

CHAPTER II

Self-Empowerment through Participation

International literature suggests that participation contributes to improving quality of life. It can promote self-reliance and enhance the capabilities of those directly affected by government interventions to pursue sustainable livelihoods and is described by the World Bank as follows:

Participation is the process by which stakeholders influence and share control over priority setting, policymaking, resource allocations, and/or program implementation. There is no blueprint for participation because it plays a role in many different contexts and for different purposes.⁴⁶

This, along with poverty reduction strategies and the experience of other jurisdictions, confirms that participation increases the impact of government interventions as all jurisdictions have recognised the need to involve Indigenous people in their own development. A review⁴⁷ of the literature found that the participation process:

- Improved quality of life by promoting self-reliance and improved capabilities to pursue sustainable livelihoods;
- Helped target the benefits of interventions;
- Made more efficient use of resources; and
- Promoted local ownership and responsibility.

This evidence pointed to the need for a greater investment in participation as a fundamental principle underpinning the concept of good governance and change. Participation is similarly central to the new architecture of assistance, notions of ownership, and partnership.⁴⁸

There is other literature supporting these notions. For example, according to the World Bank, community driven development ('CDD') gives control of decisions and resources to community groups, treats them as assets and partners in the development process, and builds on their own institutions and resources. Support for CDD usually includes strengthening and financing inclusive community groups, facilitating community access to information, and promoting an enabling environment through policy and institutional reform.

⁴⁶ World Bank, Participation in Poverty Reduction Strategies, *Poverty Reduction Strategies*.

⁴⁷ Willber da Rocha Severo, Participatory Development in poverty reduction strategies: an analysis of the contributions of participation, Dissertation submitted in partial fulfilment of the requirements of the degree of Master of Sciences in Poverty Reduction and Development Management, September 2002, International Development Department, School of Public Policy, the University of Birmingham.

⁴⁸ Consultation and Empowerment: Governance implications of Participatory Public Policy Formulation in six developing countries, *a collaborative policy research program*, Institute of Development Studies, University of Helsinki, Chr. Michelsen Institute, January 2002.

Experience demonstrates that such participation drives development activities, has the potential to make government interventions more responsive, more inclusive, more sustainable, and more cost-effective than traditional centrally led programs.⁴⁹

Furthermore, the *Human Development Report* describes human development as a process of increasing people's choices which creates an enabling environment for them to do so.⁵⁰ The most critical of these choices are to live a long and healthy life, to be educated, and to have access to resources needed for a decent standard of living and in the words of the Nobel Prize winning economist, Dr Amartya Sen, it is so that people can have the opportunities for the livelihood they have reason to value.⁵¹ Additionally, the *Social Justice Report* also observes that:

Much of the failure of service delivery to Indigenous people and communities, and the lack of sustainable outcomes, is a direct result of the failure to engage appropriately with Indigenous people and of the failure to support and build the capacity of Indigenous communities. It is the result of a failure to develop priorities and programs in full participation with Indigenous communities.

Put simply, governments risk failure if they develop and implement policies about Indigenous issues without engaging with the intended recipients of those services. Bureaucrats and governments can have the best intentions in the world, but if their ideas have not been subject to the 'reality test' of the life experience of the local Indigenous peoples who are intended to benefit from this, then government efforts will fail.

More importantly, if bureaucrats or governments believe that their ideas are more important or more relevant than those of local Indigenous peoples, or that they can replicate policies that have worked in different contexts – such as functional or urbanised communities, or communities which have the necessary infrastructure and support mechanisms in place, then again, they will fail.⁵²

What this demonstrates is that self-empowering Aboriginal and Torres Strait Islander people through participation in government decision-making is one of the many components that contribute to their capacity to take responsibility for their own wellbeing and to engage with government at all levels to overcome their relative poverty and disadvantage.

