USE OF THESES

THE CAPACITY FOR COMMUNITY DEVELOPMENT TO IMPROVE CONDITIONS IN AUSTRALIAN ABORIGINAL COMMUNITIES: AN ANTHROPOLOGICAL ANALYSIS

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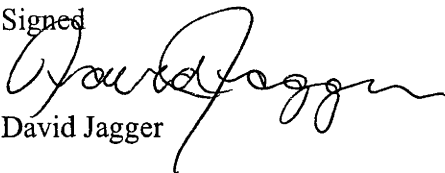A thesis submitted for the degree of Master of Philosophy in Anthropology at the Australian National University

15 April 2011

Disclaimer

Except where otherwise acknowledged, this thesis is based on my own research and analysis.

The case studies are current and evolving community development projects. Aspects of them may have changed since my research into those aspects.

Signed

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David Jagger Anthropology MPhil thesis submitted 15 April 2011
ABSTRACT

For 35 years, Aboriginal self-determination policy privileged local autonomy in the autonomy-relatedness dynamic central to Aboriginal sociality. This *privileging* brought a major change to Aboriginal sociality and collective identity. The self in self-determination policy had a strongly local focus through which it was thought community development would thrive. Key connected factors in the privileging of local autonomy are socio-cultural reification, juridification and entification. The reification is with respect to identity associated with land-based tradition. All three of these factors are contrary to the profound processes of relatedness in the Australian Aboriginal domain. The so-called intervention by the Commonwealth into Northern Territory Aboriginal affairs in 2007 dramatically changed the policy settings in the NT at least. But local autonomy remains privileged over relatedness. As such, this thesis argues, the foundation for an Aboriginal civil society able to negotiate the now very fluid policy environment and make the most of the opportunities presented in community development projects like the thesis case studies in fact remains generally weak.

The thesis argues that recognition of relatedness is the basis of civil society in the Aboriginal domain and a key to improvements in Australian Aboriginal communities, without dismissing local autonomy. The common good inherent in community development is limited without this recognition. So is cultural match, said to be important in development project governance in the Indigenous domain. The thesis examines these matters through three case studies, community development projects that use moneys paid to Aboriginal people from the use of Aboriginal land for mining and a national park. An important finding is that autonomy-relatedness balance reflected in the governance arrangements of community development projects is needed for Aboriginal people to properly identify with the projects and thus participate meaningfully in them in order to realise tangible and sustainable community benefits from them. Meanwhile, commercial development like mining continues to favour the certainty afforded in the localising factors of reification, juridification and entification.

Aboriginal self-determination has been characterised as a policy of disengagement of wider society from Aboriginal people. Consistent with this, and again contrary to relatedness, an underlying theme in the thesis is that of separation. As well as the disengagement of the policy, this separation includes the separation of some Aboriginal people from other Aboriginal people arising from locally emplaced identity, tradition from modernity and community development from economic development and the market economy. At this level, the thesis points to the importance of an intercultural approach to development entertaining the notion of hybridity including that of the hybrid economy.

This is not to deny the benefits of self-determination policy over its policy predecessors, much less to suggest a return to assimilation policy in particular, but to suggest some ways to help resolve the serious problems still facing remote Aboriginal communities as well as to flag the limitations of community development in this context.

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Preface and acknowledgements

While employed to progress community development projects in remote Australian Aboriginal communities – including the three projects that comprise the case studies in my thesis – I wanted to research the underlying constraints to lasting benefits from such projects. Given the difficulty I and others have faced in getting community development type work to result in lasting improvements in Aboriginal communities, research into underlying constraints seems necessary as one way towards more improvements. My case study projects involve quite large amounts of the project participants' money, or what they construe as such. Without compromising the research, I wanted to equip myself as best as possible to be of assistance not a liability to the participants in my work, especially given their 'investment' of so much money. Though I sense community development in the form of these sorts of projects will soon increase in number and size, particularly in the native title realm, I noted there was minimal closely related, detailed anthropological research.

I acknowledge the participants in the three projects – Aboriginal community members and traditional land owners – and thank them for giving me the chance to take on this challenging and usually rewarding work with them. Likewise I thank my then employer, the Central Land Council, and acknowledge its assistance and encouragement in my research. Last but not least I thank my thesis supervisor at the Australian National University, Professor Nicolas Peterson, for his patience and support.

Acronyms

AAP	Affected Areas Payment
ABA	Aboriginals Benefit Account
ALRA	Aboriginal Land Rights (NT) Act, 1976
ATSIC	Aboriginal and Torres Strait Islander Commission
CAA	Council for Aboriginal Affairs
CD	Community development
CDEP	Community Development Employment Projects program
CLC	Central Land Council
DAA	Commonwealth Department of Aboriginal Affairs
ICGP	Indigenous Community Governance Project
ILG	(Papua New Guinean) incorporated land group
IMF	International Monetary Fund
NGO	Non-government development organisation
NT	Northern Territory
ORIC	Office of the Registrar of Indigenous Corporations
PNG	Papua New Guinea

Chapter 1

<u>Introduction</u>

Worldwide, community development is seen as a powerful approach to poverty alleviation. It is frequently seen as inherently collaborative, about poor people participating with others who can assist in poverty alleviation projects through agencies of civil society. There, those assisting can build the capacity of the poor, towards sustainable improvements to their well-being. But among Australia's poorest people, Aboriginal people, community development has had little impact on poverty alleviation largely because it has come with their disengagement from wider society. This outcome is not necessarily a function of their self-determination per se, nor necessarily about neglect. Rather, key elements of Aboriginal self-determination policy, in place for some 35 years, have brought about the disengagement by privileging autonomy or localism over the otherwise strong strains of relatedness in Aboriginal sociality. The *privileging* of autonomy in fact constitutes a major change to Aboriginal sociality. It has upset the balance of autonomy with relatedness that many anthropologists have noted is central to Aboriginal sociality. They refer to an Aboriginal autonomy-relatedness dynamic to capture something of the processes, the fluidity as well as the tension, in the usual balance between these two states.

Important closely connected factors in privileged Aboriginal autonomy/localism include reification, juridification and entification. I use the Macquarie Dictionary definition of reify: "to convert into or regard as a concrete thing" (Macquarie Dictionary 1982). Fluid Aboriginal socio-cultural identity processes have been regarded and converted in this way, specifically those associated with land-based tradition and thus land ownership via which autonomy now tends to be asserted. I use the definition Christos Mantziaris and David Martin provide for juridification as "the use of positive law to identify and enforce obligations deriving from social relations hitherto considered non-legal" (Mantziaris and Martin, D. 2001: 127). This is clearly akin to reification but with an emphasis on law and its force. The obligations, and the social relations they are derived from in Aboriginal

Australia, are among widely related people; the effect of juridification is to limit this relatedness and the people who identify as related. Land rights law and its definition of traditional Aboriginal land owner are central here. I use the term entification in summary as used by Thomas Ernst in Papua New Guinea: the making of quite permanent, exclusive entities from what were previously contingent social categories formed and reformed from activity or process (Ernst 2004). I consider exclusive to be the operative word here, though process and the reduced part it plays is significant. The more exclusive the entities, the more localised is their focus and the identity of those associated with them.

Further, I make use of the concept of cultural match as applied by the Harvard Project on American Indian Economic Development in the United States. Chief researchers on the project say cultural match "is not an appeal to tradition; it is an appeal for legitimacy" in development (Cornell and Begay 2003). Cultural match, they say, means development institutions that: "Embody values that Indigenous people feel are important; Reflect their contemporary conceptions of how authority should be organized and exercised; Are generated through Indigenous efforts; Therefore have the support of those they govern" (ibid. Underline in original). Critically, these institutions "also have to work. They have to be able to get the job done" (ibid). Reification, juridification and entification have meant a cultural half-match at best in development in the Australian Aboriginal domain. That is, these three factors reflect Aboriginal socio-cultural organisation, but strongly only part of it, that part associated with autonomy. The part – and the values – associated with contemporary *processes* of relatedness are not well reflected. Development has proceeded with, and in fact has facilitated, reified, juridified and/or entified groups that do not adequately reflect Aboriginal socio-cultural organisation and values. It has thus not often enough got the job done, as the Harvard Project might put it.

Much development has, then, struggled for legitimacy in the eyes of Aboriginal participants and translated into their lack of identification with development projects. There are significant levels of discord between their contemporary collective identity and that found in project governance arrangements. Participants' lack of identification with

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projects is more fundamentally important than any lack of 'ownership' of projects, to use a common community development refrain. It is more typical than outright opposition to development from Aboriginal people. It has limited their participation and furthered their disengagement from wider society. Yet reification, juridification and entification have been attractive to development providers, and some participants at the outset of development phases, because these factors in contemporary Aboriginal local autonomy provide development certainty, including investment certainty. With this attraction, the strong emphasis on the local has spread.

I examine reification, juridification and entification through three community development case studies to show that the upshot has not only been disengagement of Aboriginal people from wider society. Aboriginal people have been separated from each other. Tradition has been separated from modernity whereas these otherwise, of course, exist on a continuum. Community development has become separated from economic development. The former has suffered, in its own right and as an aid to the latter. I suggest recognition of relatedness is the basis of civil society and a key to improvements in Australian Aboriginal communities, without dismissing local autonomy. The common good inherent in community development is limited without this recognition.

My research is on Northern Territory (NT) Aboriginal communities where a Liberal-National Party Commonwealth Government changed the self-determination policy settings dramatically with an intervention into NT Aboriginal affairs in mid 2007. This has included compulsory welfare income management and the seizure of communally owned or held land within 73 NT Aboriginal communities, among other measures (Australian Government 2007). The intervention was triggered by a report that found evidence of widespread Aboriginal child abuse in the NT against the backdrop of chronic alcohol abuse (Anderson and Wild 2007). Together these levels and types of abuse, along with other often quoted indicators of severe disadvantage, reflect an all too common malaise in NT Aboriginal communities.

With a change to a Labor Government and its re-election as a minority government in 2010, the intervention has been continued but reviewed, with greater engagement with NT Aboriginal communities recommended through a community development framework (Yu, Duncan and Gray 2008: 11,14). Other policy changes have occurred or been canvassed approximately contemporaneously, many under the Commonwealth's national quasi policy framework of 'Closing the Gap' between Aboriginal and non-Aboriginal well-being indicators. The long-standing Community Development Employment Projects program (CDEP), often referred to as Aboriginal work for the dole, has been reformed towards greater engagement of its participants with the job market (Macklin 2008a; Australian Government 2008: 3,15; Australian Government 2009). Local government in the NT has been regionalised into shires, unsettling highly localised ideas of community as a manifestation of the collective self in self-determination. Government investment is now largely confined to the NT's largest Aboriginal communities under a 'Growth Towns' policy (Northern Territory Government 2009), perceived by many Aboriginal people as a move to literally unsettle residents of smaller places. Meanwhile, the Commonwealth Minister for Indigenous Affairs Jenny Macklin has initiated moves to direct payments Aboriginal groups receive from the commercial and other use of their land to wider community benefit (Macklin 2008b; McClelland, Macklin and Sherry 2010; The Australian 2010).

My case studies are community development projects that spend such payments generated by the use of Aboriginal land in the NT for mining and a national park. In the shifting policy context I have just sketched, the foundation for an Aboriginal civil society able to make the most of the money remains weak. The case studies point to what scope remains for community development to make improvements to Aboriginal community conditions.

Thesis outline

In the next chapter I consider the concepts of community and development, define community development (CD), examine three CD traditions and discuss CD in

Aboriginal Australia. Chapter 3 examines self-determination policy to see how it has privileged autonomy/localism over relatedness and the broad CD implications. Chapter 4 presents the three case studies and examines the localising factors of reification, juridification and entification through them. The implication for CD of the limitation to project legitimacy and participant identification with the projects is highlighted.

Chapter 5 examines change in the Aboriginal domain. I focus on outstations, tiny, far-flung communities that remain central to the CD aspirations of many remote Aboriginal people. I view outstations as microcosms of the Aboriginal domain as it changed under self-determination to privilege autonomy/localism. As Emma Kowal observes, they embody the now common assumption that when remote land ownership, what she calls "cultural autonomy", and "minimal government support" coincide entrenched Aboriginal health problems, for instance, begin to disappear (Kowal 2010: 191). I go on to consider the key factors leading to this assumption, eg. entification, in the light of comparable change mediated by custom or kastom in nearby Melanesia. The comparison with Melanesia serves to emphasise the fundamental nature of the profound change privileging autonomy/localism.

The implications of privileged autonomy/localism for CD, particularly its governance and Indigenous participation through the governance, are advanced in chapter 6 with reference to cultural match. I examine both the dynamism of the Aboriginal domain and juridification in order to contrast specific processes of the kinship economy and Aboriginal collective identity effectively formed from legislated Aboriginal land tenure. The kinship economy processes are essentially those of relatedness while the legislated land tenure limits this relatedness. As such, the legislated land tenure, namely under the Aboriginal Land Rights (NT) Act, 1976 (ALRA), is integral to the cultural half-match I mentioned above.

There are indeed formidable challenges to CD presented to this point in my thesis. Some capacity for CD to improve Aboriginal community conditions nevertheless begins to emerge. But not fully before the breadth of the central challenge faced in the form of

privileged localism is elaborated in chapter 7. Chapter 7 posits the discussion first in the wider economy where certainty of land ownership available in legislated Aboriginal land tenure is a key consideration prior to investment in the land; then in the realms of the imagination where, paradoxically perhaps, the localism upon which the certainty is largely based is further spread. This leads via discussion of powerful ideological and international influences on localised identity to an examination of conflict, a key constraint on CD coming from the separation of some Aboriginal people from others.

Chapter 8 explores the possibility of an Aboriginal common good across regions without forsaking local loyalties. There is uncertainty in this, to be sure, which raises the prospect of the Indigenous process in it becoming a recipe for increased community dysfunction instead of community development. Via some critiques of development, I introduce the notions of hybrid culture and hybrid economy towards a way forward.

Chapter 9 concludes that CD can improve conditions in Aboriginal communities, but cannot do so adequately based on privileged localism and cannot sustain the improvements alone. Welfare reform is needed. Carefully overcoming the separation of community development from the market and economic development is important to help create jobs. But arguably wider separations that became marked in the self-determination era must also be carefully bridged: the separation of Aboriginal people from wider society and the state on its behalf, the separation of tradition from modernity and the separation of some Aboriginal people from other Aboriginal people. Such separation is an underlying theme in my thesis, running counter to relatedness.

Methodology and literature

The thesis methodology has three key elements: participant observation at meetings of the three community development projects that constitute the thesis case studies; reference to Central Land Council (CLC) CD Unit files on the projects; and reference to relevant literature to situate the case studies in a broader theoretical, ethnographic, policy and/or development context and ultimately to support the evidence in the case studies. As

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manager of the CLC Anthropology Section in which the CD Unit was situated and then co-coordinator of the Unit after it moved into the CLC's Directorate Section, I was necessarily deeply involved in many of the meetings and other project operations. This will inevitably raise questions about the independence of my research. In truth, in writing my thesis it was at times difficult to step back from the three projects, as I was responsible or jointly responsible at an operational level for starting and/or progressing them over some five and a half years at the CLC. However, this responsibility also meant an immersion in the projects conducive to an adequate understanding of their workings.

Publicly available literature relevant to my thesis, in the listed references, can be grouped as follows: official documents such as acts of parliament, rules of incorporation of Aboriginal organisations and reports into or towards government policies or programs; related media releases, media reports, web pages, statements and speeches; applied academic research into such policies or programs or into relevant phenomena such as governance or cultural match; papers or books by or about key policy planners, particularly the planners of Aboriginal self-determination policy; papers or books on community development; critiques of varying strengths of development; a range of less applied academic research including ethnographies, taking in most journal articles and chapters within books in my reference list plus individually authored books such as Myers (1986) and Austin-Broos (2009). I mention these two books as examples of this last group of texts, but also because they are among the most important texts in the references as a whole: my mention of them here gives the reader some impression of what constitutes the literature most relevant to my thesis.

Chapter 2

Community, development

In this chapter I define CD and outline and contextualise three intellectual traditions of CD following Campfens (1997). These traditions can be labeled the societal and institutional guidance approach, the alternative development or social movement approach and the partnership approach. I explore the characteristics of CD in Aboriginal Australia up to the Commonwealth intervention into NT Aboriginal affairs in 2007. But I begin by considering the concepts of community and development, distilling that of civil society in the process.

Community

The Indigenous Community Governance Project (ICGP), which recently researched Indigenous governance arrangements across Australia, provides a useful definition of community as it is situated in the context of governance essentially for Aboriginal community development. Here community is:

> a network of people and organisations linked by a web of personal relationships, cultural and political connections and identities, networks of support, traditions and institutions, shared socioeconomic conditions, or common understandings and interests (Hunt and Smith 2006: 5).

This definition converges with civil society as defined by the London School of Economics and Political Science Centre for Civil Society as "the arena of uncoerced collective action around shared interests, purposes and values", populated by charities, non-government development organisations (NGOs), community groups, church groups, professional associations, trade unions, self-help and advocacy groups, social movements and coalitions (London School of Economics and Political Science 2010).

The ICGP findings identify four levels of community: administrative communities such as electoral wards, communities of interest, residential communities, and "communities of identity" (Hunt and Smith 2006: 5). Anthropologists, Peter Sutton for example (2009: 48), frequently question whether there is in fact sufficient community of interest or identity in many Aboriginal residential communities for any CD initiatives to last. They tend to suggest these are in fact artificial communities, the larger ones at least established to administer Aboriginal affairs policy before self-determination, bringing people to live together who would not normally choose to do so. As such, it is said, there is very little common purpose to help CD initiatives achieve more than short term success. The above ICGP definition, read with the four ICGP levels of community, implies an inversion of this position. It suggests a community can potentially comprise people who live hundreds of kilometres apart, or those who live together despite what they consider to be disparate origins, with something strong nevertheless in common. There is regional development potential in this. It suggests that any tension between residential communities and communities of interest or identity is not necessarily debilitating.

Development

Writing about development among Indigenous people in Australia and Canada and drawing on Denis Goulet (1973), Elspeth Young provides a definition of development simply as a process offering "the opportunity to live full human lives" (Young 1995: 8). This need not necessarily carry the lofty classical liberal connotations of individual liberty and choice. It can simply be taken to mean the opportunity to live longer in better health than Aboriginal people are generally accustomed to, without fear of harm from abuse or neglect. It is with this meaning that I adopt the definition as the best among many for the purposes of my thesis.

Policies and programs ostensibly to maximise development opportunity en masse are widely seen to stem from US President Harry Truman's speech upon taking office in 1949. Truman declared then: "We must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement

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and growth of underdeveloped areas" (cited in Esteva 1992: 6). The instruments of this international development program were already taking shape following the 1944 Bretton Woods Agreement. This agreement triggered the creation that year of the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development, now part of the World Bank.

In chapter 8 I canvass some critiques of development, in particular community development or participatory development as it sometimes known. Suffice to say here, there are now characterisations aplenty of development that emphasise disastrous consequences for the world's poor and disadvantaged, Gustavo Esteva's chapter in 'The Development Dictionary' (1992) being one. The IMF and the World Bank are common targets in such views of development, seen as instruments of international capital not instruments of mass poverty alleviation. Yet such views only begin to check the nevertheless deep faith across the world in development essentially as economic growth and concomitant modernisation, despite the recent global financial crisis and the climate change almost certainly partly caused by the nature and pace of much of this growth to date. With the demise of the Soviet Union and its socialism, no one idea is now as widely promoted as is unhindered, unadulterated economic growth as the best way to help as many people as possible escape poverty, without stopping some becoming fabulously wealthy. Central is the assumption that some of the wealth generally created will eventually trickle down to the poorest of poor individuals, with assistance provided in some form where the trickle is insufficient.

Against this backdrop, Young suggests that successful development aid or assistance must take into account:

> the aspirations of those 'being developed' (the clients), as well as the desires of the 'developers' (the providers); secondly, that development occurs within a human society whose cultural and social attributes are vital influences on the process; and thirdly, because of the global linkages between the developed and developing world, that elements such as resource base and population growth have to be considered on an

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international as well as national or regional scale if development is to occur (Young 1995:8).

She points out that environmental concerns and recognition of the long timeframes in successful development have locked the concept of sustainability into development discourse (ibid: 9,10) if not always into development practice. Together, Young's comments here offer a useful development bottom line for contemporary Aboriginal Australia, notwithstanding the considerable power imbalance remaining between "the clients" and "the providers". The power imbalance alone, the cause of concerns central to many anti development viewpoints, ensures this is just a bottom line.

Community development

After a review of the international literature, Hubert Campfens provides a definition, in effect, of CD in a list of "common social values and principles that underlie the practice" (Campfens 1997: 23), edited here. There is resonance with civil society, as articulated above, in Campfens' list:

- "….Men and women should be….mobilized for the purpose of mutual aid, self-help, problem-solving, social integration, and/or social action.
- At all levels of society….participation must be enhanced….
- As much as possible and feasible, CD should rely on the capacity and initiatives of relevant groups and local communities to identify needs, define problems, and plan and execute appropriate courses of action; in this, the goals are to foster confidence in community leadership, to increase competency, and to reduce dependence on state, institutional, and professional interventions.
- Community resources (human, technical and financial) and, where necessary, resources from outside the community (in the form of partnerships with governments, institutions, and professional groups) should be mobilized and deployed in an appropriate manner in order to ensure balanced, sustainable forms of development.

- Community integration should be promoted in terms of two sets of relations: 'social relations' among diverse groups distinguished by social class or significant differences in economic status, ethnicity, culture, racial identity, religion, gender, age, length of residence or other such characteristics that may cause tensions or lead to open conflict; and 'structural relations' among those institutions – such as public sector agencies, private sector organizations, not-for-profit or charitable organizations, and community organizations and associations – that take care of social challenges at the community level. Regarding the latter, the aim is to avoid unnecessary competition, lack of coordination, and duplication of services.

- Activities....should be organized that empower marginal or excluded population groups by linking them with the progressive forces in different social sectors and classes in the search for economic, social, and political alternatives.

- Those who are marginalized, excluded, or oppressed should be given the essential tools that will enable them to critically analyse and become conscious of their situation in structural terms, so that they can envisage possibilities for change" (ibid: 24).

Just as some change is implicit in development generally (Kenny 2006: 12), Susan Kenny argues that the aim of CD is to enable communities to gain greater control over the change (ibid: 10). Accordingly there is close convergence between CD and self-determination, though these are not the same. Campfens' first principle and value above, for instance, raises the question of who expects and should do the recommended mobilisation. If it is the providers more so than the clients, in Young's terms, they might have motivations that cause divergence of CD and self-determination in practice. And despite the common denominator of change, neither is development per se synonymous with community development as is sometimes assumed in Central Australia. Through a so-called social contract, development providers in two of my case studies for example – miners – are now widely and heavily implicated in development above and beyond development of the land; but their work does not necessarily involve community development. CD is a particular development practice, though there is variety within it. Together with Campfens' values and principles used to define CD as above, its three traditions should clarify the main forms of the practice.

Three community development traditions

The above values and principles I have used to define CD are really ideals, adapted to fit specific circumstances (Campfens 1997: 25), while the intellectual traditions from which these values and principles grew shed more light on practice worldwide. Campfens identifies three main traditions: the tradition of "societal and institutional guidance", that of "alternative development or social movement" and one that he refers to simply as "involving professional practitioners working in partnership with community or community groups" (ibid: 40). The first tradition, says Campfens, has influenced CD as planned change "from above" (ibid: 20,40). So, the rhetoric that CD is always to counter so-called top down development does not sit easily with this first tradition. This tradition was part of the modernisation and industrialisation strategies of United Nations agencies in the 1960s, and of the IMF and the World Bank (ibid: 20,27). They were strategies well supported financially, as wealthy nations, especially the US, sought to replicate in the third world the Marshall Plan designed to rebuild Europe after World War 2 (ibid: 17). As a new social technology, CD was enlisted by governments to mobilise local communities as part of third world nation-building efforts to achieve socio-economic development, drawing heavily on, and imparting, scientific knowledge, including that of social scientists (ibid: 20,27). It was in this context, says Campfens, that CD gained international prominence (ibid), though NGOs have also launched CD programs within this tradition (ibid). In fact, this tradition fits best with what Campfens suggests is standard reliance on "the modernist framework in defining development", including the continued "preeminence of Western science and technical reason" (ibid: 39). Emphasis on statistical measures of Aboriginal well-being fit well within this framework.

The second intellectual tradition underlying CD, that of "alternative development or social movement", has influenced community development as a form of social mobilisation "from below", according to Campfens (ibid: 40). This, he says, is distinguished from the first tradition in that the second asserts "the primacy of direct collective action from below" (ibid: 28). Indeed, from this tradition springs much of the

rhetoric that promotes CD per se as a bottom up guard against top down development. Within this tradition, Campfens discerns three sub-traditions: "Confrontational Politics", "Utopianism and Disengagement" and "Voluntary Association, Mutual Aid, and Communitarianism" (ibid: 28-31). The latter two sub-traditions within this broader tradition "from below" most closely match the type of CD pursued in remote Aboriginal Australia under self-determination policy, given their goals to create self-managing, self-governing, cooperative communities separate from the state and the encapsulating society (ibid: 30,31). Common is a strong emphasis on the local. CD in these sub-traditions has elsewhere, however, largely been directed at communities of poor, subsistence farmers growing their food in the face of powerful global agricultural market forces. It is in the context of their aspirations towards self-sufficiency in food growing that quests for separateness here should be seen, a somewhat different motivation to those abroad in the Australian Aboriginal domain, the subject of my next chapter.

It is worth noting meanwhile that CD in this second tradition under Aboriginal self-determination policy intersects perhaps surprisingly with the neo-liberal version of the 'development as economic growth' paradigm. Ascendant internationally since about 1980, if increasingly questioned since the global financial crisis, neo-liberalism is characterised by a generally sharply reduced role for the state, with a shift from state care to community care for the disadvantaged (ibid: 14) and individual responsibility and entrepreneurship for the bulk of the population (Kenny 2006: 56). In Australia this did not translate into a reduction of Aboriginal affairs funding from its steep increase at the formalisation of Aboriginal self-determination policy when the welfare state still ruled supreme (Griffiths 2006: 62; Hollinsworth 1996: 121). Neo-liberalism may, however, have helped maintain the path of most of this funding into a multitude of localised, self-governing Aboriginal community organisations as 'community care', even if some of these entities began life under what Kenny characterises as a welfare state organisational model (Kenny 2006: 204,205). That is, this care was thoroughly outsourced and the state further separated from its delivery.

Nor did neo-liberalism translate into any real diminution of the welfare payments provided to individual Aboriginal people under the welfare state, though the recent changes to CDEP may be the start of this. In turn, the CDEP changes may be seen as part of a wider reliance on Aboriginal individuals to close the statistical gap between themselves and non-Aboriginal people, part of the neo-liberal trend (Altman 2009: 1). Continued widespread Aboriginal dependence on welfare payments is commonly cited as a key reason why development practices applied internationally, frequently in places with little or no welfare support, have not made more improvements in Aboriginal communities. It is here, perhaps, that there is what Kenny calls an "ironic convergence" of CD and neo-liberalism (Kenny 2006: 56): both see the limitations prolonged dependence on welfare can place on the control people have over their destinies. The main point of departure is where neo-liberalism emphasises the individual as the source of social improvements and CD, in whatever tradition, emphasises the community, by definition (ibid: 56,80). Another departure point may be in state and other development provider strategies to clarify or demarcate land ownership. Even when short of privatising this land, this is, in international development circles at least, painted in a neo-liberal light, recently by Thomas Sikor and Christian Lund (2009), Sara Berry (2009) and Rikke Broegaard (2009) for instance. Such strategies, including legislated Aboriginal land tenure, have a major bearing on identity in Aboriginal Australia, emphasising local identity.

The CD sub-traditions of self-managing, self-governing, cooperative communities, separate from the state and the encapsulating society as manifest in Australian Aboriginal self-determination policy intersect too with a heightened globalisation. Despite their isolation, remote Aboriginal communities are not immune from the effects of globalisation, which have likewise unfolded in complex ways. I defer discussion of some of these ways until chapter 7.

The third intellectual tradition in CD, involving professional practitioners working in partnership with communities or community groups, sits between the extremes of the two traditions outlined above. I have labelled this the partnership approach to CD. Campfens

dubs it the "social learning" CD tradition (Campfens 1997: 40). Indeed strong in this tradition is the popular education work and "critical consciousness" theory of Paulo Freire which Campfens says "implies a search for knowledge: a critical reflection on reality, followed by action that carries an ideological option up to and including the transformation of one's own world", including one's community (ibid: 37). This tradition blends the benefits of the first and second traditions of CD above, for instance in the form of so-called liberation theology in which the point of view of the poor is paramount but their insights must come with improved material conditions for there to be effective development. As Campfens puts it here, "the poor, not science and technology", should be the focus of development and liberation; "this is not to minimize the importance of science and technology but rather to emphasize the correct priority" (ibid: 38). Within this third CD tradition, then, there is a "reconstruction of the development expert" (ibid: 39) rather than his or her rejection. I suggest it is in this third tradition that CD is most likely to improve conditions in Aboriginal communities, to overcome the "compartmentalization of the changing and the unchanging", to quote Francesca Merlan (1998: 232), that is inhibiting positive change here. By implication, I suggest the other two traditions of CD are less likely to achieve such improvements, in fact have set them back.

Community development in Aboriginal Australia

In the self-determination era from 1972 to 2007 the Aboriginal affairs policy setting was stable compared to more recent years, though not unproblematic in retrospect. During this time, David Hollinsworth believes Australian Aboriginal CD can best be understood in terms of a contradiction between community autonomy and the surveillance resulting from the requirements of financial accountability for the funds to facilitate this autonomy (Hollinsworth 1996: 123). As I elaborate below, this facilitation meant the proliferation of autonomous Aboriginal community organisations, associations and councils under self-determination policy. The proliferation shows little sign of abating. Consistent with the second intellectual tradition of CD above, the proliferation of such entities is not necessarily confined to the Aboriginal domain (Onyx 1996: 101). To a degree it is

characteristic of civil society more generally. But as I will demonstrate, the proliferation rate is far greater in the Aboriginal domain than in the wider community. Nor should the accountability requirements of funding to those organisations, councils and associations in the Aboriginal domain be considered unique to the neo-liberal governments who sponsored their growth in numbers through much of the self-determination era. As Hollinsworth observes, a certain degree of such incorporation within the state apparatus is probably inevitable for these entities in the absence of a firm and independent economic base for the vast majority of Aboriginal communities (Hollinsworth 1996: 119); and, I would add, in the absence of more discernable development success from Aboriginal self-determination, otherwise the general public would not countenance what many already see as their taxes perennially wasted here. The public at least wants to be able to see the efforts to which this money continues to be put, however patchy the results.

What is remarkable in this context is the dearth of sufficient support for the resulting multitude of Aboriginal organisations, associations and councils to optimise their capacity for sustainable development, including their capacity to acquit funds. That is, their existence and surveillance alone has constituted the character of CD in Aboriginal Australia. Begun in 1977 in the early days of Aboriginal self-determination, CDEP offered community development potential. Indeed expectations of CD tended to be focused on CDEP, and a variety of organisations got something of a workforce and additional funds through the program, becoming so-called CDEP organisations. But as late as 2001, Jon Altman could comment that "to make the transition to their role as development agencies" CDEP organisations would require "resourcing for board and member empowerment." In particular, he said, "there is a need for an additional injection of funds for training boards and for participatory planning" (Altman 2001: 131).

It seems the existence of the multitude of self-determined Aboriginal organisations, associations and councils, linked or not to CDEP, has been justified by little more than the strength of an implicitly local and explicitly traditional Aboriginal culture. This, it still seems to be assumed, will best serve community development if kept largely separate

from outside influences and capacity assistance. As such, Jim Ife and Frank Tesoriero, for instance, assert in a general text on CD that the primary aim of community development in Indigenous communities "is to legitimize and strengthen Indigenous culture" (Ife and Tesoriero 2006: 235); and that "a particularly important initiative is the establishment of programs using Indigenous spiritual values and traditions as a way of organising alternative approaches to social problems and human services, such as health, alcohol, housing and justice issues" (ibid: 237). Indigenous peoples must set the development agenda and retain "complete control" over development processes and structures (ibid: 235), it is said.

With this emphasis, Sutton believes *land-based* Aboriginal organisations, associations and councils, at least, now vie with legally recognised Aboriginal traditional land owner status "as among the more intrinsic of Indigenous people's modes of being related to place" (Sutton 2008: 173). In the NT, traditional land ownership constitutes collective legislated Aboriginal land tenure under the ALRA. This and the organisations, associations and councils can be seen as connected "territorializing strategies" (Sikor and Lund 2009: 14) in the state's jural order. Says Sutton:

> The cultural stuff of legal incorporation may still be rather foreign for many Aboriginal people, but the fact and consequence of belonging to a place or group in a legally incorporated way has, for many, become deeply assimilated as a focus of economic and political striving and a key medium for transactions between kin and others (Sutton 2008: 173).

That is, this became a key focus and medium of Aboriginal identity in the self-determination era; and of change, despite the underlying emphasis on tradition. The focus is a local one, as is that of traditional ownership under the ALRA.

In much of remote Aboriginal Australia, as in remote Indigenous Canada, change, including community development, has been strongly influenced in one way or another by resource extraction, if only because of the coincidence of resource wealth across vast areas where Aboriginal people live dispersed in relatively large numbers as part of small

general populations otherwise concentrated in a few centres (Young 1995: 2,32). In the pre self-determination Aboriginal assimilation era in Australia, from circa 1939 to 1972, resource extractive industries were encouraged to the NT with the expectation that they would provide Aboriginal people with jobs, an essential step in their assimilation. Land rights, a key component of self-determination policy, was as least partly conceived as giving Aboriginal people a more significant stake in this sort of development (Rowse 2000: 34,35). Gough Whitlam, the Prime Minister who proposed land rights legislation in the NT and introduced Aboriginal self-determination policy nationally, has written that foreign companies "more avidly seeking mineral rights in the Territory than in the States" (Whitlam 1985: 469) was one reason the Woodward Commission on Aboriginal land rights focused on the NT. There was also a convenient lack of the impediment of state rights; Commonwealth law and policy prevail in the NT to a far greater extent than in the states. And with Aboriginal people, many still living in remote reserves, making up at least 25 per cent of a nevertheless very small NT population, there were ready subjects of a move towards land rights combined with relatively low likelihood of electoral fallout. These and other reasons for the move recognised, writing and applying land rights legislation – the ALRA – to facilitate an Aboriginal stake in mining investment without causing Aboriginal collective land ownership to deter that investment has become a significant part of the story of Aboriginal self-determination and CD in the NT.

Development resting, however unsteadily, on mining has resulted. There are nearly 30 Aboriginal associations established to receive royalties or compensation from resource exploration or extraction in the southern part of the NT alone. They are good examples of the land-based organisations, associations and councils Sutton mentioned above as now intrinsic Indigenous modes of being related to place. The finances of these entities are managed by the Aboriginal Associations Management Corporation, part of the CLC. The CLC is an organisation of 90 delegates elected from communities across southern NT, with some 130 core staff (and additional community-based rangers) in roles ranging from legal advice to anthropology, land management to media liaison, and now community development – in addition to financial management. The CLC is itself enshrined in the

ALRA, which leverages monies like royalties and compensation, and is largely funded by mining royalty equivalents from government.

More broadly, Young describes Aboriginal self-determination as having a "community-*based* development approach" (Young 1995: 36) (emphasis added). Intentional or not, the use of 'based' is apt, as it evokes the intellectual tradition most closely akin to the CD of self-determination. That we struggle to say more than this is partly because governments, and others, clearly struggled to reconcile Aboriginal self-determination with the 'development as economic growth' paradigm and its increasingly neo-liberal slant. David Martin notes that, from as early as 1987, the original community development emphasis of CDEP, for instance, has been gradually replaced by a focus on enterprise development and preparing individuals for mainstream employment but in communities ill-prepared for it. Poor Aboriginal health and education levels and minimal business development and employment opportunities have historically been only part of this ill-preparedness (Martin, D. 2001: 34). Martin says:

> A formally 'economic' focus for CDEP ignores the severely disadvantaged and sometimes quite dysfunctional state of many contemporary Indigenous communities, particularly those in rural and remote areas. It assumes that, somehow, meaningful employment, training, and enterprise development activities can take place within situations all too often characterised by chaos, conflict and family and personal distress (ibid).

