

Graduate School of Business

**A critical discourse analysis of negotiations between business and
Aboriginal peoples: Implications for strategic management of cross-
cultural knowledge**

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Declaration

To the best of knowledge and belief his thesis contains no material previously published by any other person except where due acknowledgement has been made.

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university.

Signature:.....

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Abstract

The concept and use of knowledge in business studies is predominantly determined by a Western interpretation, with strategic management theory and practice positioning knowledge as a key factor in the creation of competitive advantage. The thesis examines Western and Aboriginal ways of knowing, and explores the presuppositions of knowledge in Western culture.

Utilising critical theory the thesis has researched and penetrated the cultural interface between Aboriginal and non-Aboriginal people during business negotiations. The research is a first order interpretation by a non-Aboriginal researcher that critically analyses and unpacks the non-Aboriginal discourse of cross-cultural negotiations. The thesis reveals the impact of Western normative culture on the construction of cross-cultural knowledge.

It is argued the current Western orientation of strategic management theory fails cross-cultural negotiations, and that ways of knowing outside the paradigm of traditional strategic management research can provide a broader understanding of knowledge and improve cross-cultural negotiations. The thesis argues that the models for understanding national cultures are Western orientated models that may have inherent cultural limits. The thesis draws upon frame theory, and argues that cultural schema and mental models known as frames have a significant impact on cross-cultural negotiations.

The significance of the research resides in two primary areas. Firstly the literature regarding knowledge in strategic management is inclined to be positivist with a strong Western academic influence. This thesis argues that the literature and discipline of strategic management will be enriched by a more heterogenous approach to knowledge through a diversity of research paradigms, and through understanding other cultural approaches to knowledge. This thesis contributes through an interpretive perspective to strategic management theory and practice.

Secondly the research contributes to the literature, theory and practice of cross-cultural negotiations. Specifically there is a paucity of literature on Aboriginal and non-Aboriginal negotiations, and this thesis through the critical discourse analysis of negotiations provides a significant insight into this cultural interface. Frame theory assists understanding how non-Aboriginal negotiators make meaning during cross-cultural negotiations and how this influences their understanding of knowledge.

The thesis concludes with two key recommendations. Firstly that strategic management research, theory and practice will be well served by a broader approach to knowledge. This will be achieved by recognising that a positivist approach to research in strategic management has limitations, and the management models of knowledge have culturally imbued presuppositions or schema that frame our interpretation of ways of knowing. Secondly two models for cross-cultural negotiations are proposed. The models recommend that we suspend our own constructs of reality to engage with other ways of knowing in a reflective process to generate new schemas of knowledge.

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Dedication:

Aboriginal and Torres Strait Islanders

Janet, Rachel, Natasha and Marlene.

Sapere audet!: "Dare to know" Immanuel Kant.

WARNING: Aboriginal and Torres Strait Islander readers are advised that this thesis may contain references to deceased persons.

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Chapter 1 Introduction and Background

1.1 Introduction

The thesis will consider how knowledge is approached within the field of strategic management, and how cross-cultural business negotiations are underpinned by a Western interpretation of knowledge. The field of inquiry is within the discipline of strategic management. The context of inquiry for the research is business negotiations between Aboriginal and non-Aboriginal people.

The research had several challenges to undertake with regard to knowledge:

1. To understand the Western approach to knowledge.
2. To understand how knowledge is presented within the strategic management literature.
3. To understand Aboriginal ways of knowing whilst presenting the knowledge in a respectful and appropriate manner.

This was achieved by:

1. A broad review of literature regarding Western knowledge.
2. A review of how knowledge is presented within the strategic management literature.
3. A review of audio-visual and written materials of Aboriginal and non-Aboriginal people regarding the cosmology and cosmogony of Aboriginal cultures and ways of knowing. The materials of Aboriginal ways of knowing included in the thesis provide a complex mosaic of the different perspectives of knowledge. There are explicit and tacit elements for the reader to formulate an understanding of Aboriginal ways of knowing (refer to Section 2.3.3 Explicit Knowledge, and Section 2.3.4 Tacit Knowledge). In reading about Aboriginal ways of knowing it is recommended that the reader give thought to what knowledge is being

conveyed beyond the written word. For example, Lee (2007) states that literature can be experienced in and for itself, and that cultural elements can be ascertained by reading for tone and value.

4. Interviewing Aboriginal people with regard to their perceptions of understanding by non-Aboriginal people of Aboriginal knowledge.

This chapter will, introduce knowledge with regard to strategic management theory, provide a brief contrast of Western and Aboriginal ways of knowing, and present a broad definition of the term “culture”. Key arguments of the thesis are also introduced to the reader in this chapter. Chapter 2 provides an in-depth explanation of all the major concepts contained in this thesis. Concepts of knowledge, and understanding ways of knowing of Aboriginal and Western cultures are the key elements that connect other major concepts throughout the thesis. The introductory chapter also outlines the significance of the research, defines the operational definitions, provides the reader with an introduction to Aboriginal culture, and outlines the personal experience of the researcher in the process undertaking the thesis. Chapter 1 is then concluded with the research questions and objectives.

1.1.1 Knowledge and Strategic Management

Strategic management theory positions knowledge as a key factor in the creation of competitive advantage - through the knowledge-based view of the firm. It is argued in the thesis that the strategic management view of knowledge has a reductionist perspective and emphasises the explicit component of knowledge. Alternative views of knowledge do exist. However it appears such alternative approaches to knowledge do not occupy an equal footing in mainstream strategic management literature. The result is that the corpus of strategic management literature is not challenged by alternative views of knowledge and tends to reinforce the existing positivist paradigm (refer to Table 3-1 Research Paradigm and Table 3-2 Paradigms of inquiry).

It is argued in the thesis that knowledge, or knowing (Blackler 1995), is not as homogenous as strategic management literature suggests. There are other ways of knowing and these alternative views of knowledge and ways of knowing can be accessed through cultures that have different perspectives to the Western paradigm of knowledge. However, even where alternative interpretations of knowledge exist, these interpretations have arguably had little influence on the Western interpretation of knowledge and in particular how alternative knowledge could operate within a strategic management perspective. The Western interpretation of knowledge limits the context of negotiations between people with significantly different understandings of knowledge and how the respective understandings of knowledge are applied.

In an extensive literature review by French (2009a; French 2009b) it is argued that the exploration of strategic management to date has been undertaken in a modernist or scientific paradigm. The scientific method approach to understanding identifies with “cause and effect, predictability, reductionism, positivism, and linearity” (French 2009a, p. 24).

Strategic management thinking accepts that knowledge is a resource (Spender & Grant 1996), and that knowledge as a resource is viewed as a particularly important source of competitive advantage (Wilkund & Shepherd 2003). However, the thesis argues that strategic management has a limited view of what constitutes knowledge because of a bias in research methodology, and that strategic management thinking can be enhanced through understanding other ways of knowing. It is argued that critical theory will provide the theoretical framework and that critical discourse analysis will provide the methodological framework for exploring a broader strategic management understanding of knowledge. Phillips, Sewell and Jaynes (2008) state that critical discourse analysis has become an increasingly common methodology in management research, and has significant research potential in strategic management - with specific application in areas of research concerned with language and meaning.

1.2 Significance of the research

According to Denzin and Lincoln (2008) it is time for non-Indigenous scholars to dismantle, deconstruct, and decolonise Western epistemologies. As part of this process Western systems of knowledge then become the object of critique and inquiry (Denzin & Lincoln 2008). Denzin and Lincoln advocate that non-Indigenous researchers should create spaces for multicultural conversations, and this thesis has followed their recommendation to create a space for and contribute to a multicultural conversation.

In a commercial context there is a sizeable body of research regarding Aboriginal economic development, native title and agreement making. There appears to be little research regarding Aboriginal and non-Aboriginal negotiations, and even less research regarding how non-Aboriginal cultural constructs of knowledge impact on Aboriginal knowledge.

Research between Aboriginal and non-Aboriginal epistemologies has generally been in the context of law and politics (Povinelli 1993). The following research was conducted at the cultural interface of Aboriginal and non-Aboriginal negotiations. The “Cultural Interface” is a description coined by Nakata (2002) and is the intersection of Indigenous and Western domains of knowledge. This is a place that is traversed on a daily basis by Indigenous people, however few non-Indigenous people interact in this cultural interface. Non-Indigenous Australians do not interact with Indigenous Australians on a daily or regular basis. For Indigenous people the interaction within the cultural interface is a place that is lived, a place of confusion, a place of negotiation, a place of competing and conflicting complex discourses, and a place of different systems of knowledge Nakata (2002).

In this thesis the Western discourses are critically analysed to deconstruct Western epistemologies. In the context of this thesis, deconstruction is with regard to text and

looks to the presuppositions of the text, what it purports to say and what is not said in the text, and this can lead to a redescription of the text being analysed (Kvale 2007).

There is a lacuna in the knowledge from a non-Aboriginal perspective in the understanding of the cultural interface of Aboriginal and non-Aboriginal systems of knowledge in the context of negotiations. A gap also exists in the field of knowledge management with regard to knowledge management in its cross-cultural dimension (Holden 2001).

The need for knowledge on the intersecting discourse and systems of thought is a need identified by Nakata (2002). According to Battiste (2008) most researchers do not even contemplate Western and Indigenous knowledge differences, even though knowledge is fundamental to the nature of individuals and collectives (Zack 1999b). As such, there is also a need to understand what is universal to cultures (*etic*) and what is specific to cultures (*emic*) regarding negotiation theory and research (Gelfand & Dyer 2000).

There is little analysis of discourse within an intercultural negotiation setting, and virtually no analysis of discourse between Aboriginal and non-Aboriginal people during business negotiations. The current research has significance for Aboriginal and non-Aboriginal people in the negotiation process as it seeks to explore cultural constructs of knowledge. Researching a common discourse, such as that within the context of intercultural negotiations, can also elucidate corresponding cultural values and is a strength of cross-cultural research (Thatcher 2001). It is intended that both Aboriginal and Western cultures will benefit from the improved understanding generated by the research of this thesis.

Negotiation discourses collected and analysed within this thesis have occurred in different settings, and have involved different groups of Aboriginal and non-Aboriginal people including politicians, bureaucrats, business people, and people working in the mining industry. The discourses of cross-cultural negotiations that develop from the

interaction of these diverse people provided a rich set of data for analysis by the researcher.

1.3 Operational Definitions

To clearly define the meaning of terms that are important to the research project and provide clarity of meaning in this thesis the following operational definitions have been utilised. A few abbreviations were used throughout the thesis to reduce repetition and the abbreviations are outlined in brackets. A small number of the following terms are described in greater detail in the corpus of the thesis. The Dreaming is one such concept.

A posteriori knowledge: knowledge that is gained by experience, a belief or claim that depends on experience (Audi 1999).

A priori knowledge: knowledge not gained by experience, a belief or claim that does not depend on experience (Audi 1999).

Aboriginal or Torres Straight Islander: An Aboriginal or Torres Straight Islander person is a person of Aboriginal or Torres Straight Islander descent who identifies as such and is accepted as such by the community in which they live.

Competitive Advantage: an advantage that cannot be imitated such as specialised knowledge or an advantage that can be replicated only at a very high cost (Davis & Devinney 1997).

Critical discourse analysis (CDA): refers to the use of an ensemble of techniques for the study of textual practice and language use, as social and cultural practices (Fairclough 1989).

Cross-cultural: is a term for contrasting different cultures. Alternative terms to distinguish cultures include inter-cultural and trans-cultural. Inter-cultural is a term that reflects the interaction between two distinct cultures (Taylor 2003). The research examines knowledge during an interactive process that is “inter-cultural”. Trans-cultural

extends between all cultures, for example knowledge exists throughout all human cultures and is therefore “trans-cultural”. Cross-cultural is used in this thesis to reflect the common usage of the term, however it also includes inter-cultural and trans-cultural.

Deconstruction: a technique of literary analysis that can lead to a redescription of the text being analysed.

Discourse: in the context of this thesis the language, text and texts used during negotiations, including verbal negotiations, written agreements such as Consent Determinations, and publicly available documents such as sworn affidavits, between Western negotiators and Aboriginal Australians.

Dreaming: Each Aboriginal group has its own cosmology and cosmogony (Dean 1996; Hume 2002; Stanner 1979) and is often referred to as Dreamtime. Dreamtime: “[Aranda, Alice Springs region *aljerre* ‘dream’ + -ne from, of’, together meaning ‘in the dreamtime’.]” (Dixon, Ramson & Thomas 1990, p. 149). Dreaming is the term more commonly used by Aboriginal people (Stanner 1979) and is the term used in this thesis.

Explicit Knowledge: codified knowledge or knowledge that can be codified (Audi 1999).

Grand narrative: a myth that is legitimised, and is beyond argument, and is a system of myths that unites people. In a Western context the grand narrative of scientific progress asserts that the quest of knowledge is through scientific enterprise and this legitimate enterprise facilitates the growth of knowledge (Grenz 1996).

Indigenous: Aboriginal or Torres Strait Islander. The capitalised form of the word Indigenous is used throughout the thesis by the researcher.

Smith (2008) offers an alternative definition, that is adopted in the critical theory framework:

Indigenous peoples can be defined as the assembly of those who have witnessed, been excluded from, and have survived modernity and imperialism...They

remain culturally distinct, some with their native languages and belief systems alive. They are minorities in territories and states over which they once held sovereignty.

Meta-knowledge: knowledge about knowledge, as a basis for interacting with other systems of knowledge. Meta-knowledge can then be used as a foundation to improve negotiations with other cultures.

Meta-ontology: the overarching philosophical paradigm of the thesis is constructivist.

Modernism: Resch (1989) states the two main characteristics of modernism are; that the modernist does not doubt the existence of the world and that knowledge of it is possible.

Multiple realities: it is acknowledged in the thesis that there are competing perspectives that are equally legitimate.

There are two considerations of modernism in the context of this thesis:

1. In a summary of modernism Tierney (2001, p. 358) states that modernism is “deterministic logic, critical reasoning, individualism, humanistic ideals, a search for universal truths, overarching theories about knowledge, and belief in progress.”
2. A postmodernist definition of modernism according to Weiss (2000, p. 710) is that “Modernism is excluding the stories and voices of the dominated by ignoring anything that does not fit the progress myth by which institutionalises privilege and marginalisation.”

Postmodernism: may be viewed as a philosophy that has a cluster of complex concepts including relativism, anti-foundationalism, anti-realism, that rejects the depiction of knowledge as an accurate representation, and has a suspicion of grand narratives (Audi 1999).

Describing postmodernism through a variety of themes, postmodernism:

1. Distrusts the concept of absolute and objective truth (Powell & Longino 2002).
2. Abandons grand narrative (Kilduff & Mehra 1997).

3. Is a critique of grand narratives (Klages 2003).
4. Stresses a priority of concrete experience over fixed abstract principles (Tarnas 1991).
5. Has an acute awareness of the historical relativity of all knowledge (Tarnas 1991), also known as historicism where knowledge is located in the dynamic totality of history rather than the knowing subject (Dant 1991).
6. Brings in marginalised voices (Stephens & Gugnard 2000).
7. Is a theory of society, culture and history (Agger 1991).

Progress myth: myths are a powerful way of interpreting the world, and helps shape meaning of the world. The progress myth is a myth that shapes Western intellectual and moral thinking, and expresses a confidence in the works of science and modernity. The progress myth also suggests that scientific thinking is the only form of thought across the whole range of our knowledge (Midgley 2003).

Sacred site: The whole of Australia may constitute a sacred site for Aboriginal and Torres Straight Islanders. Some specific places are of special significance where ancestral beings undertook actions at the time of creation (Pickett, Dudgeon & Garvey 2000a). Particular stories are manifest in specific landscapes but all Country is of importance and knowledge of sacred sites is by definition not public knowledge (Aboriginal and Torres Strait Islander Commission. 1998).

Semiotics: the meaning and use of signs and symbols (Titscher et al. 2000), the study of semiosis, the relation of sign, object and mind (Audi 1999).

Strategic management: “ is the process of identifying, evaluating and implementing strategies in order to meet the organisational objectives” (Jeffs 2008, p. 13).

Tacit Knowledge: implicit knowledge hidden from the self-conscious (Audi 1999), knowledge that cannot be codified.

Text: language in use (Halliday & Hasan 1985).

Texts: moments when language connected to semiotics is used for symbolic exchange (Luke 1995).

Western: in the context of this thesis the term is used to describe non-Aboriginal Australians whose normative culture is of Western European origin and who speak Standard Australian English.

1.4 Background

There exist a number of interconnected concepts within the thesis including culture, negotiation, discourse, commerce, critical theory, knowledge, and strategic management. Not all of these concepts are the subject of research in this thesis. The thesis is a multi-disciplinary study that uses combinations of several scholarly disciplines, and draws upon several theories of academic knowledge to a common end. This is because strategic management is an inherently interdisciplinary branch that contains multiple fields of study or learning, that should use knowledge from multiple areas (Jeffs 2008). Ultimately, knowledge is the key concept and focus of the research.

The concept of Western knowledge is researched within the context of cross-cultural negotiations and is analysed through the lens of critical discourse analysis. A primary reason to focus on knowledge is that this is a fundamental feature of Aboriginal thinking and provides a key contrast between Aboriginal and non-Aboriginal perspectives (Morgan, Slade & Morgan 1997).

The researcher refers to Aboriginal and Indigenous people in the thesis. Aboriginal people are predominantly referred to in the thesis rather than Indigenous people because Aboriginal people were involved in the negotiations analysed, and Aboriginal people were interviewed for this thesis. The term “people” is used in the singular and the plural to acknowledge the cultural diversity and languages of Aboriginal and Torres Strait Islander people of Australia. There are many different Aboriginal groups in Australia (2005), and the term “Aboriginal” does not immediately reflect this diversity, and where

possible the thesis has incorporated names such as Nyoongar, Jaru, Wardaman, Aranda, Loritja, Arrendte, Jawoyn, Adjahdura and Yolngu. The researcher acknowledges that there may be more than one way in their spelling.

Aboriginal knowledge is directly and indirectly referred to throughout the thesis. There may be culturally sensitive, secret or sacred knowledge within the thesis that may not be revealed to the uninitiated. Caution is therefore advised in the use of the Aboriginal knowledge contained within the thesis, particularly as customary Aboriginal law may restrict certain sacred and secret knowledge to only those people who are initiated. For example books that contain information regarding sacred and secret Aboriginal knowledge are not accessible to the uninitiated in Central Australia.

The multi-cultural context of the thesis was a complex and significant challenge. Aboriginal and non-Aboriginal people have a cultural and philosophical view of life that is expressed during daily behaviour yet this activity is usually conducted without conscious reference to any cultural and philosophical underpinnings (Elkin 1964). There are two Indigenous peoples within Australia, Aboriginal and Torres Straight Islanders (Aboriginal and Torres Strait Islander Commission. 1998). The research for this thesis was conducted at the cultural interface of non-Aboriginal and Aboriginal people. Conducting research at the cultural interface of Aboriginal and non-Aboriginal people required the researcher, as a non-Aboriginal person, to firstly understand Western culture, and secondly to recognise that most research is conducted by people educated in Western methodology highlighting a risk of an ethnocentric bias in the research (Neuman 2006). For the readers of this thesis, if required, could you explicitly articulate the many complex cultural and philosophical underpinnings that contribute to your culture?

There exist deep cultural and complex multifaceted historical issues that affect Aboriginal and non-Aboriginal people that are implicitly and explicitly embedded throughout the thesis. These complex issues may not be visible to every reader and it is not possible to make all such matters visible within the space of the thesis, however it

should be noted that they exist. For example the effects of the stolen generation, a significant part of Australian history, may not be immediately apparent in cross-cultural commercial negotiations regarding access to traditional land. The stolen generation refers to Aboriginal children being taken from their families and placed in institutions to train them for living in a White society (Dudgeon 2000).

It is hoped that the thesis provides a catalyst for cross-cultural understanding and further research in the Australian academic and business communities.

1.4.1 Research and Aboriginal Culture

The researcher is cognisant that Aboriginal Australians are one of the most researched groups of people in studies predominantly conducted by non-Aboriginal people (Abdullah & Stringer 1997; Rigney 1997). Unfortunately such research, and research findings, may not have always been for the direct benefit of Aboriginal Australians. The sphere of Aboriginal knowledge is also contentious, as for example much knowledge was collected and documented by non-Aboriginal people such as anthropologists without necessarily serving the interests of Aboriginal people (Nakata 2002). Whilst non-Aboriginal researchers are part of an epistemic community, they are not part of the epistemic community that created the knowledge (Gegeo & Watson-Gegeo 2001). It was therefore with some caution the researcher undertook the following research project even though the analysis of the research is focussed on non-Aboriginal people.

The research will work within the specific context of cross-cultural negotiations with a focus on knowledge, and the setting of the intercultural business discourse is a fruitful area of interest in business research (Bargiela-Chiappini, Nickerson & Planken 2007). This thesis aims to assist non-Aboriginal people to comprehend their own Western culture and through the path of improved self-reflection deeply respect Aboriginal cultures whose heritage on the Australian continent is rich with tradition, history, knowledge and wisdom. The thesis was undertaken to promote dialogue between Aboriginal and non-Aboriginal cultures, and to improve cross-cultural understanding

and outcomes of negotiation. This then raises two important questions. Firstly, how can alternative interpretations of knowledge and applications of knowledge be reconciled for a better understanding? Secondly, how can an improved understanding of knowledge enable superior outcomes for negotiations between people with significantly different views of knowledge and its usage? The answers to the questions will become evident during the thesis.

1.4.2 Culture

Culture serves the social interaction of a group and having a good insight into ‘culture’ is an important conduit to understanding the research and discussions in this thesis. Culture through shared beliefs contains common ways of processing information and meaningful communication by a group. The shared beliefs have consequences for conducting business and management across cultures (Trompenaars & Hampden-Turner 1997). There exist explicit and observable aspects of culture expressed through language, food, art, fashion, buildings that express the shared norms and values of culture which hold the implicit assumptions pertaining to a particular culture (Trompenaars & Hampden-Turner 1997).

There are several models regarding culture such as those offered by Hall (1977), Hofstede (1980), and Trompenaars & Hampden-Turner (1997). The cultural models of Trompenaars & Hampden-Turner (1997) and Hofstede (1980) are explored in further detail later in this chapter, suffice to say for the moment that these models have been developed in respect of national traits.

Trompenaars & Hampden-Turner (1997, p. 6) state that “culture is the way in which a group of people solve problems and reconciles dilemmas.” Hofstede (1980, p. 9) defines culture as “*the collective programming of the mind that distinguishes the members of one group or category of people from another*” that manifest itself through values, symbols and rituals. Kronenfeld (2008) states culture is a shared system of knowledge, beliefs and behaviour, that it is learned, but not explicitly taught. The shared knowledge

system allows fellow members to recognise one another and coordinate their actions with each other. Culture according to Kronenfeld (2008) is primarily, knowledge, and that culture does not exist outside of the minds of members of the relevant cultural community. ‘Culture’ represents “a bounded world of beliefs and practices” (Sewell 2005, p. 76).

Urban (2001, p. 1) states that culture is the answer to the following questions, “What moves through space and time, yet has no Newtonian mass? What is communicated from individual to individual, group to group, yet is not a disease?”

Holland (2006, p. 40) defines culture as a “relatively unconscious system of ideas/beliefs about social life and organization which relies upon conventions, assumptions, and a sense of common identity, shared among social subjects.”

The preceding definitions of culture demonstrate the difficulty in succinctly describing a concept that people within a particular society or group know deeply and intuitively. Arguably, no single definition totally captures the full essence of the meaning of culture.

Nakata (2002) states that a reference to culture is a reference to a whole system of knowing, doing and being. Caution is urged by Nakata that separating the Western and Indigenous domains can lead to simplifying very complex cultural practices in both domains.

Culture has two central roles, the first is that culture provides meaning, and the second is that culture provides rules of social action (Outhwaite 2003). Rules of social action are required to enable understanding between people within a culture. However, what are the rules of social action that enable understanding across cultures? The fundamental aspect about culture is that the basic assumptions are not questioned, and it is these assumptions that influence actions without people being aware of them (Triandis 2002).

The need to negotiate effectively with people from different cultures in a business setting has generated significant works such as that of Hofstede (1980), and Trompenaars and Hampden-Turner (1997). However, the research findings are a comparison of international negotiating behaviours. There appears to be very limited literature regarding direct intercultural negotiations, particularly Aboriginal and non-Aboriginal negotiations. It is through discourse that omnipresent ways of knowing, representing and experiencing the world are represented (McGregor 2003), and it is the non-Aboriginal discourse of negotiation that is analysed in this thesis.

1.4.3 Commerce and Aboriginal Culture: A Brief Outline

One of the reasons that there has been limited literature on Aboriginal and non-Aboriginal negotiations is that it is only in recent history has there been a transition in the legal rights of Aboriginal people. Historically Australia was a colony of settlement whereupon Aboriginal land was taken under the legal fiction of *terra nullius* (Aboriginal and Torres Strait Islander Commission. 1998).

The right of Aboriginal people to negotiate in commercial terms is only a recent phenomenon and was only possible after the 1967 Australian constitutional referendum. The 1967 referendum provided authority for the Commonwealth government to legislate for the legal status of Aboriginal people as citizens within their own country with equal rights to vote and to be counted in the census. The constitutional change ultimately paved the way for the enactment of the *Racial Discrimination Act* (Cth) 1975 that proscribed activities that were racially discriminatory. The *Racial Discrimination Act* gave effect to Australia's international obligation to the *International Convention on the Elimination of All Forms of Racial Discrimination*. The outcome of these legislative changes and changes to awards meant that Aboriginal people were to be paid the same money for the same work conducted by non-Aboriginal people.

Elkin (1964) describes the relationship between Aboriginal and non-Aboriginal people prior to these changes as *modus vivendi*, a way of living together whilst in disagreement.

Agreement-making also emerged with the advent of statutory land rights that gave certain rights for Aboriginal people over minerals and resources during the 1970s and 1980s (Langton 2006). In 1992 Indigenous land rights based on prior occupation became a legal reality with the *Mabo* determination in the High Court of Australia. The decision overturned the legal fiction of *terra nullius* that had existed in Australia for two centuries and “cleared away the fictional impediment to the recognition of indigenous rights and interests” (*Mabo v Queensland (No 2)* 1992). Through the High Court decision the common law recognised a form of native title. The *Native Title Act* 1993 (Cth) was subsequently enacted after the High Court decision and was passed in the last session of parliament in 1993 (Langton 2006). The *Native Title Act* was intended to protect native title rights and interests in accordance with the principles of the *Mabo* decision (Perry & Lloyd 2003).

Significant subsequent amendments to the *Native Title Act* sparked further debate surrounding native title during the mid 1990s. The debate was divided according to commercial and Indigenous perspectives. The “native title debates of 1993 and 1996 were, for many Australians, debates about the “certainty” of the Australian investment climate. But for indigenous Australians, they were an episode in the history of dispossession” (Bottomley & Parker 1997, p. 268). During this period of change, mining companies viewed “the prospects of negotiation over native title rights and Aboriginal heritage as expensive, time-consuming and therefore financially risky” (Bottomley & Parker 1997, p. 269).

The effects of legal or broader social changes will not be the same or effected at the same time for all Aboriginal people living in urban, regional, rural and remote communities. For example Martin (1995, p. 1) stated that only since the 1970s have remote Aboriginal people been exposed to the political, cultural and economic forms of Western culture, and further to this stated that Aboriginal:

Access to the basic necessities of life had essentially been predicated upon a system where people had exchanged compliance with the mission authorities,

including a requirement to work, directly for food, shelter and other necessities. Money was not a medium in such exchanges to any significant extent, and consumer goods barely penetrated until the 1970s.

The arrival of a cash economy for Aboriginal people only occurred between 1968 and 1972 with the advent of full award wages for Aboriginal stock workers in 1968, award wages being introduced in 1972 by the Federal government, and social service payments being paid directly to Aboriginal people rather than to third parties (Peterson 1985). The broader cash economy occurred as a result of the 1967 referendum and the *Racial Discrimination Act*.

A cash economy requires commercial acumen, and introduces a range of assumptions, expectations, and risks. Mbiti (1970, p. 220) states that “the concept of time as a commodity to be sold and bought; it involves also earning and spending money with all the dangers, temptations, difficulties and risks that go with it.” These are skills and knowledge that require significant understanding and time to learn.

1.4.4 Introduction to Cross-cultural Perspectives

While reading this thesis it is important to be aware that the world around us may be viewed through different cultural lenses, and as a researcher it is most important to approach the research without bias, but as stated by Wagner (1995b, p. 55):

we often take our culture’s more basic assumptions so much for granted that we are often not even aware of them...[however the researcher has strived to ensure that]...Relative objectivity can be achieved through discovering what these tendencies are, the ways in which one’s culture allows one to comprehend another, and the limitations it places on this comprehension.

The thesis will be built on the premise that there are cultural differences between Aboriginal and non-Aboriginal worldviews (Taylor 2003), and that discourse is a “*form of life*” that is a way of being reflected in action, interaction, language and thought (Gee

1990, p. 175). The importance of culture and cultural differences are significant components in successful research practice and understanding (Bishop 2005). The thesis will ultimately argue that these differences should be understood and embraced. This can be achieved through respect and mutual understanding, acknowledging difference and respecting that difference (Hall in Doohan 2008). Difference involves values (Lee 2007), and understanding differences between cultures required the researcher to understand non-Aboriginal and Aboriginal cultural values.

Caution is also recommended as it can not necessarily be assumed that Aboriginal or non-Aboriginal cultures are homogenous and uniformly distributed, or that a particular culture is static and timeless, or that an individual within a cultural group can only be monocultural (Avruch 2000). Culture according to Bauman & Williams (2004, p. 13) is not static and state that:

'Culture' is forever in a state of 'becoming', embed in an interplay of power and identity construction and emerging out of the conditions in which it finds itself. Culture is not a list of 'things' or behaviours or ideas that can be ticked off lists and scored out of ten. The individual is a complex site of cultural, social, economic, environmental, temporal and historical production.

Cross-cultural interaction according to Liberman (1978) contains ambiguities, miscommunications, and a sense of indeterminacy that provides an opportunity for further explanation as to what the parties to an intercultural interaction are actually doing. There are different world-views of Aboriginal and non-Aboriginal cultures, and to understand the interaction between these two cultures requires a deep appreciation of both cultures (Liberman 1978).

Chapter 2 will consider Aboriginal and non-Aboriginal cultures in more intimate detail. However as an introduction one of the universally shared problems of all cultures, according to Trompenaars and Hampden-Turner (1997) is introduced. Trompenaars and Hampden-Turner (1997) state that there are two aspects on how to relate to time. Sequentially, where time is conceived as a series of passing events, and synchronically,

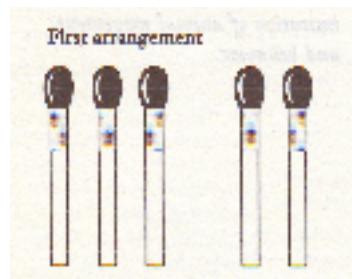
where time is cyclical and repetitive, compressing past, present and future. Time therefore is a concept that may be related to and constructed differently by different cultures.

These different views of time are described by Lawlor (1991) through a simple yet profound example of how groups of matches as represented in **Figure 1-1** and **Figure 1-2** are viewed through a Western cultural lens and then how the same groups of matches are viewed through an Aboriginal cultural lens. It is suggested to the reader to read the following quotations from Lawlor and contemplate the matches, and then review the matches again.

According to Lawlor (1991, pp 320-321):

The first three matches were vertically aligned and evenly spaced. The remaining two matches were placed in the same orderly arrangement as the first three but separated from them by a significant gap; and:

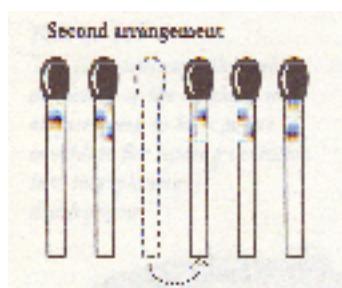
Figure 1- 1 Matches Initial Arrangement



According to abstract Western logic – reading from left to right, naturally – this arrangement represents a group of three and a group of two.

One of the matches is moved from the group of three matches to the group of two matches as illustrated in the following diagram.

Figure 1- 2 Matches Second Arrangement



Following the same abstract Western logic argued by Lawlor, reading from left to right, this arrangement represents a group of two and a group of three matches.

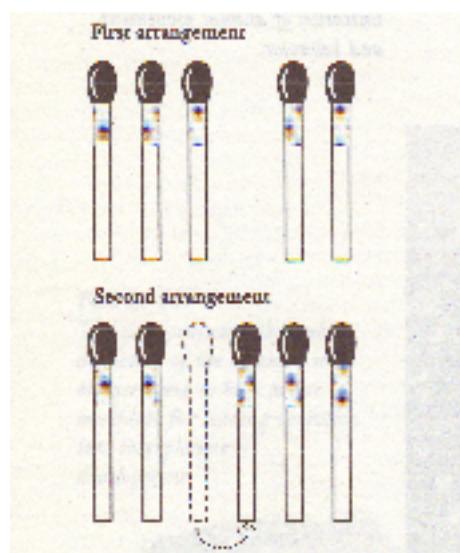
According to Lawlor (1991, pp 320-321) an Aboriginal person was asked to describe the two arrangements of matches:

The anthropologist asked a tribal Aborigine what he could say about this arrangement. The Aborigine responded, “In this place there are three matches and over here there are two matches.”...Next he [the anthropologist] moved one match from the group of three, place it in the group of two, and again asked the Aborigine what he saw in this arrangement. A response consistent with Western logic would be, “Now there is a group of two and a group of three.” The Aborigine’s response was, “I see two groups of three matches and two groups of two matches, and one ‘three-making’ match.”...We [Western people] are conditioned to see fixed and isolated quantitative aggregates that exists as if distinct from any previous condition, as well as from any ongoing transformative process. We fail to see qualitative process-related differences, such as the one “three making match” being different from those that are stationary. Our [Western] logical habits cause us to fall into a static, uniform, quantitative interpretation...The Aboriginal view integrates past and present, qualities and quantities, objects and processes, visible and invisible, sequential and simultaneous.

Chaney and Martin (2004) describe linear and non-linear aspects to language. Linear language conveys a beginning, an end, is logical and object oriented. Linear languages

look at time as a continuum of past, present and future. Non-linear language is circular and subjective. The matches as seen by the Aboriginal person and represented in **Figure 3-1**: “I see two groups of three matches and two groups of two matches, and one ‘three-making’ match” (Lawlor 1991, p. 320).

Figure 1- 3 Matches Sequence Combined



Past and present is combined through the narrative of the three-making match. The three-making match identified in the description provides a dynamic rather than a static representation, there is a narrative to the description, and conceptually there are ten matches in existence with the past and present as a combined framework. This is a completely different perspective of the event as understood by non-Aboriginal people. The linear and sequential set of non-Aboriginal knowing is one way of knowing. The Aboriginal perspective presented in this example is a compelling challenge to conventional Western ways of linear and temporal thinking. A ‘past’ event is integrated to the ‘present’, through the direct relationship of the three-making match and is a holistic view rather than a fragmented compartmentalised view of the two ‘separate’ events, and arguably it displays a form of non-linear thinking.

Another cultural difference is with regard to the concept of space. Lawlor (1991, pp 238-239) describes the Western and Aboriginal cultural differences between space and time in the following way:

The Aboriginal notion of space and identity is interwoven in a way utterly strange to the Western mentality, as is their concept of movement in relation to space and time. The Dreamtime stories contain, in addition to moral, spiritual, and psychic understanding, all kinds of practical information. A story may direct a hunting band to places where the lilies bloom, where turtle eggs hatch, or where wild yams ripen...The outstanding difference is that the Aborigines move through space, and we [Western people] move through time. Aboriginal stories, be they about life or the Dreamtime focus on place descriptions and spatial directions rather than time designations

These differences between how space and time are culturally constructed will become more evident in Chapter 4 when the negotiations are analysed.

1.4.5 Brief Overview of Research

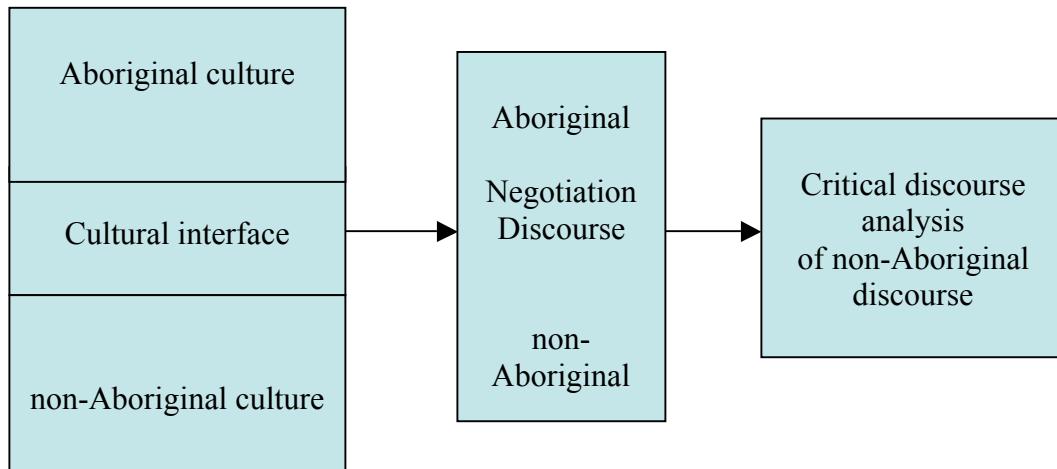
The following research investigates the social construction of cross-cultural knowledge during cross-cultural negotiations:

1. The research was conducted within a broad interpretation of the discipline of strategic management.
2. The area of interest is knowledge and the social/cultural construction of cross-cultural knowledge.

The thesis aims to contribute to the body of knowledge in the field of strategic management through the analysis of the social construction of cross-cultural knowledge during cross-cultural negotiations, facilitated through the synthesis of multiple theories. It is at the surface level that the data is collected, where people explicitly account for and make sense of their actions and the actions of others. The text for analysis in this thesis is the discourse negotiation, and the fundamental problem is how to move from the

surface level of the text to the deeper implicit levels of knowledge (Pentland 1999). The strategy to achieve penetration to the deeper levels of knowledge in the text is to use CDA to analyse the discourse of Western business negotiators in their negotiations with Aboriginal Australians, and is briefly outlined in **Figure 1.4**.

Figure 1- 4 Cultural Interface



Cross-cultural research has an element of risk associated with the crossing of cultural boundaries (Andrews 2007). The discourse of Western culture has certain presuppositions and models of understanding, and crossing these cultural boundaries by embarking on cross-cultural research was challenging.

1.4.6 Personal Narrative of Researcher and Special Issues of Research

Fortunately for the researcher the acquisition of knowledge regarding Aboriginal cultures and ways of knowing started many years prior to this research being undertaken. The researcher's brother-in-law was a Jaru man from the north of Western Australia and spoke of many profound personal and family experiences, and in particular the disjunct between urban myths and the reality of Aboriginal life and history in Australia. The researcher's brother-in-law was educated in both Western and Aboriginal ways of knowing.

The data for the research was to be collected from Aboriginal participants and this required significant understanding of Aboriginal culture to ensure the research process was conducted respectfully and according to ethical guidelines. The researcher has an honest and deep respect for Aboriginal culture accumulated over time through family, friends, Aboriginal Elders and a vocation in the field of social justice. The researcher undertook several cultural tours around Australia and cultural training through several organisations. Having conversations with Aboriginal elders on Country and learning about their culture, Noongar culture, Yolngu culture, Bunaba culture, Wardaman culture, Larakia culture, Loritja culture, was a privilege. Further detail is provided in Section 3.8.1. Ethical guidelines were strictly adhered to during the research and are discussed in greater detail in Chapter 3.4.

The researcher worked at Legal Aid Western Australia for approximately 8 years and this robust experience provided a fundamental grounding in the theory and practice of justice and equity, and the difficulties of achieving these across cultures. This experience and through the writings of Emeritus Professor Ian Malcolm and Dr Diana Eades the researcher discovered how the Western legal system has linguistic difficulties with understanding Aboriginal people, particularly where English is a second language, and how this may have a detrimental effect in achieving justice and equity.

The researcher was also involved in the future act mediation process for a period of approximately 6 months. The experience provided an enormously rewarding environment to establish relationships and to directly experience commercially orientated negotiations through mediation conferences. This thesis could not have been undertaken without these and other contributing factors to the researcher's own knowledge regarding Aboriginal culture, direct engagement in the environment of negotiations occurring at the cultural interface and how Australian history still has a direct impact in contemporary Aboriginal living.

Numerous organisations and people were approached to participate in the research. The organisations approached included Aboriginal art centres, Aboriginal Land Councils, Government agencies, academics, research centres, and mining companies.

Responses from the organisations and individuals that were approached varied significantly. The responses varied from no response to very positive affirmation of the importance of the proposed research. The majority of people approached provided very helpful advice and further referrals, however gaining the all important access to direct cross-cultural negotiations to collect data still proved more difficult than originally anticipated due to the commercial and cultural sensitivity of the actual negotiations. One of the difficulties faced by the researcher was that commercial agreements such as mining agreements have confidentiality clauses that inhibit access, for example by a researcher, to the agreements and negotiation process (O'Faircheallaigh & Corbett 2005). The primary benefit that arose from the delay in collecting the data was derived from the continuous literature review that occurred whilst approaching people.

During this process and the resulting delay the researcher also began to look for other materials already documented from which to collect data for analysis. The first data that was collected came from a transcript of negotiations circa 1975. This transcript was located in a library in Alice Springs. The discovery of the transcript was a catalyst for thinking about other archived sources such as audio and video materials including videocassette, CD and DVD that ultimately became a rich source of background material and for the collection of data analysed in the thesis. Finding these materials also provided a significant historical dimension to the thesis.

Aboriginal culture has an oral tradition where words “have their power in the work of knowledge production” (Christie 2003, p. 5), and referring to audio and visual materials is an attempt by the researcher to access this tradition. The researcher recommends to the reader of the thesis to find these materials, hear them and to view them for a far richer learning experience. Whilst the researcher refers to an oral tradition, caution is advised as a tendency to locate Aboriginal culture within an oral tradition may be interpreted to

exclude Aboriginal culture from a literate tradition (Nakata 2007). This is not the case in this thesis. Gee (2008) argues that literacy, defined traditionally as an ability to read and write, has been used to ‘distinguish’ people as civilised, rather than acknowledging that literate and oral traditions have their own strengths. The researcher interprets “literate” as educated and cultured which is an inclusive term. Battiste (2008, p. 499) states that various forms of literacy’s are contained within holistic ideographic systems that interact with the oral tradition of Indigenous peoples that invoke memory, creativity and logic. Gee (1999) powerfully suggests, literacy is social practice and discourse is social transaction.

The researcher also obtained copies of publicly available commercial agreements through the “agreements, treaties, and negotiated settlements project” (atns) website to enable the researcher to view outcomes of Aboriginal and non-Aboriginal negotiations.

The research also raised the conundrum of researching across two cultures when the researcher can only claim a non-Aboriginal heritage. Creating a space for the dialogue of two cultural ontologies and epistemologies raised questions and challenges for a researcher imbued in the Western academic tradition (Brigg 2001). Chapter 3 explores these questions and challenges of the research.

1.5 Research Questions

The following research questions are explored:

1. In the negotiation of an agreement between Western business negotiators and Aboriginal participants, is Aboriginal knowledge represented within the essentially Western discourse of the business negotiations and the negotiated agreement?
2. Do the business negotiators’ Western cultural concepts of knowledge impact on discourse to construct cross-cultural Aboriginal knowledge?
3. Are there any significant implications for strategic management?

The research findings may generate other questions to be explored such as:

4. Is Aboriginal knowledge transferred and presented, captured or transcribed into something that is different and reflective of Western objective knowledge?
5. Is Aboriginal knowledge that is ‘not essential’ to what is being written about for the purposes of negotiating an agreement excluded?

The research questions prompt an interpretive stance because the constructivist perspective acknowledges multiple realities that are socially constructed and also allows the researcher to engage in an in-depth study of the historical, social, political, economical, and institutional systems of cultures (Aycan 2000).

1.6 Research Objectives

The research seeks to achieve the following objectives:

1. Examine Western business concepts of knowledge for their influence on discourse during the process of negotiation with Aboriginal Australians.
2. Present for analysis the discourse, spoken and written, and other symbolic exchanges that may be invisible to the participants, in order to reveal how Australian Aboriginal knowledge is created and constructed by Western business negotiators.
3. Provide evidence to inform business of potential improvements for strategic management thinking regarding cross-cultural knowledge.

1.7 Thesis Outline

Chapter 2 presents the literature reviewed for this research. The literature review covers the major topics including strategic management, Aboriginal ontology and knowledge, Western knowledge and ways of knowing, and cross-cultural negotiation. The consequence is that each component of the literature review may initially appear disconnected from the other components of the literature review as they are presented in a linear sequential manner rather than in an integrated holistic style. This also reflects the academic style and requirements of writing a thesis.

The research is multidisciplinary and interdisciplinary in nature. A consequence is that elements of the literature review may not be conducted to the depth of a research study emanating from a literature review of a single discipline. The literature review does however focus on knowledge as the primary point for investigation.

The literature review includes writings and materials to assist in the understanding of Aboriginal cultures from sources other than traditional academic sources. In the process the researcher has attempted to make visible explicit and implicit cultural values and knowledge of non-Aboriginal and Aboriginal negotiators. The intended outcome is that an understanding of negotiation at the cultural interface will be sufficiently developed to allow the researcher and reader to penetrate the analysis of the data in Chapter 4, and for the researcher to develop the insights and recommendations proffered in Chapter 5.

Chapter 3 presents the research paradigm and the theory of the methodology that guides the research. The research was undertaken with a constructivist meta-ontology, ontology of critical theory, an interpretative epistemology, and a qualitative methodology. Theories of data collection, discourse analysis and critical discourse analysis are discussed. The practice of data collection, transcription and critical discourse analysis is discussed. The research data was collected from video footage such as documentaries, from electronically recorded negotiations, and publicly available documents. The researcher utilised critical discourse analysis to analyse the discourse of non-Aboriginal people as they negotiate with Aboriginal people. It is argued that discourse structures knowledge, and utilising CDA was the optimum framework to reveal these structures of Western knowledge. CDA also provided the best method to address the research questions.

Chapter 4 presents the analysis of the transcripts of the research. The analysis of each transcript is presented in a separate section for each discourse event. The earliest discourse event took place circa 1975 and the last discourse event took place between 2002 and 2007. The analysis has been presented in order from the oldest to the most

recent discourse event. The foremost reason for this is to show how negotiation discourse has changed and has not changed over time.

Chapter 5 presents the insights and recommendations of the research, and proposes suggestions for future research. Research findings are summarised according to each of the research questions. Chapter 5 synthesises the literature review, the theory, and the analysis of the data. The synthesis is presented in an integrated and holistic way. It links the findings with the theory presented within this thesis. It explores ways of understanding for people to negotiate at the cultural interface through highlighting current problems in cross-cultural negotiations and identifying theory that could be applied in cross-cultural negotiations. Suggestions for future research are presented in the final chapter as a result of this research identifying several interesting areas for future inquiry.

Chapter 2 Literature Review

2.1 Introduction to the Literature Review

The following chapter reviews the literature that is presented within the following four major themes:

1. Western knowledge and ways of knowing.
2. Strategic management.
3. Aboriginal ontology, knowledge and ways of knowing.
4. Negotiation and the negotiated agreement.

The literature review process is an opportunity for the researcher to review and then research within the literature about his topic of research (Creswell 2007). The literature review also highlights any lacunas in the literature. This is a substantial undertaking, and the research questions provide the initial guide for the researcher to start the literature review (Silverman 2000). According to Myers (2009) the literature review:

1. Provides context for the thesis.
2. Provides a summary and analysis of the relevant literature.
3. Builds on previous research.
4. Demonstrates the researcher's knowledge of the relevant literature.

Neuman (2006) states that a common type of literature review is the integrative review which summarises the current state of knowledge, and also highlights the agreements and disagreements within the literature. In approaching a literature review Creswell (1994) states the material that should be included in a review of the literature is the essential information, and that the literature should provide a framework for establishing the importance of the research study. The literature review provides a solid background to the theory and research in this thesis, and is also important in the analysis, as there is a continual interplay between the literature and analysis of the data.

Strauss and Corbin (1998) suggest that non-technical literature from letters, reports, video, newspapers and other materials can be used in the literature review, and that these materials may also be used to supplement interviews and observations. A significant portion of literature that is referred to within this thesis regarding Aboriginal culture and knowledge was sourced from non-technical literature including letters, video recordings, newspapers and other materials. This material was included because the researcher believed that the Aboriginal narratives and knowledge contained in this part of the literature review is an appropriate and valuable contribution to the thesis. Included in this part of the literature review are materials from Aboriginal elders documented on video because it provided a direct connection to Aboriginal knowledge and ways of knowing through traditional oral narrative. This also reflects the fact that some forms of social research, such as anthropological research for example, usually appear in books (Neuman 2006).

To conduct discourse analysis, knowledge of elements in the literature was required regarding discourse theory, strategic management theory, cultural traits, knowledge theory, negotiation theory, and legal theory. Familiarity with the literature can then provide the researcher an enhanced sensitivity to subtle nuances in the data, and may even be used as a secondary source of data (Strauss & Corbin 1998). This can include descriptive materials concerning events, and other people's perspectives may also be used.

A consequence of a more holistic perspective is that there is a unity and synthesis of ideas from across the disciplines. This is arguably a reasonable approach as the discipline of strategic management is recognised to have developed from a multidisciplinary heritage (Nerur, Rasheed & Natarajan 2008). The consequence is that the literature review may not review elements of the literature as deeply and broadly as it might if the research was conducted only with regard to a specific research component. However, the purpose and strength of the multidisciplinary nature of the literature

review and research is to integrate knowledge from a number of disciplines that may not been previously integrated.

