AIATSIS and AIGI survey of gaps and challenges in Indigenous governance research and practical tools

Draft summary of responses

Toni Bauman, Dr Diane Smith and
Dr Christiane Keller

2014

Contents

Introduction

In June and July 2014 the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the Australian Indigenous Governance Institute (AIGI) conducted a survey into gaps in Indigenous governance research and practical tools. The survey, entitled 'A short survey: mapping Indigenous governance research and resources', was distributed across a broad network of organisations, institutions and individuals working in the field of Indigenous governance (including select international organisations) in preparation for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held on 29–30 July 2014 at AIATSIS in Canberra. 38 survey responses were received.

This document presents a draft summary of responses to a number of the survey questions. Specific research initiatives and practical tools identified through the survey have been compiled into a preliminary list which will be incorporated into this document when it's finalised. This survey is ongoing and we are aware we have not captured all initiatives. Please contact toni.bauman@aiatsis.gov.au or christiane.keller@aiatsis.gov.au if you are aware of initiatives you wish to see included in this list.

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

The meaning and scope of governance

Survey respondents were asked to define what the words 'governance' and 'Indigenous governance' meant to them. Responses show a deepening understanding of the concept of governance and its use in political, social, organisational and research frameworks and in considering the field of interrelated players, processes and practices involved. Some respondents referenced previous research definitions; others created their own based on their professional and practical experience. This was a very thoughtful and illuminating part of the survey.

Definitions of governance

Respondents emphasised different perspectives about governance often reflecting the societal and organisational levels and layers in which they were working. These included: individuals as leaders and stewards, families, local groups, communities, regional organisations, peak bodies, state and territory, national and nations. The following are some of the definitions of governance that respondents gave, ordered according to theme:

Governance is about people and groups.

'Governance refers to the way groups of people make decisions about things and ensure those decisions are effected. This includes how they come together to do this.'

'I adhere to the broader meaning of governance; i.e., what we are trying to achieve, how we are going to organise ourselves to make it happen, how we will know if it has been achieved and how we know what the multiple benefits have been and how we communicate and celebrate our results.'

Governance is about identity.

'Governance is about the relationships, processes, structures, skills and practices by which *a group* identifies itself, develops its vision, makes decisions and manages differences of opinion/disputes in order to achieve outcomes for the whole group.'

Governance is about rules and institutions.

'Systems of governance are the rules and institutions — both formal and informal — that societies put in place to organise themselves and get done what needs to be done, and the mechanisms they use to implement and enforce those rules.'

Governance is about stewardship and shaping events.

'The intentional shaping of the flow of events so as to realise desired public good.'

'"Governance" is stewardship; taking strategic responsibility for an organisation or an asset to ensure its future benefits for stakeholders.'

Governance is about culture and values.

> 'Governance is about agreed values, behaviours and ways of being and doing business that are used to achieve a common vision and goals by a group of people, an organisation and/or community.'

Governance is about process.

> 'Governance and Indigenous governance means the processes and structures through which peoples, including Indigenous peoples, make institutional decisions which affect how their organisations and communities are strategically guided and operated.'

> 'Governance to me is about the "business of process" — how things are done — including engagement within and across Indigenous groups and between Indigenous groups and governments and developers.'

> 'Governance refers to the way groups of people make decisions about things and ensure those decisions are effected. This includes how they come together to do this.'

Governance includes organisational and corporate governance.

> 'Corporate governance is the framework of rules, relationships, systems and processes within and by which authority is exercised and controlled in corporations. It encompasses the mechanisms by which companies, and those in control, are held to account.'

> 'Governance means the activities, systems, relationships and processes which enables *an organisation* to operate effectively and deliver the desired results: ethically, legally, transparently, effectively and efficiently.'

Indigenous governance

There was a variety of opinion about whether 'Indigenous governance' is something different and distinct from governance more broadly or simply a subset of it. Some regarded governance as:

> '…a problematic term, particularly in the context of Indigenous organisations, since it means different things to different people.'

Others thought:

> '…there should be no distinction between 'governance' and 'Indigenous governance' given that governance is really about the ways that people organise themselves to identify and achieve their aspirations. That there is often a distinction in Australia may be due to the tendency to conceptually conflate "community" and "community organisation", resulting in some ambiguity in use of the terms.'

Some suggested the term 'Indigenous' was simply a qualifying adjective that could be added to the front of the word governance:

'Indigenous governance — just insert the word "Indigenous" ahead of "societies" in the sentence above.'

'Governance is the rules and institutions societies implement and support to maintain their societies…Indigenous governance — place Indigenous in front of societies in the above sentence.'

'Governance and Indigenous governance both refer to structures and processes by which decisions are made to influence actions, grant power and verify performance.'

'Indigenous governance is governance as it applies to groups of Indigenous people.'