Throughout the 1980s, the Aboriginal Development Commission (ADC) administered most Aboriginal development programs apart from CDEP. The ADC initially had three functions: 1. to help acquire land for Aboriginal communities and groups, 2. to lend money to Aboriginal people for housing and other purposes and 3. to lend and grant money for Aboriginal business purposes (Young 1995: 111). It later took on other responsibilities, such as overall responsibility for Aboriginal housing. In fact, making loans and grants for housing became the ADC's major activity in expenditure terms (Rowse 1992: 12,14). This was a social program, but hardly a community development one if we consider Campfens' values and principles of CD above. Processing loans and

grants is not generally the stuff of the engagement explicit in these values and principles. Economic development in modernist, increasingly economic rationalist, terms was the ADC's measure of development success. CD was downgraded and commercial viability of enterprises became paramount (Young 1995: 113,114). The record of Aboriginal enterprise failures in terms of commercial viability is a long one. While there are many reasons for this failure rate, the phrase 'set up to fail' was commonly said about Aboriginal enterprises and other entities at this time. The phrase evokes their formal establishment in large numbers without the necessary follow-up support to optimise the chance of success.

According to Young, the ADC had inherited conflicts over "social and economic priorities" (ibid: 111) from its predecessors, the Aboriginal Loans Commission, the Aboriginal Land Fund Commission and the Commonwealth Department of Aboriginal Affairs (DAA) enterprise section (ibid). And it appeared to bequeath these when it was amalgamated in 1990 with DAA in full to form ATSIC, through which Commonwealth funding for Aboriginal organisations passed for 14 years until ATSIC in turn was abolished. ATSIC certainly had a clearer social and community development role than the ADC. This and its regional council system were a clear attempt at greater government engagement with Aboriginal communities. But Young observed in 1995 that the ATSIC regional council system was under-resourced and lacked "essential support and advice"; and that ATSIC still had "problems in developing programs which effectively link economic and social needs into a more holistic form of development" (ibid: 107). That is, there was a separation of economic and community development imperatives. This within a self-determination policy where CD came with the separation of Aboriginal people from the state and wider society and from each other, frequently on the basis of tradition, as I will show.

Conclusion

In this chapter I have briefly considered the terms community and development and their coming together as community development. I have outlined three community

development traditions and explored community development in Aboriginal Australia in the influential self-determination policy era. During this era the existence and surveillance alone of an increasing number of autonomous or localised Aboriginal organisations, associations and councils constituted the character of CD in Aboriginal Australia. The existence of these entities seemed justified by little more than an implicitly local, traditional cultural strength such that they as likely lacked the necessary capacity building support for sustainable CD. Although conceptually many are themselves communities of interest, these organisations, associations and councils have divided up any wider community of interest and/or identity across far-flung residential communities. Meanwhile, community development became separated from economic development. I will now look in more detail at how this happened under self-determination policy.

Chapter 3

<u>Self-determination</u>

Aboriginal self-determination policy, including land rights, has provided Aboriginal people with a base for empowerment and some independence. After years of Aboriginal assimilation policy in which any development of communities came from the top down, it was expected that bottom up forms of CD would thrive upon the self-determination base. Communities hitherto run by superintendents shifted, formally at least, to the control of community councils. Aboriginal affairs funding increased significantly to such organisations proliferating within the second, the bottom up, alternative development or social movement CD tradition. But sustainable CD was in fact weakened. In this chapter I examine the self-determination era and CD in detail. I focus on three key architects of the policy to see how it privileged autonomy/localism over relatedness and why, then, it did not have the expected beneficial results, why it continues to limit the capacity of CD to improve Aboriginal community conditions. The reasons are further highlighted through an example in the area of Aboriginal health, specifically alcohol abuse, and one in an area akin to the case studies in my thesis. Reification, juridification and entification are factors that come to the fore. I conclude the chapter with brief examination of the disengagement that encompassed and continues to accentuate key problems arising from self-determination.

The policy

For some 35 years from 1972, self-determination policy guided Australian Aboriginal affairs, including CD. The policy framework was in place with little substantial change until the Commonwealth intervention in the NT brought a radical policy departure. Almost mid way through the self-determination era, in the course of an evaluation of the policy, the DAA described it as:

based on the recognition of the equal right of Aboriginal people along with other Australians to determine their own future within the Australian community. It explicitly acknowledges that Aborigines are a distinct cultural group as well as recognising the worth of Aboriginal culture and the right of Aborigines to pursue lifestyles which are in accordance with that culture. Self-determination also seeks to improve the social and economic circumstances of Aborigines by encouraging them to take charge of their own affairs (Australian Government 1988: 228).

Four years later, Tim Rowse observed that under the policy "Aboriginal people nominally enjoy the right to run their own affairs, but actually find themselves having to learn to do so according to the forms of land tenure and administrative process created for them by the state" (Rowse 1992: 19). What this suggests is that their relative independence was conditional, as was predictable with the government funding to facilitate it; *and* that with the conditions came not only tension in the arrangement but also changes to Aboriginal socio-cultural organisation and identity informed by links to land.

Rowse identifies the key elements of self-determination policy as: the formation of a national assembly of elected Indigenous representatives; the encouragement of Indigenous service delivery organisations including community councils; land rights legislation in the NT; and support for the outstation movement in remote areas (Rowse 1998a: 205), ie. the movement of some Aboriginal residents of larger remote communities to smaller, more remote communities. The last three elements have proved most significant, as they embody the key forms of land tenure and administrative process Rowse refers to. These forms emphasise the local in Aboriginal land tenure, culture and social organisation. Therefore, despite the DAA inference above of support for an Aboriginal culture in the singular, these forms went to the opposite extreme of Aboriginal cultural pluralism. Further, they tend to emphasise a reified, timeless tradition as the essence of Aboriginal culture/s and the opposite of modernity. In short, these forms together elevate difference – not only between Aboriginal and non-Aboriginal people but between local Aboriginal groups. With Aboriginal self-determination, Australia moved to

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what Rowse calls "an open-ended plurality of norms", and thus a "new and uncharted project of Australian governance" (ibid: 217). The project, says Sutton, introduced a:

> profound contradiction between liberal democratic support for cultural diversity with its attendant alleged devolution of power to Indigenous communities, and a seeming difficulty in facing and dealing with the very reality of that diversity and devolution on the ground (Sutton 2001: 133).

On the ground, there has been juridification and entification as ways of trying to deal with the diversity and devolution. David Martin says the "unavoidable question" that will continue to confront Australians is how much support for diversity is justifiably provided by the state where this results in substantial Aboriginal socio-economic disadvantage compared to the general population (Martin, D. 2006: 10). This in turn suggests that self-determination (including land rights) ultimately transferred a lot less power to Aboriginal people than was planned in the policy; that the policy may have eroded power just as it provided it to Aboriginal people. The shared interests, purposes and values of civil society have fractured here into many, many small pieces.

Self-determination was, of course, largely a reaction to the assimilation policy which sought to obliterate differences between Aboriginal and non-Aboriginal individuals; and which, in fact, facilitated little by way of Aboriginal community development that might have slowed the assimilation. Yet self-determination also gradually grew out of an Aboriginal civil rights movement in which Aboriginal people demanded to be treated the same as other Australians. Maggie Brady has examined this in the context of alcohol policy for Aboriginal people. She sees the 1967 referendum that gave the Commonwealth power to make laws for the specific benefit of Aboriginal people and required them to be counted in the census as a key point in the transformation of the civil rights movement into a self-determination campaign (Brady 2004: 18). Civil rights merged through the new census requirement with a liberal vision of the waged Aboriginal citizen, unencumbered with tradition, everywhere individually realising the ultimate goal of assimilation (Rowse 1998a: 210). But at the same time "the idea began to form that Aboriginal people deserved an extra kind of recognition apart from equality" (Brady

2004: 19). The Commonwealth's new found power to make Aboriginal-specific laws no doubt informed this idea, or vice versa. So too Aboriginal activism on the world stage which saw Aboriginal leaders in solidarity with the likes of the African American Black Power movement, North American Indigenous groups and developing countries newly independent or seeking independence. What Jeremy Beckett calls "the politics of embarrassment" (cited in Brady 2004: 22) was often enough played out at home. That then Federal Opposition leader Whitlam was acutely sensitive to the embarrassment is evident in his November 1972 policy speech where he said:

> Let us never forget this: Australia's real test as far as the rest of the world, and particularly our region, is concerned is the role we create for our own Aborigines. In this sense, and it is a very real sense, the Aborigines are our true link with our region. More than any foreign aid program, more than any international obligation which we meet or forfeit, more than any part we may play in any treaty or agreement or alliance, Australia's treatment of her Aboriginal people will be the thing upon which the rest of the world will judge Australia and Australians (cited in Whitlam 1985: 466).

Whitlam went on that day to outline his proposed Aboriginal self-determination policy, and to quickly implement the policy upon the election of his government in December 1972. Young notes that it was no accident that this momentous change in the direction of Australian Aboriginal affairs coincided with processes of decolonisation and independence among so-called third world nations (Young 1995: 36). Whitlam and prominent Aboriginal leaders had specifically made the link that would be manifested in Aboriginal local autonomy. In fact, Will Sanders says "Whitlam clearly had a sense that the handling of Indigenous affairs in Australia was part of a much larger global process of international law-making" in the context of decolonisation (Sanders 2002: 2).

The main legal instruments of Aboriginal self-determination policy – the ALRA and the Aboriginal Councils and Associations Act also of 1976, the latter to allow for the formal incorporation of what Rowse refers to above as Indigenous service delivery organisations – were not made law until after the Whitlam government was famously replaced by the Liberal-Country Party Fraser Government. But by then Whitlam had set up and heard

from the Woodward Commission, proposed the NT land rights legislation that the commission recommended and doubled direct Commonwealth expenditure on Aboriginal assistance programs (Brady 2004: 20). Much of the money went straight to the then still relatively few Aboriginal-controlled organisations. This was consistent with the emphasis on the local in Aboriginal self-determination. But Brady suggests it also reflects the Commonwealth's power, courtesy of the 1967 referendum, to by-pass the states on Aboriginal affairs, and Whitlam's frustration that the Commonwealth Government between the referendum and his election in late 1972 had not done so (ibid: 25). It seems he was making up for lost time.

The proliferation of localised Aboriginal organisations

Aboriginal organisations sprang up under self-determination policy (Sanders 2002: 3) and grew steadily in numbers nationwide in a "highly localized and highly functionally specialized" pattern (Sanders and Holcombe 2006: 2). By 1986-7 there were 554 registered with the then Commonwealth Office of the Registrar of Aboriginal Corporations and 2861 by 2002-03, with objectives in their rules covering art and culture, community council services, media, health, housing, CDEP, education, sport and recreation and employment and training, etc (Rowse 2005: 208, 209). Taking into account incorporation under state and territory legislation too, David Martin believes there were more than 6,000 Indigenous corporations nationwide in 2003 (Martin, D. 2003: 1). At the 2006 census, the Aboriginal population was 517,200 people, making for one corporation for every 86.2 Aboriginal people, assuming the number of corporations did not grow between 2003 and 2006 and they no doubt did grow. Considering half of these people at most were adult, this equates to one corporation for every 43 adult Aboriginal people. Kenny reports that estimates of the number of comparable organisations in the general community have ranged from 15,000 to 120,000, with the higher figures including the likes of professional associations for lawyers and accountants (Kenny 2006: 201) and presumably the Aboriginal organisations too. But even at this very high end of the estimate, against the 2006 census figure for the general Australian population of 20.7 million people, it equates to one comparable organisation for every

172.5 people and means the per capita rate of Aboriginal organisation to Aboriginal people is at least double the per capita rate of like organisations in the general population. Kenny notes that in community development generally, local "is bestowed with a positive connotation" (ibid: 357) regardless of which CD tradition and despite tendencies for the local to become parochial (ibid). But these figures alone suggest this connotation is much stronger in the Aboriginal domain than the general Australian population.

Along with the local emphasis in Aboriginal self-determination policy, the growth in Aboriginal organisations is partly explained by the need for incorporated organisations, as opposed to individuals and families, to receive the increased Commonwealth Aboriginal affairs funding under the policy. The state cannot generally provide money to individuals beyond social security payments; it can to incorporated bodies for specific social purposes. The growth is further explained by the geographically dispersed circumstances of the Aboriginal population, including in outstations, circumstances that only became more pronounced when land rights gave ownership of large remote reserves to Aboriginal people and as the remote Aboriginal population increased. That is, there have been steadily growing numbers of Aboriginal people living across remote Australia requiring services however delivered. They may now be owners of the land by virtue of their traditional connection to it, and still draw some sustenance from it, but that does not mean they can live on it without services. Outsourcing service delivery to organisations where Aboriginal people live is ostensibly an efficiency, frequently eroded by conflicting agendas. As late as 2007, Janet Hunt and Diane Smith could report that government departments:

> tend to see Indigenous organisations as deliverers of services and implementers of government programs, whereas Indigenous organisations see themselves as decision-makers and government funding as being available to support their priorities and goals (Hunt and Smith 2007: 41).

Neither perspective slowed the proliferation of Aboriginal organisations under the policy of self-determination. With the growth came inevitable duplication of services, another significant inefficiency. More importantly, as government sponsored sites of CD these

entities nevertheless had insufficient government support beyond mere funding to enable most to become consistent providers of effective community development.

But lest it appear that Aboriginal self-determination and CD within it simply evolved due to legal, operational and demographic demands, I turn now to the plans of the three people besides Whitlam perhaps most responsible for the policy.

Policy planners: Rowley, Coombs and Woodward

As Professor of Political Studies at the University of Papua and New Guinea, and Director of the Social Science Research Council of Australia's Aborigines in Australian Society Project from 1964 to 1967, political scientist cum anthropologist Charles Rowley made strong recommendations for a move away from assimilation policy for Aboriginal people. Volume two of the project's report series focused on Aboriginal people in settled, as opposed to remote, areas of Australia. Yet here Rowley nevertheless outlined a new policy framework he hoped would be adopted Australia-wide (Rowley 1971a: 422). In it, he emphasised the need for governments to facilitate "internal discipline" within Aboriginal society (ibid: 421), when the opposite has arguably occurred. It was a genuine plea to start to empower Aboriginal people. But there was a strong sense Rowley sought to marshal that power lest it get out of hand. "Either Aboriginal influence comes sooner or Aboriginal 'black power' comes later", he wrote (ibid).

This Aboriginal influence should follow the growth of Aboriginal organisations and pressure groups becoming legal 'Aboriginal companies' (ibid: 419,424,425), Rowley recommended. Their internal discipline should build upon a structure of authority, in turn requiring a clear definition of the limits of Aboriginal social group membership (ibid: 422). Rowley made it clear he recommended a local definition here, against something more inclusive. "It is essential, I believe, that the Aboriginal company be the objective of the national strategy in local organisation," he wrote (ibid: 424). "Nothing seems to me so adaptable to different circumstances and therefore so suitable for a national policy" (ibid: 431). Conceding they may need to form into regional networks (ibid: 431,439), Rowley

proceeded, optimistically, to itemise some of the expected objectives of the companies themselves: to hold land and facilitate economic development on that land (Rowley 1971b: 193,194,196) and to manage everything from hostels, savings and loans, to transport for seasonal work, legal representation and pre-school training for Aboriginal mothers (Rowley 1971a: 439,440), in what "could be the first large-scale community development operation in this country" (ibid: 424). According to Rowse, with the influence of Rowley:

> the ideal indigenous citizen was not any longer to be an individual wage worker or housewife who had left his/her Aboriginal identity far behind; he/she was a person able to participate in that modified form of group life known as the organisation (Rowse 2000: 132).

The organisation was invariably a local one with an emphasis on reified tradition. Aboriginal identity followed suit, even if Aboriginal people maintained a life outside the organisation.

In advocating the incorporation of local groups as a key Aboriginal self-determination measure and vehicle for CD, the Council for Aboriginal Affairs (CAA) under the chairmanship of H.C. ('Nugget') Coombs was clearly influenced by Rowley (Rowse 2000: 131). The CAA ran from 1967 to 1976, advising the Commonwealth Government on the transition from assimilation to self-determination policy. Coombs endorsed Rowley's view that authority structures in Aboriginal groups necessarily occur locally. He suggested wider structures are inherently unstable. "Aboriginal society traditionally was composed of small groups whose relationships with one another were frequently suspicious and hostile," he wrote in the late 1970s. "It has only been since white occupation and the emergency need for groups, however separate and mutually suspicious, to work together to resist a common danger, that some sense of identity between Aborigines of different kinds has begun to emerge" (Coombs 1978: 240). By the mid 1990s he was still confident "that social control is most effective in small communities and where Aboriginal Law and ceremonial life is strong" (Coombs 1994: 19).

In small local groups and their organisations, Coombs saw value in a degree of exclusion of others, saying "socially and ethnically homogeneous" groups possessed authority structures and processes adequate to conduct their own traditional affairs (ibid: 46). He also saw in the local critical Aboriginal links to land. To him, "the effectiveness of all these processes derived from the authority inherent in the relationship of people to the land and the primacy of that authority within their own territory" (ibid: 46,47). The authority was, then, in identity found in reified, locally emplaced tradition; and around it we see signs of entification, involving the limitation of processes of relatedness. That local authority could and must be maintained, according to Coombs, is evidenced in his support for outstations as a key element of self-determination. In many ways Aboriginal outstations are Coombs' main legacy to Aboriginal affairs, sites at which the local and the traditional converged even more closely than in most Aboriginal organisations. In outstations (which often were and remain organisations as well as locations in order to attract funding), Coombs invested what now can be seen as idealism at best, otherwise an unrealistic weight of expectation, although it was never expected that more than a small proportion of remote Aboriginal people would move to an outstation. Despite their very small size and very remote location, Coombs thought for instance that outstations "may, for some time, continue to be largely autonomous and self-sufficient economic units" (ibid: 25). More significantly, he believed they rehabilitated Aboriginal traditional authority and decision-making structures (ibid: 26,28,29) derived from traditional Aboriginal law and ceremony, in turn derived from the land. He saw the outstation movement as part of the land rights movement (ibid: 43); indeed, the former would hardly be possible without the latter. Together they "lend power to traditional authority", he said (ibid: 47). However, Coombs also saw outstations as sites of gradual change, albeit mediated by traditional authority structures (ibid: 29,30).

At few places was the outstation movement as strong, the number of outstations as many, as around Hermannsburg, in country considered that of the Western Arrernte people, west of Alice Springs. Diane Austin-Broos says "the deep contradiction that lay in land rights and the outstation movement was that modernity came to the Arrernte in the form of a

state-sponsored return to tradition" (Austin-Broos 2009: 4). In later chapters I tease out the particulars of this sponsorship. Their outstations might not have been so numerous, but modernity came in a similar way to other language groups too. Yet even though modernity and tradition occurred in this way simultaneously, in a very real sense they also occurred separately. This may well be Coombs' other enduring legacy. Nowhere is this clearer than in Coombs' efforts on the CAA to cultivate what he called an Indigenous intelligentsia (Rowse 2000: 8), efforts that dovetail with Rowley's recommendations above. In these efforts Coombs focused on the local. The local again meant local Aboriginal organisations. And, given Coombs' comments above, it also meant outstations, that other emerging source of entification. But without any conceivable government or other capacity to provide schools for most of these tiny, far-flung communities, despite funding increases, the educational foundation for this intelligentsia was largely missing. Where there was a school, Coombs applauded some "distinctive developments in education" (Coombs 1994: 27): "school time has been restricted and the curriculum limited so that while still providing basic skills of literacy and numeracy, scope is left for traditional instruction and to minimise assimilationist influences" (ibid). He saw it as beneficial that an increasing proportion of the Indigenous intelligentsia is "tradition-oriented" (Coombs 1978: 242). In short, present simultaneously, tradition and modernity remained polarised in the Aboriginal domain during the self-determination era.

The influence of Coombs was simultaneous to that of Woodward. As a Queen's Counsel, Mr Justice Woodward had been the counsel for the plaintiffs in the so-called Gove case, Milirrpum and Others versus mining company Nabalco and the Commonwealth of Australia, that culminated in 1971. The case was a critical step towards Aboriginal land rights. Two years later Prime Minister Whitlam appointed Woodward to head a royal commission into the establishment of land rights in the NT, the Woodward Commission. The brief included inquiry into appropriate bodies for the granting of rights in or in relation to land (Woodward 1974: paras 1,2). As such, Woodward's findings, written in two parts, became the blueprint for Aboriginal self-determination in the form of both land rights and of incorporated Aboriginal organisations, or companies as Rowley tended to call them. Land rights law and the incorporation of entities are the significant sources of

juridification as a factor in self-determination localism. The Whitlam and Fraser governments were guided more by the second part of Woodward's findings, in which he overturned some key findings and recommendations made in his first report.

In his first report, Woodward struggled with whether or not any piece of NT land was traditionally held by one Aboriginal group to the exclusion of other Aboriginal groups (Woodward 1973: para 63). When it came to recommending how to vest land under land rights legislation, he recommended in his first report that land be vested in Aboriginal residential communities instead of clans. Woodward here favoured vesting land in communities largely because, he said, despite the traditional importance of separate clans, communities reflect contemporary Aboriginal socio-political organisation (ibid: para 108). He also flagged inequities were land to be vested in traditional land-holding groups like clans (ibid: paras 113,114). Against the resulting dilemmas of how, then, to divide the vast lands that stretch between communities and how to account for the fact that residence in, and identification with, a particular community is not always fixed, Woodward recommended each NT Aboriginal person register in one community of their choice, in a system that accommodated "transferees" (ibid: para 109). This was always to be a more regional system than the alternative clan model of land owning/holding. In fact, the actual instrument Woodward recommended here was something he called a community land board, consisting of representatives chosen by a community "or by several communities jointly" and incorporated under special legislation (ibid: para 284). This representation should, Woodward suggested, give attention to "the different clans holding land in the community area" and ideally achieve a balance of older and younger people on the board (ibid: para 285).

Woodward's thoughts on the incorporation of Aboriginal organisations in his first report included incorporation of such land owning bodies, community councils with a local government role, whole of community enterprises and enterprises of groups within a community (ibid: para 168). He warned of the proliferation of organisations in this context but opted for their "freedom of choice" to incorporate (ibid: paras 171,173). This freedom, coupled with Woodward's change of heart on the vesting of land in his second

report, assured the proliferation. The change of heart endorsed localism with traditionalism as primary principles on which to justify the establishment of an Aboriginal organisation and its funding. The resulting legal instrument for such establishment, the Aboriginal Councils and Associations Act, only replaced in 2006, said organisation rules may be made according to Aboriginal custom (Aboriginal Councils and Associations Act, 1976: Section 23) and many of course were. There followed in the NT the Local Government Act of 1978, under which there were 56 separate Aboriginal community councils by 2006 (Sanders 2006: 3), still just the tip of the iceberg of incorporated Aboriginal organisations covering a range of objectives, as above.

In his second report, Woodward contemplated that his first report's position that land should be vested in Aboriginal communities "undervalued the continuing importance of the clan structure" (Woodward 1974: para 82). Community councils or community land boards or the like holding the land, he now said, would be "an unwarranted interference with the Aboriginal authority system" (ibid). Created by "outside authority" (ibid: para 366), interference in the form of such institutions would cause "confusion and uncertainty" (ibid) Woodward concluded. With this, he relegated the contemporary socio-political organisation he had supported in his first report, a social system that is regional and flexible in nature; and he gave his powerful judicial imprimatur to an interpretation of Aboriginal sociality that highlights local and traditional links to land. If incorporated Aboriginal organisations began moulding the identity of their members according to this interpretation, NT land rights via Woodward locked it in and took it from the ritual realm to the mundane modern world. Here was reification, entification and juridification together. While these effects have arguably assisted what I distinguish as commercial development/investment, as I will explain, and indeed been attractive to some of their Aboriginal subjects, the effect has not necessarily been to help community development.

The traditional and local in self-determined Aboriginal health

That a privileging of local autonomy has not brought sustained CD benefits to Aboriginal communities is borne out in an examination of Aboriginal health issues, specifically

relating to alcohol abuse. Brady's analysis of alcohol policy at the height of the Aboriginal self-determination era shows how the traditional and the local separated Aboriginal organisations from outside, non-Aboriginal authorities in this important health field, for fear of interference. Her book 'Indigenous Australia and Alcohol Policy' (2004) is subtitled Meeting Difference with Indifference. It is not, of course, a call to deny differences between Aboriginal and non-Aboriginal people nor to deny the need for some special measures for Aboriginal people, but one account of the mishandling of difference. It shows how an emphasis on tradition translated into a cultural over-sensitivity on the part of government health policy makers (Brady, 2004: 43) and the sidelining of mainstream health advice generally in favour of help from native Canadians promoting traditional treatments (ibid: especially 73-79) in the context of increasingly localised service delivery. Culturally appropriate health measures became synonymous with culturally specific ones, ie. specific to locality (ibid: 46,47). Health education products on alcohol consumption and other health issues had to be designed to meet local community needs, using local knowledge, delivered only by Aboriginal health workers in "their own", ie. entified, health organisations (ibid: 47,48,52,63). In the area of HIV/AIDs, Brady observes that, as a result of the lack of baseline research input and an unwillingness among health professionals to offer guidance in this environment, "several of these locally devised products may indeed have been 'culturally appropriate', but lacking expert advice their value is questionable" (ibid: 48,49). In contrast, the popular 'Condoman' campaign provided an instantly recognisable and widely accepted Aboriginal sexual health 'hero' that was "in no way 'traditional' and was a universal rather than a culturally specific icon" (ibid: 49). According to Brady, it was 1997 before there was some acceptance that clinical and genuinely educational components of sexual health strategy should be "integrated with cultural relevance and appropriateness, rather than simply stressing the latter" (ibid: 50). Meanwhile, in alcohol policy, it appeared to have become accepted at the highest levels that causes of Aboriginal alcoholism include "cultural deprivation" and that a disease model of the condition was "outdated" and "western" (ibid: 52, citing the National Aboriginal Health Strategy report 1989: 192).

Brady notes how Aboriginal health policy makers were increasingly unwilling to make definitive statements unless these had been referred to Indigenous organisations (ibid: 56). She believes this made for "paralysing inaction" on Aboriginal health problems, the marginalisation of Aboriginal health issues and their reduction in major government reports to several paragraphs alluding to the difference between Indigenous and non-Indigenous Australians (ibid). On the ground, a strong sense of cultural similarity with other Indigenous people came to the fore, particularly those from Canada, and an acceptance that cultural revitalisation was the key to better Aboriginal health. By 1992, a residential alcohol treatment program was operating at the Central Australian Aboriginal Alcohol Planning Unit that included a Canadian smoking ceremony, for instance (2004: 75). Brady, borrowing Marshall Sahlins' term 'universal nativism', believes this phenomenon "serves to loosen associations with that which is non-indigenous" (ibid: 77, citing Sahlins 1995: 65), to polarise Indigenous and non-Indigenous health models (ibid: 97). It helped to bring innovation without real change to the problem of addressing widespread alcohol abuse in Aboriginal communities (ibid: 79). Funding for Aboriginal health organisations continued while:

> government or quasi-government agencies were slow to encourage training or support for them to implement broader therapeutic modalities that would enrich, rather than replace, their existing focus. The social and professional isolation of many Aboriginal alcohol programs meant that they had insufficient networks – both with public health professionals and with similar therapeutic communities treating members of the general population – that would enable them to keep in touch with these ideas (ibid: 126).

Brady's emphasis on the social and professional isolation of health programs points to the possibility that geographic isolation – the physical remoteness – of the places where many such programs were implemented was a relatively insignificant implication of the local privileged in Aboriginal self-determination. The following example of one particular Aboriginal organisation, outside the health field and within a field akin to that of my case studies, suggests the more significant implication is exclusion. Exclusion, part of entification, is of course a delimiting of the community participation central to effective CD, to say nothing yet of the conflict that commonly results.

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The local and traditional in a self-determined royalty organisation

Robert Levitus' examination of Gagudju Association shows that even where the market came to remote Aboriginal communities, and with it a potentially much lower level of accountability to and surveillance by the state, self-determination did not necessarily become any easier for these communities. Privileged localism is again a significant impediment to community development. Uranium mining in the remote Kakadu region on what was to become Aboriginal land under the ALRA put significant amounts of money into something of a development start-up fund for Aboriginal people, peaking at around $3m annually in the mid 1980s (Levitus 2005: 30). Levitus says, then, the so-called investment deficit that inhibits development in most remote Aboriginal communities was, for much of the Kakadu region, cancelled. As importantly, mining and tourism led to significant improvements in transport, communications and services. And with these came the promise of Aboriginal employment and expanding retail consumption. So, says Levitus, "the unprecedented combination of Aboriginal land and capital occasioned by the Land Rights Act occurred in a region in which, by the end of 1970s, locational disadvantage had been substantially overcome" (ibid). CD had the potential to flourish in its own right and as an aid to economic development.

But like Brady above on alcohol policy, Levitus explains how the articulation, often by prominent whites, of a profound difference in values and aspirations between Aboriginal and non-Aboriginal people played down the potential for Aboriginal uptake of the opportunities presented. Accordingly, the Ranger Uranium Inquiry, completed in 1977, paving the way to the grant of Aboriginal land under the Ranger uranium mine lease, anticipated that the primary school to be built at nearby Jabiru and employment at the mine would attract few Aboriginal people (ibid: 31). "Positive change for Aborigines was expected from other points", says Levitus, with the inquiry suggesting much depended on the recognition of traditional ownership of the land and on local people being assisted in forms of development they found "congenial" (ibid). The inquiry supported Aboriginal

calls for separate education curricula, for instance (ibid: 32). The inference here of course is that mainstream employment and education are un-Aboriginal.

Established to receive and manage moneys flowing from the mining, Gagudju Association initially interpreted matters to do with its membership and associated obligations broadly. Says Levitus: "There seemed to be, in general, a reasonable balance between mutually respected self-interest and concern to reach good decisions on matters with wider implications for country and people" (ibid: 33). Gagudju's early stability and relative success stemmed from this balance, according to Levitus, from lack of competitors and from important regional agencies, such as the Australian National Parks and Wildlife Service, engaging with it (ibid: 34). But by the mid 1990s, Gagudju was heavily in debt. More importantly, it now faced competition from Aboriginal organisations with a much more local focus and thus exclusive membership, more entified organisations in an increasingly juridified environment. The Northern Land Council effectively replaced Gagudju with Gundjehmi Aboriginal Corporation, "consisting of the immediate traditional owners of the mine site and some closely associated 'company' clans, totaling less then thirty people" (ibid: 35). The Djabulukgu Association was established with an exclusive group of traditional owners of the Jabiluka mine only 20kms north of the Ranger mine (ibid 36). And the process of "political sectoring" consistent with the localism of self-determination policy continued when a small group claiming traditional affiliations to the extreme north-west of what had become the surrounding Kakadu National Park incorporated as the appropriately named Minitja Association and sought housing funding (ibid). As everyone's organisation in comparison, Gagudju had become no-one's (ibid).

Sanders has written of the "exit option" among members of Aboriginal organisations in the context of self-determination, one often "easier and more attractive than the option of staying in existing organisations and voicing and resolving differences" (Sanders 2002: 12). John von Sturmer calls the resulting creation of new organisations "institutionalized individualism", where "everyone seeks his own 'channel', his 'captive European', his tame organization" (von Sturmer 1982: 98) managed day to day by the European though

formally controlled by a discrete Aboriginal group. Levitus, citing von Sturmer, says Gagudju failed to adequately deflect such "fissive pressures" (ibid: 35, citing von Sturmer 1982: 99), pressures built up under self-determination's localism. It seems there was a simultaneous failure to foster the community of interest that originally emerged in Gagudju, and a failure of key agencies to remain engaged with it. Levitus regrets that not many other people appeared to care about its demise but him (Levitus 2005: 36). They may have seen a tendency towards exclusion in entification enforced in juridification as an inevitable consequence of the monies available from mining to Aboriginal people in Kakadu and elsewhere: fewer organisation members of course tallies as more money, or other benefits, for each member. Levitus does not see this exclusion as inevitable. His account of Gagudju is a glimpse of the common good in Aboriginal civil society. He says:

> In 1987, when I researched the Association's membership, I found an emerging sense of Gagudju as a collectivity. Certain clans were becoming implicitly understood as jointly covered by the umbrella of the Association, their memberships perceived as central to 'Gagudju mob', their contiguous countries informally related as 'company land'. Underneath the series of political and financial tribulations that began in 1989, it was the falling away of that tenuous sense of commonality that turned the vision of collective self-determination into a mirage (ibid: 38).

Disengagement

Aboriginal self-determination can now be seen as a prolonged missed opportunity for community development to improve Aboriginal communities. Governments helped establish a multitude of Aboriginal organisations but didn't, and/or couldn't because of their numbers, provide many with the practical support needed to equip them to bring lasting improvements through CD. What these organisations did do is preclude or fracture broader communities of interest and identity that may have assisted. The Aboriginal groups that formed, or potentially formed, broader institutional memberships became separated from each other, as governments disengaged from the organisations collectively. In 1982, von Sturmer wrote of Gagudju as something of a model of self-

determination or self-management (von Sturmer 1982: 78,79). It was a model not followed; entification, for instance, was preferred to Gagudju's relatively informal, implicit and inclusive processes. In the same article von Sturmer wonders whether self-determination or self-management was otherwise a case of governments conveniently handing back to Aboriginal people intractable problems largely created by others, "government of the weak by the weak, dereliction of responsibility by the society at large dressed up in fancy words" (ibid: 75). Unrealistic reliance was placed on Aboriginal local autonomy. It and the associated tradition were privileged against the odds of them actually bringing lasting benefit.

Disengagement is a useful notion with which to understand this. Michael Dillon and Neil Westbury, the former the chief advisor to the current Commonwealth Minister for Indigenous Affairs, recently devoted a book to the "long-standing and ongoing government disengagement" (Dillon and Westbury 2007: 9) with Indigenous Australia. This, they say, was "propelled" under self-determination policy (ibid: 10, 175-198, 209), the "basic mechanism" (ibid: 179) of which they say was the establishment of Aboriginal organisations funded to deliver services at the community level. They note that Indigenous control of service delivery does not of itself guarantee effective organisational governance or outcomes (ibid: 184,190). Yet mainstreaming of services, on the other hand, is now commonly seen as inadequate "account given to cultural concerns" (ibid: 198) and non-Aboriginal intrusion into Aboriginal affairs, in turn the cause of Aboriginal disadvantage (ibid: 196). Working with and capacity support for Aboriginal organisations is frequently seen similarly, the thin edge of the mainstreaming wedge. I have shown how an adequate account given to cultural concerns has come to mean a focus/reliance on local tradition, as opposed to broader, regional, contemporary cultural processes. This was meant to provide culturally appropriate improvements to Aboriginal communities, to alleviate their disadvantage appropriately. Key factors are reification and juridification as well as entification. Any early improvements to Aboriginal communities have not been sustained, though the certainty facilitated is attractive in development more generally so adherence to privileged localism has spread.

Back in 1982, von Sturmer called for something approaching the sort of engagement that Dillon and Westbury see as missing in the self-determination era: "real consultation, the sheer grind and leg work necessary to establish the informed climate in which proper decisions can be made" (von Sturmer 1982: 88,89) by Aboriginal people. Critical, von Sturmer said, is a comprehensive understanding of the groups concerned (ibid) plus the careful determination of their goals and objectives, the assessment of project feasibility, and the development of project implementation strategies (ibid: 107), all with "the assimilation of researchers, government personnel and relevant others" (ibid: 107) into the projects. This, 25 years later, is akin to Dillon and Westbury's recommended "hybrid institutional frameworks" for development (Dillon and Westbury 2007: 183) and foreshadows my later discussion of hybridity. Of the three intellectual traditions in community development outlined above, von Sturmer's call resonates most strongly with the third tradition. Instead, according to Diane Smith, Aboriginal self-determination saw governments essentially abandoning CD where this means "collaborative engagement on the ground" (Smith 2007: 11) with Aboriginal people. She says "the result was a failure to keep up with international best practice in community development that might have enabled a more sophisticated approach to the issues involved in the current intervention" (ibid) by the Commonwealth Government into NT Aboriginal affairs. That is, an investment in such practice, though involving a type and duration of engagement above what is perhaps generally expected of governments, may have obviated the forcefully reactive and expensive re-engagement that is the intervention in essence. There is a false economy exposed here. And it is not the first in Australian Aboriginal affairs.

Disengagement when it comes to community development was not something unique to governments in the self-determination era, though governments, particularly Commonwealth governments, were unusual in that they spent steadily more on Aboriginal affairs throughout the era while disengaging. Their disengagement was not because of a lack of funding, rather it relates to how that funding was applied: via a proliferation of Aboriginal organisations. It was an annually budgeted response to increasing demands for self-determination *in that form*, almost an end in itself. During this time, the CLC applied few resources to assist the recipients of rent, royalty and

affected area payments to use the money for community development/benefit, though this is generally its purpose. The money flows from land the CLC successfully claimed on behalf of recipients and/or from agreements between the CLC, on the recipients' behalf, and land users such as miners. There is therefore arguably a CLC duty of care required, considering the amount of money involved. This duty was instead effectively transferred to Aboriginal organisations taking receipt of the payments but without operational capacity, without practical support, to apply the money sustainably to CD or even hire people who have the capacity. Many members of such organisations themselves now consider the expenditure of much of the money in this period to be a wasted opportunity. The CLC is now taking a different approach as reflected in my case studies. Just how different depends to a large extent on degrees of reification, juridification and entification.