The discourse analysis of this research is set within a negotiation context, and it is important to understand cultural traits and knowledge frameworks of each culture within the negotiation. The discourse analysis cannot be conducted without sound legal knowledge to understand the common law system of Australia, to interpret relevant legislation and broader aspects of the native title process implicit in the discourse data collected for this thesis.

2.1.1 Importance of Knowledge

Gouveia (2003) states that Western societies are ruled by knowledge and expertise, and that this dominates Western culture. Despite knowledge being difficult to define and identify, knowledge is a primary resource in organisations (Schultze & Leidner 2002). Whilst knowledge is accepted to be the most important asset for organisations it is also a formidable challenge for business to manage, and it is tacit knowledge that is the key to knowledge-based competition (Moitra & Kumar 2007).

Knowledge is the most valuable resource in the modern economy. Knowledge is a key theme of management literature regarding the role of creating and sustaining competitive advantage, and knowledge is recognised as an asset of significant strategic importance, paradoxically however the value of knowledge is concealed because it remains invisible as an item on the balance sheet (Jordan 1997). The importance of knowledge is emphasised by Ward (2007) who argues that there is a knowledge-based approach to business and that in fact we all work for knowledge companies. Knowledge as a resource controlled by the firm is a special case (Barney & Clark 2007).

Spender (2007) argues that knowledge is regarded as strategically significant by theorists, however at the same time suggests what is known about knowledge is insufficient.

2.2 Western Knowledge and Ways of Knowing

A universally accepted definition of knowledge is not apparent in the literature, however knowledge defined as a Western term is widely accepted as “justified true belief” (Audi 1998; Nonaka & Takeuchi 1995; Scruton 1996; Spender 1996; Georg von Krogh, Ichijo & Nonaka 2000). Each of the three parts of the definition of knowledge expresses a necessary condition for knowledge (Grayling 1996). According to the Western paradigm of knowledge, knowledge is a belief that is true but must be justified. Without the justification knowledge does not exist. The definition reflects an absolute meaning for the term knowledge, as if there does exist a true meaning for the term, when knowledge may only be known imperfectly (Kronenfeld 2008). Knowledge is thereby underpinned by the separation of truth and values (Lee 2007). This separation of truth and value then impacts on the epistemological structures that define legitimate and authoritative knowledge in the Western world.

Von Krogh and Grand (2000) state that managers utilise justified true beliefs as a set of interpretive resources to determine the specific meaning of Western social events and actions. Knowledge articulated as justified true beliefs is essential to understanding knowledge and values implicitly attached to Western knowledge. Knowledge is socially constructed and when knowledge is defined according to scientific criteria there may arise conflicts between scientific, or accredited knowledge, and ‘other’ forms of knowledge (Ockwell & Rydin 2006).

According to Popper the theory of knowledge is a theory of method, a general methodology for empirical science and that the concept of empirical science is a criterion for distinguishing empirical-scientific and metaphysical systems (Popper & Hansen 2009). According to Russell (1956, p. 9) “subjectivity is a vice” when describing the world. Science is taken to be the paradigm of knowledge (Polanyi 1969), and knowledge is thus associated with science and objectivity. Empirical science provides

the basis of justification of knowledge. However, Polanyi argues that in fact the theory of knowledge must be inclusive of knowledge that cannot be explicitly specified.

Epistemology is the study of knowledge and justification of knowledge, with knowledge either tacit or explicit (Audi 1999). Knowledge that can be codified is explicit and knowledge that cannot be codified is tacit. Explicit knowledge is ‘known’, whereas tacit knowledge is implicit and hidden.

It was Plato who distinguished knowledge from mere belief (Outhwaite 2003). Western epistemology undertakes this systematic distinction between knowledge and belief (Kenny 2004). In the Western tradition knowledge is believed to be true and unchanging (Krogh, Ichijo & Nonaka 2000), and reflects the origins of the term epistemology, which comes from the Greek word *episteme* that means “absolute certain truth” (Sveiby 1997, p. 29).

The notion of justification is arguably a subjective judgement, as what might be acceptable to a Western culture could exclude what might be acceptable to another culture, for example an Aboriginal culture. The meaning of epistemic justification according to Audi (1999) is contentious.

There are numerous definitions of “knowledge”. For example:

1. Audi (1998) states that knowledge is justified true belief, and that it arises in experience, emerges from reflection, develops through inference, and exhibits a distinctive structure.
2. Machlup (1980, p. 27) states that it is impossible to provide a single definition of the term knowledge and proposes two “essential” meanings:
 - a. Knowledge as that which is known;
 - b. Knowledge as the state of knowing.
3. van Dijk (2003, p. 85) defines knowledge as “the consensual beliefs of an epistemic community, and shall reserve the truth as a property of assertions”.

4. Sveiby (1997) defines knowledge as a capacity to act and argues that knowledge cannot be separated from the context in which it is used.
5. Nonaka and Takeuchi (1995, p. 58) state that knowledge is “justified belief” and that knowledge is a “dynamic human process of justifying personal belief toward the “truth””.

Knowledge is also characterised by reference to what it is, with an allusion to what it is not (Strohmayer 2003). Knowledge defined as justified true belief, is characterised by reference of the belief to the condition that it is to be justified. The allusion in this definition is that knowledge does not include belief that cannot be justified. The corollary is that it is not knowledge when it cannot be justified. Strohmayer (2003, p. 522) refers to this “non-knowledge” as a “belief” and without conclusive proof.

Davenport and Prusak (1998, p. 5) express the characteristics of knowledge with the following description:

Knowledge is a fluid mix of framed experience, values, contextual information, and expert insight that provides a framework for evaluating and incorporating new experiences and information. It originates and is applied in the minds of knowers. In organizations, it often becomes embedded not only in documents or repositories but also in organizational routines, processes, practices, and norms.

Importantly in Western society significant amounts of information and knowledge are readily available through books, via the Internet, and available through employing people with specialist knowledge such as lawyers. Whereas in:

Aboriginal culture you can't just get any information or knowledge. It depends on who you are and how you get on with the person who has the knowledge [and]...knowledge of religious or ritual matters is strictly controlled (Christie & Harris 1985, p. 24).

Arguably it is easier to ‘justify’ the tactile and observable empirical knowledge using positivist Western ontology that is based on the principles of validity, reproducibility

and reliability. The West is characterised by empiricism where knowledge is acquired through experience and factual observation (Bendixen & Berger 1998). Knowledge thereby becomes fundamentally objective and explicit utilising the core principles of Western knowledge systems, and is reflected in a reductive understanding of reality (Gouveia 2003). Habermas (1978, p. 4) argues that we do not understand that science is one particular form of knowledge that should justify any claim against a set of epistemological standards, but science is the prevailing standard of knowledge to which all other forms of knowledge are judged against.

A consequence of the predominantly objective and explicit knowledge of the science narrative may be that knowledge outside this paradigm is not accepted and honoured. Roos and von Krogh (1996) believe that the way that business conceives knowledge influences the way that it is managed, and that managing knowledge therefore becomes an epistemological issue. Aboriginal knowledge may therefore present unique epistemological challenges for strategic management thinking when cross-cultural interaction is based on Western knowledge systems and cultural models.

Ultimately every definition of knowledge requires that an individual is the prime holder of knowledge, as the existence of knowledge or knowing presupposes sentient beings, otherwise in the absence of sentient beings would knowledge still exist (William Johnson 2007)?

2.2.1 Western Ways of Knowing

The terms *a posteriori* and *a priori* knowledge mark the difference between two epistemic justifications of knowledge where *a posteriori* knowledge is justified empirically and *a priori* knowledge does not depend on sensory or other experience (Audi 1999).

According to Audi (1999, p. 273) there are “species” of knowledge that include propositional knowledge or knowing that, non-propositional knowledge or knowledge of

something, empirical propositional knowledge or *a posteriori* knowledge, non-empirical propositional knowledge or *a priori* knowledge, and knowing how. Propositional knowledge is concerned with generalisations, and cannot accommodate knowledge of local conditions and time (Tsoukas 1996).

Scruton (1996, p. 326) describes several types of knowledge, including the following:

1. Knowing that - its object is a proposition (Duranti 1997, p. 28).
2. Knowing which and knowing who - is a matter of being able to identify the object, arguably through the understanding of language. A matter of being able to identify. For example, “the researcher is writing the thesis”, has meaning when the reader knows who the researcher is and which thesis s/he is writing.
3. Knowing how - is practical knowledge, mastery of technique, procedural knowledge (Duranti 1997, p. 28). A skill, such as riding a bicycle, rather than theoretical knowledge.
4. Knowing what – is moral competence. Knowing what is morally correct, knowing what to feel.
5. Knowing what it’s like – is actual human experience. The experience of grief can be written about in a fictional novel or medical journal, but this will not convey the feeling and emotion of what it’s like to actually experience the loss of a close friend or a member of the family.

Blackler (1995) describes five images of knowledge in relation to organisations:

1. Embrained: knowledge dependent on conceptual and cognitive ability.
2. Embodied: knowledge that is action orientated or knowing how.
3. Encultured: knowledge to achieve shared understandings.
4. Embedded: knowledge that resides in systematic routines.
5. Encoded: knowledge that is conveyed by signs and symbols.

Van Dijk (2003, p. 90) in an explicit formulation of knowledge at the discourse-knowledge interface identifies the following forms of knowledge:

1. Declarative vs. procedural knowledge:

- a. Declarative: knowing that or explicit.
 - b. Procedural: knowing how or implicit knowledge, or an ability.
2. Personal vs. social knowledge:
 - a. Personal: private knowledge gained through personal experiences.
 - b. Social: shared knowledge that can be presupposed during discourse.
 3. General vs. specific knowledge:
 - a. General: socially shared knowledge that can be applied in general contexts.
 - b. Specific: more personal knowledge.

Another form of knowledge is referred to as narrative knowledge, that is context dependent and found in rich descriptions or narratives (Bartel & Garud 2005). Narratives can be oral, written, filmed or drawn, and are extremely important yet mostly unrecognised that provide a bridge between the tacit and explicit, that allows tacit and social knowledge to be demonstrated and learned (Linde 2001). Narratives are suited to convey social knowledge regarding history, values and identity. Knowledge is also generated from myths, where the substance lies in the story it tells, not just the constituent elements of the language used to tell the story (Levi-Strauss 1969). Myths operate at a complex level and contain complex features that have multiple relationships within the myth to produce meaning. Myths may also have the effect of hiding other ways of thinking (James Gee 2008).

The nature of knowledge is complex, and the Western conceptualisation of knowledge is expressed through the aforementioned representations of knowledge.

2.2.2 Western Dualistic Thinking: Subject-Object

It is a Western philosophical tradition that splits the subject, or knower, from the object, or known (Nonaka & Takeuchi 1995). The subject-object dualism informs the Western epistemological view that the “subject” and the "object" are distinct and independent entities. Bohm (1980) states the subject-object structure of sentences implies a separation of subject and object, that the structure is pervasive, and that implicit in the

subject and object entities is that they are also fixed and static in their nature. This prevailing classification system reflects how Western people have been trained to think, being preoccupied with specifics, and that this thinking pervades business institutions (Hall 1977). Tarnas (1991, p. 430) states that the subject-object dichotomy has governed and defined modern consciousness and:

has *constituted* modern consciousness, that has been generally assumed to be absolute, taken for granted for any “realistic” perspective and experience of the world

This dualistic world view is also reflected in the way knowledge is categorised into types, either explicit or tacit (McAdam, Mason & McCrory 2007). In Western management it is deeply ingrained that only the explicit knowledge is useful (Nonaka 2008). However critical theorists have an epistemological perspective whereby (Guba & Lincoln 2005, p. 204):

rather than locating foundational truth and knowledge in some external reality “out there”, such critical theorists tend to locate foundations of truth in specific historical, economic, racial, and social infrastructures of oppression, injustice, and marginalisation. Knowers are not portrayed as *separate from* some objective reality

Bohm (1980) argues that knowledge should be viewed as an integral part of a total flux building on the idea of Heraclitus that everything flows. The integrated view of the world is described by Bohm as an implicate order, where “everything is enfolded into everything”. It is an holistic approach to knowledge (Nonaka 2008). This is contrasted to the explicate order where everything is unfolded and lies only within a particular region of space and time, excluded from everything else.

Knowledge has been at the centre of study in philosophy and epistemology since the Greek period (Nonaka & Takeuchi 1995). The early Greek conception of knowledge through a direct acquaintance paradigm makes the distinction between the knower or

subject and the object of knowledge, and assumes that objects of knowledge are what can be seen (Wilcox 1994).

Western dualism is reflected in **Table 2-1** of Pythagorean bi-polar list of ten opposites:

Table 2- 1 Pythagorean List

1. Limit	Unlimited
2. Odd	Even
3. One	Plurality
4. Right	Left
5. Male	Female
6. At rest	In motion
7. Straight	Crooked
8. Light	Darkness
9. Good	Evil
10. Square	Oblong

Source: (Gorman 1979, p. 141)

2.3 Strategic Management

All disciplines through definition have boundaries (Parker 2002). Arguably therefore the discipline of strategic management through its origins and development is also bounded. An early definition of the discipline proposed by Schendel and Hofer (1979, p. 11) states that:

Strategic management is a process that deals with the entrepreneurial work of the organization, with organizational renewal and growth, and more particularly, with the developing and utilizing strategy which is to guide the organization's operations.

Parker (2002) argues that boundaries can result in excluding friends and enemies of the discipline, and that these exclusions may be detrimental to the discipline. Elfring & Volberda (2001, p. 1) state that unequivocally defining “strategic management” diminishes the scope and depth of the discipline due in part to the richness in the theoretical dimensions embodied in the differing paradigms or schools of thought within the field of strategic management. Even if the definition is not bounded, there may be implicit boundaries such as those derived through culture or in the way research within a discipline is developed. Further to this it is argued that strategists and strategic management are trapped by a bounded rationality (Simon 1957; Smircich & Stubbart 1985).

French (2009a; French 2009b) has argued that strategic management has been undertaken in a modernist or scientific paradigm, that identifies with linearity, reductionism and positivism. The positivist epistemology dominates the discipline of management and controls the production of knowledge (Nodoushani 2000). Positivist research methods represent the mainstream research in management (Gibbert, Ruigrok & Wicki 2005). Importantly the adoption of the scientific method is believed to have assisted in the development of strategic management as a respected discipline (Hoskisson et al. 1999). However the scientific method frames conceptual opposites such as quantitative and qualitative research that can result in the attribution of what is good and bad research (Schultze & Leidner 2002). The scientific research method represents a search for universal truth.

In a review of methodological trends in the field of strategic management Ketchen, Boyd & Bergh (2008) reviewed empirical articles published in the *Strategic Management Journal* (*SMJ*) between 1980 and 2004 as they respect the *SMJ* as a highly regarded and influential publication, and found that there was a dramatic growth in the use of empirical methodology to address strategy topics. During the period 2000-2004 approximately 75% of articles published in *SMJ* were empirical (Ketchen, Boyd & Bergh 2008, p. 646).

The *SMJ* has a predominant influence on the field of management (Tahai & Meyer 1999), and it is argued that the methodological perspectives have influenced knowledge development in strategic management. The choices made with regard to research designs and analyses have significant implications for the development of knowledge, and researchers aware of the methodological procedures expected by the top management journals may well be rewarded (Scandura & Williams 2000).

The *SMJ* is also one key indicator of business school “brainpower” (Hitt, Boyd & Li 2004, p. 2). However, if there is a bias in the methodology of research there is also a bias implicit in the “brainpower” or knowledge of business schools. An indication of this brainpower is found in a study by Nerur, Rasheed and Natarajan (2008) that investigated the intellectual structure of strategic management through an author co-citation analysis. They compiled a list of 62 first authors of cited references, where only authors with 100 or more citations were considered. Gu (2004) in a bibliometric analysis, that included the *SMJ*, showed that the sum of the research of the USA, UK and Germany accounted for 57% of global knowledge management publications, and that other major contributors were Canada, Japan, France and Australia. The USA was the largest contributor, and in the opinion of the researcher indicated the strong Western influence on the development of knowledge in discipline of strategic management. The danger in the methodological predominance and Western influence is that access to alternative forms of knowledge may be restricted or even denied.

The one real exception to this influence is the Japanese interpretation of knowledge and how it may operate within a strategic management context. Japanese authors such as Nonaka and Takeuchi have written in English and are accepted in the top tier management publications. They bring a more collectivist perspective of knowledge with an emphasis upon the tacit dimension. Nonaka and Takeuchi (1995) state that tacit knowledge, embedded with personal beliefs and values, has been overlooked in the context of collective behaviour largely because the dominant form of knowledge in the Western philosophical tradition is explicit knowledge. This according to Nonaka and

Takeuchi (1995) is an important source of Japanese competitiveness, and is a reason why Japanese management is an enigma for Western people. How can alternative forms of knowledge be better understood to remove this mystery?

The sharing of deep Aboriginal cultural knowledge with business and the conversion of Aboriginal knowledge into Western frames of reference through the negotiation of an agreement depends on the epistemological assumptions of the business negotiators and their concept of the nature of knowledge. Business may accept Aboriginal knowledge as pragmatic information and may only seriously regard the knowledge if it has explicit operational value rather than valued as the core knowledge and information accepted by the Aboriginal group as true knowledge (Trudgen 2000).

Knowledge is fundamental to the strategic and organisational success of the firm (King & Zeithaml 2003), where knowledge is a key source of competitive advantage (Krogh, Nonaka & Aben 2001). According to von Krogh, Nonaka and Aben (2001) the field of strategic management is developing new concepts and tools regarding knowledge, and that new mental maps are at the core of giving credibility to the nature of knowledge. Mental maps are discussed in further detail in section 2.5.4.

The constructivist approach to research draws links between explicit and tacit knowledge (Edwards 2007). This research will help inform strategic management thinking on how culture influences knowledge, how culture influences the normative understanding of knowledge and the construction of knowledge. This will be achieved through understanding mental maps or schema that form the presuppositions to our understanding and ability to interpret the world. This study aims to contribute to the body of scholarly literature through understanding knowledge in the discipline of strategic management, using critical theory as a theoretical framework and critical discourse analysis as a methodology to deeply penetrate Western discourse in the context of cross-cultural negotiations. In particular, the unique combination of this approach not normally found in the discipline of strategic management will contribute to the body of knowledge in an original way. Spender (2006) also suggests that in the field of knowledge management few writers address multiple epistemologies.

2.3.1 Strategic Management and Ways of Knowing

Spender (2001, p. 26) from an historical perspective states that strategy has changed from planning in order to meet organisational goals to a significantly more complex environment of innovation, establishing strategic alliances, developing organisational cultures and organisational learning. Knowledge is essential in these tasks (Spender & Grant 1996).

Central to the discipline of strategic management is the concept of competitive advantage and how to gain this advantage. Competitive advantage is when a firm maintains a sustainable edge over competitors in a particular industry that can be maintained over time (O'Shannassy 2008). Competitive advantage is the edge a company or an individual has over their competitors that for example can manifest itself through lower costs of goods and services, high quality service, improved production and more efficient information exchange (Grosse 2004).

According to Nonaka (2008) one certain source of lasting competitive advantage is knowledge. Spender and Grant (1996) state that it is tacit knowledge that is of critical strategic importance, because unlike explicit knowledge it is inimitable. Spender and Grant also state that there is growing recognition that there exist different types of knowledge and characteristics. The focus of the research is on knowledge and this thesis pursues an improved understanding of knowledge particularly in a cross-cultural setting.

Porter (1979) who pioneered the five forces model stated that competitive advantage exists when a firm receives economic rents or earnings that are in excess of their costs. Porter's model emphasized the product-based view of the firm. Wernerfelt (1984) then analysed firms from the resource rather than the product side of the firm and thus changed the then current dominant strategic management five forces model of Porter.

The resource-based approach tends to place more emphasis on the organisation's capabilities or core competences. Hamel and Prahalad (1990) distinguish the firm according to its core competencies, that they define as the collective learning within the firm. However, what constitutes a resource is fairly broadly defined. Wernerfelt (1984, p. 172) stated that a resource is anything that could be thought of as a strength or weakness of a firm. Barney (1991) broadly defines resources to include all assets, capabilities, information, knowledge and suggests that sustained competitive advantage is derived through these resources being rare, imperfectly imitable, and non-substitutable. Peteraf (1993) proposed a general model of resources and firm performance through a resource-based view (RBV) of competitive advantage.

The development of the RBV has seen a broad inclusion of what constitutes a resource within the firm. This is highlighted in the paper by Priem and Butler (2001, p. 32) who argue that RBV theory development has defined the resource of a firm to be all-inclusive and that this has made it difficult to set up contextual boundaries. The resource-based perspective thus tries to improve an understanding of the strategic implication of the firm through resource management. RBV is fashioned by the fact that firms possess specific resources, competencies, and capabilities that provide sustained competitive advantage (Spender 1996), that must by definition be valuable, rare, imperfectly imitable and imperfectly sustainable (Barney 1991). The emergence of the resource-based view of the firm and core competencies placed intangible resources and tacit knowledge as key sources of competitive advantage (Ambrosini & Bowman 2001). Knowledge articulated as a resource is arguably presented as a commodity that is a value neutral object (Schultze & Leidner 2002). The potential link between knowledge and values is explored in further detail in section 2.3.5. Blackler (1995) also suggests that bodies of knowledge conceived as a resource, has connotations of universal truth.

Ramos-Rodriguez & Ruiz-Navarro (2004) reviewed the intellectual structure of strategic management and found that the most important contribution has been the resource-based view of the firm, and that Porter has been the most influential contributor even though his positioned-based view of strategy has been supplanted. Importantly, research

associated with the resource-based view of the firm has been predominantly empirical (Rouse & Daellenbach 2002).

Knowledge as a specific identifiable resource itself has become sufficiently significant that it has seen its own theoretical development through the knowledge-based view (KBV) of the firm (Grant 1996b; Spender 1996), although it is argued that the KBV is not yet a theory of the firm (Hitt, Boyd & Li 2004). However, it is recognised that knowledge is the most strategically significant resource of the firm (Grant 1996a; Hitt, Boyd & Li 2004).

Spender (2001, p. 26) made the observation that the field of strategic management has progressed from the “quasi-mechanical strategy/structure models into the disturbingly under-structured area of idiosyncratic knowledge and skills.” Knowledge resides with the individual and much of this knowledge is tacit, and whilst the resource-based view of the firm acknowledges that idiosyncratic know-how can explain success, the RBV cannot explain how this is achieved (Baumard 1999). Pentland (1999) provides a clue to the answer and states that whilst the structuralist models, for example through regression analysis, provide explanations between “how changing X will affect Y” these explanations are only surface level, and it is the story that connects X and Y that provides the deep explanation. The unobservable nature of tacit knowledge lends itself to constructivist research.

2.3.2 Knowledge and the Firm

Grant and Spender developed the knowledge-based view of the firm in a special edition of the *Strategic Management Journal* (Winter Special Issue, 1996) that frames the firm as a body of knowledge.

Grant (1996b, p. 109) views the firm “as an institution for integrating knowledge” and argued in his paper on the knowledge-based firm of the firm that knowledge is the most strategically important of a firm’s resources. Grant (1996b) then identified

characteristics of knowledge that are identifiable and relevant to management to enable the firm to create value through the utilisation of knowledge, including the following:

1. Transferability.
2. Capacity for aggregation.
3. Appropriability.
4. Specialisation.
5. Knowledge requirements of production.

Grant (1996b) states that the primary role of the organisation is knowledge application rather than knowledge creation. This proposition by Grant presupposes that knowledge resides at an individual level (Acedo, Barroso & Galan 2006, p. 629). Von Krogh, Ichijo and Nonaka (2000) argue that knowledge can not be managed but only enabled within an organisation, and that managers need to support knowledge creation, supporting Spender's knowledge-based view that knowledge is tacit and social (Acedo, Barroso & Galan 2006, p. 629). Knowledge is in integral part of a larger social system, is not created from a vacuum and does not exist without some relationship to someone who has knowledge (Johannessen, Olaisen & Olsen 2002).

Spender (1996, p.45) views knowledge as a process within the firm that is “a dynamic knowledge-based activity system”. Spender's knowledge-based view of the firm has as its basis a pluralist epistemology of knowledge and looks to the relationships between the types of knowledge to enable management to foster interactions that lead to knowledge growth. Spender's knowledge-based view is substantially informed by Polanyi (1962), who believed that the most interesting and important forms of knowledge were those that could not be codified, tacit knowledge.

Grant (1996a) states that knowledge is central to the knowledge-based view of the firm and is the pre-eminent resource of the firm. Grant (1996a) defines explicit knowledge as knowledge that can be written and tacit knowledge as knowledge that cannot be written. The defining criterion is whether or not knowledge can (or cannot) be written. Arguably

this is a delimiting condition that denies communication of knowledge can occur through other means.

The knowledge-based view of the firm conceptualised firms as “heterogenous, knowledge-bearing entities” (Hoskisson et al. 1999, p. 441). However this is imbued within Polanyi’s explicit and tacit classifications, and a Western framework of understanding, which is arguably a limited view of “heterogenous”.

Knowledge is predominantly categorised into two types, explicit and tacit knowledge (Baumard 1999; Nonaka & Takeuchi 1995; George von Krogh, Nonaka & Nishiguchi 2000) and are explored in further detail in sections 2.3.3 and 2.3.4. Knowledge is delineated according to the prevailing categories of tacit and explicit, and is a dualistic model of knowledge (Johnson 2007). Johnson argues that the knowledge is monistic, and that the tacit and explicit distinctions of knowledge are an artefact of analytic scrutiny. Johnson (2007) states that tacit and explicit are adjectives, and that the same set of knowledge may have tacit and explicit characteristics depending on the context involved, and that explicit knowledge is expressible in words and symbols, whereas tacit knowledge is an enabler of knowledge creation. Whilst elements of knowledge may be explicated and other elements may not, the explicit and tacit indicate that there are two ways of analysing knowledge from the same knowledge set.

2.3.3 Explicit Knowledge

Spender (1996) reviewed the epistemology of knowledge in the field of strategic management, and found that a predominantly positivist view of knowledge existed within the field with a concomitant scientific or empirical analysis of sensory experience. Knowledge is universal, “true at all times and in all places” (Spender 1996, p. 47). Whilst the positivist contribution to the field of strategic management is not denied, the constructivist paradigm is often ignored (Mir & Watson 2000) and with it the potential for contribution to the field of strategic management.

A predominantly positivist view of knowledge within strategic management implicitly excludes or at the very least diminishes the importance of tacit knowledge as an area for research within the field. (Refer to Table 3-2 regarding paradigms of inquiry).

Explicit knowledge is based on the separation of subject and object, the separation of the knower and the known (Scharmer 2000). Explicit knowledge is stated in a more formal and systematic manner (Nonaka 2008), with explicit knowledge acknowledged as an important part of organisations (Zack 1999b). Knowledge stated as explicit information/knowledge can then also be transmitted to decision agents to enable decisions and actions to be taken (Partha & David 1994). This approach makes knowledge an object with discernible and measurable characteristics. Further to this explicit knowledge is produced and utilised in the context of a specific way of knowing according to preferred methods of knowledge production (van Buuren 2009).

2.3.4 Tacit Knowledge

Meyer and Sugiyama (2007) argue that because there is no universal definition for the term "knowledge" it is difficult to define tacit knowledge. Grant (1996b, p. 111) "identifies" tacit knowledge as knowing how and explicit knowledge as knowing about with the critical distinction between the two types of knowledge being the ease of communication of explicit knowledge. Tacit knowledge is usually conceived in an opposition to explicit knowledge (Linde 2001; Tsoukas 2005).

Polanyi argued that **all** knowledge is either tacit or rooted in tacit knowledge (Polanyi 1962; Sveiby 1994). The person using tacit knowledge is not consciously aware if it (Chilton & Bloodgood 2008). In particular Polanyi (1962, p. 203) stated that "tacit sharing of knowing underlies every single act of articulate communication" and that we are subject to more power than we are aware through tacit knowing. Tacit knowledge is developed over time and stored in a person in a way that limits that person's ability to explicate that knowledge (Chilton & Bloodgood 2008).

Polanyi (1962) argued that knowing is an art imbued with the tacit component of knowledge, and later succinctly stated that “we can know more than we can tell” (1967, p. 4). Tacit knowledge is based on the unity of subject and object (Scharmer 2000). Fiske and Taylor (1991) state that our perceptions of reality are an interplay between the objective and subjective, an interplay between what’s out there and what we bring to it, and that we are more aware of the “out there” contribution.

Strategic management research has yet to widely acknowledge that there exists strong argument that firms are systems based on knowledge that include explicit and tacit knowledge (Campos & Sanchez 2003; Tsoukas 1996). Knowledge management “language represents thinking of knowledge as a ‘thing’ that can be either tacit or explicit, and thus the presumption, all too common in knowledge management, that tacit knowledge can, and should be made explicit before it can be regarded as an organisational asset” (Snowden 2003, p. 197). Spender (2001) stated that strategists have recently acknowledged the tacit and explicit distinction, and the tacit knowledge of a firm may be inimitable and the source of economic rents. Results from a context specific study conducted by Connell & Voola (2007) indicate that intangible assets such as relationships and knowledge should be managed at an equivalent priority to tangible assets.

Cowan, David & Foray (2000) argue that most knowledge can be codified and any knowledge that cannot be codified is not very interesting. The substantive argument of the paper written by Cowan et al (2000) is the *economic* significance of knowledge. This potentially myopic view of the explicit importance of knowledge implicitly suggests that no other form of knowledge can have any economic significance. Baumard (1999) asserts that in this situation organisations manage codifications rather than knowledge, and that the uncodified is left to mythology. In contrasting Japanese and Western cultures, Johnson (2007) states that Western companies tend to codify their knowledge and that this makes it easier to imitate when compared to Japanese companies that utilise tacit knowledge to a greater degree.

Galunic and Rodan (1998) state that as the importance of the tacit component of knowledge increases, the less effective is the explicit component in making knowledge available across competencies. Polanyi (1962, p. 16) clearly distinguished between “modern man’s” ideal of knowledge that is objective and “man’s” real and indispensable intellectual powers that cannot be accounted for in an objectivist framework.

In a critical assessment of the Cowan et al (2000) paper, Johnson et. al. (2002) contest the ideas that a body of knowledge can be codified completely or that codification of knowledge represents “progress”, although Johnson et al. agree with the proposition that codification of explicit knowledge is important. Galunic and Rodan (1998) also identify that the ability to codify knowledge is not a static art, and the ability to codify explicit knowledge is improving over time with improved scientific techniques. The implied empirical argument to the resource-based and knowledge-based view of the firm is that in order to be understood it must be observable. However Godfrey and Hill (1995, p. 523) argue that:

the more unobservable a value resource, the higher the barriers to imitation, and the more sustainable will be a competitive advantage based upon that resource
[Italics by authors]

According to Barney (1991), in order to maintain a sustainable competitive advantage, a resource must be rare and imperfectly imitable, but the tacit component of knowledge that might form the basis of the sustainable competitive advantage is not only inimitable it is also arguably unobservable. This then creates an unfortunate conundrum for strategic management researchers in finding an acceptable method to explain, identify the importance of, and strategically manage tacit knowledge. Also when knowledge is tacit Baumard (1999) states that it is difficult for business to know what it is acquiring or how to use it to construct a competitive advantage, yet this knowledge confers an ability to value new information and apply it to commercial ends (Cohen & Levinthal 1990).

Tacit knowledge in a business context is practical, experience based, context linked, and personal, but not subjective or relative (Johannessen, Olaisen & Olsen 2001). Tacit

knowledge also requires little or no time in thought as it is automatic (McAdam, Mason & McCrory 2007). Tacit knowledge, according to Moitra and Kumar (2007), resides deeply embedded in the mind and emerges through certain types of interaction or situations, and that interaction is central to the sharing of tacit knowledge.

Davenport and Prusak (1998, p. 17) state that:

Knowledge...can provide a sustainable advantage. Eventually, competitors can almost always match the quality and price of a market leader's current product or service. By the time that happens, though, the knowledge-rich, knowledge-managing company will have moved on to a new level of quality, creativity, or efficiency. The knowledge advantage is sustainable because it generates increasing returns and continuing advantages. Unlike material assets, which decrease as they are used, knowledge assets increase with use: Ideas breed new ideas, and shared knowledge stays with the giver while it enriches the receiver. The potential for new ideas arising from the stock of knowledge in any firm is practically limitless - particularly if the people in the firm are given opportunities to think, to learn, and to talk with one another.

Tsoukas (2005) states that tacit and explicit knowledge are two sides of the same coin with even the most explicit knowledge underpinned by tacit knowledge, and that ultimately the focus on explicit knowledge is not sustainable. Although Tsoukas (1996) argues that tacit and explicit knowledge should not be viewed as two distinct forms of knowledge, the coin metaphor of knowledge retains the dualist distinction between the two types of knowledge rather than knowledge being viewed as a holistic and an integrated system. Expressing tacit-explicit knowledge another way "is to think of knowledge as being both a *flow* and a *thing*, rather like electrons are simultaneously and paradoxically waves and particles" (Snowden 2003, p. 199). It is the method of investigation that determines the outcome, even though the two characteristics coexist.

Spender (1996) argues that strategic management thinking should go beyond positivist concepts of knowledge. Spender (2001) also notes that theoretical models that are

deliberately abstracted and generalised from the world that is experienced may not be able to grasp the knowledge captured by language that is revealed in practice, and that the knowledge captured by language may not be in the world of organisational activity. In the field of strategic management Mir and Watson (2000) argue that constructivism is a useful paradigm to make sense of strategy, and in particular to make sense of organisational realities and larger social systems. Mir and Watson (2000) suggest that constructivist research will address issues missed by positivist research, and help to understand the context driven nature of strategy and link theory to context.

2.3.5 Knowledge and Values

The fragmentation of knowledge separates facts and values (Armour 2003), and the categorisation of knowledge into explicit knowledge for example removes knowledge from the original context of its creation or use (Zack 1999b). In the process of making knowledge impersonal there is a disjunct between fact and value, science and humanity (Polanyi 1962). Lee (2007, p. 12) argues that the separation of truth and values is a separation institutionalised in the two ways of knowing between the ‘sciences’ and the ‘humanities’. The sciences embrace the universal, positivistic, empirical and quantitative disciplines, whilst the humanities embrace the particularistic, value-orientated, and qualitative disciplines. Quantitative research is regarded as a hard science (Hesse-Biber & Leavy 2006).

Tacit knowledge is also made up of values, beliefs, perceptions, insights and assumptions (McAdam, Mason & McCrory 2007). According to Polanyi and Prosch (1975) all knowledge is tacit or stems from tacit knowing, and that we cannot specify the grounds on which we hold our knowledge to be true because we dwell in them. Further to this, values may affect corporate strategy (Adler 1991).

Knowledge is the fundamental source of values (Jensen 2009), and values form an integral part in the formation of knowledge (Lee 2007). However, the science of strategy emphasises explicit knowledge, and the unquantifiable human qualities such as values,

meaning and experience are excluded from strategic planning (Nonaka & Takeuchi 1995).

A significant amount of knowledge is hidden and the hidden or tacit part of knowledge has a significant impact on the production, use and exchange of knowledge (Ancori, Bureth & Cohendet 2000). When we know tacitly we act unconsciously and do not reflect on this process, and in doing so take things for granted (Sveiby 1997). The unconscious rules are the patterns that have built up over years that enable us to act quickly and effectively without stopping to think about our actions. The rules are mostly tacit, however, paradoxically these rules are also limits to knowing (Sveiby 1997). Ambrosini and Bowman (2001) state that there exist degrees of tacitness. Knowledge may be tacit simply because no-one has asked the right question, or because people have not asked themselves what they are doing, or that tacit knowledge remains inaccessible because it can not be expressed through the normal use of words. Tacitness also exists because there is not necessarily a clear cut boundary between tacit and explicit knowledge (Haider 2009).

The structure of knowing is an “indwelling” linked to the cultural background of our knowing, and is the framework for unfolding our understanding in accordance with the standards imposed by the framework (Polanyi 1969). Indwelling breaks the traditional Western approach of separating the mind and body, and develops a more holistic understanding of knowledge, and in particular that there is more than one source of knowledge outside scientific objectivity (Nonaka & Takeuchi 1995). Tacit knowledge is knowledge that lives within a social and cultural context (Baumard 1999). Individual knowledge is largely determined by the social practices we engage in (Tsoukas 1996). Tsoukas argues that knowledge and action, and rules, practices and tacit knowledge are inextricably linked.

Von Krogh and Grand (2000) state that there exist ideological values that define the status of knowledge within a sociocultural context, especially cultural aspects, during knowledge creation according to a hierarchically structured knowledge structure that

determines whether new insights or concepts of knowledge will be incorporated into the existing knowledge framework. The ideological values express the fundamental value system of a firm. Further to this, identifying the implicit hierarchy of knowledge will assist in the prediction of whether new ideas will be rejected or appropriated. Von Krogh and Grand link ideological and cultural values to knowledge. In the context of this thesis this is a very important link. Richter et al. (2009) suggest that there is an epistemic validation process taking place by an individual to check whether incoming information is consistent with their knowledge structures, and cognitive conflicts of knowledge will occur when there is a minimum of subjective certainty of the incoming information. Further to this, strongly integrated beliefs provide a basis for rejecting belief-inconsistent information.

Culture and knowledge are inextricably linked. Culture according to Triandis (1994) exists in the heads of its members. Culture is a socially shared knowledge structure. It is the structure of knowledge that people utilise in their daily endeavours to construct reality (Fiske & Taylor 1991). Kluckhohn (1951, p. 86) stated that:

Culture consists in patterned ways of thinking, feeling, and reacting, acquired and transmitted by symbols, constituting the distinctive achievements of human groups, including their embodiments in artefacts; the essential core of culture consists of traditional (i.e., historically derived and selected) ideas and especially their attached values.

Kronenfeld (2008) also suggests that cultural knowledge is linked to action. Cultural knowledge including classifications, knowledge of processes, skills, goals, and values are linked to action, and that this knowledge is what individuals rely on to decide what to do and how to do it. This is knowledge about one's own culture. What can happen if cultural knowledge incorporates knowledge of another culture?

In a study reported by Grosse (2004), 2,500 MBA graduates from the Garvin School of International Management were surveyed as to whether their foreign language skills and cultural knowledge of another culture had provided them with a competitive advantage.

The response was that 89% gained an edge from their knowledge of other cultures, and approximately half of the respondents stated they gained a significant competitive advantage from their cultural competence. According to Grosse no other study had investigated whether foreign language skills and cultural knowledge provided a competitive advantage even though English might be perceived to be the international language of business. It is believed that the study of a foreign language provides cultural knowledge. In the context of international business the greater the cultural competence the more likely a respondent received a competitive advantage.

In the context of this thesis the potential ‘foreign’ language, for non-Aboriginal negotiators, of the dialect of Aboriginal English is explored in section 2.4.4.

2.4 Aboriginal Ontology and Knowledge

Aboriginal ontology and knowledge has historically been situated in a Western ethnocentric cultural framework. An ethnocentric approach means one culture’s universal theories are imposed on another culture, whereas in a polycentric approach universality is denied and it is thought that cultures must be understood in their own terms (Adler 1984). Radhakrishnan (1994) describes the ethnocentric cultural framework as the “I think, therefore you are” syndrome. Cross-cultural studies conducted on an ethnocentric basis must assume there is no a priori dominant culture (Hesseling 1973).

This section reviews the written literature and video material regarding Aboriginal ontology and knowledge. The researcher acknowledges there exists a vast reservoir of literature and other material beyond what is written on these pages regarding Aboriginal ontology. Knowledge included in the thesis, textual and otherwise, includes knowledge about Aboriginal people by Aboriginal and non-Aboriginal people, an important distinction made by Russell (2005). Aboriginal ontology and knowledge is therefore a sensitive area for discussion because the writer is non-Aboriginal.

Attempting to write a chapter on Aboriginal ontology and knowledge can be critiqued by the very conundrum of writing about a culture that has an oral tradition. Further to this the researcher has made choices regarding what to include in the literature review. Through what is included and written in the thesis it may appear to the reader to assume a level of importance over what has been excluded from the thesis.

In the analysis section of the thesis additional information regarding Aboriginal knowledge was also obtained from video sources. The video recordings provided the researcher access to oral Aboriginal narratives that provided a more traditional way of presenting knowledge.

The two major paradigms of Western ontology are constructivism and positivism. These represent different ways of knowing in Western culture. Western ontology is arguably a dualist system of understanding that is mutually exclusive, where knowledge is subjective or objective but not both:

It cannot be put strongly enough that the presentation of the world of ontological categories of subject and object is a unique historical achievement of Western civilization. Insofar as we fail to see this perspective as a cultural achievement...Such an ontology is not inevitable and, in any case, is not shared by Aboriginal societies (Liberman 1978, p. 157).

Further to this Liberman (1978, p. 161) stated that:

The ontological bases of Aboriginal and Euraustralien thinking differ in a spectacular way...The Objects of Euraustralien consciousness carry the ontological forms of space, time, physical-thinghood, etc, and are “built up one upon another to produce the unity-form of a truth system”....Aboriginal objects are particular, taken up as “just these” objects experienced in “just-this” way, and their existence rests within the “this” and not with some location in an Objective truth system. Formulation of objective events are not in terms of an abstract “if, then” but in terms of a concrete “when, then”

The Western abstract concept of “if, then” and Aboriginal “when, then” distinction is an important differentiation between the two cultures made by Liberman. For example if on the Gregorian calendar it is December 1 (in the southern hemisphere) then it is summer. The Aboriginal “when, then” can be demonstrated through Debra Bird Rose (1992, p. 224), for “Yarralin people know it is time to hunt for crocodile eggs when the black march flies start biting”. When there are black march flies biting then the crocodile eggs are ready for eating. The event provides information to Aboriginal people rather than the reading of an objective Western Gregorian calendar.

In Western ontology the worldview is anthropocentric that places humans at the centre whilst in Aboriginal ontology the worldview is cosmocentric that includes the non-human and ancestral agents in the social order (Poirier 2005).

However, there is no single overarching Aboriginal ontology. Aboriginal Australian cultures have other ways of knowing, ways of being, and ways of doing (Martin 2003b). As stated by Martin (2003b, p. 209) the “Ways of Knowing are specific to ontology and Entities of Land, Animals, Plants, Waterways, Skies, Climate and the Spiritual systems of Aboriginal groups”.

Indigenous people are culturally diverse, with some who have maintained more traditionally orientated lifestyles and others who participate in a more Westernised lifestyle (Pickett, Dudgeon & Garvey 2000b). For many Indigenous people there remains a paramount affinity with land and cultural identity. The affinity with land is described by Patrick Dodson (Kauffman 1998, p. 169), who is quoted as saying that:

Many Australians don't know how to think themselves into the country, the land. They find it hard to think with the land. We Aboriginal people find it hard to think without the land. My grandfather taught me how to think about relationships by showing me places. He showed me where the creeks and rivers swirl into the sea, the fresh water meets the salt, the different worlds of oceans and river are mixing together.

The French artist Cezanne (Merleau-Ponty, Johnson & Smith 1993, p. 67) could almost be describing an insightful cross-cultural understanding when he stated that “The landscape thinks itself in me ...and I am its consciousness”. Cezanne (Merleau-Ponty, Johnson & Smith 1993, p. 67) believed that in order to paint a landscape he had to forget all he had learned in science and recapture the landscape as an emerging organism.

Descartes “Cogito ergo sum”, I think therefore I am, is an embedded part of the psyche of Western thinking. The self is the starting point in the search for knowledge and it is the repository of knowledge once acquired, and knowledge is best acquired through scientific concepts and methods (Cook & Brown 1999). According to Mbiti (1970, p. 108) an African and different conception of self is “I am because We are, and because We are, therefore I am”. Note the capitalised “W” in the term “We” matches the capitalised “I” thereby giving the “We” and “I” equal written status. The African conception provided the researcher a contrasting way of thinking and elucidating conception of self. An Aboriginal concept of self may be different again.

A powerful example of the complexity of Aboriginal culture was captured in the video “Sacred Stones” (VEA 2001). A boulder was taken without permission from a sacred area known as Karlu Karlu in the Northern Territory and placed on the grave of Reverend John Flynn the founder of the Royal Flying Doctor Service in Australia after he died in 1951. In the ensuing years the boulder became an icon for non-Aboriginal people on the grave of Reverend John Flynn. In an act of reconciliation nearly five decades later the boulder was returned to its original location and to the Karlu Karlu Traditional Owners. A Traditional Owner in the video declared upon the return of the boulder:

I'm glad to see this. This is my name. This rock is my name. My grandfather gave it to me when I was a kid. I will make a story about this one. Even my grandfather and grandmother that passed away when I was a kid they used to tell me stories about this one. I am very thank you. I am really thank you for this one.

The above text itself does not show the emotion of the ceremony or connection displayed toward the boulder by the Traditional Owner as vividly as the video. The reference to the boulder as “this one” was for the researcher an affectionate display, and that there are stories about “this one” gives life, history and personality to the entity of the boulder. According to Mbiti (1970, p. 15) in the context of African traditional life:

man lives in a religious universe. Both that world and practically all his activities in it, are seen and experienced through a religious understanding and meaning. Names of people have religious meanings in them; rocks and boulders are not just empty objects, but religious objects

Indigenous epistemology “is derived from the immediate ecology; from people’s experiences, perceptions, thoughts, and memory, including experiences shared with others; and from the spiritual world discovered in dreams, visions, inspirations, and signs interpreted with the guidance of healers or elders” (Battiste 2008, p. 499). The local content, specific ecological context, and unique relationships of each knowledge system creates diversity of Indigenous knowledge and a denial of a universal perspective of Indigenous knowledge (Battiste 2008).

2.4.1 The Dreaming

The following two sections provide narrative descriptions for the Dreaming and Aboriginal knowledge. Aboriginal knowledge is traditionally structured and transmitted in narrative form with traditional stories expressed through dance, song, paintings and oral narrative (Klaproth 2004). The term “The Dreaming” provides accessibility through an English word to a very complex Aboriginal concept. According to Edwards (1994, p. 67):

“The Dreaming” is used commonly to describe the Aboriginal creative epoch. Each language group had its own term to refer to this epoch and all associated with it. Ngarinyin people in the north-west of Western Australia refer to it as Ungud, the Aranda of Central Australia as Aldjerinya, the Pitjantjatjara of north-west South Australia as Tjukurpa, the Yolngu of north-east Arnhem Land as

Wongar, while in the Broome region it is referred to as Bugari...The use of the English word Dreaming should not suggest it refers to some vague reflection of the real world. Rather, Aboriginal people see the world of The Dreaming as the fundamental reality.

The Pintupi know that people and country come from the Dreaming, and according to Myers (1986, p. 50) the:

Dreaming also links people and place. The place from which a person's spirit comes is his or her Dreaming-place, and the person is an incarnation of the ancestor who made the place. A person's Dreaming provides the basic source of his or her identity, an identity that preexists

The Dreaming ancestors provide the cultural model for existence through example and provide guidance for social, political, cultural, ritual and economic activity, with knowledge of the Dreaming as a most important aspect of education and possession by senior Aboriginal people (Edwards 1994). The Dreaming does not assume *creatio ex nihilo*, a creation from nothing. The Dreaming does not assume an anthropocentric view of the world. The Dreaming does not assume that humans are the dominant being. The Dreaming believes equality in essence and connection/relationship of human, country, landscape, plant, birds, fish and animal. Mountford (1976) uses the term "tjukurita" from Central Australia to describe the Dreaming, and states that the earth had always existed, uncreated and eternal.

Mr. Silas Roberts quoted by Cole (1979, p. 161) stated with regard to the Dreaming that:

Aborigines have a special connection with everything that is natural. Aborigines see themselves as part of nature. We see all things natural as part of us. All the things on earth we see as part human. This is told through the idea of dreaming.

By dreaming, we mean the belief that long ago, these creatures started human society, they made all natural things and put them down in special places. These dreaming creatures were connected to special places and special roads or tracks or paths. In many cases, the great creatures changed themselves into sites where their spirits stay. My people believe this and I believe this. Nothing anyone ever

says to me will change my belief in this. This is my story as it is true of every true Aborigine. All the land is full of signs, and what these great creatures did and what they left we see is very important. And we see this just as much as we did before.

Bayet-Charlton (2006, p. 173) stated that :

The Dreaming lays down the laws concerning the accessing of resources from the environment. The environment relates directly to social organisation, kinship and social obligations, sacred law, offences against property and persons, marriage, and an individual's relationship with the land.

[and]

The main difference between Aboriginal and non-Aboriginal cultures lies in the attitudes to the land and the changes made to the environment through the accessing of resources.

The Dreaming is visually portrayed in the following diagram **Figure 2.1** (Edwards 1993, p. 13):

Figure 2- 1 Dreaming



Most importantly the presentation of an Aboriginal person verbally to others draws on the cognitive orientation toward the inter-relatedness with the cosmos and the Dreaming (Klaproth 2004).

2.4.2 Aboriginal Knowledge: Ways of Knowing, Doing and Being

What is Indigenous knowledge is a profound and difficult question (Kincheloe & Steinberg 2008). The aim of this section is to provide a culturally appropriate impression of Aboriginal knowledge and to demonstrate the epistemological differences between Aboriginal knowledge traditions and the Western knowledge systems described throughout the thesis. Aboriginal people identify with a particular culture and will continue to do so (Austin-Broos 1996), and Aboriginal forms of knowledge are inseparable from these world views (Kincheloe & Steinberg 2008).

Traditional Aboriginal knowledge is structured and transmitted in narrative form, through songs, dances, paintings, and oral narrative (Klaproth 2004). The amount of knowledge that can be conveyed in oral format surpasses that which can be written, as writing is a reflexive process that is more time consuming (Snowden 2003). This may be particularly evident with regard to emotions, feelings and connection.

According to Nakata et al (2005, p. 7):

Indigenous knowledge is understood to be the traditional knowledge of Indigenous peoples. In Australia, a common misunderstanding is that this equates Indigenous knowledge to ‘past’ knowledge, when in fact Indigenous people view their knowledge as continuing.