Others considered 'Indigenous governance' to be a distinct modality with distinctive challenges and sometimes unique features:

'Indigenous governance describes Indigenous led components of such complex governance systems.'

'"Indigenous governance" can therefore refer to the governance of an Indigenous community (however defined), or the governance of an Indigenous organisation.'

'Governance of Traditional Owner or identity based organisations involves additional issues and challenges and therefore tailored initiatives.'

'Indigenous governance suggests — to me — an additional layer of accountability and responsibility to the definitions set out above; that is, accountability and responsibility to the Indigenous community.'

'Indigenous governance is a unique subset of governance because non-humans (country, totemic species etc.) and kin share power and responsibilities in Indigenous community efforts to plan, implement and judge these decisions.'

'Indigenous governance also requires skills in cultural inclusion and engagement, representation and accountability in a way that non-Indigenous governance does not require.'

Power and authority

Power and authority were mentioned by many respondents to the survey:

'I agree with the description given. Governance is about the process/structure and relationships, including power relationships, that guide how people work together to make decisions and achieve collectively agreed goals.'

'It has to do with arrangements of power, care, responsibility and accountability, which may be more or less formalised.'

'Governance = power, control, decision making, equity.'

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

'Governance for me is about relations of power and authority, the relationship between individual self-realisation and society and processes of decision-making.'

'Governance involves the interactions among actors, structures and traditions that determine how power is exercised, how decisions are made locally and how beneficiaries participate. Fundamentally, it is about power, relationships and accountability: who has influence, who decides, and how decision-makers are held accountable.'

Areas of confusion and uncertainty

There was a lack of understanding of definitions of governance, including the meanings of terms such as 'decisions' and 'governance' in local languages and whether we were talking about organisations, corporations or communities. For example, there was confusion between 'community/nation/society political governance and organisational governance'. Other statements included:

'Community governance is harder to research than organisational or institutional governance which is applied and managed through rules and legislation.'

'Nation building' can be misinterpreted as 'supporting contemporary political organisation only along 'ethnic' or 'language group' lines'.

'Indigenous governance is often seen as a "requirement of organisations" rather than as "a characteristic of groups of people working well together."'

Cultural and intercultural issues

Some respondents felt 'governments tend to impose and value a normative view of bureaucratic/corporate governance'; that is, 'predefined notions of governance being explored and/or supported by governments'.

They felt modes of governance which fall outside prescribed models 'tend to be sidelined or ignored in policy circles (partly because they are poorly understood)', resulting in 'Indigenous and other modes of governance being seen as dichotomous' and 'contributing to the further entrenchment of artificial divides'.

Respondents felt there is a need to recognise and respect Indigenous knowledge systems and traditions of political thought in the context of the 'overwhelming dominance of western institutions of governance' but at the same time to recognise:

- 'the co-emergence of Indigenous governance practices and state governance practices' as co-constituting mutualities — some to be kept separate and others to be connected up'
- the challenge of how to reconcile Indigenous governance with contemporary life conditions, noting that all dimensions of Indigenous governance are involved (to influence actions, to grant power and to verify performance)

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

- interdependence as an aspect of Indigenous governance — understanding the mutual reliance of settlers and Indigenous peoples on each other
- that governance is about equity, honesty and sharing: we earn respect as we learn to walk and work as a structured unit.

Issues were frequently raised about how to assess, evaluate, benchmark and monitor governance performance (see results on Benchmarking and Evaluation, next section).

Some definitions conflated the meaning of governance with assessments of its performance, producing a list of qualities and principles that governance should have — for example, ethical, skilled, effective, respectful, resilience, legal, transparent, effective, efficient, trustworthy, accountable, and legitimate.

Evaluating and benchmarking Indigenous governance

Survey respondents were asked to identify the main gaps in the existing research in Indigenous governance that could provide practical benefits, resources and insights for Indigenous nations, communities, groups or organisations. In doing so, many identified finding ways to evaluate and benchmark Indigenous governance and measure success as a major concern.

Respondents identified the need to develop an evaluation framework demonstrating:

- the impact of enhanced governance and identifying how success might be determined
- the impact of governance capability on the effectiveness of services and programs and value for money
- what good performance and accountability looks like on the ground when it reflects local priorities.