Conclusion

In this chapter I have looked in some detail at how Aboriginal self-determination policy shaped the capacity for community development to make improvements in Aboriginal communities. I have examined the role here of three key architects of the policy, or policy components, as well as the influence of the policy on an important area of Aboriginal health as indicative of the influence on community development more generally. Likewise, I have examined the influence of the policy on an Aboriginal organisation that received payments from a land use similar to that in two of my case studies. The effect of the policy has been to de-emphasise relatedness in the Aboriginal domain and privilege local autonomy in which reification, juridification and entification are key factors. Whereas CD in civil society builds on the common good in relatedness towards lasting improvements in disadvantaged communities, the idea of community in CD has instead become a delimited one under Aboriginal self-determination policy. Reflecting this idea of community, Aboriginal groups and organisations have become disengaged from the encapsulating society as represented by governments and separated from each other. The next chapter will show the associated effects of Aboriginal self-

determination policy within my case studies; and what scope the projects studied have to nevertheless assist Aboriginal communities.

Chapter 4

<u>Three case studies</u>

While Aboriginal self-determination ushered in community development opportunities, these were often lost because the policy privileged local autonomy over relatedness as the basis of civil society. The focus on localism delimited the communities of interest and identity in Aboriginal civil society, indeed those in contemporary Aboriginal socio-cultural organisation. It curtailed the common good inherent in CD, largely, though not necessarily easily, born of relatedness when it comes to the Indigenous domain. Development more generally was distorted by a focus on local tradition. Tradition became separated from modernity, community development from economic development and Aboriginal people from each other as they became disengaged from wider society in the self-determination era. Reification, juridification and entification are key factors in localism privileged from this time. In this chapter I discuss this from the perspective of the three CD projects that constitute my case studies, what I have called the Rent Project, the Royalty Project and the Affected Areas Payment or AAP Project. After clarifying the particular type of CD in these projects and observing their aim, there follows a summary of the legislative context common to them, specifically how the ALRA makes possible the monies they use. I then make some comparative remarks about the three projects, specifically regarding their governance arrangements. Here I observe the extent, if at all, to which they avoid the above key factors in privileged localism, factors contributing to localism at the expense of relatedness. I highlight the significance of this in terms of participant identification with the projects, a mark of project legitimacy considered a pre-condition of Indigenous participation. I go on to spell out the projects' governance arrangements step by step.

I focus on the projects' governance arrangements because it is here, as opposed to in their day to day operation, that factors of localism arising from self-determination are most readily apparent. This focus is also because it is upon suitable governance arrangements that consistent engagement can be built between the participants and organisations like

the CLC running such projects; and through this a potentially useful engagement of the participants with wider society. Without such arrangements, engagement and the sort of community development processes that constitute my definition of CD in chapter 2 tend to be haphazard, as implied in my section on disengagement above. Participation in these processes then becomes haphazard. Without effective participation, CD is not sustainable.

CD funded from land use agreements

In addition to its more well-known land claim and land use agreement negotiating work, the CLC has long had carriage of or assisted in projects that develop Central Australian Aboriginal communities in various ways, Aboriginal cattle station support for instance. However, my case studies are of a type of community development on which the CLC is now clearly concentrating CD efforts, expertise and resources and regularising CD processes: CD using monies flowing to Aboriginal people from land use agreements. Other land councils and native title representative bodies are at least contemplating similar CD, with a new mining boom generating such monies in large amounts to a number of Aboriginal groups across Australia. In 2005, the CLC established a CD Unit to progress the Rent Project and the Royalty Project. It began the AAP Project in 2008. It is guided by a comprehensive CD framework document approved by the CLC executive in 2009. Part of the framework is a CD monitoring plan to monitor initiatives under my case study projects and like projects. This monitoring is different to evaluating their governance arrangements or models. But the plan acknowledges the ultimate aim is for participants to have more control over and be able to carry out more informed management of their resources, especially the rent, royalty and affected area payments of my case studies. This refers to project governance if not by name. A subtext is concern that, in the light of the Commonwealth intervention into NT Aboriginal affairs, governments are in the mood to remove the money concerned, or key decisions about its expenditure, from Aboriginal people if they perceive it is wasted. As a participant in the Rent Project once said, "this money got a lot of obligation. Lot of people watching all

round." He was no doubt referring as much to government people as he was to his own people, related residents of many communities in a vast area of Central Australia.

Land rights legislation leverage

To remove the money or key decisions about it from Aboriginal people would only be a matter of amending a section of the ALRA. This legislation makes possible the monies used in my case study projects largely under its section 23, which defines the functions of NT land councils, section 35 covering the application of monies through these land councils and section 64 covering payments from a fund reserved for the benefit of NT Aboriginal people. The functions of NT land councils include to consult with the relevant Aboriginal people about proposals to use Aboriginal Freehold land and to negotiate on their behalf with the proposed users (ALRA: section 23(1)(c) and (e)). Section 35(4) requires the land councils to pay monies received from resulting leases and licences etc "to or for the benefit of the traditional Aboriginal owners of the land" (ibid: section 35(4)).

Section 64, with 35(2), deals with payments out of what is known in the ALRA as the Aboriginals Benefit Reserve but is now called the Aboriginals Benefit Account or ABA. These payments are used in the AAP Project. An often made distinction between these payments and those in my other two case studies is that the former pass through government. Not only is the ABA closely administered by the Commonwealth Government Department of Families, Housing, Community Services and Indigenous Affairs, but the path of ABA monies through government make them public monies with strings thus firmly attached, according to some commentators. Another distinction is that, whereas most rents and royalties commonly acknowledged as private money are the result of negotiations between land users and the relevant Aboriginal people or the relevant land council on their behalf, payments via the ABA are not negotiated as such. Rather, amounts equal to royalties received by the Commonwealth or NT governments from mining on Aboriginal Freehold land in the NT, ie. so-called mining royalty equivalents, are paid back out of the ABA to NT Aboriginal people in the following

proportions: 30 per cent via the land councils to "any Incorporated Aboriginal Associations the members of which live in, *or* are the traditional Aboriginal owners of, the area affected" by mining, as well as to "Aboriginal Councils" in the area (ibid: section 35(2). Emphasis added); another 30 per cent in the form of ABA grants available to the general Aboriginal population of the NT; and 40 per cent in funding for the land councils and the ABA's administration. A third distinction, then, that might be made is the blurring here of the difference, otherwise marked in the ALRA, between traditional owners and other Aboriginal people, namely community residents.

It is worth noting at this point the further difference sometimes made within the community residents between those simply living away from land to which they have a traditional connection and those with no known connection of this nature to land anywhere, so-called 'historical people' to emphasise their relatively shallow rootedness to any place. This calibration can be ignored to the effect that all mere residents and their progeny are sometimes disparagingly known as historical people. But it should also be said that the traditional/historical differences can as often be rejected or massaged, especially in larger communities. As a participant in one of my case study projects confidently put it with little argument from others at a project meeting: "all people born in the community are traditional owners too". That is, she said, the differences between historical people/residents and traditional owners soon fall away in reality irrespective of the legislation. A person's point of view here sometimes depends on the context.

As a result of the ALRA's land claims function, over half of the CLC region (the southern part of the NT) is now Aboriginal Freehold land or the subject of successful claim but not yet formally scheduled as such land. There is, therefore, significant geographic scope for the ALRA to facilitate monies to Aboriginal people through land use agreements. Further, while much of the land is poor for pastoral use, large areas have proven mineral, petroleum or oil rich or at least prospective. Contrary to popular opinion, the ALRA does not provide Aboriginal people with a mining veto should they be opposed to actual resource extraction on Aboriginal land. The veto applies only to exploration. Where exploration is vetoed, the effect is a moratorium on further

exploration applications for five years (ibid: section 48). In fact, Aboriginal people in the CLC region appear increasingly keen to enter into negotiations for the paid use of their land. Under the Native Title Act, 1993, 'right to negotiate' provisions, lesser rights but similar interests are now extended to the vast lands in the NT (and elsewhere) that are not Aboriginal Freehold under the ALRA.

Key points of comparison, and primary participant groups

In the following comparative remarks about the case studies, and in their description in Figures 2, 4 and 6, I refer to their primary participant groups. These are the groups or bodies that form the governance levels of the projects at which relatively large allocations are publicly made of the monies, ostensibly and indeed often actually for a common good. By public I mean here an Aboriginal community public, not the general public. It is in the primary participant groups in each case that regular public responsibility for, as well as opportunity available in, the allocations is most pronounced. Another term for these groups might then be 'main decision making groups', without quite the CD connotations.

The key points of comparison in my case studies are as follows. The Rent Project generally avoids factors that contribute to localism at the expense of relatedness. It is the only one of my case studies that to date does not privilege localism. This contributes to relatively high participant identification with the project; it seems legitimate in their eyes. Their identification with it has assisted a close CLC engagement with the participants, particularly the primary participant group. The Royalty Project does not avoid factors that contribute to localism at the expense of relatedness, namely juridification. The participants seem to struggle to identify with the project; it does not seem as legitimate to them as the Rent Project does to its participants. More positively, the project has an intercultural potential and in this a potential, as yet unrealised, for strong and broad engagement between the participants and wider society. My third case study, the AAP Project, also does not avoid factors that contribute to localism at the expense of relatedness, in this case entification. However, it is a relatively new project and its

participants appear to be exploring if and how they identify with it. There is some scope for this identification in the project process vis-a-vis their socio-cultural processes. The AAP Project's legitimacy might be said to be under negotiation. The CLC engages very thoroughly with its participants at this critical time.

An expanded comparison

In the Rent Project, the primary participant group, in this case the group of traditional owners of the national park yielding the rent, now adjusts its membership if necessary from meeting to meeting of the group. Prior or parallel reification of the membership is in this way reversed in the project. The members were necessarily first brought together for the project in 2005 with reference to the ALRA definition of traditional Aboriginal land owners so as not to contravene this underlying law. They are resident in a number of far-flung communities despite common links to the park land. The group has evidently decided to keep its membership quite stable and discrete since 2005. But in the project the group may wish to include individuals who are more distantly, but to the group no less importantly, related than the ALRA definition prescribes, and have done so from meeting to meeting simply by including them in discussion. The group may wish to similarly exclude such individuals, but this has not occurred. The group need not concern itself with incorporation rules in this regard as there are none. In fact, the project funds – the rent – passes through no necessarily incorporated body. The project as a whole is not juridified, where again juridification is defined by Mantziaris and David Martin as the use of positive law to identify and enforce obligations deriving from social relations hitherto considered to be non-legal.

Identity at the primary participant group level and beyond derives fairly directly from these social relations, including their obligations, ie. from Indigenous processes of which those making up the autonomy-relatedness dynamic are central. Another way of looking at this is the Rent Project is a development process that accommodates and reflects Indigenous social process and the collective identity it informs. Either way, compared to my other case study projects, the primary participant group – the traditional owners – and

the communities concerned in the Rent Project appear to identify with the project which in turn promotes their participation. Evidence of this, to the extent it can be collected by participant observation, will unfold in accounts of the Rent Project in operation throughout the remaining chapters. Any relevant data under the CLC CD monitoring plan mentioned earlier in this chapter was not compiled at the time of my research.

Each of the Rent Project's residential communities as a whole (as opposed to only members of the traditional owner group or other communities of interest or identity as entified subsets of residential communities) has an ongoing, formal, though not juridified, place in the project governance. They might be said to constitute the autonomy part of the autonomy-relatedness dynamic, a dynamic that is relatively well balanced in the project. Relatedness is activated as above in the primary participant group from meeting to meeting. This group is thus people who are ALRA-defined traditional owners of the national park and potentially those recognised regardless of any legislation as 'countrymen' in a wider area around the park. Indeed some of them are already recognised in this way as regional elders and their role in the Rent Project now appears to be a factor in this. The project is regional largely by virtue of their contemporary, shifting social relations – relatedness – across the region, as I will demonstrate. But it is beginning to experience the spread of privileged localism, in the form of outstation support.

Through the project governance arrangements, engagement by the CLC with the primary participant group is strong and consistent, in regular traditional owner meetings that include reports on tangible project benefits and/or reasons for delays, though the regularity is slipping in practice.

Again, in summary the Rent Project generally avoids factors that contribute to localism at the expense of relatedness. There is relatively high participant identification with the project; it seems legitimate to the participants. This has aided a close CLC engagement with the participants, particularly the primary participant group.

In my second case study, the Royalty Project, the primary participant group, again the traditional owners concerned, is to a greater degree than in the Rent Project determined by legislation, ie. the ALRA and its definition of traditional Aboriginal land ownership. The royalty receiving association, made up of the traditional owners, is incorporated, with rules on membership. The rules refer back to the legislation. The royalty receiving association is the legal trustee of project funds, equipped with a trust deed. An advisory committee advises the association on the project, a committee not incorporated but with formal rules. The committee membership includes an incorporated peak Indigenous education organisation. The Royalty Project as a whole is thus heavily juridified, indeed quite cumbersome, in this way. Identity derives much less directly from social relations, including their obligations, ie. from Indigenous processes, than from positive law. In the primary participant group it is a quite localised identity by virtue of the ALRA and its traditional ownership definition. The Royalty Project does not much reflect Indigenous social process and the collective identity it informs. It does not reflect relatedness well. The relevant Aboriginal people seem to struggle to identify with the project. In fact the project at large has experienced something of an identity crisis, explained below.

The four communities deemed eligible to receive the services from the funds, education services, are those with a majority of residents from a particular language group. That is, the project is regional in that sense by virtue of a quite fixed and bounded ethnicity. A strong sense of regional relatedness does not otherwise emerge in the project, so any sense of autonomy-relatedness balance is missing.

More positively, the Royalty Project is intercultural, potentially at least, in ways the Rent Project is not, through its advisory committee for instance. That is, the committee is a forum that allows for the convergence of different cultural perspectives of Indigenous educators and non-Indigenous people with education expertise or access to it. It provides the CLC and government agencies with the potential for creative engagement with the project participants, if one that is not yet realised.

Again, in summary the Royalty Project does not avoid factors that contribute to localism at the expense of relatedness, namely juridification. Amidst this autonomy-relatedness imbalance, the participants seem to struggle to identify with the project; it does not seem as legitimate to them as the Rent Project seems to its participants. The sheer range and depth of juridification may well be simply alienating to the Royalty Project participants, in addition to questions of their identity and identification with the project. Yet the project has an intercultural potential and in this a potential, yet to be fulfilled, for strong and broad engagement between the participants and wider society.

In the third case study, the AAP Project, there is a primary participant group for each of the eight far flung communities acknowledged as affected in some way by the large scale mining in the project area. These primary participant groups come together as a project specific committee elected in each community according to the rules of what I have called AAP Project Association 1. There is no requirement the committee members be traditional owners, defined by the ALRA, of land under the communities or of the mine sites from whence the payments derive. This is because, under the ALRA section 35(2) as above, the money concerned must be paid via the CLC to an association the members of which live in, *or* are the traditional Aboriginal owners of, the area affected by the mining. AAP Project Association 1 is this association. The committees, eight relatively autonomous subsets of the association, must merely be drawn from the respective community's residents who join the association and remain eligible to be a member by complying with the association's other rules. So, the consequent equality of traditional owner and non-traditional owner community residents in the applicable part of the ALRA is reinforced in the association rules. Any traditional ownership claimed to the mine sites or the wider mining-affected area and communities becomes incidental, a bonus at best. Membership identity at the primary participant group level is thus largely devoid of associations with the traditional so is not reified in this way. It can and does derive from social relations in the communities, ie. from Indigenous processes there, and so reflects these processes to an extent. But these processes are curtailed by regulation, the rules of the association receiving the funds from the CLC, AAP Project Association 1. As a result of these rules yet overall less legal trappings than the Royalty Project, the AAP Project

can be said to be moderately juridified. Some juridification is perhaps understandable given a history of perceived irregularity in the association.

More significantly for my purposes, under the project the association's funds are ultimately forwarded according to the rules and via the committees to a large number of organisations in each of the eight communities, supporting the proliferation of these organisations. Especially where these organisations are articulated as associated with tradition or culture, the effect tends strongly to be one of entification. Collective identity is entified. The AAP Project is consequently a highly localised, regional project, despite the apparent contradiction in this: it is ultimately carried out via quite autonomous committees in a large number of separate entities in far flung communities and, significantly too, their outstations across a wide region deemed affected by mines. There is autonomy-relatedness imbalance, with the weight on the autonomy side. Newer than the Rent and Royalty projects, it seems the primary participant groups and their wider communities are still exploring if and how they identify with the AAP Project amidst this imbalance. Project legitimacy might be said to be still in the negotiation phase.

Meanwhile, engagement efforts between the CLC and the primary participant groups in the form of the above committees are very thorough despite there being eight such groups. Likewise between the CLC and the wider communities these committees represent.

Again, in short the AAP Project does not avoid factors that contribute to localism at the expense of relatedness, in this case entification. Yet it is still quite a new project and its participants appear to be exploring if and how they identify with it. There is some scope for this in the project process vis-a-vis Aboriginal socio-cultural process. The AAP Project's legitimacy could be described as under negotiation. The CLC engages very thoroughly with the project participants at this important time.

The land use in the case of the Rent Project is a national park. In both the Royalty Project and the AAP Project the land use is mining. The funds in the AAP Project come in the

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form of mining royalty equivalents, as above. The Royalty Project uses a negotiated royalty paid by the company concerned on condition that it be used only for education and training in the relevant Aboriginal communities. The rent in the Rent Project derives directly from the property rights of the relevant traditional owners under a lease negotiated and issued on their behalf by the CLC for the national park – beneath the park is Aboriginal Freehold land granted under the ALRA, as is the land under the mine sites relevant to the other two projects.

Finally, before I spell out the governance arrangements in all three case studies step by step, readers should note there is considerable overlap in the Royalty Project and AAP Project areas: the four communities involved in the Royalty Project are also involved in the AAP Project, which is implemented in four other communities as well. The Rent Project area does not overlap with the Royalty Project and AAP Project areas and communities.

The Rent Project

$1.m annually to traditional owner family heads via Rent Association 1

Some 'voluntary' investment

$.4m annually to Rent Project Community A

$.6m annually divided by three other communities chosen by the traditional owners
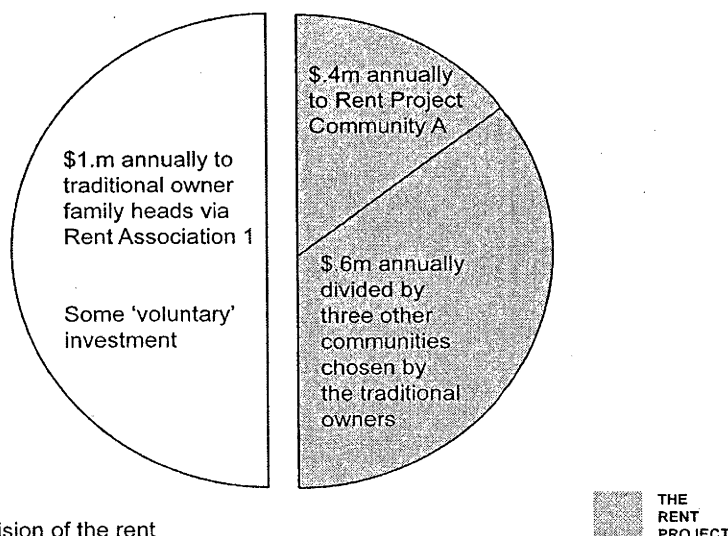
THE RENT PROJECT

Figure 1: The initial division of the rent

The land relevant to the CLC's Rent Project for many years provided about $1.3m annually in rent to the Aboriginal traditional owners via the lease that established the national park on this land. Over $1m of this was distributed to traditional owner family

heads, with some ad hoc or 'voluntary' collective investment, via an incorporated association here called Rent Association 1[1] after passing through the CLC. Rent Association 1 was incorporated in 1994. The traditional owners directed the rest of the rent, about $.26m per year, to the community nearest the national park and home to many though not all the traditional owners, Rent Project Community A. The money was paid to the community council. The traditional owners' intention here was tangible benefit for that whole community. This council, incidentally, is one of few such local community councils to remain following the advent of regional shires in the NT.

A portion of the rent is made up of some of the park entry ticket takings. In 2004, these takings rose sharply, resulting in about $.75m more rent per year for Aboriginal people. Because the ALRA requires all the rent to be paid first to the CLC to distribute to *or for the benefit of* the traditional Aboriginal owners, the CLC, via a resolution of its executive, took the opportunity to apply the extra money immediately to wider and more sustainable benefit than was perceived possible via Rent Association 1. The Rent Project arises from this resolution.

The $.26 annually directed to the community council in Rent Project Community A was eventually instead combined with the extra $.75m. Traditional owners had repeatedly expressed to the CLC concerns that the council in Rent Project Community A could or would not deliver tangible community benefit with its cut of the money. Records showed some spending irregularities. With the combined amounts, the Rent Project had some $1m in capacity each year to apply across the project area, encompassing a number of communities where the relevant traditional owners live, including Rent Project Community A. This figure is now falling because park visitor numbers are falling. It may bounce back. In round figures set out in Figure 1, approximately $.4 is reserved each year within the project for Rent Project Community A, though it is not paid directly to that

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[1] Rent Association 1, unlike Royalty Project Association 1 and AAP Project Association 1, has no role in the Rent Project as such so is without *Project* in its name in the thesis. The constitutions of all three of these associations are those in force before being replaced by standardised rule books initiated by the Office of the Registrar of Indigenous Corporations (ORIC) in mid 2009 pending consultations with the associations to finalise rules compliant with the Corporations (Aboriginal and Torres Strait Islander) Act, 2006.

community's council as before; and approximately $.6 is shared between other communities. $1m annually continues to be paid to the traditional owner family heads via Rent Association 1 outside the Rent Project auspices.

The Rent Project's key governance steps to facilitate the CLC's release of about $1m of the rent annually for community development through the project are:

1. The traditional owners of the national park annually choose three communities to receive some $.6m in rent between them, while providing Rent Project Community A with some $.4m annually. The three are from a possible 15 or so communities associated with the traditional owners, including a number of outstations. In addition, the traditional owners have nominated their main region-wide concerns, concerns deemed to be common to many of these communities and potentially attracting rent funding on that basis. The traditional owners, as relatively broadly defined to an extent by the group itself, are the project's primary participant group.

2. The traditional owners endorse (or withhold endorsement for) roughly costed initiatives for rent expenditure in each of the three chosen communities and in any regional initiatives in response to their region-wide concerns. A project working group in Rent Project Community A works to progress initiatives prioritised by that community at large for rent expenditure there.

3. The CLC executive or council approves initiatives in the three chosen communities and any regional initiatives, as endorsed by the traditional owners, plus priority initiatives in Rent Project Community A.

4. The CLC signs funding agreements with project managers to further develop, implement and complete the approved initiatives.

These steps are reflected in Figure 2.

Figure 2: Rent Project key steps and other governance arrangements

Around the above four key steps are the following arrangements:

- The working group in Rent Project Community A is selected by the community at large. It is convened regularly by the CLC's CD Unit in a higher level of engagement than in other communities in the project, largely to reflect Rent Project Community A's annual receipt of a significant proportion ($.4m) of the project's funds and the relatively large size and complexity of some of its initiatives as a result. For example, the project there is planning for a swimming pool and a project manager has been engaged to renovate the recreation hall, both as part of a youth/recreation zone in the community. Such initiatives are, however, determined against project-wide criteria and principles for expenditure, ie. those applied to all initiatives in all communities under the project.

With respect to the remaining $.6m annually in the project:

- The CLC convenes a meeting of the relevant traditional owner group ideally three times annually to canvas a range of relevant issues, including this project.

- Towards and at these meetings, a CLC anthropologist advises other relevant CLC staff on membership of the traditional owner group with reference to the ALRA

definition of traditional ownership. This informs the list of those notified about and/or picked up for the meetings by CLC staff. But otherwise membership of the group is adjusted by the group itself from meeting to meeting.

- Significantly, the group is not legally incorporated. There is no intention to incorporate it, and no apparent desire by the group at large for this.

- At its meetings with CLC, the group has progressively determined and/or endorsed the project's criteria and principles. After initially spreading the rent further annually, the group has determined that only three different communities will be targeted for a portion of the $.6m available each year. These are chosen by the group at its first meeting of the year.

- The three communities chosen are larger places (as is Rent Project Community A) where members of the group live along with other Aboriginal (and non-Aboriginal) residents; or they are outstations associated with and often at most only temporarily occupied by certain families within the group.

- CD Unit staff consult in these three communities with the residents at large and with the associated families in the case of the outstations, to prioritise and plan project initiatives there, later contracting some of the planning and the implementation out to suitable other agencies, including Aboriginal organisations with sufficient capacity. These agencies thereby become the project managers of the initiatives. One such agency commonly contracted is the national Aboriginal organisation, the Centre for Appropriate Technology, based in Alice Springs. The CD Unit likewise lets contracts on regional initiatives in response to the group's region-wide concerns if there are sufficient funds for such initiatives after the three communities' priorities are addressed.

- Roughly costed priority initiatives from the three communities are returned to the next traditional owner group meeting for the group to effectively endorse the initiatives or not, ostensibly according to the key project principle of need. That is, the $.6m at stake is not divided evenly among the three communities targeted each year; rather communities/initiatives that demonstrate high relative need can secure more than a third of this amount, indeed as much as the traditional owner group considers is warranted. Of course, other factors apart from need come

powerfully into play, as I will show in subsequent chapters. Examples of the initiatives completed here include: a roof over a basketball court and renovation of a workshop and a community art centre, utilising local Aboriginal labour; provision of a range of supports to another art centre, including support for an exhibition of works in Adelaide; and installation of a community solar/diesel power supply, one initiative among several that has attracted significant supplementary government funding.

- After three communities' needs are accounted for each year, the same or a subsequent traditional owner meeting either likewise endorses the regional initiative/s or effectively carries the remaining funds into the following year. A resulting regional initiative is a social history computer database set up in four communities in the region, with computer hardware, training, a wages component for casual work to populate it with data and ongoing support.

In these arrangements, the Rent Project largely avoids the reification, juridification and entification that contribute to localism at the expense of relatedness in the Indigenous domain.

The Royalty Project

$4.5m annually, half to traditional owners, half invested and historically some applied ad hoc to community benefit projects, all via Royalty Association 1

Between $1.2 and $1.5m annually into an education and training trust
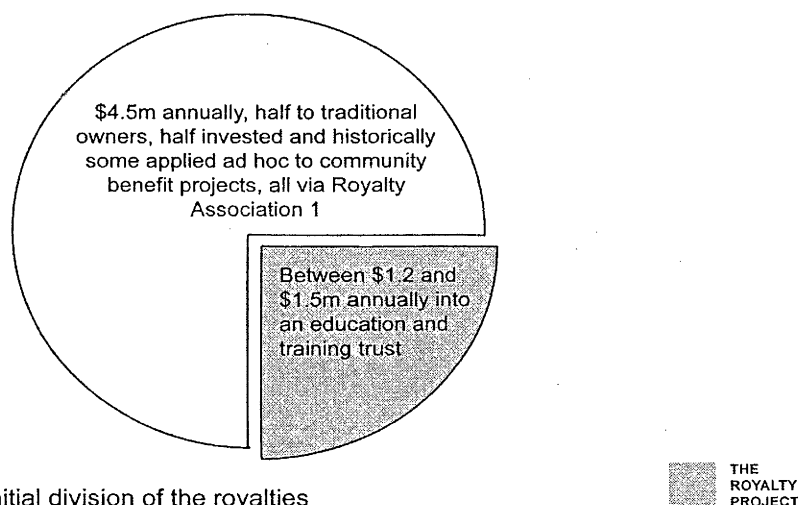
THE ROYALTY PROJECT

Figure 3: The initial division of the royalties

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Prompted by requests from Aboriginal women associated with schools in the Royalty Project area, in 2001 the CLC proposed a new agreement on behalf of the relevant traditional owners with the mining company concerned to provide an additional mining royalty on condition it be spent only on education and training. The company and the traditional owners reached such an agreement. As per Figure 3, the additional royalty of between $1.2m and $1.5m annually is paid into an education and training trust for the life of the relevant mines. What I have called Royalty Project Association 1 is the trustee. The royalty of approximately $4.5m annually under the original CLC-company land use agreement remains, outside the Royalty Project auspices. Approximately half of this is invested, half is paid to the traditional owners individually and historically some is put to community benefit projects on an ad hoc basis, all via the CLC then via Royalty Project Association 1 according to the association's rules. Like Rent Association 1 and many others, Royalty Project Association 1 has been incorporated since self-determination times, 1993 in this case. (This association *in its original role* will hereafter be known in the thesis simply as Royalty Association 1, as investments and distributions to individuals/family heads are not part of the Royalty Project; it will be known as Royalty *Project* Association 1 only where it intersects with the Royalty Project.)

Guided by a trust deed, **the Royalty Project's key governance steps** to facilitate the CLC's release of a royalty of between $1.2 and $1.5m through the project annually are:

1. An advisory committee of representatives from the Commonwealth and NT education departments, the relevant mining company, the CLC and the peak Indigenous education organisation for the area, plus an independent teacher turned anthropologist, makes recommendations on expenditure of the royalty to the trustee of the trust. In this way it advises the trust.

2. As the trustee, Royalty Project Association 1, or a subcommittee of the association, approves (or withholds approval for) expenditure upon this advice. Made up of the relevant traditional owners, the association is the Royalty Project's primary participant group.

3. The trustee authorises the CLC as its formal agent in administering the trust to progress the initiatives approved for expenditure consistent with the trust deed.

4. The CLC signs funding or partnership agreements with project managers to help develop and implement the approved initiatives. As the trustee's agent, the CLC also brings reports and budgets on proposed initiatives to the advisory committee for discussion and the committee's consideration.

These steps are reflected in Figure 4.
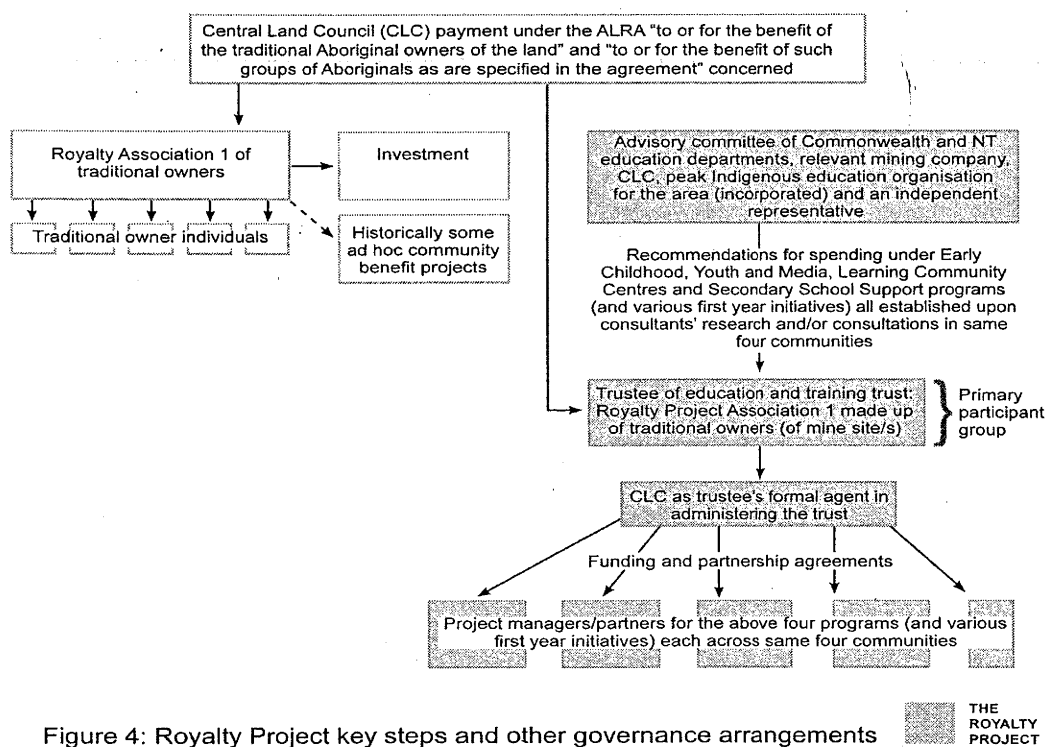
Figure 4: Royalty Project key steps and other governance arrangements   THE ROYALTY PROJECT

Around the above four key steps are the following arrangements:

- The incorporation rules of Royalty Project Association 1 say members must be (a) traditional Aboriginal owners of land the subject of the mining activity, or (b) fall within the definition of Aboriginal owners in the rules, ie. "those Aboriginal persons who in the opinion of the CLC have responsibilities and rights in

Aboriginal tradition" for all or part of relevant land. For the purpose of (a), traditional Aboriginal owners is defined as a local descent group of Aboriginal people who "have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land", and who "are entitled by Aboriginal tradition to forage as of right over that land" (ORIC website). This is the verbatim definition of traditional Aboriginal owners in the ALRA (ALRA: section 3). The inclusion of (b) appears to be to give some scope for the members of the association and/or the CLC to include other Aboriginal people whose identity is not quite as tightly bound by descent group membership and tradition as those in (a). But this inclusion is instead resisted, as I will show.

- The Indigenous education organisation represented on the project's advisory committee is incorporated with a set of associated rules; the advisory committee itself is not incorporated but nevertheless follows a set of formal, written rules, adding to the project's juridification.

- The advisory committee meets approximately quarterly, usually in Alice Springs, preceded by a meeting of the Indigenous education organisation's all-Aboriginal representation, a project specific subcommittee of this organisation.

- Expenditure recommendations from the advisory committee to Royalty Project Association 1 as the project trustee are not generally made without the support of this education organisation.

- The trust deed does not name the communities that the royalties must help with education and training, but instead says the royalties must assist the traditional owners of the relevant mine sites and members of and communities largely populated by their named language group who are affected by the mines. But the project has developed in such a way that it is now recognised as almost exclusively for the four largest communities in the region associated with this language group. This is partly because there are established schools in these communities and many of the Indigenous drivers of the project are school teachers, though the project is by no means confined to school education.

- The CLC's CD Unit engaged a consultant to report on remote Indigenous education and training best practice, complete with a set of program options to fund in the project area.

- The CD Unit then consulted on these options in the project area's four largest communities. All four communities prioritised the same three program options, and a fourth option was developed directly from the consultations.

- Based on a CLC report on these consultations, the project advisory committee endorsed four broad Royalty Project programs corresponding with the prioritised options: an Early Childhood Health and Education program, a Youth and Media program, a Learning Community Centres program and a program of support for secondary students schooling locally and at boarding schools. Learning community centres are effectively training centres doubling as small libraries with internet access. Almost all project initiatives the advisory committee recommends for expenditure now come under these broad programs.

- The CLC's CD Unit, in league with other relevant Aboriginal organisations in the area and a large NGO, is now developing and/or implementing program initiatives across the four communities, in some cases with these organisations as formal project managers or partners. As a result, for example, a learning community centre is built and open in one community and another is close to operational, youth and media activities are running in three of the four communities and playgroups and nutrition support are now available for young children.

- Consultations in the relevant communities are now carried out as needed largely by the project managers/partners. There are no further regular community-wide or wider traditional owner group consultations by the CLC for the project. As per step 2 above, the traditional owners, or to be more exact a subset of them as a subcommittee of Royalty Project Association 1, are consulted towards approval for initiatives under the project's four broad programs. In these consultations they are asked to approve project spending but historically not to participate more profoundly in the project. Accordingly, Royalty Project Association 1 has not actually endorsed, and has not been asked to endorse, the project's four large programs for instance.

In these arrangements, the Royalty Project does not avoid factors that contribute to localism at the expense of relatedness, namely juridification.

