

Unsettling the Settler State: Creativity and resistance in Indigenous-Settler state governance

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Contemporary Indigenous affairs is awash with the language of crisis. The dominant state response is focused on developing Indigenous responsibility (rather than rights) through coercive policy interventions. Yet this view, justified by an assessment that ‘the old ways haven’t worked’, overlooks the energy and creativity with which Aboriginal and Torres Strait Islander peoples engage with the institutions of the settler society. It also neglects to ask questions of the settler state and its institutions. Silence persists on these crucial issues despite ongoing Indigenous efforts to engage the settler-colonial order through calls for constitutional change, for better representation on the national political stage, and through consistent engagement with the state by a multitude of Indigenous organisations. These Indigenous efforts to enter into dialogue with mainstream Australia have thus far received little or no reciprocal movement from the settler state and its associated institutions, and have received little attention in policy discussions.

To explore the foregoing state of affairs the ‘Unsettling the Settler State’ workshop was held at the University of New South Wales (UNSW) from 22-23 March 2010. Against the backdrop of what many see as the continuing assimilationist approach in Indigenous policy, the contributors examined how Indigenous people continue to express their sovereignty through local, independent and challenging articulations of their capacity to govern themselves. By giving voice to those engaged in the frontline of these labors, the workshop explored Indigenous efforts that offer challenges to state dominance, spaces for developing forms of political autonomy often unseen by those in power, and ways of rethinking the Australian state in the 21st century.

Papers for the workshop were prepared in response to a set of themes and questions developed by Sarah Maddison (UNSW) and Morgan Brigg (UQ). Contributors were asked to explore the ways in which Indigenous people express their prior claims to political autonomy through governance efforts, to examine the vibrancy and depth of Indigenous political values as they find expression in exchange with the institutions and processes of the settler state, and to consider the challenges and prospects for Indigenous-Settler political relations at the beginning of the 21st century. Maddison and Brigg explored these themes in a scene-setting

paper highlighting the unrelenting nature of Indigenous peoples' claims for rights and justice in demands for recognition from the settler state.

Many of the contributors to the workshop are directly involved in Indigenous governance efforts, and are little known in mainstream media or academic scholarship. This unique dimension of the workshop was facilitated through partnerships between Indigenous authors and settler interpreters and counterparts, with many of the presentations prepared by small teams. However, bringing together diverse and non-academic contributors, including people from Indigenous Australia, does present particular challenges. Some participants are located remotely, and many grapple with the immediate demands and challenges of living in and working with Indigenous communities amidst challenging political and administrative circumstances. Their priorities are not necessarily those of an urban academic, and the workshop had to adjust accordingly. Several contributors were not able to attend due to "sorry business" in their communities, or unexpected political developments or other demands. (In these cases papers were presented in absentia, and comments were recorded and sent to participants.)

Despite these challenges, the workshop provided an opportunity for the diverse contributors - Indigenous and non-Indigenous, academic and non-academic – to interact closely in a way that is not usual in discussions of Indigenous affairs. The organisers take this approach to be particularly valuable for bringing out new perspectives and understandings that enrich standard social science approaches to Indigenous governance.

The workshop opened with a welcome by Dean of the Faculty of Arts and Social Sciences, Professor James Donald, followed by an overview of key themes by Sarah Maddison and Morgan Brigg. In the first session for presenting papers, Lyndon Murphy (Griffith University) and Morgan Brigg (University of Queensland) introduced their paper "Beyond Captives and Captors: Settler-Indigenous Governance for the 21st Century". As one of the contextual papers for the workshop, Lyndon and Morgan stressed the importance of understanding and analysing the ideas and values that inform discussions about Indigenous governance. They argued that many commentators, both Indigenous and non-Indigenous alike, accept the prevalence of western liberal values and thus do not problematise the somewhat narrow terms of contemporary debate on Indigenous governance. Against this, they suggested an approach to dialogue about governance issues that brings out both Indigenous and Western values and ideas.

The second paper in the first session, “The Way of the Warlawarlara: Kapululangu’s Two-Way Governance”, was presented by Zohl Dé Ishtar”. This paper arises out of unique partnership between Zohl and women elders leading the Kapululangu Women’s Law and Culture Centre at Balgo. The women choose not to write and have instead transmitted the Law underpinning their approach to governing their organisation in the form of a painting that Zohl showed at the workshop. Zohl has subsequently written and re-written (in consultation with the women) a description and analysis of the guiding role of the Warlawarlara in the governance of Kapululangu, including how the women have negotiated their encounter with mainstream institutional requirements and processes.

Following morning tea the workshop moved to a discussion of the paper prepared by Patsy Cameron and Linn Miller, titled ‘Reclaiming History for Indigenous Governance: Tasmanian Stories.’ Unfortunately neither Patsy nor Linn were able to attend the workshop so the discussion was recorded and sent to them. The paper documented the ways in which history has been told in ways further the goals of the settler state, and provided an important alternative to mainstream understandings of Australian history. The argument contrasted the telling of ‘official’ versions of Tasmanian history with contemporary Indigenous historiography.