The Working Group on Article 8(j) (2007) for the *Convention on Biological Diversity* outline the following characteristics of traditional knowledge:

Traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities around the world. Developed from experience gained over the centuries and adapted to the local culture and environment,

traditional knowledge is transmitted orally from generation to generation. It tends to be collectively owned and takes the form of stories, songs, folklore, proverbs, cultural values, beliefs, rituals, community laws, local language, and agricultural practices, including the development of plant species and animal breeds. Traditional knowledge is mainly of a practical nature, particularly in such fields as agriculture, fisheries, health, horticulture, forestry and environmental management in general.

Aboriginal knowledge in its traditional form is not capable of direct historical textual review to analyse the development of its theoretical models and practices according to Western principles. The history and the development of Western knowledge can undergo direct review through a review of historical literature, writings, drawings, and artefacts (Horton 1971, p. 226). The corpus of Western knowledge can be reviewed according to Western scientific criteria. Therefore it should be recognised that any creation of Western styled knowledge databases on Indigenous knowledge is thereby recast according to scientific criteria with what is perceived as non-essential stripped away and discarded (Agrawal 2002). Whereas, “Indigenous knowledge is experiential, intuitive and above all holistic, denying neat boundaries between the physical, cultural and spiritual” (O’Faircheallaigh & Corbett 2005). It is also important to be mindful that Aboriginal knowledge once documented, as in this thesis, disembody the knowledge from the knowers of that knowledge (Nakata 2007).

Whereas (Pumpa, p. 48):

Aboriginal knowledge traditions exist in a profoundly reciprocal relationship with Land. The role of the Land differs radically from Western notions of a passive backdrop for human cognition and exploitation. For Aboriginal knowledge, the landscape itself is simultaneously a physical space; a sentient collective of diverse entities, a meaning system and an historical, spatial visual record of all past events. Aboriginal knowledge practices are constructed in this reciprocity between people and Land, through a variety of performances and representations. Knowledge constructed in this way is locally authentic, specifically owned and has specific

purposes.

Ways of knowing, thinking and doing is eloquently expressed in the following (Hill & Stairs 2002 p. 283):

Ways of Knowing refers to our teachings, our languages, and our cultures, to the knowledge of our ancestors and Creation. *Ways of Thinking* refers to the building of education based on our own terms of reference, our teachings, and our worldview. It also refers to evaluating and validating Indigenous ways of knowing. *Ways of Doing* is the actual facilitation of learning from a cultural and/or traditional place - the land, the language, with the elders and knowledge keepers.

Holt (2001, p. 63) states that Aboriginal elders modelled a society for all to be a part of, creating a “race of people that had profound, expert knowledge, and wisdom that created an environment of protection, sharing enacted Laws that made a society for all people to live in harmony.”

Aboriginal culture has an oral tradition and it is an approach that listens for knowledge Gibson (2006). The Western approach reads for knowledge. According to Stanner (1979, p. 29) Aboriginal people do not ask: “the philosophical-type questions: What is ‘real?’ How many ‘kinds’ of ‘reality’ are there? What are the ‘properties’ of ‘reality?’ How are the properties ‘interconnected?’ This is the idiom of Western intellectual discourse and the fruit of social history.” The idiom is reflected in the Cartesian-Newtonian-Baconian epistemology (Kincheloe & Steinberg 2008). The Cartesian view separates subject and object, the known from the knower (Nonaka & Takeuchi 1995). Empiricism was championed by Bacon, and the Newtonian view denotes nature as a universal system of mathematical reason (Audi 1999). This concept of the world is not universal. For the Yaqui people, an Indigenous group from Northern Mexico, knowledge depends on a different understanding of the world in which:

metaphysical presuppositions differ from ours: space does not conform to Euclidian geometry, time does not form a continuous unidirectional flow,

causality does not conform to Aristotelian logic, man is not differentiated from non-man or life from death, as in our world (Goldschmidt quoted in Castaneda 1968, p. vii).

According to Hall (1977) Western culture has valued a system of logic since Socrates. Hall argues that it is a linear system, a compartmentalised way of thinking, synonymous with the truth. The compartmentalised way of thinking fragments experience, alienates ourselves from others and nature, and inhibits comprehensive thinking (Hall 1977). Bohm (1980) states that this way of knowing treats “*things*” as inherently divided, and accordingly the Cartesian view is suitable for the analysis of the world into detached existent parts. Bohm contrasts this explicate order of the world with an implicate order of the universe that is an unbroken wholeness.

The Aboriginal world view is symbolic, intrinsically mythological, narrative, a closed system that does not engage in philosophical speculation that questions its premises, as the facts do not require further justification (Klaproth 2004).

Pumpa et al. (2006) state that in contrast to Western tradition, Aboriginal knowledge traditions emphasise the unity of subject and object, and that:

In Aboriginal knowledge traditions, language, ceremony, singing, dancing and other representational forms can influence events and cause things to happen. Objects and phenomena can be ‘sung’ into and out of existence...the traditional Aboriginal understanding of the landscape is one constructed of parallel views, each of which is bonafide in certain contexts – a landscape that exists in multiple forms simultaneously – visible, ancestral, mundane, sacred, and which can be accessed in any of these forms depending on the traditional knowledge requirements

Note, sacred knowledge may not be available to all people in a community and may be restricted to initiated men or women (Battiste 2008).

When the Aboriginal author and elder Tex Skuthorpe (Sveiby & Skuthorpe 2006, p. xv) was asked to describe the word for knowledge in his own Nhunggabarra language he stated that:

We don't have a word for it...Our land is our knowledge, we walk in the knowledge, we dwell in the knowledge, we live in our thesaurus, we walk in our Bible every day of our lives. Everything is knowledge. We don't need a word for knowledge, I guess

According to Keen (1994, p. 253):

The Yolngu concept of knowledge...*marngggi*, ‘know’ or ‘knowledgeable’ implies ability and the right to do something. It was what a person could do that was important rather than what they could think or remember (*guyanga*).

Pintupi knowledge is described by Myers (1986, p. 149) in the following narrative:

To “hold” a country is to have certain rights to it, mainly the right to be consulted about visits to the place, about ceremonies performed there, or about revelatory ceremonies concerning its ritual associations held elsewhere. To carry out this status, one must know (*ninti*) the story of a place, the associated rituals, songs, and designs. What one “holds” and what one “loses” or passes on is essentially knowledge.

Knowledge communicated through narrative is relevant to all spheres of Aboriginal life that communicates social and moral values, spiritual and transcendental understanding, environmental and geographical knowledge, and is also an important part of social relationships (Klaproth 2004). The Yolngu way of knowledge revelation is greatly assisted by secrecy. According to Morphy (1991, p. 95) “secrecy helps structure the process of revelation. Secrecy often marks the division between inside and outside knowledge and creates pauses in the transmission of knowledge.” Morphy also suggests that the release of knowledge to “Baland” (non-Aboriginal people) is also selectively released to those engaged with the Yolngu such as anthropologists, lawyers, politicians

and teachers, or the broader community through art, and this is conducted in a strategic manner to persuade Balanda of the value of Yolngu knowledge.

“Knowledge and wisdom were [and is] the wealth of Indigenous Peoples” (Suter 2003, p. 3). In particular for non-Indigenous people, Indigenous knowledge has compelling insights into all domains of human endeavour, and Indigenous knowledge has the potential for the transformation of Western consciousness (Kincheloe & Steinberg 2008).

In Aboriginal Australia “there is a kind of spatialization of knowledge that goes hand in hand with knowledge of places” (Rumsey 2001, p. 12). There exists a symbiotic relationship between knowledge of places and emplaced knowledge. Spatialization of knowledge according to Strohmayer (2003) is the tacit knowledge that is located in cultural and geographic spaces. It is the content that defines spaces (Mbiti 1970).

Weiner (2001, p. 239) suggests caution is needed using constructivist language to describe/analyse Aboriginal knowledge revealed through narrative, as myth may reveal cosmology and cosmogony, “whose function is not to just construct a world through the use of its language but rather to partially reveal its contours.” Weiner’s insight reveals that the symbol making activity of Aboriginal language is complex, integrating the sacred, spiritual, and physical, partially revealed and partially hidden.

The understanding of Indigenous knowledge using non-Aboriginal methods of collection, documentation, storage and dissemination has involved fragmentation across categories that are not embedded with local meaning and context (Nakata 2004). For example, Christie (2003, pp. 4-5) in comparing Aboriginal knowledge to the empirical ‘knowledge’ encoded in computers, identifies some of the issues of the empirical storage of Aboriginal knowledge, and stated that:

knowledge from the Aboriginal perspective, is more often understood to be something that people perform, if knowledge is something which is ‘in the ground’, if it is embedded in the relationships people identify with their land,

their totems, and their histories, and which they perform through their narratives, their art, dance and their song, then what exactly is it that is stored in the computer? We may best think of it as information, or data, rather than knowledge. The unexamined relationship between data and knowledge, and unarticulated assumptions about how each produces the other, contribute to the cultural biases at work in databases developed for indigenous knowledge. Two parallel cultural assumptions: (a) that databases contain knowledge and (b) that education is transferal of knowledge from one head to another, need to be revised if Western scientists are to facilitate the ownership, control, and use of databases by Aboriginal holders of ecological knowledge.

2.4.3 Notions of ‘secret’ English

Christie and Perrett (1996, p. 57) describe an experience where Yolngu elders stipulated as part of a negotiated agreement that they be taught “secret English”. The request is culturally appropriate. There are according to Dixon (1980, p. 65) a number of Aboriginal groups that have or previously have had a secret language that can only be spoken by initiated men on ceremonial occasions. For example the secret language of the Damin had a whole range of sounds not found in any everyday Aboriginal language (Dixon, Ramson & Thomas, p. 14).

Secret English may also be referred to in different ways, such as “high English” in the Kimberley region of Australia (The Federation of Aboriginal and Torres Strait Islander Languages. 2009) and is reference to specific language of lawyers, doctors and the police. The authors, Christie and Perrett (1996, p. 57), argue that the general consensus of [Western] linguists is that “quite simply” there is no secret English, on the ground that the English language is not “invested with mystical power and kept hidden from the powerless”.

A secret repository of words in the English language does not exist. The use and meaning of the word “secret” may therefore depend on whether it is used as an adjective

or noun. If used as an adjective then there is arguably no “secret English”. If the word secret, something that is unknown, hidden, or not understood, is used as a noun then from an Aboriginal perspective there may well be ‘secret’ English inherent in the form and structure of the English language, particularly that used during negotiations in a legal or business context. Trudgen (2000) argues that there is an intellectual language that is hidden or secret because the language of commerce and law have not been linguistically analysed by Yolngu. Secret English may be an epistemological rather than linguistic matter if the patterns of Western texts are invisible to Aboriginal participants.

Batumbil (Yolngu People.) stated in a video message to the Government and transcribed into English subtext on the video presentation that:

What is making us separate or distant is that Yolngu and Balanda [non-Aboriginal people] are not as ‘one’. Separate. Different. The way things are...we don't recognize or understand their law, their way. Their law, their way is hidden secret. We understand the surface of a message. But we don't understand what is underneath. [The deeper meanings and motives] That's why Yolngu and Balanda law is separate, far apart. Their law, their way lacks any recognition or understanding of us Yolngu...they are only aware of the way THEY think - of the way THEY think...what is good for THEM

The inspiration for the thesis was ignited when the researcher came across the concept of “secret English”. The researcher, paraphrasing Baumgarten (1979, p. 354), embarked on an adventure that was a search for the masked secrets of language within the context of cross-cultural business negotiations. If ‘secret’ English exists, the discourse or grand narrative of business may predetermine how cross-cultural knowledge is received from Aboriginal people, and how it is framed by business. This may have implications for how cross-cultural knowledge is strategically managed, and for the underlying competitive advantages that might lie in effective strategic management thinking.

Paraphrasing from Markham (1996, p. 393), exploring the concept of ‘secret’ English of business from a critical stance allows the researcher to analyse potentially controlling

aspects of negotiations as they function through ‘secret’ English (if it exists) in relation to power to create ideological knowledge of business in the negotiated agreement.

Nakata (2002) has argued that Indigenous people need meta-knowledge, or knowledge about knowledge, as a basis for interacting with other systems of knowledge. Meta-knowledge according to Gee (1990) is emancipatory. The researcher proposes a thought at this point in that emancipation could arguably apply to non-Aboriginal people as they interact with Aboriginal systems of knowledge, i.e. freed from the power, ideology and control of their own ideological and cultural discourse.

2.4.4 Aboriginal English

There are different dialects of English, including Aboriginal English and Standard Australian English. According to the Western Australian Department of Education (2006):

Aboriginal and Australian English are both dialects of English which developed side by side but separately from each other. Both these dialects need to be recognised and valued equally.

Despite the fact that Aboriginal English (AE) and Standard Australian English (SAE) overlap significantly in vocabulary and grammar, there remain many non-corresponding forms, discourse patterns and concepts.

This means that for many Indigenous Australians, using English means managing two different Englishes: one which is learnt and used in home and community contexts and another which is used in school and in other contexts controlled by non-Indigenous Australians. In linguistic terms, we would describe most Aboriginal English speakers as bidialectal.

According to Malcolm and Grote (2007, p. 153):

The term Aboriginal English refers to a continuum of varieties which, at their broadest, have much in common with creoles, and which, at the other extreme, share most of their features with informal Standard Australian English.” and that;

“Since public administration, law and education in Australia use Standard Australian English as the default form of communication, Aboriginal people are exposed to this form of English”, however, only; “... a minority of them are able to use it fluently. The form of English maintained within the context of Aboriginal community life...differs markedly from Standard English at all levels of linguistic description.

Aboriginal English is steeped in schemas, or conceptual patterns of the mind, that are embedded in Aboriginal cultures (Sharifian 2001). Speakers of Aboriginal English are successors to an aeons old oral-based culture (Malcolm 1994), and the content and structure of Aboriginal English discourse appears to be informed by Aboriginal cultures (Sharifian 2001). Dixon (2002, p. 40) states that since 1788 Indigenous language has given way under the “domination of the invader’s language, English.” In an earlier work Dixon (1980, p. 74) stated that in most Aboriginal communities there is:

a dialect continuum, ranging from standard English, at one extreme, to what we can call ‘Aboriginal English’ at the other. Each speaker will cover a range of the continuum, the dialect he employs in any speech act depending on the social circumstances of that speech act. Older people, who also speak an Australian language, may use Aboriginal English, modifying this slightly towards the standard when conversing with a white man...The differences between Aboriginal English and the standard dialect are not arbitrary, and are seldom due to any lack of ability to master the standard variety...In many cases they continue...critical grammatical distinctions from Australian languages.

It is important to note that Aboriginal English is not universal across Australia and that there are local differences in Aboriginal English (Harkins 1994). According to Malcolm & Grote (2007, p. 159):

As in all varieties, metaphor is an important factor in Aboriginal English expression. Metaphor often involves mapping from the domain of the natural environment onto the domain of human experience

Aboriginal English is not poor grammar as it reflects grammar according to a standard other than Standard Australian English. Lyon and Parsons (1989, p. vii) note that:

The often non-standard grammar of Aboriginal English is commonly thought to result simply from imperfect learning of standard English, but it usually results where Aboriginal English reflects the grammar of traditional Aboriginal languages.

Malcolm (Referring to Muecke's unpublished PhD thesis 1981, 1994) states that three major categories of strategies exist in the discourse of Aboriginal English, and these are:

1. Non-story – embracing, exhorting, explaining and conversing.
2. Story – that contain subgroups that are secret and public.
3. Song - that contain subgroups that are secret and public.

What these categories indicate is that Aboriginal communication has secret and public elements. The secret discourse is for people who are initiated or are of significant standing to receive such communications, and there is the public discourse for public consumption or communication to non-Aboriginal people or for the uninitiated. Notably, two of the major discourse categories contain elements to the discourse that are either secret or public.

2.4.5 Standard Australian English

As previously stated, language is an indoctrination into a form of life. Language creates deep cultural understanding, and Howitt and Suchet-Pearson (2003, pp. 560-561) profoundly state that:

Language reflects, shapes and limits how humans understand the world around us. It provides the building blocks of ontology and it simultaneously constructs and limits of our vision. Language reflects and constructs power. For example, concepts of time are embedded in language. [Standard] English, for example, constructs tenses in ways that reflect and reinforce a view of time as categorically distinct, as past, present or future. In other words, the linearity

implicit in much Eurocentric epistemology is embedded in English language, making it difficult to convey non-linear concepts of time and temporal relations, and their spatial implications. Consider, for example, the use of the verb ‘come’ in the following passage of Aboriginal English:

Kakawuli (bush Yam) come up from Dreaming. No matter what come up, they come up from Dreaming. All tucker come out from Dreaming. Fish, turtle, all come from Dreaming. Crocodile, anything, all come from Dreaming (Big Mick Kankinang in D Rose 1996:35).

In this passage Mr Kankinang uses the verb to come without conventional tense markers. For many English speakers this shift from standard English is read as an inability to express the past tense properly because they construct the Dreaming as a time in an ancient past. Yet Mr Kankinang’s grammar here precisely represents an ever-present Dreaming (what the anthropologist Stanner (1979: 24) referred to as the “everywhen”), where things did come, do come and will always come from the continually renewing relationships between people, place and other species and entities that are called ‘Dreaming’. In this reading, the statement offers a potent challenge to conventional temporal thinking in English. It unsettles English tense boundaries and a Eurocentric notion of time by presenting time as simultaneously past, present and future. It very carefully constructs a cultural landscape that Eurocentric philosophies and most English speakers cannot easily comprehend.

The speakers of Aboriginal English may feel they have got their meaning across when Standard Australian English speakers appear to have understood what Aboriginal English speakers have said, and conversely Standard Australian English speakers may feel they have got their meaning across when Aboriginal English speakers appear to have understood what Aboriginal English speakers have said (Harkins 1994). The result is that communication is less effective.

2.4.6 Language

Language is “a major element in the formation of thought” and people “are captives of the language they speak as long as they take their language for granted” (Hall 1969, p. 1). The thesis of Hall is that communication constitutes the very core of culture. This is echoed in the statement that: “To know a culture is like knowing a language...to describe a culture is like describing a language” (Duranti 1997, p. 27). All of us live with and communicate through ideology, and it is through ideology that we view the world (Gee 2008). Gee argues that as a consequence we are both a beneficiary and a victim of ideology as espoused through language and culture.

The language-culture interface relies on the presuppositions of cultural knowledge (Kronenfeld 2008). Semantic knowledge of language provides a taxonomic structure and cultural knowledge represents goals, values, actions, knowledge and emotion. Kronenfeld (2008) states that language is used to index knowledge, where semantic knowledge classifies the world according to categories, and cultural knowledge is action orientated thereby providing knowledge about how the world works and about how things get done. The use of the description by Kronenfeld that semantic knowledge classifies the world according to “categories” arguably may in itself represent a Western ethnocentric reductionist view of the language-culture interface.

In the *Philosophical Investigations* Wittgenstein highlights the fact that language must be learned and that in “learning a language a child is being initiated into a form of life” (quoted in Sluga 1996, p. 22). According to Kvale (1996) language constitutes reality, and that each different language constructs reality in its own unique way.

Language is also a vehicle to construct knowledge and to convey knowledge through words, myths and metaphors. Polanyi (1962) states that we are aware of language in our thinking and cannot have thoughts without language. According to Polanyi (1962, p. 59) our beliefs are anchored in the presuppositions we acquire when learning to speak a language “in which there are names for various kinds of objects, names by which objects

can be classified, making such distinctions as between past and present, living and dead, healthy and sick” and yet almost paradoxically, “we have no clear knowledge of what our presuppositions are”. Language as a vehicle of communicating knowledge, is fundamentally social in its origin and purpose (Russell 1956).

The constituent parts of language according to Fairclough (1995) are social identity, social relations, and systems of knowledge. Even though we may not be aware, words are never neutral (Fiske 1994). Gee (1990) argues that language is also tied to a plethora of interconnecting cultural models that form the basis for the making of choices regarding exclusion, inclusions, and assumptions about the context of a discourse. It is the meaning in a communication rather than the words themselves that attract attention and interest (Polanyi & Prosch 1975). It is the models and meaning connected to the communication that will be important factors for consideration in the critical discourse analysis undertaken in this thesis.

King and Zeithaml (2003, p. 764) state that organisational knowledge is captured through language, and that language is then used to distinguish knowledge that is sustained from other knowledge which should be discarded (Krogh, Roos & Slocum 1994). The language used to construct agreements is also predicated upon the fact that Standard Australian English, particularly terminology used in legal documents, is relevant to the document and objective. According to the Department of Foreign Affairs and Trade “English is the official language of Australia...[and]... offers the familiarity of a Western business culture...” (2007). In the context of the research this may mean that if care is not taken then the familiarity of the discourse of Western business may potentially ignore Aboriginal knowledge during negotiations, and thereby negate the ontology of Aboriginal cultures. This may then maintain the *status quo* of the knowledge inherent in the language of the non-Aboriginal culture.

Although language is not the only means of communicating, it forms the corpus of data for the discourse analysis in this thesis. Whilst the research data has predominantly been

collected in the English language it should be remembered that there exist different dialects of English, Standard Australian English and Aboriginal English.

The communication styles of non-Aboriginal and Aboriginal cultures according to Trudgen (2000) are briefly summarised in **Table 2-2**:

Table 2- 2 Australian and Aboriginal Communication

Australian Culture:	Aboriginal Culture:
<ul style="list-style-type: none">• Speak directly to a person• Strong eye contact• Direct communication• Utilise assertiveness• Think of response• Guess what is being said• Interruption is ok• Answer immediately• Think about response• Eye contact is key to body language• Talk to cope with silence	<ul style="list-style-type: none">• Speak indirectly to a person• Avoid direct eye contact• Indirect communication• Speak with deep meaning• Practise active listening• Hear what is said• Do not interrupt• Think about response first• Think through response• When ready respond• Listen to the whole body of speaker, body language• Silence before response should not be interrupted

Fryer-Smith (2002) has made the following detailed examination of communicating styles of non-Aboriginal and Aboriginal people:

Eye Contact

An Aboriginal person:

1. May interpret direct eye contact as a sign of rudeness, or lack of respect.
2. May avoid of direct eye contact to demonstrate politeness and respect.
3. May avoid eye contact with people in authority such as police.

In a Western context the avoiding of eye contact may be construed as sign of dishonesty, or lack of respect, with direct eye contact perceived as a sign of honesty and politeness.

Silence

Silence is valued, and is an important part of communication between Aboriginal people. It may indicate a desire to think about a matter, or a desire to become comfortable with a social situation.

In a Western context silence tends to be negatively valued, and may cause embarrassment or show that communication has broken down.

Sign Language and Gestures

Sign language and gestures form a significant part of communication in Aboriginal culture, historically being of traditional importance in hunting and mourning practices, with a number of gestures common to Aboriginal people throughout Australia.

Aboriginal people use gestures such as subtle movements of the eyes, head and lips to communicate between themselves. Australian people may not be aware of this style of communication.

Primacy of Family or Kin Relationships

Family relationships are usually accorded priority in an Aboriginal culture.

Direct Questioning

In Aboriginal culture, the privacy of another person's thoughts and feelings are respected.

Aboriginal people may have difficulty in answering direct questions, as a more indirect method of communication is often preferred. Aboriginal people will not usually seek to obtain important information by direct questions.

Aboriginal people may have difficulty with direct questions that:

1. Predetermine an answer.
2. Require specificity (according to Western standards), as Aboriginal people may experience difficulty in specifying numbers, time or distances.
3. Require a detailed description.
4. Discourage a narrative-style answer.

In traditional Aboriginal society significant information is usually sought as part of a two-way exchange. Firstly, by volunteering information and then hinting at a response that contains the required information.

An Aboriginal person is likely to agree with a proposition put to them if that person is in a position of authority. An Aboriginal person may politely agree with the person asking a question as a means of conveying readiness for

cooperation. Alternatively agreement may signal a hopelessness or resignation to the futility of a particular situation if the other person is in a position of authority.

Specific Language Difficulties

A number of English words used by Aboriginal people have a different meaning from the English meaning, for example the Dreaming.

Each Aboriginal community has its own taboo words that must not be spoken under any circumstances, particularly during specific times of cultural importance such as a death and beyond.

Walsh (1997) states that the non-Aboriginal style of communication is dyadic, where talk is directed toward an individual, there is turn-taking, people face each other, silence is avoided, where talk is packaged in discontinuous bits, and in the dyadic style of communication control of the conversation is essentially with the speaker. The emphasis is on speaking. Aboriginal styles of communication need not necessarily be directed to an individual, and is described by Walsh (1997) as a communal style of communication, and control of the conversation is essentially with the hearer, the person listening. The emphasis is on listening.

2.5 Negotiation and the Negotiated Agreement

Business negotiation is a particular genre of discourse that is of interest to this research, with negotiation as a communicative activity. Negotiation is a means of getting what you want from others, and is a to-and-fro communication with the intent of reaching agreement (Fisher, Ury & Patton 1986). Bangert and Pirzada (1992, p. 45) state that there are antecedents of negotiation. The antecedents include that there exists a difference of opinion between the parties involved, that there is a desire to settle the dispute without the use of coercion, and there is a common interest in agreement.

The traditional approach to research about business negotiations has been with regard to output rather than process (Wagner 1995a), and within the process little research of negotiation interaction in naturally occurring situations has occurred (Marriott 1995). Perspectives of interest include, practitioners who are involved in negotiations and interested in their professional communication skills, and researchers who consider business negotiations as an interesting example of discourse from theoretical and practical points of view (Ehlich & Wagner 1995). Importantly, discourse analysis assists researchers to unpack contextual features of negotiations and extends the knowledge of negotiation by uncovering new concepts (Putnam 2005). Most definitions of negotiation however reflect a Western orientation toward what is conceptualised by negotiation (Wagner 1995)

This thesis presents the analysis of discourse at the cultural interface and is specifically interested in knowledge. The cultural interface is described by Nakata (2007) as a complex multi-layered and multi-dimensional intersection of time, space, distance, systems of thought, contesting discourse between knowledge traditions and systems of economic, social and political organisations. Wagner (1995a) identified a problem in research pertaining to negotiation in that members of a culture share tacit knowledge about ways to attain certain goals and that it is difficult to account for tacit knowledge regarding negotiation. The focus on knowledge as it occurs during negotiation and placing knowledge at the centre of analysis is an important means to understand different cultures (Arce & Fisher 2003).

The following briefly describes the Western legal fundamentals of agreement making. An offer and acceptance constitutes an agreement. An agreement plus intention plus consideration will constitute the formation of a simple contract (Vermeesch & Lindgren 2005). A commercial contract is usually written and subject to the law of contract. The law of contract is the body of law relating to the rights and duties between contracting parties (Turner, Fortescue & Yorston 2005). Specific types of commercial transactions are also subject to State and Commonwealth legislation, such as the *Fair Trading Act* (WA) 1987 and *Trade Practices Act* (Cth) 1974, and the *Native Title Act* (Cth) 1993.

Yet, the written word does not form part of traditional Aboriginal cultures, although many Aboriginal languages are now being written using the Roman alphabet (Dixon, Ramson & Thomas 1990).

Specific words or phrases may have acquired particular meaning when used in business or legal discourse due to their association with a legal definitions or doctrines of law. Occasionally Latin phrases may provide specific legal meaning. Other specific words of a written agreement may not be defined by reference to materials in the agreement, statute or case law, and may be ambiguous in their meanings providing plausible but different views in the construction of interpretations.

Intertextual references within a negotiation discourse may include reference to statute, regulations, common law, Hansard and expert legal opinion. These intertextual sources also contain rules for understanding words or phrases in a text such as the golden rule, literal rule, mischief rule, *ejusdem generis*, and *sui generis* to name a few.

Agreements or contracts are based on the doctrine *pacta sunt servanda* “promises that must be kept”. Agreements or contractual terms also contain terms implied in fact, terms implied in law, and terms implied in custom or trade. These are concepts implicit in the discourse of negotiation.

It is in this Western linguistic, cultural and legal context that agreements are constructed to assert legal rights and obligations, warranties and exclusions, specific performance and other contractual terms of parties to the negotiated agreement. There are clues regarding the inherent difficulties in negotiating across cultures:

The difficulty of expressing a relationship between community or a group of Aboriginal people and the land in terms of rights and interests is evident...The spiritual or religious is translated into the legal. This requires the fragmentation of an integrated view of the ordering of affairs into rights and interests which are considered apart from duties and obligations which go with them (Perry & Lloyd 2003).

Content of an Aboriginal styled ‘agreement’ is expressed in obligation, conveyed orally and or implicitly. The bundle of spiritual, social and sacred rights, and obligations are derived from Aboriginal traditions, customs and beliefs. These may be completely different from non-Aboriginal traditions, customs and beliefs that are encompassed in a social or commercial agreement. O’Faircheallaigh (2006 p. 4 & 6) states that:

Aboriginal people tend to have wider agendas that impact on their approach to mineral development. There will be a complex interplay of political forces arrayed around kin connections, rights and interests in land, culture and law business, and history - the impact of earlier events apparently unrelated to the project concerned often intrude into negotiations with mining companies and State agencies. This introduces an additional complexity into negotiations with developers and the State, and can seriously undermine Aboriginal negotiating positions...” whereas, “Mining companies are driven by two fundamental and interrelated imperatives when they negotiate with Aboriginal people, to achieve or exceed the required rate of return on their capital and (of growing importance in recent years) to fulfill or at least be seen to fulfill what are generally referred to as ‘corporate social responsibilities’ (CSR). The two are interrelated because CSR initiatives help companies to manage political and social risks that might threaten their ‘licence to operate’ and so their capacity to generate profits over the longer term.

The Western legal concepts of land ownership and traditional Aboriginal cultural concepts have been an area of miscommunication (Koch 1985), overlaid with potential for miscommunication by the use of Standard Australian English and Aboriginal English.

2.5.1 Cross-cultural Negotiations

Gelfand and McCusker (2002) state that in the new millennium cross-cultural negotiations are becoming the norm. Negotiation becomes cross-cultural when the negotiators belong to different cultures (Adler 1991). Communication is a crucial feature

of negotiation (Firth 1995), and negotiating across cultures has the character of intercultural communication (Ehlich & Wagner 1995). However, “cultural diversity makes effective communication more difficult” as the world is interpreted differently by different cultural groups (Adler 1991, p. 184). Trust between parties in intercultural communication is the foundation stone to the communication (Liberman 1985). A method to develop trust is gratuitous concurrence, saying yes to be polite, which is a process of agreement even though the concurrence has little or no propositional content, and is generally an unconscious feature of intercultural communication that assists to develop the communication between the parties. Gratuitous concurrence can solve a variety of communication impasses and will seldom give offence (Liberman 1985).

Culture has a profound influence on how people think, communicate, the type of agreement people make, and the way agreements are negotiated (Salacuse 1999). Culture is very important in the cross-cultural negotiation process (Chang 2003), with cultures tending to display fairly consistent behaviour or style within the negotiation process (Chairsrakeo & Speece 2004). For example, non-Aboriginal Australians interact in an impersonal way within formal rules-governed domains such as government bureaucracies, the police and court systems, where argument and difference of opinion is considered normal and unproblematic (Liberman 1985). When non-Aboriginal people, such as government officials, negotiate with Aboriginal people insufficient time may be given to the process to allow forthright and effective solutions to be negotiated, as the Aboriginal process of decision making will take a more consensual approach and will be generally more concerned with the protocol required with their relationships (Liberman 1985). An example is given by Walsh (1997), where a question was asked of an Aboriginal person on the Tuesday of one week and the response was given on the Wednesday of the following week. For a non-Aboriginal person this may represent a considerable delay for a response.

Chaisrakeo and Speece (2004) identify the following two styles of negotiation:

1. Problem-solving approach that is individualistic and persuasion orientated to gain a greater beneficial outcome.
2. Competitive approach that aims toward accommodating the other party's needs and preferences.

Another framework for negotiation is the “Principled Negotiation Approach”, a product of the Harvard Negotiation Project, and this approach seeks to separate people from the problem, focus on interests, generate possibilities, and provide results according to objective criteria (Fisher & Ury 1983). Fisher and Ury offer universal principles in their principled negotiation framework. Fisher and Ury also do not directly address negotiations across cultures, and in particular objective criteria in one culture may be subjective to another culture in a cross-cultural negotiation (Bangert & Pirzada 1992). The sharing of knowledge is affected by cultural diversity (Moitra & Kumar 2007). Negotiation may not be a universal construct.

Adler and Graham (1989) state, in an international context, that business people need to know how to negotiate and communicate with people from other cultures. This would be implicit for business people of a non-Aboriginal background negotiating with Aboriginal people. Hofstede’s (1980; 2001) research provides valuable insight into the five dimensions of national culture. Whilst the dimensions of national culture of Australia are listed, there is no specific information pertaining to Aboriginal cultures of Australia with regard to these dimensions.

Intercultural negotiation for economic development is described as having interpersonal and institutional sides (Hofstede 2001). This interpersonal and institutional negotiation is arguably a potential description of Aboriginal (or interpersonal) and non-Aboriginal (or institutional) negotiations. Further to this Hofstede also states that the intercultural negotiation presupposes a two-way flow of knowledge, technical and cultural. For example, the cultural knowledge vis-à-vis sacred sites is arguably flowing from

Aboriginal people to non-Aboriginal people, and the commercial knowledge vis-à-vis mining activities is flowing from the non-Aboriginal people to Aboriginal people.

Sources of data of the cross-cultural negotiations for this thesis include native title and heritage negotiations. The researcher acknowledges that the term “native” can cause offence to members of the Indigenous community (Muir 1998), and the researcher apologises should the term cause offence to any Aboriginal or Torres Straight Islander reading the thesis. Native title was explained in *Fejo v Northern Territory* (1998) 195 CLR 96 at 128 [46]:

Native title has its origin in the traditional laws acknowledged and the customs observed by the indigenous people who possess the native title. Native title is neither an institution of the common law nor a form of common law tenure but it is recognised by the common law. There is, therefore, an intersection of traditional laws and customs with common law.

Mining agreements negotiated between Aboriginal and non-Aboriginal people according to O’Faircheallaigh and Corbett (2005) arise within three main legal and administrative areas; legislation that recognises Aboriginal ownership, legislation that creates opportunities for negotiation of agreements such as the *Native Title Act* (Cth) 1993, and through voluntary negotiation by mining companies.

Specific agreements pursuant to the *Native Title Act* (Cth) 1993 include the following (Perry & Lloyd 2003):

1. Memorandum of Understanding.
2. Indigenous Land Use Agreement (ILUA) - is a voluntary agreement between a native title group and others about the use and management of land and waters.
3. Heritage Agreement.

The *Native Title Act* 1993 (Cth) NTA for example prescribes legal rights such as the “right to negotiate”. Subdivision P of the *Native Title Act* 1993 creates the “right to negotiate” with regard to certain categories of “future acts” where a “future act” is an act (such as mining) that affects native title. Case law, such as *Mabo* and *Yorta Yorta*,

provide judicial direction in interpreting the native title legislation. Importantly Commonwealth and State heritage legislation acknowledges the importance of certain sites to Aboriginal people (Aboriginal and Torres Strait Islander Commission. 1998). Native title legislation also acknowledges certain rights to negotiate for Aboriginal people. However, Kado Muir (1998 p. 4) stated that: “It is recognition of an aspect of Indigenous law, however it is also a conditional recognition, that is, conditional upon Indigenous law being submissive to the dominant regime.”

Native title developed from the recognition of traditional law and customs, however these customs and laws are subject to statutory legislation and case law. Commonwealth and State native title legislation is arguably low context. For example, Hall (1977) states that the American legal system is an example of a low context environment with the law designed to operate apart from the rest of life. Low and high context is a cultural dimension described by Hall (1977) that refers to the quantity of information explicitly stated in cultural messages. In low context cultures messages are transmitted explicitly and directly, and in high context cultures messages are transmitted indirectly and implicitly where meaning is embedded in the person or sociocultural context (Gudykunst et al. 1996). Denny (1991) states that decontextualisation disconnects information from other information or backgrounds information. Contextualised thinking makes connections to other thought units. Whilst everyone can engage in both differentiated and integrated thinking, there exist cultural preferences, and Denny (1991) argues that Western thought is separated from other ways of thinking through decontextualisation.

For example, in Western Australia only Aboriginal knowledge that meets the prescribed requirements of the *Aboriginal Heritage Act* 1972 (WA) may be accepted with regard to certain legal criteria outlined in the Act. Arguably Aboriginal knowledge is decontextualised, and becomes low context. Further to this, and paraphrasing from Henry (2007), Aboriginal negotiators in order to effectively negotiate with non-Aboriginal people are required to:

1. Understand significant Western texts that underpin non-Aboriginal knowledge relevant to the area of negotiation, such as native title;

2. Know the value of what is being negotiated in a Western context;
3. Be compatible with Aboriginal ethical conduct;
4. Be informed by Aboriginal cultural ways of being, knowing and doing.

Bauman & Williams (2004 p. 14) make the observation that the terms such as ‘cross-cultural’ fundamentally imply bounded cultural groups, and that this is implied and integral to legislative frameworks such as the *Native Title Act*. For the purpose of this research it is acknowledged that there are different cultural and knowledge traditions of non-Aboriginal and Aboriginal people (Nakata et al. 2005). A number of these differences are made explicit throughout the thesis, whilst other differences remain tacit and implicit within the text of the thesis.

In commercial negotiations “the lack of legal recognition, shortage of resources, and history of injustice, often leads Indigenous people to adopt much softer positions in negotiating cross-culturally” (Howitt 1997, p. 6). Mr. Galarrwuy Yunupingu (Council for Aboriginal Reconciliation (Australia). 1993) is quoted as stating that:

In general, the differences are stark. It can be said that Aboriginal society is locally oriented, while mining companies are increasingly international. Aboriginal people generally place a higher value on social and cultural concerns than economic ones. Traditional Aboriginal values emphasise religion, family and cooperation. By contrast, companies emphasise the market place and its competitive economic environment.

The cultural differences between Aboriginal and non-Aboriginal people outlined by Mr Yunupingu may have an effect on the process and outcome of cross-cultural negotiations. This is supported in a study by Brett and Okumura (1998) that suggests the set of associations of a cultural group, their cultural values and normative negotiation schemas, creates difficulties negotiating joint gains in intercultural negotiations compared to intracultural negotiations. Brett and Okumura refer to schemas, and these are the beliefs that are shaped by our experience, and these schemas are used to process

events (Davis & Devinney 1997), an important concept that is explored further in section 2.5.4.

Cultural influences may impact on the discourse. For example, individualist oriented cultures place importance on independence, intellectual autonomy and personal goals, whereas collectivist oriented cultures place importance on interdependence and the promotion of group goals (Gelfand & Dyer 2000, p. 65). Within Australian (Western) culture direct questions are frequently used, and are inculcated into the culture through questionnaires, interviews, applications, legal proceedings, medical consultations where “the questioner contributes nothing to the exchange” whereas Aboriginal people seek information through an exchange process without the use of direct questions (Eades 1992, pp. 28 & 29).

In Western culture the concept of time is critically important, particularly with regard to punctuality, deadlines, and appointments, whereas Aboriginal people place significance on events such as funerals, sorry time, and their participation in specific events that carry social obligations (Eades 1992, p. 90). These are cultural priorities that may have an impact on the negotiation process.

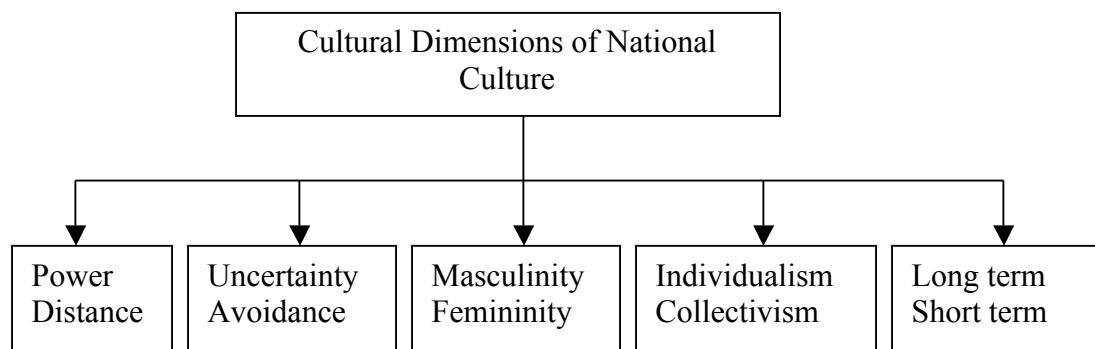
Western negotiations are steeped in the legal doctrines of *caveat emptor* and *caveat venditor*; let the buyer beware and let the seller beware. Contrasting these Western legal doctrines to the binding social obligations that exist within Aboriginal society, the significance of exchange (or bartering) “lies far less in the value of things exchanged than in fulfilling the act of reciprocity itself...[and]...the importance of these acts is the renewal of the invisible lines of communication and relationship” (Lawlor 1991, p 252).

2.5.2 Cultural Dimensions

Five cultural dimensions of independent national culture are described by Hofstede (2001). These dimensions are:

1. Power distance: “The extent to which less powerful members of institutions and organizations within a country expect and accept that power is distributed unequally” (Hofstede 2001, p. 98).
2. Uncertainty avoidance: “The extent to which the members of a culture feel threatened by uncertain or unknown situations” (Hofstede 2001, p. 161).
3. Individualism versus collectivism: “Individualism stands for a society in which the ties between individuals are loose: Everyone is expected to look after himself/herself and her/his family only. Collectivism stands for a society in which people from birth onwards are integrated into strong, cohesive in-groups, which throughout people’s lifetime continue to protect them in exchange for unquestioning loyalty” (Hofstede 2001, p. 225).
4. Masculinity versus femininity: “Masculinity stands for a society in which social gender roles are clearly distinct: Men are supposed to be assertive, tough, and focused on material success; women are supposed to be more modest, tender, and concerned with the quality of life. Femininity stands for a society in which social roles overlap: Both men and women are supposed to be modest, tender, and concerned with the quality of life” (Hofstede 2001, p. 297).
5. Long-term versus short-term orientation: “Long Term Orientation stands for the fostering of virtues oriented towards future rewards, in particular perseverance and thrift. Its opposite pole, Short Term Orientation, stands for the fostering of virtues related to the past and present and in particular, respect for tradition, preservation of ‘face’ and fulfilling social obligations” (Hofstede 2001, p. 359).

Figure 2- 2 National Culture



Hofstede (2001) states that these national cultural dimensions are validated by empirical research and also acknowledges that there are other dimensions of culture that are not specifically supported by empirical research. The empirical research was originally conducted among IBM business employees across more than 50 countries, and now includes other follow-up studies. The initial research was also limited by the fact that nations such as China, Russia, and many nations in Africa were absent (Bolman & Deal 2003).

The approach to studying national character assumes a common set of theoretical assumptions, including the assumption that there is a global unity of humankind (Mead 1951). The strength of Western social science regarding intercultural relations has been the ability to generate etic frames of reference (Bennett & Castiglioni 2004). The term “etic” denotes universality and the term “emic” denotes cultural uniqueness (Triandis 1994). Rather poignantly, Geertz (1973) states cultural research has sought universals in culture through empirical uniformities, paradoxically whilst researching diversity.

Cultural traits represent an abstraction, an ideal, that in fact hides differences and similarities (Kluckhohn 1951). Whilst broadly defining cultural traits assists in understanding different cultures, Avruch (2000) noted that the aggregation of cultural traits, such as individualism and collectivism, are usually counter posed. This may lead to the conclusion the counter posed cultural traits are mutually exclusive.

Hofstede’s model reflects dualistic thinking that ‘culture’ can be divided into a series of two opposing principles. Trompenaars and Wooliams (2003) suggest that this is a linear bi-polar model and has unintended consequences including that academic studies prove, validate, and specifically highlight cultural differences.

The one nation one culture axiom should be reconsidered (García-Cabrera & García-Soto 2008). According to Hofstede (2001) Australia as a nation has a low power distance of friendly reasoning, bargaining, is in the middle of uncertainty avoidance,

very high for individualism, above average for masculinity, and tends toward short-term orientation. There is an implicit assumption of cultural homogeneity.

Empirical work on culture tends to presume that culture is organised around national themes (DiMaggio 1997). Hofstede's national cultural dimensions does not appear to make specific reference to Aboriginal and Torres Straight Islander cultures of Australia, or other cultures within Australia. Culture defined in terms of a nation state will be different to culture defined as a social group. For example can a study that originally researched IBM business employees accurately reflect cultural traits of the broader community, or other cultures within a nationally identified culture? Wadham (2004) argues that the character of the Australian nation is that of a culturally diverse nation entwined in a white hegemony that marginalises Aboriginal people. In Australia can the national cultural findings of Hofstede be applied to Aboriginal and Torres Straight Islander cultures? Arguably not, if the non-Indigenous cultures of Australia are distinct from Aboriginal and Torres Straight Islander cultures.

The notion of culture is synonymous, for many, with the geography of the nation State (Chang 2003). In other words the continent of Australia would have a culture synonymous with the geographical land mass. The issue of using nationality as a substitute for culture is a common methodological problem identified by McDonald (2000). McDonald argues that the interpretive use of nation for culture is methodologically incorrect. Further caution is given with regard to the assumption that any phenomena are either wholly culture specific or wholly universal. An interesting point raised by Klapproth (2004) is that cultural knowledge does not wholly reside with the individual, it is also distributed across participants in interaction and dependent on the context of the interaction.

Cross-cultural research can also be conducted within a framework of similarity, then comparing differences within a shared context (Thatcher 2001).

According to the cultural model of Trompenaars and Hampden-Turner (1997) there are three sources of universal challenges that confront people of all cultures. These common challenges are, how to have relationships with people, how to manage time, and how to come to terms with nature. In the Trompenaars and Hampden-Turner (1997) model there are five value orientations covering the ways that people have relationships with each other, an orientation on how we manage time, and an orientation on how we relate to nature. These are:

How we have relationships with people:

1. Relationships and rules: Universalism versus particularism.
2. The group and individual: Individualism versus communitarianism.
3. Feelings and relationships: Affective versus neutral cultures.
4. How far we get involved: Specific versus diffuse cultures
5. How we accord status: Achievement versus ascription.

How we manage time:

6. Sequential versus synchronic.

How we relate to nature:

7. Internal versus external control.

Hall (1977, p. 14) states that most models of culture take into account different types of behaviour that are overt and covert, implicit and explicit, and the things that may or may not be spoken about. Hall also states that the models inform the reader more about the people who have created the model rather than the nature of being that is under scrutiny.

Importantly Trompenaars and Hampden-Turner (1997) state that there is no one best way of organising our activities. However there are implications. Brett and Okumura (1998) state that cultural values can adversely affect joint gains during intercultural negotiations. Culture provides the scripts and schema for intracultural and intercultural negotiation (Brett & Okumura 1998). Cultural schema are knowledge structures that represent objects, events, presuppositions about their characteristics, and information processing mechanisms within a particular context (DiMaggio 1997). When the schema,

such as individualism/collectivism, of negotiators are incompatible, it may be difficult for the negotiators to negotiate joint gains (Brett & Okumura 1998).

A cultural system according to Geertz (1983, p. 92) is “common sense”, and from a Western perspective, science, art, law, ideology and epistemology are genuine genres of cultural expression from which we can ask “to what degree do other peoples possess them”?

2.5.3 Negotiation Models

Hofstede (2001) suggests that collectivist cultures tend to avoid confrontation and that feminine cultures tend to resolve conflict through compromise and negotiation. “In individualistic secular societies the traditional approach to negotiation is called positional bargaining ...[and]...It is a competitive system in that it assumes that resources are limited and that a gain for one party entails a loss for another” (Boule 1996, p. 47).

There exist a limited number of specifically identified negotiation models in Australia to guide the process of negotiation in a native title context. A significant part of the reason is that these negotiations usually occur in confidence (O'Faircheallaigh 2000). Less attention has been given to the direct cross-cultural nature of the interactions within the negotiation process. The researcher can attest to the difficulties in obtaining direct access to the negotiation process.

One example, the “Cape York Model” is for negotiating major project agreements, and has seven general stages for negotiating. The model is fairly prescriptive in the seven stages that are recommended. However the model is not promoted as a single universal model (O'Faircheallaigh 2000). Stage 4 of the Cape York Model advocates that an Aboriginal negotiating position be established by community consultation. The reasons being that positions are transparent, positions can be defended, positions provide a reference point to gauge progress, that positions create an awareness of what is at stake

in the community, strengthen the position of the community at large and the negotiators become task orientated.

This is arguably similar to a positional style of negotiating, and is one of a number of broader negotiating styles and may not necessarily be the optimum choice for negotiations, as negotiators may tend to lock themselves into those positions (Fisher & Ury 1983).

Another model is the “Yandicoogina Process”, a model that developed from negotiations between Hamersley Iron Pty and the Gumala Aboriginal Corporation (Senior 1998). The model is for negotiating over land use agreements and is divided into a series of stages. The stages include the decision to negotiate, social mapping and external consultation, facilitation and emergence of a representative Aboriginal organisation, formal negotiation and finalisation.

In their negotiation the Gumala were committed to a position-based negotiation approach, whilst Hamersley sought an interest-based approach to the negotiations, and Senior (1998, p. 11) states that:

The interest-based approach of the mediation tended to lead to some frustration and impatience among Gumala at first. Having developed an initial position paper that was delivered to Hamersley prior to negotiations, Gumala was committed to a position-based bargaining approach. This led them to see attempts to explore options and to explain reasons for the adoption of their position on a particular issue as either evasive or delaying. Not surprisingly, it took some time to appreciate that negotiation involved compromise and the exploration of alternatives, rather than simply adopting and sticking to established positions.

Further to this, it took time for Gumala to recognize the value of compromise in the course of negotiations, rather than maintaining positions.