The Affected Areas Payment Project

Figure 5: The initial division of the affected area payment

Between $3 and $3.5m annually invested

Between $3 and $3.5m annually divided between eight communities, and their associated outstations, according to population
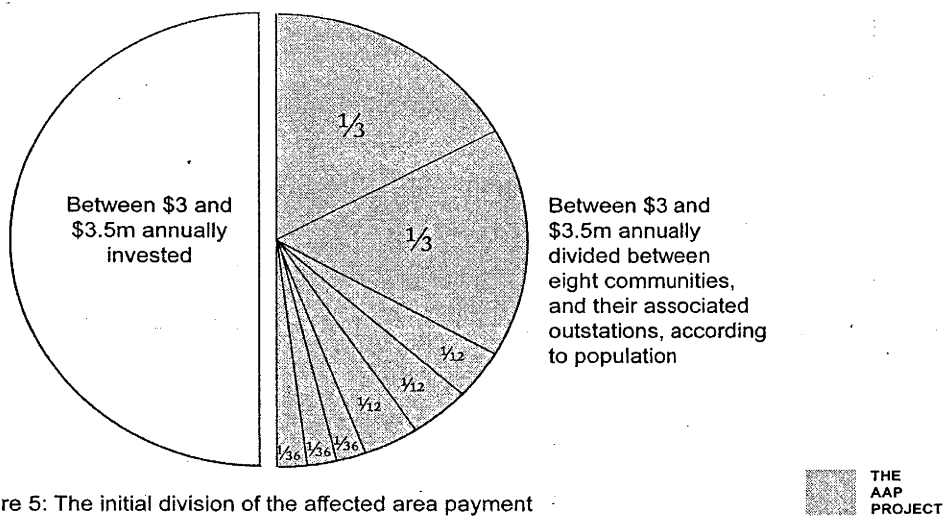
THE AAP PROJECT

What I have called AAP Project Association 1 has had the same rules for 20 years dictating how the mining royalty equivalent amount paid to it via the CLC should be spent. The initial division of the payment is according to Figure 5. But there are many subsequent divisions, as I have alluded to and will elaborate on below.

The CLC has always had something of a supervisory role over AAP Project Association 1 written into several of the association's rules, for instance a rule requiring reports on community use of the association's money to be provided annually to the CLC (ORIC website). Despite this supervision, an interpretation of the rules and their subsequent application on the ground eventually left senior CLC staff concerned that the association was exposed to an adverse audit of its affairs with potentially serious implications. After all, as suggested above, its monies attract government conditionality and scrutiny in a way that monies in my other two case studies do not. Of particular concern was the number of vehicles registered in the name of and frequently used by individuals, bought

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with money provided through the association ostensibly for the benefit of outstations. The rules specifically rule out individual benefit in favour of broad community benefit reflected in the rules' objective or purpose (ibid). The rules do include reference to "associated outstations" in the enumeration of the communities to be allocated money through the association (ibid), yet these outstations are generally not equipped to manage the money. The closest larger communities, or suitable bodies within them, must in effect service the outstations with some of it. The AAP Project was inaugurated in 2008 to assist AAP Project Association 1 to comply consistently with a strict reading of its rules, however limited these may be in terms of good community development practice. Indeed the project introduces some of this practice regardless of the limitations, instead of substantially changing the rules to overcome the limitations. Short of changing the underlying legislation, changing the rules is not simple, as association members have expressed resistance to this.

Central to the rules is the serial widespread dispersal of 50 per cent of the money, between $3m and $3.5m annually, paid to the association via the CLC. The other 50 per cent must be invested, according to the rules, outside the project. The dispersal is first between the now eight communities, including associated outstations, considered to be affected by the relevant mining operations. They are allocated a proportion of the available funds according to their population. Then the money is divided within each of the eight communities to any number of eligible community organisations selected annually by these communities, in amounts determined by a special committee elected biennially in each community (ibid), called here for convenience AAP Project community committees. As above, these committees are the project's primary participant groups.

To make the most of the AAP Project Association 1 rules, the AAP Project tries to capitalise on the rule implying community beneficial planning. This rule says the powers of each of the AAP Project community committees charged with determining the amounts to go to eligible community organisations include "the setting of goals" for these organisations (ibid). As the committees have very little capacity to exercise this power,

quite apart from questions of committee members' conflicts of interest or unwanted intrusion in the organisations, the CLC CD Unit now assists them to exercise the power via project plans and proposed budgets prepared with the organisations. In effect it exercises the power through the AAP Project on the committees' behalf, reporting back to each committee with a project plan summary, trying to build committee capacity in this respect in the process. Each project plan is developed mindful of the objective or purpose in the AAP Project Association 1 rules. Indeed organisations can only be considered eligible for funds from the association if their work is generally consistent with the association's objective or purpose (and if they are deemed as beneficial as the average community organisation in the community concerned, as difficult as that is to measure). Project plans are made too with sustainability measures in mind. Project wide, however, sustainability is in question due to the serial dispersal of the project funds. This amounts to a proliferation of initiatives in any number of entities as eligible community organisations each year in eight communities, potentially hundreds of initiatives, large and small but all by implication localised, in which the CLC must have some involvement over any several year period. This highlights the problems of CD under arrangements originating in Aboriginal self-determination policy.

Consistent with AAP Project Association 1's rules, **the AAP Project's key governance steps** to facilitate the CLC's release of between $3 and 3.5m through the project annually in an affected area payment are:

1. The money is paid to AAP Project Association 1.

2. The money is divided between eight communities, including outstations associated with each, commensurate with the population of each community.

3. Each community selects organisations active in the community and eligible to receive some of the money.

4. AAP Project community committees, the project's primary participant groups, in each community allocate (or withhold allocation of) the money to these organisations according to written project plans the organisations have for its expenditure.

5. As AAP Project Association 1's formal agent in the project, the CLC signs funding agreements with these organisations consistent with their project plans.

These steps are reflected in Figure 6.
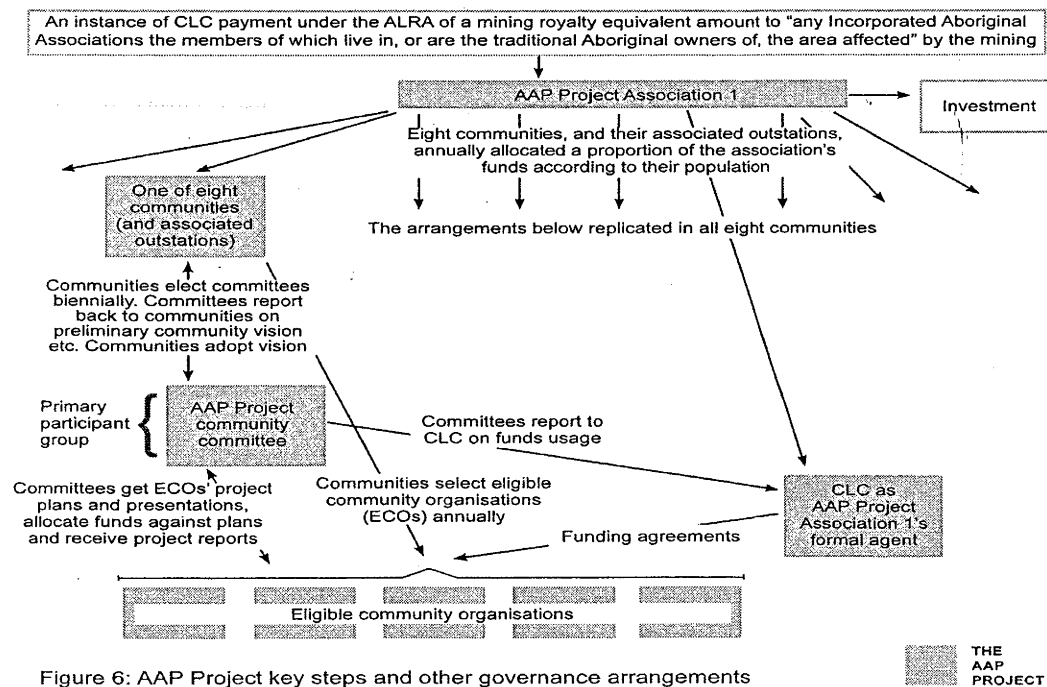
Figure 6: AAP Project key steps and other governance arrangements

Around the above five key steps are the following arrangements reflecting the CLC's particularly thorough engagement efforts in the AAP Project above and beyond its role as AAP Project Association 1's agent:

- A dedicated CD Project Officer within the CLC's CD Unit carries out some community mapping in each of the eight communities. This is largely to assess existing community services and infrastructure and gaps in these against what key organisations in the communities – health and education organisations, for

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instance – consider to be the main issues and problems currently needing attention or support.

- The officer simultaneously monitors eligible community organisations' existing initiatives, ie. those using AAP Project Association 1 funds from previous years, against their original project plans.

- The officer convenes AAP Project community committee meetings: to report on this monitoring; to allow the committees to hear directly from key organisations about current community issues or problems, eg. school attendance rates; and in response to do some preliminary vision planning with the committees on behalf of their communities whereby an attempt is made to articulate a collective vision for the community in the longer term.

- Next, community meetings are held in each community: to discuss, adopt or amend their community committees' preliminary community vision, if one is forthcoming; to select the eligible community organisations for the current funding round (these are selected annually, and can be re-selected every year); and to elect a new committee membership (biennially) or to replace non-active existing committee members meanwhile. It is expected that the organisations selected as eligible for funding will be those to best help realise any emerging common vision for the community, though of course this expectation is not necessarily met.

- The CLC's dedicated CD Project Officer develops project plans with the selected eligible community organisations, as above.

- The officer then re-convenes the AAP Project community committee in each of the eight communities for them to: consider project plan summaries; hear presentations on the project plans from the relevant eligible community organisations; and determine how much of each community's share of the AAP Project Association 1 monies for the current year each organisation will receive.

- Upon the community committee resolutions on funding allocations for these eligible community organisations, the CLC writes legal funding agreements with the entities or puts in place other suitable funding arrangements.

- The entities proceed to implement their funded initiatives. The AAP Project is more recent than CLC's Rent and Royalty Projects, so few initiatives have reached completion. But some examples of the variety of initiatives funded include renovation of a men's museum in one community, oval grassing works in another, a music and new media studio in a third, support for now town-based dialysis patients, wages funding for health and youth workers and buses for football teams and (ostensibly) for church outreach type work.

In these arrangements, the AAP Project does not avoid factors that contribute to localism at the expense of relatedness, in this case entification.

Conclusion

In this chapter I have presented and provided comparative comments on my three case studies, CD projects funded by monies paid to Aboriginal groups under the ALRA. I have given detailed attention to the governance arrangements of these projects and compared the extent to which: they avoid reification, juridification and entification that contribute to localism at the expense of relatedness; there is thus a sense of project legitimacy according to the participants and their identification with the project; there is engagement between them and wider society or at least with the CLC through the projects. On this basis, what I have called the Rent Project appears best positioned as a community development project that can improve conditions in Aboriginal communities, as subsequent chapters will elaborate. Importantly, it reflects balance in the autonomy-relatedness dynamic where elsewhere there is often imbalance favouring local autonomy, curtailing a common good and restricting CD efforts in civil society in the Indigenous domain. In the next chapter I look more closely at the change behind this imbalance brought about in the self-determination era.

Chapter 5
Change in the Indigenous domain

After discussing some key aspects of the Aboriginal domain, in this chapter I explore the significant change to it as represented by outstations. Here I consider outstations to be microcosms of the Aboriginal domain as it changed under self-determination policy to privilege localism over relatedness. They are thus an important point of focus at this stage in my argument. I proceed to discuss the critical factors in privileged localism in the light of similar profound change mediated by custom or kastom in Melanesia. This serves to emphasise the fundamental nature of the change. The parallels with Aboriginal Australia are not as surprising as this temporary swift geographical shift in my thesis might suggest. Little wonder, as the reification of kastom, and the associated localising factors including entification of Indigenous institutions that are important for development, occur together in the context of intensive land usage essentially the same as in some of my case studies. The foundation for civil society remains weak. I close the chapter with glimpses of better prospects coming of the comparison with Melanesia.

The domain

In a summary of ethnographic accounts, Rowse notes the albeit increasingly contested convention in anthropology whereby the Indigenous domain is considered a "conceptual isolate", ie. with little or no reference to relationships with wider society (Rowse, 1992: 22,57). As late as 1984 in his Wentworth Lecture on Aboriginal political life, Les Hiatt, for instance, said little about the relationship between Aboriginal people and the wider Australian and global society (cited in Rowse 1992: 22). My thesis takes for granted the Australian Aboriginal domain as a range of social and cultural dynamics inextricably linked to and deeply affected by the wider world whether or not through specific development projects.

Bill Stanner had more interest than most in change within the Australian Aboriginal domain. He sat with Nuggett Coombs on the CAA, advising governments in the shift from assimilation policy to self-determination policy. Earlier, in an essay on continuity and change in the Aboriginal domain, Stanner suggested there are limits to the extent to which Aboriginal people can change in their "dusty encounter" (Stanner 1958: 62) with the wider world. He wrote:

> Voluntarily, by compulsion, or simply because a particular rationale vanished, they abandoned or modified one kind of activity after another. Eventually they came to things they would not, or did not know how to, abandon or modify. They reached a kind of residuum: the conventional practices of life, the due forms of marriage, the initiations of youths, the machinery of grievance settlement, and mundane institutions of this order. What was left was a sort of Low Culture as distinct from the High Culture of tradition (ibid: 61).

We can see something of the Aboriginal frustration with this in an address by Warlpiri woman, Bess Price, from Yuendumu, to a recent forum in Canberra on family violence. And frustration with suggestions that development is a non-Aboriginal agenda, forced on Aboriginal people in their otherwise isolated domain. Challenging men who say traditional or customary Aboriginal laws provide women with no authority and the protection this might afford, Price said:

> We didn't have grog, money, houses, clothes, cars, none of those things that whitefellas have brought us. But everybody wants them. So if they want those things then they can change the laws too because now we live in a different world (Price 2009).

Aboriginal people now living in a different world that will not revert to the pre-colonial one seems to Price justification enough for development in the Aboriginal domain. But especially with the advent of land rights, including native title, opposition to change now has a broad political dimension. Says Merlan:

Because what is widely understood as worthy in what is 'Aboriginal' is assumed to involve certain distinctive and traditional forms of social relations – in respect to place, dependence on the countryside for survival, intimacy with it, reproduction of personhood in relation to it, and so on – to speak of change in those relations can be seen to deny Aboriginal identity and worth and to weaken any political position that Aborigines might achieve on the basis of deploying these representations (Merlan 1998: 169,170).

In short, she notes, "opponents of land rights would like to use the issue of 'change' to argue, where this takes the strongest form, that there is no longer a distinctive basis of Aboriginal entitlement to land" (Merlan 1994: 19). We can see here how socio-cultural reification can become a political weapon in defence of such rights and entitlements.

Of course change occurs regardless. What Stanner saw as remaining – his residuum – can be taken to include not only the relatively discrete Aboriginal institutions constituting his "Low Culture" but also underlying principles and processes that may inform such institutions. The well-documented autonomy-relatedness dynamic in Aboriginal society is an example. This is a set of complex processes that remain in flux despite reification on the autonomy side and remain central to Aboriginal sociality despite the flux. There is perhaps no better insight into the complexities of and latent tensions in this important dynamic, in particular how it informs Aboriginal land tenure and thus collective identity, than Fred Myers' ethnography of the Pintupi people associated with the remote NT well west of Alice Springs. In 'Pintupi Country, Pintupi Self' (1986) Myers reports that while a "general rule" provides for men to effectively inherit country from their fathers, this does not result in named patrilineal descent groups associated with country because of the variety of ways Pintupi can assume land ownership (Myers 1986: 128,129,152,153). Myers determined that Pintupi can be related to many places, identification with places is not exclusive and membership of the group of people deemed to own a place is widely extended, the group not given or fixed (ibid: 128,130,131,135). Critical is the right to be asked to use named places, and the value placed on not having to ask about one's own places (ibid: 99,156). This is the "content" or substance of Pintupi ownership of land, according to Myers (ibid: 99 and Myers 1987:101,105,107). Underpinning this content is the desire to maintain personal autonomy among related countrymen (Myers

1987:101,105,107), because "ultimately, landownership is tied to a politics that emphasizes both the claims of relatedness and those of personal autonomy" (Myers 1986: 129). Converting lesser rights and claims into actual ownership of a place requires the claimants to ask and convince the existing owners to include them in knowledge of and activity on the land (Myers 1987:107). It is in this requirement that personal autonomy is maintained and then extended to close others.

Through residence, claimants to places in the Pintupi world can more easily move from countrymen in the broad, regionally-related sense to countrymen in the more exclusive sense as land owner (ibid:108). That is because knowledge of the land and all its meanings requires visits to sacred sites with those who already know these places (Myers 1986: 149-151). Regular visits are easier when living nearby. As shared activity is integral to relatedness, it is in fact *co*-residence that "constitutes the substance of kinship" (ibid: 92) to Myers. He believes shared identity among the Pintupi is actually a cultural appropriation of relations of cooperation and exchange that were fundamental to Pintupi existence in their harsh desert environment: "sharing of food and labour within residential groups, and the openness of access to resources" (ibid: 104). He says Pintupi people come to know themselves only through such practical activity (ibid: 105). Relations are achieved and maintained through exchanges that demonstrate care and trust (ibid: 112). This can now occur in community development projects across regions, among other ways of course.

That autonomy and relatedness *together* are dynamic entails ongoing change. This key dynamic, like other elements of Stanner's residuum, might then best be described as a case of continuity *with* change. As such, we are wise to pause to consider here Merlan's advice to jettison dichotomies of persistence and change, of traditionality and non- or post-traditionality, and "begin in the middle" (Merlan 1998: 233). Easier said than done in the face of socio-cultural reification, but not impossible.

In 1977, in the first essay in a volume on Aboriginal people and change in the 1970s, Ronald Berndt identified what he said was the "real" Aboriginal identity, defined in the

secret-sacred associations of local descent groups (Berndt 1977: 3,4). Not inconsistent with Stanner's comments above, Berndt said with increasing "alien" contact, this Aboriginal identity based on religion was "diffused" and secularised (ibid: 10). As a result, he said "the edges or boundaries between communities became less conspicuous. Social interaction spread over a wider area, among people who were now regarded as having a broadly similar if not identical life style, and with who it was possible to identify on that basis" (ibid). In other words, it seems Aboriginal people everywhere had begun to emphasise relatedness in the autonomy-relatedness dynamic, in what Sutton calls "families of polity" present primarily in urban and rural areas (Sutton 2003: 206-231).

In the remote NT, however, the opposite was in fact beginning to occur, quickly, largely courtesy of the ALRA and the outstations it facilitated. The localism here reinforced the localism occurring across Australia in the proliferation of Aboriginal organisations. The balance in the autonomy-relatedness dynamic was in this way shifting firmly by the late 1970s towards autonomy. And identity hitherto associated with Aboriginal ritual increasingly, but not completely, came to inform Aboriginal identity more generally. Specifically, identity as a traditional Aboriginal land owner as defined in the ALRA – as a member of a local descent group with primary spiritual responsibility for sacred sites – became paramount even where those responsibilities had lapsed. I will explain, with repeated reference to Austin-Broos' recent analysis of change among the Western Arrernte people associated with land immediately west of Alice Springs.

A key change

Central to Austin-Broos' recent analysis, at one level a critique of the outstation movement, is that to the Western Arrernte colonisation "brought practices that focused attention on bounded patrilineal estates. The balance provided by diversification was tipped toward consolidation" (Austin-Broos 2009: 109). The diversification here can now be equated with Berndt's diffusion, with wide relatedness, and consolidation equated with local autonomy in the autonomy-relatedness dynamic but also with reification.

Patrilineal estates are areas, including a sacred site or sites usually associated with a Dreaming story or stories, said to be inherited collectively through the males of a certain local, and by implication patrilineal, descent group or patriclan. Ironically, given the association of patriclans with Aboriginal religion, specifically their primary spiritual responsibility for the sites, the consolidation Austin-Broos writes about occurred among the Western Arrernte in the context of the Lutheran mission at Hermannsburg.

But the change was not confined to Hermannsburg and vicinity. A similar consolidation has occurred across the southern part of the NT at least, if not throughout the NT. It is part of a relatively rapid change from which Austin-Broos distils two key "moments": 1. invasion of Aboriginal lands and pastoral settlement and 2. Aboriginal self-determination (ibid: 2,3,4). Austin-Broos suggests that of all the change Aboriginal people have faced and largely accommodated since first contact with non-Aboriginal people it is the second moment highlighted here that is currently most significant, even if her two moments must be seen together. I concur. Because it is in this second moment that modernity arrived for NT Aboriginal people. And because, paradoxically, it arrived with tradition.

This apparent contradiction – the relatively recent arrival of modernity with tradition – should not surprise us. After all, culture only becomes discrete when there are two or more cultures juxtaposed (Wagner 1975 cited in Weiner 2006: 23; Weiner and Glaskin 2006: 8), it is prolonged contact between peoples that ultimately "engenders social identity" (Eriksen 1993: 150), and when faced with the change inevitably accompanying prolonged contact groups "drop their heaviest cultural anchors", symbols of the past "mythically infused with timelessness" (Cohen 1985: 102). Eric Hobsbawm points out the correlation between rapid social change and the increased rate at which traditions are invented (Hobsbawm 1983: 4), adding that "where the old ways are alive, traditions need be neither revived nor invented" (ibid: 8).

Stanner's use of the term residuum harks back to a time when it was generally thought old Aboriginal ways were dead or dying, the practitioners of these ways gradually dying out too. If the years since have not exactly seen the routine invention of Aboriginal

tradition, they have seen a certain form of tradition prevail over other Aboriginal cultural forms. If this involved the conceptual triumph of consolidation over diversification, in Austin-Broos' terminology, and a focus on local descent groups, their estates and their primary spiritual responsibility, on the ground it meant land rights for those who could frame their connection to land and thus their identity in this way. Then, often, it meant outstations on or as close as possible to this land and payments from the commercial use of the land. As I have noted in my section on the planners of self-determination policy, Austin-Broos says the deep contradiction of modernity with tradition evident in land rights and the outstation movement as key policy elements was that the modernity came as a state-sponsored return to tradition. I suggest that in this sponsorship the state powerfully shaped Aboriginal tradition, ensuring its formation in the local.

To be sure, this started with settlement, in the Western Arrernte case settlement in the Hermannsburg mission, though evidence continues to accumulate that remote Aboriginal settlements are in fact now key nodes in ongoing social diversification or diffusion, to repeat both Austin-Broos' and Berndt's terms. That is, despite the balance in the Aboriginal autonomy-relatedness dynamic shifting towards autonomy, settlements are nodes in continuing dynamic, extended social networks, the 'beats', 'lines' and 'runs' of Basil Sansom (1982: 125-127), Beckett (1988) and Chris Birdsall (1988) that inform contemporary Aboriginal social identity. Yasmine Musharbash (2008: 140,141) has more recently described Yuendumu, northwest of Alice Springs, as one such Central Australian node now. Before contact, conception beliefs were critical in what Austin-Broos' calls diversification when combined with a regional pedestrian mobility. She says conception, now commonly conflated with birth to become 'borning', "came out of a place where the mother walked around" (Austin-Broos 2009: 112). Association with and knowledge of one's conception site, as opposed to sites within one's patrilineal estate, was a central way to diversify knowledge and thus diversify links to land and the identity that continues to come from land (ibid: 114,117). John Morton suggests this once could in fact have triggered changes – succession – to the traditional ownership of Arrernte land, saying estate boundaries could be extended through knowledge of conception sites hitherto deemed the primary responsibility of other groups (Morton 1997a: 119). Morton

concludes that the influence of identity determined in patrilineal estates has been overemphasised such that the similarities between semi-desert social systems, like that of the Arrernte, and Western Desert systems are now ignored (ibid: 121). Myers' work on the Pintupi above is commonly held up as the definitive description of Western Desert systems. Like Morton, Ian Keen suggests "the contrast between the flexible, individualist relations to land in the Western Desert, and descent-based land tenure elsewhere, needs to be recast" (Keen 1997a: 67). This serves partly to reinforce that in fundamental ways the Arrernte experience of key changes, Austin-Broos' two key historical moments, is not unique in the NT, despite the particularities of the Arrernte mission experience.

According to Austin-Broos, Arrernte conception totemism was once "integral to a lived dynamic in which the balance between diverse relations and consolidation shifted over time" (Austin-Broos 2009: 109). She refers here to the ordinary pre-contact ebb and flow in the autonomy-relatedness dynamic. Settlement, and less "walkin' round" (ibid: 111), did originally help tip the balance to consolidation, local autonomy. But her second key moment of change, Aboriginal self-determination, placed the weight firmly here. Significant was a change in the mission's policy toward Aboriginal culture in the 1970s (ibid: 193), bringing a greater degree of convergence with self-determination policy. Austin-Broos reports the mission's policy vision came to involve a proliferation of small family groups on country each replicating the domestic moral economy of the mission (ibid: 189). She says "this aspiration of mission staff, and of Arrernte neotraditionalists, influenced attitudes towards land rights" (ibid). Combine this with the influences on self-determination policy that I have already outlined, and Austin-Broos says "an unrealistic burden of expectation was placed on outstation life" (ibid: 182). In the highly localised form of outstations, newly consistent with mission policy, the state sponsored tradition for the sake of Arrernte autonomy (ibid: 245,257); though autonomy was not necessarily the ultimate goal and the state never expected the bulk of the remote Aboriginal population would actually move to outstations. Others saw outstations as a vehicle for deinstitutionalising Arrernte after their mission experience (ibid: 202), all the while continuing to take cues from the mission in support of Arrernte social consolidation. For instance, Austin-Broos says the "hegemony" in this articulation of Arrernte land

relationships "continued to ramify into the 1990s" when CLC officers operating under the ALRA and its definition of Aboriginal traditional ownership sought records of Arrernte countries mapped with notoriously rigid boundaries by the Lutherans of the mission, T.G.H. Strehlow in particular. These CLC officers "sallied forth, once again, to take genealogies" (ibid: 126) of the particular Arrernte people these records invariably suggest exclusively own these countries. Here we see socio-cultural reification start to converge with juridification and entification.

The "intense local politics" of the state institution of land rights (ibid: 129) was further manifested in CDEP and the two Aboriginal organisations funded by the state to implement this program among the Western Arrernte. One of these was funded to use the program to support the growing number of outstations around Hermannsburg, also known as Ntaria. Austin-Broos notes that "bitter factionalism marked the transition of Ntaria from mission station to an outstation system with an anchor in land rights" (ibid: 179). Competition between the factions was intensified by local perceptions that one group of families or another controlled the two CDEP organisations, Ntaria Council and the Tjuwanpa Outstation Resource Centre (ibid: 182). Meanwhile, CDEP, particularly applied to outstations, became an important vehicle via which the state sought to modernise Arrernte people well before the recent CDEP reforms. Austin-Broos writes of Arrernte and non-Aboriginal "imagineries" thus colliding in the outstations around Hermannsburg/Ntaria (ibid: 209). She says:

> A state-sponsored return to tradition for the sake of autonomy has coincided for the Arrernte with the first full incorporation in a cash economy, but often as long-term welfare recipients – included in the cash economy but also marginalized in market society. The hope for autonomy within one imagined social order has been undermined by dependence in another (ibid: 245).

With the emphasis on localised tradition, this economic marginality has encouraged the Western Arrernte to remain intensely, if only locally, kin-based despite the simultaneous expectation that they *eventually* leave this way of life in order to become successful market individuals. "The distress that this conflict brings makes Arrernte life turbulent

and sometimes violent" (ibid: 153), says Austin-Broos. It is not the bed of outstation roses that she suggests an "academic immersion in localism" largely resting on "notions of protecting culture" (ibid: 244) makes it out to be.

Separation and the limitation of change

West across the desert from the Arrernte, Bob Tonkinson has recently reflected on four decades of change among the Mardu people of Western Australia. With its emphasis on autonomy, their experience of self-determination is similar to that of the Arrernte and others in the NT. Self-determination, says Tonkinson, "has been used by Mardu to amplify and sustain their cultural distinctiveness, but at a certain price they are willing to continue to pay" (Tonkinson, 2007: 54). For the Mardu, paying the price overcomes that "long-standing tension between equality and difference" (Altman 2009: 6) in the Indigenous domain internationally. Tonkinson questions whether the general Australian public, however, is willing to continue indefinitely to "underwrite the perpetuation of such 'difference'" (Tonkinson 2007: 51) given common cost-benefit analyses in which the cost – the Mardu's price – is ongoing severe Aboriginal disadvantage including poor conditions in communities.

Regardless, change in this context is culturally problematic for the Mardu, according to Tonkinson, because there is a strong denial of human agency at the heart of their world view (ibid: 43). Similarly, among the Pintupi Myers notes that human authority does not necessarily include the right to create laws that impinge on others' autonomy as that is interpreted via the Dreaming, undermining automatic adherence to community rules and the like (Myers 1986: 266,267). Sutton suggests the Dreaming as Aboriginal law in fact dictates an irresistible sense of fate, rendering notions of social progress "deeply alien to those of a classical Aboriginal persuasion" across remote Aboriginal Australia (Sutton 2009: 85). Sutton says that "at the deepest cultural level, where people's world views and primary presuppositions lie, for many at least in remote Australia a belief in the improvability of life should not be assumed" (ibid: 135), because "the law (ideally at least) never changes" (ibid: 138). This is surely a challenge to the very compatibility of

remote Aboriginal people with the encapsulating society that is assumed in their engagement through CD. But it is not necessarily an insurmountable one.

As well as their deep denial of human agency, Tonkinson believes a conscious reluctance to apply organising principles that have served the Mardu well in ceremony, for instance, to what they have come to see as a separate whitefella domain "has denied them effective control over many administrative and development-related matters" (Tonkinson 2007: 55). Perhaps most significantly, he says "their low level of scholastic attainment imposes limitation for their future as relatively autonomous agents managing communities on their own lands or engaging successfully in the wider economy" (ibid: 54). He believes the Mardu were not offered the skills to make the former at least, self-managing their communities, a reality (ibid: 48). Or they did not take them up. Either way, they have never been equipped to test the extent of their agency and the degree to which the Dreaming determines their fate. Despite, and in large part because of, self-determination policy and its disengagement from Aboriginal people, they will ironically remain dependent on outsiders for the foreseeable future.

Austin-Broos believes the state has in fact worked to "prize (sic) apart economy and Arrernte ideas of place" (Austin-Broos 2009: 236) such that Aboriginal remoteness back in the NT, at least, now carries the presumption of market non-viability (ibid). In essence, she believes that the Arrernte, like other remote Aboriginal people, have been "held on the invading society's periphery by policies vacillating between ideas of difference and assimilation" (ibid: 9), where periphery means more than the mere physical remoteness of most outstations. It is in this context that I suggest state sponsored tradition and modernity have arrived simultaneously for remote Aboriginal people yet *separately*. They have remained polarised since. This is despite Merlan's suggestion above that we begin in the middle of these two states to better understand change in the contemporary remote Aboriginal domain; and as Tonkinson puts it "neither the imposition of conformity nor the insistence on uncompromising autonomy seems workable" (Tonkinson 2007: 55) on the ground. Emerging, then, is the paradoxical prospect that if Aboriginal people want to retain the choice to live on, manage and shape the future of

remote communities they and their supporters in this endeavour must adopt a development agenda that embraces modernity and allows it to merge with tradition. If Aboriginal people want genuine autonomy, perhaps this agenda must be accepted as their agenda not rejected as foreign. Hence Tonkinson suggests "the need for transcendence of what could be termed 'the domain problem'" (ibid), alluding to fundamental separation in the Aboriginal domain. This most obviously includes the separation of Aboriginal people from wider society and tradition from modernity, but it extends to the separation of economy from ideas of place, to use Austin-Broos terminology.

Taken to its logical conclusion, Sutton's impassioned paper 'The politics of suffering: Indigenous policy in Australia since the 1970s' (2001) can be read as arguing that the time for the above choice of Aboriginal lifestyles and the cultural relativism implicit in it is over; and that the state's duty of care to remote Aboriginal people obliges it to effectively abandon distinctive Aboriginality, at least abandon remote Aboriginal communities and Aboriginal community development efforts (Sutton 2001: 125-137). Suggesting discrimination if the state does otherwise, Sutton says:

> The problem with a relativity argument which ultimately concludes, for example, that people are 'free to go to hell in their own way', that they 'have the right to make their own mistakes' and to set their own standards of what constitutes a social problem, is that we do not normally apply such an argument to the care or neglect of infants, the elderly, the mentally handicapped, and the many other potential victims of abuse (ibid: 146).

More recently Sutton has in fact called for funding to be withdrawn from remote communities (The Australian 2008a) and clarified those aspects of Aboriginality embedded in tradition that he suggests require urgent "cultural redevelopment" (Sutton 2009: 64,65,66,85) in order to alleviate Aboriginal suffering. Austin-Broos instead prescribes policy to facilitate "loyalty to place and kin with better education and employment" (Austin-Broos 2009: 269). Significantly, she concludes this would involve compromises on the part of the Arrernte if not other language groups, in addition to suitable policies and sufficient resources from governments. She says "for most families and individuals this will mean both compromise and hardship, the level in part depending

on resource and policy decisions among governments" (ibid). Across outback Australia, a key compromise may need to be on the size and remoteness of communities Aboriginal people are willing to live in. More may have to settle for larger and less remote places.

The problem of outstations

The discussion points to and begins to make sense of what is one of the most persistent problems in the CLC's community development work through its CD Unit, if not its work in general: how to include outstations in this work in an environment of now diminishing government funding for these very small communities against ongoing strong constituent interest in them. I have shown how support for outstations was originally central to Aboriginal self-determination policy. With responsibility for outstations passed from the Commonwealth Government to the NT Government in 2007, the latter's so-called Growth Towns policy commits to continued funding only for existing outstations occupied for at least eight months of the year at levels dependent on their population and proximity to large communities (Northern Territory Government 2009). No funding is available for new outstations (ibid), following a Commonwealth Government trend since the 1990s. CLC constituents are often willing, indeed keen, to spend payments from land use agreements on their outstations. But particularly when spread across a number of outstations, this is not necessarily enough money to adequately equip and maintain them, especially the most remote places with little or no existing infrastructure. Yet this is not just a funding problem. The problem runs deeper because of the change self-determination policy has wrought on Aboriginal sociality. As Glaskin succinctly says, the outstation movement as a key element of this policy has "consolidated intensely localised interests", notions of the autonomy of Aboriginal groups, many of whom "use 'traditional' concepts to validate particular positions" in support of their autonomy (Glaskin 2007: 211,212,214). Of course they do likewise in support of their claims to the limited funds to facilitate autonomy. That is, reified tradition as a factor in privileged localism is particularly strong in outstations which can be sites too of heightened entification.

In this light, that the CLC's AAP Project now tightly accommodates outstations, or more fundamentally the autonomy they represent, without being subservient to outstation imperatives is critical to this new project, though a wider dilemma emerges. This dilemma is to do with identification of participants with the project after years of expectation of and familiarity with localism being privileged. That the Rent Project has some potential to become little more than an outstation support project in comparison raises significant concerns. On the other hand, this helps ensure project participants identify strongly with it, critical to their participation and general project progress. Most critically, it is helping to keep relatedness and autonomy or localism in balance in what is otherwise the CLC CD project strongest on relatedness.

As mentioned, the AAP Project was started in the first instance to assist AAP Project Association 1 to comply closely with its rules to avoid the adverse audit of its affairs that appeared possible because of a relatively loose interpretation of the rules and their application on the ground. The main concern was the number of vehicles bought with the association monies, ostensibly for the benefit of outstations but registered in the name of and used by individuals. The rules specifically rule out individual benefit from the monies (ORIC website). While the individuals concerned received undue benefit in their frequent use of the vehicles for their private purposes, such vehicles are essential for the individuals and their families to access outstations. That is, they are crucial to maintaining the autonomy of small family groups that outstations legitimately provide for to some extent in the AAP Project. In CLC's early project consultations, participants quickly suggested that the outstations concerned incorporate in order to own the vehicles in the corporations' names. The project is already obliged to disseminate the monies concerned to any number of local entities, incorporated or not, as eligible community organisations under the AAP Project Association 1 rules. Provided they can claim something of a match with the association's objective or formal purpose and can make an obviously subjective case that they provide as much benefit as the average community organisation in the community with which they are associated, outstations can be considered eligible organisations in their own right. The suggestion of outstation incorporation for the sake of vehicles meant the prospect of more formally adding to the

number of such organisations as manifestations of local autonomy without necessarily reducing the undue benefit of the vehicles to individuals: more juridification and entification to no appreciable advantage. If individuals can more easily than in larger, regional organisations commandeer local organisations for their resources like vehicles, outstations pose virtually no resistance to this beyond immediate family pressure. Yet as corporations outstations are then set up to attract more of such resources. Their own rules, or matching another association's rules, are in fact no match for individuals determined to use the much needed and highly prized resource that is funded vehicles. Incorporation is not a solution of itself, perhaps why there is no incorporation requirement for AAP Project eligible community organisations.