Other issues raised included:

- the 'portability' of critical success and/or failure, the diversity of Aboriginal and Torres Strait Islander governance and communities (one response was 'We don't all have mines next door!!') and the tendency to assume the scalability and transferability of local successes
- uncertainty in government roles and funding and the need for related clear milestones and KPIs
- the need to consider individual subjectivities (for instance, 'effective governance is usually 'the result of dedicated, hard-working and compassionate individuals', their 'skills and personal characteristics and styles' including their confidence and skills in areas such as 'communication, listening, public speaking, creative thinking, analysis and problem solving, relationship building, conflict management, diplomacy and resilience')
- the fact that 'success' has not been well-defined in research to date (for instance, claims about success are often based on 'vague criteria rather than robust measurement of outcomes and how these can be attributed to particular governance approaches')
- the favouring in government evaluations of 'individual indices as the best indicators of policy success or failure' and their ignoring of 'Indigenous communities and their collective aspirations', thus 'advanc[ing] inherently assimilationist policies and perpetuat[ing] policy failure'
- a major gap between government rhetoric and the on-ground reality about 'what works'

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

- the need to develop ways of measuring governance outcomes and the impact of training and support on governance
- the lack of appropriate evaluation approaches that demonstrate the impact of enhanced governance.

Effective research criteria for Indigenous governance

The survey asked respondents to identify the main criteria of and challenges to effective research into Indigenous governance. Many identified the research methodologies employed including the need for ethical research and for research to add practical value on the ground, the capacities of researchers, and challenges in brokering and maintaining genuine research partnerships in the research environment.

Research methodology

Respondents pointed out the need for:

1. **Genuine equal research action partnerships between researchers, Indigenous communities, governments and industry that:**

    - are based on free prior and informed consent
    - are led by Aboriginal and Torres Strait Islander peoples as equal participants, decision-makers and owners of the research from conception to dissemination of results, particularly for case study and in-community work
    - are planned and designed in close collaboration with communities and organisations
    - address real world issues
    - produce research plans that:
        o are policy-engaged and have 'influence' strategies
        o are systemic, exploring aspects of Indigenous governance in relation to others, including those of the broader system
        o are 'cognisant of the political and relevant environmental factors applying'
        o are set in timeframes agreed to by all
        o clearly set out the research agenda and methodology, including processes holding the researcher responsible for knowledge transfer and the dissemination of information and findings
        o ensure research outcomes are translated into practical resources and tools for Indigenous people to use
        o contain communication and conflict management strategies involving the broader 'community', since:
            ▪ there may be conflict in the community
            ▪ not all individuals in the community may be on board
            ▪ not all relevant organisations in the community or region may understand what research is or why it is important.

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

2. **Independent, objective, multidisciplinary and comparative research methodologies that:**

- are practical and action based
- involve the researcher 'walk[ing] with and alongside groups, respond[ing]s to and incorporate[ing] their perspectives'
- ensure strengths-based approaches and capacity building for the community while the research is occurring
- supplement existing research, as opposed to 're-trawling well-covered old ground'
- understand and apply a nation (re)building framework before 'testing organisational outcomes or conducts'
- set timeframes to meet accountability requirements of Indigenous governing committees
- incorporate 'rigorous measurement of governance performance' to enable identification of 'reliable and valid causative links between particular practices and approaches and the resulting governance outcomes'.

3. **Ethical research informed by the AIATSIS research ethics guidelines that**:

- ensures the free, prior and informed consent of Indigenous groups to proposals presented in engaging ways, and clear and accessible terms to avoid confusion
- ensures that the community or group is ready to engage in a research project (for example, it is not going through significant conflict)
- involves the researchers working with Indigenous communities to negotiate the way research is framed, undertaken and used
- recognises that 'the decision-makers involved may not speak for all the community, some of whom may or may not be interested in a research project'
- has clarity about the type of Indigenous governance that is being tested or researched — organisational, community, family, regional, et cetera
- ensures Aboriginal voice, agency and ownership in the research and transfers ownership of research to local governance bodies
- involves honest critical self-appraisal on all sides
- involves consent to the use of information by the researcher and the group
- returns the results of the research with effective communication involving:
  - innovative modes throughout the research process that translate research results into commonly understood insights that are widely disseminated
  - plain, easily understood wording so that Indigenous people know the challenges of the outcomes for governance and can 'learn and progress'
  - the bridging of gaps between the theoretical and practical and between mainstream rhetoric and practical relevance.

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

4. **Research that adds benefit by ensuring:**

- 'a balance of tangible and non-tangible outcomes' for Indigenous peoples and the research and policy communities
- rigorous research and results that contribute to understandings of ourselves as human beings and have a practical way of sharing experiences among Indigenous peoples
- clear, transferrable outcomes which can be pragmatically implemented within the capability of Indigenous organisations and the constraints faced by governments
- opportunities for traditional owners to build skills and knowledge through the process
- the research responds to needs identified by Indigenous organisations and/or constituents
- recognisable and 'immediate' benefits and generates changed practices as new insights are shared through action research
- added resources and understandings for on-ground governance-building initiatives that will improve outcomes for Indigenous people and be of value in their quest for self-determination and self-government.