O'Faircheallaigh (2000, p. 19) acknowledges the difficulties of cross-cultural negotiations and states that:

the cross-cultural context can create particular problems. Many of the CYLC consultants and negotiators who are responsible for disseminating information, canvassing options and seeking approval for negotiating position are non-Aboriginal; almost all are unable to speak local Aboriginal languages. They must seek to communicate information which is often highly technical to Aboriginal people who often have limited formal education and for whom English is frequently a second language and in some cases a third or fourth one. Aboriginal people in their turn must try to convey information and insights to non-Aboriginal consultants who lack the cultural and linguistic knowledge to readily absorb them. The potential for people to be speaking at cross purposes is obvious. More seriously, unless a concerted effort is made to ensure otherwise, there is a possibility that Aboriginal perspectives will be subsumed given that the overall context within which mining projects are conceived, promoted and evaluated is derived from the dominant non-Aboriginal society.

Both Senior (1998) and O'Faircheallaigh (2000) recommend that at the end of the negotiation process careful attention is given to a ceremonial event that is appropriate and symbolic, to acknowledge Aboriginal people, their history and suffering.

Cross-cultural negotiations could use cultural difference as a resource, or a guide to clarify and take into account customary approaches of the other culture, identify the interests more highly valued by the other culture, and adjust the negotiations to the style and pace to the other culture (Bangert & Pirzada 1992). Cultural difference can be the very foundation to construct win-win solutions (Adler 1991). A negotiator may also consider customary approaches during cross-cultural negotiations of one's own culture, for example the Western focus on individualism and how this effects the capacity of Western people to properly socialise (Gee 1990).

Interestingly, DiMaggio (1997) suggests that culture itself may be used strategically, and people may behave in a manner that uses culture strategically. This may be in regard to how people are socialised through education, income, social stratification, which could provide broader scope for choice and variation in their behaviour.

Differences according to Hofstede's cultural dimensions (refer to Section 2.5.2 for a critique and discussion of Hofstede's model) are illustrated in **Table 2-3** below:

Table 2-3 Individualist/Collectivist Societies

<p>According to Hofstede & Hofstede (2005) Individualist societies:</p> <ul style="list-style-type: none"> • Everyone looks after themselves and their immediate family • People think in terms of “I” • Honest people speak their mind • Resources are owned by the individual • Communication is low context • Extrovert • Show happiness • Fast walking speed • <i>Learning is how to learn</i> • Task prevails over relationship • Individual interest prevail over collective interests • Goal is self-actualisation 	<p>According to Hofstede & Hofstede (2005) Collectivist societies:</p> <ul style="list-style-type: none"> • Extended families are important • People think in terms of “we” • Harmony is more important than confrontation • Resources should be shared with family • Communication is high context • Introvert • Show sadness • Slow walking speed • <i>Learning is how to do</i> • Relationship prevails over task • Collective interests prevail over individual interests • Goal is harmony and consensus
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Source: Hofstede & Hofstede (2005)

According to Thatcher (2001) individualism is when people negotiate life as an individual entity, through individual effort, with individuals viewing themselves as against or outside the world. Collectivism is when people negotiate life based on a social or familial group, sharing traditions and interests, measuring themselves on relational solidarity. Further to this individualism has a strong association with writing cultures, and that writing and the written communication is the backbone of laws, rules and regulations, whereas the written word does not influence collective cultures to the same extent (Thatcher 2001).

Individualist and collectivist societies as identified in **Table 2-3** communicate using low and high context communication. Hall (1977) states that high and low context cultures require different kinds of information in the same type of situation. High context communication is where most of the information is internalised in the person, with very little made explicit in the transmitted part of the message. Low context communication conveys the information as explicit information. Information in high context communication will be released slowly whereas low context communication releases information all at once. High context communication tends to be engaged with the past, stable and slow to undergo change. Importantly Hall (1977) states that although a culture may have a tendency toward low or high context communication no culture resides exclusively within a high or low context mode of communication.

Chairsakeo & Speece (2004) state that in high context cultures background information is implicit and in low context cultures background information is explicit with the message carried in the words themselves. Low context cultures require explicit messages and are also relatively insensitive to non-verbal cues (Qing 2008). Less is required to communicate the message in high context situations (Hall 1977). Liberman (1985) alludes to this style of communication as an “abbreviated summary account”. The way information is either explicitly articulated or implicitly conveyed is the key to meaningful communication between low and high context cultures. Good communication in a low context culture is dependent on the accuracy and interpretation of explicit text, whereas in a high context culture good communication relies on

contextual and social cues (Thatcher 2001). Further to this low context is associated with writing cultures and high context is associated with oral cultures. Negotiators from high context cultures will emphasise cooperation and win-win solutions (Chaisrakeo & Speece 2004). A low context culture will tend to be direct and verbal, state what is expected or what is wanted, and are likely to consider high context communications a waste of time (Chaney & Martin 2004). Low context negotiators usually devote limited time to getting to know the other party to the negotiations and the offer is something that may be negotiated, whereas high context negotiators usually devote significant time to getting to know the other party to identify their needs and preferences Gannon (2008).

Individualist cultures tend to see knowledge independent from its context, whereas collectivist cultures look for contextual cues with knowledge (Qing 2008).

Table 2- 4 Uncertainty Avoidance

<p>According to Hofstede & Hofstede (2005) in uncertainty avoidance societies:</p> <ul style="list-style-type: none"> • People feel less happy • People worry more about money and health • People have fewer heart attacks • Results are attributed to luck • Teachers inform parents • Less change in employment • Need for rules • Work hard • Time is money • Ethnic prejudice 	<p>According to Hofstede & Hofstede (2005) in uncertainty acceptance societies:</p> <ul style="list-style-type: none"> • People feel happier • People worry less about money and health • People have more heart attacks • Results are attributed to ability • Teachers involve parents • More change in employment • No more rules than necessary • Work hard only when necessary • Time is a framework • Ethnic tolerance
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Source: Hofstede & Hofstede (2005)

According to Hofstede & Hofstede (2005) cross-cultural negotiations will be affected by Uncertainty Avoidance, and accordingly the negotiators will require an ability to tolerate ambiguity. The ability to trust negotiators who demonstrate unfamiliar behaviour may also be affected by Uncertainty Avoidance.

Table 2- 5 Monochronic/Polychronic Time

<p>According to LeBaron (2003) negotiators in monochronic cultures:</p> <ul style="list-style-type: none"> • Prefer prompt start and end times • Schedule breaks • One agenda item at a time • Communication is explicit • Talk is sequential • Lateness is personal 	<p>According to LeBaron (2003) negotiators in polychronic cultures;</p> <ul style="list-style-type: none"> • Start and end meetings at flexible times • Take breaks when appropriate • High flow of information • Communication is implicit • Talk can overlap • Lateness is not personal
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Source: LeBaron (2003)

According to LeBaron (2003) intercultural negotiations may be affected by Time Orientation, and accordingly negotiators will require an ability to tolerate flexibility. Monochronic and polychronic time orientations described by Hall (1969) are very similar to Trompenaars sequential and synchronic cultural values of managing time. The explicit and implicit communications styles of LeBaron are similar to the low and high context communication styles of Hall.

The Yandicoogina Process and Cape York negotiation models outlined in section 2.5.3 are process driven models for cross-cultural negotiation. The cross-cultural interface is a potentially rich forum for acquiring and creating new knowledge. For example, mining companies interested in corporate social responsibility and the environment might take heed of a culture that has a store of sustainability knowledge developed and practiced

over aeons. The key to knowledge creation is the conversion of tacit knowledge (Nonaka & Takeuchi 1995). What richer place to create knowledge than in dialogue with a wisdom culture where the ontological and epistemological landscape is pushed well beyond normative cultural boundaries of non-Aboriginal people. If cross-cultural negotiation skills were a core competency of a mining company then these competencies could provide a competitive advantage not just in Aboriginal and non-Aboriginal negotiations but in international cross-cultural negotiations.

2.5.4 Schema and Frames

The concept of frames falls into two categories, frames of interpretation or frames, and knowledge structures or schemas that form an essential part of understanding (Tannen & Wallat 1993). Tannen and Wallat (1993) state that to understand any discourse requires the ability to fill in implicit information which only comes about through prior experience of the world. Frames are bundles of world related knowledge and have different kinds of information attached to them (MacLachlan & Reid 1994). Frames serve as a guide for the participation in a communication event (Malcolm 2002). Communication requires interpretation, and interpretation requires framing (MacLachlan & Reid 1994). Gee (1990) argues that when a choice is made regarding the use of a word, the basis of that choice is made according to certain beliefs and values, and involve assumptions about models of the world, called cultural models, frames or schema. When participants to a discourse have different schema then the result can be misunderstanding and talking at cross-purposes. This has significant implications for cross-cultural communication (Watanabe 1993). Frame theory is particularly relevant to account for communication incompatibilities across cultures (Malcolm 2002).

We are usually unaware of these frames, and they may be different for the various cultural groups across a society speaking the same language (Gee 1990). An example used by Gee (1990) is with the word “bachelor”, that means a man who is not married. The word fairly clearly excludes women, girls, boys and married men, yet men such as the Pope or maybe gay men are also bachelors, but the word is not usually used to

describe these people. The meaning and context of a word may appear to be clear and transparent, when in fact there are many presuppositions embedded within the cultural models of the meaning of the word that we are not aware.

Bolman and Deal (2003, p. 12) combine the concepts captured by the terminology such as mental model, mind-sets, schema, cognitive lenses within the single label “frames”. Although it has been argued that the terms are interchangeable (Calori, Johnson & Sarnin 1994). Frames are windows, mental maps, tools, and perspectives. A frame conceived as a mental map, is a set of assumptions carried in the mind. A frame conceived as a window, in an organisational context, helps to understand and negotiate the world of management.

There are four frames in an organisational context according to Bolman and Deal (2003), the structural, human resource, political, and symbolic frames, and are listed in **Table 2-6** below.

Table 2- 6 Four-Frame Model

	Structural	Human Resource	Political	Symbolic
Metaphor for the organisation	Machine	Family	Jungles	Carnival, temple, theatre
Central Concepts	Rules, roles, goals, policies, technology	Needs, skills, relationships	Power, conflict, competition	Culture, meaning, metaphor, ritual
Leadership	Social architecture	Empowerment	Advocacy	Inspiration
Challenge for leadership	Attune structure to task	Align organisation and human needs	Develop agenda & power base	Create faith, beauty, meaning

Source: (Bolman & Deal 2003, p. 16)

Bolman and Deal (2003) also state that managers:

1. Value certainty, rationality and control, whilst fearing ambiguity and paradox.
2. Have a limited view of organisations.
3. Choose rational and structural solutions.

Malcolm (1996), in reviewing the features of orality with regard to Aboriginal students in an educational setting, isolates five cultural elements that are embedded in the communication of Aboriginal people, and that these frames include:

1. Contextualisation: where context and the communication are inseparable.
2. Participation: Aboriginal people tend to be more comfortable communicating in a group rather than in an individual context.
3. Personalisation: communication tends to occur face to face.
4. Shame avoidance: in order to avoid shame, a communication strategy may include saying too little rather than too much.
5. Conflict avoidance: the communication strategy may include favouring harmony.

Further to this, Malcolm (1996) argues that Aboriginal communication, in an educational setting, may show shifts in framing to introduce communication patterns that relate to their orally orientated experiences. This framing may relate to prior experiences from different socio-cultural settings, or reflect the different values placed on the context of the discourse event.

It is these mental maps, or frames, that influence the interpretation of the world by management, and that multiframe thinking or reframing requires greater flexibility, creativity and interpretation. Reframing allows an approach to reinterpret a scenario with alternative schema offered by the Four-Frame model. However most management theory has been developed in the USA (Bolman & Deal 2003). Arguably the flexibility of reframing is therefore potentially culturally bounded within the presuppositions of the Four-Frame model, a Western model.

2.5.5 Frames of Strategic Management

In the 1980s the dominant strategic management paradigm was Porter's (1979) competitive forces approach (Teece, Pisano & Shuen 1997). Porter's (1979) competitive forces approach emphasised that management must understand the forces that shape industry competition as the starting point for formulating strategy. The discipline of strategic management has since undergone significant development (Hoskisson et al. 1999), and there are now several well researched theoretical frameworks for formulating strategy, resources and capabilities (or competencies). The competitive advantage of firms can now be explained utilising the RBV that emphasises the internal rather than the external opportunities and threats of the firm (Hoskisson et al. 1999), or for example explained through the dynamic capabilities view (DCV) theoretical framework that looks to exploit both the internal and external opportunities and threats of the firm (Teece, Pisano & Shuen 1997). The RBV is an influential theoretical framework (Eisenhardt & Martin 2000), and was the dominant framework in the 1990s (Hoskisson et al. 1999). The RBV explains how firms create a competitive advantage through using difficult to imitate resources as the focus of analysis, and the DCV explains the competitive advantage of a firm through the distinctive processes of coordinating and integrating resources in an environment of rapid change (Teece, Pisano & Shuen 1997).

The knowledge-based view of the firm, a less dominant framework, developed as an extension of the resource-based view of the firm that conceptualises firms as "heterogeneous, knowledge bearing entities", and Polanyi was the catalyst for viewing the firm from a knowledge-based perspective (Hoskisson et al. 1999, p. 441). Kogut and Zander (1992) sought a foundation to a theory of the firm utilising (and rephrasing) Polanyi's approach to tacit knowledge, that organisations know more than what they can say. Polanyi's tacit knowledge has informed knowledge management in organisations (Miller 2008), and underpins the knowledge-based view of the firm (Hoskisson et al. 1999).

The aforementioned RBV, DC, and KBV frameworks are listed below in **Table 2-7** to briefly contrast these three theoretical frames in the discipline of strategic management.

Table 2- 7 Strategic Management Theoretical Frames

Theoretical Framework	Definition & Perspective of Knowledge	Limitations
Resource-based view	<p>RBV is a theoretical framework for understanding sustainable competitive advantage, which is determined by the possession of valuable, rare and inimitable resources.</p> <p>Knowledge is a resource for gaining competitive advantage.</p>	The framework does not adequately explain why some firms have a competitive advantage in dynamic environments. Is a static concept.
Dynamic Capabilities View	<p>A set of specific processes or routines. Firms ability to build, and reconfigure competencies to address rapidly changing environments (Eisenhardt & Martin 2000).</p> <p>Knowledge is acquired through learning.</p>	Theory does not identify the sources of dynamic capabilities. Is an abstract concept.
Knowledge-based view	<p>Primary purpose of the firm is to create and apply knowledge.</p> <p>Knowledge is tacit.</p>	Required to develop structures, systems and strategies.

These theories implicitly frame strategic issues, and more specifically in the context of this thesis the knowledge-based view of the firm views knowledge as tacit. Yet, strategy operates at the level of practice rather than at the theoretical level (Cooper & Burrell 1988). Tacit knowledge of business is practical and experience based (Johannessen, Olaisen & Olsen 2001; Spender 1996). Spender (1996) also proposed that the analysis of the firm should engage in a partially holistic rather than purely reductionist approach,

that reflects Polanyi's argument that knowledge is not solely positivist in nature. Reviewing the firm through the framework of tacit knowledge provides a fundamentally different perspective to analyse the capabilities of a firm (Kogut & Zander 1992). Within this thesis the focus on knowledge is during cross-cultural negotiations, and combined with placing knowledge at the centre of analysis is an important means to understand different cultures (Arce & Fisher 2003).

Kogut and Zander (1992) in their article also went on to describe the concept "combinative capability" used to describe the synthesis, and the application of current and acquired knowledge. Presumably the synthesis of knowledge cannot occur if new knowledge is not acquired. At the individual level personal knowledge can be shared when a set of values are learned and communicated through common coding schemas. In the context of cross-cultural negotiations schemas of knowledge may not be shared, thus the synthesis, and application of current and acquired knowledge may face significant challenges.

A more detailed discussion of Critical Discourse Analysis is undertaken in Chapter 3, however, according to Phillips, Sewell & Jaynes (2008) CDA is particularly suited to strategic management research. As will be discussed in Section 3.7.3 a strength of CDA is that CDA can draw upon a wide range of approaches to analyse text (Fairclough 2003).

2.6 Integration of the Literature Review

There are two types of knowledge, explicit and tacit knowledge. Explicit knowledge is rational and objective, and expressed as data, specific action, and in manuals, whereas tacit knowledge is subjective, experiential, hard to formalise, expressed through beliefs, perspectives, and mental models (Nonaka, Toyama & Nagata 2000). As stated by von Krogh, Nonaka and Aben (2001) mental maps are the key to the character of knowledge. As discussed in sections 1.4.4, and 2.1 to 2.3, Western thinking is inclined toward a linear, sequential, bi-polar model. There are Western assumptions regarding the

character of knowledge and ways of knowing. This thesis has argued that the emphasis in the strategic management literature is with regard to the explicit nature of knowledge, and that knowledge is considered through empirical methodologies, rather than incorporating multiple or holistic perspectives of knowledge. Zhao and Anand (2009) argue that their “study verifies theoretically and empirically the need for and the importance of applying a multilevel and holistic approach to understand organizational phenomena such as knowledge transfer.”

Only maintaining a focus on the explicit nature of knowledge, will miss the interplay between knowledge and knowing (Schneider 2007). In particular, negotiating with another culture that might have non-linear frames to interpret the world may well challenge our Western ways of thinking and our ability to understand knowledge from a cross-cultural perspective.

The literature review covers a significant amount of material from a range of disciplines that are listed in **Table 2-8** below.

Table 2- 8 Overview of Literature Review

Topic	Ways of knowing	Possible Frames
Western knowledge and ways of knowing	Linear and sequential Scientific Dualistic thinking: Subject-object Tacit underpinning not necessarily recognised in hard sciences	Explicate Low context
Strategic management	Knowledge-based view of the firm Positivist research dominant Western influence predominant in literature	Structural Positivist Scientific Explicate
Aboriginal knowledge and ways of knowing	Possibly non-linear Relationships Oral narrative	Implicate High context
Negotiation and the negotiated agreement	Language of business Language conveys knowledge	Western: low context Aboriginal: high context
Cultural dimensions of Aboriginal and non-Aboriginal negotiations	Cultural models developed in management are predominantly Western Cross-cultural communication entails two dialects: Standard Australian and Aboriginal English	Western communication: explicit and low context Aboriginal communication: implicit and high context
Negotiation models	Predominant Western influence	Structural
Frames & schema	Knowledge schema or frames, are essential to our understanding of the world	Presuppositions are embedded within our cultural models to interpret the world

The significant revelation of the literature review was frame theory, and that the presuppositions embedded in our mental models of the world have a significant affect on Western knowledge, and how management interprets the world.

According to Hofstede & Hofstede (2005) in uncertainty avoidance societies and listed in **Table 2.4** “Time is money”. Gelfand and McCusker (2002) argue that in this metaphor the concept of money is a well developed domain of knowledge, including such things associated with money such as budgeting, saving, wasting, that is used to construct a mental model of time.

Frame theory draws together the significant elements of the literature review, and in particular the juxtaposition of Western and Aboriginal knowledge and ways of knowing brings into sharp focus Western frames of knowledge. The understanding regarding knowledge developed through frame theory was used in the critical discourse analysis of the corpus of data in Chapter 4. For example, the types of evidence during discourse that might reveal schemas or frames (Tannen 1993), include:

1. Omissions – that indicate expectations. Not every detail can be stated, and an omission might indicate something that is expected.
2. Modals – such as “must”, “should”, that reflect a speaker’s judgement, and “may”, “can” that determine what happens against what is possible.

Chapter 3 outlines the research methodology.

Chapter 3 Research Methodology – Theoretical Perspectives

3.1 Introduction to Theoretical Framework

When undertaking research the researcher approaches the research with a set of ideas, questions, and a way of examination, in order to gain knowledge of the world. Ultimately the decisions made in approaching the research questions and examining the world determine the ontology, epistemology and methodology of the researcher that ultimately forms the research paradigm (Denzin & Lincoln 2005a). Ontology is the theory of being. Epistemology is the theory of knowledge. Methodology is the procedure for inquiry. Theory provides a foundation for understanding the world that is separate from the world whilst remaining about the world, and helps to define and explain some phenomenon (Silverman 2000).

This chapter provides an outline of the research paradigm for the thesis that is outlined in **Table 3-1** below.

Table 3- 1 Research Paradigm

<u>Research Paradigm</u>		
Philosophy	Becoming	
Meta-Ontology	Constructivist	Multiple realities and multiple truths
Ontology	Critical Theory	Grand narratives dominate local knowledge (Boje, Alvarez & Schooling 2001, p. 139)
Aboriginal Ontology	Dreaming (Dean 1996; Hume 2002)	Multiple ways of knowing, doing & being
Epistemology	Interpretive Critical Theory	Critical hermeneutics
Methodology	Qualitative	Allow stories to be told
Data Collection	Video documentaries Transcripts previously collected Written agreement Sworn affidavit Electronically record interviews with Aboriginal participants	Corpus of data from a variety of sources
Data Management	Transcribe documentaries and interviews	Researcher transcribed electronic recordings
Data Analysis	Critical Discourse Analysis	Transcribed discourse & written agreement Interrogate knowledge construction
Axiology	Researcher acknowledges the theoretical framework may have biases present	Researcher was reflective and open about his own values that may shape the critical narrative

The study assumes that there are multiple realities in the cultural interface of Aboriginal and non-Aboriginal negotiations. Further to this, the assumption of multiple realities is acknowledged in the research paradigm through consideration of Aboriginal ontology. The constructivist paradigm assumes that there are multiple realities and is the meta-ontology of the research paradigm.

Empirical data were collected from the cultural interface of Aboriginal and non-Aboriginal negotiations. These materials were analysed using an interpretive epistemology. Critical theory is one of the major interpretive paradigm structures of

qualitative research (Denzin & Lincoln 2005c). The researcher chose critical theory because the main theoretical and methodological preoccupation of critical theory is emancipation (Boog 2003, p. 427). Critical research endeavours to understand and expose the power that prevents groups from shaping decisions that significantly affect their lives (Kincheloe & McLaren 2005), and critical discourse analysis has the capacity to reveal the power relations of what might appear to be mundane texts (Luke 1995). Critical research allows the researcher to interrogate Western knowledge orthodoxies of business as it operates in the cultural interface whilst negotiating with Aboriginal people.

3.2 The Research Paradigm and Theory of the Methodology

The research paradigm acquires certain principles and assumptions inherent in the two theories being utilised in the research. Critical theory brings with it a certain emancipatory research bias. This is modified with the knowledge-based view of the firm that contextualises the research with a clearly identifiable focus on knowledge. There are dialectic components to the two theories that are a counterbalance within the research paradigm. The knowledge-based view of the firm is concerned with rationality, the optimisation of resource (knowledge) use, efficiencies and competitive advantage, without necessarily having regard to the wider social context, whereas critical theory analyses the hidden dynamics of power and knowledge within a social and historical context.

The research paradigm is defined under the following headings:

1. Philosophy
2. Meta-Ontology
3. Ontology
4. Epistemology
5. Methodology

Philosophy: “Philosophy addresses the conditions for knowledge of the human condition” but does not provide the methodology for obtaining knowledge (Kvale 1996, p. 57). The philosophy of Becoming is adopted for this research. Becoming is “the object of sense-perceived opinion” (Tarnas 1991, p. 58). All phenomena are in a process of transformation from one thing to another.

Whereas, Being is to state that objects, events, qualities, relations, processes and possibilities “are” (Scruton 1996). Being is “the object of true knowledge” (Tarnas 1991, p. 58). It is a universal approach to knowledge.

Meta-Ontology: The meta-ontology for this study is constructivism. Constructivism is relativist and denies the existence of universal truths. Reality is local and specific, it is constructed and co-constructed (Guba & Lincoln 2005). There is no one true form of knowledge of the universe. Researchers who use a constructivist ontology are orientated toward the reconstructed understanding of the social world (Denzin & Lincoln 2005c).

Table 3.2 below outlines the basic beliefs of alternate inquiry paradigms.

Table 3- 2 Paradigms of Inquiry

Issue	Positivism	Postpositivism	Critical theory et al	Constructivism	Participatory action research
Ontology	Naïve realism – “real” reality but apprehendible	Critical realism – “real” reality but only imperfectly and probabilistically apprehendible	Historical realism – virtual reality shaped by social, political, cultural, economic, ethnic, and gender values; crystallized over time	Relativism – local and specific co-constructed realities	Participative reality – subjective-objective reality, cocreated by mind and given cosmos
Epistemology	Dualist/objectivist; findings true	Modified dualist/objectivist; critical tradition/community; findings probably true	Transactional/subjectivist; value-mediated findings	Transactional/subjectivist; co-created findings	Critical subjectivity in participatory transaction with cosmos; extended epistemology of experiential, propositional, and practical knowing; cocreated findings
Methodology	Experimental/manipulative; verification of hypotheses; chiefly quantitative methods	Modified experimental/manipulative; critical multiplicism; falsification of hypotheses; may include qualitative methods	Dialogic/dialectical	Hermeneutical/dialectical	Political participation in collaborative action inquiry; primacy of the practical; use of language grounded in shared experiential context
Nature of knowledge	Verified hypotheses established as facts of laws	Nonfalsified hypotheses that are probably facts of laws	Structural/historical insights	Individual and collective reconstructions sometimes coalescing around consensus	Extended epistemology: primacy of practical knowing; critical subjectivity; living knowledge
Inquirer posture	“Disinterested scientist” as informer of decision makers, policy makers, and change agents	“Transformative intellectual” as advocate and activist	“Passionate participant” as facilitator of multivoice reconstruction	Primary voice manifest through self-reflective action; secondary voices in illuminating theory, narrative, song, movement & dance	

Source: (Guba & Lincoln 2005, pp. 195-196)

3.2.1 Ontology: Critical Theory

Ontology is concerned with questions regarding what kind of being is the human being, and what is the nature of reality (Denzin & Lincoln 2005a). The ontology for the study is critical theory, and is a theory that includes a broad range of theories from the Marxist, feminist, postmodernist and poststructuralist traditions (Barry Gibson 2007). The researcher understands that social and historical forces heavily influence a peoples' view of themselves and their view of the world (Kincheloe & McLaren 2005).

Critical theory originated through an institute of research affiliated with the University of Frankfurt (Agger 1991; Alvesson & Skoldberg 2000; Denzin & Lincoln 2005c). Critical theory should be defined broadly as it always changing and evolving in light of new theories and social circumstances (Kincheloe & McLaren 2005).

Critical theory is a tradition in social science that is characterised by an interpretive approach, critically disputing actual social realities, with an emancipatory interest in knowledge (Alvesson & Skoldberg 2000). Further to this Alvesson & Skoldberg (2000, p. 112) state that critical theory has a dialectical view of society, and that social phenomena should be viewed in their historical contexts, and that the task is to review the relationship between “given, empirical social conditions and the historical and social contexts from which they developed and within which they are recreated and – with time – changed”. Social reality is shaped by the political, cultural, economic, and gender values (Guba & Lincoln 2005).

Critical theory shows connections and causes that are hidden, and aims to provide resources for those who may be disadvantaged. Critical research endeavours to understand and expose the power that prevents groups from shaping decisions that significantly affect their lives (Kincheloe & McLaren 2005). Critical theorists take their primary field of interest to be the subjective social knowledge and the active construction of knowledge (Guba & Lincoln 2005), and assumes that knowledge is

influenced by social interest (Byrne-Armstrong, Higgs & Horsfall 2001). Critical theorists look at the deep structures where the underlying sources of a given reality reside (Gioia & Pitre 1990). Critical theory seeks to uncover forms of inscription and the rhetoric of grand narratives (Audi 1999). It is a theory that has a distinctive purpose to construct social theories that link explanation and criticism (Gibson 2007). According to Parker (2002) little strategic management research has been published in the critical theory paradigm and should be explored more by business schools. Applied to the study of cross-cultural negotiations the researcher will be concerned with revealing deep structures of Western knowledge during negotiation.

A cautionary point is the criticism by Smith (1999), that critical theory does not address Indigenous epistemologies as sites of resistance and empowerment. *It should be noted that Aboriginal epistemologies are not the subject of critical theory within this thesis.* The thesis therefore is unable to specifically address Indigenous epistemologies as sites of resistance and empowerment.

3.2.2 Epistemology: Interpretive

Bryman (1988) suggests that the choice in epistemology is a matter of what is acceptable knowledge. Epistemology is the study of the nature of knowledge and justification (Audi 1998). Epistemology is the branch of philosophy concerned with inquiry into the nature, source and validity of knowledge (Grayling 1996). It is the foundation of what researchers consider knowledge could be in the world around them and is the basis to how researchers consider data should be interpreted (Houghton 2009). Among the questions that epistemology is concerned with, are:

1. “What is knowledge?” (Grayling 1996, p. 38).
2. “Is knowledge possible? (*The Blackwell Dictionary of Modern Social Thought* 2003, p. 322).
3. “How is knowledge possible?” (Popper & Hansen 2009, p. 92).
4. “Is knowledge unitary?” (*The Blackwell Dictionary of Modern Social Thought* 2003, p. 322).

There are two schools of thought regarding what constitutes the means to knowledge, the empiricist and rationalist (Grayling 1996). Rationalists arrive at the necessary truths by intuition and rational inference, whereas empiricists hold that experience, aided by observation and experiment are the crucial elements of inquiry. Controversy and debate between empiricist and rationalist thinkers have surrounded the importance of the two epistemologies (Audi 1999). Empiricists hold that experience is the basis of all knowledge, whereas rationalists hold that reason is the basis in grounding knowledge, and that there is also knowledge of a priori truths (Audi 1998). There exist extreme forms of empiricism, that all knowledge is grounded in experience, and in rationalism, that all knowledge is grounded in reason (Audi 1998).

Humans are at the centre of interpretive research (Shipman 1997), and the study of human knowledge seeks to understand knowledge, what it is and how it comes to be (Stroud 2000). Tacit knowledge in particular should be studied within an interpretive framework (Ambrosini & Bowman 2001). Critical theory takes an interpretive epistemological stance and is one of the four major interpretive paradigm structures in qualitative research (Denzin & Lincoln 2005a). Critical theory is a sociocultural critique (Morrow & Brown 1994), and critical theorists will make connections between the lived experience, social injustices, social and cultural structures, through interpretations and empirical materials collected for the research (Denzin & Lincoln 2005b).

3.2.3 Methodology: Qualitative

Methodology is concerned with the best method for acquiring knowledge (Denzin & Lincoln 2005c). The methodology is the way in which a topic of research is approached in a theoretically coherent and systematic way (Fairclough 2006). There are two research methodology traditions, qualitative and quantitative (Bryman 1988). Qualitative research is not a set of free standing techniques but is based on an analytically defined perspective (Silverman 2008). Quantitative and qualitative research traditions represent ways social reality should be studied. In making a choice between the research traditions

the researcher is recognising the strengths and weaknesses of quantitative and qualitative research (Bryman 1988). Quantitative research places the researcher as an outsider looking in on the social world, where the contact with respondents is fleeting or non-existent. This is in contrast to qualitative research that entails more sustained contact by the researcher with people being researched.

The research methodology for the thesis is qualitative.

Qualitative research is a legitimate field of inquiry that locates the observer in the world, and includes a set of interpretive practices that make the world visible (Denzin & Lincoln 2005a), and offers new ways of thinking about social reality (Hesse-Biber & Leavy 2006). Qualitative research includes any type of research that is not statistical or collected through means of quantification. Qualitative research includes research about peoples' lives including interacting relationships, and some of the data collected may be empirical (Strauss & Corbin 1998).

Empirical data may for example include texts, narratives, and interviews. The strength of qualitative research is the ability to focus on how social interactions are enacted (Silverman 2008). Qualitative researchers place an emphasis on the socially constructed nature of reality and believe that rich descriptions of the social world are valuable (Denzin & Lincoln 2005a). The qualitative methodology is inductive where patterns or theories are allowed to emerge from the data (Creswell 1994).

The empirical data collected for this research were subjected to interpretation. Hermeneutics is one option available to analyse and interpret data, in particular textual data, for qualitative research (Myers 2009). Qualitative researchers use critical hermeneutic analysis, according to Kincheloe and McLaren (2005, p. 311), in an endeavour to build bridges between the reader and the text being analysed. Hermeneutics is the art of interpretation (Audi 1999), and is "the understanding of understanding" (Geertz 1983, p. 5). It is the study of the interpretation of texts (Kvale 1996), and believes that social meaning is generated during interaction (Hesse-Biber &

Leavy 2006). The hermeneutic act of interpretation communicates understanding of what has been observed (Kincheloe & McLaren 2005). It “...is an approach to the analysis of texts that stresses how prior understandings and prejudices shape the interpretive process...” (Denzin & Lincoln 2005a, p. 27). The critical hermeneutic tradition that holds there is only interpretation that makes sense of what has been observed (Kincheloe & McLaren 2005). The purpose of hermeneutic analysis is to also develop a form of cultural criticism revealing power dynamics within social and cultural texts. Hermeneutics is textual interpretation to find the meaning in the written word. Hermeneutic analysis is concerned with text as the primary source of research data.

Hermeneutics follows two traditions:

1. The first follows Dilthey (1833-1911) and views interpretation or understanding, “*Verstehen*”, as a method of interpretation for the human sciences (Audi 1999, p. 377). This tradition tends toward being objective (Myers 2009).
2. The second follows Heidegger (1889-1976) and views interpretation as an “ontological event” being an interaction between the interpreter and the text (Audi 1999, p. 377). This tradition tends toward being subjective (Myers 2009).

The fundamental hermeneutic rule is that “we must understand the whole from the individual and the individual from the whole” (Gadamer 1988, p. 68). This interpretation from the parts to the whole and the whole to the parts is described as the circularity of interpretation, or hermeneutic circle, and is a fundamental concept in hermeneutic philosophy (Myers 2009). Heidegger and Gadamer view interpretation as fundamental to all knowledge not just as a method for the human sciences (Audi 1999, p. 378). Interpretation gives meaning to texts within the interpreter’s framework of experience, knowledge, culture and epoch, thus the interpreter must be aware of these prejudices in order to suspend them to “be open to the otherness of the text” (Gadamer 1988, p. 73). The principal endeavour is to interpret the meaning of the text (Kvale 2007).

In between the two traditions is critical hermeneutics, that acknowledges the dialectic between the text and the interpreter of the text (Myers 2009). Critical hermeneutics

holds that there is only interpretation in qualitative research, and in the context of critical theory this should reveal power dynamics in social and cultural texts (Kincheloe & McLaren 2005). In plain language the researcher should, trust the text, be open to what the text may reveal, and not impose their ideas on the text (Sinclair 1994). Hermeneutics is concerned with the exposition of the meaning of its subject matter (Outhwaite 2003). The major advantage of using hermeneutics is that it facilitates a deep understanding of people in business settings, and to look at the people from a social and cultural perspective (Myers 2009).

3.3 Research Design

The researcher should prepare a plan or research design to ensure verifiable knowledge of the social research regarding the research problem is obtained (Chadwick 1984). Given the nature of the constructivist ontology, there is no agreed format to design a qualitative study (Creswell 2007). Denzin and Lincoln (2005a) suggest that the research design should have a clear focus on the research question/s, the purpose of the research, and what information or data will answer the research questions. Denzin and Lincoln (2005b, p. 376) suggest that there are five basic questions to inform the researcher in this process:

1. How will the design connect to the paradigm being used, that is how will the empirical materials interact with the paradigm being used?
2. How will these materials allow the researcher to speak to the problems?
3. What will be studied?
4. What are the strategies of inquiry?
5. What methods will be used to collect and analyse empirical materials?

Myers (2009, p. 22) states that there are several essential building blocks to qualitative research, consisting of the following:

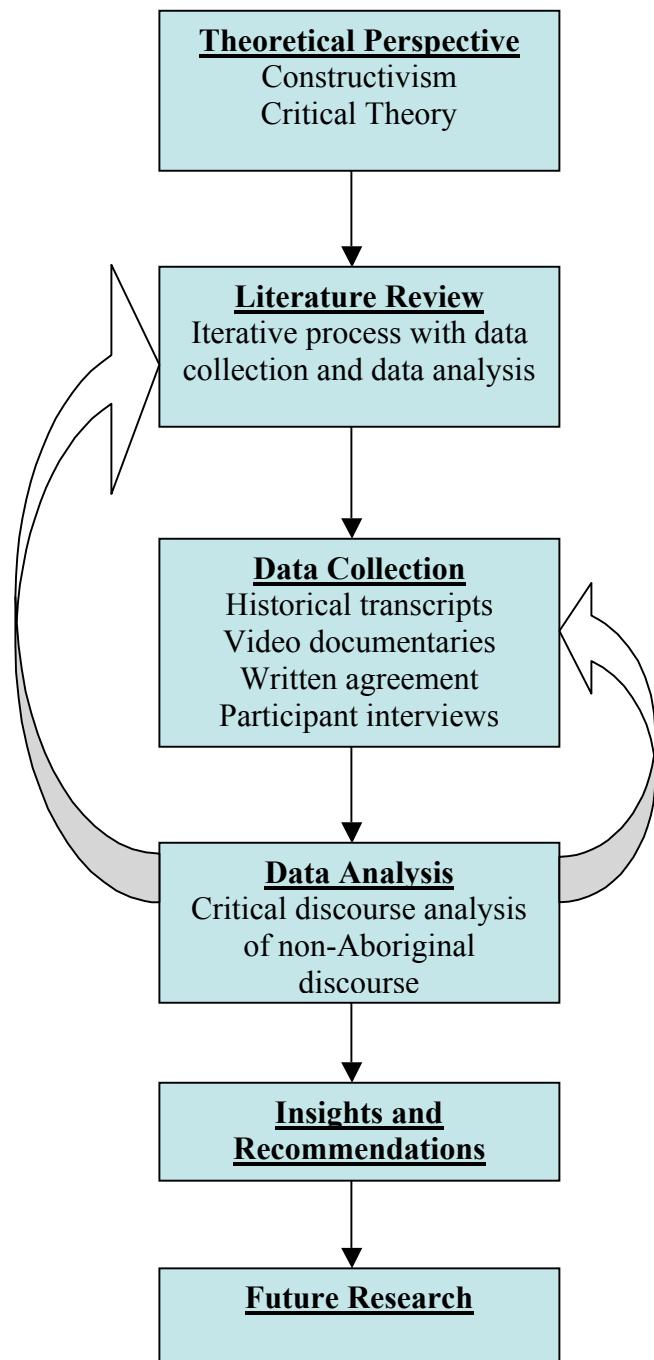
1. Philosophical assumptions about the social world.
2. Research method.
3. Data collection technique/s.
4. Qualitative data analysis.

5. Written record of the findings.

Creswell (2007) states that qualitative research is emergent, and that this means the initial research design may change as the researcher collects data. This may also require that the research questions change, forms of data collection may alter, and that the type of participant involved in the research may also change. With an a priori research design Denzin and Lincoln (2005b) suggest that the researcher should be flexible with the design to allow for unexpected materials and increasing sophistication.

The research design for this thesis is outlined in **Figure 3-1** below:

Figure 3- 1 Research Design



3.4 Theories of Discourse

Wagner (1995a, p. 30) has broadly defined that a “discourse counts as a negotiation if the parties relate themselves to each other’s goals and interests and to the problems of implementing their goals.” This definition has been interpreted broadly to ensure a diversity of data is presented within the thesis, reviewed and analysed, and because a broad variety of communications may be referred to as negotiation. Utilising discourse analysis requires that examples of text are incorporated into the thesis to support the analysis and conclusions of the thesis, and to allow readers of the thesis to evaluate the quality of the study (Putnam 2005).

Review and analysis of transcripts and agreements is an unobtrusive method that can be conducted in a non-reactive manner that does not disturb the data collection (Marshall & Rossman 2006). The researcher has selected and therefore determined the text for analysis, however the reader can assess the method, the facts and the level of care applied by the researcher in the analysis of the data presented within the thesis (Marshall & Rossman 1995). Discourse is the object and the method of the research (van Dijk. 1984).

3.4.1 Discourse

The meaning of the term “discourse” has changed significantly over time, and is a term without clear meaning (Outhwaite 2003). Discourse was originally considered to be spoken dialogue, rather than, and distinct from written text (Sinclair & Coulthard 1975). Potter and Wetherell (1987) believe the concept of discourse includes spoken and written texts. There is a suggestion that text may also be broadened to incorporate cultural artefacts including music, art and architecture (Grant, Keenoy & Oswick 1998). However, Titscher et al. (2000) state that *text* and *discourse* are separate and distinct, text is written and discourse is spoken, although they acknowledge this is contested. Discourse ultimately forms an inescapable feature of social life (Grant, Keenoy &

Oswick 1998), and Luke (1995, p. 15) believes that discourse marks out systems of meaning that are tied to ways of knowing.

The use of discourse in everyday context is used for regulation and normalisation, to build knowledge and develop new knowledge (McGregor 2003). Discourse may be specialised to construct meanings for a specific field of knowledge, however all texts are multi-discursive in that they draw on a range of discourse and fields of knowledge (Luke 1995). The study of discourse can be used to describe different types or genres of language within particular social situations such as the school classroom, in the media such as advertising, or for example the discourse within the medical consultation (Fairclough 1992). Certain texts are written to do something, and can therefore be understood as an artefact produced under certain conditions, embedded within a social and ideological system (Hodder 2008). Text such as business letters have predictable macrostructures such as a salutation, a statement regarding the business, and a close that tend to be culture specific operating as conventional patterns of social action (Luke 1995).

Discourse in Foucault's work in social theory and analysis looks at the structures of knowledge and social practice (Fairclough 1992). Foucault (1926-1984) views language as a significant force in shaping experience, and that discourses "can be understood as language in action: they are the windows...which allow us to make sense of, and 'see' things...and our capacity to distinguish the valuable from the valueless" (Danaher, Schirato & Webb 2000, p. 31).

The focus of this research is knowledge, and Luke (1995) refers to the construction of official knowledge that is intertextual from a range of text and sites including legislation and policy documents. Discourse according to Foucault, refers to methods of structuring knowledge and social practice (Fairclough 1992).

It appears that the terms *text* and *discourse* as used by scholars within the field of discourse analysis have different meanings. For clarity, the object of analysis for this

research is: - the discourse of cross-cultural negotiations converted to written text; where the text is discourse-in-action but outside of its initial relationship of exchange (Donahue 2008). For example, written agreements and the transcripts of videotaped negotiations.

According to Gee (1990, p. xvi) various types of discourse will require particular ways of using language. Gee provides a profound example, and argues that two children from different cultures engaged in a "show and tell" activity at school have quite different 'outcomes'. The "black girl", who tells a story in an entertaining way, with rhythm, embellishment, and who has the students watching engaged in laughter, is chastised. The "white middle-class child", who tells a story in a linear, factual, report style that lacks poetic rhythm, that has a specific point to the story, is positively affirmed. Both children organise their language to convey certain cultural values about story telling. The implicit Western cultural model of "show and tell", according to Gee, is meant to inform not entertain, where the student is to construct a spoken text like a written text. The implicit non-Western cultural model of "show and tell" in the example by Gee is meant to entertain, and where the student visually and verbally creates a performance that engages the audience.

Discourses are ways of valuing, thinking and behaving, and are always integrated to social practices constituting particular discourses (Gee 1990). Further to this there exist rules regarding certain types of discourse that are tacit, including who is a member of the discourse and who is not, and what behaviour is required that conveys values and ways of thinking.

3.5 Theories of Data Collection

Important factors for consideration by a researcher, is the collection of data for analysis and the function of the data in the context of the research, and the practical steps to obtain and record data (Titscher et al. 2000). Collecting data from actual cross-cultural negotiations means that the researcher is not reliant on claims made by negotiators as to

what they are doing during the negotiations process, and that the researcher is able to analyse what actually happened (Ehlich & Wagner 1995).

Part of the consideration on what data is collected is whether to collect pre-existing data, new data or to collect both. Silverman (2000) also suggests that it is worthwhile to look for the possibility of data collection over time. Historical texts are important for qualitative research because the texts have endured and they provide an historical insight otherwise not available (Hodder 2008). The chronology of data may provide insight into the processes of change during the overall research period. This was not an original consideration as the researcher was unaware of data that might already exist. The first data collected for this thesis was in fact a transcription of negotiations circa 1975, with the corpus of data collected for this thesis spanning a period of more than 30 years.

The sample size is not the most important concern in discourse analysis. What is important is the way that language is used in the corpus of data and this is of primary concern for the discourse analyst (Potter & Wetherell 1987). Transcripts are a permanent record that offer the researcher something that can be focussed upon, that can be reread, and analysed from different perspectives (Silverman 2008).

The nature of data for qualitative researchers is often described as ‘rich’ and ‘deep’, whereas data emanating from quantitative studies is often referred to as ‘hard’, ‘rigorous’ and ‘reliable’ (Bryman 1988). This reflects the relationship of the researcher with the data, and the description of data as rich is indicative of the attention qualitative researchers give to the data in their analysis. What constitutes the text for the research depends on the data available for analysis and knowledge of the data by the researcher (Fairclough 1992).

Multiple research methods and data types can be aggregated to generate a more complete view of the world and is referred to as triangulation (Atkinson & Delamont 2005; Denzin & Lincoln 2005a). Data triangulation refers to collecting data from different settings (Chadwick 1984). Even though the researcher may employ

independent methods and data types they may not fully converge (Huberman & Miles 1998), and unfortunately if there is any inconsistency there may not be an easy resolution to the conundrum. Whilst this conundrum may be a consequence of triangulation it is a strategy that adds rigour, depth and complexity to an inquiry (Denzin & Lincoln 2005a).

3.5.1 Participant Interview

Interviews provide a way of enhancing the corpus of data and is an opportunity to probe into issues beyond the corpus of data (Fairclough 1992). Interviews have the capacity to produce significant new knowledge within the field being researched (Kvale 2007).

The qualitative interview is a method of gaining qualitative knowledge and is working with words not numbers (Kvale 2007), and the goal of an interview is to obtain accurate information (Neuman 2006). There are several interview styles with the amount of structure the interviewer imposes on the respondent, ranging along a continuum of highly structured interviews to the largely unstructured interview (Fontana & Frey 2005). The unstructured interview is concerned with topics rather than the specific questions of a structured interview and can provide breadth to the interview process. The structured interview is concerned with obtaining precise data. The semi-structured interview lies mid-way along the continuum between the structured and unstructured interview, that provides some structure whilst also allowing the researcher to improvise during the interview process, and is the most common type of interview used in business research (Myers 2009).

The semi-structured interview is an attempt to understand the world from the perspective of the interviewee, seeks to acquire descriptions of the interviewees lived world, and is similar to an everyday styled conversation (Kvale 2007). A qualitative interview is usually semi-structured, where the semi-structured interview will cover a sequence of themes, have some questions, and at the same time will also remain open to change the themes and questions in response to the answers and stories of the participants. The

researcher as interviewer must be able to make quick decisions regarding what questions to ask and how, the aspects of an answer to follow up and which answers to interpret (Kvale 1996).

Once the type of interview is decided upon, the type of person being considered for interview may need to be addressed. Interviewees have a variety of personal attributes and characteristics that may affect the accuracy and quality of their response. Marshall & Rossman (2006) define an elite interview as one that focuses on people that have expertise relevant to the research, because of their position and knowledge they hold. Interviewing elites also places responsibility on the researcher to display high levels of competence and knowledge of the topic to be discussed. In interviewing an elite interviewee the researcher should be knowledgeable about the topic (Kvale 2007). Whilst many advantages arise from interviewing elites Marshall & Rossman (2006) note that elites may be adept in managing the interview process, as they will tend to be secure in their status. They also may be used to being interviewed allowing the capacity to promote certain viewpoints (Kvale 2007).

The interviews should remain close to the guidelines of the topic of inquiry (Fontana & Frey 2005, p. 713). The researcher as interviewer is critical to the process of obtaining quality knowledge during an interview (Kvale 1996).

The approach to interviewing by a researcher should be to use “intelligent, provocative, open-ended questions that allow...[Aboriginal people]...to use their knowledge and imagination” (Marshall & Rossman 1995, p. 83). Importantly the researcher must be aware that different cultures may have different norms with regard to interaction, for example the appropriateness of direct questioning to obtain information (Kvale 2007). Part of the preparation in conducting a cross-cultural interview is to become familiar with some of the verbal and non-verbal factors in communication, such as showing respect in an appropriate manner during an interview, and developing a relationship with the participant prior to an interview. When an Aboriginal person makes an offer to have a yarn, it is an offer to sit down and have a conversation, whereas the request for an

interview by a non-Aboriginal researcher is a request to engage interview methodologies of Western research that may not be a culturally appropriate way of having a conversation with an Aboriginal person (Bessarah 2008).

The interview creates a space for the researcher to listen to the interviewee, and the interview is also a space for the interviewee to tell their story (Schostak 2006). As discussed in Section 2.4 Aboriginal communication places an emphasis on listening, and this is an important point for a non-Aboriginal researcher to understand in the interview process.

The qualitative interview can be also used to generate purely descriptive data, that does not necessarily generate theory (Hesse-Biber & Leavy 2006). A decision that was expressly undertaken in this research, and in the presentation of the interviews in the thesis. An important consideration in allowing the qualitative interview to generate purely descriptive data was whether a non-Aboriginal person should subject the Aboriginal English text to critical discourse analysis. The decision to depart from this standard practice included consultation with my supervisors, and with regard to the arguments of Indigenous authors such as Smith (1999), Rigney (1997) and Nakata (2007). An ethnomethodologist might state they recognise their cultural bias or even that they have empathy for those they study, but from the perspective of Aboriginal people whose discourse is subjected to analysis in this thesis the researcher may then be considered as just like any other person making their own universal claims about the culture being analysed. It is argued that the interviews provide a voice for Aboriginal people in the thesis. The interviews have not been subjected analysis and are left for the reader to glean an insight into Aboriginal perspectives of the cross-cultural negotiation process.

The number of people that need to be interviewed depends on the purpose of research, however Kvale (2007) states that the number of research interviews tends to be around 15, plus or minus 10. The guide as to the number of people that should be interviewed for a research project is to interview the number of people necessary to find out the knowledge required for the research.

The common way to record an interview is with the use of a tape recorder, and this allows the researcher to concentrate on the topic and dynamics of the interview (Kvale 2007).