At AAP Project Community A, one of the two largest communities in the project, the collective reaction to the prospect of the project limiting vehicles for outstations soon seemed one of resignation and/or recognition that there are more pressing needs for the project's money. Many of the outstations across the project area are not "established residential" places as is required under the AAP Project Association 1 rules to receive association funds (ibid). Those associated with these places visit them, escape to them in times of turmoil or when the demands of many kin oppress. Otherwise they live in one of the eight communities in the project area where there are services, some jobs, extended family and friends but also serious social problems affecting them. At a large community meeting to select the eligible community organisations to potentially receive project monies in the inaugural year of the project, AAP Project Community A downplayed outstations, with little of the argument that otherwise accompanied the meeting. It may be that the many people there who have never received individual or any other benefit from AAP Project Association 1 took the opportunity to quietly lobby to address the inequities they hitherto saw resulting from the association's support for outstations. The community selected a range of organisations as eligible community organisations that have since received project funding, for aged care and youth services for instance. In the absence of an outstation resource centre in the community, it selected a local Aboriginal business to provide infrastructure to one specific outstation. But with a population of just 700 people, AAP Project Community A also selected no less than five churches as eligible

community organisations, after which four churches received funding for a bus, ostensibly to provide social services consistent with AAP Project Association 1's objective. The CLC has since provided the association with legal advice to the effect that churches are not in fact social service providers per se under these rules. But more to my point is that these churches, most with a very small congregation and no church building, appear to be a way to acquire vehicles with AAP Project Association 1 money now that it is harder to get them for outstations. They are in fact alternative sites of entification.

Churches were not mentioned, however, at a meeting the following year of the AAP Project community committee in AAP Project Community A. This meeting was convened to revisit a five year community plan completed independently of the project and to consider what existing organisations might help achieve the vision in the plan with project funding. One influential committee member proceeded to claim that the existing Aboriginal organisations in the community, of which there are already many, are generally ineffectual. In a stance reminiscent of Sanders' exit option mentioned earlier as contributing to the proliferation of Aboriginal organisations, this committee member proposed a new organisation for AAP Project Community A with funds through the project – a cultural centre. As the primary tasks of such a centre, he listed fixing tyres and flying family members interstate so, he said, the community can be "really self-determining".

Vehicles provide autonomy, just as autonomous local organisations can effectively provide individuals with vehicles (and just as vehicles in remote Aboriginal communities also realise wide relatedness in dynamic, extended social networks, the 'beats', 'lines' and 'runs' mentioned earlier). Faced with increasing restrictions on their access to vehicles via AAP Project Association 1 with the advent of the project, participants are voicing their frustration with this, though in terms of local autonomy denied, Aboriginality overridden, and culture/tradition thus ignored – three related realms of difference. The heady days when AAP Project Association 1 members were assured more ready and regular, though not necessarily well planned and implemented, support for their outstations generally is compared favourably with the current situation where the

association's monies are said, regretfully, to be "all in one bucket", ie. more transparently available to all or almost all organisations working in the communities. Organisations working on largely (though by no means wholly) government funded matters like health and education, particularly where these are larger organisations not necessarily *based* in the community concerned, are described as kartiya (ie. non-Aboriginal) or whitefella projects, even where the organisation is non-government with an all Aboriginal board. What are said to be the opposite type of projects, including buses for churches, tend to be first articulated as culture projects loosely supportive of tradition over the mundane modernity of the kartiya projects. Distinguished or separated from the kartiya ones, the culture projects are then rendered as Aboriginal projects. In the first year of the AAP Project in AAP Project Community A at least, the kartiya projects were left to be allocated any remainder of AAP Project Association 1 monies available after the culture/Aboriginal projects had got what they needed, lest, it was intimated, Aboriginality is neglected. Always well looked after is ceremony, known in one community as 'men's tribal' and 'women's tribal'. Funds for ceremonial activities are authorised each year in the project's eight communities via nominated elder signatories to an account held at the CLC's Aboriginal Associations Management Corporation. They are funds that a cultural centre, as proposed in AAP Project Community A above, would presumably seek to manage instead.

Qualifying in the AAP Project as culture/Aboriginal initiatives supportive of tradition are generally those that facilitate mobility, often expressed as 'country visits', involving as they often do hunting, visits to sacred sites and visits to remote outstations. Gone are the days when outstations were imaginary sites of modernity, after Austin-Broos, or modernity's half-way houses at least. Many now have little more than a track leading to them and a bore and water tank. Fixing the water supply and grading the track are attractive to AAP Project participants as culture/Aboriginal projects to help them visit what, ever since land rights, is considered the heart of their culture: their land. But they are useless initiatives without a vehicle. Country visits are given as among the reasons why churches in AAP Project Community A need vehicles. As the advocate for a bus for one church in this community put it, "we got a lot of trips (planned)". Football and

softball team buses there are not so justified while still rendered as Aboriginal projects and prioritised over kartiya projects.

My main point here is that the AAP Project has alienated AAP Project Association 1 from its members, the project participants, while trying to have them comply with the association rules towards more sustainable and equitably spread benefits. This is the wider dilemma for the project mentioned above. It is not simply a matter of remote Aboriginal people now finding it harder to get vehicles. The dilemma in this case seems to come from confusion, and the pace of change, as the project participants negotiate the project in its first years amid major government policy changes: the intervention, the shires, Growth Towns policy. After long seeming to encourage the localism of outstations and their vehicles, project participants were told the AAP Project Association 1 rules require wider community benefit almost overnight; yet the rules continue to encourage entification and all the localism entailed in it, indeed to a degree the rules require this too. The participants don't necessarily identify with many of the outcomes even while they or their immediate family may benefit directly, in better health services for instance. Many have accused the CLC of secretly changing the rules. It will be interesting to watch how they react to a plan soon to come before them to part fund a regional secondary college, a test of their relatedness among other challenges. But the AAP Project participants' dilemma is not an identity crisis such as the Royalty Project has had: it is early days for the AAP Project and its participants, notoriously resourceful, are still trying to work the project in ways that suit their sociality within the relevant rules, still searching the project for a balance between autonomy and relatedness.

Turning now to the Rent Project and outstations, every year Rent Project Community A receives a set portion of the rent and the relevant traditional owners choose three other communities to share in the rest. This sharing of the monies around the region, wherever the traditional owners live or have relations in the broadest sense, is an important factor in their strong identification with the project. Equally important is that this governance arrangement allows the traditional owners to target different outstations every year with the monies. They can and do also target larger communities. In these ways the Rent

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Project governance provides for a process that accommodates Indigenous social processes in the autonomy-relatedness dynamic, which is comparatively well balanced. This and the resulting strong identification of the traditional owners with the project will be further elaborated later. Meanwhile, by their tacit agreement, the project does not fund vehicles. This is not challenged largely because the traditional owners routinely buy vehicles with that not insignificant part of the rent that goes to family heads via Rent Association 1 (see Figures 1 and 2). Targeting certain outstations for funding, then, is not a strategy for obtaining vehicles as it once was within AAP Project Association 1, as above. Yet there is sufficient reward for the targeting of outstations – usually in the form of improved water supply, a shelter, perhaps a generator and the track there graded – for outstations to feature in the traditional owners' discussion of which three communities to target annually in addition to Rent Project Community A. Indeed the Rent Project may accommodate the Aboriginal autonomy-relatedness dynamic in its governance arrangements in a comparatively balanced way; but in practice the primary participant group, the relevant traditional owners, have begun to tip the project far enough towards support for autonomy for outstations that without sufficient attention it could become little more than an outstation support project. This accommodation, providing strong potential in the governance arrangements, against the practice sees the primary participants identifying quite strongly with the Rent Project from meeting to meeting while the project risks diminishing practical benefit. The rent can go in any given year to three outstations, all without permanent residents, while many more potential beneficiaries in the larger communities go without this support. As one member of the traditional owner group said recently while promoting the idea of a regional education project using the rent (and implicitly the prospect of government engagement with and even partnership in the idea): "we gotta show government we don't just support outstations where there's no-one but animals."

Within the Rent Project traditional owner/primary participant group there is some resonance in the argument, often enough made, that in fact many families will benefit from better outstations, however temporarily, because properly equipped they provide something of a way station as family members travel widely across the project area.

Articulated this way, the Rent Project is seen to facilitate mobility and with it the interconnectedness of kin across a large and remote region – wide relatedness in dynamic, extended social networks – even if it cannot pay for vehicles. Many project participants also argue that the Rent Project must help outstations because these very small, highly localised communities receive so little government support now compared to large communities, compared to the support they once attracted. So, the need for government engagement may be acknowledged; but rather than harmonising with current government policy and helping to leverage more funding for larger communities with acknowledged larger problems, the project is used here as a form of resistance to policy that appears designed to force the NT Aboriginal population together to live in the larger places, the so-called Growth Towns.

Tellingly, the man most closely associated with one of two usually uninhabited outstations chosen to receive rent monies one year publicly reminded the traditional owner group and the CLC CD Unit staff that 'his' outstation was set up in 1970s. This was of course the heyday of Aboriginal self-determination, when self-determination included outstation support as a key policy plank. It was when the localism epitomised by outstations became privileged in Aboriginal affairs and Aboriginal sociality. In short, the 70s were when remote Aboriginal people began to experience this important change, their most important change since contact if we accept Austin-Broos' analysis from earlier in this chapter. Significantly, self-determination policy support was not enough to keep this man's outstation more regularly occupied. Yet he seemed to be now saying that Rent Project support for his outstation was also support for Aboriginal self-determination at a time when instead large scale intervention lingers as the dominant government modus operandi in the NT. As a kidney dialysis patient who will never live at this outstation, and sadly may not live to see Rent Project benefits there, this man may also be simply re-stamping his name and that of his descendents on the landscape, having the outstation publicly endorsed by countrymen as his place and implicitly his exclusively even if it were to be used as a way station for others. With payments now frequent in one form or another to NT Aboriginal people from the use of their land, courtesy of the ALRA, the incentive to gain such an endorsement is high. The endorsement commonly

extends beyond the outstation itself to surrounding lands. Where this endorsement is elusive or contested, the ALRA legitimates exclusive traditional ownership, legitimates the local. Juridification becomes a critical factor, as I will demonstrate.

First, to help emphasise the fundamental nature of the change, I want to view such factors contributing to privileged localism in the light of similar profound change in Melanesia. The change there occurs in the context of resource extraction investments like those that have given rise to the Royalty and AAP projects in particular in the NT and that form the backdrop to much remote Aboriginal development generally, as explained. In Melanesia, the change privileging localism is mediated by custom or kastom, much as it is in the NT by tradition. The following sections referring to Melanesia, then, also serve as something of a preamble to the subsequent chapters on cultural match and certainty, in which investment certainty is central.

Kastom

Among Melanesians involved with resource extraction there is a close association of kastom and the local, specifically local land. As with Aboriginal Australian tradition, the close association of kastom with local land is by no means confined to resource extraction zones. And it is by no means without pre-colonial precedent. But there is a strong post-colonial tendency here with or without large scale investment in resource extraction, a tendency or privilege I will show is heightened with such investment.

Roger Keesing sees an elevated significance of land as a general characteristic of Pacific countries as former colonies. Across the Pacific, he says, "an ideology of attachment to and spiritual significance of the land could achieve such prominence only in a historical context of invasion and colonization" (Keesing 1989: 29). And post colonisation – self-determination – he might have added. This is not necessarily to do with the strictly limited land availability on Pacific islands. The ideology, according to Keesing, has the Pacific now being repopulated with "imagined ancestors" (ibid) living in harmony with each other, cosmic forces and the environment (ibid), ie. living by kastom. Closer to the

ground, land as kastom has become both "a powerful symbol of identity and a site of contestation", says Keesing. As a *set of* symbols of identity, kastom is invariably vague to allow wide application and interpretation (ibid: 19; see also Keesing 1982: 297,299). But as a site of contestation, kastom is just the opposite: it is reified. It is finite and predictable and thus local and fixed, or timeless, precisely because the contestation is frequently about land as property in the Western sense. And rarely in Melanesia, as in expanses of remote Aboriginal Australia, are the stakes in this property higher than where resource extraction is concerned.

Recently examining this with respect to mining on Lihir island in Papua New Guinea, Nick Bainton notes that claims through Western property law "usually require people to shorten or 'cut the network' in order to establish ownership" (Bainton 2009: 18). In other words, property ownership in Western law is inherently exclusive, even where the ownership is not private per se and not alienable. 'The network' on Lihir is a web of long standing relationships extending beyond the island, relationships Lihirians are now busily severing to concentrate benefits from the mining. There the term 'wasier' loosely translates as visitor, 'weira' as stranger. Says Bainton:

> The terminological shift from wasier to weira – from visitor to stranger – to describe non-Lihirians reflects the process in which identities are socially constructed to serve new requirements. As people from the neighbouring district continued to make their way in greater numbers to Lihir to call up previously established relationships, coupled with larger numbers of people from around the country migrating in search of work, to sell produce at the market, or simply to raun tasol (just travel around), drawn by imagined possibilities of a new centre, many Lihirians were growing somewhat wary, if not altogether xenophobic. In a conceptual sleight of hand, Lihirians began labeling these people weira, thus realigning their sense of obligation and reformulating Lihirian identity (ibid: 23).

Lihirian identity became bureaucratised as well as localised and "based on undiluted traditions" (ibid: 27). The localisation of state functions is, says Bainton, "a crucial component in the construction of Lihirian identity" (ibid: 25). Significant here, as in

Australian Aboriginal self-determination, is the position of local organisations. According to the Lihir Law and Order Committee, containing members of the local level government and the Lihir Mine Area Landowners Association, the influx of outsiders is blamed for the "rapid deterioration of the high moral integrity of the original Lihir society" (Landowners Association document cited in ibid). Wasier can be and have been incorporated into Lihirian lineages (ibid: 22), just as the progeny of so-called historical people have become traditional land owners in Aboriginal Australia. But now those without sufficient Lihirian 'blood' must compensate for this "through fulfillment of customary obligation", says Bainton of a Landowners Association document defining and further reifying what it is to be Lihirian (ibid: 27).

In echoes of Keesing, Colin Filer believes "large-scale resource development in PNG has fostered an 'ideology of landownership' which portrays the 'customary landowner' as the very model of what it means to be an 'automatic' (or indigenous) citizen of that country" (Filer 2006: 68). But this ideology is not necessarily sufficient to secure benefits from the resource development. Bainton notes Papua New Guineans have been adapting to this ideology for some time now (Bainton 2009: 30). He says, like those on Lihir, "many have readjusted their relationships accordingly, masking (or in some cases denying) the complex social networks that originally gave them access to ground, supported their existence, and provided their identity" (ibid). Here the ideology of landownership and that of descent meet, again with the effect of emphasising the local. At the intersection, ideology is institutionalised through state laws and/or regulations arising from these laws, regulations to do with the registration or incorporation of formal landowners' associations for instance. There is juridification.

Pre-colonial group identity in the Pacific generally privileged context, "situational flexibility", behaviour and performance over innate characteristics and "unchanging boundaries"; and colonisation introduced a competing theory of group identity largely based on common descent, according to Jocelyn Linnekin and Lin Poyer (1990: 6,8,11). Resource extraction and/or exploration have seen the theory widely applied in PNG. In the Kutubu oil project area among the Foi people, for instance, the land-holding clan as

,the common articulation of this identity is historically "neither solidary, corporate, nor bound by collective sentiment" says James Weiner (2001: 25). But the company concerned, through incorporated land groups or ILGs receiving royalties under post-colonial PNG legislation, has changed that. Says Weiner:

> Through their own attempts at educating landowners as to the relevant PNG legislation, their own acts on behalf of the state in registering the ILGs in the first place, and their commitment to monitoring, evaluating and maintaining in 'good repair' the ILG system, the Company is a critical force in the transformation of group dynamics in the oil project area (ibid: 30).

Importantly, Ernst describes entification proceeding among the Onabasulu of PNG: the making of quite permanent, exclusive entities from what were previously contingent social categories formed and reformed from Onabasulu activity (Ernst 2004: 126). With royalties flowing in the region associated with the Onabasulu too, Onabasulu clans are now well and truly entified, when to Ernst "the 'clan' is not an exclusive descent group, or any other kind of exclusive group in Onabasulu: conceptually people can belong to a number of them" (ibid: 140).

Such change is as rapid as it is common in PNG. Like that too of the Ilpili associated with PNG's Porgera gold mine (Golub 2007: 80,81), identity among PNG's Telefolmin was, according to Dan Jorgensen, once part of a regional system (Jorgensen 2004: 72) in which kinship only indirectly accounted for land ownership. Jorgensen became associated with Telefolmin change in the mid 1990s when prospects of a copper mine first held out the hope of relative riches for the Telefolmin. Traditional land tenure and identity shifted from a regional system characterised by linguistic and cultural continuity with neighbouring peoples (ibid), to one where claims to land became more exclusive, based on myth and descent. By 1995, a landowners association formed several years before had invited Jorgensen to conduct a genealogical study under the auspices of the mining company then involved (ibid: 75). He says those Telefolmin familiar with "government notions of landholding" began "talking of traditional cognatic descent categories (tenum miit) as 'clans', complete with patrilineal descent" (ibid: 83) and

elevating what he refers to as the "register of the myth" (ibid). Through a strategy of "mythic encompassment", descent came to dominate other land rights based on "land use histories" (ibid: 83,89).

With the convergence of reification, juridification and entification, development is delimited in Melanesia. Vanuatu's formative first decade, for instance, was one where any action, especially innovative action, was held up to the yardstick of kastom in this context and in this way judged acceptable or not, according to Lamont Lindstrom (Lindstrom 1982: 318). In PNG, Ralph Premdas points to serious development inefficiencies, largely courtesy of kastom, its local emplacement and the resulting ethnicities, saying:

> The colonially created ethnic map throws an immense distortion into the allocative process and it often must come to dominate it. Vital time and resources are lost to feed and appease the appetite of the ethnic monster, whose size continues to grow and whose needs have come to define much of PNG's political and social reality (Premdas 1989: 251).

Revisiting the case studies' governance, 'keeping the network in view'

There are echoes of the plight of Gagudju Assocation in this brief account of Melanesia. But what are the significant parallels, the problems seen from this perspective and the alternative prospects in Aboriginal Australia at this point in my thesis, specifically in my case studies? I return to the governance arrangements in the case studies as outlined in chapter 4. Here the Royalty Project is juridified: governance arrangements are largely determined in rules and regulations. The AAP Project arrangements meanwhile can be characterised as entified: regardless of legal requirement, as there isn't any, quite permanent, relatively exclusive entities tend to be made from what were previously contingent social categories formed and reformed from activity. And they are made in numbers. The five churches in AAP Project Community A, as above, are examples. But in both projects the resulting localisation is mediated by Indigenous tradition, as kastom mediates such change in Melanesia.

Royalty Project Association 1, made up of the relevant traditional owners essentially as defined in the ALRA, ultimately approves all funding for initiatives in that project; as the project's primary participant group, it is a formally incorporated association and the trustee of a trust holding the funds. This is just the start of the juridification outlined in chapter 4. There are in fact layers of juridification. At the top layer, that of the primary participant group in the form of the association, identity is localised by virtue of the ALRA and its definition of traditional ownership. Yet the Royalty Project is a regional one, albeit in the form of a fairly fixed and bounded ethnicity, that of a particular language group. There is little or no sense of autonomy-relatedness balance. The Royalty Project struggles for legitimacy according to the participants; they struggle to identify with it. Indeed it has experienced something of an identity crisis such that the association has seen itself as so separate from project arrangements and other participants that it has considered relinquishing its role as trustee and dispenser of the project funds. Key association members have expressed strong alienation from the project, saying it has nothing to do with them. Some of them have voiced bemusement as to why they were ever given the trusteeship, though they know they are recognised traditional owners of the relevant land. Here was a local group that felt genuinely, literally out of place. The disaffected have since reconsidered and the group has retained the trusteeship. Without this change of heart, the Royalty Project might have spent many millions of dollars over time without any reference to the owners of the land from whence the money came.

Others of their language group – all potential beneficiaries of the project – express alienation clearly arising from what they perceive as the inaccessibility of the project's juridified arrangements, an indeed formidable array of legal supports and protections. That is, the effect of juridification is not confined to the primary participant group. That the Royalty Project is from time to time made out to be a 'government project' in which the real decisions are made in Alice Springs, ie. at the usual meeting place of its advisory committee, is a common enough articulation of the wider alienation. And in another sense it is a government project, reflecting strongly as it does state sponsorship of tradition through land law, as is common in Melanesia. To merely cap off these

problems, some men of the language group see the Royalty Project as 'women's business', with its Early Childhood program probably contributing to this perception.

Juridification characterises the AAP Project, though less so than it does the Royalty Project. It is in its entification that there exists the closest parallels with Melanesia, PNG in particular, though the entification is not based on land ownership per se in the AAP Project. It is in Aboriginal organisations eligible for funding in the project in each of eight remote communities according to AAP Project Association 1's rules. Their memberships, formal or otherwise, are not necessarily technically exclusive, a feature of entification. But they are often enough cases, or potential cases, of the institutionalised individualism von Sturmer described in my chapter on self-determination, where Aboriginal people seek their "own" organisation (1982: 98). The effect tends strongly towards exclusivity, of course; and this rather than the literal meaning is what von Sturmer meant by individualism. The tendency to entification is compounded in the project participants privileging those organisations perceived to be more Aboriginal than others, proposing projects supposedly more cultural. However, here, paradoxically, the frequent focus of these projects – vehicles and the mobility they provide – can activate relatedness and thus counteract the entification to an extent. Readers will recall my discussion of the AAP Project and outstations in which a prominent project participant proposed a cultural centre with project funds, to fix tyres and fly family members interstate as primary tasks. In the circumstances, it can legitimately be assumed that family means this man's close family, that the cultural centre would become principally 'his' organisation.

As the participants negotiate relatedness and autonomy in the AAP Project in this way, entification encouraged in AAP Project Association 1's rules poses immediate practical problems in the project roll-out. There are consequently so many localised sites of the project that monitoring, part of most development project cycles to determine outcomes, is almost impossible to do thoroughly consistently. In any case, the funds available are spread so thin that the effectiveness of the project at each site is almost inevitably limited. There is something like the immense distortion in the allocative process Premdas sees in

development in PNG. Each site – each organisation quite autonomous from others – has the potential with the support of the project's albeit thinly spread funds to become and remain the exclusive patch of particular people and their immediate family.

On the other hand, the Rent Project, interestingly using monies not derived from resource extraction, avoids juridification and entification. The traditional owner group concerned is not incorporated. Neither is the working group through which the project operates in Rent Project Community A, though one member of that community, seemingly schooled in juridification, frequently demands the working group and its meetings prove they are properly "constituted" before he will accept their legitimacy. With initial advice from a CLC anthropologist on the composition of the traditional owner group, ie. the primary participant group, its membership is thereafter adjusted informally by the group itself. Membership has not been the subject of prolonged disputation *in the context of the project* over the six years of the project's operation. The group has developed with the CLC CD Unit some project principles and project funding criteria, but it is otherwise without formal rules. Project funds are targeted annually to three different communities, in addition to Rent Project Community A. The project is not obliged to apply the funds through incorporated community entities – Aboriginal community councils and organisations – or through legislated local governments, ie. shires. Consultations are held directly with the wider community at the three targeted communities in order to determine priority initiatives. Checks and balances exist in the form of final funding approval for initiatives from the CLC executive or council, a regional body, then legal funding agreements or the exchange of letters between the CLC and project managers. Notwithstanding a problem arising, namely what is tending to become an inefficient emphasis on outstations as explained above, the Rent Project favours relatively informal and flexible "relational autonomy" (Hunt and Smith 2007: 15) over juridification and entification. Through this, relatedness and autonomy are in relative balance in the project's governance arrangements. All of which helps participants to identify with the project. It is thus both collectively comprehensible and accessible to them, essential for their meaningful participation in the community development involved. There is a foundation for a relatively strong Indigenous civil society across the project area.

The IGCP defines relational autonomy as:

> A principle that Indigenous people strive for in the way they organise themselves, where they try to achieve a balance between maintaining the autonomy of a small group of people (eg. an extended family, small group or local organisation) at the same time as maintaining their connections into a wider set of relationships (ibid: viii).

The principle informs "networked" or "federalised" forms of governance (ibid) that are not "bounded and unitary" (ibid: 14), characteristics of entification, but based on "the negotiation of roles, powers and responsibilities between the constituent parts" (ibid: vii). Fluidity of process rather than fixity of relationships between these parts – groups and communities – is emphasised because "Indigenous systems of social and political organisation are complex, fluid and negotiable" (ibid: xv). Coherence comes in "subsidiarity" (ibid: viii and 15) whereby:

> Indigenous people are allocating different functions to different layers of their organisational structures, keeping certain areas of decision making at the most local level they can, while recognising that some decisions and services are better carried out by a body with broader representative and functional responsibilities (ibid: 14).

Subsidiarity is stark in the Rent Project governance at its local level, at the communities where initiatives are prioritised and implemented, vis-a-vis the broader level of the traditional owner/primary participant group, a relatively informal and inclusive body that targets three communities for funding each year and later endorses their initiatives. An instance of the project in operation is illustrative.

In a routine CLC update with the traditional owner group on the progress of project consultations in Rent Project Community B, a senior group member – a lay preacher – was dismayed to hear the community did not elect to establish a church with its funding. Not a resident of this community, he had argued on its behalf to be chosen for project funding because he believed it needed a church. At the subsequent community

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consultations, a church was discussed but rejected because the only place for it – a vacant shed – was wanted instead for a workshop with project funding, in addition to communal washing machines. Back at the CLC/traditional owner group meeting updating on the project, another senior man forcefully reminded the preacher that, consistent with the project's governance arrangements and the principle of subsidiarity, it was entirely appropriate the community chose workshop over church, or words to that effect. The choice was Rent Project Community B's, he said. Yet had the community insisted on buying each household a washing machine with project funds, the traditional owner group's position within the Rent Project governance arrangements, and the project principles the group has adopted, would have allowed the group to rule out use of the funds in this way on the grounds they are for community, not individual, benefit.

Smith says that, despite the continuing inclination to see Aboriginal self-determination as most appropriately based on small-scale local groups (Smith 2005a: 4), "alongside the pull of autonomy, there has always been a persistent and strong assertion by Indigenous groups of their interests via larger-scale systems and structures" (ibid). To borrow from Bainton's recent writings on Melanesia above, they have always kept the network in view. Accordingly, regional governance arrangements, or at least those like the Rent Project that balance autonomy and relatedness, are emerging voluntarily across Aboriginal Australia, Janet Hunt and Smith suggest (Hunt and Smith 2007: 18,19). They say a significant benefit is flexibility and accommodation of those who might otherwise have been considered outsiders (ibid: 19). I will return to this accommodation in chapters to follow. Meanwhile, Smith points to the importance of flexibility to allow for changes internal to the group and sub-groups concerned; but also to respond to changes "externally instigated" (Smith 2005a: 8,9), in rapidly shifting policy settings, for instance, such as Aboriginal Australia is currently experiencing.

Conclusion

In this chapter I have examined in some detail the profound change in the Indigenous domain wrought by self-determination policy. I did not, and do not, question that the

policy brought advances for Aboriginal people. But with the advances the policy also privileged local autonomy over relatedness. Socio-cultural reification, juridification and entification are key factors in this, arguably the most significant change in the Indigenous domain since colonisation. This change, and the associated disengagement from and separation within the Aboriginal domain, has not helped community development to improve conditions in Aboriginal communities. Privileged localism is perhaps best illustrated by the outstations encouraged under self-determination. I examined the problem of outstations as managed in my three case studies. I then made comparisons with Melanesia and from this emerged some intellectual tools towards the better balancing of autonomy and relatedness, tools like subsidiarity. These hold out the prospect of greater cultural match in development, the subject of my next chapter, and thus greater project legitimacy and participant identification with projects. Process, particularly among widely related people, becomes quite critical whereas it is de-emphasised, or in fact reversed, in reification, juridification and entification.

Chapter 6

Cultural match

In this chapter I begin by elaborating the concept of cultural match according to the major American research project that has paid the concept most attention as a foundation for governance in development. This leads to a closer examination of contemporary Australian Aboriginal sociality and culture. No cultural match can be contemplated without a depth of understanding here. Participants in my case study projects, and like projects, cannot identify with and adequately participate in the projects unless there is adequate cultural match. The subtleties of process, namely key processes within the Aboriginal kinship economy, essentially those of relatedness, are revealed in this chapter against the cultural forms and the associated Aboriginal identity arising from self-determination. Again, the latter forms and identity are localised and reification, juridification and entification are key factors. These factors are effectively the opposite of socio-cultural process. I sharpen my focus on juridification and the role of the ALRA and its definition of traditional Aboriginal land owner. The legislated land tenure arising is integral to what I have called a cultural half-match across the NT Aboriginal domain and arguably beyond, meaning the project of Aboriginal development in the broadest sense emphasises the autonomy side and not the relatedness side of the autonomy-relatedness dynamic. Local autonomy is privileged. CD is restricted. The extent of cultural match among my case studies is examined, with a better understanding beginning to emerge of the capacity for improvements in Aboriginal communities.

Legitimacy, identity and process

Implicit in the second and third traditions, at least, of CD outlined in chapter 2 is an expectation that CD projects with Indigenous peoples will seek to accord or match as best as possible with the people's cultures. This is to facilitate voluntary participation in the projects, assuming this as opposed to forced participation to be critical to their sustainability. With this willing participation, a cultural match is to bring as much

Indigenous knowledge as possible to bear towards project success. The Harvard University Project on American Indian Economic Development in the United States is widely seen as responsible for much of the concern for and research into cultural match. Chief researchers are clear: cultural match "is not an appeal to tradition; it is an appeal for legitimacy" in development (Cornell and Begay 2003), as stated in my introductory chapter. Accordingly, it is critical to participants' identification with CD projects. The Harvard Project researchers conclude that "what matters is not that things be done in the old ways. It is that things be done in ways – old and new – that win the support, participation, and trust of the people, *and that can get things done* (ibid. Italics in original). The ICGP findings echo this in Australia, finding "'legitimacy' for Indigenous people not only includes cultural factors, but also the practical ability to get the job done" (Hunt and Smith 2007: xvii). Yet my discussion should show that what mattered most in cultural match through much of the self-determination era was indeed tradition; and that insufficient thought was given to how the many Aboriginal organisations created with this tradition front and centre would then successfully tackle the enormity of the tasks in front of them, how residents of the outstations similarly created would ultimately fare. The legitimacy of the organisations and outstations effectively rested on tradition alone. Significantly, the version of tradition with which cultural match was sought was a locally emplaced, reified, juridified and entified version, with the region-wide dynamics of contemporary Aboriginal society and culture all but dismissed.

It seems the point of cultural match in development project governance in Aboriginal Australia has largely been missed (Sullivan 2006: 11,12). Hunt and Smith stress that "legitimate governance will not be created by importing romanticised or essentialised views of either traditional Indigenous or western democratic systems into organisational governance arrangements" (Hunt and Smith 2006: 20); and that research reveals "different systems of governance are not independent and neatly 'bounded', but instead create an 'intercultural' milieu" (ibid: 13). They report that "cultural match is a process" (ibid: 68) in Aboriginal communities. Just as important is acknowledgment that beneath its relatively recent reification and generally quite bounded local emplacement there remains in Aboriginal culture itself widely extended process.

Myers' (1986, 1987) work with the Pintupi advances understanding here, in particular the place of Aboriginal land and land tenure in cultural processes and thus identity. As above, Myers has shown us that central to the Pintupi process of ownership of and thus identification with land is the right to be asked to use culturally significant sites. Underpinning the discourse, indeed the negotiation, inherent in this is the desire to maintain autonomy among widely related people. It is very much a part of the autonomy-relatedness dynamic. Residence facilitating visits to sites with those more familiar with them is important to activate more exclusive rights that are not, then, sealed in local descent groups or clans. Relatedness is realised through exchanges that demonstrate care and trust, and it is in such activity that the Pintupi know themselves, according to Myers. He suggests their quite widely shared identity reflects the necessity of resource sharing in the desert, in a cultural appropriation of this age-old, basic survival strategy.

The cultural appropriation is nowadays extended. As links to and ritual knowledge of land attenuates, even among remote Aboriginal people with land rights and thus large areas of land with which they have long been associated, "objectifications of self and relatedness are sustained to a greater degree in the exchange of services and things," according to Austin-Broos (2003: 124). She says for the Western Arrernte, looking after kin, in fact what she distinguishes as "working for" them as opposed to working in the economic development sense, produces and reproduces social groups and the places groups are associated with (Austin-Broos 2006: 6). In the so-called hinterland Aboriginal community context, Sansom writes similarly of "performative kinship" (Sansom 1988: 170) involving service and indebtedness for service provided. Here a test of relatedness and its intensity "is, in the end, the extent of one's ability to cause a close-up countryman to render service" (ibid: 166). And in an urban setting, R.G. (Jerry) Schwab describes how strategic sharing – "the calculus of reciprocity" – is integral to identity (Schwab 1995: 12). Other anthropologists, like Smith (2001a: 18,19), have written similarly of the restoration of Aboriginal social balance in the repayment of debts or compensation of one sort of another. This is part of what David Martin calls "assertive equalitarianism" among Aboriginal kin: the "forceful assertion of equality between individuals through social

transactions being represented as equivalent, even in fact when objectively they are not" (Martin, D. 1995: 8). The ever present autonomy-relatedness dynamic is of course at play here too. Sutton has written recently of how the forceful assertion can extend to violence to restore social balance (Sutton 2009: 103,152,199), though the violence may appear to be excessive repayment or payback.

To Keen, Aboriginal identity generally "is not framed through the objective existence of social cells with territorial correlates; on the contrary it is constituted in discourse" (Keen 1997b: 271). The discourse, with or without violence, occurs across what is too often portrayed as a remote-urban Aboriginal divide. The divide falls away in Sansom's work. Sansom says 'The Camp at Wallaby Cross' (1980), his account of an Aboriginal community in the Darwin hinterland from early in the self-determination era, "is about happenings, about 'the word' and about Aboriginal valuations of experience shared with others" (ibid: 4). The word is creole or at least Aboriginal English that helps create social forms across communities (ibid). He emphasises a regional form where prior linguistic differences are sunk beneath the word (ibid: 11) and where "histories of consociate experience" (ibid: 14) are significant. Land remains important but associated identity is regional and fluid not local and fixed. Changes wrought with the opposite effect largely through the ALRA had clearly not yet taken hold, perhaps because of the sometimes semi urban setting. Recalling Berndt's comments on diffusion above, Sansom says:

> In effect, peoples once more closely confined in their use of territory have become the people of a region. Those who belong to the total set made up of ethnic subsets call one another 'countrymen' by which they mean people who have access to one another as natural associates. The countrymen are, in short, those people who have in their careers worked on and moved between the Darwin-centred cattle stations of the Northern Territory (ibid: 5).

Process in the kinship economy

A complex Aboriginal kinship economy is central to the discussion as it applies around Darwin and beyond in Aboriginal Australia. It is an economy where in the Darwin fringe

at least the product, so to speak, is "happenings", and where descent is by no means the sole determinant of relatedness – perhaps why Sansom calls it simply the Aboriginal economy or "blackfella business" (ibid: 4,7,8). To attract this business – to attract countrymen and their wage and welfare dollars – senior men "work to turn Darwin camps into regional centres. To do this, all possible means are used to ensure that a permanent fringe camp will be a place of continuing activity" (ibid: 9). Ceremonies are among the happenings, but less traditional, less formal events are similarly significant. Most significant is the shared experience of this business along with time together on the surrounding stations, and a common articulation of this experience to define identities of "mobs" of people in this milieu. This manifests itself in a "style" (ibid: 11). Says Sansom: "A mob's style stands for that mob's accepted and particular ways of doing business" (ibid).

On Cape York, von Sturmer found "individual entrepreneurs" militating against the growth and stability of "unilineal corporations", and regional land links providing arguably stronger bases for group identity and rights than do local links, according to Hiatt (1984: 16-18). Hiatt himself suggests the critical Indigenous process at the individual level is competition between agnates. This, he says, "tends towards fission or dispersal of agnatic cores, giving rise in the extreme case to individual ownership" of land (ibid: 21). But Hiatt points too to how competition is coupled with sharing. He says:

> The concept of solidary, inward-looking cohorts of male agnates at most signifies a tendency maintained in a state of subordination by the prevalent and presumably more successful strategy manifest in ramifying, outward-looking, ego-centred networks of reciprocity and mutual aid. Within a finite cognatic and affinal framework, corporate agnatic rights to exclude (supposing they exist) are regularly neutralised by individual obligations to share (ibid).

Across remote Aboriginal Australia such obligations are frequently fulfilled in almost irresistible demands from relatives, broadly defined, to share. Demand sharing is one of the main drivers of the Aboriginal kinship economy. Demands are particularly frequent and strong when Aboriginal people from the hinterland meet kin in town surrounded by a

relative abundance of goods. Fulfilling or more rarely denying or deferring the demands establishes or negates kinship respectively. Memberships of groups shift accordingly. First demands test kinship, relatedness, identity, as do demands for the original sharing to be repaid in some roughly equivalent way, and so on. Here demand sharing is linked to David Martin's notion of assertive equalitarianism. And there is always, to repeat Schwab, a calculus of reciprocity: if I don't share now, who will I turn to in my time of need? Nicolas Peterson believes demand sharing's potential as an "index" of social relations is "powerfully inculcated" (Peterson 1993: 863) at a very early age in Aboriginal society. The flow of royalties is significant now in the activation of this potential (ibid: 868).

