

What's Governing Web3? – Indigenous governance panel

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Speaking points

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I want to foreground this conversation first by highlighting that I am speaking only about the governance of the First peoples of this continent.

I also want to highlight a distinction between an Indigenous governance model that is underpinned by what is referred to as First Law or what Nungar legal scholar Irene Watson calls Raw Law – or customary law, the law of the land – and a governance model that is conducted *by* Indigenous peoples in relation to and *under the constraints of* their subjectivity within The Australian Commonwealth and its constituent states – whether that be at a local, state or federal scale. This form of governance – or “regime” is officially recognised by formal legal institutions and in many cases, may *coexist* with First Law “regimes” that may be hidden from or invisible to formal institutions. They may be complimentary or contradictory.

It's going to be impossible to go into any real depth in the timeframe, and already I will need to speak in 1.5x, but quite simply, Indigenous governance is concerned with “every kind of knowledge ... needed to look after the land and to have a stable society.”

What I will try to do is outline the Key aspects of Indigenous governance:

Based on? The principle (and I quote Christine Black) that the land *is* the source of the Law. This is First Law. It's also based on a responsibility to self, community, country and future existence.

Indigenous governance is place based – Aboriginal people are intimately connected with land. A person's identity is *embedded* in the land. Our social relations, our spirituality is derived from our connection to place. What an ecologist might describe as a “bioregion”, and what Deborah Bird Rose describes as a “nourishing terrain” - is what we describe as “Country” – and this extends into oceans, and into sky Country. Each place has its own sacred origins, its own sacred and dangerous places, its sources of life and its sites of death. Each has its own people, its own story, its own way of life, its own Law.

First Law is Sacred: – (Kombumerri Elder and academic Mary Graham) Everything comes from the land. This includes all life, knowledge, language, song, Law – everything. The land is a sacred entity, the great mother of all humanity. Therefore, it is not property or real estate, and in fact it is our duty to care for Country. Our **Creation stories** provide the archive of how Country was formed, and how our sacred custodial relations, obligations and ritual ceremonial customs and practices came about. Our ancestral ‘Creator Beings helped “proto-humans” to become fully human, teaching them the Laws of custodianship of land, the Laws of kinship, of marriage, of correct ceremonies—they gave them every kind of knowledge they needed to look after the land and to have a stable society.”

Indigenous governance is Relational: Not just relational but relationalist as an ethos. – So, a web of complementary systems that have been established with the intention of managing how humans live with each other – without killing each other, of living in place without ruining the environment, and without alienating ourselves from each other and the environment. But more importantly, it's an ethos that ensures the virility, strength, and **increase** of these life-sustaining systems.

Indigenous governance is Totemic: Rose describes totemism as a common property institution for long-term ecological management. Totemism constitutes a jurisprudence of responsibility and rights. This “institution” assigns to each person sacred rights and responsibilities for a complex of relational entities. These responsibilities are inherited through the kinship system.

While each person is considered an autonomous being, who belongs to an autonomous clan group – which is an autonomous collective – each has a responsibility for a totemically interconnected system of entities – so when I said before that a person’s identity is embedded in the land – this is why. So, in this sense, ***land is kin***. We are *of* Country, because we come from Country and we go back to Country, and all of our ancestors and those who follow are thereby interconnected. Past present and future is connected to the land.

Interconnected, Interdependent, and intergenerational: There is NO Country that is self-sufficient. This is a very flawed concept. Each country is dependent on others from other regions, and this is enacted through totem. The practices of a local level can and usually do have regional implications.

Your totem informs everything – all the protocols that pertain to you as an individual and how you relate to other people, places and entities. where you can and can’t go, places that are sacred, where practices might be restrained or encouraged, and who you will engage in those practices with.

Marta Poblet talked earlier this week about **fractal governance. Fragments of law from Country in the Blue mountains is found in the law of Country in the Kimberley – and vice versa.**

When describing Aboriginal authority, Strehlow described “an ancient ensemble of interlocking parts bound together by a shared and enforceable set of norms...”

The entire continent comprises what Mary Graham describes as a Framework of autonomous regions across the country. **Polycentric** – or what Mary Graham describes as a **multipolarity** – “No central group, no hierarchy, no one group that dominates other tribes, they are all their own boss. “Imagine a country of all local governments that are all interdependent.”

Interdependent links are encoded in Songlines or Ancestral Dreaming paths – and custodians from across the continent will come together to facilitate regenerative flows of exchange between biocultural systems.

Complementarity - responsibilities and right differ depending on one's relationship to country: e.g. whether it's fatherside country or one's motherside country, Men may hold the responsibility to burn country, but they require the permission of the men whose motherside country they're on and the women are responsible for organising the burning and if the men do it incorrectly, they are accountable to the women who will punish them. It is not possible to fulfil one's obligations without the complementary cooperation of other kin, and this may extent across regions. This is intended to distribute authority, prevents unilateral actions and ensure that the regional implications of all actions are appropriate.

Under the constraints of the settler state:

So – Indigenous governance nowadays look likes what is described as “self-determination” – arguably a form of Governmentality where the management of colonial policy is enacted by Indigenous people for Indigenous people.

Aboriginal corporations – Native Title, Prescribed Body Corporates, Board of directors... these look more like the kind of corporate entities that we're more familiar with today.