3.6 Theories of Transcription

The transcript is an important and a central component of the spoken discourse that captures the complex interaction between the research participants. A transcript is a written account of what has been said (Taylor 2001b). It is important to provide a verbatim account in the transcript of what transpired during the (negotiation) discourse, and the interview of the researcher and participant (Poland 1995). The verbatim account is limited to a faithful reproduction of the discourse, as an indisputable record.

There are a number of methods for transcription to represent discourse that allows the researcher to include varying degrees of detail regarding loudness, intonation, emphasising syllables, overlaps of other speakers and other features (Fairclough 1992). Different methods for transcription can be employed to emphasise different features of the discourse. For example, one convention is to arrange the speaker turns one below the other in a linear sequence of turn-taking that “gives the impression of symmetry and mutual interdependence” or an alternative convention is to arrange the speakers in columns that “gives the impression of asymmetry between them, with the left-most being the most dominant” (Edwards & Lampert 1993, p. 3). Transcripts that include specific details on how people speak or the sounds they make, suggest that these features are meaningful, and transcripts that present the discourse with speakers in sequence indicate that meaning is created through the interaction between the speakers (Stephanie Taylor 2001b).

Aspects of the discourse are not easily translated into the written transcript, and the “full flavour” as a lived experience is unlikely to be represented in the transcript (Poland

1995, p. 291). The key issue is the kind of text the researcher envisages a transcript to represent as an object of research.

Whatever system is chosen, the researcher unavoidably imposes an interpretation on the discourse during the process of transcription (Fairclough 1995; Poland 1995). For example, when there is silence during discourse the researcher may choose to apportion the period of silence between speakers or allocate the whole silence to one speaker. Either choice may be appropriate in a given context.

There is an additional level of interpretive complexity in that the research is cross-cultural. For example, when there is silence during negotiations the silence may form part of the strategy of the negotiations by Westerner negotiators, or may form part of the response time acceptable in Aboriginal cultures.

Poland (1995) provides strategies for maximising transcript quality such as ensuring the quality of the original audio recording, training for the transcriber, reviewing the transcripts, and to recognise the transcription process as an interpretive activity that raises the possibility of multiple interpretations. Ultimately no transcription can show every detail of the discourse and transcription is a matter of judgement keeping in mind the research questions and the nature of the research (Fairclough 1992). Transcripts are a partial account of a much richer interaction (Poland 1995). Transcripts are a second order of abstraction, the first is from the lived bodily presence of the people conversing on the tape recording with a loss of body language, and the second is the abstraction from an oral format to a written format where the tone and intonations of voice are lost (Kvale 2007).

The ultimate aim of transcription is to make the transcript useful for the purposes of the research in question (Kvale 2007).

3.7 Theories of Data Analysis

There are two main methods of analysis of transcripts for a qualitative researcher to choose from (Silverman 2008), and they are Garfinkel's (1967) conversational analysis, and discourse analysis. Conversational analysis is a branch of ethnomethodology, a method for studying social interaction (Clyne 1994; Heritage 2001; Putnam & Fairhurst 2000). Conversation analysis emphasises “sequential implicativeness” of conversation – the claim that any utterance will constrain what can follow it...[for example]...a question produced by one speaker sequentially implicates an answer from another” (Fairclough 1992, p. 18).

Conversation analysis was not originally designed for the interpretation of the data collected (Heritage 2001). According to Strauss & Corbin (1998, p. 21) some researchers believe that data should not be analysed and that the task of the researcher is to present a trustworthy account of the data collected, with little or no interpretation, to ensure researcher bias does not impact on the data, even though the reported account may not reflect the “truth”. Discourse analysis however does focus on how different versions of the world are produced through the use of interpretive methods (Silverman 2008).

3.7.1 Discourse Analysis

There is no set procedure for conducting discourse analysis (Fairclough 1992), and as a consequence discourse analysis refers to different approaches to the investigation of texts (Perakyla 2005). Discourse analysis “deals with language in context beyond the level of the sentence, enabling us to follow the implications of a given utterance. It contributes towards an understanding of cognitive processes” (Clyne 1994, p. 7). Myers (2009) states that discourse analysis is concerned with the way texts are constructed, the social context of the text and language as communication.

Discourse analysis is a theory of language, and an approach to knowledge construction across, history, societies and cultures, and is the study of human meaning-making (Wetherell, Taylor & Yates 2001). Discourse analysis challenges the researcher to view language beyond the abstract and that the words have meaning in a particular historical, social and political circumstance (McGregor 2003). Approaches to discourse share a commitment to studying language in context. Influential approaches to discourse analysis situate discourse within a social context (Grant, Keenoy & Oswick 1998). Context sensitive approaches take into account the historical and social factors that influence and shape the way a text is produced, disseminated and consumed (Grant et al. 2004). Mills (2004) states that discourse analysis aims to make explicit the norms and rules of language production.

In the analysis of text, inferences will be drawn. These inferences arise from connecting meaning beyond what is explicit in the text that results from the interaction of the reader and the text. These inferences are difficult to analyse as they are mental constructs, that depend on the experience and knowledge of the researcher to understand the text, and the purposes inherent in analysing the discourse (Shiro 1994). An important part of understanding text is intertextuality (Gee 1999), where text may have meanings derived from other text. Analysis of discourse can also look at the absences from the text (Fairclough 1995).

Critical discourse analysis is a context sensitive approach (Grant et al. 2004). The challenge of discourse analysis is to take into account the historical, social and political context of the text being analysed. Further to this Gee (1990) suggests that discourse analysis should also take into account cultural models, schemas or frames, as these form the basis of decisions regarding exclusions, inclusions and the assumptions regarding context, and that every word is linked to numerous interconnecting cultural schemas.

3.7.2 Critical Discourse Analysis (CDA)

The distinction between discourse analysis and critical discourse analysis is relevant for this thesis, however an unequivocal distinction between the two forms of analysis may not be possible (Maingueneau 2006). A critical approach to discourse analysis describes discursive practices, analyses how the discourse is shaped by power and ideology, and the constructive effects that discourse has upon systems of knowledge and belief that may not be immediately apparent to the discourse participants (Fairclough 1992). Non-critical discourse traditions tend to describe discursive practices (Fairclough 1992).

CDA is a form of critical social research (Fairclough 2003), and is a distinct and established tradition (Chouliaraki & Fairclough 1999; Stephanie Taylor 2001a). CDA has developed from a synthesis of theoretical perspectives, and is a valuable resource for researching relations between discourse and other social elements, whilst viewing the relationship as dialectic (Fairclough 2006). CDA was developed by Norman Fairclough (Phillips, Sewell & Jaynes 2008).

CDA has several approaches including that of Fairclough who was influenced by Foucault (Titscher et al. 2000). Foucault's approach to discourse analysis was informed by critical theory and extended analysis beyond the immediate conversation whilst assuming that the three major themes of discourse analysis were (Hall 2001):

1. Discourse
2. Power and knowledge
3. The question of the 'subject'

According to Fairclough (1992), Foucault's earlier work was centred on the rules of discourse constituting areas of knowledge whilst his later work focussed on the relationship between power and knowledge.

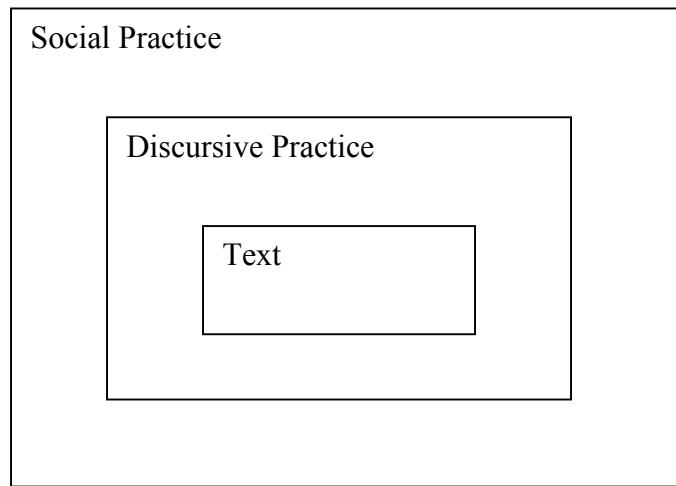
Critical studies of negotiations examine the practices that privilege or marginalise people in the negotiation process (Putnam 2005). Critical discourse analysis is also concerned

with the negotiation of knowledge (Luke 1995). CDA is concerned with studying and analysing written and spoken discourse to reveal the discursive sources of power, dominance, inequality, and bias. CDA tries to understand how the sources of power are initiated, maintained, reproduced, and transformed within specific social, economic, political, and historical contexts.

Researchers who use CDA as an analytic framework are interested in the larger discourse context or the meaning that lies beyond the immediate grammatical structure. Fairclough (1992) states that there are three aspects of discourse; text, discursive practice and social practice, represented in **Figure 3-2**, and suggests the following three multilayered levels of analysis:

1. Macro-analysis; the analysis of discourse practice at a macro level focusing on intertextuality and interdiscursivity.
2. Analysis of texts and the analysis of discourse practice at a micro level.
3. Analysis of the social practice of which discourse is a part.

Figure 3- 2 Levels of Discourse Analysis



Source: (Fairclough 1992, p. 73)

These three aspects represent the three levels of analysis; the macro level of analysing social practice, the meso level of analysing discourse, and the micro level of analysing

text (Phillips, Sewell & Jaynes 2008). Challenges exist at each level of analysis for the researcher. At the macro level the challenge is to identify how external discourses are imported to establish meaning, at the meso level the challenge is to identify the internal discourse, and at the micro level the challenge is to identify the local narratives. The meso level of analysis allows the opportunity to connect the micro level of text with the social practice level of discourse.

According to Phillips, Sewell & Jaynes (2008) CDA provides a unique methodology for researching the process of social construction from a macro or social level to the micro or individual level of meaning making, and is particularly suited to strategic management research. This is an important consideration in the context of strategic management research, that deals with multiple levels of analysis including the individual, firm, group and industry level (Ketchen, Boyd & Bergh 2008).

CDA according to van Dijk (1993, p. 253) requires “true multidisciplinarity, and an account of intricate relationships between text, talk, social cognition, power, society and culture.” The reason that CDA is interdisciplinary according to Wodak (2004) is that societal research problems are too complex to be studied from a single perspective.

Social life contains interconnected networks of social practices, where a social practice is a relatively stable form of a social activity, that includes elements such as activities, subjects, objects, time, place, forms of consciousness, values and discourse, and that these elements are dialectically related (Fairclough 2005). Cross-cultural business negotiation is a form of social activity that includes these elements described by Fairclough. CDA is analysis of the dialectical relationships between discourse and other elements of social practice (Fairclough 2005), and CDA can draw upon a wide range of approaches to analysing text (Fairclough 2003). van Dijk (2003) states knowledge and discourse are complex phenomena with a major challenge of CDA to make explicit the relationship between discourse and knowledge. Ideology for example shapes everyday practices and discourse functions ideologically, thereby predisposing people to certain

sense-making practices (Mumby 2004). As an example Holland (2006) compares the patterns of ideological and cultural discourse in **Table 3-3**.

Table 3- 3 Patterns of Cultural Discourse

Cultural	Ideological
Evoke implicit assumptions	Articulate explicit propositions
Appeal to shared values	Appeal to universal reason
Appeal for stability	Appeal for change
Provide common sense justifications	Provide scientific justifications

Source: (Holland 2006, p. 42).

Holland (2006) suggests that different types of discursive practices invoke different semiotics. In particular ideological discourse is connected with power to serve to establish and maintain domination, and cultural discourse is more vague than appeals to a common set of values and a sense of community. Jager (2001) is concerned with a very broad definition of knowledge that includes all “content” that constructs consciousness and/or meanings to interpret the surrounding reality. Jager also regards discourse as the “flow of knowledge” that determines individual and collective doing. In this regard discourse according to Jager is more than social practice, it is an exercise of power that also serves to regulate action. Discourse analysis is an endeavour to untangle a complex flow of knowledge that represents a dynamic form of consciousness. Jager (2001) states that discourse analysis also aims to identify knowledge, to explore the context of the knowledge and to subject this to a critique, and that the central elements to CDA are:

1. The makeup of knowledge at a time and place.
2. How the knowledge evolves.
3. How knowledge is passed on.
4. The impact and function of knowledge on society.

A complete critical analysis of discourse according to Wodak (2001) requires a description of: the social processes and structures that gives rise to the production of the

text, plus the social processes and structures within an historical context, to create meaning in their interaction with the text.

The summary in the following, **Table 3-4**, identifies a number of techniques that can be used in the analysis of discourse and a short description of the sort of analysis it involves.

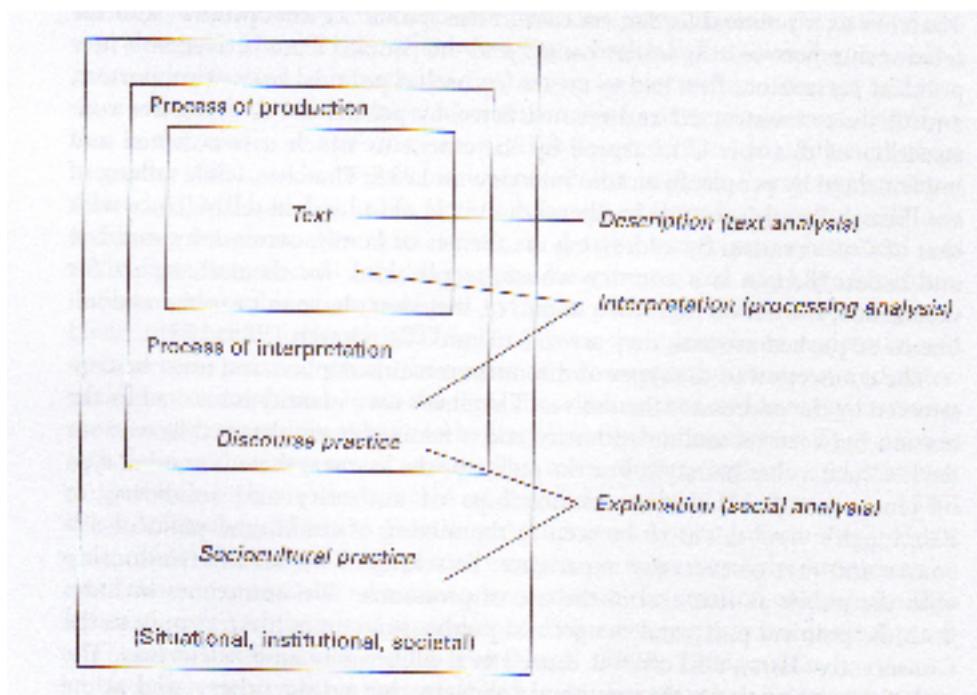
Table 3- 4 Summary of Discourse Practices for Analysis

Discourse practice	
Interdiscursivity	To specify what other discourse types are drawn from.
Intertextuality	To specify what other texts types are drawn from.
Text	
Interactional control	What turn-taking rules are in operation.
Cohesion	To show how clause and sentences are connected.
Transitivity	To show whether particular process types are favoured within the text, and the choices made in the voice i.e. active or passive, and how significant is the nominalisation of the process.
Theme	To show if there is a pattern in the thematic structure of the text.
Modality	To show social relations in the discourse, and the controlling representations of reality.
Word meaning	To show key words that are of general or cultural significance.
Metaphor	To characterise metaphors.
Social practice	
Social matrix	To specify hegemonic relations.
Orders of discourse	To specify instances of social and discursive practice to the orders of discourse it draws on.
Ideological & political	Systems of knowledge and belief; Social relations; Social identities.

Source: Fairclough (1992, pp. 232-238)

Fairclough (1995, p. 2) states that the aim of the three-dimensional framework for analysing discourse "is to map three separate forms of analysis onto one another: analysis of (spoken or written) language texts, analysis of discourse practice (processes of text production, distribution and consumption) and analysis of discursive events as instances of sociocultural practice". Titscher et al. (2000) state that Fairclough's attributes three dimensions to every discursive event that is simultaneously text, discursive practice and social practice. The analysis is conducted according to these three dimensions and is a method based on description, interpretation and explanation, as represented in **Figure 3-3** below:

Figure 3- 3 Dimensions of Discourse and Discourse Analysis

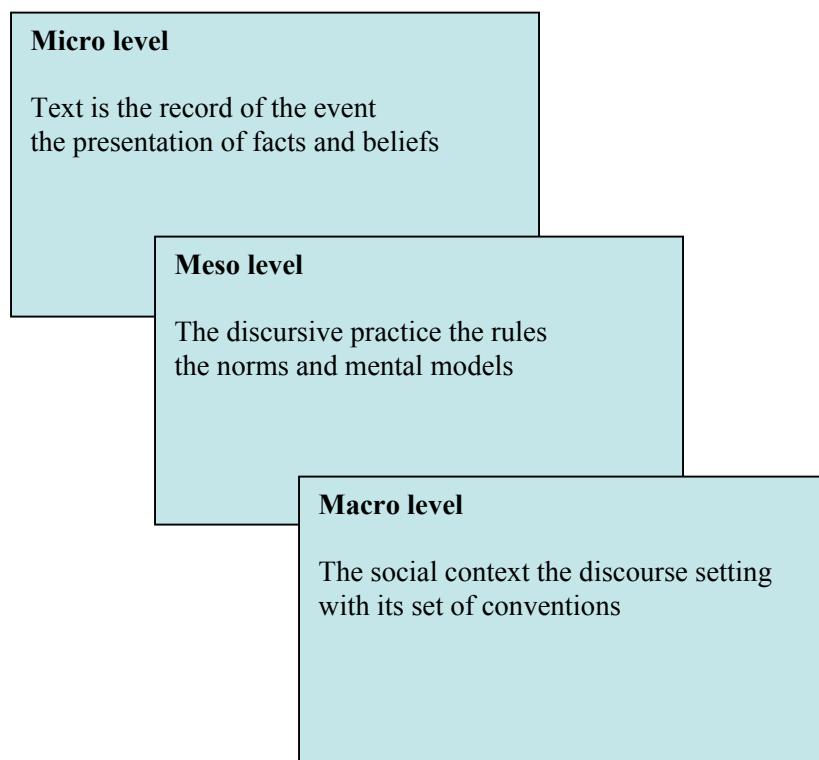


Source: Titscher et al. (2000, p. 152)

A critical approach to discourse analysis seeks to link the text at the micro level, with the underlying power structures at the macro level through the discursive practices at the meso level (McGregor 2003). The text (micro level) is the record of the event and

involves the presentation of facts and beliefs, the discursive practice (meso level) refers to the rules, norms and mental models of socially accepted behaviour, and the social context (macro level) is the distinct setting where the discourse occurs that has a set of conventions that determine what each is allowed and expected to perform (McGregor 2003). The micro, meso and macro link is set out in **Table 3-5** below:

Table 3- 5 Levels of Analysis



The method by Titscher et al. (2000) is adopted and adapted by Thompson (2004), and is presented in **Table 3-6** below.

Table 3- 6 Modified Format for the Presentation of Analysis

Reference: <i>Line 1</i> Text: <i>Sample of text</i>	
Micro (Text Analysis)	<i>Researcher description</i>
Meso (Discursive Practice)	<i>Researcher interpretation</i>
Macro (Social Practice)	<i>Researcher explanation</i>

Source: (Thompson 2004)

Fairclough (2003, p. 107) specifically identifies a “knowledge exchange” with the focus on the exchange of information, and that there are two types of knowledge exchange; an exchange initiated by the person with knowledge and the other by the person wanting/receiving the knowledge. Knowledge exchange more than likely represents an explicit knowledge exchange as the nature of exchange is initiated either by the person with the knowledge or the person wanting the knowledge.

Clyne (1994) states that all cultures also apply a combination of form and content to determine the structure of a portion of discourse, with some cultures heavily form orientated and other cultures are content orientated as they consider the content of the message of prime importance.

Another important part in the analysis of discourse is the selection strategy of data to analyse. One selection strategy is to review the whole corpus of the discourse, and then carefully select the discourse relevant to the research questions and objectives of the thesis whilst taking advice from the research supervisors to “yield as much insight as possible” (Fairclough 1992, p. 230).

The goal is to find and interpret the hidden meaning concerning knowledge construction in the texts. Analysis of the implicit content also provides insight into the axiomatic, the

given, of the text (Fairclough 1995). The subject matter of the critical discourse analysis is a real-life account of cross-cultural negotiations in the context of knowledge that links different social practices. Critical discourse analysis examines these social practices to reveal the way social realities are produced, reproduced, resisted and transformed as part of an ideological struggle (Mumby 2004).

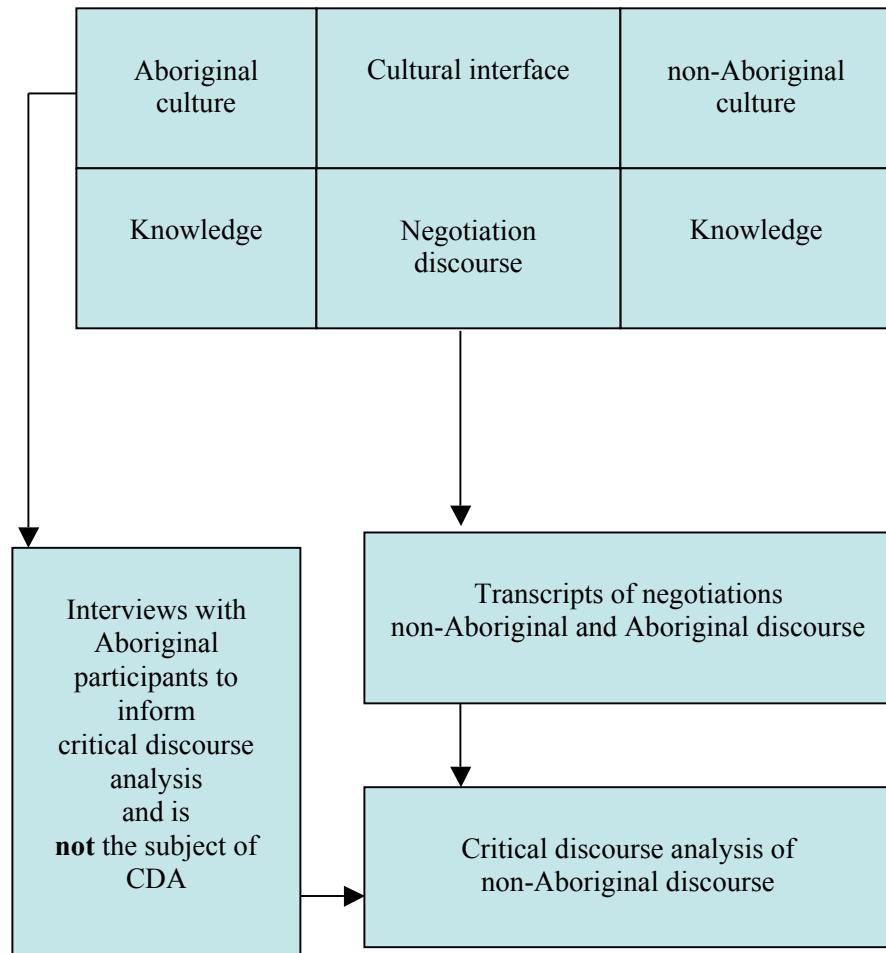
In conducting the analysis and presenting the findings, the critical discourse analyst should provide “illustrative materials [that] are meant to give a sense of what the observed world is like; while the researcher’s interpretations are meant to represent a more detached conceptualization of that reality” (Strauss & Corbin 1998, p. 22).

Critical discourse analysts are also interested in what is not included in the text. The criteria of epistemes, or states of knowledge at any one time, can be defined through what, or whom each episteme excludes or disqualifies (Appignanesi et al. 1995).

The presentation of the data analysis and findings can be a difficult challenge for the researcher due to the quantity of data resulting from the research (Taylor 2001b). A consequence is that the researcher may not include all the data and analysis for presentation. Ultimately the analysis must be open to scrutiny and criticism, and sufficient data and analysis must be included for presentation to ensure reliability. Researchers should ensure that their interpretations and explanations are identifiable, whilst also being open to new contexts and information that may cause the findings to change (Titscher et al. 2000).

An outline of the CDA is presented in **Figure 3-4** below, with the interviews with Aboriginal people forming part of the process to inform the discourse analysis.

Figure 3- 4 Discourse Analysis



3.7.3 Critical Discussion of Fairclough's Approach to CDA.

Although CDA has matured and emerged as a major area of research over the last 20 years (McKenna 2004), Norman Fairclough's approach to CDA is not without criticism. This section will explore some of the issues, and advantages of using Fairclough's approach to CDA.

CDA theorises a three part relationship between discourse as text, discursive practice and social practice (Broadfoot, Deetz & Anderson 2004). Discourse analysis is a multi-level analysis that involves analysing the three dimensions identified by Fairclough. The micro and macro levels of analysis are mutual requisites; they are interrelated, the micro analysis interpreting how participants produce and interpret texts, complimented by the macro analysis that seeks to understand the resources that participants utilise to produce the texts (Fairclough 1992). The meso level of analysis consists of a wide range of analysis of how texts are created, distributed, consumed, acted on, ignored, and interpreted (Broadfoot, Deetz & Anderson 2004). However analysis at all three levels is not necessarily required in any research project (Prichard, Jones & Stablein 2004).

CDA is interdisciplinary and opens dialogue between disciplines concerned with researching social processes (Fairclough 2001), arguably a strength of CDA. However, whilst CDA links discourse and societal aspects, it may not reveal the way individuals and institutions appropriate discursive resources in different situations (Broadfoot, Deetz & Anderson 2004).

Fairclough's CDA, draws upon a range of theories and analytical methods. Fairclough (1992, p. 1) sought to develop "a method of language analysis, which is both theoretically adequate and practically usable". This synthesis of theories from a diverse range of social theorists, and a range of analytical methods, is also arguably simultaneously both the strength and weakness of CDA. Fairclough's CDA draws on linguistic theory from Halliday, socio-theoretical understandings from Foucault, and critical theory (Henderson 2005). Norman Fairclough's version of CDA is often considered to fall between textually orientated and social theory approaches to discourse (Ferguson 2007). It could be argued for example that there is limited explicit social theory underpinning the method of analysis, and/or that the theory that is relied upon by Fairclough is too diverse (Henderson 2005), yet CDA is a well known method in organisational studies (Broadfoot, Deetz & Anderson 2004). Weiss and Wodak (2003) argue that CDA is a synthesis of conceptual tools, and that the plurality of theory is the strength of CDA because it can provide the opportunity for the production of innovative

theory. However, this range of theoretical sources also adds to the complexity of CDA in synthesising theories, and at the same time opens the criticism that CDA is not operating within the rigorous constructs of a single theoretical foundation. Most importantly however, is that despite the criticisms, CDA is used widely for research purposes, and is widely accepted in the academic community as evidenced by the number of textbooks on the subject and peer reviewed publications such as those included in this thesis.

The discourse that is collected in this thesis occurs across two cultures, one of which has a literate heritage and one that has an oral heritage, that arguably have two different theoretical foundations. CDA also examines how texts mediate between culture and discourse (Thomas 2005). Whilst the CDA that is undertaken in this thesis is almost exclusively confined to the culture that has a literate heritage, it is strongly argued that CDA is a very useful tool to examine cross-cultural negotiations because the strength of CDA is plurality of theory, and secondly because CDA allows for framing the discourse and text within a sociocultural context. Limiting the analysis to within the constructs of one theoretical model or social theorist may in itself privilege the cultural elements implicit in the model over the more pragmatic considerations of understanding the cross-cultural negotiations analysed within this thesis.

3.8 Rigour in Qualitative Research

Whiteley (2002, p. 1) states that, “The goal of qualitative research is to produce high quality, meaningful and relevant data, such that it is possible to emerge valuable insights within a social context.” According to Jager (2001) qualitative critical discourse analysis will provide significant findings that are representative, reliable and valid. The critical discourse analysis is completed when there are no new findings within the discourse, and the completion of analysis is usually achieved reasonably efficiently.

In order to achieve high quality and meaningful research, the researcher conducted the research with detailed attention to:

1. Replicability: the ability to duplicate or repeat exactly. Replicability was ensured by the maintenance of detailed and accurate records of transcription, analysis, and a comprehensive accounting of assumptions and decisions made during the research.
2. Bias: the tendency to yield a particular outcome. To ensure bias is minimised, the researcher has acknowledged his identity as a non-Aboriginal white male, conditioned early in life by an entrepreneurial family background and later by work as an advocate for the disenfranchised. The researcher has acknowledged this thesis is situated within critical theory.
 - a. Axiology: the study concerned with the nature of values. The researcher acknowledges the theoretical framework may have biases present and accordingly the researcher has been open about his values that shaped the critical narrative.
3. Critical reflection on the analysis:
 - a. The researcher took a reflective approach during the research process, with attention paid to “the process of reflecting critically on the self as a researcher” (Guba & Lincoln 2005, p. 210) to ensure that no bias was exerted on the data collection, and to ensure that no bias was exerted on the interpretation of the data. The claim that no bias was exerted on the collection and interpretation of data is a bold claim, and the claim may be more accurately stated that any bias that may have influenced the research process was minimised.
 - b. The research supervisors also ensured that any bias was minimised on the collection and interpretation of the data.
4. Participants that were interviewed for this thesis were all given the opportunity to provide feedback on the accuracy of the transcript. As a consequence a small number of corrections were subsequently made to the transcripts.

3.8.1 Assumptions and Limitations in the Research

There are several limitations and assumptions that are unavoidable in the research. The researcher has attempted to make the limitations and assumptions explicit, to ensure that the researcher is cognitive of their own presuppositions and modes of influence in the research. This is particularly important in regard to the interpretation of text (Kvale 1996).

The researcher has identified the following limitations:

1. The researcher is non-Aboriginal, and Moreton-Robinson (2004, p. 75) states that: “Whiteness establishes limits of what can be known about the other through itself”. However, the researcher has had significant interaction with Aboriginal people over many years. The interaction with Aboriginal people has been one of privilege for the researcher. There have been many challenging conversations with Aboriginal people that have debunked urban myths and some accounts of non-Aboriginal Australian history. Prior to undertaking and during the research, the researcher attended many cross-cultural training events through Curtin University, Legal Aid of Western Australia and the Aboriginal Legal Service of Western Australia. The researcher also attended cultural festivals such as the Garma Festival operated by Yolngu people in Arnhem Land, and went on cultural tours in the Kimberley region of Western Australia, the Northern Territory and South Australia. The researcher has family in the Kimberley region of Western Australia and without overstating the family relationship, I am uncle of Nagarra and this I believe makes my skin group Juwurru, in the kinship system of the Jaru people from the Halls Creek area. The researcher also engages with Indigenous students as a tutor at several secondary schools and universities bridging the cultural interface in a two-way process.
2. There are terms used in this thesis that are non-Aboriginal in their meaning. For example “ontology” is a non-Aboriginal term that is highly significant in the context of the thesis but may not be the most appropriate term in describing

cross-cultural phenomena. Aboriginal and Western cultures are different and form alternate systems of way of knowing, doing and being and, therefore we can expect alternative themes and we cannot expect two variations of the one theme (Bain 1992). The Western tendency to generalise theoretically is very effective, there may be exceptions and caution is therefore urged with regard to the concept of “ontology” as a theoretical presupposition that is applicable across cultures.

3. There are terms used in the thesis that are Aboriginal in their meaning. For example, the term “Dreaming” is also highly significant in the context of the thesis. Although “Dreaming” is an English word the meaning in the context of the thesis is steeped in Aboriginality, and was discussed in detail within the limits of the thesis in Chapter 2.
4. Text has been included in the thesis for analysis, however the voice behind the text is unable to respond or defend itself, and voice behind the text cannot change its substance and tone according to the different readers of this thesis (Gee 2008).
5. What a researcher can uncover regarding another culture, is mediated by his own interpretive lens, and can only be a partial knowledge (Andrews 2007).
6. The data is analysed within a context delimited by Western practices, and as such there may be a limitation of understanding.
7. The chosen methodological approach generated a large amount of analysis from a small amount of textual data.

The researcher has made the following assumptions about Western business:

1. That business organisations are inherently rational enterprises, that the language of business is arguably a rational language with the object of analysis centred on profit or return on investment (Muecke 2004). Embedded within the seemingly rational and objective terms are cultural expressions of power, arguably beginning with the use of legal and rational terminology to order relationships, such as those terms that are created within the framework of the National Native Title Tribunal including “native title claimant” and “Indigenous land use agreement”.

2. The goal and purpose of Western business is on a continuum between what was expressed by Friedman (1970) "to make as much money as possible while conforming to their basic rules of the society", and by the United Nations through the Global Compact (UN 2005) that socially responsible business also support universal environmental and social principles.
3. As a critical researcher:
 - a. Critical theory - assumes 'grand narratives' dominate local knowledge (Boje, Alvarez & Schooling 2001, p. 139; Cooper & Burrell 1988);
 - b. The researcher tends toward the argument of Weiss (2000, p. 710) that business enterprises are modernist and rational businesses that exclude the:
stories and voices of the dominated by ignoring anything that does not fit the progress myth by which institutionalises privilege and marginalisation

3.9 Ethical Considerations

Because humans were the subject of the research, "extreme care must be taken to avoid any harm to them" (Fontana & Frey 2005, p. 715). The research followed strict ethical guidelines, and was conducted within the guidelines of the National Health and Medical Research Council's National Statement on ethical conduct in research involving humans. The research also followed additional ethical protocols as advised by the Curtin University of Technology Graduate School of Business.

The researcher consulted the:

1. "National Statement on Ethical Conduct Involving Humans" (National Health and Medical Research Council 1999).
2. "Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research" (National Health and Medical Research Council 2003).

3. “Guidelines Approved under Section 95A of the *Privacy Act 1988*” (National Health and Medical Research Council 2001).
4. “Guidelines for Ethical Research in Indigenous Studies” (The Australian Institute of Aboriginal and Torres Strait Islander Studies. 2002).

The research was conducted with:

1. Respect for the richness and integrity of the cultural inheritance of past, current and future generations of Aboriginal and Torres Strait Islanders, and recognition of the diversity of Aboriginal and Torres Strait Islander cultures.
2. Credibility in the intent and process of the research.
3. Cultural awareness and sensitivity.
4. Consideration to issues of consent, privacy, confidentiality, and intellectual property, and these issues were given high importance and consideration throughout the research project.
5. The absolute need for confidentiality. Confidentiality in research provides that identifying information about participants in the research is not included in the thesis (Kvale 1996). As a safeguard to confidentiality and anonymity, research participants received a written guarantee of privacy.

The aims of the research were made clear to all participants through a combination of verbal explanation, and provided with a “Consent Form” and “Participation Information Sheet”.

Information regarding the identity of the research participants was removed and pseudonyms were used in the written content of this thesis. All correspondence including initial contact letters, consent, confidentiality agreements and thank you letters were presented for validation to the researcher’s University.

In particular the researcher ensured:

1. The aims of the research were made clear to all participants.

2. Participants were provided with a “Consent Form” and “Participation Information Sheet” for their consideration to participate in the research study.
3. The “Consent Form” and “Participation Information Sheet” were explained to the participants, prior to the forms being signed by the participants. The “Consent Form” covered the most important points about which participants must be informed according to the regulations of Curtin University of Technology Western Australia.
4. All documents presented to participants were drafted with regard to the principles of plain English. Informed consent means that the participants in the research were informed about the purpose of the research and the main features of the design of the research, that participation in the research was voluntary, and that the participant could withdraw from the research study at any time (Kvale 1996).
5. Participants were made aware that they could withdraw from the study at any time.
6. Written guarantees of privacy and confidentiality were provided to the participants.
7. On-site research was conducted in a respectful and cooperative manner cognisant with participant requirements.
8. That participation by business and individuals were affirmed positively in a way that retains confidentiality.

The aforementioned ethical requirements form the ethical research framework of Western academia. The researcher was required and did approach these issues within the ethical research framework of Western academia.

A critique of the ethical code of conduct for research is the implicit claim of universal values (Smith 2008). The researcher was also cognisant that in Indigenous communities research ethics also involves establishing, maintaining and nurturing reciprocal and respectful relationships (Smith 2008). As a non-Aboriginal researcher there is no claim

to represent Aboriginal voices. The researcher can claim to have approached the ethical requirements in an empathetic way toward Aboriginal people.

The selection of the research methodology is also part of the consideration in ethical research (McDonald 2000). The research aimed to be ethically and socially responsible through critically analysing the discourse of non-Aboriginal negotiators, to create a more compassionate environment for negotiations between non-Aboriginal and Aboriginal people.

3.10 Data Collection, Transcription and Analysis in Practice

The following discussion provides an account of the stages in the collection, transcription and analysis of discourse. The activities of data collection, transcription and data analysis proceeded simultaneously.

The transcripts included and analysed in the thesis represent only a sample of what was available to the researcher for analysis. The transcripts included in Section 4.4 Noonkanbah Negotiations and Background, represent a small sample of what was transcribed by Hawke & Gallagher (1989). In Section 4.7 Unpublished Video Transcript the researcher's transcript represents approximately 6.5 minutes of approximately 75 minutes of negotiation that was available for analysis to the researcher. Other materials included for analysis in the thesis are not transcripts of interviews, but also form part of the data collected and analysed in the thesis, and include: "Principles Relating to Housing Amongst Aboriginal Groups Associated with Hermannsburg" (Stoll, Ziersch & Schmaal circa 1975); and a Consent Determination (Cox on behalf of the Yungngora People v State of Western Australia [2007] FCA 588 2007).

3.10.1 Data collection

The corpus of empirical data was collected from a variety of sources, including:

1. Written documents and transcripts collected from:
 - a. Transcripts of discourse events collected by other parties, including “Principles Relating to Housing Amongst Aboriginal Groups Associated with Hermannsburg” (Stoll, Ziersch & Schmaal 1979circa 1975), and from “Noonkanbah: Whose Land, Whose Law” (Hawke & Gallagher 1989).
 - b. Affidavits sworn by Aboriginal deponents available on public websites such as the “National Native Title Tribunal” website.
 - c. Completed written agreements available on public websites such as the “Agreement, Treaties and Negotiated Settlements Project” website.
2. The following is a list of the sources of data of discourse events from video documentaries that were transcribed by the researcher:
 - a. “The Yirrkala Film Project” (Dunlop et al. 1979).
 - b. “On sacred ground” (Howes, Hughes & Film Australia Pty Limited. 2007).
 - c. “Sacred ground” (Mavromatis et al. 2007).
 - d. Unpublished video material of negotiations regarding sacred sites.
3. Interviews conducted by the researcher:
 - a. Five Aboriginal people, with significant knowledge and experience in cross-cultural negotiations with non-Aboriginal people, were formally interviewed for this research project. Three interviews were conducted at the start of the research project, and two interviews were conducted toward the end of the research project after the negotiation discourse data had been collected and analysed. The two final interviews were conducted after the data was collected and analysed, and this provided the researcher the opportunity to incorporate knowledge learned during the research project into the questions of these latter interviews. The

interviews have not been the subject of analysis but are left for the reader to glean an insight into Aboriginal perspectives of the cross-cultural negotiation process. The interviews provide a voice for Aboriginal people in the thesis.

- b. Interviews were electronically recorded using a high quality digital recording device. The digital recordings were in an MP3 format that allowed a direct transfer via a USB connection onto a computer for later transcription.
- c. The formal interviews provided insight from an Aboriginal perspective of knowledge sharing in cross-cultural negotiations.

Many discussions were in fact conducted informally. The discussions that fall into this category are those discussions that were held with Aboriginal and non-Aboriginal people to seek their permission to be part of the research project. These discussions were not recorded either electronically or through note taking.

Approximately fifteen Aboriginal people and approximately twenty non-Aboriginal people involved in cross-cultural negotiations agreed to have a yarn with the researcher. The discussions formed part of the broader awareness of the researcher in cross-cultural negotiations. The people approached included Aboriginal and non-Aboriginal negotiators, many of whom were in the mining sector negotiating native title matters. Many people did not subsequently agree to formally become part of the research project. Understandably, people felt unable to commit formally to be part of the research project due to commercial sensitivities, however they were very willing to contribute in good faith at a personal level. Their time and knowledge was given in good faith and formed an invaluable foundation for the researcher in his research endeavours. The knowledge that was gained from this process provided a very practical insight into cross-cultural negotiations. The researcher gained an insight into the depth of complexity in the negotiation process and the different understandings of the negotiating parties during their negotiations.

Data collected for analysis in the thesis falls into that collected from secondary sources such as video materials and transcripts documented by other parties.

The corpus of negotiation data captured for the thesis was collected from authentic sources. The data provided an historical and contemporary view of Aboriginal and non-Aboriginal discourse. In particular the face-to-face cross-cultural interactions between Aboriginal and non-Aboriginal people recorded on video provided a rich source of data.

3.10.2 Data Transcription

Several transcripts were already completed and transcribed in a number of formats by other parties. These transcripts are all publicly available and have been referenced within the thesis.

The corpus of data collected on audiotape or videotape was transcribed into written text by the researcher following a standard format. The decision by the researcher to personally transcribe the discourse was to gain familiarity and insight into the discourse of the negotiations, to ensure accuracy of the transcription in keeping with the rigour associated with critical discourse analysis, to ensure strict confidentiality of the negotiations, and to ensure strict confidentiality of all Aboriginal cultural disclosures made during the negotiations.

The researcher listened to each discourse event and typed out the spoken words. Each discourse event was listened to repeatedly during the transcription process. Corrections to the transcript were continuously made during the transcription process. As each discourse event was transcribed the researcher kept in mind the primary tenets of transcription and critical discourse analysis. Once the transcription process was completed the researcher listened to each recording with the finished transcript to ensure accuracy of the transcript. Strictly adhering to the linear and sequential operational processes of transcription and CDA is very difficult. The difficulties arise as initial

analysis is occurring during the transcription process that feeds back into the selection of text for analysis and inclusion into the thesis.

The researcher used a limited number of the conventions represented in **Table 3-7** where appropriate to convey a sense of the negotiation process without overly transcribing the discourse and thereby becoming overwhelmed in the detail. A decision was made that the transcripts should follow a reasonably consistent style throughout the thesis, and as a consequence the transcripts of interviews conducted by the candidate follow the transcript conventions from secondary sources included in the thesis combined with those introduced in Table 3-7. The choice of descriptive categories selected in the transcription conventions was that deemed appropriate to provide sufficient information for analysis, readability, and a feel for the knowledge flows and construction of knowledge during the discourse.

Table 3- 7 Transcript Conventions

Symbol	Application	Explanation
Transcript 1	Transcript 1	Title to identify each unique discourse event.
1 or Line 1	Indicates line number	To identify or locate where in the transcript the discourse is located and is for overall convenience to locate text.
Researcher Interviewee	1 Researcher: 2 Interviewee:	Identifier for person speaking. To identify a speaker of a given turn in the discourse.
Unknown	Identity of speaker is uncertain	To identify an unknown speaker in the discourse.
[]	[Hi there] [Gidday]	Left and right square brackets indicate the start and end of speech overlap when one or more speakers overlap in the discourse.
(())	Discourse transcript ((researcher comment))	Double parentheses include the researcher's comments rather than the discourse transcript.
(Inaudible)	Discourse event (inaudible) not heard	Indicates places in the discourse that cannot be heard or understood by the researcher.
(Possible)	Discourse event (possibly) heard	Words included in parentheses indicate places in the discourse that can be heard but are not necessarily accurate.
(.5)	A (.8) time gap	A number in brackets indicates a time gap in tenths of a second.
CAPITALS	This is LOUDER	Capital letters indicate discourse that is louder than that surrounding it.
°°	This is °quieter°	° indicates discourse that is quieter than that surrounding it.
<u>Under</u>	<u>Emphasis</u> is by the speaker	Discourse emphasised by the speaker.
Tempo ><	This part of the discourse is spoken at a >rapid pace<.	Less than and greater than signs bracket discourse that is noticeably faster than surrounding discourse.
=	01: A1: This is contiguous= 02. B1: =discourse	The equal sign marks contiguous discourse i.e. no break in the discourse.
⌚	01: ⌚ ((All laughter))	Not a standard convention. Indicates laughter in the discourse.
(J. Maxwell Atkinson & Heritage 1984, pp. ix-xvi; Jane Anne Edwards & Lampert 1993; Heritage 1984)		

3.10.3 Participant Scrutiny of Transcripts

In order to ensure integrity of the transcripts the participants involved in the research were given the opportunity to provide feedback on the accuracy of the transcripts produced by the researcher. The transcripts were completed and provided to the participants as soon as possible following the interview to assist in the best possible recollection.

The interview of Aboriginal people provided a valuable insight into their perspective of information and knowledge sharing in cross-cultural negotiations. The interviews are incorporated into the thesis and provide a voice for Aboriginal perspectives regarding cross-cultural negotiations.

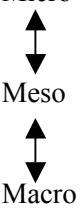
3.10.4 Data Analysis: Modified CDA Process

There were two sources of data for analysis within this thesis, transcripts already produced by other parties and transcripts produced by the researcher. The researcher must then select samples from the data collected, for analysis, and presentation in the thesis. The researcher inevitably imposed an interpretive judgment on the discourse to be selected for analysis and included in the thesis. The research questions were the essential determinant of the sample selection. Each discourse event required significant effort to understand and place it in an historical and social context, particularly the discourse events that took place some decades ago.

The researcher has provided a representative set of data, with detailed interpretation that is linked to the analysis of the researcher. As a consequence the analytic section of the discourse may tend to be lengthy. Extracted data provided within the thesis are examples of the data itself. Preceding the analysis of each discourse event there is a brief outline of the social and historical context pertaining to the discourse event.

Table 3-8 below presents a brief account of the steps involved in the modified CDA analytic framework for analysing the empirical data that had been collected and transcribed, and the presentation of analysis:

Table 3- 8 Modified CDA Framework

<u>Step 1</u>	Engage text uncritically.	Broadly and uncritically review the text as a whole.	Allow themes to emerge.
<u>Step 2</u>	Engage text critically.	Review the text for meaningful utterances within the non-Aboriginal discourse/ideology.	Suspend or bracket non-Aboriginal ideology. Consider the three levels of analysis.
<u>Step 3</u>	Units of analysis for the text.	Micro  Meso  Macro	Text analysis Discursive practice Social practice

Step 1 allowed the researcher to read the text in a relaxed manner without delving into the text critically and to gain familiarity with the text. Step 2 then offered the researcher to review the text in a critical manner looking for the meaningful utterances that existed within the non-Aboriginal discourse. To achieve this outcome required that the researcher try and understand the meaning within the Aboriginal discourse that was connected to the meaningful utterances in the non-Aboriginal discourse. The researcher engaged in an enormous amount of research with regard to trying to understand the meaning within the Aboriginal discourse. However, as previously disclosed in Section 3.8.1 there are limitations.

The units for analysis of the non-Aboriginal discourse in Step 3 as presented in **Table 3-8** are the micro, meso and macro. Step 3 was adopted from Thompson (2004) and the presentation of the analysis of Step 3 is outlined in **Table 3-9**. Key utterances and analysis are presented in this format in the analysis section of Chapter 4 to highlight important examples of the analysis and to present the analysis in a structured manner

that in fact highlights the way knowledge is presented in a Western context. Not all the analysis however is presented in this fashion with the remainder of the analysis presented in a narrative format. This will allow the reader greater flexibility to determine what they deem to be important with regard to the analysis.

Table 3- 9 Presentation Format for Analysis

Reference: <i>Line 1</i> Text: <i>Sample of text</i>	
Micro (Text Analysis)	<i>Researcher description</i>
Meso (Discursive Practice)	<i>Researcher interpretation</i>
Macro (Social Practice)	<i>Researcher explanation</i>

The following **Table 3-10**, **Table 3-11** and **Table 3-12** show actual examples of analysis presented in Chapter 4.

Table 3- 10 Example of Textual Analysis

Text: The various sections and the order of presentation were determined by the writers so as to employ a convenient framework for the presentation of the relevant information.	
Micro (Text Analysis)	((Aranda)) knowledge is employed within a convenient framework. Only relevant ((Aranda)) knowledge is presented. ((Aranda)) knowledge is presented in an order determined by the writers.
Meso (Discursive Practice)	The writers are silent in the text on the origins of the “relevant information”. The voice and knowledge of Aranda people is potentially lost in the text.
Macro (Social Practice)	The knowledge to be presented becomes convenient and relevant in a non-Aboriginal context.

Table 3- 11 Example of Video Analysis

<p>Text: under the protection of Culture we have things like Aboriginal culture, which we want to see developed, such as drawings you have in various caves and other places. They are of tremendous importance, and we've seen the designs, you have the dresses the women wear, you have the patterns on the curtains and other materials, and they are very popular throughout the world</p>	
Micro (Text Analysis)	Aboriginal culture according to the Minister is something that “we want to see developed”. Cave drawings are of tremendous importance as designs for dresses and curtains, because they are popular around the world.
Meso (Discursive Practice)	There is a paradox in the statement by the Minister that there will be the protection of ‘Culture’ whilst at the same time Aboriginal culture is to be economically developed. Implicit in this statement is that Aboriginal cultural “artefacts” are to be developed according to the Western principles of a market economy.
Macro (Social Practice)	The term “designs” reflects a 2-dimensional Cartesian knowledge construct of what the “designs” might constitute. The designs are important because they exist on commodities such as dresses and curtains that are sold around the world. The “designs” are not valued as cultural knowledge, cultural law and cultural identity. This is a significant site of ideological contestation. The explicit safeguard and preservation of sacred sites is not mentioned in this statement.

Table 3- 12 Example of Written Agreement Analysis

Text: The native title rights and interests are held by the Yungngora people (“the common law holders”)	
Micro (Text Analysis)	The Yungngora people are reframed as “the common law holders”.
Meso (Discursive Practice)	<p>The distinct identity and potentially different culture of the Yungngora people is no longer identifiable through being reframed as “the common law holders”.</p> <p>The Yungngora people thereby become part of and subsumed by the non-Aboriginal legal system.</p>
Macro (Social Practice)	<p>Knowledge of the name and identity of another culture is explicitly lost.</p> <p>Knowledge that might be associated with the Yungngora people is transformed to a non-Aboriginal framework.</p>

3.11 Conclusion

Chapter 3 has outlined the methodology for inquiry in this thesis and in particular argued that qualitative research can make a positive contribution to strategic management research. Extending strategic management methodologies has the potential to make a positive contribution to the discipline (Rouse & Daellenbach 2002). In particular critical discourse analysis has significant research potential in strategic management (Phillips, Sewell & Jaynes 2008). Of particular interest for this thesis is that discourse identifies certain ways of thinking, doing and being, and what is excluded (Phillips, Sewell & Jaynes 2008). Chapter 4 provides evidence of diverse ways of thinking, doing and being that arguably challenges Western management schemas and frames. The implications of these challenges are then discussed in Chapter 5.