5. **Researchers with effective capacity**

Survey respondents believe that researchers with effective capacity:

- respect Indigenous knowledge
- listen and learn
- are intellectually honest
- are 'sensitive' to 'the work needed on the ground'
- build trusting relationships with all stakeholders and partners 'that allow for disclosure of confidential and sensitive information about meeting procedures et cetera'
- engage local knowledge authorities
- know the context and sector and are able to communicate within that
- know the details of governance models in different places (including strengths and weaknesses) and are able to 'helicopter out to extract the key insights and policy lessons'
- understand [their] responsibilities as change agents and the changing political contexts of Aboriginal life
- appreciate that being trained in 'western' systems can result in the privileging of 'western' thinking
- are rigorous in their research methodologies

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

- can analyse the complexity of challenges within communities, including in mapping and unpacking governance in communities which are not functioning well
- are 'fair and honest with staff and all members, preventing favouritism or nepotism', maintaining independence while being inclusive ('external researchers risk either becoming drawn in and, therefore, vulnerable, or remaining aloof and, therefore, insensitive')
- manage confidentiality and sensitive information while ensuring group focused information
- recognise that entire committees are eligible to be involved in policy decision outcomes, not one or two individuals
- are deeply engaged with communities, preferably over a long period of time
- share their ideas or information rather than being competitive with other researchers.

According to PM&C's benchmark for effective research from the survey:

'The criteria for research in the area of Indigenous governance are not different to other areas of Indigenous research. PM&C's benchmark is that all fieldwork and other research has a clear purpose, uses all available existing evidence, is respectful, ethical, robust, gains the permission of community, employs participatory research techniques and shares research outcomes (through feedback loops).'

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

Challenges for research partnerships and the research environment

The survey revealed a number of challenges for research, which include:

- differences in approaches and understandings of the partners and stakeholders, such as:
  - conceptual expectations about what Indigenous governance is
  - emphases given to governance theory and governing practice
  - political and emotional sensitivities at local and broader political levels ('governance matters' and 'partners may understandably be emotionally volatile')
  - ideas about what is being tested or researched given the diversity of Indigenous governance levels, sectors and institutions.
- the potential for negative consequences for Indigenous organisations and people in exposing the 'adaptive agency of frontline workers' to research (particularly in terms of funding arrangements)'
- the under-representation of Indigenous peoples in the research workforce
- the lack of research and related community partnerships across regions to share learnings
- the existing 'over-consultation' of Indigenous communities
- the unwillingness of governments to have their processes researched.

Suggestions for Indigenous governance research topics and approaches

Survey respondents identified a range of research themes and specific topics that require research. Those which were identified by the majority of respondents include:

- 'western' and Indigenous governance systems and their interactions
- evaluation approaches
- funding modalities
- Australian case studies of what works and what doesn't work (often identified as an urgent need) including:
  - comparative 'on-ground' studies across different types and sizes of organisations, communities and groups
  - organisational governance
  - implementation of successful governance initiatives
  - longitudinal studies and long-term multiple research case studies to build a robust evidence base that is more widely applicable
  - audits of existing regional and other jurisdictional knowledge on Aboriginal governance to identify:
    - practical examples and advice
    - good/best practice
    - models
    - networks
    - potential supports.

Potential research themes included:

- Indigenous interests and priorities
- all dimensions of Indigenous governance ('to influence actions, to grant power and to verify performance')
- '*networked* governance'
- changing demographics and conditions including contemporary aspirations and needs and their governance implications
- relevant and transferrable lessons that 'have the potential to provide direction and optimism' and contribute to sustainable effective governance
- universal principles and generic guidelines
- critical success factors in governance approaches that have supported traditional owner organisations to succeed
- 'what goes wrong most', 'are the most frequent causes of governance difficulties in specific sectors today', and why.

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

Suggested research topics

(a) Policy

- A critique of the Australian Government's Indigenous Advancement Strategy and Regional Network Development and its implications for Indigenous governance.
- Development of an evaluation framework demonstrating the impact of enhanced governance and identifying how success might be determined.
- Funding models: the impact of 'funding modalities' including 'block funding' on governance and service delivery outcomes: '…how [do] block funding approaches to Indigenous organisations … enable improved governance and service delivery outcomes?'

(b) Western and Indigenous governance systems and their interactions

- The meaning and scope of governance including the impact of the imposition of non-Indigenous definitions of governance on Indigenous organisations 'without consideration being given to the context of cultural and community relationships'.
- 'Governance in the Gaps': 'The interface between mainstream governance system and Indigenous governance systems' including similarities and differences and is one more or less onerous (than mainstream)? If so, why and how do we manage such differences?
- 'Identifying, articulating and maximising Indigenous values across organisational governance: who's actually doing it, and how is it working for them?'
- Western and Indigenous governance and tenure reform: the weakening of Indigenous governance outcomes particularly in land and sea interests.
- Hybrid governance models: building the Indigenous NGO sector to meet government requirements and develop Indigenous governance capacity.