Another key driver of the Aboriginal kinship economy is allocative power. Gerritsen has studied this closely in communities in the Katherine region of the NT where he distinguishes between dominant men and prominent men. Both are individual entrepreneurs in networks of kin. "For the sake of their prestige and power the dominant men have to keep up the flow of benefits to their families and retinues", says Gerritsen (1982: 18). Much of the political power of the dominant men is based on their "allocative control" of vehicles (ibid: 24). Here it helped that they often controlled community councils before the advent of region-wide shires in the NT. 'Owning' an outstation provided *prominent* men, meanwhile, with their own access to government funding, "thereby circumventing the dominant men-controlled council" (ibid: 26). Gerritsen suggests Commonwealth and Territory government disengagement from the communities concerned, without a diminution of government funding to them, led to largely unchecked allocative power there (ibid: 20,25,31). Only adding to this power, in part of his research area at least, has been the effect of large volumes of royalty and affected area payments over time.

The undiminished flow of funds here is significant. But so is the fact that the flow nevertheless remains intermittent, as with royalty and affected area payments, and/or insufficient alone, like individual welfare payments, to cater for the needs of growing Aboriginal communities. That is, the Aboriginal kinship economy, with its demand

sharing and allocative power machinations, would not be as strong if such funds that lubricate it always met all needs or these funds were supplemented by wages for many more community members. Raising welfare payments (or increasing the frequency of royalty and like payments) would, however, further diminish the incentive to earn a wage in the few available jobs in communities. Thus, through the Indigenous right to demand and the obligation and power to allocate services and things as still relatively scarce resources drawn from the wider welfare economy in which many Aboriginal people subsist, kin relations are formed, reformed and confirmed. Collective identity is in this way shaped according to the kinship economy. Now more than ever Aboriginal groups should be seen as a "social accomplishment" (Myers 1986: 72) in Myers' words.

The process of cultural match in the case studies

Just as royalties from land usage are now part of the above machinations, so too, of course, are rents to Aboriginal groups from land. And not just when the group simply divides the rent between members for their individual benefit. Aspects of contemporary cultural process are apparent in the CLC's Rent Project's CD processes, in particular its distribution of much of the rent to three different communities each year. Here we see negotiated if not demanded sharing and the use of allocative power to finalise the annual choice of three from what is always a longer list communities in contention. And in this, in turn, we see some balance in the autonomy-relatedness dynamic, where autonomy is represented by the communities and relatedness is represented in the primary participant group.

One middle-aged man is perhaps most powerful within the Rent Project's traditional owner/primary participant group because of his ability to operate effectively in quite high stakes intercultural fora. Liaising with government departments at an unusually high level is just part of this. His traditional ownership credentials in terms of the ALRA are meanwhile not universally accepted. This did not restrict his success in winning support from the group to choose his community for project funding to establish a small store there one year. At the year's first traditional owner meeting for the project he

ambiguously suggested withdrawal of his community from consideration as one of those to receive funding. He then claimed this was carelessly misinterpreted by the meeting's conveners, ie. CLC CD Unit staff, and thus his community would unfairly miss out on funding. While collecting a sympathy vote from the group here, the man proceeded to remind the group how often he supported other communities with which they are associated, and not just within the project's auspices, a clear allusion to his allocative power. In Sansom's terms, this was performative kinship laid bare, involving service and indebtedness for service provided. The store is nearing completion.

Two women, here called Barbara and Joanie, are undisputed members of the traditional owner/primary participant group in the Rent Project and leaders in their respective small communities hundreds of kilometers apart. The following year, these two communities were among those shortlisted for project funding, though neither was certain to be among the three chosen at the relevant traditional owner meeting. The older woman, Barbara, suddenly withdrew her community, at which point Joanie insisted instead her community withdraw, crossing it out on the whiteboard at the front of the meeting and thereby implicitly reinstating Barbara's community. The group was apparently suitably impressed, clearly now sympathetic to both women and their communities. The group chose Barbara's community for Rent Project funding that year and put Joanie's community on the top of the list for the year after, in the process confirming the women's place in the group along with the man mentioned above. Here was both performative kinship and strategic sharing or the calculus of reciprocity in the project, as Schwab might call it.

But what has come of it? What of the legitimacy of the Rent Project derived from progressing it this way?

"Things are happening. I want to keep seeing it like this," says one member of the traditional owner/primary participant group in the Rent Project. "I reckon that's a really good idea using rent money," says another in specific reference to rent used to help build a store in her community while facilitating store management focused on healthy food.

Yet the rent spent at Barbara's community – an outstation – may ultimately be wasted. Barbara has since suffered a stroke and cannot live at her outstation. Relatives who were inclined to live there are not so keen if she is not there. Besides, they are required to help look after her in a larger community nearby. With her outstation now vacant more often than not, an airconditioning unit installed as part of the Rent Project has been stolen. NT-wide, most of those still interested in living the outstation movement are now often elderly and frail like Barbara. Her predicament throws into sharp relief the sustainability or otherwise of the movement, with or without rent, royalty and affected area payment support, in the CLC's work in general.

The Royalty Project has also got things done. Less tangible but no less significant than the examples in chapter 4 is the project's role in steadily building the capacity of key members of the Indigenous education organisation on the project's advisory committee. Too frequently, however, project deliberations have become snared on a concept I will simply call Tjukurpa. If the continuing dynamic Aboriginal cultural processes I have been at pains to foreground might be called low culture with reference again to Stanner's residuum, Tjukurpa is high culture in comparison, albeit decontextualised and rendered somewhat intercultural in its collaboration with an urban based dance company. Tjurkurpa is essentially concerned with transmitting publicly known and accessible aspects of Aboriginal law from elders to children and youth via dance festivals around Dreaming themes in Royalty Project Community A, one of the four large communities in which the Royalty Project is active. It is credited with increasing school attendance there at certain times of the year, though Tjukurpa is actually articulated as traditional Aboriginal education ultimately towards essentialised Aboriginal adults. Indeed, an organiser has suggested other forms of education only raise pseudo Aborigines in Royalty Project Community A, while Tjukurpa is implicitly part of their ancient identity. Strategically, it is a chance to show governments that "we are still a tribal people", according to a community leader. According to the Tjukurpa business plan 2008-2011, the concept is said to reflect the "peculiarity" of the culture of the relevant language group, what makes them "who they are, and who they have been for thousands of years". Central here are what are expressed in the business plan as the five elements of the

culture: "Land, Law, Language, Ceremony and Kinship (Skin)". As so expressed, they are typical of socio-cultural reification in the Aboriginal domain. Expressed through what Mantziaris and David Martin call positive law, the elements of Indigenous land, law and kinship in particular come together in juridification, as they do in Melanesia. All five elements resonate across the relevant language group and with those working with the group on the Royalty Project and on other projects. But the resonance seems strongest in Royalty Project Community A, home of Tjukurpa.

The Royalty Project's traditional owner/primary participant group comes together as the trustee for the project in the form of Royalty Project Association 1. At one trustee meeting to approve project initiatives, the most vocal proponent of Tjukurpa attending held the initiatives up to this yardstick, as readers will recall kastom is said to be used to judge innovation in Vanuatu. He betrayed what Merlan considers is a common tendency to consider the Dreaming the sole Aboriginal resource available to meet change (Merlan 1998: 233), despite the contradictions in this. Why isn't the Royalty Project prioritising funding for Tjukurpa? he wanted to know. Also showing the common tendency, the large NGO now managing the Royalty Project Early Childhood Health and Education program warned in its program assessment report that the program will be adversely affected if Culture (written with a capital c) is not prioritised. This is because early childhood development in the project area is, the report said, founded on and led by this culture. Enhancing children's participation in what it called Culture activities will be an important contribution to the early childhood program, the report claimed in a way that recalls Brady's analysis of Aboriginal health policy in chapter 3. Tjukurpa would no doubt count as such a culture activity. So too a 'skin groups landscaping and environment program' planned at the school in Royalty Project Community A, what may turn out to be training in land related conflict later in life: the program is planned to include a garden plot for each skin or subsection group of kin, paired couples of which are locally associated with certain Dreamings, and a competition between them for the best plot. That is, the tendency towards the traditional in the community strongly converges with that towards the local. In fact, work now planned on the governance structure of Tjukurpa reflects some concern within the relevant language group that Tjukurpa is controlled by one

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family in Royalty Project Community A. Approval was ultimately granted for all the Royalty Project initiatives presented at the trustee meeting mentioned here. One initiative was ultimately presented as providing for the informal incorporation of Tjukurpa. Failure to do so clearly put the Royalty Project at some risk. Resolution had been reached, but cultural match hardly so.

Compared, the CLC's Rent Project can be said to approximate good cultural match because of a degree of accord with contemporary Aboriginal socio-cultural processes along with the legitimacy that comes with getting things done, as the Harvard Project puts it. In its processes, the Rent Project generally avoids the factors of socio-cultural reification, juridification and entification that contribute to localism at the expense of relatedness. There is more autonomy-relatedness balance. The Dreaming is rarely, if ever, mentioned in Rent Project deliberations of the traditional owners concerned. There is no sense that this law is the sole Aboriginal resource available to meet change. Writing on compensation for impaired or extinguished native title rights, Smith says "the eternal law of the Dreaming" should be seen as a theory of existence that assists Aboriginal groups to negotiate change as continuity (Smith 2001a: 7). Smith says that "within a spiritually sanctioned view of the law as unchanging, in everyday life there is a fluid 'here and now' quality in which behaviour and events are actively interpreted, negotiated and manipulated in the shadow of the law" (ibid). It is in the shadow of the Dreaming rather than following the letter of this law that the CLC's Rent Project might be said to operate. The Royalty Project's now tentative support for Tjukurpa, as a conduit of intergenerational knowledge, might be further compared with the Rent Project's wholehearted support for the above-mentioned social history database, one of the things the latter project has done since starting in 2005. The Rent Project's traditional owner group keenly approved the roll-out of the database with rent money in four far-flung NT communities, one where these traditional owners are not even the majority of the residents. Over computer monitors in each of these communities, the young now help the old with modern technology and the old pass on social history via this technology. There is a sense of defiance in this of the very legislation that facilitates the rent, defines traditional owner and thus largely defines NT Aboriginal identity, the ALRA. This

legislation, particularly in its significant contribution to juridification, provides for a cultural half-match at best within the Aboriginal domain.

Traditional Aboriginal owner

The ALRA defines "traditional Aboriginal owners" in relation to land as:

> a local descent group of Aboriginals who (a) have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land; and (b) are entitled by Aboriginal tradition to forage as of right over that land (ALRA: Section 3(1)).

As early as 1984 Keen suggested this is "at best inadequate to describe the system of land tenure of any region, and at worst, false" (Keen 1984: 26); and Smith was advocating a "comprehensive reassessment" of the adequacy of the definition (Smith 1984: 86). It, she said, "helps create closed, entrenched networks of traditional owners through time; and, correspondingly, continued dependency and disadvantage among those on the economic and political periphery" (ibid: 96), ie. those Aboriginal people who do not fit the definition. Smith's subtext refers to the restriction of the socio-cultural processes that constitute networks of wider relatedness. The clear implication is the development restriction that is placed on those excluded when the networks are cut, to again borrow from Bainton on Melanesia.

NT Aboriginal people have arrived at this development predicament because of a cultural half-match at best. Kenneth Maddock observes the irony that:

> the land rights agitation, litigation and inquiries of the 1960s and 1970s, which culminated in the Aboriginal Land Rights (Northern Territory) Act 1976, raise a question of the extent to which justice can be or has been done to the traditional ideas and relations and the denial or neglect of which gave rise to the agitation, litigation, and inquiries (Maddock 1982: 56).

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The litigation Maddock refers to is the Gove case as a test of the extent to which Aboriginal law, particularly as it relates directly to land, matches western property law. The Yolngu plaintiffs lost the case. Of the inquiries Maddock refers to, the Woodward Commission that led to the ALRA is the most significant. Maddock notes that ultimately the ALRA had to establish for NT land a legal and administrative framework responsive to both government and NT Aboriginal people, "within which title to land can be held and powers of decision over land exercised" (ibid: 73). It had to be acceptable to other stakeholders, or potential stakeholders, in the land and the wider electorate as well as the Aboriginal people. For this it had to be intelligible. In land rights and native title claims, Merlan points to the "paucity of anthropological terms available to interpret the character of contemporary Aboriginal socio-political formations" in a way that is sufficiently intelligible and persuasive to all parties to secure success for the Aboriginal applicants or claimants (Merlan 1998: 173). Mantziaris and David Martin identify a "jural paradigm" in anthropology in which it is assumed that Aboriginal traditional laws and customs constitute an Indigenous legal system, in turn producing an expectation that the system can be expressed in terms and concepts recognised by lawyers at large (Mantziaris and Martin, D. 2000: 39). This certainly produces vast amounts of documentation, particularly in land/native title claims, itself contributing to changes in Aboriginal practices still otherwise largely learnt orally (ibid: 41-43).

To an extent the jural paradigm is unavoidable. As Smith observes, "in order for native title to be recognised by the common law, the facts of native title have to be determined through translation from one cultural domain (Aboriginal law and custom) to another (Australian common law)" (Smith 2001a: 31). And here much has been said of the so-called recognition space in native title (ibid). Fundamentally, however, the ALRA in fact established rights that did not exist traditionally precisely because the circumstances requiring them did not arise before contact (Maddock 1983: 219). Maddock suggests much of the problem in this legislation stems from its use of the terms 'owner' and 'rights' where 'interests' in land may have been preferable (ibid: 212-214). He says the ALRA "appears in the nature of a quest for the proprietor of an estate in fee simple in English land law and is accordingly unable to accept that traditionally there is a plurality

of 'rights'" (Maddock 1982: 71). The problem may have been avoided by removing reference to tradition. As discussed, Woodward in the Woodward Commission entertained the idea of Aboriginal residential communities holding title to land granted under the ALRA. Maddock says the problem then would have been reduced to reconciling the interests of people native to land with the interests of settlers where settler and native alike are Aboriginal (ibid: 75). Residential communities of course include both. In the end reconciliation came in the ALRA requirement that NT land councils protect the interests of and consult with Aboriginal communities or groups affected by land use proposals – so-called affected communities like the eight in the CLC's AAP Project – *in addition to* the local descent group or clan said to own the land (ALRA: Section 23). Yet in isolating the local descent group as the only owners, Woodward's efforts to make Aboriginal land tenure and Western property law compatible ultimately infused the former with essential elements of the latter, namely exclusivity. As Sylvie Poirier observes in both the Canadian and Australian contexts, the judicial structures that circumscribe Indigenous rights and titles generally reflect Western fundamentals of land property, and exclusive occupation is one of these (Poirier 2010: 43). Genealogical descent is another, she says (ibid). Juridification easily becomes entification through the notion of exclusivity.

That the ALRA, through Woodward, ultimately privileged the local descent group in Aboriginal land ownership and with this Aboriginal localism more generally is an outcome Maddock largely puts down to the weight of anthropological opinion at the time (Maddock 1982: 73 and Maddock 1983: 215). That this opinion remained fundamentally loyal to Radcliffe-Brown's structural functionalist model of Aboriginal land tenure is clear in the above definition of traditional Aboriginal land ownership in the ALRA and has been widely commented on, by Hiatt for example (1984: 12). Maddock suggests the other major influence on this outcome was the "political calculation that a definitive assertion of Aboriginal ownership was needed if land rights were to be accepted in the wider community" (Maddock 1983: 223). Tradition, in terms of religious responsibilities passed on by descent, could provide this definitive assertion and simultaneously limit those who could make the assertion in land claims in a way that mere residence on or

even historical links with the land could not. Reference to 'group' ensured no one Aboriginal person alone can aspire to own land under the ALRA. On the other hand, reference to the local signalled that not only are those equipped with quite discrete traditions at an advantage over those without in the ALRA, but a narrow, localised, interpretation of descent vis-a-vis land means traditional owners are "better off the fewer they are", especially if the land generates some revenue (Maddock 1982: 69). The message sent back to potential investors in the land was equally, if not more, important, as I explain in the next chapter.

Statutory and vernacular traditional owners

Maddock makes a useful distinction between legal or statutory, anthropological and "vernacular" traditional Aboriginal owners of land. He says in this distinction "the 'owners' (or 'bosses') of Aboriginal usage could be described as vernacular owners. The 'traditional Aboriginal owners' of the Act could be described as statutory traditional owners. The 'owners' of anthropological usage would be owners anthropologically conceived" (Maddock 1983: 216). Whereas Keen recommends in future law writing we "leave anthropological language out altogether" (Keen 1984: 43), Peterson notes that "anthropologists are calling on phenomenology (ie. a focus on lived experience) to combat the narrow legal discourse" (Peterson 2008: 194) within which the notion of Aboriginal land owner has hitherto been anthropologically conceived. Musharbash (2008) is a recent example of the call. In this, the owner of anthropological usage converges with Maddock's vernacular owners, in the consequently minimally distorted "emic Aboriginal systems" Paul Memmott and his co-authors discuss in the context of a regional approach to managing Aboriginal land title on Cape York, for instance (Memmott et al 2007: 275).

We can summarise and generalise such systems as a social sphere characterised by the now well-known autonomy-relatedness dynamic, where relatedness is region-wide; by sharing, including demand sharing; by high mobility to maintain relatedness or escape its demands to places of relative autonomy; and by "struggles to gain allocative power over

invariably scarce resources" (Tonkinson 2007: 49). It is a sphere in which ownership of land and the collective Aboriginal identity that comes of it is shaped in discourse, negotiation and action; in short, in process. It is half a world away from the one privileged in the institutions and imperatives of self-determination policy, including land rights – the statutory traditional owner sphere. Some vernacular/anthropological traditional owners also occupy the sphere of statutory traditional owners with an identity matched to the self-determination imperatives and institutions – the ALRA, incorporated Aboriginal entities, outstations. Directly associated with land rights and thus entitlements, or at least funded opportunities through the entities (and to a lesser extent now the outstations), it is inevitably this identity that NT Aboriginal people are most self-conscious of. Among layers of identity, it is now their primary one, fixed and finite in thousands of locally emplaced versions continuing to proliferate across the NT and beyond.

One version – one such entity – intersects with the CLC's Rent Project. The traditional owners who are the primary participant group in this project also come together outside the project as what I have called Rent Association 1. Beyond the intersection these are quite separate spheres, except perhaps when it comes to outstations in the Rent Project. The association distributes approximately $1m of the rent annually to traditional owner family heads as per Figures 1 and 2. In this guise, the group is part of the statutory traditional ownership sphere in which identity – of the right people to receive this money – is matched to self-determination institutions and imperatives. For instance, it has been the subject of reviews, or quite frequent calls from within or from CLC staff for reviews, of the traditional ownership credentials of its members according to the definition of traditional Aboriginal owners in the ALRA and its emphasis on the local descent group. Members of Rent Association 1 are fairly frequently accused of being the wrong people by those seeking a more exclusive membership. Murmurings of such accusations are sometimes heard when this same group meets more as vernacular owners, to maintain Maddock's distinction, in order to make key decisions in the Rent Project. But here the murmurings are short lived and the meetings move on.

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Before the meetings had moved the project very far, the group tried to move the project under the control of Rent Association 1, into its sphere. This initially seemed sensible to the CLC. The idea seemed an efficient one and conducive to building the capacity of the association if association meetings could distribute rent to family heads *and* make decisions about community development with the remainder of the money simultaneously at the same meetings. Perhaps most importantly, it was thought this might further self-determination of this entity: the association would more completely control significant funds for the benefit of its members in the form of the combined rent, as opposed to the CLC effectively co-managing much of it, namely that portion for community development.

While these considerations remained unresolved, the CLC's CD Unit continued to co-manage this CD portion of the rent with the relevant traditional owners under the Rent Project, arguing that here the traditional owners would remain consistently and productively in control of key decisions through the project's governance arrangements. In this co-management, the CD Unit was able to bring its expertise to bear to achieve relatively quick and tangible outcomes in the project – to get things done, in the language of the Harvard Project research into cultural match. This had the significant result of building the traditional owners' confidence in the Rent Project and their willingness to continue to participate through the governance arrangements. Here they see legitimacy in the governance because it can deliver. The traditional owners then seemed to compare the project governance arrangements and results with those involved in the annual distribution of $1m in rent to their family heads via Rent Association 1. This money generally goes to buy used cars that most acknowledge may be even more quickly obtained and more tangible but do not last long. The traditional owners evidently now want to keep these arrangements separate, as talk of Rent Association 1 controlling the Rent Project has ceased. Rent Association 1 has no involvement in the Rent Project. Conversely, Royalty Project Association 1, the trustee in the Royalty Project, retains a high level of control there, providing final funding approval for project initiatives as the primary participant group (see Figure 4). With Royalty Association 1's membership closely wedded through its rules to the definition of traditional Aboriginal land owner in

the ALRA, this project remains in significant ways confined, or at least matched, to the statutory traditional ownership sphere and its strong tendency towards the local. Because this tendency is at the expense of relatedness, there is what I have called a cultural half-match at best. Juridification is the key factor in this case.

In chapter 1 I flagged separation as an underlying theme in my thesis. I said that overcoming profound separations is critical to improvements in Aboriginal communities through community development, eg. the separation of some Aboriginal people from other Aboriginal people, tradition from modernity, the very disengagement of Aboriginal people generally from wider society. The CLC's Rent Project meanwhile highlights the isolated instance in the research where strong separation appears beneficial for the CLC's CD work: the separation of such projects themselves from the distribution of rent and like monies to traditional owner individuals or family heads as per Figures 1, 2, 3 and 4. Having this distribution separate from the projects seems to quarantine excesses in key aspects of contemporary Aboriginal culture, sociality and identity, specifically demand sharing and allocative power. The excesses are confined to the distribution to individuals/family heads. This leaves the funds in the projects for more sustainable use, free of the excessive influence of these aspects. By excessive I mean the sort of unrestrained demanding of money, largely installments of rent from nearby Uluru-Kata Tjuta National Park, that Smith observed along with some consequences at Mutitjulu community, southwest of Alice Springs (Smith 2001b: 17). But I also mean the corruption that can come from allocative power. The Rent Project is not entirely free of such aspects of contemporary Aboriginal culture, sociality and identity in their more benign form; and a complete purge from the project would ultimately be detrimental, given the importance of these aspects for remote Aboriginal participants to identify with development projects. But the separate rent distribution of $1m annually to family heads seems to satisfy most demand sharing and allocative power imperatives such that these become manageable in the comparable amount through the Rent Project. In fact, the ongoing distribution to family heads at its current amount appears crucial for the success of the project. As one member of Rent Association 1, through which the family head distribution occurs, put it: the association's executive supports the project provided the

family heads continue to receive the same amount between them. Were this support to switch to opposition, the project would struggle – the association's executive comprises key people in the project's primary participant group, albeit in a quite separate sphere.

Conclusion

As a process that draws on a range of cultural resources to create the legitimacy that ultimately comes from project success in the eyes of the participants, cultural match is important for sound CD project governance. In this there is necessarily convergence with contemporary Aboriginal socio-cultural process, which might then be seen as a key resource along with and in relation with those governance resources brought from 'outside'. A depth of knowledge of Aboriginal socio-cultural process is, then, critical to comprehend and/or facilitate this. In this chapter I have closely examined specific processes within the Aboriginal kinship economy against the localised and comparatively rigid socio-cultural forms and associated identity arising from Aboriginal self-determination policy. Of the key factors in the privileged localism under the policy, I focused on juridification and the role of the ALRA in what I have called a cultural half-match ultimately restricting CD in the NT Aboriginal domain. I introduced the notion of the statutory traditional owner sphere through which one might view this half-match. I looked at the extent of cultural match among my case studies, with better understanding beginning to emerge of their capacity, and thus the capacity of projects like them, to improve Aboriginal community conditions. But before I elaborate further on this capacity, it is necessary to better understand the *extent* of the impediments. How exactly has the privilege of localism become so widespread? What exactly is it here that projects like my case studies are up against across the NT?

Chapter 7

<u>Certainty</u>

Socio-cultural reification, juridification and entification are key factors in local autonomy that was privileged during the Aboriginal self-determination era at the expense of the relatedness in Aboriginal groups. These factors are contrary to the fluid process implicit in the autonomy-relatedness dynamic central to Aboriginal sociality and thus identity. In this chapter I examine how the resulting change in groups critical to community development has spread to become the norm across the NT Aboriginal domain if not beyond, posing a strong and far-reaching impediment to improvements through CD to Aboriginal communities. I look first at fundamental workings of the wider capitalist economy at its intersection with the Aboriginal domain. Here, certainty of land ownership provided by legislated Aboriginal land tenure like that under the ALRA is a key consideration ahead of investment in the land. I then move to the realms of the collective imagination. I consider mimesis in this context and further state, ideological and international influences on identity, leading to an examination of conflict as an important example of the impact on CD and on prospects for better Aboriginal community conditions.

Investment certainty

In a report towards development reform in the context of land rights in remote Australia, Altman, Craig Linkhorn and Jennifer Clarke concede that the complexity of Aboriginal communal ownership "is likely to reduce the number of people willing to undertake major investments on ALRA land" (Altman, Linkhorn and Clarke 2005: 20). As Altman observes, obligation between Aboriginal people arguably hampers economic development more generally in the Indigenous domain (Altman 2001: 129). As part of the kinship economy, it entails the allocation of resources primarily to produce social relationships at the expense of profit (Peterson and Taylor 2003: 106). One response might be to try to facilitate private ownership in Aboriginal communities, an effort the

Commonwealth intervention into NT Aboriginal affairs seizure of community land appears to precede. Another is the response Smith predicted early in the self-determination era: that land councils' research to determine the traditional owners to negotiate with potential investors would become increasingly influenced by such commercial interests in the land (Smith 1984: 89) towards certainty above and beyond that already built into the ALRA definition of traditional Aboriginal ownership. Says Smith: "the fact of the matter is that developers do not like fluid situations and exert constant pressure on Land Councils to have lists of owners fixed and therefore finite, and to have the same individuals present from one meeting to the next" (ibid: 93) in the negotiations. That pressure to curtail Aboriginal socio-cultural process is transferred to land council staff anthropologists from those staff liaising most closely with the developers. It can remain long after negotiations are complete, when the development context has significantly changed from a commercial development proposal phase to a community development phase.

In this way, recent CLC staff anthropologist advice that the traditional owners in the Royalty Project in fact constitute a relatively inclusive group, as expressed by the group itself, has been questioned by other staff who have suggested that a more experienced consultant anthropologist be hired to canvass the exclusion of certain 'managers'. Managers, often known by other Aboriginal English terms too, are typically those who trace their links to the relevant land through females of the descent group, though the terms are frequently extended by the group to certain other individuals. Maddock had managers in mind when he rued the lack of recognition in the ALRA of a plurality of rights, as above (Maddock 1983: 221). And some ALRA land claims have now succeeded with managers, as well as those tracing patrilineal descent, in the claimant group, ie. the group asserted and accepted as the local descent group of traditional owners. The managers in question with respect to the Royalty Project traditional owner group happen to be people with limited knowledge necessary to prove common spiritual affiliations to a site on the relevant land as required of traditional owners in the ALRA definition. They are relatively urbanised. Limited site knowledge, however, is not necessarily a handicap in their contribution to the Royalty Project. Nor, as the project

governance arrangements outlined in chapter 4 show, does it necessarily preclude their membership of Royalty Project Association 1. They wish to remain association members, and thus part of the project's primary participant group. It remains to be seen whether or not on more experienced anthropological advice they will be removed from the membership, and the implications for the association and the project. But the scenario is again reminiscent of the declining fortunes of Gagudgu Association as described in chapter 3, an organisation once comprising a relatively wide community of interest well placed to facilitate sustainable development using monies from mining.

Over ten years ago, Merlan was sure the majority of the then recent works providing any insight into Aboriginal social organisation showed "the inappropriateness of identifying any single, definitively bounded group associated with a particular tract of land in a single way that is relevant for all purposes" (Merlan 1996: 166). Yet the local descent group or clan model captured in the ALRA is nevertheless now quite liberally applied even where it might not be mandatory. Put simply, as Merlan puts it, "the clan model makes it possible to project who will be in and who will be out" (ibid: 168) of negotiations towards land use agreements and in or out of the group of Indigenous beneficiaries of these agreements. That is, after helping to resolve land claims the clan model provides certainty of group membership *into the future*. It is predictable, which is attractive for long term investments and to the beneficiaries where the benefits are provided over successive years or indeed are intergenerational. Descent of course enables this predictability in a way that land links like residence cannot, especially given the high mobility of the people concerned or their permanent residence often now well away from the land. And predictability is further improved when descent is associated with reified tradition among the shifting mix of socio-cultural beliefs, values and practices. Says Merlan, invoking monetary predictability and particularly the hard, set nature of metal money:

> In order to qualify for consideration or restorative measures under the terms of indigenous disadvantage, one must be able to imagine a domain of the indigenous.

Around this is formulated and contested a currency of indigeneity, and 'tradition' is its coin" (Merlan 2006: 101).

Developers' demand for such certainty going forward is by no means confined to commercial development in the resources sector. As Merlan suggests above, to an extent it underlies all development in the broadest sense to address Indigenous disadvantage. Development providers in this endeavour will always want some certainty as to who qualifies for the provision, whether in collective land rights or in some other form, lest they are expected to provide for all forever. And as Keir Martin found in PNG, sometimes the disadvantaged will of course seek such certainty themselves individually, in property transactions for instance (Martin, K. 2007: 52-54).

But rarely is the intensity, impact and perceived immediate potential of development as great, the risk to the investment as great, as with large scale resource extraction. In much of the developing world, and on communally owned Aboriginal Freehold land or land where there are native title rights and interests in remote Australia, just who resource extraction companies strike agreements with must be certain in order to "generate workable consent" (Merlan 2006: 99), ie. group cohesion and consensus about this development proceeding. Weiner and Glaskin believe arrangements towards certainty of communal land ownership in both PNG and Australia are in this way "inexorably slanted towards the requirements of the resource industry to deliver the financial benefits of extractive projects" (Weiner and Glaskin 2007: 5). Unrest around such development is inimical to certainty, as dramatically demonstrated around mines in PNG from time to time. Where there are the means of redress for the recipients in one form or another, companies must be certain who to pay to extract or redress will delay and/or further cost the company. They must be as certain as possible there will be no additional, unpredictable claims for payment in the future in order to maintain a profit margin. In the company board room, the so-called social contract involved here is very much about risk management.

The commercial quest for certainty, especially in the again booming resources sector, goes far to properly explaining widespread identity associated with privileged localism in Aboriginal sociality. But there is yet more to this than commercial certainty. Rowse observes that, "while the apportioning of real property is open to (indeed, depends upon) precise delimiting of boundaries, the demarcation of jurisdictions within a nation-state is not straightforward" (Rowse 2007: 53). There are other significant sources of separation or demarcation in the Indigenous domain. These also influence the widespread impediment to CD posed by privileged localism, and I turn to them now.

Imagination and mimesis

At a community meeting to establish the AAP Project in AAP Project Community A, discussion inevitably turned to outstations. One community member responded to the crowd that now "outstations are in your dreams", suggesting the project would limit support for outstations. The project has indeed narrowed the scope for such support because the support had been used for individual benefit contrary to the rules of AAP Project Association 1 through which the project funds are paid. Another community member spoke of the need for the project to respect Dreamings. He was reminded that AAP Project Association 1 is not about these ancient traditions but about contemporary residential communities affected by mining, as per chapter 4. That is, the interests of people associated with the tracks of Dreaming beings do not prevail in the association over wide benefit to all community residents, somewhat contrary to the self-determination model of Aboriginal civil society. These exchanges, snippets of a long and difficult meeting, reflect Austin-Broos' comments above on Aboriginal and non-Aboriginal "imagineries" colliding in remote Aboriginal Central Australia and those of Keesing and Bainton in the South Pacific context.

After the self-determination decades, it is difficult for the CLC's constituents to shift from an articulation of their identity based on ancient traditions, particularly locally emplaced traditions, to a more contemporary and inclusive articulation. The difficulty ensures life is turbulent, as Austin-Broos said of Arrernte life above. Via socio-cultural

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reification, juridification and entification, the CLC's constituents are subjects of localism privileged during the self-determination era. And while the prize of significantly improved living conditions has proved elusive, many Aboriginal people have been rewarded, in funding for a proliferation of autonomous, locally-focused incorporated entities for instance. Rowse reminds that:

> because 'self-determination' postulates 'cultural difference' as something to be respected in public policy as much as possible, it has been pertinent to ask whether or not Indigenous Australians, when they incorporate, are being forced into adopting certain social conventions characteristic of European Australians (Rowse 2005: 213).

This echoes the enforcement central to the definition I have used of juridification, but inducement might actually be closer to the mark.

Reward for localism has come too in the way of successful land claims which rely on an articulation of Aboriginal land tenure based on locally emplaced traditions consistent with the ALRA definition of traditional Aboriginal land owner. Merlan sees Aboriginal land rights as "instantiation of an increasingly imitative rather than overtly coercive relationship between Aborigines and the nation-state" (Merlan 1998: 151). Aboriginal identity has in this relationship become profoundly mimetic, she believes. Through mimesis, articulations of Aboriginality "as made most powerfully by others" profoundly affect "who and what Aborigines consider themselves to be" (Merlan 1998: 150). To Merlan, land rights, for all the benefits, is an example of mimesis as a "social technology" in self-determination's disengaged management of Aboriginal people, generating new conceptions of Aboriginal self-hood in relation to the Australian nation (ibid: 175,180,235). Similarly, Rowse believes "the local Indigenous group" has become important to the very process of government, involving "the formation of new 'selves' who can practice 'self-determination'" (Rowse 1998a: 217). But to Merlan, the management of Aboriginal people is via what is *expressed* as Indigenous social organisation. In this, she notes, there are parallels between Aboriginal self-determination and the indirect rule once practiced in other colonies, by Britain in colonial India for instance (Merlan 1998: 152). Yet again the parallels are plain in Melanesia now,

especially in relation to mining, where Jorgensen notes that "official preferences for defining land rights through clanship show a remarkable ability to elicit local responses that produce landowning clans on demand" (Jorgensen 2007: 66). Such responses are frequently "far removed from traditional ideas about the relation between land rights and collective identities" (ibid). Socio-cultural reification, juridification and entification are key factors but mimesis is clearly at play too.

Then NT Government minister John Ah Kit dug up the colonial roots of this mimesis in the Aboriginal domain when he addressed the NT Local Government Association in 2003 on his government's Building Stronger Regions strategy which ushered in shires in place of local councils in the NT. An Aboriginal man, Ah Kit told the association "there is a completely false view that Aboriginal communities, from outstations and pastoral excisions, to larger communities and townships – through indeed to inhabitants of towns and cities – exist in splendid isolation from each other. It is a view based on colonialist notions" (cited in Sanders 2005: 59).

Might, then, the AAP Project Community A member's comments about outstations being in the community's dreams be differently interpreted? Perhaps he meant the sharp focus of self-determination on outstations here and elsewhere is part of a form of Aboriginal identity that is in a sense imaginary. Benedict Anderson's book 'Imagined Communities' (1983) explains how the formulation of identity in the collective imagination occurs in colonisation. His chapter Census, Map and Museum is most insightful. It reflects standard documentation in ALRA land claims: claimant profiles, these a form of census prepared from comprehensive genealogies; sacred site maps; and site registers on which Anderson's 'museums' would not be out of place. This claim documentation is frequently organised in terms of associated local descent group or clan estates.

Anderson says the "fiction" of the census is its claim to account for everyone in the target population, and that all those counted have one – and only one – very clear place. There are no "fractions" (ibid: 166), no uncertainty that may upset a sense of consolidation in space and time. Like censuses, Anderson believes European-style maps worked towards a

"totalizing classification" (ibid: 173), by implication further consolidating space in the colonies. He notes that so-called historical maps of colonies, especially in the late nineteenth century, were designed to prove the antiquity of specific, tightly bounded – ie. localised – territorial units there (ibid: 175). They facilitated "a sort of politico-biographical narrative" of the colonial realm, adopted, and often adapted, by the nation states that succeeded colonial regimes (ibid). Increasingly linked to tourism, state-sponsored monumental archaeology – the museums of Anderson's chapter heading – allowed the state to appear as the guardian of tradition (ibid: 181). These "old sacred sites" were incorporated into the maps "and their ancient prestige (which, if this had disappeared, as it often had, the state would attempt to revive) draped around the mappers" (ibid: 181,182). Together, census, map and museum provided:

> a totalizing classificatory grid, which could be applied with endless flexibility to anything under the state's real or contemplated control: peoples, regions, religions, languages, products, monuments and so forth. The effect of the grid was always to be able to say of anything that it was this, not that; it belonged here, not there. It was bounded, determinate, and therefore - in principle – countable (ibid: 184).