Chapter 4 Analysis

4.1 Introduction

This chapter presents the corpus of data collected and transcribed for this thesis, and the critical discourse analysis of the negotiation transcripts.

Excerpts from interviews conducted with Aboriginal people are presented in Section 4.2 and Section 4.8. The interviews are presented in the order they were undertaken. The interviews are presented for the reader to gain an understanding of cross-cultural negotiations from an Aboriginal perspective.

Negotiation transcripts and the analysis are presented in a temporal sequence with the oldest negotiation transcript presented first and the most recent negotiation transcript presented last. The rationale, in part, is to demonstrate how discourse and negotiations have changed and not changed over time. The analysis is of the discourse of non-Aboriginal people during the negotiations.

It is recommended by the researcher that the reader explicitly recognise that several of the discourse events occurred over two and three decades ago. Historical information is included prior to the analysis to provide the reader of the thesis a background context for the transcripts. The analysis of the transcripts is a critical analysis and not a criticism of anyone or anything stated in the transcripts.

The texts analysed in this chapter are presented in **Table 4.1**.

Table 4- 1 Negotiation Transcripts & Interviews

Discourse Events	Transcript	Texts for analysis
Interviews 1-3: Yarning Section 4.2	Excerpts from transcripts of interviews 1-3	Interviews not subject to analysis. Provides Aboriginal perspectives of cross-cultural negotiations.
“Principles relating to Housing” paper Section 4.3	Excerpts from paper	Translations Headings Reasons for creating headings
Noonkanbah negotiations Section 4.4	Transcript 1 Transcript 2 Transcript 3 Transcript 4 Transcript 5 Transcript 6 Transcript 7	Meeting of Aboriginal community leaders Statement by Minister Ministers & Community Leaders Media Discussion of Ministers Contractor and Traditional Owner Contractor and Traditional Owner Tape recorded message of Minister Noonkanbah Consent Determination
Yirrkala negotiations Section 4.5	Transcript 1 Transcript 2	Mine site revegetation Mine site revegetation
Adjahdura negotiations Section 4.6	Transcript 1 Transcript 2 Transcript 3	Trust Beliefs Act
Unpublished Video Transcripts Section 4.7	Transcript 1 Transcript 2	Development Yarning
Interviews 4 & 5: Yarning Closing Conversations Section 4.8	Transcript of interview 4 Excerpts from transcript of interview 5	Interviews not subject to analysis. Provides Aboriginal perspectives of cross-cultural negotiations.

4.2 Yarning with Elders

The following three interviews are with Aboriginal people who agreed to be interviewed for this research, and were conducted prior to collecting any negotiation discourse data or undertaking any analysis and after the initial literature review. Another two interviews were conducted after the corpus of data was collected for the thesis and are presented in Section 4.8. Excerpts from the interviews are presented for the reader to acquire familiarity with Aboriginal perspectives of the cross-cultural negotiation process. The transcripts are not subjected to analysis by the non-Aboriginal researcher, and represent an Aboriginal voice within the thesis.

Interview 1 was conducted with a community Elder who has significant experience negotiating native title claims, running commercial businesses, establishing and running a community. The interview was conducted sitting on the ground with traditional language and animal sounds articulated by the interviewee during the interview that unfortunately are unable to be presented within the transcript.

Several informal conversations occurred before the formally recorded interview was undertaken and much knowledge was shared during these informal conversations. It was explained to the researcher that in the past as an Aboriginal negotiator that one had to explain everything about Aboriginal culture during the negotiation process. There was very little knowledge regarding Aboriginal culture amongst non-Aboriginal people. Now the young people, the anthropologists, who have had training recognise and know Aboriginal artefacts, and the purpose of the Aboriginal artefacts. There is now a greater understanding of Aboriginal culture during the negotiation process.

Interview 2 was conducted with a community leader who has significant experience negotiating native title claims, and running a commercial business. During these conversations it was explained to the researcher that the approach by non-Aboriginal people during negotiations is to give “Aboriginal people a hearing”. The hearing was described as a polite block of time for the Aboriginal people to express their sentiments

in the negotiation process. However once this “hearing” was given, it was felt by the interviewee that generally the non-Aboriginal people who were at the negotiation table had generally already formed an attitude that reflected, “I have given you Aboriginal people a hearing, I have heard what you said and now it is time to get on with it, to get on with why we are here which is to get the business done”. The outcome of the ‘negotiation’ was always going to be the same.

Interview 3 was conducted with an Elder from central Australia who has significant experience in the art industry. She generously shared stories of her father’s stories and experience meeting some of the first non-Aboriginal people to arrive in central Australia.

The interviews provided a privileged start to the research project and the interviews reveal insights from an Aboriginal perspective of cross-cultural understanding.

The following transcripts are excerpts from the interviews. The number indicates the Line number the text is taken from within the interview.

4.2.1 Interview 1

28. Interviewee: But we take the young one take them out in the field and teach them the naming all the different plants soils all the different pigments you know all that all the stone tools and use them for wood carving and only certain tree can be cut not destroy all all the trees and all this sorta type only certain what are you going to use see all the language we are going to mention it to them and the original name that were the first white people to name those trees and today they call everything a Eucalyptus everything a Eucalypt you don’t know what the Eucalypt is

29. Researcher: Yeah

30. Interviewee: Like you say that's a Coolibah this is Ironbark or Ironwood and that's a Ti Tree and or this is a Bloodwood or something like that that's the original name for everything that was here in the past

94. Researcher: How do you find the whitefellas do they understand the importance of Aboriginal knowledge or your knowledge do they understand the importance of that?

95. Interviewee: They do like quite a lotta of them understand and quite a lotta them doesn't understand much

110. Researcher: When you're sitting at the Land Council and you're dealing with whitefellas in there how do you find them in terms of understanding your knowledge?

111. Interviewee: Well um with the whitefella in there what they do they go through the other different history of being an anthropologist and they pick up and they haven't told me but I think they go to other different universities Canberra or something or where-ever they go where the Aboriginals anthropologies school there I think that's where they learn from there

112. Researcher: Yeah

113. Interviewee: Because I pick some of them up they took it straight away they sorta recognised a lotta the you know and a lotta recognise different stone tools from different parts the country

125. Researcher: How would you envisage how do think cross-cultural knowledge cross-cultural understanding be improved

126. Interviewee: Cross-cultural knowledge it won't happen straight away it will take a bit of talking cross-cultural knowledge that cross-cultural knowledge...

4.2.2 Interview 2

1. Researcher: Do whitefellas have knowledge of Aboriginal culture of Aboriginal sites of Aboriginal Dreaming?
 2. Interviewee: I suppose the odd one or two you know what I mean ah in terms of development or developers and government I'd have to say no because of the simply reason dealing with them over the years with not just community issues and heritage issues you know our personal issues as well er there's a big lack of understanding between ah government and developers and the Aboriginal people yeah
 3. Researcher: And if there is is a lack of knowledge what makes it difficult in in transferring Aboriginal knowledge across cultures?
 4. Interviewee: Well er how can I say this you read a book you know what I mean and you get an understanding from reading a book but that's only one part of an understanding without actually going ah and being one on one with a person and actually walking Country and explaining it to them er one on one about what the Country really means to us and the feeling we get from the Country that's I think then they start to get an understanding you get what I mean but I suppose then it all depends why they're listening whether they are listening in a er in er in a way where they agree with you or in an objective way you know what I'm saying to you and I suppose when we first come across any whitefella and talk to them you wonder who they are you get what I mean like the first thing that I get in my mind is who this fella you know what does he actually know because at the end of the day the only reason he meeting with me because he wants something out of it you know what I mean well that's how I think put it that way you know
-

9. Researcher: So what when you give knowledge and you give it freely what do white people do with it? Do they change it, do they reframe it, do they give it back to you in a different context?

10. Interviewee: I suppose all of that what you just said but ah the way I look at it I'm hoping they are actually going to take something away and use it in a positive way not in a negative way against me and I suppose a lot of them look at when you talk to them about er knowledge of heritage an stuff and like that a lot of them say oh well a lot of yous don't live like you did in the old days you don't live in the past you know and we trying to explain to them without our past we got no future and that's they understand the past of us and then they surely should get a little bit of an insight into what we talking about in the future of dealing with them and what we hope they will get out of it you know

17. Researcher: Is there knowledge that you have

18. Interviewee: Yeah

19. Researcher: That whitefellas do not recognise as knowledge like legitimate kind of knowledge

20. Interviewee: Well like when we talk about our Dreaming sites you know what I mean

21. Researcher: Yeah

22. Interviewee: And a Dreaming site has a story behind it you know

23. Researcher: Yeah

24. Interviewee: That there's nothing there physically that you can touch you know what I mean or see but there's a Dreaming story within the how we going to talk about it you take someone to a place right and you talk about a Dreaming to them and there might be a bush dig you know and the bush to us has taken on the shape of what creature lived in that area you know what I mean or where the

Dreaming story coming from and I suppose they if can't see that figure in that bush or that tree you know or in that land formation well they'll they'll never get it you know what I mean

25. Researcher: Yeah

26. Interviewee: So I can see how a whitefella would doubt know what I mean when you talk about a spiritual connection or a feeling that you'll get know what I mean where they're coming from a different point of view you know what I mean they're there to listen but do they want to recognise you know

27. Researcher: Yeah How how can white people learn about Aboriginal knowledge?

28. Interviewee: I suppose we go back to the first thing we were saying there's time they gotta spend one on one with a person you know the only way you can really teach somebody ah is by taking them out on Country and showing em what's our belief is and how the plant come to be where it is you know how the tree come to be what it is how that hill come to be that sand hill or how that stone tool or that rock come to be where it is you know and how you and that animal when we got law to look after one another the same as the insect you know we got law where we gotta look after each other and when part of that law is broken well naturally not just the human gonna suffer but the animal the plants and the insect gonna suffer you know and without having that fella there then one on one and walking Country with them and explaining it to them I suppose they if they're not there and they're not walking with you then they can't see you know what I mean they can't feel it

29. Researcher: Yeah

30. Interviewee: But if they're there with you and you're trying your hardest to get it across to them then it all depends what frame of mind they on know what I mean I suppose I always got to refer to what where their mind is set whether they're actually listening or whether

they're just there you know what I mean all depends the reason behind that person whether they really want to learn or whether they just or whether the person is on tour and feels for your people and wants to really learn about it or whether the developer there he comes in and wants to talk to you and thinks he got a bit of a feeling there about where your coming from but at the end of the day I still want to rip the fuck out of that land sorry about that and I want to get and that's what I need off you

4.2.3 Interview 3

11. Researcher: And so there's knowledge in that story
12. Interviewee: Yes
13. Researcher: Your the knowledge that was handed down to you
14. Interviewee: Yeah by grandfather yeah my grandfather he was an artist in 1970s
15. Researcher: Right
16. Interviewee: He gave me a story my grandfather
17. Researcher: Is that knowledge different to white people knowledge?
18. Interviewee: Yes.
19. Researcher: How?
20. Interviewee: Because that story comes from blackfella way from Dreamtime
21. Researcher: And how is that different from white knowledge?
22. Interviewee: Because whitefella don't know you know culture or whatever Whitefellas, only Aboriginal people got
23. Researcher: Only Aboriginal people got that knowledge?
24. Interviewee: Yeah Dreamtime
25. Researcher: Is it hard for white people to understand the Dreamtime?
26. Interviewee: Yep
27. Researcher: Why do you think it's hard?
28. Interviewee: Because they just learn by reading the book the Aboriginal book

some whitefellas

69. Researcher: What would you tell white people about how to learn about Aboriginal culture how to learn about Aboriginal knowledge?

70. Interviewee: They know by our Dreaming our culture you know Dreaming society black society

92. Researcher: What's the biggest difference between ((text not included)) people and non-Aboriginal people

93. Interviewee: It's different

94. Researcher: How is it different?

95. Interviewee: Because white fellows are whitefellas and blackfellas are blackfellas

96. Researcher: How are they different in their thinking?

97. Interviewee: Thinking different Aboriginals are different by whitefellas because Aboriginals got the most law you know tribal way Dreamtime you know and white fellows doesn't they just learning whitefellas

4.3 Principles Relating to Housing Paper and Background

Section 4.3 provides a brief introduction and background to the discourse transcribed in the paper “Principles Relating to Housing Amongst Aboriginal Groups Associated with Hermannsburg” (Stoll, Ziersch & Schmaal circa 1975).

The opening paragraph of the document is included to provide an insight into the context within which the discourse took place. According to the authors the paper (Stoll, Ziersch & Schmaal circa 1975):

is an attempt to explore some of the principles by which a number of traditional Aboriginal social groups establish and maintain habitable dwellings. It specifically refers to Aborigines of Western Aranda and Loritja descent who are associated with the Hermannsburg Mission Settlement in Central Australia. The paper is written against the historical background of the housing of Aborigines at the Hermannsburg Settlement, and more particularly, against the background of the outstation movement which began in Hermannsburg in 1974. Prior to 1974 there were approximately 650 Aborigines living in the Mission Settlement. Currently, approximately 500 of these people comprise the groups which are living in the outstations variously located on the Hermannsburg lease but away from the Settlement itself. These outstations, as they are generally referred to, consist of relatively small groups of closely associated Aborigines each with its own established leadership, common goals, aspirations and loyalties. The concept of small groups of closely related people forming their own camps or communities is not new, nor is it confined to the outstation situation. Within the Settlement situation at Hermannsburg the people were similarly organised although, until recent times, this was not particularly apparent to the Mission Staff. The 150 Aborigines still living in the Hermannsburg Settlement are made up of a number of such relationship groupings.

The paper “Principles Relating to Housing Amongst Aboriginal Groups Associated with Hermannsburg” is an amalgamation of three interviews that were transcribed. The three

interviews were conducted between two non-Aboriginal people and a total of four Aboriginal men from the Mission Settlement. The interviews were mostly conducted in the local Aboriginal languages, primarily Aranda. The transcripts included in the paper are written in English. The discussions were tape recorded and then transcribed by the two non-Aboriginal people who had also conducted the interviews with the Aboriginal leaders. Comments were also appended to the transcripts by the authors. The comments were based on the experience and knowledge of the authors and provided an insight into their understanding of the discussions. The limitation to the following analysis is that the researcher did not have access to the original tape recordings and as a consequence the transcription cannot be validated.

It is argued the paper represents a significant discourse event within a broader community based negotiation. The discussions occur in the dynamic economic, social and environmental period of the mid 1970s. The discussions are centred on how the Aranda people might ultimately improve conditions and the provision of services in their community and arguably occur within a broader context of doing business to ensure that facilities and services were provided to everyone at the Hermannsburg Mission Settlement. The paper is also a valuable historical record of Aboriginal and non-Aboriginal interaction during a period of significant political and social change in Australia.

The social organisation of the Aboriginal people within the Hermannsburg Mission Settlement and the principles underlying the movement of Aboriginal people from the Mission Settlement to the outstations was not apparent to the non-Aboriginal Mission staff. The interviews were undertaken in response to the Mission Settlement population becoming too large. Approximately 500 of 650 Aboriginal people formed “outstations” outside of the Mission Settlement that consisted of closely related Aboriginal groups.

The discussions occurred in the mid 1970s around the same time when Aboriginal people from various parts of Australia were moving from “reserve villages” to create outstations. In Arnhem Land and Central Australia in the Northern Territory around a

total 180 outstations were created by 1983 (Peterson 1985). The housing transcript is arguably a record of part of the broader “homelands movement” (Morphy 2008) of Aboriginal people in the Northern Territory to outstation living and is an insight into the economic, social and political context of what was occurring in Australia during the 1970s. It was also an era of self determination, whereby Government policy was that Aboriginal people should be in charge of their own affairs and a concomitant awareness by Aboriginal people that they should make their own decisions (Eckermann et al. 2005).

An Aboriginal Council body had been introduced by the Mission to administer the Settlement population and the Aboriginal Council existed prior to the negotiations. The Council body was constructed according to non-Aboriginal concepts and principles. It appears from a reading of the transcript the Mission expected that the Aboriginal Council body was to be the representative body of the Aboriginal community. That was the theory.

The researcher contends that the practice was that Aboriginal Councillors used their position and resources of the Council body according to Aboriginal principles, customs and laws. Aboriginal groups that were not a part of nor represented on the Aboriginal Council body refused to concede authority to the Council according to Aboriginal customs and law. The subsequent implementation of policies by the Aboriginal Council administration body created tensions within the Mission Settlement.

It appears these tensions led to a situation within the Settlement that ultimately compelled various groups to establish their own outstations away from the Settlement. The groups that relocated to the outstations were then able to manage their own affairs.

Correspondence, archived at the Strehlow Research Centre, between the Minister-in-Charge of Aboriginal Affairs and T. G. H. Strehlow (Wentworth 1969) included a document by E. C. Evans regarding the cultural factors affecting Aboriginal Councils.

The document enumerated upon some of the cultural aspects, understood at that time, that may have created these tensions and stated:

1. The codes of social behaviour in traditional society were rigidly set and conformity was absolute.
2. Individual Aboriginal people had no authority to represent the views of their kin or peers.
3. The reason many Aboriginal people were chosen for their role on Councils was because they could communicate in “the language of the alien culture” and not necessarily because of the status within the community.
4. Within Aboriginal culture the thoughts and opinions of an individual may not be intruded upon, they belong “in the realm of the inner self, the spirit and has therefore a sanctity which may not be invaded upon”.
5. Council may in fact not know the wishes of the community as it “is improper for an Aboriginal to enquire of another Aboriginal, by deliberate questioning, the latter’s view on an issue.”
6. Whilst a Council meeting may reach majority agreement other Aboriginal people or groups may not feel obligated or subject to the will of Council.
7. Council or a representative of Council were often placed in a difficult position in communicating any decision and may have been subject to accusations of trying to “act like a white-man”, which is an offensive accusation from one Aboriginal person to another.
8. Councils did not necessarily have legal or official status beyond what non-Aboriginal people in authority allowed.

The Mission Settlement through these discussions sought to understand Aboriginal social organisation and determine the aspirations of the Aboriginal people. The aim of the discussions was to uncover knowledge regarding Aboriginal social structures within the Mission Settlement and the outstations. It appears that the underlying concern of the Mission was the provision of services and facilities, and the associated costs to provide the services and facilities. Understanding Aboriginal knowledge was an implicit and explicit requirement in the discussions. The paper “Principles Relating to Housing

Amongst Aboriginal Groups Associated with Hermannsburg” importantly represents an explicit written understanding by non-Aboriginal people of Aboriginal knowledge during a broader negotiation process.

4.3.1 Translations

What is unique about the original discussions is that they occurred in the local Aboriginal language Aranda. The paper however was written in English. Included within the paper were Aranda words that were given an English translation in parentheses. The Aranda words were then used without the English translation throughout the transcript.

The following examples are from the various sections of the transcript:

1. The household unit:
 - a. “inkitja – (single men’s quarters)”
 - b. “lukura – (single women’s quarters)”
 - c. “ankala – (MBS – mother’s brother’s son, and FZS – father’s sister’s son)”
 - d. “mparna (WB – wife’s brother)”
2. Kin obligations – Domestic responsibilities:
 - a. “inkitja – (single men’s quarters)”
 - b. “lukura – (single women’s quarters)”
3. Establishment and social structure of an Aboriginal camp:
 - a. “mother’s sister (miya)”
 - b. “karmuna’s (son-in-law) house”
4. Death:
 - a. “ampa (sister’s children)”
 - b. “kamurna (mother’s brother or daughter’s husband)”
5. Housing considerations:
 - a. “That south wind’s a dangerous wind. It can strike people and they get a pain across the middle. We call it karntiya”

- b. “They can walk around in the day-time with that north-east wind, that turrkara”
 - c. “artwa liltja (avengers)”
6. The European structured settlement:
- a. “wurley or tent”.

4.3.2 Analysis of Translations

The use of Aranda language within the written text represents Aboriginal knowledge in a powerful way and provides a direct link to the Aranda culture. There exists an enormously rich amount of Aranda knowledge within the transcripts.

The Aranda words inkitja and lukura are translated to describe single men’s quarters and single women’s quarters. The term “quarters” is defined as accommodation or lodging, but this term has particular reference to accommodation of military personnel. The term “quarters” conveys a hierarchical structure to the accommodation rather than a relationship system of accommodation. This creates a site of ideological contestation and implicitly links with the introductory paragraphs that are written with such terms as organised and decentralised. The term “quarters” is used to describe a component of the “unit” that has been used to describe the household that is part of a reductionist process of evaluating and describing an Aboriginal camp. The holistic nature of the Aboriginal camp with the inter-relationships and history, and concomitant tacit knowledge, is arguably changed utilising the reductionist method.

4.3.3 Headings

According to the authors the transcript is a representation of three separate discussions that were aggregated into a single document. This aggregated document was then arranged under headings. This was a legitimate choice out of a range of choices by the authors to present their paper. The aggregated transcript was presented in sections with the sections arranged in an order determined by the authors.

The headings from the paper are:

1. The household unit
2. Kin obligations – Domestic responsibilities
3. Establishment and social structure of an Aboriginal camp
4. Death
5. Housing considerations
6. The European structured settlement
7. Conclusion

4.3.4 Analysis of Headings

The aforementioned headings from the paper created a formalised structure. Structuring the transcript in this manner may also reveal the authors' conception of the most likely readers of the transcript, and the type of document production considered by the authors to be appealing or persuasive for those readers.

The order of headings within the transcript created discrete, identifiable and explicit components of knowledge production. The Aboriginal narrative and production of knowledge was changed, a change acknowledged by the authors of the paper. There are several changes. Firstly, areas of Aboriginal knowledge production that may have had explicit and/or implicit links have been rendered less accessible by disconnecting text implicitly or explicitly linked to other text of the original unaltered transcript/discourse. Secondly, the sections create knowledge and a structure for the knowledge deemed important and relevant to a non-Aboriginal culture by the explicit nature of the structure that has been created. Thirdly, knowledge was presented in a “convenient” format and arguably this ‘convenience’ contains some of the implicit values of how knowledge should be presented.

The transcript thus arranged into headings explicitly conveyed to the reader what was important within the discussions. The headings appear to indicate the type of Aboriginal

cross-cultural knowledge sought by the Mission Settlement. The order of the transcript, the choice of headings and placing of text underneath each heading provides evidence of an impact on knowledge production. Changing the order of discourse immediately changes the importance of what was spoken by the Aboriginal participants. Knowledge becomes explicit and compartmentalised through this grouping of information. Accordingly the original Aranda knowledge potentially loses interrelationships that may have existed explicitly or implicitly within the text. The context of the knowledge has changed. The Aboriginal high context knowledge available within the discourse may have been rendered inaccessible when framed within a Western low context knowledge framework.

Heading number one is “The household unit”. The term “household” refers to people who live in a dwelling. The term “unit” refers to a determinate quantum. Although throughout the transcript “household unit” is generally abbreviated to “household”. The section pertaining to the household unit explores a theme of “what makes up your household – your unit” that has direct intertextuality to other texts. For example the Australian Bureau of Statistics (ABS) household surveys definition typically defines a household unit in terms of a group of related or unrelated people who usually live in the same dwelling (ABS 2007). The household unit is primarily used for economic research purposes, as it is an important socio-economic indicator (Eckermann et al. 2005). The socio-economic indicator is an indicator that is quantified. The Western construct of what constitutes a household unit has primarily economic rather than social implications. This is an important cultural point. The household unit is conveyed as a discrete explicit entity, it is reductionist, compartmentalised and fragmented, and in doing so thereby potentially excludes any interrelationship that may exist beyond the construct of the “household unit”. The household unit becomes a low context representation of Aboriginal knowledge.

Non-Aboriginal readers of the text will likely create an image of the household unit within their own cultural mental model using the normative Standard Australian English of the text. The mental model of the typical Australian non-Aboriginal household is an

important semiotic within the text. For example if you are a non-Aboriginal reader of this thesis you may find it difficult to construct a mental model of a ‘typical’ Aboriginal family incorporating complex concepts such as moieties or skin groups and the obligations the relationships of such groups generate. Now juxtapose this against your ability to construct a mental image of the typical Western nuclear family. It is argued the presuppositions implicit in the text, such as household unit, are with regard to what constitutes a typical Australian non-Aboriginal household even though the discourse is with regard to Aranda family living.

Although the paper is enormously rich, the voices and concomitant knowledge of the Aranda people are to a degree silenced as they have not been directly heard (Martin 2003). Aranda knowledge is presented in a linear compartmentalised structure that is designed to be convenient, for the non-Aboriginal reader. An alternative method of presentation may have been to include the verbatim account of the interview in the Aranda language with an English translation.

4.3.5 Reasons for Creating Headings

The authors provide comments regarding the decisions they make on how they have organised the text, and provide the following comment for creating these headings:

The various sections and the order of presentation were determined by the writers so as to employ a convenient framework for the presentation of the relevant information.

4.3.6 Analysis of Reasons for Creating Headings

Table 4- 2 Reasons for creating headings

Text: The various sections and the order of presentation were determined by the writers so as to employ a convenient framework for the presentation of the relevant information.	
Micro (Text Analysis)	Aranda knowledge is presented in sections and in an order determined by the writers.
Meso (Discursive Practice)	The voice and knowledge of Aranda people is significantly changed in the text. The sections create compartmentalised segments of knowledge. The order of the presentation creates a linear sequence to Aranda knowledge. Compartmentalised and a linear sequence of knowledge may not have existed prior to the presentation.
Macro (Social Practice)	Aranda knowledge to be presented according to implicit cultural representation of knowledge. Explicit and implicit relationships of Aranda knowledge are significantly changed. Explicit and implicit relationships of non-Aboriginal knowledge are put in place of the Aranda relationships.

There is arguably explicit evidence that Aboriginal knowledge has been represented within what is essentially a Western discourse. Aboriginal knowledge has been framed in a convenient framework for non-Aboriginal people.

Table 4- 3 Convenient framework

<p>Text: The various sections and the order of presentation were determined by the writers so as to employ a convenient framework for the presentation of the relevant information.</p>	
<p>Micro (Text Analysis)</p>	<p>Aranda knowledge is employed within a convenient framework. Only relevant Aranda knowledge is presented.</p> <ol style="list-style-type: none"> 1. “convenient framework”: 2. “relevant information”. <p>The highlighted elements in this statement raise the following questions:</p> <ol style="list-style-type: none"> 1. “convenient framework”: <ol style="list-style-type: none"> a. Convenient for whom? b. What kind of framework? 2. “relevant information”: <ol style="list-style-type: none"> a. What is the relevant information? b. For whom is the information relevant? c. What is irrelevant information? d. For whom is the information irrelevant? <p>The writers are silent in the text on the origins of the “relevant information”.</p>
<p>Meso (Discursive Practice)</p>	<p>The written text is in English even though the interviews were conducted in the Aranda language. The written text is for readers of English. The implicit convenient framework and relevant information is for the intended readers of the text, non-Aboriginal people. Any other information deemed irrelevant is not only irrelevant it is not included in the text at all and becomes non-existent.</p>
<p>Macro (Social Practice)</p>	<p>The transcript thus arranged into a convenient framework and relevant information. ‘Relevant’ Aranda knowledge is transformed into a non-Aboriginal knowledge framework. Aranda knowledge becomes compartmentalised, discrete, linear and sequential, and in effect becomes universal. Aranda knowledge is not strongly linked to place and Aranda culture.</p>

In the introductory paragraphs of the transcript the authors described Aboriginal people being “organised” into groups on the Mission Settlement and that Aboriginal people had spoken of “decentralisation” for at least two decades because the Settlement population had become too large.

The term “organise” implicitly conveys the notion of an administrative structure. The term “organise” can also mean to form an association or society. The Mission Settlement most likely did have an administrative structure.

The use of the term decentralisation implicitly conveys that Aboriginal people had recognised and lived according to the principles of centralisation. Centralisation has the underlying principle of authority residing with a central body. This term provides strong evidence of a framing of Aboriginal discourse according to Western schema.

The principles of decentralisation are to distribute the powers and functions of a central body to smaller units. The notions and principles of the terms organise, decentralisation and centralisation pre-empt the transcript of the discussions between the Aboriginal and non-Aboriginal people. This provides evidence of potential ideological contestation rather than allowing the text to speak for itself.

Aranda names of the camps at the Mission Settlement identified where the Aranda people came from, and how people gathered within the camps reflected family ties (Austin-Broos 1996). In parts of the text the term “camp” is used to describe an Aboriginal camp. The naming of camps according to Aboriginal cultural principles is framed with a universal description through the use of the term “camp”. The high context nature of the names of Aboriginal camps that identify where Aranda people come from is changed. The high context nature of Aranda knowledge is arguably changed to low context. Aranda knowledge is not reframed to convey the same elements of knowledge. This creates a site of ideological contestation. High context is changed to low context, and this implicitly represents cultural values in knowledge representation.

Comment by the author on page 5 states that:

a fundamental social unit of the Aborigines...is the kinship arrangement involving the extended family group. The importance of this unit is reflected in the way it regulates the composition of individual outstations, social interaction between people, and business and ceremonial life. Yet it is made up of smaller independent units or households

There is a paradox in describing the household unit as independent whilst also stating in the paper that the same unit also regulates composition and social interaction. Household units are arguably not ‘independent’ if they also regulate composition and interaction. Aranda social practices regulate the composition of individual outstations and the social interaction between people, business and ceremonial life. The researcher contends that Aranda law provides meta-guidance for social interaction and “the fundamental social unit” is not independent, and that this is a site of ideological contestation.

What is the meaning of independence?

1. Independence is a Western construct and means “not dependent, not subject to the control of others, not affiliated with a larger controlling group, not looking to others for one’s opinions or for guidance in conduct” (Longman Dictionary of the English Language 1984).
2. Independence is also related to political independence i.e. Independence Day.

From this political meaning of independence the outstations may have sought independence from the policies and decisions of the Aboriginal Council body. Households are described as independent and outstations are described as individual. They are framed as independent and individual entities. The households may not have been independent of each other as suggested in the text, but may have sought to become independent of the Mission Settlement and the Aboriginal Council body. Deborah Bird Rose with regard to the Yarralin people states that “one’s identity as an autonomous person is always set in a context of group and country” (1992, p. 168). The high context of group and country appears to be significantly reduced in the housing text.

Memmott (2007) uses conceptual ideas such as spatial behaviour, socio-spatial structure and domiciliary spaces that provides a 3-dimensional and relational view of the “household unit”. Individuals are mindful of their position in the social structure of settlements and that (Memmott 2007, pp. 113-14):

There were also many customary forms of spatial behaviour: the location of a person’s sitting position and orientation was chosen carefully, to enable ease of communication with appropriate categories of relatives. When approaching or passing domiciliary spaces, people used auditory signals to make others aware of their presence...[and]...Aboriginal societies are characterised as employing a number of integrated sub-systems of social organisation, some of which underlie the formation of socio-spatial structures.

Commentary of Roger Solomon (Yirra Birndirri) regarding a housing settlement set up in Roebourne, Western Australia, indicated that being moved from community living and compelled to live in houses significantly interfered with leadership, discipline and respect system of the community (Rijavec, Harrison & Ngurin Aboriginal Corporation. 2005). The corollary to this could indicate that moving from houses to outstations or community inspired living would assist in the leadership, discipline and respect system of the community.

Therefore the move from the Mission Settlement to outstation living may have assisted the Aranda people with leadership, discipline and respect systems lost in the Mission Settlement. The housing discussions have tended to report on the structures and structural relationships of families, and this may have been the brief for the discussions. Readers of the text may miss the intangible cultural aspects of community living in the Hermannsburg paper, as indicated by Solomon (Rijavec, Harrison & Ngurin Aboriginal Corporation. 2005), as the language of the paper has arguably framed the households and outstations as independent and individual according to Western schema.

4.4 Noonkanbah Negotiations and Background

During 1979 and 1980 a fairly significant dispute occurred on land known as Noonkanbah, in Western Australia. Noonkanbah is approximately 1,800 square kilometres and is located approximately 90 km west south west of Fitzroy Crossing (*Cox on behalf of the Yungngora People v State of Western Australia [2007] FCA 588 2007*). The overarching contention of this particular dispute is in regard to whether mining should or should not take place on the land at Noonkanbah.

The dispute and negotiations at Noonkanbah involved many stakeholders including the local Noonkanbah community, surrounding communities, a US mining company that was drilling for oil, trade unions and the Western Australian Government. It was a dispute that made world headlines and became synonymous with Aboriginal land rights (O'Brien 2008). During the dispute:

Noonkanbah made international headlines when the Yungngora people defied the Government and oil company Amax to try and prevent drilling on a sacred site...Although protests, lockouts and injunctions delayed the drilling, it eventually went ahead in 1980 when police escorted non-union drillers on to the site (Ripper 2007).

On 24 April 2007 nearly three decades later the Federal Court determined that native title existed in the entire determination area of the Noonkanbah Pastoral lease and that the native title holders were the Yungngora people (*Cox on behalf of the Yungngora People v State of Western Australia [2007] FCA 588 2007*).

The Noonkanbah story of 1979 and 1980 was only part of a long history in this region in the State of Western Australia. During its days as a colony Western Australia acquired a notorious reputation for its treatment of Aboriginal people during the expansion of pastoral leases (Hawke & Gallagher 1989), and for atrocities committed against Aboriginal people (Human Rights and Equal Opportunity Commission 1997). This

history is still alive in the oral tradition and was a recent lived experience for the Noonkanbah people:

The Elders who led the Noonkanbah people through the trials of 1979 and 1980 [were] only one generation removed from the 1890s, the era of Jandamarra, Noomoodie and the massive police response (Hawke & Gallagher 1989 p. 47).

Hawke and Gallagher make reference to Jandamarra, an important person in the history of the region. Jandamarra is a symbol of “the resistance of Bunaba people over one hundred years ago [that] was a fight for survival against the destructive terror of white colonisation” (Pedersen & Woorunmurra 2000, p. vii). Since the 1890s the local Aboriginal people have witnessed massacres, been the victim of the slave trade and suffered other injustices on their traditional land.

It should also be remembered that non-Aboriginal people exercised oppressive authority to determine whether Aboriginal people could work and where they could live, what they could eat in the form of rations, the length of schooling, and sanction the separation of families (Eckermann et al. 2005). This authority was legislated for under the *Aborigines Act* 1905 (WA), *Native Administration Act* 1936 (WA) and underpinned government policy for the forcible removal of Aboriginal children from their families, known as the stolen generation (Human Rights and Equal Opportunity Commission 1997).

The official policy of taking children from Aboriginal families had officially ceased only a few years prior to the Noonkanbah dispute. The Department of Native Welfare of Western Australia was abolished in 1972 at a time when approximately 10% of the Aboriginal population were in institutions, the majority of which were children (Human Rights and Equal Opportunity Commission 1997). The consequences of this policy are alive and vivid in the consciousness of the Noonkanbah people and Aboriginal people throughout Australia. All the families at Noonkanbah had members of their families taken by force (Hawke & Gallagher 1989).

As discussed in Chapter 2 there were significant changes in legislation and industrial awards that had a significant impact on Aboriginal communities around Australia. “In 1966 the award for pastoral workers was extended to Aboriginal people, meaning that from 1968 Aboriginal workers in the pastoral industry were entitled to equal pay. This decision led to the eviction of whole communities from pastoral stations.” (Human Rights and Equal Opportunity Commission 1997). The Noonkanbah people walked off Noonkanbah in 1971 to live on the fringes of Fitzroy Crossing (Hawke & Gallagher 1989).

The history of Noonkanbah is complex, vivid, violent and destructive. The history is a combination of the oral tradition of the Aboriginal people and the archives of government, although these historical accounts do not always reconcile (Hawke & Gallagher 1989). The history kept through oral tradition included narrative of the resistance of Jandamarra (Pedersen & Woorunmurra 2000).

In March 1998 the Yungngora people who live on Noonkanbah lodged an application with the National Native Title Tribunal for a native title determination. Nine years later on 27 April 2007 the Federal Court of Australia in the Western Australian District Registry made a determination of native title in relation to the lands and waters in the terms of an attached Minute of Consent Determination of Native Title with regard to Noonkanbah (*Cox on behalf of the Yungngora People v State of Western Australia [2007] FCA 588* 2007). The consent determination was made between Dickey Cox and the State Government of Western Australia, Shire of Derby and Kimberley Land Council. A native title determination is a decision by the Federal Court that native title does or does not exist, and when native title is recognised the determination will identify the native title holders and their rights and interests (National Native Title Tribunal. 2007). The Yungngora people hold native title rights and interests to Noonkanbah according to the aforementioned determination.

The analysis of the Noonkanbah dispute is conducted in two major sections:

1. The first section contains several transcripts that are publicly available negotiations at Noonkanbah circa 1980.

2. The second section is an analysis of the publicly available Consent Determination concluded in 2007. It took nine years from the time the application was lodged in 1998 until the Consent Determination was made in 2007. The Consent Determination is not a transcript, and represents an agreement between the parties involved.

The two events provide a rich insight into portions of a very long and complicated negotiation process.

The transcripts included in the analysis that form part of the Noonkanbah negotiations circa 1980 are derived from documented accounts on the DVD “On sacred ground” (Howes, Hughes & Film Australia Pty Limited. 2007), and through written transcripts from “Noonkanbah: Whose Land, Whose Law” (Hawke & Gallagher 1989).

4.4.1 Transcript 1 – Meeting of Aboriginal Community Leaders

The first transcript is from a meeting held in Turkey Creek November 1979 of Aboriginal community leaders who travelled from over the Kimberley region to discuss “the ownership of the pastoral station and interference by mining” (Howes, Hughes & Film Australia Pty Limited. 2007).

As part of the Turkey Creek meeting the following statement was made by an Aboriginal community leader (Howes, Hughes & Film Australia Pty Limited. 2007):

They think that ah we people here dumb to our land but they don't quite understand what it means to us we have things here that been handed from our great great grandfathers and this generation now still carry on the past and this is more important to us even our sacred areas show us the things that we really don't like the mining the people to ruin up that's the argument we have with the government all the time but government don't hardly see what the point we really get at they like to just take what they can see they just don't know how much they hurt our feelings it hurts our memories and our families and our our

young generations but we hope this time will come when the other governments might realise that there is a human being hardly can't read and write but he still have protection over his land what he can see what he can hang on to.

4.4.2 Analysis of Transcript 1 - Meeting of Aboriginal Community Leaders

The text is included to represent the feeling of the community leaders at the time of the Noonkanbah dispute. The text is profound in its simplicity whilst deeply complex in the contextual information being conveyed. The transcript conveys significant differences between Aboriginal and non-Aboriginal people with regard to Country. For the non-Aboriginal readers of this transcript more and more will be revealed as knowledge regarding Aboriginal culture increases.

The Aboriginal leader stated that the government “don’t hardly see what the point we really get they just takes what it can see” and the mining people “ruin up” sacred sites. The significant difference in this text lies in how to “see” the land. The Aboriginal leader stated that what the Aboriginal people would like is to hang on to what they can see. This text contains an explicit statement regarding an objective reality. For example sacred sites exist for Aboriginal people in a way that is difficult for a non-Aboriginal person to see and understand. For a non-Aboriginal person to see and know a sacred site will be almost impossible without the explicit knowledge transfer from an Aboriginal person. What Aboriginal people see is Country, steeped with the schema of the Dreaming.

When the government takes what it can see for mining it hurts the memories, feelings and families of Aboriginal people. Mining is directly related to the economic value of the resource being mined. No economic value means no mine. The resource is objective and quantifiable according to an economic matrix. Part of the consideration in the economic value of a mine site is the consideration of the legal requirements involved in the mining process such as the *Aboriginal Heritage Act WA* (1972). The original Act was to make provision on behalf of Aboriginal people for the preservation of places and

objects used for traditional purposes. Certain sections of the *Aboriginal Heritage Act* WA (1972) are important in the context of the Noonkanbah negotiations, and at the time:

Section 5 (b) stated that the Act applied to:

any place, including any sacred, ritual or ceremonial site, which is of importance or of special significance to persons of Aboriginal descent

Section 10 (1) stated that:

It is the duty of the Minister to ensure that so far as is reasonably practicable all places in Western Australia that are of traditional or current sacred, ritual or ceremonial significance to persons of Aboriginal descent should be recorded on behalf of the community, and their relative importance evaluated so that the resources available from time to time for the preservation and protection of such places may be co-ordinated and made effective.

Section 16 (2) stated that:

The Trustees may authorise the entry upon and excavation of an Aboriginal site and the examination or removal of any thing on or under the site in such manner and subject to such conditions as they may direct.

Section 19 (1) stated that:

Where the Trustees recommend that any Protected Aboriginal site is of outstanding importance the Governor may, by Order in Council, declare that site to be a protected area.

In principle once a sacred site was defined according to the Act it would merit registration and in most cases protection (Hawke & Gallagher 1989). A significant contention during the Noonkanbah dispute was the different cultural interpretations of what constituted a sacred site.

For non-Aboriginal people, law regarding sacred sites is written in statutes and case law. The concept of a sacred site is framed explicitly through legislation, explicitly located and bounded within the location, and can be registered. The importance of a sacred site is defined in legislation. The non-Aboriginal model of a sacred site is fundamentally

embodied through legislation. Aboriginal knowledge embedded in sacred sites, the cultural meaning, law and values implicit in sacred sites are almost completely removed in the low context nature of the legislation. Aboriginal knowledge pertaining to sacred sites through non-Aboriginal legislation is framed in the abstract, becomes universal, and is removed from the local context. As described by Hawke and Gallagher (1989) the definition of a sacred site according to non-Aboriginal statute is esoteric, as ultimately the Traditional Owners are the people who know their land and what it means. For an Aboriginal person who has an oral tradition and where English may be a second, third, fourth language the written law relating to a sacred site may be inaccessible during cross-cultural negotiations.

4.4.3 Transcript 2 – Ministers and Community Leaders

The documentary “On Sacred Ground” (Howes, Hughes & Film Australia Pty Limited. 2007) recorded the arrival by light aircraft of three Western Australian State Government Ministers, the Minister for Mines, the Minister for Aboriginal Affairs and the Minister for Cultural Affairs, to meet with Traditional Owners and leaders of the Noonkanbah community circa 1980. Pseudonyms have been used in the thesis rather than the names of the people on DVD. After arriving there are very brief introductions.

The following transcript is of a recording just outside the shed where the main negotiations took place (Howes, Hughes & Film Australia Pty Limited. 2007):

1. Minister 1: It would be best we don't have we don't want any of our people here we don't want anybody else ((inaudible)) just the three Ministers and your three”
2. Minister 3: Then we'll go get everybody

4.4.4 Analysis of Transcript 2 – Ministers and Community Leaders

Table 4- 4 Ministers & Community Leaders

Text: It would be best we don't have we don't want any of our people here we don't want anybody else ((inaudible)) just the three Ministers and your three.	
Micro (Text Analysis)	<p>The Minister making the introductions identifies himself and the other two Ministers as “the three Ministers”, and the community leaders of Noonkanbah as “your three”. The fact that no-one else was welcome at the meeting was made explicit through the statement that “we don't want anybody else”.</p> <p>For example the Minister could have asked what was culturally appropriate in the circumstances as to how to negotiate with regard to this matter and how many community representatives should attend the negotiations.</p>
Meso (Discursive Practice)	<p>Identifying “three Ministers” and “your three” created a differential in importance and authority by reference to those with a title and to those without a title.</p> <p>The community leaders of Noonkanbah meeting the Ministers are instructed that there is a limit of community representation to three elders.</p> <p>Negotiation started through a statement of who was welcome at the negotiation table.</p>
Macro (Social Practice)	<p>Power. The social practice was explicating power through ascription of power by the explicit naming of the parties in the negotiation process as the “three Ministers” and “your three” and exercising that power at the start of the negotiations by stating that no-one else was welcome to attend the meeting between the parties.</p> <p>Noonkanbah community members were excluded in the negotiation process.</p> <p>Community knowledge and access to community knowledge was implicitly excluded in the limitation of who was welcome at the negotiation table.</p>

4.4.5 Transcript 3 – Statement by Minister

The following text is from a statement made by a Minister of the Government of Western Australia made to members of the community immediately after the aforementioned meeting finished (Hawke & Gallagher 1989, pp. 176-177):

under the protection of Culture we have things like Aboriginal culture, which we want to see developed, such as drawings you have in various caves and other places. They are of tremendous importance, and we've seen the designs, you have the dresses the women wear, you have the patterns on the curtains and other materials, and they are very popular throughout the world

4.4.6 Analysis of Transcript 3 - Statement by Minister

Table 4- 5 Statement by Minister

Text: under the protection of Culture we have things like Aboriginal culture, which we want to see developed	
Micro (Text Analysis)	The people of Noonkanbah are reframed as residing under the protection of the Government, and at the same time the Government paradoxically wants the Aboriginal culture that is under their protection to be developed economically.
Meso (Discursive Practice)	The distinct identity of the Noonkanbah people is not specifically identifiable through being reframed as “Aboriginal culture”. The Noonkanbah people thereby become protected and subsumed by the Government and the executive through the non-Aboriginal legal system.
Macro (Social Practice)	Knowledge of the name and identity of another culture is not explicitly articulated. Knowledge and history that might be associated with the Noonkanbah people is not explicitly articulated.

	<p>There exists a paradox in providing protection to a culture but at the same time expressing a desire to economically develop elements of a culture under protection.</p> <p>Protection by the non-Aboriginal culture in effect becomes a mechanism for economic development.</p> <p>The Government thus becomes the guardian to the people of Noonkanbah and whilst under that guardianship we suggest that you should “develop” aspects of your culture that have commercial potential.</p>
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Aboriginal culture according to the Minister is something that “we want to see developed” and the cave drawings are of tremendous importance as designs for dresses and curtains, because they are popular around the world. The cultural knowledge in the cave drawings is framed as a commercial pattern for dresses and curtains. Cultural knowledge that has survived for millennia in these drawings is framed as knowledge of tremendous importance as designs for clothing and materials for a market economy. Significant and ancient representations of Aboriginal knowledge are framed as cave drawings. Concerns for cultural law pertaining to the cave drawings such as to whether they might be secret or only for the initiated is bypassed. Knowledge regarding cave drawings appears limited to the commercial potential of the design. High context Aboriginal knowledge is framed as low context.

There appears to be a paradox in the statement by the Minister that there will be the protection of ‘Culture’ whilst at the same time Aboriginal culture is to be economically developed. Implicit in this statement is that Aboriginal cultural artefacts are to be developed according to the Western principles of a market economy. ‘Protection’ is therefore according to the principles of a market economy.

The term “designs” reflects a 2-dimensional Cartesian knowledge construct of what the “designs” might constitute. The ‘designs’ are important according to the Minister because they could exist on commodities such as dresses and curtains that are sold

around the world. The cave drawings lose their context and relationship to Country. The “designs” are not explicitly valued as cultural knowledge, law and identity in the transition to patterns for dresses and curtains. This is a significant site of ideological contestation.

The explicit safeguard and preservation of sites that contain the cave drawings is not mentioned in the statement.

4.4.7 Transcript 4 – Media Discussion of Ministers

After the negotiations took place the Ministers answered questions outside the shed to a group of journalists following the events (Howes, Hughes & Film Australia Pty Limited. 2007):

1. Journalist: Can we have a quick word with you?
2. Minister 1: We came up here to talk about the sites and after five hours four and a half hours of discussions we have still not been to any one of the sites and
3. Journalist: But Mr ((Minister 1))
4. Minister 1: Let me finish the other thing is we came up here to distinguish the sites and the possible areas and the end result of the discussion is that the people are saying to us is that they will have no mining whatsoever on Noonkanbah not related to sacred sites at all now obviously that position
5. Unknown: That makes the situation worse than it was
6. Minister 1: The situation appears to have deteriorated and um you know perhaps consider very carefully where we go from here
7. Minister 3: I don't think it has deteriorated
8. Minister 1: I don't make any commitments about where the government is going
9. Journalist: But haven't the sites already been identified in the Museum's report?

10. Minister 3: But could I just say this I don't think the situation has deteriorated because they made it clear they discussed this this morning they are interested not in sacred sites but in land rights and they say there should be no mining on Noonkanbah station which is a million acres
11. Journalist: Have they said why there should be no mining?
12. Minister 3: Because they don't believe there shouldn't be any on properties owned by Aborigines but of course that doesn't apply to
13. Minister 2: Pastoral lease anyhow
14. Minister 3: Pastoral properties so the other unfortunate thing was they refused to come down with us because we wanted to point out that the area the company proposes drilling is at least three miles from Pea Hill which is a sacred site
15. Minister 1: This Government is dedicated to getting some exploration and finding some oil I mean that has to be recognised we've got an obligation to this community it's it's an oil hungry world

It is reported on the documentary that three days later drilling rigs arrived and started excavating and drilling on sacred ground.

4.4.8 Analysis of Transcript 4 – Media Discussion of Ministers

Table 4- 6 Media Discussion

Text Line 2: We came up here to talk about the sites and after five hours four and a half hours of discussions we have still not been to any one of the sites	
Micro (Text Analysis)	The minister explicitly states that they have not been to visit any ((sacred or non-sacred)) sites. Minister 1 is silent on what might have been learned with regard to sacred sites or customary law in the 4 to 5 hours of discussion but is explicit with regard to not being granted an access visit to the sacred sites.
Meso (Discursive Practice)	Implicit in the statement on Line 2 is that that talking for 4 to 5 hours with the community leaders of Noonkanbah about sacred sites grants him the right of access to the sacred sites. Minister 1 is silent on whether he asked for permission of the Traditional Owners to access the sacred sites. Implicit is that the people of Noonkanbah are being difficult in their negotiations by not allowing access to sacred sites.
Macro (Social Practice)	At Line 2 Minister 1 appears to be concerned with an explicitly stated outcome of the meeting not being met. The stated outcome of Minister 1 is to visit the sacred sites. There appears to be little explicit knowledge of sacred sites in the text articulated by the Minister.