The Murdi Paaki Council argued that self-determination was fundamental to controlling their own destiny. As the original occupiers and owners of this land, Aboriginal peoples had their own customary traditions and structures of law-making. As a consequence, without agreements or treaties, Aboriginal and

⁴⁹ World Bank, *Community Driven Development in Poverty Reduction Strategies*.

⁵⁰ United Nations Development Programme (UNDP), *Human Development Report*, 1990.

⁵¹ Amartya Sen, *Development as Freedom*, Oxford University Press, 1999, p. 37.

⁵² Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report*, Human Rights Commission, 2006.

Torres Strait Islander people had a relationship with government that embodied 'a constituent sovereignty'. Such a relationship should give primacy to negotiation, recognising their rights as Indigenous people.⁵³

Against the background of the public debate was what the right to self-determination meant, with the Council informed by the work of Professor Larissa Behrendt who wrote:

The key to the way forward is in the concepts and rights that we have implied into the terms 'self-determination' and 'sovereignty' when we use those words to describe a vision of what we would like our communities to be like and the way we want to live our lives as Indigenous peoples. This is an approach that takes the starting point for self-determination from the way in which it is expressed by Indigenous peoples at a grass-roots level, rather than by imposing concepts as they have been developed in international forums on to Indigenous communities. It is a bottom-up, rather than top-down approach.⁵⁴

The Council acknowledged that there was no framework of Indigenous self-government in Australia as in other countries, such as Canada and the United States. However, the Council drew on and was encouraged by their experience. In the end, self-determination had to be moulded to the special circumstances of Aboriginal and Torres Strait Islander people, whether they lived in urban, rural or remote areas.

Because the needs of Aboriginal and Torres Strait Islander people are multi-dimensional, the provision of specific programs and services leant itself to what is called 'joined-up government', involving interaction of governments at all levels of negotiations, federal/state relations, agreements on strategic directions, shared programs and service arrangements between federal/state jurisdictions and service delivery at the local level. Joined-up government was not just a question of determining how each departmental program might be delivered in a coordinated way with other departments. It was about determining with Aboriginal and Torres Strait Islander people, as the first priority, what the outcomes should be, what interventions are necessary to achieve those, and how those interventions are made.

The nature of Aboriginal communities requires extensive resourcing at the local and regional level to maintain the wide range of relationships and issues with which they are involved – such as economic development, housing, health, social policy, education and many other public policy concerns. Achieving better outcomes, therefore, involves allowing structures which give

⁵³ Sam Jeffries, Chairman, Murdi Paaki Regional Council, Building relationships: keeping an eye on the bigger picture: pathways to regional autonomy seminar, *Regional Autonomy: Lost Cause, Broken Promise or new challenge?* The new agenda: connecting government and Aboriginal and Torres Strait Islander people.

⁵⁴ Larissa Behrendt, *Globalisation and Self-determination: The challenges for sovereignty and Governance*, Indigenous Governance Conference, 3-5 April 2002, Canberra.

Aboriginal people the capacity to manage the process.⁵⁵ Greater representation and participation of Indigenous people at all levels of government is a way of ensuring responsiveness to Indigenous needs.

However, service-delivery is only one element of empowerment. Empowerment involves legal, social and economic empowerment. It is part of 'good governance', involving the way governments relate to Indigenous peoples and the way non-government organisations discharge their responsibilities and are accountable both to government and their constituents.

Broadly speaking, governance is about how decisions are made, who makes them, and how implementation and delivery arrangements are organised. Developing and implementing policy involves the relationships, institutions and structures to inform and support the decision-making process. The COAG report, *Overcoming Indigenous Disadvantage*, illustrates the need to build workable mechanisms for appropriate representation and participation of Aboriginal and Torres Strait Islander people in government decision-making.⁵⁶

Participation inevitably extends to political participation, as the Nobel Peace Prize Laureate and human rights advocate, Shirin Ebadi, observed:

We have to hold leaders accountable for the poverty within their countries. Leaders who come to power and rule without giving a voice to its citizens, cannot enact sustainable development policies. People have to know that benefiting from welfare is a vested right. People have to know that using resources within a country is a vested right....People have to question their governments and the decisions their leaders make. If enough people want change, it will happen. But they cannot just expect it to happen. They must be active in their own futures.⁵⁷

High among the principles and key areas for action identified by the Commonwealth Grants Commission to promote better alignment of funding with needs was the full and effective participation of Indigenous people in decisions affecting funding distribution and service delivery.⁵⁸ Partnerships between those who funded and provided services and Indigenous people would better direct services towards Indigenous disadvantage.⁵⁹ Central to these partnerships were strong Indigenous influence over service delivery expenditure and regional and local service delivery arrangements.