Countable meant manageable, to say nothing of the potential in the grid for divide and rule. In the current PNG mining context, Jorgensen replaces countable with 'legible', where the "apparatus of legibility" similarly includes making maps, conducting censuses and collecting genealogies (Jorgensen 2007: 63); and where "creating legibility entails state simplification of social practices in the form of a standard grid whereby these can be recorded and monitored" (ibid: 57).

Especially with heightened globalisation, there are in fact unpredictable effects, in what Peterson refers to as "the politics of indigenism" (Peterson 1999: 850) for instance. In this, Aboriginal activists have argued, often on a world stage, for a distinctive Indigenous status, including protection for a unique cultural heritage, as Fourth World peoples in a first world state (ibid: 849). The response from the Australian public via the legislature has been to seek to limit the recognition of difference, and thus rights and entitlements, to extreme difference reflected in supposedly authentic practices (ibid: 858) carried out by

so-called traditional Aboriginal people in remote areas. Peterson suggests this can cause urbanised Aboriginal people to creatively reconstitute relationships to place and heritage modeled on what they consider to be authentic practice, thus strengthening and further entrenching, but also transferring to new sites, the very cultural difference the state is seeking to contain spacially and conceptually (ibid). These relationships are often articulated and defended in terms of exclusive, bounded, localised group ownership of land, an important marker of what might be said to be imagined difference across Aboriginal Australia. I now further explore such complexities and their implications at the intersection of the national, the international and the local.

The state, nationalism and international influences on identity

In compensating for a lack of original spiritual connection with the country, Bauman believes non-Aboriginal Australians have "discovered the difference of the imagined exotic and primitive traditional, tribal, full blood, 'real Aborigine' of a northern outback Frontier" (Bauman 2006: 324). According to Beckett, this has occurred in the context of so-called welfare colonialism. Coined in connection with the Canadian north (Beckett 1989: 122), Beckett says welfare colonialism is the state's strategy for managing persistent Aboriginal social problems, despite rights, within a wealthy liberal democratic society (Beckett 1989: 122). Beckett specifically links the concept, and its influence on identity, to Anderson's notion of imagined communities above. At this ideological level, he says in welfare colonialism "the 'native' who once stood in opposition to the 'settler' and outside the pale of society undergoes an apotheosis to emerge as its original citizen" (ibid). This recalls Filer on PNG above. The difference between Aboriginal people that Bauman speaks of became most pronounced when the Australian state first grappled with welfare and other entitlements for them, according to Beckett. While almost anyone who identified as Aboriginal was accepted as such by those working to assist them, he says "it was the traditionally oriented Aborigines of the centre and north who held the public imagination and sympathy" (ibid: 130). This general public 'group think' is what is significant here. It can lead to policy based on little more than a collective sense of guilt or a 'fair go'.

To Merlan, the imagining of the 'real Aborigine' accords with the ideology of Australians generally as a people 'on the land', the strength of which lies partly in our "positive moral valuation of primary production" (Merlan 1998: 159). As tourism now exceeds primary production in terms of actual contribution to the economy in parts of northern Australia, Aboriginal people are then portrayed to tourists in "fetishized form", as "essential to what the nation is", according to Merlan (ibid: 161). In national park interpretative material, for instance, they are invariably shown as at one with the land (ibid), particularly outback land, that land so central to Australian nationalism.

In these ways, Merlan notes that a particular dimension of Aboriginality – its traditional dimension – has come to be seen as inherent to Australian national identity, some would say appropriated to it (ibid: 234).

This appropriation is a two-way street. With the help of land claims and native title claims and their foregrounding of "mimetic approximations of the forms of traditional socio-territorial organization", Merlan believes there is now a "nationlike status of Aboriginality writ large" (ibid: 235). Consistent with the politics of indigenism discussed above, Indigenous peoples the world over have discovered that national governments with whom they must now negotiate for land and other rights sometimes take them more seriously if they refer to themselves as nations. There is, then, at least the semblance of equality in the negotiations. The nation is here what Poirier calls a "strategy of accommodation, resistance and engagement" (Poirier 2010: 48) on the part of Indigenous people in Australia and Canada vis-a-vis the state.

Here unity and continuity of tradition are emphasised but frequently, perhaps predictably, the opposites occur. Despite native title applications to prove continuity of connection with land, Merlan suggests Aboriginal people are increasingly resigned to a divide between their past and the present stimulated by intensified national efforts to reconstitute and maintain Aboriginality in particular forms (ibid). Meanwhile Bauman describes the tendency in the Katherine area of the NT towards the "Balkanisation" of language groups

into smaller, more exclusive, nevertheless nation-like component groups identifying with discrete blocks of land and drawing heavily on tradition to differentiate themselves and their land from others in the wider group (Bauman 2006: 323,325). Group membership is determined and denied according to "nationalistic and exclusive eligibility criteria", says Bauman (ibid: 323). Belonging is in fact "institutionalised in the membership criteria of the constitutions of legally incorporated associations, and in legal definitions of traditional owners and native title holders" (ibid). Royalty Project Association 1 in the CLC's Royalty Project would be at home. It is indeed in this ideological environment in which local autonomy is privileged that the Royalty Project, and to a lesser extent the AAP Project, must operate.

In community consultations in Royalty Project Community A on the option of adopting (and adapting) an early childhood program there as part of the project, CLC staff were told by an influential community elder that the program would have to fit into the "nation" that he and others equate with the language group in the project. With nations generally considered large entities, there would appear to be plenty of room for the program. But like nationalism everywhere, the apparently inclusive here masks almost inevitably exclusive tendencies framed according to essential characteristics of the nation – typically language and culture characteristics – whether or not these are framed around ownership of land. Indeed the elder proceeded to assert that not only must language and culture come first in any discussion of development programs in his community, but that two of the other three communities in the project have lost their language and culture. In the same Royalty Project early childhood program consultations, this elder's son, the main organiser of the Tjukurpa festivals discussed in chapter 6, also lobbied for language and culture in education. This was to determine who is of the language, he said, as well as to advance the language itself. Might the implication be that the two communities who have supposedly lost their language and culture are considered no longer part of the language group or fast heading that way? The son, meanwhile, has "been born" a man of this language and "will finish up" one, he said. That is, he asserts he is certainly part of the group. And a fellow member of his community and language group insisted in separate consultations that funding under the CLC's AAP Project, funding destined to

help stop kidney disease sufferers 'finishing up' before their time, only be released if the funds recipient, a reputable regional Aboriginal health organisation, change its name to one in this language. Furthermore, the name should be drawn from and thus signify his community, he said. In reaction to a supposedly definitive essence of belonging on display here, to this linguistic delimiting of development, a firm (female) supporter of an early childhood program for Royalty Project Community A declared the language group is in fact "living two ways whether we like it or not". At least two ways.

Melinda Hinkson says identity among the Warlpiri, associated with country southwest of Katherine, northwest of Alice Springs, is no longer enacted through highly localised social formations long associated with Aboriginal societies in general. Instead she says it is increasingly enacted through the more abstract formations, the fluid processes, we commonly think of when we consider globalisation (Hinkson 2002: 212). Yet, as contradictory as it may seem, localisation has also come from globalisation, despite predictions that globalisation would permanently break down distinctions between peoples. So, "are globalization and localization of cultural production two moments of the same process?" (Foster 1991: 236), as Foster has asked. Appadurai's theories of the impacts of globalisation on colonised peoples help with the answer. His theories include the concepts of ethnoscapes, ideoscapes and mediascapes. He defines ethnoscapes as "the landscape of persons who constitute the shifting world in which we live: tourists, immigrants, refugees, exiles, guest workers and other moving groups and individuals" (Appadurai 1996: 33). Appadurai's ideoscapes describe chains of terms and images from the "Enlightenment worldview", including freedom, welfare, rights, sovereignty and representation (ibid: 36). Here, however, the imagination "is the key component of the new global order" (ibid: 31). Appadurai notes widening generation and gender gaps in this context. Women, he believes, become "pawns in the heritage politics of the household" (ibid: 44), often subject to abuse by "men who are themselves torn about the relation between heritage and opportunity in shifting spatial and political formations" (ibid), where the opportunity is often enough an imaginary one generated in mediascapes. It seems men in particular are disoriented – distressed, to again use an Austin-Broos term

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– by the expectations of tradition and modernity where these states are seen as separated not merging along a continuum.

In this context, Appadurai observes "ethnic implosions", essentially conflict among oppressed peoples dividing into "primary solidarity groups" in search of security as they try to withdraw from the state (ibid: 149, citing Zolberg et al 1989). Meanwhile, preoccupied with the "control, classification, and surveillance" of their subjects, nation states have "created, revitalized, or fractured ethnic identities that were previously fluid, negotiable, or nascent" (ibid: 162). By means of such control, classification and surveillance, Appadurai sees nation states "everywhere seeking to monopolize the moral resources of community, either by flatly claiming perfect coevality between nation and state, or by systematically museumizing and representing all groups within them in a variety of heritage politics that seems remarkably uniform throughout the world" (ibid: 39). Yet, as globalisation leads states to in fact lose their monopoly over "the idea of nation" – a "potentially explosive situation" in its own right according to Foster (Foster 1991: 252) – Appadurai believes it is understandable that all manner of groups will tend to use the logic of the nation to claim or maintain entitlements from the state, even as some attempt to withdraw from it (Appadurai 1996: 157). He believes identities produced "in a field of classification, mass mediation, mobilization and entitlement dominated by politics at the level of the nation state" will necessarily "take cultural differences as their conscious object" (ibid: 147). Similarly, says Foster:

> The cultural forms in which both national elites and non-elites represent themselves – objects, images, and acts – are part of a global flow of commodities accelerated by new media technologies of reproduction and diffusion. As commodities, these forms are made available for consumption on a massive scale. And through consumption, as several anthropologists have stressed recently, consumers create (and/or acquiesce in) personal and social identities, including nation-cultural identities (Foster 1991: 248).

In this way, too, privileged localism has spread across the Aboriginal domain, and conditions for conflict are created.

Conflict

Among the barriers to sustainable Aboriginal community and regional development, Dodson and Smith list the capture of organisations by factions, ie. particular families (Dodson and Smith 2003:8). Exclusion is clear in this, while conflict lurks – in and around Hermannsburg west of Alice Springs, for instance, as chapter 5 above suggests. Peters-Little is concerned with the consequences in northwest NSW and beyond. Aboriginal people, she says, are:

> further divided amongst themselves, with families against families, even family members against each other. This is not a concern specific and characteristic to the northwest alone. It appears that the provision of government funding to community services under the label of 'self-determination' is creating further welfare dependency in Aboriginal communities and widening the socio-economic gap between the people who fund the services, those who work in them and those who depend on the services (Peters-Little 2000:11).

The causes of Aboriginal community conflict are many and complex. Peters-Little in effect suggests here that the customary use of periodic dispersal as a means of limiting conflict (Sutton 2009: 50), often used now to justify outstations, is in fact among the causes of conflict in communities where the dispersal is manifested in the proliferation of Aboriginal organisations, each a 'home' for a faction. Like outstation support, support for this proliferation, often resulting in entification, was central to Aboriginal self-determination.

So was land rights legislation, helping to facilitate juridification. Another common theme in analyses of Aboriginal conflict is the distinction between those recognised as traditional Aboriginal land owners under the ALRA or native title holders under the Native Title Act and those without such recognition. Often no less disadvantaged Aboriginal people on the same land as those recognised became mere residents, affected communities or historical people with inferior rights, even where their forebears were effectively forced to move to the area. Levitus writes that "the localised distinctions between 'traditional' and 'historical' peoples structure internal Aboriginal conflicts"

(Levitus 2009: 86). In some cases, land rights and native title have been perceived by historical people as instruments to further disadvantage and in fact potentially dispossess them (MacDonald 1997: 73). In the volume 'Fighting Over Country: Anthropological Perspectives' (1997), MacDonald says that analytically the issue is one of the differing values implied in the recognition of cultural tradition on the one hand and justice as social equality on the other, an issue with underestimated impacts in NSW (ibid: 66). She says:

> It is possible to understand justice as stemming both from rights as Indigenous owners of country and culture and from citizenship and civil rights in a modern nation state. Ideally, one might argue it is both but, if the contradictions are not acknowledged and the issues involved prioritised, then conflict and miscommunication seems inevitable (ibid: 79).

MacDonald suggests a better understanding might start with comprehending "colonially-constructed intra-Indigenous relations" (ibid: 81). In the same volume, Finlayson points to the perception among some Aboriginal people that anthropologists along with legislators have helped deny them access to their own heritage by reifying particular forms of Aboriginal cultural tradition supposedly essential to Aboriginality (Finlayson 1997: 145). Finlayson says it is now clear that Aboriginal identity is in fact derived from a range of additional, often less firm influences, including regional ritual affiliations, residence and collective historical experiences like those shared by the 'stolen generation' (ibid: 146).

In the Fighting Over Country volume, David Martin says it could be argued that the commonalities developed from living together in remote Aboriginal communities outweigh differences among residents (Martin, D. 1997: 157). This is certainly in evidence in most CLC consultations with communities to prioritise and plan initiatives in each under its Rent Project. It was also evident in community consultations to prioritise program options in the CLC Royalty Project, if less clearly there. In suggesting that entities representing Aboriginal interests in many regions should reflect large-scale migrations, David Martin points out that the traditional-historical distinction is in fact frequently indistinct (ibid: 159,160). In this context, Merlan believes Aboriginal land

based conflict can occur precisely because actual relationships to land are at odds with "the fixity demanded by Anglo-Australian law, bureaucracy and business interests" (Merlan 1997: 9). Here, she says, we cannot ignore that such demands in land claim processes may be a major factor in Aboriginal community conflict (ibid: 13). While Morton sees the focus on difference long central to anthropology as a large part of the problem (Morton 1997b: 84), he recognises factors beyond this and beyond anthropological practice in land claims. Conflict between Aboriginal groups is, Morton believes, related to the "paradoxical moral framework which insists that Aboriginal people remain simultaneously 'unique' and 'part of the nation'" (ibid: 89), a framework in which land rights nevertheless now have a key place (ibid) as the discussion above should bear out. Consistent with this discussion, 'part of the nation' is in fact frequently interpreted as membership of a rather more localised group. Again, separation is the underlying theme.

The result can be quite open conflict inhibiting and/or distorting community development for years. A program assessment report by the large NGO now managing what has become the Royalty Project's Early Childhood Health and Education program found many children not attending a child care centre in the project area because of family conflicts. A study tour involving the Indigenous education organisation central to the Royalty Project could not proceed because members of the organisation from Royalty Project Community B feared for their safety at the tour destination, a nearby community home to both a new library/training centre the subject of the study tour and families displaced in a bitter land-based dispute. Royalty Project Community B is also involved in the CLC's AAP Project. Here it was considered apt to re-register with the Registrar of Indigenous Corporations the community's sports association to take ownership of a sports bus funded under this project. Yet this would have required a community meeting of the membership, and some of the members are from the displaced families. Other members advised the CLC CD Unit that their meeting together with the displaced members would surely cause fighting. To find a home for the sports bus in this hostile environment, the AAP Project was then reduced to the incorporation of a new, quite exclusive sports association to add to the proliferation of Aboriginal associations

nationwide under Aboriginal self-determination. The NGO's program assessment report above meanwhile laments the disconnectedness of Aboriginal organisations within the very remote, isolated communities of the region.

Aboriginal people retreating to outstations to reside exclusively with close family is not necessarily the solution to conflict it is often held up to be, even when overcrowded housing is removed as a source of conflict. Pre-contact, says Sutton, "while people were injured and killed in set-piece battles and organised raids, serious violence was probably more likely to happen during unplanned emotional flare-ups between kin who lived together" (Sutton 2009: 105). This intimate nature of most serious conflict has remained the norm since contact, according to Sutton (ibid: 106-108), in a social "transformation, not revolution" (ibid: 108). At a summit convened recently to address suicides occurring in the "tiny" and seemingly idyllic Aboriginal outstation of Billard 3kms from Beagle Bay north of Broome, participants heard from the WA Coroner that feuding can trigger suicide (Victor O'Reeri 2009).

In the context of conflict Finlayson encourages anthropologists, then, to:

> rethink assumptions of the constitution of socio-territorial groups and community organisations, especially if tradition is used to imply pre-colonial structures and alliances. In addition, we need to expose popularly-held ideas of tradition for their narrowness and limitations, especially where there is denial of the active role of history in shaping the content and form of social institutions and symbolic domains. More incorporative models of group relations to land, based on ideas of historical continuities rather than dislocations of lived experience, are needed (Finlayson 1997: 148).

This would assist CD in the Aboriginal domain.

Conclusion

Finlayson's suggestions are made in the face of powerful influences that have helped to spread adherence to a privileged localism ultimately based on a certain Aboriginal

traditional form. I use the word certain here to mean a particular tradition, because Aboriginal traditions of relatedness, on the other hand, are de-emphasised as privileged localism has spread. Aboriginal people are left with a cultural half-match. But I also use certain to allude to the certainty for commercial development investment facilitated through privileged localism. The imperatives of investment at the intersection of the wider capitalist economy and the Aboriginal domain demand the certainty available via key factors in privileged localism, socio-cultural reification for instance. The change that is privileged localism is also spread across the Indigenous domain in the realms of the collective imagination. This chapter has explored how this occurs in mimesis, through the role of the state in so-called welfare colonialism, in nationalist thinking and globalisation. I discussed conflict coming of the separation here, the separation of traditional from so-called historical people for instance, as conflict is a significant development constraint worldwide. Against such strong and widespread constraints, the next chapter will advance the possibilities of overcoming separation in the Aboriginal domain towards lasting improvements in Aboriginal communities utilising CD.

Chapter 8

<u>Regions of common good</u>

In chapter 7, Finlayson encouraged anthropologists to rethink accepted wisdom about the constitution of Aboriginal socio-territorial groups and community organisations. She suggests it now too often contradicts lived experience, leaving groups and organisations less incorporative or inclusive than they could be, ie. more localised. In this chapter I specifically canvass prospects for an Aboriginal common good largely born of relatedness across regions, without dismissing local autonomy needs and loyalties. That is, I look for the lost balance in the autonomy-relatedness dynamic. There is uncertainty in this, to be sure, because of the process involved, specifically the process – the lived experience – of relatedness. Such process is bound to be messier than the reification, juridification and entification that privilege localism in the Aboriginal domain. I devote part of my chapter to the uncertainty and some implications. Despite the uncertainty, relatedness amounting to a common good across regions, while accommodating localism, provides a better basis for Aboriginal civil society than currently exists. There are better chances for CD to improve conditions in Aboriginal communities. Ironically perhaps, as it comes via some critiques of development, the notion of hybrid culture is usefully introduced in this chapter. Profoundly intercultural, the notion helps to bridge the separation, including the dislocations of lived experience Finlayson highlights, now in various ways a deep-seated limitation to better Aboriginal community conditions.

Capacity for a common good

Through the ICGP research, Hunt and Smith found a major advantage of federalised forms of regional governance "appears to lie in their tolerance of diversity, complex identities, and the interdependency of groups" (Hunt and Smith 2006: 25 and 2007: 19). That is, it appears this can pre-empt some of the conflict discussed in the previous chapter, perhaps negate the very assumption of difference in the conflict, towards a foundation for Aboriginal community improvements via CD. In this context, Hunt and

Smith observed a consistent "concertina effect" between smaller and larger groups of Aboriginal people caused by the "permeability" of collective identities (ibid: 24). Yet even in federalised form, the foundation for CD in regional governance is forever on too shaky ground, it would seem. Sutton has written recently that:

> elected representatives who do the right thing by the rules of Aboriginal cultural practice are principally there to speak for their own, and to maximise the benefits flowing to their constituents, their own mobs, more than to pursue a higher collective structure at the expense of local autonomy and of locally brokered largesse (Sutton 2009: 197).

Similarly, among "pervasive Aboriginal values", David Martin lists the "pursuit of family and local group loyalties against notions of the 'common good'" (Martin, D. 2006: 4). Sutton says a common good cannot be assumed in outback Aboriginal communities (Sutton 2009: 48).

But for all this local autonomy imperative, there is an "equally compelling strain" towards connectedness and relationship in Aboriginal sociality, according to Smith (2005b: 183). Indeed, to the significant extent that this is informed by relationships to land, elsewhere Sutton recognises that relatively localised "proximate" traditional title and entitlement is widespread in Aboriginal Australia while "underlying titles" are simultaneously maintained by wider, regional social networks (Sutton 2003: 116). The Gagudju Association found a balance here between relatedness and autonomy, towards good governance and good development prospects, then lost the balance, as Levitus explained in chapter 3. And there is a sense from Levitus that this might have been avoided, that there is nothing automatic in autonomy outweighing relatedness in the dynamic between the two states, but that this is what transpired when Gagudju became culturally matched with privileged localism. High mobility in the Darwin hinterland limits this occurring according to Sansom as above. Sansom counted 14 different language groups represented at his main research site of 'Wallaby Cross'. Yet, he says, "despite these diverse ethnic origins, Wallaby Cross people would resist the assertion that their mob was 'mixed'. They would claim instead to be all of them 'the same'" (Sansom 1980: 11). Interestingly, he says 'mixed' is "paired with 'noisy' where noisy stands for

fractiousness" (ibid), suggesting Wallaby Cross was, then, instead a relatively harmonious node in the hinterland region. In earlier times, says Keen:

> it may be that religious practices, crucial to political control in every local network of the population, linked each to its neighbours and to more distant peoples. Relations of authority of a more local scope seem to have been dependent upon the nature of relations with neighbours, especially religious cooperation (Keen 1997b: 269).

Keen says within some regions of pre-contact Australia discrete ethnic groups may have formed, "but we should look for evidence of such a pattern, not assume it *a priori*" (ibid). And "whatever the pattern, any local system must be set in its wider context" (ibid: 273), Keen believes, adding we must "substitute a more regional perspective" (ibid: 261).

Myers adopts such a perspective on the Pintupi, also as above. Myers says "the indigenous model of relatedness among individuals reveals how mobility and flexible boundaries for land use are organized into a larger structure of regional organization" (Myers 1986: 73). A key Pintupi concept is walytja, which specifies "a sense of belonging together or shared identity" and symbolises mutual support (ibid: 109). A person's walytja are not only consanguines but those familiar to the person, those he or she grew up with, those who have provided the person care and those with whom the person frequently camps (ibid: 109,110). Myers says "the Pintupi view of the self and the other, therefore, receives validation from the experience of social life in which kin throughout a region should and do help each other" (ibid: 111). It is expected that those with something should share it with the less fortunate (ibid: 115). A common good is, we get from this, not only strong but associated with regional Pintupi identity pre-dating colonisation, certainly pre-dating socio-cultural reification, juridification and entification.

Superimposed on this and Aboriginal identity across Australia were the results of Radcliffe-Brown's fieldwork in the early 1900s. This "formed the basis of his later generalizations for Australia as a whole, which in due course became established as anthropological orthodoxy and, as such, undoubtedly influenced the definition of 'traditional Aboriginal owners'" in the ALRA, according to Hiatt (Hiatt 1984: 12). Hiatt

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suggests this fieldwork ushered in the perceived primacy of land ownership by local groups in the determination of Aboriginal identity, over both individual and regional connections to land (ibid); but it also advanced the theoretical basis for fixity to prevail over process. Hiatt says Radcliffe-Brown "brought order to a prevailing state of confusion. But did he discover the order, or did he impose it?" (ibid: 13). What he did through the influence of his writing on the ALRA traditional ownership definition is promote certainty. An immediate concern in any correction is the prospect of over-correcting and increasing conflict. Conflict will likely increase if Aboriginal groups and organisations see the privileged local autonomy they have become accustomed to being eroded in regional governance arrangements, again posing development constraints.

Through its governance arrangements, participants in the CLC's Rent Project continue to progress community development over a wide region despite the privileging of local autonomy. An occasional concern of the primary participant group, the relevant traditional owners, is that communities they target for funding include members of the group as defined in the ALRA as well as other Aboriginal people, much like Sansom's Wallaby Cross though with fewer language groups represented. There is, then, a sense of reluctance among some when the group targets funding at big communities with sizeable non-traditional owner populations. Yet they seem to also recognise that the distinction between group members and other Aboriginal residents is increasingly blurred, that they are in fact increasingly related. The recognition here is that "religious, economic and political interests in land are not held exclusively by primary land-owning groups of families. Rather, patterns of rights and responsibilities overlap and are dispersed across a range of people and interests" (Smith 2005b: 184). Still, this recognition of the lived experience of relatedness competes with what has become accepted as a much more localised identity and set of associated allegiances, contrary to a common good and an obstacle to strong participation in community development. At Rent Project consultations in one large community, attendance was initially high then dropped dramatically. People who are not traditional owners in the project according to the ALRA, ie. members of a local descent group with common spiritual affiliations to a site on the relevant land, had quickly left. They had wrongly thought the meeting was none of their business. In fact,

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consistent with the project's governance arrangements as outlined above and at the meeting, they could have played an important part simply as residents of the community, regardless of descent and spiritual links to the traditional owners and their land. Fortunately, within other similarly sized communities rarely is such a distinction raised through the Rent Project between the traditional owners and the residents.

In the NT's Haasts Bluff area, Sarah Holcombe has found how "powerful sentiments are attached to each community, as people have re-located themselves and their traditional imaginations" (Holcombe 2004: 13). Contemporary forms of inclusive identity, what Holcombe calls simply "community identities", have begun to emerge with development (ibid) after years of development in the broadest sense facilitating more localised identity. Echoing Keen above, she concludes "local groups must be situated in their wider contexts as contingent and relational entities" (ibid: 14). Accordingly, most large Aboriginal residential communities are now simultaneously places of relative autonomy and nodes in networks of wide relatedness. With Sanders, Holcombe recommends governance arrangements that acknowledge the layers of identity here, including identity coalescing around larger communities as sites of development. "What seems to us is required," they write, "is a combination of single-settlement localism and multi-settlement regionalism; or as it might perhaps be put, regionalism which respects and builds on localism rather than discounts or disparages it" (Sanders and Holcombe 2006: 3). Consistent with this, I suggest, are arrangements that accommodate if not facilitate the Indigenous common good, a federalism that finds balance in the autonomy-relatedness dynamic utilising such principles as subsidiarity. This may be at the expense of some certainty as to the right people to participate in development.

Uncertainty

A fundamental certainty in NT Aboriginal affairs understandably appeals to Aboriginal people and organisations, especially given the extreme policy flux of recent years. It has long appealed to those behind commercial development in the NT, facilitating as it has predictable access to Aboriginal Freehold land for mining in particular. Still others see it,

as Filer notes it is often seen in PNG (Filer 2007: 146), as providing the means to limit some within groups manipulating culture to take more than their share of monies from commercial development. But how firm is the certainty in the NT despite being built on a locally emplaced Aboriginal tradition enshrined in the ALRA, long-standing legislation administered by powerful land councils? How useful is it downstream of successful ALRA land claims and commercial development on that land? "It has been relatively easy, since the advent of land rights policies, to demarcate a distinct Indigenous territorial order," says Rowse, but "one cannot simply infer a jurisdiction from a title deed" (Rowse 2007: 52,53). Legitimate governance in the Indigenous domain does not necessarily follow from such title no matter how juridified that governance, no matter how many corporation rules and regulations, how entified the groups concerned and how reified their socio-cultural processes. In fact, the opposite is of course often true.

Rowse commends a "permeable and adaptive notion of 'custom'" that might actually "corrode local identities" (ibid: 52). Corrosion is occurring regardless because, despite the reification, juridification and entification involved in privileged localism throughout the self-determination policy era, dynamic identity processes have continued. These processes are customary, even traditional, in the low cultural sense. State policies have unwittingly encouraged these processes, welfare payments encouraging demand sharing, for instance (Peterson 1999: 853). Higher, if intermittent, volumes of money that Aboriginal people receive from commercial developments or other usage of Aboriginal lands have further fueled the processes. These processes will inevitably have an impact on downstream development and, because they are dynamic, the impact will be quite unpredictable. That is, despite quests for and a degree of success in attaining investment certainty, considerable uncertainty will continue in the broader development context. As David Martin observes, at the intersection of money and culture "relatedness between individuals and indeed collectivities can never be taken for granted" (Martin, D. 1995: 6). Denying this – denying the comparatively unpredictable socio-cultural processes – downstream of land claims, land use agreements and the proceeds paid to Aboriginal people will only jeopardise the benefits to those people, namely in their ability to identify with and thus participate in community development from the proceeds.

What can be considered a given is the strength of relatedness in the autonomy-relatedness dynamic in Aboriginal society, notwithstanding the emphasis on local autonomy in recent decades and that specific relations between individuals are uncertain. Sansom reminds us that groups formed through a process of shared experience, as opposed to, say, a documented genealogical link, "are not entities as are corporations. Rather a mob brought into being in this way is, at any moment of its existence, a realisation. A consequence is that its members live in lively appreciation of social continuity" (Sansom 1980: 16). I take continuity here to mean relatedness continuing over a wide area and group of people and the non-fixed nature of relations.

This need not mean wide open slather. So what do we consider legitimate, or merely relevant, Indigenous process in the development context, including legitimate or relevant types of relatedness? Myers says Pintupi sociality, for instance, is constituted largely "through the emotional response of individuals to significant others" (Myers 1986: 124). Shame "coordinates the demands of relatedness with those of personal autonomy" (ibid: 120). The emotion of shame, then, becomes a key consideration in Pintupi identity processes. Shame may be related to sorrow in the CLC Rent Project area. One year, apparently against their combined better judgment, the traditional owners in the project chose for project funding the community of one woman among them whose inclusion in the traditional owner/primary participant group is not in dispute. She had argued for this funding overly aggressively and somewhat irrationally in the minds of some of the group. As a result, as one senior man from the group explained later, the group felt sorry for her in selecting her community. The group may have also felt shame, a desire to satisfy her demands to keep her quiet in the quite public meeting involved. Fears that this would set a precedent in the project have proved unfounded. The project could not ultimately proceed at this woman's community anyway, but that is not my point. This meeting outcome appeared to have the potential to legitimise the wasting of rent money on a whim. Yet on the other hand, it could be construed as just part of the traditional owners' close identification with and participation in a project via which they have for six years consistently turned to relatively wide community benefit funding they had previously,

individually (or as small family groups) devoted almost exclusively to the purchase of used cars that rarely last long. Perhaps scope for decisions of this sort increases the cultural match between project process and Indigenous social process.

But at what point does Indigenous process go from facilitating Indigenous participation to consistently undermining sustainable development outcomes for Indigenous people despite their collective best intentions? Might a CD approach that accommodates contemporary processes of relatedness important to Aboriginal identity only reinforce factors that can, without some attention, severely limit lasting improvements in remote Aboriginal communities? Might the uncertainty in the process amount to increased community dysfunction not community development? As Austin-Broos notes, in the remote Aboriginal domain "a car discarded or a shabby house can stand as testimony to an active world of relatedness rather than reflect mere carelessness" (Austin-Broos 2006: 9). If we consider a development project to be that car or house, with even more relatives involved, how far should it accommodate the active world of relatedness before it becomes unworkable, and unrecognisable to the development provider, no matter how well it seems to be set up? What would be the outcome of CLC CD meetings if emotions ruled? Myers warns that the emotion of compassion in particular among the Pintupi has adverse implications for development, inhibiting action against corrupt Pintupi, for instance. He says that, "no matter how well-intentioned, most threats of sending away wrong-doers or removing individuals from their jobs are rescinded subsequently with the decision to 'give them one more chance'. The wrongdoers often prompt this result by referring explicitly to kinship links" (Myers 1986: 115). Development agencies will want to draw the line at emotions as process, but my point here is that they cannot ignore Indigenous process per se even where certainty is much more attractive.

Successful uncertainty

At the start of its Rent Project, the CLC was attracted to the implementation of the project in four larger communities only, the same four each year. These are named in the CLC executive resolution from which the project arises, though the resolution allows for

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implementation in other communities. There was a degree of anxiety among CLC staff if not its executive at the prospect of the relevant traditional owners instead deciding for themselves where the project should be implemented, which communities should receive the rent money. As it is, the traditional owners have settled on one community, Rent Project Community A, to receive rent every year and choose three other places annually (and any region-wide initiatives) to get the rest. Of course, compared to implementation in the same places every year, this choice amounts to uncertainty, though here the uncertainty is not passed back to the development provider, the government that pays the rent to lease the land for the national park concerned. The uncertainty is retained by the CLC. It is of a different order to that faced by commercial investors; but it remains uncertainty. As well as fears that the most powerful in the traditional owner group would routinely choose in their interests and/or that emotions, including anger, would decide the choice, concerns included those around the sustainability of project initiatives and about participation.

Whereas implementing the project in the same places every year could lock in ongoing operational and maintenance funding for initiatives towards their sustainability, targeting the rent every year at three different places as determined by the traditional owners has made for comparatively short term initiatives. There is indeed now less scope for *ongoing* support from the rent at each community except Rent Project Community A, and thus less point in long term project planning. While this is less than ideal, it has not resulted in a crisis of sustainability in the project. It has increased the imperative for some good planning at the outset, including to optimise operational support through the funding. It has scaled back expectations of the project and it has convinced the traditional owners of the wisdom of targeting the rent to three places annually, no more, in addition to Rent Project Community A, so as not to spread the rent too thin. In six years of the project, all communities associated with the relevant traditional owners appear to have been targeted, because they have recently targeted to receive more rent some places that received it in the first years of the project. That is, the money is now going around again, so to speak – though not necessarily all around or in the order it first went around. The traditional owner group decides this. In 2009, for instance, the group directed the money to two

small places that have never before received it and again to one of the larger places that received funding in the project's first year and has since built a new store with it plus complementary government funding. With its 2009 rent allocation, this larger community plans to further improve the store.

An arguably more critical concern than the sustainability of individual Rent Project initiatives was the prospect that members of the relevant traditional owner group would stop participating in the project *as part of this primary participant group* once their community received rent. Why would they participate as this group, was the thinking, if there was no *certainty* their community would receive rent again, or not soon anyway? Assumptions of their intense localism clearly informed the prediction that without this certainty they would have no incentive to participate as part of this group for the common good. Why would Aboriginal people participate in this way if they felt they may have got all they could from the process for *their* place? Following this thinking, the originally preferred certainty of the places to be funded in the project would either obviate the main need for the traditional owners as a primary participant group – ie. to make key decisions for a common good, namely choosing the communities to receive rent each year – or it would make it more likely that at least those of the traditional owner group associated with the predetermined places would regularly participate, even if no-one else did. The last traditional owner meeting for the Rent Project in 2009, five years after the project's inception, contradicted this thinking and the concerns for certainty here.

This meeting was not only very well attended by the relevant traditional owners, but participation in the discussion was sufficiently thorough as to preclude discussion of the last two of seven agenda items. One of these items was to advance a regional education initiative as part of the Rent Project, as suggested by one of the traditional owner group. Instead of discussing this item, with the help of the CLC CD Unit the group formed an education working party to advance the education initiative and report back later to the group. Group members not seen previously at such meetings attended the meeting. A senior man, not in fact included on the original CLC anthropological advice used to convene the group, attended for the first time. His active participation was clearly

welcomed by the group, his membership of it not questioned despite his name not appearing on the CLC anthropological advice – on the 'list', as it is known. Such a reified rendition of the traditional owner group is not nearly as important in the Rent Project's governance as it is in juridified project governance arrangements where it is deemed essential for certainty. What is important is acceptance or not from the group according to group dynamics of which the Rent Project is now actually a part. This senior man addressed the group to seek project funding for an initiative for his family. But discussion politely moved on to deliberation of how much rent to provide initiatives planned in the three communities already chosen by the group to receive some rent in 2009, consistent with the Rent Project governance arrangements. This was the key matter of this meeting, not selection of further communities for funding which occurs at a meeting at the beginning of each year. Initiatives planned for 2009 in the three relevant communities included several differently costed options for each place from the potential project managers, the most costly of which together exceeded the total amount of rent available for the year. The group was able to agree on budgets for the three communities' initiatives, however. This was largely thanks to the family associated with one of these places, an outstation, accepting the considerably cheaper option of less extensive works there in the interest of an outcome that allowed project works to proceed in all three places in 2010. The family's agreement balanced its relatedness to the rest of the traditional owner group with the family's autonomy or localism invested in the outstation.

This is not to suggest that this meeting was either easy or unusual. During six years now of the Rent Project, the relevant traditional owners as the primary participant group have consistently made decisions such as those at this late 2009 meeting through what at times has been quite passionate debate involving firmly held, differentiated positions. Close and consistent engagement of CLC staff with the group through the project, but in a way that leaves room for group dynamics or processes, has clearly helped. It appears that to accommodate uncertainty in community development is to necessitate such engagement as an alternative to reification, juridification and entification as related social technologies for the management of culture in project governance.