As stated by Charles Perkins “Aboriginal sacred sites are always by definition sacred and secret” (Guthrie, Maza & SBS Corporation. 1985). Access to sacred sites in Aboriginal culture is subject to traditional law and permission to access a sacred site may never arise.

Aboriginal knowledge regarding the rights associated with granting access to sacred sites is not contained within the text either explicitly or implicitly.

Table 4- 7 Sacred Sites

Text Line 4: we came up here to distinguish sacred sites	
Micro (Text Analysis)	The term “distinguish” compartmentalises, contains or isolates sacred sites, and constructs sacred sites in an objective and explicit framework from the other ‘non-sacred’ sites such as mining sites.
Meso (Discursive Practice)	The phrase reconfigures Aboriginal knowledge in a Western reductionist framework. Sacred sites can be distinguished from non-sacred sites.
Macro (Social Practice)	If the other non-sacred sites can be distinguished then these non-sacred sites can arguably support mining. The phrase removes the interrelationship that sacred sites may have with other traditional Aboriginal culture, knowledge, customs and customary law. Once this knowledge is distinguished and provided by the people of Noonkanbah then the knowledge can be utilised by the non-Aboriginal community for its own purposes. Knowledge thereby becomes disconnected from an Aboriginal context. Knowledge attached to responsibility and obligation becomes disconnected from an Aboriginal context. Knowledge becomes reframed as low context.

Line 9 is a question that asked whether the sacred sites have already been identified by the Museum. Line 10 ignores the question completely and the answer redirects the discourse to the broader principle of Aboriginal land rights over a “million acres” of land, and arguably implies that sacred sites could be an excuse for excessive control over a large area of land.

Table 4- 8 No mining

Text Line 11: Have they said why there should be no mining? Text Line 12: Because they don't believe there shouldn't be any on properties owned by Aborigines	
Micro (Text Analysis)	<p>Have they said why there should be no mining?</p> <p>The text of the answer has an element of ambiguity because it is constructed as a double negative.</p> <p>The text might be interpreted as a single answer or an answer with two discrete components.</p> <p>Because they don't believe; ((and that)) there shouldn't be any ((mining)) on properties owned by Aborigines</p> <p>Sacred sites are silent in this part of the text as a reason for preventing mining.</p>
Meso (Discursive Practice)	<p>The answer becomes more complex if the text is divided into two parts and could be interpreted in a number of ways.</p> <p>The first part may be interpreted that Aboriginal people do not believe in the market economy, or they do not believe in the Western legal system, or they do not believe in Western values, or all of the aforementioned.</p> <p>The second part is more explicit in conveying that there should be no mining on land owned by Aboriginal people.</p>
Macro (Social Practice)	<p>The opposition to mining is presented on the basis that there should be no mining on land owned by Aboriginal people. Opposition to mining on the basis that mining should not occur on sacred sites has been reframed.</p> <p>There is evidence of an ideological contestation. This may not be immediately apparent on the first reading of the text.</p> <p>Mining on sacred sites is reframed as mining on land owned by Aboriginal people.</p> <p>According to Western principles of law ownership of land does not proscribe mining.</p> <p>Customary law regarding damage or the destruction of sacred sites is not explicit within the text.</p>

Line 13 frames the local Aboriginal relationship to land at Noonkanbah in terms of a pastoral lease. This statement affirms Aboriginal ownership of land according to Western legal principles of ownership rather than according to principles of customary Aboriginal law. Aboriginal concepts relating to traditional ownership according to customary law is lost. Aboriginal knowledge of obligation and responsibility toward Country has been framed according to Western constructs of what constitutes ownership of land. The concept of a pastoral lease is used to construct Noonkanbah within a Western legal definition. Also implicit in the discourse is that the law of Western Australia is the dominant legal system. The answer also raises a Western legal principle that as the Noonkanbah property is a pastoral lease it cannot be owned.

Minister 1 explicitly states at Line 15 the Government has an obligation to exploration and finding resources for an oil hungry world. Minister 1 has linked the inability to meet this obligation to the actions of the Noonkanbah community. Thus, if the local Aboriginal community denied access for exploration and drilling they did not meet their obligation to the progress myth, an explicated goal. Minister 1 has implied that Aboriginal people are clinging to the past and clinging to old outdated knowledge of the world embodied in sacred sites by denying access to oil exploration rather than embracing the ‘fact’ that it is an oil hungry world. This is echoed by Nakata (2007, p. 182) who states that Indigenous knowledge systems that underpin everyday life are generally considered obstacles to progress of modern civilisation.

4.4.9 Transcript 5 – Contractor and Traditional Owner

The following transcript is of a discussion between an Aboriginal protester and a member of the contractor party regarding preparation for excavating and drilling (Howes, Hughes & Film Australia Pty Limited. 2007):

1. Contractor: We have given you a long time
2. Aboriginal: And why you just coming without letting us know yesterday or the day before
3. Contractor: Because we did not know that the equipment was going to be

- ready
4. Aboriginal: You grade the road without letting Aboriginal know
 5. Contractor: That is not true we advised you we showed which way the road will come
 6. Aboriginal: ((Inaudible)) you brought them out and we lost our horses and bullock
 7. Contractor: We advised you we showed you which way the road was going to come down
 8. Aboriginal: And you go down to the ((inaudible word)) ground without letting us know

4.4.10 Analysis of Transcript 5 – Contractor and Traditional Owner

Placing the text from the above transcript in **Table 4-9 below**, it then appears that the text of the non-Aboriginal discourse is with regard to providing advice of the arrival of the contractors, and the text of the Aboriginal discourse is with regard to the contractor not providing advice of their arrival.

Table 4- 9 Contractor and Traditional Owner

Discourse	
non-Aboriginal	Aboriginal
We have given you a long time	And why you just coming without letting us know yesterday or the day before
That is not true we advised you we showed which way the road will come	You grade the road without letting Aboriginal know
We advised you that we were going to come down	And you go down to the ((inaudible word)) ground without letting us know

This discourse clearly provides evidence of a disagreement. Acts of disagreement are carried out when there is misunderstanding and/or dissent (Stalpers 1995). It is not clear whether the disagreement arises from misunderstanding and/or dissent. The non-Aboriginal contractor is repeatedly stating that advice with regard to the road grading was provided. The Traditional Owner is repeatedly stating that advice with regard to the road grading was not provided. It is very difficult from the limited discourse as to how the misunderstanding and/or dissent arose between the parties.

The negotiation style is very positional that takes a win-lose format rather than integrative negotiation style that searches for interest-based solutions. The tone of the language of the non-Aboriginal person is fairly business like, and this business like quasi-professional approach is likely to be interpreted by Aboriginal people as rude. This

may have the effect of “reinforcing Aboriginal stereotypes that non-Aboriginal people are critical of them” (Eckermann 1992).

Hidden within this brief text is an attitude that is unspoken. Upon the notification by the non-Aboriginal contractor an implicit “right of entry” appears to be assumed. For example it appears the contractor did not seek or require an acknowledgement that access had been granted by the people of Noonkanbah, as access was implicit through the provision of the notification. Disagreement acts in business negotiations tend to be mitigated, and these acts often exhibit discernable patterns that can be referred to as mitigation strategies (Stalpers 1995, p. 288). There is evidence of mitigation between the negotiating parties by the contractor implicitly indicating that a right of entry and a right to undertake work are met by this notification.

4.4.11 Transcript 6 – Contractor and Traditional Owner

The context to the following text is not clear on the DVD, however it appears to be between a contractor and a Traditional Owner from the Noonkanbah community (Howes, Hughes & Film Australia Pty Limited. 2007):

1. Contractor: The Aboriginals have have no injustice done to them
2. Aboriginal: Aboriginals feel that when you go like this you are destroying their home and you never bring it back again
3. Contractor: We are not destroying
4. Aboriginal: You are you are killing Aboriginal mind

4.4.12 Analysis of Transcript 6 – Contractor and Traditional Owner

The statement by the contractor at Line 1 that no injustice has been done to the Aboriginals does not recognise the rich history of the region and negates this depth of history in the region from an Aboriginal perspective. This is a site of disagreement and significant ideological contestation.

As already indicated the Aboriginal people of Noonkanbah had a long history of resistance to injustice. The statement by the contractor that no injustice has been done to the Aboriginals is a statement that reflects a Western perspective of the local history, knowledge and time orientation.

That there is no injustice is arguably in the opinion of the contractor within the context of the current negotiations. From the contractor's point of view the Aboriginal people had been advised that he was going to come down, with the equipment to grade the roads and excavate, and further to that the Aboriginal people had been advised as to which way the road will come. It appears to represent the doctrine "time is of the essence" that could be an implied term of the negotiations. Time of the essence in contractual terms means that there is a strict interpretation that there are few allowances with regard to mistakes as to time. The contractor statement in transcript 5 at Line 1 "We have given you a long time" is most likely of the order of days or weeks and is indicative of a potential cultural value toward time. This potential cultural value toward time may or may not reconcile with an Aboriginal culture whose culture has survived for tens of millennium by understanding time in a different way.

At Line 2 the statement that "Aboriginals feel" is complex. The statement that the contractors are destroying their home by the activity of road grading and excavation reflects a personal relationship with the area being excavated and graded by machinery. The statement also indicates the importance of place. Caring for sacred places is an obligation of Aboriginal people, and caring for sacred sites is also caring for one self (Guthrie, Maza & SBS Corporation. 1985). This responsibility is articulated in a publicly available affidavit to the National Native Title Tribunal (*Eva J Connors on behalf of Eastern Guruma People and Western Australia and Flinders Diamonds Ltd* 2007) the deponent, an Eastern Guruma woman, stated that:

Damage to sacred places on the land will take from, or sometimes destroy, the spirituality in the land. If that happens then the elders of the group in whose land the damage has occurred have failed in their duty to maintain the spirituality of the land and to pass that on undamaged to the next generation, and will be subject

punishment for not appropriately guarding the land. This punishment can take various forms, from spearing to loss of privileges, and will be irrespective of the circumstances under which the land was damaged.

The Western worldview is tempered by the guiding principle of control over nature (Harris 1985; Nobles 1991; Nonaka & Takeuchi 1995). In this worldview there is a disconnection between human beings and nature, that is predominantly aimed at gaining control over nature (Gouveia 2003). Implicit in the statement at Line 3 by the contractor that we are not destroying pertains to control over nature. The contractor stated that they are not destroying and implicit in the statement is that the contractors are ‘creating’ a road and ‘creating’ space for a drilling rig. There is no ‘destruction’ but rather an exercise of control to transfer the use of space from one form or organic space to another form or industrial space. The tendency of the Western view to control nature is rooted in the Judeo-Christian mandate of dominion and forms part of the definition of one’s place in the Western view of the cosmos (Klaproth 2004). As a consequence Western culture is set apart from nature (Hall 1969).

Aboriginal culture is not set apart from nature. The statement at Line 4 that the contractors “are killing Aboriginal mind” is culturally complex and exemplifies connection to nature. There exists high context to this statement. There exists deep implicit and tacit cultural knowledge in this statement. There is reference to cultural responsibilities, cultural law, cultural identity, personal identity, and to Dreaming stories. The destruction of a sacred site is literally like excising a piece of culture from the mind of an Aboriginal person. The cultural law, cultural identity, personal identity, personal responsibility and everything else embodied within a sacred site that when destroyed is also lost from the Aboriginal mind connected to that sacred site.

Transcript 6 marks a significant difference between two epistemic justifications of knowledge. The Western objective form of knowledge is delimited, quantifiable, exists external to the mind and can clearly be investigated by the human mind (Klaproth 2004). The ideas of body and feeling have been systematically excluded from Western

thinking (Bennett & Castiglioni 2004). The contractor cannot destroy anything if it does not exist, ‘out there’. Where is the explicit evidence of this sacred site? The sacred sites accepted by the government, and presumably contractors engaged by the government at the time, were those that had been registered or acknowledged by the West Australian Museum. The reference to destroying is a point of cognitive dissonance for the non-Aboriginal negotiator, and may reflect part of a broader strategy analysed in the next section. However, for Aboriginal people a sacred site may represent an obvious and objective reference to law, responsibility, to spirit, to Country, to obligation and other explicit knowledge.

Connection to Country and sacred sites is described in the video *Walya Ngamardiki* (Roberts et al. 1978) by Harry Nelson and Jimmy Jungari, where Jimmy Jungari speaks in language while Harry Nelson translates into English:

He ((Jimmy)) looks after the place. He’s also important that he looks after rocks like this little one behind me um they represent people if geologists or anybody comes onto the place and damages these rocks people will die trees over there represent people they are the guardians of this sacred place ((Jimmy spoke his language)) Jimmy was telling you that those trees are responsible for looking after the sacred place we believe in those trees are spirits and if any damage is done to those trees and the spirits killed the people associated with them will die it is very hard for white Australians to understand this but we believe it I been educated and been to school and everything but we believe it.

The people responsible for the trees will die if the trees are damaged and the spirits are killed. Spirits contain encoded knowledge about the culture and landscape (Clarke 2007). Loss of the trees, loss of the spirits represents a loss of knowledge and culture. The loss of a sacred site is also a loss of knowledge and culture.

The traditional Aboriginal storytelling culture is intrinsically interconnected with their understanding and conception of their environment (Klapproth 2004). David

Mowaljarlai explained the meaning of the destruction of sites of significance that had Aboriginal Dreaming paintings (Guthrie, Maza & SBS Corporation. 1985):

Once that been blown up it's no use for anybody it's no use telling stories to anybody its no use telling stories to any young people anyone because who you going to help who listening nobody listening what we saying and why people going come along after it been destroyed what's the use telling him the story and our ancient homes been destroyed.

David Mowaljarlai, a Ngarinyin elder (Mowaljarlai & Malnic 1993), speaks about ancient homes being destroyed. This is directly relevant to the discussion between the contractor and the Aboriginal who stated that: "Aborigines feel that when you go like this and destroying their home and you never bring it back again". Aboriginal people live in the story and the story lives in the sacred site, they co-exist. Destruction of one is destruction of the other. Destruction of a sacred site is the destruction of knowledge.

There is a high context in the spatialisation of knowledge, a tacit and explicit knowledge that is located in cultural and geographic spaces.

The non-Aboriginal laws regarding accessing resources are predominantly textual and are removed from the spatialisation of Aboriginal knowledge. The laws reside in statute, regulation, and at common law. The laws may have changed significantly since the Noonkanbah dispute of 1979 – 1980 yet the universal application of the schema represented in Western law has not changed. The knowledge is predominantly explicit and is low context.

4.4.13 Transcript 7 – Tape Recorded Message of Minister

The following transcript is of a message that was read by Minister 3 and audio tape-recorded. The tape-recorded message was then presented to the people of Noonkanbah. The message represents a part of the negotiation process with the Noonkanbah community that was played out through the media. Both major parties to the dispute

utilised the media in the negotiation process. For example the Noonkanbah community organised demonstrations that were reported in the media to generate community support for their cause.

The following transcript of the tape-recorded message is a combination of what was transcribed by Hawke & Gallagher (1989) and the video recording of the message that was partially included on the video by Howes (2007) that served to validate the transcript of Hawke & Gallagher (1989). A small number of minor corrections were made to the transcript written by Hawke & Gallagher. The whole transcript has been included in this thesis to demonstrate strategic elements of the speech.

Tape Recorded Message of Minister

1. This is a message from ((Minister 3)) to the people of Noonkanbah
2. I am speaking for the Government of Western Australia
3. I am Minister for Cultural Affairs
4. I am trying to help you
5. I want to talk about the trouble over drilling on Noonkanbah
6. It was wrong to stop the drilling
7. It was bad for the people of Noonkanbah
8. It was bad for all of us
9. We need oil to make petrol for cars and trucks
10. It was wrong to stop the drilling
11. We need to find oil
12. Oil is a mineral
13. We need to find other minerals too
14. To help find minerals we have a law
15. The law says people who obey the law can look for minerals
16. They can look on Noonkanbah and any other stations
17. And it is wrong to stop them
18. Let me tell you why
19. Noonkanbah is a cattle station

20. People who use it make an agreement with the Government
21. When white people use it they make an agreement
22. The agreement says they can use it for cattle
23. The agreement lets people look for minerals on Noonkanbah
24. The agreement is part of our law
25. And the law has always been obeyed
26. The law is for everyone we are all the same
27. The law cannot be different for Aboriginal people
28. We are all Australians
29. We are all Australians together
30. If Aborigines or white men break the law it means trouble
31. Other Australians will say Why should Aborigines have a different law it is not right the law must be the same for everyone
32. We want you to stay on Noonkanbah
33. When you got the station we made an agreement
34. The agreement lets you use the land as a place to live and run your cattle
35. The agreement also lets anyone who obeys the law look for minerals on Noonkanbah
36. But you have broken the agreement
37. Some of your people have locked the gate to stop people looking for minerals
38. They came together in big numbers and frightened the drilling people away
39. This is wrong
40. You should keep the agreement
41. You should let the mineral people in
42. If you are worried about sacred sites please remember our law says proper sacred sites must not be damaged
43. They will be looked after
44. We will look after them because we respect them
45. Aboriginal people have lived at Noonkanbah for many years
46. They have seen many things built there houses yards fences roads airstrips and many other things

47. Many minerals people have been through the land
48. We got along without any trouble all those years
49. We can still get along without any trouble if we help each other now
50. The mineral people must be allowed to on Noonkanbah
51. The people who came to drill and went away must be allowed to come back
52. When they come back there will be no harm to your people or your sacred sites
53. The camp and work are for the drillers will be fenced off so your cattle will not be hurt
54. The drilling people will live inside the fence
55. They will not be allowed to have alcohol
56. They will not be allowed to have guns
57. Only one of them will be allowed to meet you
58. That man and your people will be able to talk about what is happening so there will be no problems
59. The Government will make sure that any drilling or mining will not hurt your way of life
60. These are the things we promise you to hep you to protect you
61. But we must also protect the drillers
62. You must leave them alone and let them get on with their work
63. You must respect their rights and they must respect your rights
64. I ask your Elders to talk to your people about this message
65. Let them hear this message with their own ears
66. Let them talk to you with their own voices
67. Let the outside voices be quiet
68. Your Elders can tell us what you feel
69. We trust your Elders
70. We believe they trust us
71. Soon Premier will come to Noonkanbah
72. He will sit down with your Elders and listen to them
73. He has been wanting to come for a long time
74. He has been wanting private talks just him and you

75. But private talks cannot be held when some of your people ask strangers to join in
76. The Premier will come at the right time when it is agreed the talks will be private just you and him
77. I ask the Elders to make this happen
78. We want this to be a new start so there will be no more trouble for anyone
79. This is the way we can live happily together
80. We are your friends
81. We helped you get Noonkanbah because we want you to live there
82. We want you to be happy at Noonkanbah and that is why we want you to obey the law like everyone else
83. Help us help you to make a wonderful cattle station at Noonkanbah
84. Please remember the Government must go with the law
85. We can help you if you go with the law
86. The law says you must not make trouble for the mineral people and the mineral people must not make trouble for you
87. You can use Noonkanbah as long as you wish if you go with the law
88. Please go with the law and help us help you
89. We are your friends
90. We want to help you
91. Thank you for listening

4.4.14 Analysis of Transcript 7 – Tape Recorded Message of Minister

Hawke and Gallagher (1989) state that the message was read by the Minister as if reading to a kindergarten class. The message was read in quite an unusual style and the researcher would describe the tone of the message as patronising.

Upon reviewing the text there appear to be two main strategies to the text. The first strategy that appears to be employed in the text is arguably similar to that identified by van Dijk (1984), a strategy that shows that the speaker wants to make a good impression

and not appear racist, but at the same time expresses negative sentiments regarding a minority group. This strategy serves a number of purposes, to diffuse social beliefs, strengthen “in group” solidarity, foster normalisation of attitudes and social precepts of behaviour toward minority groups (van Dijk. 1984).

If we break down the speech into the components of the strategy identified by van Dijk the following statements arguably fall into these categories:

Category 1: Speaker wants to make a good impression

- Line 4: I am trying to help you
- Line 32: We want you to stay on Noonkanbah
- Line 69: We trust your Elders
- Line 70: We believe they trust us
- Line 79: This is the way we can live happily together
- Line 80: We are your friends
- Line 89: We are your friends
- Line 90: We want to help you

Category 2: Speaker expresses negative statements regarding the minority group

- Line 6: It was wrong to stop the drilling
- Line 10: It was wrong to stop the drilling
- Line 17: And it was wrong to stop them
- Line 27: The law cannot be different for Aboriginal people
- Line 31: Why should Aborigines have a different law it is not right
- Line 36: But you have broken the agreement
- Line 38: They came in big numbers and frightened the drilling people away
- Line 39: This is wrong

The speech starts off with the Minister stating that he is trying to help the people of Noonkanbah. The Minister then places responsibility for the crisis with the people of Noonkanbah. The speech ends with a statement the people of Noonkanbah can continue to use the Noonkanbah if they go with the law and a statement that the government is the

friend of the people of Noonkanbah. The message starts and finishes in a positive tone and affirmation.

The text explicitly states that there “can only” be one law, non-Aboriginal law, and that it is not right for Aboriginal people to have their own law. This is evidence of ideological contestation. The knowledge system of the Noonkanbah people embodied in the law is, “not right”. The word, “can”, arguably reflects a modal identified by Tannen (1993) that determines what will happen. The word “can” determines what happens against what is possible.

The text explicitly states at Line 9 that that, “we need oil”. The word, “need”, arguably reflects a modal identified by Tannen (1993), as discussed in Section 2.6, that represents a judgement according to the standard of the speaker.

Trudgen (2000, p. 61) has identified a “naming, blaming and lecturing” strategy and in some aspects is similar to the strategy identified by van Dijk. This is a strategy that Trudgen has identified through non-Aboriginal people (the dominant culture) in their dealings with Yolngu people. According to Trudgen, naming is when the dominant culture tries to find the answer to a problem by naming Yolngu or their ways using derogatory terms. Blaming is when discourse from the dominant culture tries to establish fault for the crisis through some defect that Yolngu and their culture possess. Lecturing is when the dominant culture tells Yolngu how they should change for everything to come good.

The second strategy the speech appears to follow the naming, blaming and lecturing strategy, and the following statements arguably fall into these categories:

Naming

- Line 1: This is a message from ((Minister 3)) to the people of Noonkanbah
- Line 5: I want to talk about the trouble over drilling at Noonkanbah
- Line 7: It was bad for the people of Noonkanbah

Blaming

- Line 6: It was wrong to stop the drilling
- Line 10: It was wrong to stop the drilling
- Line 36: But you have broken the agreement
- Line 37: Some of your people have locked the gate to stop people looking for minerals
- Line 38: They came together in big numbers and frightened the drilling people away
- Line 39: This is wrong
- Line 40: You should keep the agreement

Lecturing

- Line 9: We need oil to make petrol for cars and trucks
- Line 11: We need to find oil
- Line 13: We need to find other minerals to
- Line 18: Let me tell you why
- Line 24: The agreement is part of our law
- Line 25: And the law has always been obeyed
- Line 40: You should keep the agreement
- Line 41: You should let the mineral people in
- Line 62: You must leave them alone and let them get on with their work
- Line 77: I ask the Elders to make this happen
- Line 87: You can use Noonkanbah as long as you wish if you go with the law

According to Trudgen (2000) this strategy is to stop people thinking, to stop creativity in resolving the problem, and to lay the cause of the problem at the feet of Aboriginal people. Trudgen also states that the effect of this strategy is to disempower the people in Aboriginal society who have traditional knowledge to the point where they do nothing with their knowledge. Traditional knowledge implicitly becomes the cause of the

problem. The Minister asks the Elders at Line 77 to make the mining happen, symbolically representing the change over from the old traditional ways and laws to “the law” that is universally applied in Western Australia.

The speech also appears to be an ethnocentric evaluation. According to Hofstede (2001) an ethnocentric evaluation is where the home culture is evaluating a foreign culture and finds it lacking. Hofstede’s comments are in an international context and whilst this speech is made within Australia it is arguably an ethnocentric evaluation of an intra-national culture.

Table 4- 10 Minister’s speech

Text Line 24: The agreement is part of our law Text Line 25: And the law has always been obeyed Text Line 26: The law is for everyone we are all the same Text Line 27: The law cannot be different for Aboriginal people Text Line 28: We are all Australians	
Micro (Text Analysis)	There is an explicit statement that we are all the same. Cultural difference is excluded.
Meso (Discursive Practice)	Aboriginal people are framed as Australians and the notion that cultural difference may exist is excluded. The idea that Aboriginal people could have different laws and customs is subsumed by their identification as Australians. Culture, Australian culture, is a universal construct. Honouring agreements and following the law is therefore a universal construct and universally applicable.
Macro (Social Practice)	We are all the same, Australian culture is universal and the laws are universal. The cultural norms in which agreements are made and adhered to are universal. Australians would know this implicitly, as we are all Australian. If you do not know this or adhere to the agreement you are not

	<p>Australian.</p> <p>The text does not mention the validity or otherwise of Aboriginal sacred sites.</p> <p>The text does not mention the validity or otherwise of Aboriginal knowledge and Aboriginal customary law.</p> <p>The text does not mention the validity or otherwise that the people of Noonkanbah are obliged to follow traditional law and custom, or face penalty for a breach of customary law.</p> <p>Aboriginal culture is subsumed under the rubric of Australian culture.</p>
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It is possible that the strategies enunciated through the speech by the Minister may have influenced the individual face-to-face negotiations between the Aboriginal and non-Aboriginal people.

4.4.15 Transcript 8 - Noonkanbah Consent Determination

The text in the following analysis is from the Consent Determination (*Cox on behalf of the Yungngora People v State of Western Australia [2007] FCA 588 2007*). The Consent Determination represents a significant landmark in a long negotiation process of the Noonkanbah people. The Noonkanbah application was made in 1998 and the Consent Determination was made in 2007.

The Consent Determination analysed in this thesis is an agreement between Dickey Cox on behalf of the Yungngora people and the State of Western Australia, the Shire of Derby and the Kimberley Land Council. The Federal Court of Australia recognised the Consent Determination and is a decision by the Federal Court that native title does exist. Within the Consent Determination the Federal Court identified the native title holders, their rights and interests.

4.4.16 Analysis of Transcript 8 - Noonkanbah Consent Determination

There exist significant presuppositions to what constitutes a Consent Determination. These presuppositions include but are not limited to, knowledge of the Australian common law legal system, knowledge of the rules of the Federal Court that has the power to validate a Consent Determination, knowledge of the laws that enable the construction of and agreement to a Consent Determination, broader knowledge of the socio-political context of the Consent Determination in terms of how governments will interpret and act with regard to a Consent Determination, and how terms of the Consent Determination express, validate or hide Aboriginal knowledge.

Table 4- 11 Consent Determination

Text: Consent Determination	
Micro (Text Analysis)	Consent – to give assent or approval. Determination – judicial decision settling and ending a controversy (<i>Longman Dictionary of the English Language</i> 1984).
Meso (Discursive Practice)	The consent is given by the parties to the agreement to allow the Federal Court to make the determination.
Macro (Social Practice)	The apical ancestors of the Yungngora people are listed in the Consent Determination. There is very little explicit account of the culture, knowledge and customary law of the Yungngora people. There exist a significant number of intertextual references within the Consent Determination. The Consent Determination is a document constructed according to Western legal principles, the requirements of legislation and common law pertaining to native title. This includes the Native Title Act, and common law principles enunciated in decisions such as <i>Yorta Yorta</i> . Traditional knowledge and customary law is accepted according to the rules and procedures of the Native Title Act, and common law

principles enunciated in decisions such as Yorta Yorta.

The Noonkanbah Consent Determination consists of six major sections:

1. **Court orders.** This section outlines the orders made by the Court.
2. **Determination of the court.** The Consent Determination prescribes a limited set of native title rights and interests for the Yungngora people, and also sets out a number of restrictions to the native title rights and interests.
3. **First Schedule.** This schedule outlines the Determination Area.
4. **Second Schedule.** This schedule outlines the legal interests of others with regard to the Determination Area.
5. **Third Schedule.** The Yungngora people are prescribed in the Third Schedule and are also referred to as the holders in common law of traditional law and custom.
6. **Reasons for Judgement on Proposed Consent Determination.** This section provides an outline of the reasons for the judgement made by the Court.

The requirements of a Consent Determination are explicitly articulated in the *Native Title Act 1993* (Cth). Components of an agreement that do not fit within this model of an agreement constructed as a Consent Determination do not need to be included as they do not form a statutory and necessary component in the construction of a Consent Determination. What is excluded may not be immediately obvious when reading a Consent Determination and less obvious elements may be marginalised in the process. There is significant potential that Aboriginal knowledge may be ignored or marginalised through the agreement process. The explicit representation of Aboriginal knowledge is predominantly excluded in the Consent Determination.

There appears to be little discourse directly constructed by the Yungngora people contained within the Consent Determination. There is however discourse about the Yungngora people, particularly in the Third Schedule. The Third Schedule defines the Yungngora people as those descended from “apical ancestors”.

The Court firstly constructs its authority for making the determination according to the *Native Title Act 1993* (Cth). Thus the Consent Determination is valid according to the laws of the Commonwealth of Australia.

Categories of native title rights and interests are generated according to the *Native Title Act* and common law. The discourse articulates an explicit set of “rights” for the Yungngora people. These rights include the right to enter, the right to camp, the right to take, the right to engage, the right to access, and the communal right to possess and take. However the set of rights are subordinate to State and Commonwealth laws.

The determination is a rules based text constructed and expressed according to Western principles of law and agreement making, constructed in the rules-governed domain of government and court systems (Liberman 1985). This may be distinguished for example from a responsibilities based text.

The rights have been agreed to through negotiation between the applicants, the State of Western Australia, the Shire of Derby and the Kimberley Land Council. The rights are explicitly stated, and are bounded within the Determination Area. The rights are arguably low context, as they are expressed in Standard Australian English, stated explicitly, and are bounded within the context of the explicitly stated Determination Area, an abstract boundary beyond which the cultural rights of the Yungngora people appear to cease.

The Consent Determination refers to a number of significant explicit intertextual references, including the:

1. *Native Title Act 1993* (Cth)
2. Federal Court Rules
3. “the common law holders”
4. Pastoral Lease 3114/576
5. *Government Gazette* on 24 July 1980
6. Reserve 23226 and Reserve 26355

7. *Mining Act 1904* (WA)
8. *Mining Act 1978* (WA)
9. *Petroleum Act 1936* (WA)
10. *Petroleum Act 1967* (WA)
11. *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA)
12. Tenements E04/1386, E04/1551, EP371 (R1) under *Mining Act 1978* (WA)
13. *Rights in Water and Irrigation Act 1914* (WA)
14. A comprehensive report by two experienced consultant anthropologists
15. Unallocated Crown land
16. 1829 when Western Australia was annexed by the Crown

The intertextual references refer to a large body of non-Aboriginal knowledge. The knowledge is predominantly legal in nature and again reflects a rules governed discourse. The discourse outlines the legal rules that determine the type of behaviour allowed by the Yungngora people according to the Consent Determination. The rules in the Consent Determination are universal in their nature. The rules are determined by a non-Aboriginal court and then applied to another culture according to the laws of the non-Aboriginal culture. The rules are framed through an understanding of Western knowledge systems, according to Western schema that are explicit and low context.

The explicit discourse of agreement, consensus, and acknowledgement of the ways of knowing of the Yungngora people appears to be missing in the Consent Determination. However there is reference to expert documents regarding the Yungngora people.

Table 4- 12 Common Law Holders

Text: The native title rights and interests are held by the Yungngora people (“the common law holders”)	
Micro (Text Analysis)	The Yungngora people are reframed as “the common law holders”. “Common law holders” is a non-Aboriginal legal construct.
Meso (Discursive Practice)	The distinct identity and potentially different culture of the Yungngora people is no longer identifiable through being reframed as “the common law holders”. Native title rights and interests are held by the common law holders. The Yungngora people thereby become part of and subsumed by the non-Aboriginal legal system.
Macro (Social Practice)	Knowledge of the name and identity of another culture is explicitly lost. Knowledge, custom, responsibility and traditional law that might be associated with the Yungngora people are transformed into a non-Aboriginal framework. The traditional law and customs of the Yungngora people are explicated in a non-Aboriginal framework of rights and interests.

Discourse connected to different subject matters signal certain values and can operate to integrate, persons, groups and societies (Gee 1990). The Noonkanbah Consent Determination constructs an agreement with the Yungngora people, framed as the “common law holders”, that is within a Western legal framework. The text in the Consent Determination sets out the orders made by the Court, determines the rights and interests of the common law holders, outlines the Determination Area, outlines the legal interests of others, determines who are defined as belonging to the Yungngora people and provides the reasons for the judgement by the Court. The text is directly connected to specifically identified subject matters that convey Western values and ways of knowing.

Aboriginal knowledge is represented in the Determination Area. The Determination Area is a map of inclusion as well as exclusion. There is an explicit recognition of the

map and the knowledge that is represented by this framework. The Western way of knowing is demonstrated in the way the Determination Area is constructed. It is constructed as a Cartesian 2-dimensional representation based on the principles inculcated in Western cartography. There are conventions such as scale, coordinates, boundaries, compass headings and is a static rendering of the Determination Area.

A map is an explicit representation of a particular territory that will enable human action if we are able to use the map and relate it to the world outside the map (Tsoukas 2002). The map is articulating explicit knowledge that is accessible, provides certainty, is valid, is universal in the standards used and is reproducible.

Can a map be anything other than a static rendering of a bounded area? Yes, if you are aware of other ways of knowing. For example the song-poem “The Bulbul Bird” is a map. It was composed by a man identified as Waljbira in the Ngarluma language from the Pilbara in Western Australia and this map “is a map of a locale and a map of the states of being which the poet associates with the place” (Deborah Bird Rose 1996, p. 7). The map as represented by the song-poem “The Bulbul Bird” is high context. This is a map that has tone, emotion, words, knowledge embedded in the Ngarluma words and phrases, that conveys the state of being associated with place, and is not a static rendering. Tone and emotion of a poem may for example convey sadness, happiness, a sense of the sacred, and other contextual cues.

Nevertheless no map can read itself and requires the tacit knowledge and skill of the person using the map (Polanyi & Prosch 1975). The similarity between the two types of knowing is that both maps require the tacit knowledge and skill of the person using the map. However, the area of land represented by the Determination Area is low context, as it is an abstract representation that does not easily convey tones and emotions such as sadness, happiness, a sense of the sacred, and other contextual cues. The Determination Area does not necessarily convey a state of being associated with place.

Maps, such as the Determination Areas, allow for decisions to be made over significant distances without necessarily having or acquiring local knowledge (Bryan 2009). To develop a Western styled map requires the incorporation of local knowledge (Bryan 2009). Paradoxically it is through the incorporation of local knowledge of the Yungngora people that the Determination Area, a map that represents universal knowledge of the world, was produced.

4.5 Yirrkala Negotiations and Background

The data for the following analysis was collected from the Yirrkala film project (Dunlop et al. 1979). The Yirrkala film project is a collection of 22 films made over a 30 year period in conjunction with the Yolngu people of northeast Arnhem Land. Yirrkala was an isolated mission station until the 1960s when a bauxite mine was established near the community. The impact of the mine on the Yolngu community and their response is a major theme of the film project. The relationship between people and their clans, ritual, art and land is an intertwining theme. Several major Yolngu ceremonies are documented and the importance of the land is ever-present.

Just prior to the documentary starting the Yolngu people of Yirrkala had sent bark petitions to the Commonwealth House of Representatives in 1963. The bark petitions were sent in protest against the Commonwealth's granting of mining rights to Nabalco over an area of land excised from Arnhem Land. The petitions were presented to parliament in Yolngu and English. As a result the bark petitions were cause for a parliamentary inquiry to be initiated that ultimately recommended compensation should be paid to the Yolngu, that sacred sites be protected, and a parliamentary committee monitor the mine site. However, the petitions did not achieve the justice sought. The Yolngu people had also initiated a court case around this period of time, *Milirrpum v Nabalco Pty Ltd* (1971) 17 FLR 141, also known as the Gove Land Rights Case. The case failed to establish Yolngu native title at common law (National Archives of Australia. 2005).

As part of the Yirrkala film project a liaison meeting held in 1974 was captured on video. The liaison meeting was a regular meeting held once a month between representatives of the Aboriginal community, Nabalco mining company, Department of Welfare, Nhulunbuy police and Mission staff. This meeting provided the researcher excellent background to a later negotiation captured on video that was used in the analysis that follows in Section 4.5.1.

A visit to a regeneration area at the mine site had been arranged during one of the liaison meetings. A representative of the Aboriginal community and several non-Aboriginal people including representatives from the mining company met to discuss the mine regeneration area.

During the mining process the topsoil and subsoil were removed. The soil was stored for later use in the rehabilitation of the mine site. Once mining was completed in an area, the subsoil and topsoil were replaced to help rehabilitate the mine site. Vegetation was then regenerated via two methods:

1. Direct plantings in the topsoil.
 - a. Areas regenerated through plantings, included trees and grasses introduced into the area.
 - b. The flora introduced included trees such as Cyprus pine and African mahogany.
2. Through regeneration from seed naturally held within the topsoil.
 - a. The ‘natural’ regeneration meant that trees and grasses local to the area regenerated from seed in the soil.
 - b. This included the Stringybark tree that is a significant part of the Yolngu economy and society that includes making canoes, houses, spears, fish traps, and using the bark as a food preparation surface (Keen 2003), and also for log coffins, bark paintings and making yidaki (didgeridoos). The importance of the Stringybark tree to Yolngu culture is also reflected through the bark petitions sent to the Commonwealth government, as they were on Stringybark sheets (National Archives of Australia. 2005).

Fundamentally there were two areas of regeneration within the revegetation area, experimental trees and grasses that had been introduced into the area, and the area that had regenerated from seed within the soil. The negotiations are centred on the regeneration of trees and grasses in the revegetation of the mine site.

4.5.1 Transcripts 1 and 2 - Yirrkala Negotiations

The following two transcripts are from a meeting recorded as part of the Yirrkala film project (Dunlop et al. 1979). The meeting was held at a mine site in an area undergoing revegetation. A number of the people involved in the meeting can be identified on the video. However the identities of the people in the negotiation are not included in the following transcripts.

Transcript 1

1. Rep 1 It's giving a very good coverage of the ground mmm
2. Yolngu Mmm
3. Rep 1 And it's useful grass for stock feed as well
4. Yolngu Mmm
5. Rep 1 They grow this a lot in the southern states for stock feed
6. Rep 2 I'd say in a few years time we'll have a there'll be a terrific coverage and there probably be or will be a greater variety
7. Rep 1 Natural that's very promising
8. Yolngu Can you plant all those over there?
9. Rep 1 Stringybarks
10. Yolngu Stringybarks
11. Rep 1 Well they're going to come in themselves bit by bit just the same way as where the old roads have been and a new road's been put through the old road is ripped up you can see yourself between Nhulunbuy and the plant site the Stringybarks are starting to grow again there's no doubt it's the number one tree in this area and it will come back itself
12. Yolngu Yeah it might
13. Rep 1 It will, truly, that was an interesting comment though that this means that what you people'd be interested in would be seeing the ground exactly as it was before covered with Stringybark
14. Yolngu Yeah
15. Unknown That right
16. Yolngu That's right that's right

Break in Filming - Transcript 2

17. Rep 2 All that over there is natural natural regrowth
18. Yolngu This is the only one from here something new is coming up now plants see the grasses

19. Rep 2 They would be um specially well here there's various types of trees which the Department in Darwin have recommended that we grow see
20. Yolngu Yeah
21. Rep 2 These ones are probably growing or might be growing in experimental plots around Darwin
22. Yolngu Yeah
23. Rep 2 That's the Cyprus pine that one over there that's an African Mahogany
24. Yolngu You know ((Rep 2)) you know you know that we think Aboriginal people hey we would like that tree that Stringybark would come back sorta thing trees
25. Rep 2 Which one the ones at the back of the Stringybarks
26. Yolngu Yeah the Stringybarks and some sort of grass that belong to this country
27. Rep 2 All that
28. Yolngu This is this is something new
29. Rep 2 These ones here these trees are new um those ones all that area over there are just natural regrowth
30. Yolngu Regrowth
31. Rep 2 Just the seed that's in the soil the natural seed
32. Yolngu Yeah you know I don't I've got nothing against your ways of thinking you know but um this is a good things very interesting to see Aboriginal people Aboriginal people must see that way
33. Rep 2 Yeah
34. Yolngu Because there's many problems and discuss about it this Country and bit worry about it
35. Rep 2 Yeah
36. Yolngu The old people young people and um I can see your words like see
37. Rep 2 Yeah

38. Yolngu	I don't know the other people
39. Rep 2	How they think see these these trees here there they may not be the trees that they that we settle on
40. Yolngu	Yeah
41. Rep 2	But these ones they're probably experimental which they may think may have commercial value in the future maybe able make money out you may be able to make money out of these trees
42. Yolngu	Yeah like this tree here
43. Rep 2	Yeah that would be Eucalyptus
44. Yolngu	This is this belong this Country
45. Rep 2	Does it that's natural
46. Yolngu	This tree here we have we've got a name for that tree
47. Unknown	Inaudible
48. Yolngu	This is a bit different
49. Rep 2	Yeah
50. Yolngu	See the different
51. Rep 2	Yeah

4.5.2 Analysis of Transcripts 1 and 2 - Yirrkala Negotiations

There is a topic that is common to the negotiation discourse, with both parties interested to revegetate an area of the mine site where mining has finished. Upon closer review of the discourse there are different perspectives to the discourse on how the revegetation should be implemented. The different perspectives start to become more evident if elements of the Aboriginal and non-Aboriginal text are placed next to each other. This is done in the following table, **Table 4.13** and the negotiation then appears to follow two distinct and arguably separate discourses.

Table 4- 13 Discourse mine site revegetation

Discourse of mine site revegetation	
non-Aboriginal	Aboriginal
<p>And it's useful grass for stock feed as well</p> <p>They grow this a lot in the southern states for stock feed</p> <p>But these ones they're probably experimental which they may think may have commercial value in the future maybe able make money out you may be able to make money out of these trees</p> <p>They would be um specially well here there's various types of trees which the Department in Darwin have recommended that we grow see</p>	<p>Can you plant all those over there?</p> <p>You know Rep2 you know you know that we think Aboriginal people hey we would like that tree that Stringybark would come back sorta thing trees</p> <p>Yeah the Stringybarks and some sort of grass that belong to this Country</p> <p>Because there's many problems and discuss about it this country and bit worry about it</p> <p>This is this belong this Country</p>
  <p>Knowledge to the discourse has a low context. Trees and grass are explicitly linked to economic value</p>	  <p>Knowledge to the discourse has a high context Trees and grass are implicitly linked to Country</p>
<p>Low context discourse with explicit reference to commercial value of trees and grass</p>	<p>High context discourse for example the text "that belong this Country" and "This is this belong this Country" contain no explicit explanation as to why the flora being discussed belongs to this Country.</p>

Table 4- 14 Grass and Stock Feed

<p>Line 1: It's giving a very good coverage of the ground mmm</p> <p>Line 2: Mmm</p> <p>Line 3: And it's useful grass for stock feed as well</p> <p>Line 4: Mmm</p> <p>Line 5: They grow this a lot in the southern states for stock feed</p> <p>Line 6: I'd say in a few years time we'll have a there'll be a terrific coverage and there probably be or will be a greater variety</p>	
Micro (Text Analysis)	<p>Lines 1,3,5 & 6 relate to the ground cover and how the ground cover is a useful grass for a stock feed.</p> <p>Lines 1,3,5 & 6 state the purpose of the grass as coverage for the ground and as a stock feed.</p>
Meso (Discursive Practice)	<p>The explicit purpose of the ground cover reflects a potential development of the mine revegetation area as an area for the grazing of stock.</p> <p>Lines 2 & 4 represent points of gratuitous concurrence of what is being said in the discourse.</p> <p>Gratuitous concurrence is a pervasive element of intercultural communication.</p>
Macro (Social Practice)	<p>Gratuitous concurrence is a feature that can allow agreement whilst also providing for the exploration of what constitutes the agreement.</p> <p>The purpose of the ground cover is not to revegetate the mine revegetation area to the original or traditional flora of the area but to redevelop the area according to a model that has potential for economic development through the grazing of stock.</p>

Revegetating the mine site with trees and grasses as a overall proposition is not in dispute and it would appear parties to the negotiation are in agreement on this point. The divergence would appear to be in the types of grasses and trees that would best suit the revegetation process. The negotiation is not conducted in a robust hard fought positional style. In fact the negotiation appears to be conducted in a very conciliatory manner.

In the non-Aboriginal text the experimental grass is described as “useful” because it can be used as a feed for stock. The grass has an economic value because it can feed stock. It would appear that the area is being transformed into an area of economic activity rather than being returned to its original state. The explicit nature of the discussion is about gaining an economic advantage post rehabilitation of the mine site. The economic nature of the text is echoed again during the discussion about the trees that have been introduced into the revegetation area. The Cypress pine and African mahogany trees that are recommended for revegetation also have an economic value and it is specifically noted that the Aboriginal people might be able to make money out of them in the future.

The non-Aboriginal discourse is low context with regard to the relationship of the trees to Country. There is explicit text that the trees and grasses are planted because there is a potential or actual economic value attached to their planting. Their explicit purpose in the text does not go beyond this point. However the trees and grasses are to rehabilitate the area of the old mine site. Local Stringybark trees and grasses can also revegetate the mine site so the negotiation is primarily with regard to the types of trees and grasses to be planted.

The Yolngu representative asked during the discussions: “Can you plant all those over there?” The answer is framed into a statement that the trees will regrow over time without human intervention or direct plantings. The answer by the non-Aboriginal person recognises that Aboriginal people would like the ground covered exactly as it was before the mining however it is framed as an “interesting comment” rather than a statement that is an alternative proposition in the negotiation. The text with this comment is highlighted in **Table 4-15**.

Table 4- 15 Stringybark Tree

<p>Line 8: Can you plant those over there?</p> <p>Line 9: Stringbarks</p> <p>Line 10: Stringbarks</p> <p>Line 11: Well they're going to come in themselves bit by bit just the same way as where the old roads have been and a new road's been put through the old road is ripped up you can see yourself between Nhulunbuy and the plant site the Stringybarks are starting to grow again there's no doubt it's the number one tree in this area and it will come back itself</p> <p>Line 12: Yeah it might</p> <p>Line 13: It will truly that was an interesting comment though that this means that what you people'ld be interested in would be seeing the ground exactly as it was before covered with Stringybark</p>	
Micro (Text Analysis)	A direct request is made as to whether the Stringybark trees can be planted on the revegetation site. The request is acknowledged but not explored further.
Meso (Discursive Practice)	The Stringybark tree will grow back without human intervention. Implicit to the statement within the context of Line 6 is that it is important is to revegetate the area with trees and grasses that will have an economic value.
Macro (Social Practice)	The non-Aboriginal person is supportive of the comment by the Yolngu person. However the support is expressed as an “interesting comment” that Yolngu people would want the Stringybark trees that are traditional to the area replanted. The non-Aboriginal person has not necessarily grasped the full significance of the importance of the Stringybark tree to Yolngu culture. The economic value of the trees and grasses is according to the knowledge of the non-Aboriginal people in the negotiation. The economic value of the Stringy Bark tree in a Western economy

	<p>may be lacking, but in an Aboriginal economy the Stringy Bark may be of significant importance.</p> <p>However this potential cultural importance is not explored.</p>
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There is then a more direct request by the Yolngu representative during the discussions that “you know that we think Aboriginal people hey we would like that tree that Stringybark would come back.” There was an opportunity at this point in the negotiation to learn about Aboriginal knowledge as to why it might be important to the Yolngu for the Stringybark to be planted or to allow the trees to come back through natural regrowth.

The Stringybark tree does not appear to have an economic value, from a Western perspective. So there appears to be a mismatch in the discourse with regard to allowing trees without a Western economic value to grow in the rehabilitation area. Although as already stated the Stringybark tree that is a significant part of the Yolngu economy and this importance was also reflected through the Stringbark bark petitions sent to the Commonwealth government.

Table 4- 16 Natural Regrowth

<p>Line 17: All that over there is natural natural regrowth</p> <p>Line 18: This is the only one from here something new is coming up now plants see the grasses</p> <p>Line 19: They would be um specially well here there's various types of trees which the Department in Darwin have recommended that we grow see</p> <p>Line 20: Yeah</p> <p>Line 21: These ones are probably growing or might be growing in experimental plots around Darwin</p> <p>Line 22: Yeah</p> <p>Line 23: That's the Cypress pine that one over there that's an African Mahogany</p> <p>Line 24: You know ((Rep2)) you know you know that we think Aboriginal people hey we would like that tree that Stringybark would come back sorta thing trees</p>

Micro (Text Analysis)	The trees being planted on the revegetation area are those that are supported by scientific research through a Department in Darwin. The trees recommended by the Department in Darwin will do “specially well”.
Meso (Discursive Practice)	Knowledge regarding the revegetation area is explicitly linked to a Department in Darwin.
Macro (Social Practice)	Knowledge regarding revegetation is explicitly linked to scientific research. Revegetation becomes a scientific category. Validation of knowledge is set according to the research findings of this category of science. Linkage of this authority is to the Department in Darwin, there is linkage to scientific experimentation according to Western scientific-based knowledge system. Growing trees and grasses is linked to a discourse of development. The Yolngu discourse and knowledge system is subjugated to the Western scientific-based knowledge system. The revegetation ecosystem is constructed according to Western economic and scientific knowledge. This in fact is in part explicitly supported further in the text at Line 42 where it is stated that the trees may have commercial value in the future.

