. When they use it, however, they may be referring to a variety of arrangements that are not consistent either with what Tindale meant by the tribe, nor with what an anthropologist elsewhere would mean by it. The terminology that has consistently replaced it is the 'language group'. This term has actually been mapped, in a way that doesn't have any relation to the development of thought in this area, onto Tindale's map itself. So now when we look at Tindale's 'tribal' map - the groups that he was insistent were tribes and the map that he produced to describe tribes - it is referred to

as a map of the linguistic groups of Australia. It is not that either, since language use and language domain are not isomorphic, as I discuss below. It is really the unexamined importation of a European ideology of nation into Australia (see eg Gellner on Malinowski for anthropology's involvement in this).

If the linguistic group properly reflected a national identity, the coming together of descent, territoriality and shared language, it would solve the problem of the tribe, but it does none of these things. The linguistic group (a problematic term in itself) does not, any more than the tribe, show an institutional structure. It doesn't do anything together. It doesn't have any office-holders, nor consistent offices and institutions that exist apart from the particular individuals that hold them from time to time. It has no more empirical status than that of the tribe. While it offers the appearance of some sort of solidity, because after all a language can be analysed using empirical tools more easily than the more ambiguous notion of social relations and a conclusion can be drawn that 'this language is spoken here'. Or so it appears. Looking more closely, that appearance itself also disappears. It is very common that people who speak what a linguist would identify as a single language (in terms of its grammatical structure etc.) are not mutually intelligible to each other, because of dialectal shift. The people on the outer edges of the group speak dialects significantly different and not comprehensible to each other. Yet, they are members of the same language group, from an apparently objective and empirical stance.

On the other hand, the people on the outer reaches of this linguistic group (though even the terminology of centre and periphery is questioned by the approach offered here) may well find that they communicate much better with other people who habitually speak a different language – sometimes a radically different language. They do so because they quite commonly share a large amount of vocabulary. Even though the two languages have different grammatical structures, the vocabulary is so much shared that they understand each other. At least this is one element of mutual comprehension, the other is, not surprisingly, that they speak each others language. Indeed with such a highly mobile people they habitually speak other languages also. So mutual intelligibility among people who are apparently members of different linguistic groups can often be greater than among the members of the same linguistic group. This is a truly nomadic, and not simply transhumant or travelling culture, where people form groups at certain periods and split up into other groups at other periods, and then form yet other groups, they use territory in a highly opportunistic manner (Peterson, 1986). At any one time within this domain of a particular language there are people spending their lives and using the land as of right who do not speak that language as their first, natal or paternal language, it may not be the language of the family, and it often is not the language of culturally significant ceremony.

Yet the idea of a language group does have some resonance in many Aboriginal groups' understandings of themselves. Very often the idea of the language is inscribed in the landscape through mythology, and the language itself is seen to be coexistent with the creation of the landscape in the creative period. Linguistic origin myths are fairly common across the country. These would typically indicate where the central domain of a language is and perhaps where some of its boundaries points ideally are, but they do not describe the actual extent of language area since the myth describes the tracks and activities of ancestor beings. They do not replicate an ideology of territorial area familiar to those of European background. This knowledge is held in

folklore and subject to considerable dispute, exegesis and a necessary ambiguity. It is not simple, then, to determine in an objective-empirical sense 'this is where that particular language is spoken.' The area is, in fact, where many different languages are spoken, spoken continually, spoken habitually, spoken as of right. The only thing that distinguishes it is that there is an indigenous ideology that says this is the *domain* of a particular language, a domain with imprecise boundaries that does impart to its inhabitants membership of a wide social grouping.