(c) Developing and implementing successful governance arrangements

- Long-term governance developmental framework and strategy for starting, building or re-building resilient governance and Indigenous confidence.
- 'How do traditional owners see governance development?'
- Beyond compliance basics and rule books:
  - developing building blocks that articulate the conditions needed for effective Indigenous organisations
  - 'the 'how' of governance and implementing successful governance arrangements including the skills and capacities for linking ideas and actions'

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

- successful board composition – e.g. numbers and independent directors – and the advantages and disadvantages of skills-based and/or culturally representative boards.
- The impact of 'cultural, planning, biophysical, social, and political contexts' in efforts to implement general principles of 'good governance' in a given place or community.
- 'Longitudinal action research that focuses on leadership and relationship building.'
- 'Historical issues that impact on governance in a community context'
- Normalising Indigenous disputes, minimising their impact on governance, and building capacity to manage them:
  - 'How does good governance help avoid, minimise or resolve disputes?'
  - 'How are groups managing their relationships and disputes?'
  - What kinds of consensus building processes are useful?
  - 'What provides the conditions for resolution of entrenched disputes about group identity?'
  - 'How to strengthen capacity and incentive to manage disputes and build consensus where there is an internal dispute?'
  - Conflict of interest in local communities, what does it mean and how can it be managed?
  - What kinds of decision-making processes deliver outcomes for a group? How do we better support this?

(d) Economic development
- How to achieve results without mining.
- The governance of successful Indigenous businesses.

(e) Organisational governance

- Developing successful governance arrangements and rule books to fit legislative and community requirements, such as native title, but which also 'have social and cultural legitimacy with their communities.'
- Financial inclusion and governance literacy: an evidence-based policy framework to guide government, corporate and community sectors.
- Balancing non-Indigenous reporting requirements, frameworks, values and performance indicators against Indigenous 'interpretation, deconstruction and reconstruction of non-Indigenous cultural frameworks'. Who's doing it, how is it working or not and why?
- Accountability frameworks 'built around the organisation, not the grant' that achieve:
  - downward accountability to an organisation's constituency

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

- o enable the operational effectiveness of the organisation
- o satisfy upward requirements of funders
- o translate 'locally defined priorities into realistic performance measures which enhance accountability and responsiveness to the community'.
- Indigenous governance models emerging from native title including legal issues surrounding the formation of a 'mega' RNTBC and how to ensure equity between groups with shared country.
- The governance of cultural information management, control and Indigenous access and local archives.

Note a number of research topic 'gaps' were also identified in the background paper downloadable from the AIATSIS website http://aiatsis.gov.au/research/governance_public_policy/indigenous_governance_development.html.

Practical resources and tools for Indigenous governance development

The survey asked participants to identify specific governance resources and tools they found practical and useful for Indigenous governance-building and capacity development and the challenges in meeting these needs. The need for effective developmental capability strength based approaches to Indigenous governance to ensure resilient sustained governance was identified by many survey participants, as was the need to design strength based tools and training which can be tailored to local interests and capacities. A preliminary list of these resources and tools has been prepared and will be published in finalising this document.

(a) Suggestions for an effective capability development approach:

- sharing stories and collaboration between multiple small entities with the same problems
- networking and exchange visits to share what has worked and what hasn't worked between Indigenous nations and between other institutions and Indigenous nations (NTRBs and PBCs for example)
- 'face-to-face support' and training and skills delivered locally e.g. GIS mapping, IT management and archival data management
- capacity building and training approaches so that 'Indigenous people are not made to feel inferior, and can understand and embrace the product with local knowledge and understanding'
- tools including well-designed models, templates, checklists, manuals and guidelines
- 'providing groups with range of skills and tools to better manage difference'
- ongoing mentoring and Indigenous leadership development particularly when starting out as a director, including how to identify and pursue own local and regional agendas 'without constantly having to wrestle with government at every turn'
- succession planning and support
- flexible employment arrangements:
  - 'backfill for employees of Indigenous organisations to undertake training all the way to higher degree MBA or equivalent'
  - 'portability of seniority and entitlements across organisations and jurisdictions to encourage greater inter-sector mobility for Indigenous employees with community governance experience'
- opportunities for people on the ground to learn theories of governance and their practical applications
- developing facilitation skills – 'Open Space facilitation' may be useful for board members and staff supporting corporations.