Aboriginal and Torres Strait Islander people have long advocated for greater participation in the decision-making institutions of the state and for more autonomy in the form of devolved authority across a wide range of

⁵⁵ Ibid (above note 52).

⁵⁶ Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage Key Indicators*. 2007.

⁵⁷ Shirin Ebadi, Nobel Peace Prize Laureate and human rights advocate.

⁵⁸ Commonwealth Grants Commission, *Report on Indigenous Funding*, 2001, p. xviii.

⁵⁹ Commonwealth Grants Commission, *Report on Indigenous Funding*, 2001, p. xix.

jurisdictions, including land ownership and management, health, welfare, economic development, law and education.⁶⁰

Apart from the establishment of ATSIC, Indigenous governance arrangements supported by governments have tended to reflect jurisdictional and bureaucratic imperatives rather than Indigenous aspirations and priorities.⁶¹ In its consultations for the *Overcoming Indigenous Disadvantage* Report, the Productivity Commission found that there was still a general view that improving governance remains critically important at organisational, community and government levels.⁶²

It has been observed that the impetus for regional governance for Indigenous communities raises important challenges in relation to representation, power, jurisdiction, capacity and resourcing. Some of these issues can be responded to through legislation and others have political, social and cultural dimensions that are matters for Indigenous people to negotiate within their own communities as well as with governments. Since legislation has been the primary means for formally recognising Indigenous governance and other rights over the past 30 years, it remains an important avenue for facilitating Indigenous regional governance aspirations.⁶³

As discussed earlier, the Murdi Paaki experience was focused on improving governance as a way of achieving better outcomes for Aboriginal and Torres Strait Islander people. In charting a course towards greater regional autonomy in the region, the Council followed the government's election policy commitment at the time to explore ways of achieving this within the existing ATSIC structure. Its ultimate proposal to government incorporating a governance framework centred on a Regional Assembly representative of the main Indigenous communities in far western NSW was almost a decade in the making.

Just as the Council was ready to negotiate new regional and community governance arrangements, following a comprehensive review from ATSIC which had recommended this,⁶⁴ the Government announced its decision to abolish ATSIC along with the 35 regional councils which had formed an integral part of the system. Regional autonomy, both in the form in which it was meant to function, and how it may have functioned, had been abandoned in

⁶⁰ Diane Smith, 'Jurisdictional devolution: Towards an effective model for Indigenous community self-determination', CAEPR Discussion Paper No. 233, 2002, p. 6.

⁶¹ Alex Reilly, Larissa Behrendt, Ruth McCausland, Mark McMillan, *The Promise of Regional Governance for Aboriginal and Torres Strait Islander Communities*.

⁶² *Overcoming Indigenous Disadvantage Report, 2007, Overview*, p.5.

⁶³ Alex Reilly, Larissa Behrendt, Ruth McCausland, Mark McMillan, *The Promise of Regional Governance for Aboriginal and Torres Strait Islander Communities*.