It was the increasing understanding of the difficulty of applying simple structuralism to Aboriginal political life that led the anthropologists of the late '50s and '60s to develop other characterisations of the what holds Aboriginal societies together. Lauriston Sharp (1958), for instance, said that Aboriginal people were a 'people without politics' because, according to Sharp, kinship determined their relationship to each other. He felt that there was a perfect balance between a person's kinship obligations to others and their reciprocal obligations. That introduced a structural balance in the group and across groups which meant that politics and formal institutions of power and authority were unnecessary. Meggitt (1962) developed similar formulation, in which he thought that myth operated in much the same way, that it was something that people had absorbed so much into their understandings of their selves in the world that there was no need to formalise it and to have any other set of institutions that regulated people. These conceptions themselves came under criticism, not least from Berndt (cited in Hiatt, 1986), who pointed out that in fact kinship obligation doesn't operate so precisely, it is a good deal more flexible and contextual, there are many areas of social life that it doesn't regulate. The same can be said of myth.

Many of these arguments are canvassed in what is probably the most useful and insightful work on Aboriginal politics, Hiatt's Wentworth Lecture of 1984, called *Aboriginal Political Life*, published in 1986 and republished in 1998 (Edwards, 1998). Hiatt analyses these arguments in characteristic lucid fashion and comes to the conclusion that the best he can say is that authority and power was regulated in Aboriginal society in a system of 'ordered anarchy'. It is hardly a satisfying formulation for practical contemporary governance, but it is a particularly apt one. It certainly tends to describe the communities of the remoter regions (see eg Folds, 2001). Hiatt (1986) doesn't use the work of Fred Myers in his 1986 monograph, probably because Myers' work on Pintupi social life was published in the same year. It would have been interesting if he had, since Myers gives some understanding of what puts the order into ordered anarchy. Myers (1986) gives us a description of a dynamic tension between two organising principles in Aboriginal social life: on the one hand, the concept of autonomy, and on the other, the concept of relatedness.

There is a very strong ethic of autonomy in Aboriginal groups which allows for the dissent of an individual or of a small group. The ethic of autonomy is clearly related to the ability to physically reproduce themselves without being dependent on anybody else, at least as adults. Coupled with this is a very limited technology of coercion. So it is not surprising, particularly in an environment where people had to be very adaptable to circumstances, that a strong ethic of autonomy developed. Related to the ethic of autonomy is the understanding, which is also very strong among Aboriginal groups, that people are not responsible for each other in day-to-day activity and decisions. They don't take responsibility for what other people do, other people are

themselves in charge of what they do. However, Aboriginal society is not highly individualistic or atomistic society because of this, since this is only one pole of an individual's relationship to the group. The other pole, as Myers (1986) explains very well, is the equally strong concept of relatedness. This discussion so far has gone to the ease of physical reproduction of people, which allows for considerable autonomy. There is also the necessity for social reproduction, whereby people reproduce themselves as particular kinds of people, members of particular groups, with particular knowledge that allows them to understand the world and the way it works, and what is safe and what is dangerous. That kind of knowledge, and the sense of belonging to a community, brings in the relatedness principle and the ideology, that Myers also identifies, of nurturing. This is the need not only to nurture the land and to nurture the knowledge of the land and the spirits of the land as represented through myths and through ceremonies and rituals, but the need to nurture each other through the generations. It is the responsibility of the people with knowledge to pass it on over a period of time and to bring up younger people in their tradition.

It is in the tension between those two principles, relatedness and autonomy, that we can see the order being instituted in this ordered anarchy that Hiatt (1986) identified. However, these are not easy principles to appropriate for an organisational structure to run a settlement community or a community enterprise, and certainly will not encourage commercial development. It is not surprising, then, that there has been little attempt to reach back into anthropological discourse for understandings of how good governance in contemporary Aboriginal communities might be encouraged. In my view, satisfactory answers simply are not there.