In the afternoon of day one, Samara Erlandson presented the paper that she is co-authoring with Joe Morrison, Peter Yu and Ritchie Ah Mat, on the North Australian Indigenous Land and Sea Management Alliance (NAILSMA). The NAILSMA story is an important example of successful regional Indigenous governance in response to the need for environmental governance and the protection of Indigenous interests in the land across the north of Australia. This paper was well-paired with a paper by Sam Jeffries (although Sam could not attend the workshop), documenting the development of the Murdi Paaki Regional Assembly – another important regional governance arrangement, but set in a very different context and facing different challenges. These two papers highlighted the ongoing importance of governance at the regional level for Aboriginal people in Australia, and underscored both the challenges and rewards of developing effective regional governance structures.

Drawing the day to a close we heard from Tom Calma, speaking to the paper he is preparing with Darren Dick examining the development of the new national Indigenous representative body, the National Congress of Australia’s First Peoples. Both Tom and Darren have been intimately involved in the development of the new body, leading to a national consultation

process that informed the final structure announced in late 2009. Tom and Darren's paper will document the genesis of the National Congress in the context of Australia's struggles to sustain an Indigenous representative body – an experience which contrasts with efforts in other settler nation-states.

Throughout the day participants offered comments on each others' papers, and engaged in discussion of all papers. Each of Jon Altman, Sarah Maddison and Morgan Brigg provided detailed feedback and led discussion in sessions throughout day one. One of the themes to emerge on the first day was the need for more detailed attention, both within the papers prepared for the workshop and in broader discussions and analyses, of the interface between Indigenous and Western ideas, values, and processes within contemporary Indigenous governance efforts.

The second day began with a 'masterclass' writing session. This part of the workshop was designed to address some of the challenges that arise when working across the cultural and other differences among contributors to the workshop, including between community and academic authors. Issues and challenges were documented by drawing out the authors' experiences in preparing their papers. These were then organised into a range of key topics, which were discussed among the contributors with advice and guidance provided along the way. Some of the key issues discussed included having clarity about one's audience including ideas for engaging a wide range of readers through the use of vignettes; the challenges and rewards of working as co-authors, particularly the challenge of developing a joint position by providing supportive critical feedback; the differences between academic and Indigenous ways of presenting and developing knowledge and the various sources of authority that might be drawn on in writing; and the challenges involved in writing for a edited collection (the anticipated outlet for contributions to the workshop) that is deliberately hoping to 'unsettle' in a style that is engaging and allows readers to be brought along with the analyses and arguments. Participants in the workshop reported finding this process particularly useful and supportive.

The presentation of papers continued in the second part of day two, with feedback and discussion led by Morgan Brigg, Sarah Maddison and Juanita Sherwood.

To begin the afternoon session we had a presentation from Kirstie Parker on her paper 'Indigenous media: Telling it like it is and how it might be.' Kirstie's paper contrasted the poor representation of Indigenous people in mainstream media with the development of

Indigenous media and the positives this offers, particularly with regard to discussing and contesting governance issues. The paper also documented the ongoing challenges faced by Indigenous media, partly in terms of resourcing, but more broadly with regard to the difficulties involved in reporting news and maintaining relationships in a small community.

Following Kirstie we had a presentation from Howard Pederson on the chapter he is writing with June Oscar, “Alcohol Restrictions in the Fitzroy Valley: A Story of Resilience and Community Reconstruction”, which documents the work that June and others have been involved in to introduce alcohol restrictions in the Fitzroy Valley. This work is an important contribution to Indigenous autonomy and a significant example of local governance efforts occurring beyond the hubbub of mainstream commentary, albeit at considerable cost to the individuals leading these efforts. This analysis provides an important point of contrast to the dominant view of alcohol management issues in Aboriginal communities, which of late have emphasised the need for governmental intervention and control.

Next, Manuhua Barcham discussed the paper he is writing with Glen Kelly that analyses the Indigenous governance structures underpinning the successful Single Noongar Nations native title claim in the south west of Western Australia. The paper is focused on questions of resourcing and legitimacy in the formation and sustainability of regional governance arrangements by examining three different models or paths pursued in the southwest of WA.

The final paper was presented by Darryl Cronin on the paper he is writing with Patrick Dodson on ‘The Australian Dialogue.’ This paper proved a fitting way to end the workshop, focusing on a possible future direction for engaging the nation in some ‘unsettling’ discussion about the institutions and philosophical underpinnings of the settler state.

A theme that emerged over the second day, and that also resonated with the discussions of day one, concerned the scale and ambition of Indigenous governance efforts around the country and over time. Even when undertaken on a shoestring and in difficult circumstances (as is often the case) Indigenous governance efforts challenge the settler political imagination and its governance processes. Over two days the Unsettling the Settler State workshop helped to clarify and advance understanding of this process of ‘unsettling’.

The participants continue to collaborate with the project co-directors on developing the contributions presented in the workshop for an edited book under contract with Federation Press. The final manuscript is due in September 2010, and is expected to be published in early 2011.