⁶⁴ *In the hands of the regions – a New ATSIC, Report of the Review of the Aboriginal and Torres Strait Islander Commission*, November 2003.

favour of mainstreaming all government services.⁶⁵

The Council, and ultimately its successor (the Assembly), now had to chart a different course under the new national and regional arrangements introduced by the Government⁶⁶ which was being portrayed as a ‘quiet revolution’ by the Minister.⁶⁷ In the view of the Council, a consequence of the reform and the way it was to be implemented, disconnected Aboriginal and Torres Strait Islander people from effective participation in decision-making.⁶⁸ The imperative and challenge for the newly established Assembly was to re-establish the connection without the legislation that had empowered it.⁶⁹

Within these new arrangements which were introduced on 1 July 2004, after the abolition of ATSIC, the Assembly was among the first to be formally recognised as an Indigenous regional governance structure as the Government moved to find ‘better ways of representing Indigenous interests at the local level’⁷⁰, and acknowledged the need for such bodies, giving regional councils 12 months’ reprieve to advise the government on replacement organisations.

In its earlier response to the review of ATSIC before these new arrangements were introduced, the Council had envisaged a more direct role for ATSIC in the machinery of government at the national level, operating as a statutory authority with a Board and administration that provided the interface between regional councils and government. The focus was to be on building social capital and regional capacity to enable communities, families and individuals to engage equitably with government and service providers in promoting community wellbeing.⁷¹ Legislation could:

- Embed the roles of ATSIC and regional councils in service delivery

⁶⁵ Sam Jeffries, Chairman, Murdi Paaki Regional Council, The new agenda: connecting government and Aboriginal and Torres Strait Islander people, *Building relationships: keeping an eye on the bigger picture: pathways to regional autonomy seminar*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

⁶⁶ Dr Peter Shergold, Secretary, Department of the Prime Minister and Cabinet, Connecting Government, A speech to launch Connecting Government: Whole-of-Government Response to Australia’s Priority Challenges, Management Advisory Committee, Report No 4, 20 April 2004, p.7.

⁶⁷ Senator Amanda Vanstone, Minister for Immigration, Multicultural and Indigenous Affairs, Address to the National Press Club, Canberra, 23 February 2005.

⁶⁸ Sam Jeffries, Chairman, Murdi Paaki Regional Assembly, Rhetoric and Reverse Gear: Indigenous Policy as a strategic after thought, 4th National Indigenous Education Conference, Getting on with the job: Indigenous Engagement in Education, Newcastle NSW, 27 November 2006.

⁶⁹ Working Together, A proposed framework of regional governance for the Murdi Paaki Region of New South Wales, A report to the Murdi Paaki Regional Council, 4 July 2002.

⁷⁰ Office of Indigenous Policy Coordination, *New Arrangements in Indigenous Affairs*, OIPC, Canberra, 2004.

⁷¹ Murdi Paaki Regional Council, Mid-Passage Towards Self Determination, A New ATSIC, A submission by the Murdi Paaki Regional Council to the ATSIC Review, August 2003.

- arrangements; and
- Integrate service delivery by all Commonwealth agencies.

The arrangements would:

- Ensure direct involvement of ATSIC and regional councils in all decisions impacting on Indigenous people;
- Ensure participation in service delivery;
- Ensure the responsiveness and accountability of all government agencies to Indigenous needs and, in turn, to the government for performance;
- Give effect to a 'joined-up' government process of service delivery within which Indigenous people play a central role;
- Provide for each agency to have the equivalent of a 'board' involving Indigenous people to ensure Indigenous participation in decision-making;
- Ensure that all Commonwealth funded agencies are required to conform with the policies, plans and priorities of regional councils;
- Provide for flexible constitutional arrangements for regional councils to be incorporated under the *Act*;
- Require all agencies to enter into service delivery agreements with regional councils as a pre-requisite for assessing their performance; and
- Provide for regional council chairs to meet as a policy forum once a year.

These regional decision-making and service delivery arrangements aimed to align government programs and service objectives with community needs and aspirations to overcome fragmentation, promote inter-sectoral collaboration, provide a mechanism to pool funding to achieve a single stream of delivery and ensure accountability of all program and service providers to the community. While not supporting the new arrangements, the Assembly nevertheless sought to continue to improve the way they were being implemented in the interests of Aboriginal and Torres Strait Islander people whose continued participation was deemed necessary to make the arrangements work.