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Intercultural engagement

In chapter 3, I noted what von Sturmer suggested early in the Aboriginal self-determination era is critical to the engagement that subsequently became largely absent in that era. He suggested a comprehensive understanding of the Aboriginal groups concerned is critical, along with assimilation of researchers, government personnel and relevant others into development projects, among other factors. The assimilation here in turn suggests an intercultural approach to development. Such an approach can begin to overcome development dilemmas posed by difference between Aboriginal and non-Aboriginal people, as well as that between otherwise entified Aboriginal groups. Of course this is a challenge to cultural relativism and its reliance on a notion of bounded and separate cultures (Gardner and Lewis 1996: 156). Sutton may reject the intercultural view that Aboriginal people are able to maintain pre-colonial cultural and social patterns while pursuing development and associated governance arrangements (Sutton 2001: 129), but in fact an intercultural approach can actively help surmount such separations between tradition and modernity. Firstly, modernity is not dismissed merely because it may be foreign; then the very idea of the foreign begins to weaken. Holcombe now observes it this way on the ground:

> Indigenous conceptions and values are not isolated from the local micro structures of social organisation, of which the non-Aboriginal service workers and the affiliated institutions are a part, nor from Aboriginal bureaucrats and the macro structures of various Federal and State bodies from which these workers (more or less) take their lead. This macro organisation cannot be glossed simply as 'introduced', just as the micro organisation cannot be understood solely as locally 'Indigenous' (Holcombe 2005: 224).

There can be a "mutuality of interests" (ibid: 230) among the Aboriginal residents of Aboriginal communities, extending to their non-Aboriginal population, Holcombe says. Merlan goes as far as to recommend measures to address Aboriginal disadvantage that are "more explicitly informed by understandings of accommodation and relationship, historically and presently, with people and institutions of settler and post-settler society"

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(Merlan 2006: 101). To surmount the kinds of separations that have instead developed here is to create space for Indigenous agency in change, suggests Holcombe (Holcombe 2005: 230).

Consistent with this, David Martin recommends Aboriginal organisations be vehicles for strategic engagement with the dominant society in a way that provides choices for them and their constituents (Martin, D. 2005: 191). Reversing the self-determination era expectation of them, he sees effective Aboriginal organisations now as key intercultural intermediaries in change that unavoidably includes cultural change (Martin, D. 2006: 9). Good governance of Aboriginal organisations, he suggests, must allow for some values and practices from the Aboriginal domain to be challenged, indeed circumvented (Martin, D. 2005: 196), and Rowse echoes this (Rowse 2007: 49-51). To the same effect, other values and practices might simply be given due weight, the value of relatedness for instance, to balance rather than bypass those proving problematic. Martin's suggestion here applies to development projects as much as to organisations, projects like the CLC's Rent Project.

The traditional owners in the Rent Project, with the assistance of the CLC CD Unit as per chapter 4, have progressively adopted the following project principles to assist their project decision making:

1. Initiatives are supported according to need.
2. The money is to be shared around, with three communities receiving it each year (in addition to Rent Project Community A) according to need as opposed to an even three-way division of the money.
3. The project should show clearly what the money is being spent on, reporting this back to the traditional owners. (As one said, it is important the traditional owners see project initiatives completed. There is plenty of money around in a range of development projects with Central Australian Aboriginal people, she said, but few initiatives finished to show for it.)
4. The project cannot do everything.
5. The project is for bringing wide community benefit to the traditional owners.

6. The project supports initiatives that will last and keep going, strong projects.

7. People should stay in the places where initiatives are funded, ie. the people who lobbied for rent money to go there.

8. The project supports outstations where people are living, or people who want to move to outstations.

9. The project is for helping people for the future, helping young people.

10. Initiatives require good planning.

11. The project must work under the ALRA.

Rowse concludes that Indigenous cultural heritage as currently conceptualised is not sufficient source of ideas about, and tools for, contemporary governance (Rowse 2007: 60). In the Rent Project principles above, Indigenous cultural heritage as conceptualised in the ALRA is augmented, indeed balanced, by other ideas for governance. Some of these ideas may seem foreign at first to remote Aboriginal people. Indeed the principle of rent allocated to communities according to need requires repeat explanation at project meetings. Meeting interpreters struggle to find words to translate need into the relevant language. The principle of bringing wide community benefit to the traditional owners, and the relatedness inherent in it, on the other hand, requires no explanation. But this principle is increasingly conflated with the project's principle of support for outstations: wide benefit is interpreted geographically, and what could be wider in this way than far-flung outstations?

On David Martin's advice, principles such as those above might include some to cope with diversity, competition and conflict and potentially move further from expectations of any match of values "supposedly appropriate to a culturally autonomous Indigenous domain" (Martin, D. 2005:192). Fortunately, conflict has not featured in the Rent Project, competition is managed in the second principle above and the project is open to diversity as determined by the traditional owners themselves. Other anthropologists have pointed similarly to a need for an intercultural approach in this context to mitigate conflict caused in legal incorporation and thus ossification of previously fluid and contestable relations between Aboriginal groups (Sullivan 2005: 193); and to reform self-determination into a

policy more attuned to the realities of Aboriginal community life (Hinkson 2002: 216). There is little legal incorporation involved in the Rent Project, certainly none at the primary participant group level. It is not juridified. In more ways than one, as I have shown, the Rent Project is more attuned to the realities of contemporary Aboriginal community life, to lived experience, than either the CLC Royalty Project or the AAP Project. It works with what Rowse has referred to as "livable traditions" (Rowse 1998b: 95).

Hunt and Smith in their Indigenous community governance research findings remark that in reality Aboriginal organisations that populate Aboriginal civil society are by their very nature intercultural (Hunt and Smith 2006:13) and thus all potentially similarly attuned. Yet every case study behind their findings highlights that Indigenous groups are actively designing contemporary governance arrangements informed by their "traditional land-ownership jurisdictions" (ibid:11). Accordingly, say Hunt and Smith in echoes of the governance in the Royalty Project, "familial descent-group identity has become linked to the concept of 'community' and to community organisational governance and forms of political representation" (ibid:10); and issues of representation, membership, leadership and decision making are invariably embedded in discussions of land ownership and kinship (ibid:16). The fixed, localised articulation of Indigenous identity drawing on certain traditions has to date prevailed in this discourse.

Towards a deeper engagement

Ironically perhaps, given my evidence in the CLC Rent Project of community development potentially overcoming the separations implicit in privileged localism, it is through critiques of such development that we might further advance my argument to its logical conclusion. With an appropriately ambiguous title, 'In the Way of Development' (2004) is largely a story of Indigenous organisations in the Americas in networks of civil society attempting to craft community development in so-called 'life projects' out of or in the face of large scale commercial development of land and water resources (Blaser, Feit and McRae 2004: 1-21). "The particularity of life projects", says Mario Blaser in this

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volume, "resides in their constant awareness that place and identity arise from the mutually constitutive nature of vertical and horizontal threads" (Blaser 2004: 31). Vertical social threads can be equated with those forming the dominant, fixed, localised identity in the Australian Aboriginal domain; horizontal social threads can be equated with broader, less bounded relationships.

Accordingly, Glenn McRae frames a contemporary localism (McRae 2004: 123) where "what is newly forged is a set of linkages that create a dynamic stream of communication and understanding" (ibid: 112) between Indigenous groups and their far-flung supporters, a "heterogeneous but connected set of messages based in actions grounded in local landscapes" (ibid). And Pramod Parajuli describes "ecological ethnicities", groupings that "might be internally fragmented with respect to religion, caste or language" but where "those internal distinctions cannot always be considered as antagonistic to each other" (Parajuli 2004: 238). The upshot of the notion of ecological ethnicity is project governance that foregrounds community – by definition a regional community of interest because of its members' common links to an ecosystem (ibid) – while respecting more discrete or localised identities.

Harvey Feit in 'In the Way of Development' emphasises the history of intercultural relationships over hundreds years of Cree involvement as hunters and trappers in the Canadian fur trade. In this essentially globalised setting, Cree land-based identities – "place-making" – are not given and static but have emerged from long-standing process. "The processes of place-making are accomplished not only through the actions of those on the land but also through their long histories of connections to markets and governments" (Feit 2004: 94), according to Feit. Connections to land are de-romanticised. They are a part of rather than apart from development. Likewise in Brian Craik's account of Cree efforts to strike a final agreement, called a New Relationship, with the proponents of large scale hydro electric development in Canada. Craik says the Cree behind the agreement "eschewed the vision of the Crees as stewards and spoke of this view as portraying them as janitors, taking care of the territory so others could develop it" (Craik 2004: 183). Ultimately the Cree chose development (ibid: 184) and "in

doing so, they questioned the stereotypes that they have seen in themselves and that others see in them" (ibid). Says Cree leader Larry House:

> Our way of life is ancient. It is built on respect for the land and for other people. We have ceremonies and traditions that are sacred. We have our language that is different from that of people around us. We seek to protect these things and also we seek to develop and adapt our way of life to the changing world. We are not against development. We encourage it (cited in McRae 2004: 123).

The 'way' in 'In the Way of Development', then, is more a path to than a barrier erected against development.

The critique of development as something the poor and disadvantaged can harness for their benefit is stronger in 'Participation: The New Tyranny?' (2001) but still equivocal, as this title suggests. Two prominent and related elements of the critique here are: that an actual determination or at best delimitation of local knowledge occurs through participatory or community development discourse, whereas the rhetoric of this form of development has it elevating pre-existing local or Indigenous knowledge; and that a failure or unwillingness to understand local power dynamics further empowers the so-called development industry and local elites when the purported aim is to empower the poor. The editors Bill Cooke and Uma Kothari say in participatory development "the language of empowerment masks a real concern for managerialist effectiveness" (Cooke and Kothari 2001: 14). Similarly, Nicholas Hildyard, Pandurang Hedge, Paul Wolvekamp and Somasekhare Reddy say in this volume that, "far from being a transformative process in which local people are able to exert control over decision-making, participation becomes a well-honed tool for engineering consent to projects" (Hildyard, Hedge, Wolvekamp and Reddy 2001: 59). Kothari writes of the purification of local knowledge here, its classification and codification and simplification of people's lives into charts, diagrams and tables (Kothari 2001: 142). She says research for participatory development can:

purify social interactions and social space by framing and ordering people's messy and varied experiences, needs and interests, but a further characteristic of this purification process is that difference will register as deviance. Classification and boundary maintenance are characteristic of participatory development and thus the potential for difference to be deviant and the subsequent exclusion of deviant individuals and groups (ibid: 148).

As such, the critique in 'Participation: The New Tyranny?' most readily applies in Aboriginal Australia to self-determination policy and its associated arrangements, including the ALRA and the certainty it helps to convey, arrangements generally characterised by disengagement from, as opposed to participation with, Aboriginal people. Giles Mohan says in this volume that participatory development generally "centres upon the valorization of local, non-Western knowledge" (Mohan 2001: 158). In Australia this is central to the particular form that CD has taken under Aboriginal self-determination policy, in which non-Western knowledge is equated with localised tradition. Concerned with "the damaging localism inherent in much participatory development" (ibid: 165), Mohan believes "the state has manipulated civil society and used 'the local' as a political discourse that disempowers" (ibid: 163). Ultimately, it is now possible to say this about the Australian state in relation to Aboriginal self-determination, especially after the euphoric first years of the policy. Mohan's solution is essentially an intercultural one that calls for greater engagement between locals and others. As Cooke and Kothari put it, "Mohan calls for a radicalized hybridity, beyond notions of self/other and insider/outsider; and the scaling up of local interventions" (Cooke and Kothari 2001: 12), taking them in fact well beyond the local (Mohan 2001: 166).

Hybridity

In 'Encountering Development: the Making and Unmaking of the Third World' (1995), Arturo Escobar's development critique is also applicable in Aboriginal Australia to self-determination arrangements. He writes of "documentary practices" consistent with development discourse, labeling in particular (Escobar 1995: 108-110), determining

relations between "actors" in development – from the subjects or clients of development to development agencies and agribusiness corporations – according to discrete categories that originate in the discourse (ibid: 109). A "key mechanism at work" in development, Escobar believes, "is that the whole reality of a person's life is reduced to a single feature or trait" (ibid: 110), just as in remote Australia Aboriginal people are since self-determination often reduced to traditional owners on the one hand and non-traditional owners, mere residents or historical people on the other.

Escobar calls for "the reformulation of the question of cultural identity in nonessentialist ways" (ibid: 218), applauding processes of identity construction that are "more flexible, modest and mobile, relying on tactical articulations arising out of the conditions and practices of daily life" (ibid: 216). According to Escobar, these processes are best on display now in Latin America, a continent "neither on the way to lamentable eradication of all traditions nor triumphantly marching toward progress and modernity" (ibid: 218). He puts his faith in hybrid cultures, plural, (ibid: chapters 1 and 6) and more research into the ways in which development "operates as an arena of cultural contestation and identity construction" (ibid: 15). He believes "the remaking of development" must start by examining "local constructions" of identity and the extent to which "they are the life and history of a people, that is, the conditions of and for change" (ibid: 98). Local constructions of identity in Aboriginal Australia, in the NT at least, do not now provide well for such conditions; they do not adequately reflect the life and history of the Aboriginal people concerned. Socio-cultural reification, juridification and entification are critical factors in a privileged localism that has led instead to a cultural half-match at best. As something of a counter to the mimesis that has helped spread the privilege, Escobar says hybrid cultures entail cultural freedom to modify, appropriate, and re-appropriate without peoples being locked in imitation (ibid: 220). In short, he says "hybrid cultures are not about fixed identities" (ibid: 220,221). He believes from this profoundly intercultural concept "might emerge other ways of building economies, or dealing with basic needs, or coming together into social groups" (ibid: 225).

The basis for a healthy civil society involving Indigenous people seems possible here. Of my three case studies, this is emerging most strongly in the Rent Project. Relatedness might be said to be most mature in the Rent Project. There is some similar potential through the two other projects, even in the Tjukurpa festivals in Royalty Project Community A discussed in chapter 6. The Tjukurpa 2008-2011 business plan's strategic direction section starts with a statement about Aboriginal and non-Aboriginal people "drawing on knowledge from both strong cultures to develop a richer and stronger life" through the festivals; its executive summary speaks of enabling Aboriginal youth to express their culture in new forms. The CLC's Royalty Project itself is potentially a strongly intercultural project, via its advisory committee for instance.

Yet neither the CLC's Rent Project, its Royalty Project nor its AAP Project are building economies from hybrid culture, or building them in any way, even if some small scale Aboriginal business and employment occurs occasionally, an incidental outcome of the projects. Notwithstanding their achievements and those of like schemes, CD cannot make sufficiently widespread and sustainable improvements in Aboriginal communities in order to make deep inroads into Aboriginal disadvantage, if this is what Aboriginal people want, without building economies. Widespread Aboriginal over-dependence on non-Aboriginal people, on welfare payments, and indeed on the Aboriginal kinship economy these payments are now a part of, will remain. As suggested in chapter 6, only more Aboriginal people earning wages (at parity with the wider community) will, over time, curb the excesses of the Aboriginal kinship economy. Only this will provide the earners and close kin with something of a way out of this economy, towards individual self-determination, should they wish it. Meanwhile, paradoxically, the process in the kinship economy remains important in the identification of remote Aboriginal people with development, as my thesis should show. Community development in its own right or as an aid to economic development is at risk without this identification. Indigenous ownership of and participation in development projects and outcomes cannot be expected without it. Meanwhile too, many Aboriginal people in northern and central Australia live in highly dispersed, very remote communities partly courtesy of the local autonomy privileged during the Aboriginal self-determination era. In most of these communities,

with or without CDEP, the availability of more wage work or business profits may always be limited. Says Altman:

> If we replace the emotive gloss of 'real' economy with the more precise terms 'market' or 'private sector' of the economy, then the purported prospects for achieving the state project of economic equality and independence in remote and very remote Australia are currently impossible on any regional scale (Altman 2005: 122).

There is simply insufficient market opportunity, combined with still insufficient individualism required for healthy market-based activity, Altman says (ibid: 130). The extremely marginal nature of much of the land beneath these communities augments this dilemma, though mineral riches may lie deeper.

Beyond simplistic expectations of sudden mass Aboriginal wage employment in the latest mining boom, the solution to the dilemma with all its 'chicken or egg' elements is to find the appropriate "articulation between kin-based and market-based societies" (ibid: 121), Altman suggests. My research suggests this is fundamentally what is necessary for successful community development, finding an appropriate balance in and articulation with wider society of the autonomy-relatedness dynamic in particular. A perfect cultural match may not be possible, or even desirable, but a closer match is needed. Altman pushes this into the realm of economic development, the natural realm of market based society. Towards the necessary articulation there, he recommends the standard contemporary capitalist "two sector economy", with its market and state or public sectors, be dispensed with in favour of what he calls a hybrid economy of "highly inter-dependent customary, market and state sectors" (ibid: 125). The idea offers the intellectual wherewithal to further break down separations inhibiting improvements in Aboriginal communities. Examples of activities based in the customary sector are bush foods harvesting for consumption and/or sale, art production for sale and environmental management, including of mine sites, extending to "carbon abatement and sequestration associated with effective fire management and healthy wooded landscapes" (Altman 2006a: 10 and Altman 2009: 46). Altman stresses "the hybrid economy is not some autonomous Indigenous domain; it is thoroughly intercultural" (Altman 2005: 122 and

Altman 2009: 48), as these examples based in its customary sector attest. He stops short of assuming hybrid culture would emerge from this economy; but as culture is enmeshed with economy, as I have shown and Altman acknowledges (Altman 2005: 130), this is inevitable. Indeed, contemporary Aboriginal culture is of course already a hybrid one, as are all cultures now to differing degrees. Perhaps this goes without saying.

Altman does say, significantly, that the hybrid economy accommodates Aboriginal "mobility in sociality" (ibid: 125): "people can, and do, move freely between sectors of this economy" (ibid) as they continue to move widely between communities as an imperative of wide relatedness. As such, the concept has been put up as something of a solution to the unsettled place of outstations in the current Aboriginal affairs policy mix. Says Altman in a paper on this:

> There are diverse futures for Indigenous people at outstations at variance with the monolithic mainstreaming perspective that appears to be dominating emerging policy. Such futures might see Indigenous people living on land they own, moving between larger and smaller communities, and pursuing livelihoods in a hybrid economy that includes payment for the delivery of environmental services, participation in the customary or non market sector, and the pursuit of commercial opportunities (Altman 2006b: 15).

Here, in the context of climate change, mounting feral animal damage and the new mining boom, payment for environmental services may hold the key. The growing Aboriginal ranger group program appears a suitable vehicle for this.

But applying the hybrid economy model is not unproblematic. Participation in the customary sector is easily inflated, disguising further disengagement of remote Aborigines from the wider world. Much of Altman's evidence in support of the hybrid economy comes from the regional development agency Bawinanga Aboriginal Corporation, based in Maningrida in Arnhem Land. Administering CDEP consistent with the hybrid economy model, Altman admits nearly 300 of Bawinanga's CDEP participants were "categorized as outstation residents and paid for 36 hours a fortnight for

unsupervised participation in customary work" (Altman 2005: 128). Presumably some of this work was acquitted as hunting and gathering. This betrays a general over-optimism to the point of naivety about the hybrid economy, especially in desert environments which offer much less in the way of bush foods than the Arnhem Land environment. Altman says for the foreseeable future the hybrid economy will "need to be underwritten by the state" (ibid: 130) but "will never statistically close the gap" (Altman 2009: 11). The foreseeable future is then conceivably for a long time.

This reduces the issue to the extent to which the general public will back the necessary expenditure to allow remote Aboriginal people to remain living largely outside the mainstream economy, albeit with the added incentive now to the public of potentially significant environmental benefits. Along with some more Aboriginal employment in mining, rent, royalties and affected area monies can assist Aboriginal life largely outside the mainstream. So would more (or better publicised) measurable benefits to Aboriginal health from an outstation environment, from diets including more bush tucker for instance, to match with the theory here and actually demonstrate the value of the public expenditure to facilitate this. To date the benefits are measured in but two studies from the one group of outstations in Central Australia, according to Kowal (2010: 183). A carbon trading scheme may take pressure off the public purse by generating more private capital to help some remote Aborigines retain the choice of remote community living, in improved conditions, with the market coming to them. This awaits further research, including into ways to ensure the likes of carbon trading advances actual economic activity within remote Aboriginal communities, so that it does not simply have the effect of more welfare for Aboriginal people and overheat their kinship economy.

Conclusion

It has become clearer from this chapter that the pull of relatedness is as strong as that of autonomy/localism in Aboriginal sociality. This makes for a compelling argument for more regional perspective in the discussion, as Keen recommended. We heard from Myers of the socio-cultural requirement that Pintupi kin throughout a region should help

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each other and do. They are not the only language group with this requirement and practice. Of my case studies, the Rent Project in particular shows a common good can exist among kin across regions in Aboriginal Australia at the same time as smaller kin subsets seek and maintain autonomy. That the wide relatedness side of this equation is activated in complex and fluid process ensures uncertainty of wider group membership and identity compared to the certainty I have shown is now associated with the local in Aboriginal Australia. Strong community development engagement can work with this uncertainty and make the most of the common good in it. Via some critiques of development I arrived in this chapter at a notion of hybrid culture that supports and extends the emerging understanding of relatedness as the basis for Aboriginal civil society and effective CD through this civil society. From there I considered the equally intercultural concept of the hybrid economy. It offers some scope to bring together community development and economic development towards the greater benefit and ultimate sustainability of projects like my case studies and of development generally.

Chapter 9

<u>Conclusion</u>

An intercultural perspective entertaining the notion of hybrid cultures as per the previous chapter begins to bridge the separation that has plagued efforts to improve Aboriginal community conditions throughout the self-determination era: separation of community development from the market and economic development for instance, Aboriginal people from the state and wider society, some Aboriginal people from other Aboriginal people. Community development projects that explicitly or implicitly adopt this perspective can improve conditions without forsaking self-determination. With this perspective they in effect begin to merge community development and economic development into community economic development or CED as it is formally known, by Jenny Lo and Greg Halseth (2009) for instance. This approximates the potential offered in the Community Development Employment Projects program or CDEP if properly managed. The above perspective provides something of a platform on which to slowly and sustainably build Aboriginal employment and enterprise instead of either rushing to reach targets to 'close the gap' in Aboriginal disadvantage or assuming Aboriginal people are too traditional for work, indeed are culturally immune or unwilling to change. It is a platform perhaps strongest to date in the CLC's Rent Project, compared to the other two CLC CD projects studied in this thesis. But it is not strong enough in any of the three case studies to sustain improvements in communities over the long term. Aligning such projects with the so-called hybrid economy may assist, particularly where this starts to tap the opportunity for work for remote Aboriginal people in environmental management.

Welfare payments to remote Aboriginal people are an element of the hybrid economy, including through CDEP. As such, we should, as Rowse recommends, avoid jumping to the conclusion that real self-determination is only possible once Aboriginal people have moved outside the welfare system (Rowse 2001: 42). But outside CDEP, in fieldwork in communities across my case studies it is difficult to avoid the conclusion that welfare payments directly to remote Aboriginal individuals must be comprehensively reformed or

else the growth of Aboriginal employment and business, especially against remote Aboriginal community population growth, will remain so slow as to be non-existent. Welfare payments within the kinship economy are simply too great and too regular a disincentive to train for and take up what work there is. This is not a capitulation to neo-liberalism, but recognition of the critical importance of the kinship economy in Aboriginal development. Without a critical mass of people in the wider kinship group consistently earning wages and spending these on supporting themselves and their dependents, the kinship economy is where many if not most within the group will do their daily 'work', drawing people back into this economy from the world of wage work. Faced also with a limited number and/or range of employment opportunities, the rarity of working role models, racism in the workplace and the standard impediments of poverty including poor education levels, breaking with the kinship economy and welfare dependence in favour of wage work is now extremely difficult for remote Aboriginal people. Meanwhile, boredom sets in and drug and alcohol abuse. Careful yet comprehensive welfare reform is needed to assist here.

Hybridity through an intercultural perspective countenances, indeed requires, engagement between groups, communities and organisations in Aboriginal civil society on the one hand and the state and other agencies that can assist on the other. The self-determination era has rightly been characterised as one of disengagement of Aboriginal people from the state and wider society in which it was assumed Aboriginal people needed little help if their traditional culture remained strong. This separation has left many Aboriginal communities in appalling conditions by any standards. Despite their limitations, the three projects that constitute my case studies – the Rent Project, the Royalty Project and the AAP Project – all now work to closely engage the CLC with Aboriginal groups from which it had hitherto largely disengaged when it came to their receipt and expenditure of rent, royalty and affected area payments from land uses. The three projects all mirror the third tradition of community development as outlined in chapter 2, involving professional practitioners working in partnership with communities or community groups. This is compared with the first tradition, a 'top down' CD tradition into which fit the more benign elements of the Commonwealth intervention into NT Aboriginal affairs since its

2008 review; and the second CD tradition with its goals to create self-managing, self-governing, cooperative communities separate from the state and the encapsulating society, consistent with self-determination policy, albeit with state surveillance. While the CLC's engagement efforts are particularly thorough in the AAP Project, the Rent Project ultimately results in the closest engagement with its participants because they identify with it more closely than the relevant participants identify with the Royalty Project and the AAP Project. The Rent Project processes are relatively resonant with the Rent Project participants' social and cultural processes, the most important of which are those constituting the autonomy-relatedness dynamic in Aboriginal society. Its mere accommodation of such processes, particularly those of relatedness, is a significant advance on the other two projects. It builds towards legitimacy through cultural match in this way.

Yet there are dilemmas aplenty in this. With insufficient attention, contemporary Indigenous processes, including those in the autonomy-relatedness dynamic, can easily undermine sustainable CD projects, particularly when fueled by rents, royalties and like payments. Demand sharing and allocative power excesses are examples of this. Closer engagement with Aboriginal people in development risks rendering them in the short term even more dependent on non-Aboriginal people than at the outset. The CLC Royalty Project is superior to its Rent and AAP projects in specific capacity building efforts towards reduced dependency in the longer term. Closer engagement meanwhile need not mean more meetings, rather more efficient or productive consultations. It need not be more expensive than self-determination to date. But unless the consultations yield tangible results, it can mean little more than participation for participation sake. Consistently good results for all concerned would require far better coordination between the providers of development, particularly government agencies. But even then, close engagement seems bound to take up more of Aboriginal peoples' time in talks they generally are not paid for, talking about doing things the rest of the population accepts as needed and takes for granted will be done without their intimate involvement. Intimate Aboriginal involvement can be a euphemism for heightened intrusion into and control of Aboriginal lives. On the other hand, Aboriginal people living in small and very remote

locations cannot necessarily now take for granted tax payer funded services there, especially if so few are paying taxes because so few have jobs; and development without meaningful participation can now be received as draconian intervention, with its sustainability immediately called into question. There are delicate balancing acts required in all of this, not least of which is finding the balance between relatedness and autonomy translated as localism in Aboriginal sociality.

More fundamentally, an intercultural approach to engagement helps to bridge the separation of tradition and modernity. This countenances change in the Aboriginal domain, including development, otherwise frequently implicitly denied. Arguably the biggest change in the Aboriginal domain since first contact has been change facilitated by self-determination policy. This has privileged localism and a certain associated tradition over cultural processes no less traditional necessarily that continue to relate people across regions. Socio-cultural reification, juridification and entification are key, connected factors here. My discussion of these factors, and of the collective imagination in the spread of adherence to the change they represent, is not to suggest locally emplaced Aboriginal tradition per se is artificial any more than to suggest that traditional processes of wide relatedness are dying of neglect. High remote Aboriginal mobility alone will long delay that death. Collective identity – the self in Aboriginal self-determination – has become *increasingly* localised and exclusive, *beneath which* there nevertheless remains Aboriginal acknowledgement and maintenance of more inclusive identity. Localism is now entrenched but relatedness exists deeper still.

To the significant extent that identity remains informed by land ownership in remote Aboriginal Australia, localised identity matches with what has been referred to as statutory traditional ownership, the more inclusive identity with so-called vernacular traditional ownership. The latter term hints at the negotiable, performative and fluid nature of ownership and identity at this level – its process; the former term shows the support that legislation, namely the ALRA, has given to exclusive identity. This is most obvious in juridification. Support for the fixity and finiteness of Aboriginal groups found in such localising factors has come too from developers, particularly commercial

developers and miners most particularly. They seek the certainty thereby facilitated for investment in Aboriginal land, investment the CLC's constituents generally welcome provided the rent, royalty and like payments are right. Through such payments, these developers become key development providers and, as in Melanesia, entification is likewise in their interests to optimise their returns in the so-called social contract with Indigenous groups. Localising factors like entification are built on reified kastom in Melanesia, which has become a yardstick of change there. The CLC's Royalty Project and its AAP Project operate in a comparable environment of reification, juridification and/or entification and seem to suffer accordingly. It is at once a highly localised environment and one now widespread across Aboriginal Australia. Yet the CLC's Rent Project, in comparison, largely operates outside this environment to its advantage.

An important criterion for development has become whether or not the 'right people' participate in development project governance and/or receive development benefits, where right implies exclusivity and certainty and often specifies traditional as opposed to historical or residential connections to land. This criterion has overshadowed the legitimacy that comes with a track record of getting things done in a project, itself sometimes at odds with the slow pace of high participation in development. Cultural match has come to mean matching governance with the 'right' peoples' traditions, in a way not dissimilar to nationalist imperatives. Culture is quite strictly circumscribed and in fact cultural half-match at best occurs in the governance. Where there are 'right people' there are, then, 'wrong people' too. And in this context the latter commonly mimic the former in terms of social organisation and/or clash with them. Worldwide, there is perhaps no greater impediment to development for the poor than conflict. The CLC's Royalty and AAP projects have not avoided this, and their operating environment, if not their actual governance arrangements, seem significant here. Their operating environment is characterised by a greater degree of social separation, including imagined difference, than the Rent Project environment is.

The participants in the case studies must navigate the project environments at a time of Indigenous policy flux. That the Rent Project environment seems more navigable reflects

the participants' relatively high degree of identification with the project. Navigable or impenetrable in their governance, the result is always degrees of uncertainty considering the money involved in such projects, despite the quest for the opposite. Uncertainty is accentuated in the context of globalisation. But the Rent Project shows that agreement around a common good can emerge from this if facilitated in governance arrangements that recognise regional identity without forsaking the local. It also shows the importance, despite the dilemmas, of close engagement with remote Aboriginal groups through projects like the Rent Project. Such engagement is necessary in order to manage complex contemporary social dynamics instead of assuming they will settle independently to everyone's benefit or, alternatively, juridifying them for instance. Reification, juridification and entification jeopardise community development in ways I have illustrated. Assuming the dynamics will independently settle favourably for all risks widening wealth disparities, and thus heightened health problems, within communities. When Austin-Broos says "ineffectual demanders located at the poles of life can have difficulty realizing relatedness" (Austin-Broos 2003: 127) she means to point to the difficulty the very young and very old sometimes have simply getting enough to eat in a contemporary Aboriginal kinship economy frequently distorted by excessive demand sharing in particular. Those at the poles of Aboriginal life need most assistance whether or not they are victims of abuse as such.

This does not warrant a clumsy scramble to 'close the gap'. It suggests self-determination should be recast to encourage greater assistance from qualified and experienced outsiders where they include both non-Aboriginal people and Aboriginal people outside the local group. The collective self in self-determination should accommodate regions of Aboriginal people and the communities that are now regional centres where the peoples, plural, of a region live together. My research on the CLC's Rent Project in particular should show these communities are now no more artificial than the local descent group that constitutes the test of traditional Aboriginal land ownership in the ALRA and has thus become critical in the localisation of NT Aboriginal identity. The very notion of community in community development and its governance arrangements must begin to emphasise networks of people and organisations, as does the definition of community I

adopted in chapter 2 from the recent research findings of the Indigenous Community Governance Project. This in turn suggests that if it is too late to reverse the proliferation of largely locally autonomous Aboriginal organisations under self-determination policy and ideology, this should at least be slowed and greater cooperation encouraged between organisations. The trouble is they, like the outstations that likewise proliferated, have become the tangible and much prized manifestation of local identity, of privileged localism. Networks suggest regional development, with arrangements like subsidiarity structures to protect local interests. At the very least, this all suggests the need to deconstruct difference, particularly among the regionally related, in the interests of a stronger Aboriginal civil society.

If the discussion more broadly suggests assimilation, this will not be the outcome if community development can give strength to Aboriginal people and their communities, and choice. Nearly four decades since the start of self-determination, the Mardu people are limited in their future as relatively autonomous agents managing communities on their own lands or engaging successfully in the wider economy, to recall Tonkinson's comments. In other words, if development is in essence the opportunity to live full human lives, as I have it, that opportunity is currently limited for the Mardu whether they remain in or leave the familiarity of their remote communities, whether they go to the market, it comes to them or neither. They are by no means the only remote Aboriginal group in this situation, as governments scale back support for remote community living. It may be now or never that remote Aboriginal people harness the resources necessary to take up the slack and remain remote. Rents, royalties and like payments will be important. But at least as important will be for Aboriginal people to gain the skills to manage their communities, and such payments into the communities, as *relatively* autonomous agents. This capacity will not be found in locally emplaced tradition. It does not necessarily follow from legal rights like land rights and the right to welfare. It can, however, be gained in community development that maximises the participation of the relevant people in close engagement with them. If something of a hybrid culture emerges this is not the same as assimilation into the encapsulating society. As Escobar reminds us, "many

'traditional cultures' survive through their transformative engagement with modernity"
(Escobar 1995:219).

Paradoxically, it is conceivable many Aboriginal communities will lose traditions at a greater rate if we continue to rely so heavily on tradition. Despite self-determination's "unprecedented sanction to the traditional" (Rowse 1998: 98), the expectation in the policy that pre-colonial systems of social control would naturally revive (Sutton 2001: 128) of course proved highly optimistic and misplaced. With these systems now so weakened, it seems anything and everything is sanctioned that will ultimately destroy many Aboriginal traditions. Levels of dysfunction on top of sheer poverty mean many Aboriginal people without relevant capacity are literally losing control of the communities themselves. The replacement of NT local community councils with shires can be seen as government willingness to shift control if Aboriginal people cannot retain it. The Commonwealth intervention into NT Aboriginal affairs, alleged ulterior motives aside, shows governments will go as far as to wrest control from Aboriginal people. Improvements to Aboriginal communities are especially imperative in this context.

My thesis demonstrates how improvements are possible through community development projects like the CLC's Rent Project in particular. It also highlights key limiting factors to CD in the Australian Indigenous domain.

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ABSTRACT

For 35 years, Aboriginal self-determination policy privileged local autonomy in the autonomy-relatedness dynamic central to Aboriginal sociality. This *privileging* brought a major change to Aboriginal sociality and collective identity. The self in self-determination policy had a strongly local focus through which it was thought community development would thrive. Key connected factors in the privileging of local autonomy are socio-cultural reification, juridification and entification. The reification is with respect to identity associated with land-based tradition. All three of these factors are contrary to the profound processes of relatedness in the Australian Aboriginal domain. The so-called intervention by the Commonwealth into Northern Territory Aboriginal affairs in 2007 dramatically changed the policy settings in the NT at least. But local autonomy remains privileged over relatedness. As such, this thesis argues, the foundation for an Aboriginal civil society able to negotiate the now very fluid policy environment and make the most of the opportunities presented in community development projects like the thesis case studies in fact remains generally weak.

The thesis argues that recognition of relatedness is the basis of civil society in the Aboriginal domain and a key to improvements in Australian Aboriginal communities, without dismissing local autonomy. The common good inherent in community development is limited without this recognition. So is cultural match, said to be important in development project governance in the Indigenous domain. The thesis examines these matters through three case studies, community development projects that use moneys paid to Aboriginal people from the use of Aboriginal land for mining and a national park. An important finding is that autonomy-relatedness balance reflected in the governance arrangements of community development projects is needed for Aboriginal people to properly identify with the projects and thus participate meaningfully in them in order to realise tangible and sustainable community benefits from them. Meanwhile, commercial development like mining continues to favour the certainty afforded in the localising factors of reification, juridification and entification.

Aboriginal self-determination has been characterised as a policy of disengagement of wider society from Aboriginal people. Consistent with this, and again contrary to relatedness, an underlying theme in the thesis is that of separation. As well as the disengagement of the policy, this separation includes the separation of some Aboriginal people from other Aboriginal people arising from locally emplaced identity, tradition from modernity and community development from economic development and the market economy. At this level, the thesis points to the importance of an intercultural approach to development entertaining the notion of hybridity including that of the hybrid economy.

This is not to deny the benefits of self-determination policy over its policy predecessors, much less to suggest a return to assimilation policy in particular, but to suggest some ways to help resolve the serious problems still facing remote Aboriginal communities as well as to flag the limitations of community development in this context.