Governance, Management, Cultural Appropriateness and Civil and Human Rights

Aboriginal political life is an extreme example of an enduring problem in post-colonial administration, which I want to attempt some progress on here. The failure of development in indigenous communities is commonly attributed to a lack of attention to local knowledge, including local forms of communal organisation and the distribution authority (eg Marsden, 1994). Yet for interventions such as those proposed by the Harvard school, and in Australia implemented by the Office of the Registrar of Aboriginal Corporations, certain standards for efficient administration are irreducible. Among these are accountability to the membership/client base, responsiveness to the Board/government, transparency of decision making, equitable distribution of benefits, fairness in the application of sanctions, processes for review and appeal, clarity of functions within the organisation and disciplinary procedures to see that these are carried out, and effective use of available talents for both planning and implementation. These elements (the list is not exhaustive) establish the environment of effective management. It is true that even non-indigenous agencies operate with informal systems embedded within the formal structure that should coordinate these elements of effective management, and these informal systems are often at variance with these apparent norms (Wright, 1994:17-20). Yet to totally resile from these principles is to risk collapse, and indigenous people more than most require good management. Clean environments, well-maintained housing, adequate roads, good power and water supplies, the policing of public order, these things that most Australians take for granted, are missing in indigenous settlements in Australia and frequently in the world at large. Aboriginal people suffer as a consequence.

Two inadequate approaches to this conundrum are often attempted. In the first, an informal organisational culture is allowed to develop which is said to be more in keeping with indigenous norms. As a result the organisation is deemed more culturally congenial and therefore, it is implied, better able to respond to local needs and implement programmes in a culturally sensitive manner. This condemns indigenous people to incompetent implementation of communal programmes that often result in a trade-off of benefit to the organisation's personnel at the expense of their fellows and is ripe for the abuse of power. It may be preferable, however, to the second approach, which is to import the most easily assimilable, superficial and apparent elements of an imputed indigenous social structure into the organisational structure in the name of indigenous knowledge or, in Harvard project terminology, 'cultural match'. These begin with the nomenclature of local groups, places or traditions for communal organisations, and authority figures for functional positions. They institute such roles as headman, clan leader, tribal chief, and moiety or sub-section relations, gender and age divisions, sometimes using their vernacular expression. This approach has two problems. Firstly, it institutionalises ineffective governance in a much more inflexible way than allowing an informal culture of the organisation to adapt to local conditions. Secondly, it codifies a simplified westernised modernist understanding of a complex multilayered, contextual, mutable and inherently negotiable traditional practice. So it robs the people of their culture in the name of their culture while at the same time institutionalising bad management. Thirdly, by concentrating on the organisation at the expense of the society, problems of social malaise, poor leadership, oppression and exploitation in the society itself are swept under the carpet.

How are these shortcomings to be avoided? Firstly, we need to distinguish between management and governance. Secondly, we need to find a set of principles for dealing with the relation between the two. Thirdly, we need to find principles for the balance between autonomy and adherence to universal values of human and civil rights. Management concerns the efficient implementation of programmes, governance concerns the distribution of authority throughout a community which itself involves leadership in establishing community purposes and effectively regulating community well-being. The first of these requires an organisation, the second proceeds from a political system. Both of these need to be integrated with each other, but they should not, as they have in Australia, be conflated. There can be no resiling from the requirements of effective management. To accept less is oppressive. The question is: what is the best relationship between an efficient management and programme delivery structure and indigenous governance arrangements? The analysis above of Aboriginal political life, and the comments that follow it, both indicate that having a functional organisation 'stand for' the community is unworkable. No manipulation of structure, process, and membership categories can replicate indigenous governance. Nor is it necessary if adequate communication, consent getting and consensus over realms of autonomy is established within the wider system of governance.

Many indigenous people themselves challenge the idea that a representative, or representative structure, somehow stands for the community. A representative is a facilitator and an advocate and relies on good information flows to do the job. Consultation with the wider community needs to be continual and part of daily life. It needs to happen wherever people find it congenial. For organisations this may be in Council meetings, for families it will be in family gatherings, for youth groups it may

be around the basketball court or similar. Information sharing should also take place during the active use and management of the land. There must also be recognition that getting informed consent is always a continual process. It is not a one-off sign-off. Conditions may change, new information may come in, new understandings may be reached in the light of experience, and different interests may arise as people develop and the composition of groups changes over time. An important part of ongoing permission-getting is an agreed monitoring process, since changes to procedures need to take place in light of previous success or failure with implementing decisions previously arrived at. However, recognising and communicating with existing authority systems in the community at large does not mean taking a complacent view of the operation of 'traditional' culture and its effects, in modern settings, on the well-being of sub-groups within the society. Partnerships for indigenous development proceed from an acceptance of indigenous rights, whether these be conceived of as equal to those of other citizens or arising from cultural uniqueness. It is not acceptable that developmental right be implemented at the expense of other human and civil rights. Autonomy and recognition of culturally-derived authority can be reconciled with respect for civil and human rights by developing the concept of cultural subsidiarity.