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

(b) Design of tools, training and practices that:

- are strength-based, developed and trialled with people themselves so that tools and training:
  - empower Indigenous governance traditions to allow space to critique Indigenous current position and frustrations from a position of strength
  - are not top-down and approached as something to be 'delivered' to 'them' rather than as based on research and expanding and enriching existing local practices
  - 'promote a more positive picture of governance in Indigenous organisations' – 'in which they [Indigenous people] can see countrymen and women talking about how they have achieved outcomes and how they benefits them and their community'
  - account for the diversity in knowledge, skills and expectations of Indigenous peoples.
- have realistic aims 'that take account of the reality of the shortage of skills' in the Indigenous community and are 'relevant to the everyday lives of Indigenous people'
- trigger questions for determining appropriate governance arrangements, attend to cultural priorities in Indigenous governance and are tailored so they 'work on the ground'
- are 'hands-on, graphic, re-configurable', directed to a range of audiences of varied age and educational backgrounds including bureaucrats
- are 'plain, accessible resources capable of adaptation for specific conditions and questions'
- are practical and provide the basis for local discussions and developing agreements regarding:
  - the constitution of incorporated groups
  - the role of traditional owners in local governance
  - the role of traditional kinship in contemporary community life.

(c) Identified challenges for Indigenous governance capability development:

- Few if any effective tools or resources are readily available to communities.
- Lack of funding to develop sustainable on-going governance training and support processes, resources and tools as opposed to one-off government funding for pilot programs.
- A lack of coordination and collaboration in:
  o facilitating the sharing of information: organisations don't realise how useful their materials may be to other groups, or are not sharing/communicating their insights
  o addressing portability issues as policy and bureaucratic barriers prevent the formation of a cohesive Indigenous service sector
  o strengthening Indigenous organisations to work together and be organised around structural governance reforms with a united view in absence of representative networks since the demise of ATSIC
  o departments controlling small buckets of money for 'governance capacity building,' unwilling to relinquish control, thus ensuring that funding is never sufficient to do the job properly
  o ensuring equity across sectors with varied resources
  o monitoring of poor performance of non-Indigenous staff in positions of authority and employed to support governance in remote communities.
- Dearth of experienced education consultants and trainers especially on the ground with appropriate communication skills and time to prepare tools to meet the needs of Indigenous people in their local communities. Training seems to build the capacity of non-Indigenous audiences even though issues are presented as being Indigenous driven.
- A research and support sector that is not on the same page: research results not being translated into practical tools by researchers.
- Difficulties in locating reliable but affordable technology and advice including geography and the logistics of remoteness.
- 'Face to face' delivery is expensive and difficult to achieve.
- Need to engage the financial services industry: Indigenous board members need to make well informed decisions on the financial governance of their organisations.
- Suspicion of government entities, reluctance to share more than is necessary and a range of entrenched interests including in Indigenous communities and organisations.
- Capacities in Indigenous organisations and communities including:
  o low levels of educational attainment and literacy in remote and regional areas

- lack of cross cultural awareness and training of non-Indigenous staff in remote communities who are charged with supporting governance initiatives and structures
- rarely having the necessary complement of staff for existing tasks meaning that releasing employees for training is viewed as a luxury.

- English as second language and the need for communication in a range of languages and the translation of English materials.

(d) Suggested topics for tools:

- setting up governance arrangements and development plans
- visioning and strategic planning
- starting out and running businesses
- 'how to effectively choose, engage and manage consultants and advisers (executive support, management consultants, accountants, lawyers etc.)'
- effective human resource management in Indigenous organisations
- negotiating performance indicators
- accountability mechanisms which are 'able to generate meaningful downward accountability and improve the capability of Indigenous organisations to respond to local priorities'
- sector specific like for native title holders (ORIC resources are for all Indigenous corporations)
- how Indigenous boards can effectively engage their members and constituencies, resolve conflict, build a shared vision and lead community development
- the intersection of conflict of interests and cultural interests.

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

Policy issues in Indigenous governance research and capacity development

Survey respondents were asked to identify three important policy issues that impact on Indigenous governance including in its development, exercise and sustainability. A number of major policy gaps were identified including the need to recognise the importance of Indigenous governance as located in broader systems which impact on them including the governance of governments and broader systemic processes which emphasise deficit models.

Respondents highlighted the following issues in respect to:

(a) Indigenous affairs government policies

- There is a need to change policy paradigms ('there may be a political window of opportunity now and the need for change is universally recognised'):
  - o 'self-determination needs to be re-established as a bone fide policy position amongst all governments' (it's also one of the six key determinants of good governance identified in the Overcoming Indigenous Disadvantage reports) including by:
    - the funding for major project testing around the country
    - making all programs within Indigenous affairs based on a self-determination goal of governance building ('if a government program doesn't contribute to self-determined governance, then it should not be happening')
    - developing roadmaps for self-determination
    - reinstating networked Indigenous representative structures
  - o deficit models of overcoming disadvantage and Indigenous engagement in the assumption that the Indigenous life experience is 'less' than non-Indigenous, need should:
    - emphasise the strengths of Indigenous culture, traditions and experiences as a foundation for improving outcomes
    - ensure a positive influence on other sectoral policies (climate change for example, engages with Indigenous peoples as 'vulnerable populations' rather than as substantial land owners in highly affected ecosystems with unique access and knowledge for monitoring, abating and adapting to climate change).
- Can the 'current policy of normalisation' be adapted 'so that it accepts diversity and alternate paths to equal citizenship?'