The principle of subsidiarity was developed for the governance of Catholic religious communities. It seeks to allocate to central authorities decisions that transcend local particularities, yet at the same time guarantee to regions the right to set policies that reflect regional priorities (Cass, 1992). It is also often stated as being the principle of decision making as close to the level of the individual citizen as is appropriate for the circumstances (European Commission, 1996:26). Recently, in the context of the European Union, it has also asserted the complementary aspect that higher authorities should make decisions or implement programmes where it is more efficient or appropriate for them to do so than a multitude of lower authorities (Cass, 1992). I would add to this, for our purposes here, not only the need for a concept of appropriateness of governing activity to the level of the governed but also appropriateness of the type of intervention for the seriousness of the activity to be governed. I will elaborate on this point here for a moment since I believe it may have the potential to get us out of many relativist difficulties.

It seems to me that the principle of subsidiarity is admirably pragmatic. It rejects the assumption inherent to philosophical enquiry and particularly inhibiting in political philosophy that 'one size fits all'. That is, if after your enquiries a position is right, it must be carried through to the point where it meets, inevitably its own practical absurdity. There are many spheres of life where liberal-minded people agree the rote application of liberal principles is oppressive: in many family matters, between lovers, in the realm of art, and in religious experience, to mention only a few. Cultural subsidiarity requires leadership outside of functional organisations which sets both the desired goals of the people and sets limits to the scope of autonomous action. To take a concrete example, Ralph Folds (2001) has usefully described how a remote Aboriginal community can subvert development interventions to its own culturally determined ends. It uses housing, sanitary equipment, vehicles, even schools in ways that replicate traditional processes in a modern setting. The result to non-indigenous eyes is evident squalor and malaise, yet Folds convincingly uncovers the vibrant social system underlying, even actively producing, this apparent dysfunction. This is only half the story. At the same time as wishing to subvert, transform, appropriate and

reinterpret non-indigenous interventions for development in their community, the people also wish for incompatible outcomes. They do want their children to be educated in non-indigenous skills such as English, they do want good health for themselves and their families, they do not complacently accept family violence and rampant substance abuse, they would prefer that their equipment functioned better for longer. In short, they require two incompatible versions of the good life. It is the role of leadership, communally recognised authority, and not of development organisations to bring sense to those who demand the impossible, determine how far non-developmental aims will be acceptable, and limit the realms within which non-liberal, non-western forms of activity will go unregulated.

These concluding comments, then, have attempted to establish the limits of developmental organisations, the need for institutional links between these and the existing political structure of indigenous regions, and the basis for deciding where interventions in the second of these need to be made in order to ensure the enjoyment of human and civil rights.

In summary:

A developmental or service delivery organisation should not be conflated with an institution of self-government. It does not need a representative structure nor should it attempt to mimic local cultural forms.

The representative structure is not required because the function of representation continues to occur where it belongs, in the cultural milieu of the community, and in the forms appropriate to the culture.

Attention should turn away from representative structure (in service delivery organisations) and towards means of communication, information transfer (in both directions), monitoring of consent, and effective policy input from the client/membership/constituency. This means seeking authority wherever it lies, whether in institutions, families or particular individuals and encouraging sound leadership.

Such an approach does not mean abandoning a community to oppressive practices. Through establishing principles for acceptable standards according to the level of relations in question (family, local, regional etc), and the intensity of the inequalities experienced, autonomy is both guaranteed while at the same time its limits are set.

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