- There is a perceived 'ongoing failure of state governments to accommodate the recognition of native title and Indigenous peoples' rights, interest and expertise in managing their traditional territories.'

(b) Understanding the meaning of governance, raising awareness and supporting Indigenous governance

- Indigenous governance is critical to major government policy initiatives and achieving a range of outcomes including in Closing the Gap.
- There is a significant impact of policy making and failure to invest in Indigenous cultural governance.
- However, many governments and the general public do not understand the meaning of Indigenous governance or its key significance in achieving better Indigenous outcomes and 'consequently related policy is also often under-conceptualised and fundamentally flawed.'
- There is a need to broaden the understanding of Indigenous governance as more than corporate responsibility and decision–making across all sectors and within governments.
- Governance tends not to attract the same level of investment as other areas and governments remain unaccountable for supporting or enabling improved governance outcomes.
- Raising awareness about the importance of governance and its potential for governance to be adapted to specific needs is needed by continuing to talk it up, but also by directed initiatives which develop nuanced understandings across all levels of government and across sectors.
- There is a need for a policy commitment that recognises that:
  - 'a cohesive national approach is needed in supporting continuous improvements in Indigenous led governance'
  - all parties need capacity building in understanding the importance of the processes of engagement and decision-making, the kinds of processes which are effective and be trained accordingly
  - 'all investments into Indigenous affairs should ensure that at least a small proportion of each investment contributes to such continuous improvement.'

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

(c) The governance of governments

- The 'governance of governments' has a direct impact on the governance of Indigenous organisations and communities including because:
  - repeated changes to governments' governance of Indigenous affairs create uncertainty, additional governance work for Indigenous communities and poor outcomes
  - 'policy pulsing' approaches to program implementation and management and departmental silos all contribute to unstable policy and funding environments which systematically undermine Indigenous governance
  - constant changes to staff in government departments means that initiatives get lost including relationships and champions and advocates of specific policies
  - policy and bureaucratic barriers prevent the formation of a cohesive Indigenous service sector where portability issues could be addressed.
- Australian governments have made several commitments to improve government governance, but multiple evaluations and reviews have found that these commitments are not being met in practice and there is poor government governance.
- There is a low capacity of government public servants to engage with Indigenous communities: presenting 'this is what you get' without effective consultation creates anger and lack of trust and is often the cause of feuding among families.
- Indigenous people should be encouraged to identify governance flexibilities in considering options and feeling confident about the best ways to achieve the outcomes they want. Rules that cause difficulties do not have to be slavishly followed.
- There is a lack of coordination and collaboration in governments supporting Indigenous organisations through their governance arrangements to:
  - share information: organisations don't realise how useful their materials may be to other groups, or are not sharing/communicating their insights
  - organise around structural governance reforms and developing a united view in the absence of representative networks since the demise of ATSIC.

(d) Governance for sustained economic development

- The building of governance capacity is directly linked to sustained economic outcomes.
- All development funding and projects should have governance building as a core component. The Indigenous Business Australia, Indigenous Leadership Centre and all other government economic programs could be required to provide funding for

governance building as an integral part of any program initiative or negotiated native title agreements.

- The resource boom creates pressure on Indigenous communities to focus on the access needs of developers and not on their own internal needs and aspirations, though significant opportunities for achieving aspirations are created through negotiated settlements.

- The absence of choice and consent in the development of Indigenous lands directly impacts outcomes, priorities and the wellbeing of decision-makers.

- Employment in government services and the provision of infrastructure is the bedrock of development and a prerequisite for private sector investment and the alleviation of poverty.

- Native title is 'empowering and disempowering' – 'colonising and decolonising'. It requires a focus by communities to manage the claims process but attention to post determination governance and authority over country is not addressed and under-resourced.

(e) Indigenous communities implementing government programs and services

- Hybrid 'organisational models that meet government requirements while building Indigenous governance capacity' and boosting the roles of Indigenous NGOs are needed. Current government tendering models mean that Indigenous NGOs are unable to compete for service delivery contracts. The system is thus weighted in favour of large non-Indigenous NGOs with more sophisticated centralised corporate governance and accounting capabilities.

- Governments might work with Indigenous governance arrangements to share decisions on priorities, programs and services needed and implement their 'investment' (for example, the National Partnership Agreement on Remote Service Delivery which engaged local community governance arrangements in the role of a local reference group).

- To undertake this role, there is a need to develop the capability of people involved in local community governance arrangements and in sustaining such arrangements. (Some training and other capability development was undertaken as a part of the National Partnership Agreement on Remote Service Delivery).

- Can the people directly involved in local community governance arrangements be paid for time taken in roles sought by government?

(f) Indigenous organisations and 'internal' policy

- Recruit strategically and not just locally. A shortage of skilled board members (local and broader) means that organisations need to be creative and strategic in recruiting board members (e.g. use non-Indigenous board members).

- There is an absence of mechanisms to handle disputes or dysfunctional aspects of board behaviour and decision making and a need to develop and establish regularly reviewed and appropriate charters and values contracts and 'performance frameworks' for standards of behaviour and decision making for board members.
- How can Indigenous leaders get politically organised to get better Indigenous governance mechanisms in place that deliver real decision making responsibility?

(g) Strategies for capability development

- A national Indigenous dispute management service networked at regional levels with regional expertise with evaluation procedures and tools as recommended by IFaMP and NADRAC.
- Engagement of the financial services industry and strengthening Indigenous organisations to work together.
- A central authority that can strategically target support and investment in capacity.
- Implement Recommendation 60 of the Department of Finance's Strategic Review of Indigenous Expenditure (2010):
  'There is a critical need to improve standards of governance and leadership in many Indigenous communities and organisations; equally, there is an urgent need to improve the quality, availability and accessibility of government services and programs directed to this purpose.'

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

Funding research, capacity development and practical tools for Indigenous governance

Funding was raised as a critical issue by survey respondents in their responses to most survey questions including the lack and unreliability of funding and the need for understanding the resources required. Some suggestions to changes of funding models were also made.

Research funding issues:

- the general lack of resources for research including limited resources and capacity to undertake 'the kind of exercises that can underpin good research' in governance;
- the need for policy and resource support for a wider range of Indigenous preferred research topics and outcomes
- challenges in managing external timeframes and pressures
- the time and resources required may be greater than in other research areas because:
  - 'understanding the agency of frontline workers' often requires time for 'ethnographic observation - what people say is often different to what they do'
  - of the need to build trust and relationships over time
  - of the logistical issues in dealing with remoteness and multiple visits to communities
  - of the need for consistent long-term involvement with the range of relevant organisations.

Capacity development funding issues:

- While there has been a longstanding commitment to support governance capacity development, there has been a history of this commitment not being delivered.
- Resources and economic factors underpin successful governance. Funding uncertainty affects many of the other determinants of good governance, including the ability to comply with formal governing institutions, to develop and retain leaders, and build capacity.
- Competitive tendering arrangements for government programs and services that do not take into account Indigenous organisations (including local government organisations) impact on the development of new Indigenous organisations as well as the development and sustainability of existing ones.
- 'Poorly functioning programs and services are not an effective use of taxpayer's money.' There is a 'lack of information and visibility of funding flows at the place-

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.

based levels' which makes it impossible 'to know what's been effective and how to improve productivity in the system.'

- The 'lack of evidence to demonstrate the link between governance and social and economic development outcomes makes it difficult to develop resources for improving governance arrangements.'
- Existing government funding modalities and approaches tend to be directed toward economic participation and corporate responsibility and compliance undermining the governance of Indigenous organisations and obfuscating the importance of broader notions of governance and accountability – resulting in a lack of recognition of its importance.
- There is a need to act on reports such as the Department of Finance's Strategic Review of Indigenous Expenditure (2010) in the development of resources including to support leadership and governance development.
- There is a need for:
  o networking to identify sources of funding
  o sufficient time and money for creating governance development plans
  o free training and developmental support
  o increasing the numbers with access to training and resources
  o Indigenous businesses to enlist the support of resource mining companies who have a long-term interest as partners in developing capacity building for good governance.

Suggestions for changes of funding models:

- Funding for governance building should be an integral part of any program initiative or negotiated native title agreements.
- Ownership of resources and funding should be through a central co-ordinating authority that can strategically target support and investment.
- There is a need for:
  o ongoing and 'coordinated multi-year funding for organisations and groups to create their own governance development plans that they can implement over several years'
  o government coordination and collaboration where departments control small buckets of money for 'governance capacity building' but do not want to let go of the controls over that funding and so ensure that funding is never sufficient to do the job properly
  o governments to make available significant long-term pooled funds for major pilot projects that test out practices, tools, processes and report that information widely
  o trialling new and innovative government funding modalities to Indigenous organisations - block funding and other more flexible and secure funding

arrangements need to be pursued to stabilise the funding environment and provide a platform for improved governance

o re-orientation of funding to treat Indigenous organisations as organising nodes rather than grant receivers. This would allow them to be more responsive and accountable to their communities and significantly reduce the reporting burden which currently undermines governance in this sector

o changing the competitive tendering and block funding arrangements which impact on governance and service delivery outcomes.

Quotations are from responses to the 2014 preliminary survey for the Indigenous Governance Development Forum: Mapping Current and Future Research and Resource Needs held at AIATSIS on 29 and 30 July 2014.