At Line 43 Rep 2 stated that the specific tree under discussion “would be Eucalyptus” thus providing a generic description. Of the same tree the Yolngu representative stated that “This tree here we have we’ve got a name for that tree” [although unfortunately the name was inaudible] highlighting the difference between the more abstract description of a tree as Eucalyptus, from the specific identification made by the Yolngu representative. The abstract description reflects the universal nature of what constructs a ‘Eucalyptus’. This is low context.

As noted by Keen (1994, p. 37) “Trees and other plants were a rich source of metaphor in Yolngu thought”. In response to the comment of the non-Aboriginal person that the tree is a Eucalyptus the Yolngu representative states that the tree belongs to this Country and that we have a name for that tree. Unfortunately the researcher is unable to discern the name of the tree from the video. The name of the tree may have conveyed Yolngu knowledge that may have been high context, but this is conjecture without the name of the tree.

The Yolngu language tends to de-emphasise purposefulness or creative cognitions, and is more likely to refer to activities like worrying, realising and recognising (Christie & Harris 1985). The sentiment of worrying is expressed at Line 34 by the Yolngu representative where he states that “Because there’s many problems and discuss about this Country and bit worry about it”.

During the transcript the Yolngu representative explicitly recognises the non-Aboriginal way of thinking.

Table 4- 17 Ways of Thinking

Line 32: Yeah you know I don't I've got nothing against your ways of thinking you know but um this is a good things very interesting to see Aboriginal people Aboriginal people must see that way	
Micro (Text Analysis)	The Yolngu representative explicitly recognises non-Aboriginal way of thinking
Meso (Discursive Practice)	There exists more than one way of knowing.
Macro (Social Practice)	There exists Aboriginal and non-Aboriginal ways of knowing.

4.6 Adjahdura Negotiations and Background

This discourse analysed in this section originates from a video documentary, Sacred Ground (Mavromatis et al. 2007). The documentary took five years to make and records an Adjahdura family fighting to preserve heritage and cultural sites on their traditional land. The sacred sites are vital to the Dreaming and cultural beliefs of the Adjahdura people. The documentary starts with the discovery of ancient Aboriginal skeletal remains in a sand dune by an Adjahdura person in the middle of a multi-million dollar property development on York Peninsula South Australia.

Located near the newly discovered burial site were ancient artefacts and an old water hole. The area that the skeletal remains were discovered formed part of a rich Aboriginal heritage known to exist in the area. For example an ancient and highly visible fish trap was also located a few kilometres from the burial site, there were also ancient water holes and other known ancient burial sites.

After the discovery an archaeological expert in ancient skeletal remains examined the skeleton. The archaeological expert concluded after the examination that the skeleton was clearly of Aboriginal descent and could be up to 2,000 years old.

The burial site was located on private land that was part of a proposed multi-million dollar housing development and the area the burial site was located was scheduled to be bulldozed as part of the housing development.

A government department responsible for Aboriginal affairs investigated the site and also assisted in the process of the reburial of the ancient skeleton. A traditional Aboriginal smoking ceremony was conducted during the reburial.

An archaeological survey was commissioned to survey the land being developed. The result was that further ancient skeletal remains were discovered. Following these further

discoveries a senior member from the government department responsible for Aboriginal affairs came to assess the burial ground. The department was required to assess the “significance” of the site to determine if it could be protected under the *Aboriginal Heritage Act 1988* (SA).

Negotiations included on the DVD appear to be edited into three non-contiguous separate short discussions, and are transcribed in Section 4.6.1.

4.6.1 Transcript 1, 2 and 3 - Adjahdura Negotiations

Transcript 1

1. Adjahdura person 1: We've been asking Native Title biggest mob to come down here and no-one come down only fellow come down is the white woman here only fellow I can trust if you want to be truthful in truth I got these two fellows here come on let's go for a walk down here hey sorry about that
2. non-Aboriginal person: No that's good show me more of your sites while we're here
3. Adjahdura person 2: This whole area a site this is all sites here
Break in Filming

Transcript 2

1. non-Aboriginal person: Is this a significant site and if so how does it need to be protected? You can believe anything you like I mean you have the right to believe anything in the world but it comes down I suppose with the Act is your belief supported by a number of other people is this a belief that is common to a whole section of the Aboriginal community if they all believe that this is significant in this area then what do we have to do under the Heritage Act to

protect it or to negotiate something through it so it's actually looking at you know the physical site

Break in Filming

Transcript 3

1. Adjahdura person: I'm very I don't really trust you mob you know sorry I got to be truthful
2. non-Aboriginal person: That's ok your honest
3. Adjahdura person: No good me standing here and talking bullshit to you you know that's why I'm very sus about any you fella you know
4. non-Aboriginal person: I understand
5. Aboriginal: You could be any fellow offering gifts you know and what gifts you offering me now what you going to offer gift in one hand and take my other hand tomorrow away from me you get what I mean
6. non-Aboriginal person: I can only work under the Act that's the only thing I can do

4.6.2 Analysis of Transcripts 1, 2 and 3 - Adjahdura Negotiations

The negotiation transcript upon a first reading appears to convey that both parties are interested in finding a solution to preserving ancient artefacts that have been discovered at the development site. However on closer reading, there appear to be different perspectives to the discourse in finding this solution. The differences start to become more evident if the elements of the Aboriginal and non-Aboriginal texts are placed next to each other. This is done in **Table 4.18**.

The discourse of the non-Aboriginal person was heavily influenced by the rules of the Act and understanding of the Act. The discourse of the Adjahdura person is constructed differently with the discourse expressing concerns with regard to trust and trusting the representative from the government department.

Table 4- 18 Heritage Act or Trust

<u>Discourse of Adjahdura Negotiations</u>	
non-Aboriginal	Aboriginal
Is this a significant site and if so how does it need to be protected?	the white woman here only fellow I can trust
You can believe anything you like	I'm very I don't really trust you mob you know sorry I got to be truthful
I suppose with the Act is your belief supported by a number of other people is this a belief that is common to a whole section of the Aboriginal community	No good me standing here and talking bullshit to you you know that's why I'm very sus about any you fella you know
if they all believe that this is significant in this area then what do we have to do under the Heritage Act to protect it	You could be any fellow offering gifts you know and what gifts you offering me now what you going to offer gift in one hand and take my other hand tomorrow away from me you get what I mean
so it's actually looking at you know the physical site	
I can only work under the Act that's the only thing I can do	

4.6.3 Analysis of Transcript 2 - Adjahdura Negotiations

The non-Aboriginal discourse appears to be directly connected to their understanding of the Act and does not venture too far from an understanding of the Act.

Table 4- 19 Beliefs

Transcript 2 Line 1: Is this a significant site and if so how does it need to be protected? You can believe anything you like I mean you have the right to believe anything in the world but it comes down I suppose with the Act is your belief supported by a number of other people is this a belief that is common to a whole section of the Aboriginal community if they all believe that this is significant in this area then what do we have to do under the Heritage Act to protect it or to negotiate something through it so it's actually looking at you know the physical site	
Micro (Text Analysis)	The terms and conditions of the negotiation are explicitly stated according to the Heritage Act.
Meso (Discursive Practice)	The non-Aboriginal text is explicit and low context. Aboriginal knowledge is subject to the universally applied sections of the Heritage Act.
Macro (Social Practice)	Aboriginal knowledge and Aboriginal belief is subject to the Heritage Act. Aboriginal knowledge and Aboriginal belief is removed from the local context.

The following statement “what do we have to do under the Heritage Act to protect it or to negotiate something through it” has a direct intertextual reference to the Heritage Act. Referring to the Heritage Act is an intertextual reference to the *Aboriginal Heritage Act 1988* (SA). According to the Act it “is an act to provide for the protection and preservation of Aboriginal heritage”.

This single intertextual reference brings to the discourse a very complex piece of legislation. The intertextual reference brings to the discourse a significant body of non-Aboriginal knowledge to the discourse. The following discussion will address a few elements of the act to convey the complexity of the legislation.

It is a paradox that much of the Act and the discourse currently under analysis refers to ‘heritage’, specifically Aboriginal heritage, however the term “heritage” is not defined within the Act. In particular Part 3 of the Act prescribes the “Protection and preservation of Aboriginal heritage” and Division 6 of Part 3 prescribes Aboriginal heritage agreements yet heritage is not defined.

The manner that heritage negotiations are conducted is prescribed according to Division 6 of the Act. Further to this there is within the Act also an intertextual reference to a set of regulations. The regulations also contribute to the manner on how Aboriginal heritage agreements will be negotiated and constructed. A single intertextual reference in the discourse embodies a significant corpus of information, law and knowledge. The intertextual corpus of knowledge is arguably very low context. It is very unlikely to be high context given the fact the knowledge is embedded in text removed one degree from the discourse, and then another intertextual reference in this text has knowledge removed two degrees from the discourse. Knowledge expressed in the legislation is explicit and available to anyone with access to the legislation and regulations. The intertextual knowledge is not secret or not available. The knowledge however may be inaccessible if you are unfamiliar with the legislation and the principles of the common law system. Consequently there may be a perception that the non-Aboriginal knowledge comes under the rubric of ‘secret English’ discussed in Chapter 2.

The terms “Aboriginal object” and “Aboriginal site” are defined within the Act. The terms are also conditional within the Act. The term “Aboriginal object” means an object of significance **and** includes an area declared by regulation to be an Aboriginal object. The term “Aboriginal site” means an area of land that is of significance according to Aboriginal tradition **and** includes an area declared by regulation to be an Aboriginal site

but does not include an area excluded by regulation. The conditional nature of the conjunctive “and” in the Act with regard to Aboriginal objects and Aboriginal sites is reflected in the text of the non-Aboriginal speaker.

The Act is very explicit and contains the law and regulations to be applied with regard Aboriginal heritage and other matters in the State of South Australia. The abstract description of Aboriginal objects and Aboriginal sites for example reflects the universal nature of what frames these concepts. This is low context. Knowledge and knowledge of the context associated with the particular “Aboriginal object” and “Aboriginal site” are not necessarily revealed. The definitions of the terms “Aboriginal object” and “Aboriginal site” as defined within the Act are low context. There is no specific connection of a particular Aboriginal group to their Country, their sacred sites or their objects. The terms whilst discrete, identifiable, empirical, valid and universal across the State of South Australia do not carry specific cultural context with any identifiable Aboriginal group. Cultural knowledge explicitly or implicitly attached to an identifiable Aboriginal group regarding the “sites” and “objects” is lost.

Aboriginal knowledge regarding Aboriginal objects and Aboriginal sites is prescribed and conditional according to the Act. Belief is only accepted according to the universal principles of justified true belief implicit in the legislation. This can be identified in the following text of the non-Aboriginal discourse. The following transcript has been modified to include bolding and with additional text added within parentheses to emphasise the conditional nature of the text:

You [Aborigines] can believe anything you like I mean you [Aborigines] have the right to believe anything in the world but it comes down I suppose with the Act **is** your [Aboriginal] belief supported by a number of other [Aboriginal] people **is** this a belief that is common to a whole section of the Aboriginal community if they all believe that this is significant in this area.

As discussed in the Noonkanbah analysis discourse connected to different subject matters signal certain values. The Heritage Act and the manner in which the law is

constructed within the Act signals the cultural values of a Western society with regard to their cultural interpretation of Aboriginal objects and Aboriginal sites.

Whilst it is stated by the non-Aboriginal person that Aboriginal belief is of itself unfettered, the acceptance in law of any such belief must be met by certain statutory conditions. Implicitly excluded from the belief system is any spiritual component. In statute, only the beliefs that can be explicitly identified through an object or an area of land can be accepted as appertaining to a significant site and protected under the act. The site must be a physical site. Other intrinsic beliefs, knowledge and practices are not necessarily recognized and protected. The discussion regarding a significant site implicitly suggests that if a site is not ‘significant’ it may not be protected.

The knowledge exhibited by the non-Aboriginal negotiator, by referring to the legal codes, is secular and objective. This kind of knowledge is highly decontextualised, removed from real life settings, and subjective experiences (Klaproth 2004). However what remains is an implicit assumption that the Act can satisfactorily resolve Aboriginal concerns.

The discourse emphasised the difference between people who had legal knowledge and those without legal knowledge. Texts referred to in the discourse contain the written legal doctrines, and effectively define the roles of the participants in the discourse and the people with the decision-making powers. The discourse can be divided into categories, the legally indoctrinated and those not legally indoctrinated, the decision makers and those subject to the decisions.

Implicit in the reference to the Act is knowledge of the law, and the corollary to this is that if you do not know the Act there is a lack of knowledge of the law or the primary knowledge and that any other knowledge is of secondary importance.

The ‘physical site’ is an epistemological construct, an explicit and objective perspective according to Western principles in the construction of space.

4.6.4 Analysis of Transcript 3 - Adjahdura Negotiations

Table 4- 20 According to the Act

Transcript 3 Line 1: I can only work under the Act that's the only thing I can do	
Micro (Text Analysis)	The terms and conditions of the negotiation are explicitly stated in and the negotiation must be conducted according to the Heritage Act. The text is conditional upon knowledge of the Heritage Act.
Meso (Discursive Practice)	The non-Aboriginal text is explicit and the negotiation is negotiable for one side only. Aboriginal negotiation is subject to the universally applied sections of the Heritage Act.
Macro (Social Practice)	Aboriginal knowledge and Aboriginal belief is subordinated to the Heritage Act. The local context of Aboriginal knowledge and Aboriginal belief is removed from the universal application of the rules and regulations of the Act. Non-Aboriginal law must be followed.

The text in line 1 of **Table 4- 20** also contains, “can only”, that also appeared in the Noonkanbah discourse, Transcript 7. The word, “can”, arguably reflects a modal identified by Tannen (1993) that determines what will happen.

4.7 Unpublished Video Transcripts

The following negotiations are with a non-Aboriginal representative from a government department and Traditional Owners who are concerned about the impact of a property development in an area known to have sacred sites and important archaeological materials. The following transcript (Mavromatis K MAV Media Pty Ltd circa 2005) is

of approximately six minutes of uninterrupted discourse. The transcript has several lines of text removed to keep names and other identifying elements confidential.

1. Traditional Owner: How many more of these here are we going to find before we just stop you know? What we gotta wait for whitefella to dig up land to find something then we say to them stop digging
2. non-Aboriginal speaker: You'd you like to see all this development stopped here?
3. Traditional Owner: I'd like to see the whole lot of it stopped but you can't its up to you whitefellas we're here to give you our opinion of it all you know
4. non-Aboriginal speaker: Yeah
5. Traditional Owner: That's what we're here for isn't it?
6. non-Aboriginal speaker: No that's fine um it's a matter of I guess of talking with the people that own the land so if we could set up a meeting with them
7. Traditional Owner I: Watch out for snake in there ((to a person looking in a foxhole))
8. Traditional Owner: You got crab claw and all showing up through here, what they used to feed on.
9. Traditional Owner I: All the stuff they dug is back here, all the things from the fireplaces.
10. Traditional Owner: I wonder what else is underneath here
11. non-Aboriginal speaker: The thing is looking at it another way there's going to be material in all the sand hills everywhere
12. Traditional Owner: Yeah
13. non-Aboriginal speaker: And the council is unlikely to stop all development so you have to
14. Traditional Owner J: Come to an agreement

15. non-Aboriginal speaker: Yeah look at a position
16. Traditional Owner J: Middle of the road yeah
17. non-Aboriginal speaker: Yeah um
18. Unknown speaker: ((Inaudible))
19. non-Aboriginal speaker: We could certainly try I guess we'd we need the council we need the developers that own the land yourselves and then I imagine the other ((name of Aboriginal group)) groups would want to be talking to
20. Traditional Owner: Yeah
21. non-Aboriginal speaker: So the Minister has to consult with all the Aboriginal people with interests yeah
22. Traditional Owner: Significant means significant on you fellas side not not on our side
23. non-Aboriginal speaker: No no its significant in the Act for under Aboriginal archaeology anthropology history or tradition
24. Traditional Owner: Yeah
25. non-Aboriginal speaker: Now the other three we can have a look at some of it but tradition is what you blokes have to say and the Minister has to listen to what you say if you say it's significant in Aboriginal tradition then he has to take your word for that but there might be a lot of other ((name of Aboriginal group)) people putting in their ideas too
26. Traditional Owner: Yeah
27. non-Aboriginal speaker: Yeah
28. Traditional Owner: We understand all that that's why we want everyone to come and have a yarn all about this here
29. non-Aboriginal speaker: I think that's a really good idea

30. Traditional Owner:
- We want everyone to come here that's what we're saying to you I got no trouble coming to my house I got an office there where I live in the community I can't even use them things you know those fellas all funny people that's why we here now asking you ring up all them people to get them all at the table you know
31. non-Aboriginal speaker:
- We can do it under we'd have to get the owner to apply under section 12 and then I'd would we'd probably need a couple of applications cause you'd want this block and you'd actually want the whole area looked at under section 12 and you look at everything within that what's a site what's significant what's not what you need what sort of conservation you need or don't need for which areas so it's a chance to work out all the different actions protections for all the different areas and what needs to happen for for you to be satisfied and for if the developers need to work in with you and somehow to get on with what they're doing in some areas the whole thing comes out through that
32. Traditional Owner:
- Yeah it still goes down to whether you fellas believe fella or not inni ((means "Ay")), straight out. It's like, I got that old woman who lives on ((main person involved in a development project that generated significant media coverage and a determination in the courts)), and you fellas no one believes her about Dreaming down there, you know.
33. non-Aboriginal speaker:
- I don't know that

34. Traditional Owner: ((Name of place)) where you fellas built bridge to the island
35. non-Aboriginal speaker: Oh okay
36. Traditional Owner: No-one no-one respected her Dreaming no-one respected anybody Dreaming
37. non-Aboriginal speaker: Yeah the courts
38. Traditional Owner: That's what it all come back to the courts isn't it
39. non-Aboriginal speaker: The courts
40. Traditional Owner: It comes down to the white man and his terminology of my area this place what I think of it
41. non-Aboriginal speaker: It's not so much that what we're looking at is how significant is this to the people we're actually concerned with um
42. non-Aboriginal speaker: ((Text not included))
43. Traditional Owner: Yeah
44. non-Aboriginal speaker: Yeah that's what we look at
45. Traditional Owner: Yeah
46. non-Aboriginal speaker: And your beliefs how widely they're believed and not challenging your right to hold them but if there's one person saying it and fifty saying it's not then you go with the majority but if there's ten twelve twenty people like your family all saying this is very important to us and there might be some other people in other areas but when you might them at a public meeting they may say oh you know ((Place name)) is not really what we are interested in you fella you family that's alright for that area you work that out and we'll just say we support you and that's what often happens at these meetings
47. Traditional Owner: Affirmative nod

48. non-Aboriginal speaker: The other people say we we're actually more interested over here and you say we're not interested over there
49. Traditional Owner: So, all this still go back to when you fellas close one mission down and brought them on another mission, and not fellas know about Dreaming. That's what it boils down to straight back. Like only a little majority, little family mob, one or two fellas got Dreaming of area, you know what I mean, like it's a big mob, but I'm saying one or two fellas, then you got biggest mob inni. And because you fellas killed that Dreaming off long time ago, you going to have the majority on that side of the fence out number the fucking fellas who got it, you know what I mean. So then our Dreaming don't mean shit inni.
50. non-Aboriginal speaker: Well, I mean, it wasn't me, I wasn't there.
51. Traditional Owner: No, no, I'm just saying to you, when it comes down to government mob, what you telling me, it come back, and what you did to fellas in the past anyway, you destroyed my Dreaming to begin with inni. So how am I going to make majority, all them fellas, half them fellas know the Dreaming, but I only have half a family left.
52. non-Aboriginal speaker: Yeah I know what you are saying.
53. non-Aboriginal speaker: It doesn't have to be a majority if if there's a number of members of your family and I'm not saying it has to be this many or that many I'm just saying that there's a number and I can see them here right away you've got a number of members

of your family you've got your information from ((text not included)) and ((text not included)) you have got people you know telling you that story you're still putting that on ((text not included)) here and they're still hearing that so you still got that culture alive and well here so that's very significant that you say under your tradition

4.7.1 Unpublished Transcript: Part 1 - Development

1. Traditional Owner: How many more of these here are we going to find before we just stop you know? What we gotta wait for whitefella to dig up land to find something then we say to them stop digging
2. non-Aboriginal speaker: You'd you like to see all this development stopped here?
3. Traditional Owner: I'd like to see the whole lot of it stopped but you can't its up to you whitefellas we're here to give you our opinion of it all you know
4. non-Aboriginal speaker: Yeah
5. Traditional Owner: That's what we're here for isn't it?
6. non-Aboriginal speaker: No that's fine um it's a matter of I guess of talking with the people that own the land so if we could set up a meeting with them

4.7.2 Analysis of Unpublished Transcript Part 1 - Development

Table 4- 21 Gratuitous Concurrence

Line 6: No that's fine um it's a matter of I guess of talking with the people that own the land so if we could set up a meeting with them	
Micro (Text Analysis)	<p>The Aboriginal party in the text states at Line 1 and 3 that they would like the development stopped but there is an acknowledgement that this will not happen, a comment not denied by the non-Aboriginal party.</p> <p>Line 2 the non-Aboriginal person repeats what was said at Line 1.</p> <p>Line 4 the non-Aboriginal person says "yeah" as an acknowledgement of what was said rather than agreement with what was said.</p> <p>Line 6 is concerned with the process rather than the meaning of the preceding statements at Line 1 and line 3.</p>
Meso (Discursive Practice)	Line 2 and 4 in the text represents gratuitous concurrence by the non-Aboriginal person in the negotiation process.
Macro (Social Practice)	<p>Gratuitous concurrence is a pervasive element of intercultural communication.</p> <p>Gratuitous concurrence is a feature that can allow agreement whilst also providing for the exploration of what constitutes the agreement.</p> <p>Line 6 represents knowledge about the process, which is talking with the people that own the land, but constituted as a meeting.</p> <p>Owning land is of course freehold ownership, or Torrens Title, not according to customary law.</p>

4.7.3 Unpublished Transcript: Part 2 - Yarning

28. Traditional Owner: We understand all that that's why we want everyone to come and have a yarn ((inaudible))
29. non-Aboriginal speaker: I think that's a really good idea
30. Traditional Owner: We want everyone to come here that's what we're saying to you ((text not included for sensitivity reasons)) that's why we are here now asking you ring up all them people to get them all at the table you know
31. non-Aboriginal speaker: We can do it under we'd have to get the owner to apply under section 12 and then I'd would we'd probably need a couple of applications cause you'd want this block and you'd actually want the whole area looked at under section 12 and you look at everything within that what's a site what's significant what's not what you need what sort of conservation you need or don't need for which areas so it's a chance to work out all the different actions protections for all the different areas and what needs to happen for for you to be satisfied and for if the developers need to work in with you and somehow to get on with what they're doing in some areas the whole thing comes out through that

4.7.4 Analysis of Unpublished Transcript: Part 2 - Yarning

Table 4- 22 Yarning

<p>Line 28: We understand all that that's why we want everyone to come and have a yarn</p> <p>Line 31: We can do it under we'd have to get the owner to apply under section 12 and then I'd would we'd probably need a couple of applications cause you'd want this block and you'd actually want the whole area looked at under section 12 and you look at everything within that what's a site what's significant what's not what you need what sort of conservation you need or don't need for which areas so it's a chance to work out all the different actions protections for all the different areas and what needs to happen for you to be satisfied and for if the developers need to work in with you and somehow to get on with what they're doing in some areas the whole thing comes out through that</p>	
Micro (Text Analysis)	<p>The Aboriginal person in Line 28 wants to organise everyone to come and have a yarn, and repeats the request at Line 30 asking the non-Aboriginal person to ring up all the people involved in the negotiations to get them all at the table.</p> <p>The non-Aboriginal person in Line 29 agrees the idea of a meeting has merit.</p>
Meso (Discursive Practice)	<p>This text highlights the difference between the two ways of coming together for a yarn, the Aboriginal way and the non-Aboriginal way.</p>
Macro (Social Practice)	<p>The text of the non-Aboriginal person in Line 31 suggests that the person is primarily concerned with the process of constituting a meeting and the validity of the meeting.</p> <p>The broader content of the potential meeting is secondary to the validity of the meeting.</p> <p>The non-Aboriginal idea of having a yarn at Line 31 becomes integrated with rules and procedures according to section 12 of an act.</p> <p>This was explicitly stated by the non-Aboriginal person and required:</p> <p style="padding-left: 40px;">The owner to apply under section 12, and;</p>

	<p>Then I'd would we'd probably need a couple of applications cause you'd want this block, and;</p> <p>You'd actually want the whole area looked at under section 12, and;</p> <p>You look at everything within that:</p> <p>What's a site;</p> <p>What's significant what's not;</p> <p>What sort of conservation you need or don't need for which areas;</p> <p>Work out all the different actions protections for all the different areas, and;</p> <p>What needs to happen for you to be satisfied, and;</p> <p>If the developers need to work in with you, and;</p> <p>Somehow to get on with what they're doing in some areas.</p> <p>Line 31 represents knowledge about the process, which is talking with the people that own the land, but constituted as a valid meeting according to the Act.</p> <p>The cultural meaning attached to yarning is reconstituted according a Western idea of a meeting that is defined by the Act.</p> <p>Several written applications are required in the process of constituting a meeting, and the oral tradition of yarning is now being changed to a written tradition of application and approval.</p> <p>A process for the exchange of knowledge is completely transformed and changed from an Aboriginal way to a non-Aboriginal way.</p>
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Let's have a yarn, or a polite request to have a meeting becomes a far more complex and procedural process. There are no explicit questions with regard to what the meeting might be about in general terms although that could be construed from the context of the discourse. There is no suggestion that the request could remain within the Aboriginal cultural context of a yarn.

There is a significant concern by the non-Aboriginal person with the legal validity of the meeting as required under section 12 of the Act referred to in the conversation. There is the ultimate goal appearing to be that the developers can “somehow get on with what they’re doing”. The question of development stopping appears not negotiable. The non-Aboriginal person appears to be mostly concerned with allowing the development to continue, and it is more of a question of how all the information and knowledge of the Aboriginal people will be organised into actions and protections that will ultimately allow the development to continue. The non-Aboriginal person is concerned with the protection of the Aboriginal sacred sites. However it appears from the text this concern for the protection of the Aboriginal sacred sites is only constructed within the requirements of the Act. Meaning and knowledge attached to the Aboriginal sacred sites are not explored.

The cultural request by the Aboriginal person to have a yarn is framed within the knowledge framework of the non-Aboriginal person as to how to construct a meeting. The non-Aboriginal construct of a meeting in this circumstance is explicitly stated in a low context manner. The Aboriginal and non-Aboriginal cultural models of a meeting appear to be completely different.

The Aboriginal way is about meeting people to develop a relationship and trust within the relationship. The non-Aboriginal way for a meeting with people is according to the Act. The principles of how the meeting is convened, the purpose and topic of the meeting, the conditions for agreement attached to the outcomes of the meeting, and outcomes to allow the continuation of development.

The discussion may also be described in terms of the non-Aboriginal and Aboriginal frames identified in Chapter 2. The non-Aboriginal discussion reflects the values identified by Bolman and Deal (2003) that managers value certainty, rationality and control, and central elements of the structural frame of rules and roles. Through these frames the language may also reflect the occupational expertise of the non-Aboriginal negotiator (Putnam & Fairhurst 2000). The Aboriginal discourse has elements of the

frames identified by Malcolm (1996), that includes contextualisation, participation and personalisation. It would appear these frames or schemas have a significant influence on the discourse of the participants in this part of the negotiation process.

The cultural knowledge and cultural values of the Aboriginal people are attached to the sacred sites. The cultural knowledge and cultural values of the non-Aboriginal people are attached to the property development.

4.8 Yarning – We are round you are square

The following interviews are with Aboriginal people who agreed to be interviewed for this research. The following interviews were conducted after collecting and analysing the corpus of data for the research, and after the second major literature review. The interviews represent an Aboriginal perspective of Aboriginal and non-Aboriginal negotiations.

Interview 4 was conducted with a person who has significant experience in the education sector, and native title negotiations. The whole of the interview is included for the reader with the exception of text that might identify the interviewee.

The transcripts are not subjected to analysis by the non-Aboriginal researcher, and represent an Aboriginal voice within the thesis.

4.8.1 Interview 4

1. Researcher: Thank you for seeing me.
2. Interviewee: That's okay.
3. Researcher: Is there a difference between non-Aboriginal knowledge and Aboriginal knowledge?
4. Interviewee:I think so, yes.
5. Researcher: What would those differences be?
6. Interviewee: Oh my God. A lot of Aboriginal knowledge, it's all oral anyway, it's not actually written down, it's passed down through families and not everyone gains the same knowledge at the same time. You know like in our family you find out you get knowledge progressively, as you age, as you become more mature, it's not just automatically given to you when you turn 13, or 15, or 16, or 18, you learn new things throughout your whole entire life from people. I think it's probably the same with non-Aboriginal knowledge, you do learn things across the course of your life but you can find that information written, it's verbal, it's available in the schools. You know they have the school system where you have that mass kind of learning, whereas with Aboriginal people I think it's completely different although the same. How do you explain that? I think communication, we both have our ways of communicating, but in what was the question again? Give me the question again I'm going off on a tangent I think.
7. Researcher: Aboriginal knowledge and non-Aboriginal knowledge.
8. Interviewee: And it depends what knowledge you're talking about you know. We both have you know knowledge that you give kids progressively. Actually, I've never actually thought about it this deep before. I'm trying to actually separate it. I've always in my head thought, no we communicate differently, you know that knowledge is passed on differently but then when you think about when you've operated in both an Aboriginal and non-Aboriginal world there are

a lot of similarities. How interesting. This is going to be a learning experience for me as I'm talking I think. I'm not sure, I'm not sure, is there a difference? There is a difference. I'm sure there's a difference. I don't know, is that enough? Can we go back to it? Is there something you can stretch it out for? Because there's nothing specific, it's not over a specific thing. Knowledge is so huge in both cultures.

9. Researcher: What are the similarities?
10. Interviewee: What are the similarities?.....Education. Education. The education orally as opposed to the written word, that's the difference but the similarity is that, it's a way of informing the next generation about those things that they need to know about. So it's the same but different. A different process of imparting that knowledge. The similarities are that you know don't, I've just thought of another thing. It depends on whether you're Aboriginal and metropolitan, or urban Aboriginal, as opposed to traditional Aboriginal person living up in the bush or in a community, even in a remote area, or country town. That information you know that is given to you or imparted to you or that knowledge, is progressive, it's more structured up there ((northern Western Australia)) whereas down here ((Perth)) we're exposed to both black and white knowledge. Not necessarily held back. It's like you can be absolutely bombarded with knowledge down here and you learn things down here that your cousins and your family up north, or wherever, we'll say up north because that's where my mob's from, don't have a clue about. We're exposed to that down here a hell of a lot more. Oh my God.
11. Researcher: If we put it into a business context or a negotiation context, are there difficulties in conveying Aboriginal knowledge during business negotiations?
12. Interviewee: In business negotiations, yeah, they're definitely different. That's narrowing it down more. Who's got the right to talk? That's a big one you know. If you're in negotiations Wadjelas ((a non-Aboriginal person)) will usually say "We want the stakeholders to come to the table" but you might not necessarily be the person that has got the right to actually talk. It depends on what setting. If

it's a community setting in business negotiations then you'll always have those people in the background there saying "But you don't talk for me. Who are you, you're not my family". And then other people you know, that nepotism that was all around in the ATSIC days. There was the stronger the family the more educated the family, the more they were at the negotiation tables and able to make change and effect change. The ones that weren't were on the outside and they were usually the ones going "But you don't talk for me". So that thing there is about who has the right to negotiate? Then I think it's about expectations. What do you expect out of that negotiation? So the Wadjelas come along and say, I'll just do an example maybe in Government departments they usually want to provide you with funding to set up a business that will for economic development within your area or whatever and then you've got the black fellas who come along and go, "Yeah, we can get a store going" or you know some sort of horticulture business or something". The expectations are from the Wadjelas that you will run a successful business, you will employ people, you will follow the rules of you know the legislation that affects your business and you'll run meetings and you'll keep the books and you'll have financial audits and you'll do everything for a profit, and then you've got the Aboriginal people coming to the table that go "We can start our own business, we can make some money" but then the reality of the situation is that we've got all these family expectations as well and we've got commitments that we have to make. That might mean we end up employing family who are not necessarily the best person for the job and we really do realise we need to run meetings and take notes and keep good books and do the banking and get audits and things but they can sometimes be left to the last minute because of other impacting factors from you know family commitments or whatever and things can get out of hand. But we still think we're going along alright and meeting our goals, we're pulling in a buck and we're able to pay people, but not necessarily the best possible way that we could. So that expectations from the two different groups are can be really different. And what have I done? I've done expectations and I can't even remember. Can I take notes?

13. Researcher: Yes.
14. Interviewee: Expectations.
15. Researcher: And obligations really.
16. Interviewee: Yeah. The communication. Who, who can speak and represent. There's another one that I've seen a lot in talks and when you're sharing knowledge is when a Wadjelas asks you "what colour is the sky?" The normal response you'd think, "well it's blue today" or "it's got clouds" but a lot of Aboriginal people think "Why do you want to know that? Do you really, should you actually know that it's not actually blue?" They might not tell you, they might not think that you need to know that. That might be something that they think you should know and will give you a silly answer. They might not answer; they might not answer at all. I've seen in the past researchers go "I went out into the middle of nowhere and I asked our Aboriginal people questions, and I got all this information". And you look at the information and think "What the heck?" You know you think, "Oh no, someone's given someone a bum steer here". I think you know that knowledge, when they think "Why do you need that?" Aboriginal people might think "why do you need that?" and not actually give it because they just think you're silly. "Why do you want to know that?" And that's a big big thing because when the research or the information comes out, you'll have people going "that can't be right" or "where did that white person get that information", because it looks wrong, or it seems wrong, or it's not completely true. Yet the white person that's gone out and done all the right things with the best intentions has asked all these questions, expected to get straight answers. You don't get a straight answer from an Aboriginal person anytime I don't think except if you ask you know the more sensitive the information you're asking about, or the more that information seems to be a bit questionable like "why do you want to know that?" the better the chance is you're not going to get a straight answer. And how do you elicit the straight answer when you need to? I don't know.
17. Researcher: I'll answer that one.
18. Interviewee: Yeah

19. Researcher: ((Text not included)) Do you want an answer now or after?
20. Interviewee: Give me an answer now. I don't think you'll necessarily influence what I'd end up saying.
21. Researcher: ((Text not included))
22. Interviewee: You've established a connection where before one previously didn't exist.
23. Researcher: Yeah
24. Interviewee: Yeah.
25. Researcher: A connection outside my control but it was a connection that gives a level of trust.
26. Interviewee: You've established a connection whereas before one didn't previously exist.
27. Researcher: Rather than just lobbing up and going "I want to ask some questions, give me the answers". It was kind of [like]
28. Interviewee: [You] got there a different way.
29. Researcher: I got there a different way
30. Interviewee: It wasn't a straight path.
31. Researcher: No.
32. Interviewee: It never is.
33. Researcher: No. From my understanding it's like, I know what a totem is, and you now know that I know. Which is at a different level to what you know most white fellas would understand.
34. Interviewee: They'd think it would be a pole.
35. Researcher: Yeah, so, I don't know. That's part of an answer.
36. Interviewee: It's different when one-on-one you can go, alright I need to establish a connection here, I need to ask some questions that might be difficult. I already have that knowledge I know I need to go around a curvy path to get to the information. I know I can't just ask it and get that answer in the first thirty you know seconds, I've got to wait for that answer. It may come today, or it

might be rung through or texted through on the mobile, three weeks from now. But in business you can't always wait that long.

37. Researcher: No.

38. Interviewee: How do you get people to go "Oh alright then, let's establish a connection"? I could just imagine a bunch of businessmen running around, or people from a Government department running around going "How do we establish a connection with the Elder or the representative that we need to?" Maybe sometimes they'll pull it off but I reckon the majority of the time they'll come across as stupid. The poor old businessman will be sitting there thinking "I've pulled this off" and the Aboriginal man or woman will be sitting there going "You dumb fella, oh my God". Sometimes it's an arrogance not a mean arrogance but an arrogance comes through. "Yes, I know I need to make a connection, and I'll just pull one out of the air and not make it genuine". I think if you can't be genuine that's picked up, no matter what, it's picked up. It might not be said to your face but two minutes later behind your back they'll be looks going across the table, and if you've ever been in a meeting and the things that are unsaid, I think that's another good sharing of knowledge in an Aboriginal way is that the looks will fly, and there'll be hand gestures and there'll be you know eyebrows raised and lips pursed you know. Especially up north the whole things like, it's hilarious, and a lot will be said in that time and can shut down the negotiations and any kind of sharing. Whereas I think, I've been in a meeting where the Wadjelas all say, they just say it, "This meeting is over" or "What a load of crock or crap", they'll swear sometimes. They'll say to your face "I don't believe you" or "I think that's silly, we need to go down a different track" where the Aboriginal person will sit there, look across at three or four different people, raise the eyebrows and the same thing has been said, but with more impact which is "We're not going to negotiate, we think you're stupid and that's it". Not stupid in a bad way but it's more lighter. When we say things like "Dumb", I've heard the old girls ((text not included)) say "Dumb white people" and they have a giggle. It's not in a mean way that they say it, it's more of a cheeky giggle type of way, whereas you're much more likely to get more aggression from the white

side when they think you're stupid or you've done something or you're not meeting their expectations. It's more aggression, thing. ((Two minute interruption when a gentleman entered the room and had a chat with interviewee about a trip))

39. Researcher: When knowledge is given to white fellas, do they understand, do they do something to it, do they make it different?

40. Interviewee:I think ultimately yeah, but it comes back to the expectations. Hang on. Expectations play a part because you've got the black fellas thinking one thing, what they're gonna get out of this negotiation, and the Wadjelas are thinking "we're gonna do it for another reason". But do they change that exchange? Sometimes it surprises, you think, "What the heck happened there? How did we end up with that?" I'm not sure that the Wadjelas deliberately change it. I personally can't think of a situation that I can draw that experience from I don't think. Only in the expectations, you can see that you know I've been there and I've tried to say, "Ah, hang on a minute, you guys are thinking this and you guys are wanting this, and this isn't going to work". I haven't actually seen the information being given and thought these guys the Wadjelas are going to do X, Y, Z and everything is cool, then actually what you end up with is A, B, C and you think "How did that happen?" I haven't actually seen that myself. I've heard of things like that. That's probably because in any kind of those kind of negotiations I'm looking for the inconsistencies that might be there. That's maybe less so now or with my era, but going back another era you know to my parents, you hear the stories of "We asked you this and we got nothing", or they said "Do this". They said "If you live like a white person and then you go to work then you'll be a citizen in your own country" and that never happened. That's a generation back where we got more people that have the education now that can actually pick up those things and because our families are all over the place. So I've got people down in ((text not included)), I've got people up in ((text not included)), I've got people up in whoop whoop and in remote communities, we sorta travel between that education and that knowledge we're passing between ourselves as well, and what to look out for. So what it is, is

we're learning or we've had to learn, the white way of doing things and what to watch out for.

41. Researcher: If I make the question a little bit more explicit in the sense that we were talking about totems before and the white fella perception of a totem would be a pole on the ground for example. For me that's kind of a knowledge difference, so within your culture there would be your cultural model of what a totem is and there's the white fella perception of what that would be. So if you're talking about that sort of knowledge, how would that change, does it change? How is that knowledge perceived by white people during a negotiation or understood during a negotiation?
42. Interviewee:I think, I tend to think of that shared thing. I tend to think "Oh no, the Wadjelas know the totem is an animal or a place or whatever". I also know that they think it's a pole in the ground all painted up, but this is a fault of mine, that when I come to negotiations I already think that those guys know that, that exists, and that we actually know, without saying, what we're talking about. So, has it changed? Can Wadjelas change?
43. Researcher: You go in thinking that Wadjelas know without you having to say it but is that the case?
44. Interviewee: No, it isn't, they don't know, and that's the thing. I don't know maybe that's a cultural trait. We go in thinking "No, you fellas think that" and then we get to that point where we go "Stupid Wadjelas don't know what the bloody ((inaudible)) is". It's an expectation, back to that expectation or that thing.
45. Researcher: Okay, so cultural traits.
46. Interviewee: Maybe it's a cultural trait. That's kind of in-ground into us, I think, forever, that we just, I don't know, it's that whole not thinking about things and just doing. But where did it come from, that's the big question?
47. Researcher: So what about cultural values, do you think that has an impact on?
48. Interviewee: Cultural values. We've clearly got different cultural values, don't we? How we value totems, how non-Aboriginal people value totems or signs or

lots of things I think play a part, don't they, and you're going to ask me what those things are aren't you?

49. Researcher: Can I explain something or my understanding of something? Let's call your communication a high context style communication, where there's not a lot said but there's a lot communicated. In a white fellas culture everything is said and unless it's said explicitly it's not communicated very easily. Do you think that would describe the communication styles?

50. Interviewee: Very nicely, actually, very nicely, yeah. If it's not said then it doesn't exist, it didn't exist, I can't be held accountable for it, I can't you know. Hang on, my head's floating somewhere else at the moment, to it, hang on. In the high, what did you call it, [high]?

51. Researcher: [High] context.

52. Interviewee: High context communications. So the communication is still there, it's just not said, it's verbalised as eye twitch, eyebrow, lips, whatever happening. That communication is still happening and it is being said but just not verbally..... You've got me more confused than I ever was I think. It doesn't exist, it exists..... What I'm thinking of is taking myself out of the equation because have I been, not infected, been urbanised and having to operate in both worlds, do I now see both sides? Whereas before I might have been one or the other, now can I see both sides? Whereas if you go back up to remote areas I can still see meetings now where you have, you've had the wild looks around the table and the non-communication, that high context communication going on. Then the Wadjelas verbally saying it and if they say it, it's true, it's said. There's a difference.

53. Researcher: There's implicit knowledge and explicit.

54. Interviewee: And explicit.

55. Researcher: And for the white fellas it's got to be explicit.

56. Interviewee: Explicit.

57. Researcher: To be understood?

58. Interviewee: Yep.

59. Researcher: Whereas the implicit kind or tacit knowledge is understood without it being said.

60. Interviewee: Without it being said?

61. Researcher: Without it being explicated, made visible, or spoken.

62. Interviewee: And I do think the Wadjelas will pick up that there's a lot of people now that will go "What the heck is that? Something has changed in the room, that attitude towards me or what I've just said has changed, they will pick it up, that something has changed, but again because it's not said, they don't have to act on it, they won't act on it. They won't act on it. So there is that difference, there is that difference. Of course down here, we're getting more used to actually saying it, having to say it. Our communication style down here for a lot of people is different to that up in, not even up, just, do I say, does it depend on your education levels or your exposure to education? Not necessarily education, experience with outside of the closed community that we tend to live in. There's lots of people that don't have anything past Year 7 education level, but are involved in negotiations and business and what have you, so it's not an education thing, it's an experience thing, an exposure thing, to those situations. So whether you're from the metro area from urban, or from remote or very remote, or rural areas, it really does depend on your experience. I think it's still very strong with a lot of Aboriginal people is that high context, I like that, I have heard it before, high context communication style. What's not said, but is said.

63. Researcher: Tell me when you've had enough interviewing.

64. Interviewee: Oh see you've started me talking now and thinking. But it's interesting when you think, have to think about communication, you know I think we've been adapting our communication styles down here, you know especially if you, you would know, I'll talk one way to my grandfather, one way to my auntie, one way to my cousin, one way to ((text not included)), other staff here, as opposed to the ((text not included)), we adapt our communication styles but not necessarily everyone does that. Knows to do it, or has the inclination to do it. Now I'm thinking about ((inaudible)) and gas hubs.

65. Researcher: If there was something that might be able to bridge any gap between white culture and Aboriginal cultures, what do you think it might be? To make that, bring an understanding to the different knowledge or ways of knowing?

66. Interviewee:I suppose I'm fairly pessimistic. You know to me it always seems like the Aboriginal person is having to adapt and learn how to do things the white way, how to function and get what they need or what have you, for the white way. But you'll find that there'll be Aboriginal people that go "Too hard, I'm not going to deal with it, don't need it, lived without it for this long, I won't bother". Then you got Wadjelas on the other side going "We want to give you these services, we want to provide this information, infrastructure for you" or something and "you just need to do this". The expectations will be different and you'll have you know a lot of white people that are working with Aboriginal people or communities that have a background in working with Aboriginal people and communities. The last thing that happened to me when I was at ((place of work)) was they decided that they would just put out all these jobs and people would apply for them. That they would be going into the lands, into different communities, rural, remote, very remote settings with no need to have any exposure or knowledge or understanding of Aboriginal culture whatsoever because they just expected, Aboriginal people were at a stage where that kind of negotiation was just going to happen.

67. Researcher: Yeah, right.

68. Interviewee: I think we're going to be the ones that are going to have to change because I don't think the system is going to work. That's not what you were asking?

69. Researcher: Well yes and no. That's the answer that you've given to the question, so there's no right or wrong answer in this. I guess what I'm trying to do in some respects, beyond understanding, is to expose Western culture to different ways of knowing. And in doing so highlights those kind of implicit values that you were talking about before, where you just do things without actually thinking about it, because that's the way it's done, that's how it's done.

70. Interviewee: And every culture has that.

71. Researcher: Absolutely, every culture has that. And Western culture has a particular way of doing things, of seeing the world, that's culturally imbued. So I guess for me it's kind of like well here's a wisdom culture that here in Australia that we live with, it's a culture that's been around for aeons.

72. Interviewee: How do we use some of that?

73. Researcher: It's not even a question of how to use it, but it's a question [of]

74. Interviewee: [Obtain] it?

75. Researcher: How can we open our minds a little bit, where we live in what they call a knowledge era, but you close yourself off from a wisdom culture that's been around so long, you don't value it, you don't recognise it, you don't understand it. What are the inhibiting factors to it? And from what I can gather that iceberg, the cultural iceberg where one tenth is above the water and nine tenths are below the water. It's that body below the water that captures us within our own culture and puts the blinkers on into the way that we can see the world. So when you go into a negotiation, when someone talks about a Dreaming or a song line or a sacred site, our particular construct of a sacred site would be, according to the WA Heritage Act, which says "Under section, blah, blah, that a sacred site is a sacred site according to these conditions".

76. Interviewee: And has been recognised as such in a Court of Law.

77. Researcher: Absolutely, yeah. So there's this kind of explicit construct to what a sacred site is, and a sacred site, within Aboriginal culture, is constructed completely differently. I certainly don't pretend to know that. I think I have a better understanding than what it is constructed according to you know legislation. So in some of the negotiations I've seen, here is the construct according to the Western style thinking of what a sacred site is. So how do you bring knowledge to Western culture to lift the shackles of those kind of cultural values and cultural way of seeing the world?

78. Interviewee: One at a time.

79. Researcher: Yeah?

80. Interviewee: Because you're never going to do it mass. They've tried sharing that culture through the cross-cultural trainings of the eighties and the nineties and now they're going backwards to that again, but they're calling it cultural competence now. They're sharing information through cultural competence and that's where Wadjelas can tick off their competencies in relation to communicating with Aboriginal people. Even across cultures. We're going back that way. I don't know, I don't know, it's too big, one at a time. One person at a time.

81. Researcher: And for me, it was part of this experience, and part of this journey for me, is going back and learning about my own culture and going "Well wow!" Okay, that is what it means to be Western, a white person within a Western culture". That's how my reality is constructed so I now have an understanding of that, I think I can go out into the world and maybe approach different cultures with a more open mind and the ability to understand different ways of knowing and doing and being, in the work.

82. Interviewee: When you think about it as well, the Aboriginal culture, there were people that had two, three, four, five languages and would deal with you know and there were regional differences, but there was always something shared you know here. Whereas the white culture is just so different. It's changed you know it evolved faster, in a different way. It went down another path and evolved in a different way, whereas we went on another path, for a lot longer, but that's okay. How can you share something that's so vastly different? How can you get more than one person or two people at a time to appreciate something that's so vastly different? It doesn't happen every day you know, most of us are like sheep, we get up, we go to work you know, we come home, we make dinner, we go to bed, we watch telly and that's it and do it all over again. We don't stop, we don't stop, and just

83. Researcher: Put our heads up, look around.

84. Interviewee: Ssh, be quiet, what's that? Go drive up to three or four hours out of Port Hedland where you're about three or four hours from anything and stand on top of a hill and look out for as far as the eye can see and just think "My God,

I'm so insignificant, you know I'm like an ant". How many people actually do that? Not many. In relation to the number of people that do the sheep thing. I'm very pessimistic, one person at a time. That's about as positive as I can be, that sharing has to go on where someone wants to share and someone wants to receive that sharing.

85. Researcher: I might stop there if that's alright?
86. Interviewee: That's okay.
87. Researcher: Thank you.
88. Interviewee: You're welcome. I don't like interviews.

4.8.2 Interview 5

Interview 5 was conducted with a person who has significant experience in the education sector and working with government agencies providing services to Aboriginal communities. Excerpts from the interview are presented for the reader to acquire familiarity with Aboriginal perspectives of the cross-cultural negotiation process.

1. Researcher: Aboriginal knowledge and white fella knowledge, do you think there's a difference between the two knowledge systems?
2. Interviewee: Yeah there is.

6. Researcher: What about when you're talking about your culture with non-Aboriginal people? Do non-Aboriginal people get it or do they understand it?
7. Interviewee: Not really. I used to get a bit annoyed because it's like I'm trying to explain my relationship with someone and I say "That's my Mum's cousin". They just say "Oh, you've lost me, you've lost me". All I'm trying to say is, I'm saying the relationship part really. A lot of people don't understand and some people say "Youse just claim, claim all the way back" and I say "There's blood there and that means a lot to us we can't marry with somebody who could be my

great grandmother somehow related to this person". That person is related to me somehow. But I've had white people say "You claim too far. We don't worry about all that stuff, but to us it's really important. That's a part of our culture, like our extended family, which goes on and on"

Chapter 5 Insights and Recommendations

5.1 Introduction

The ultimate aim of business school research is to provide decision-makers with the ability to augment the success of their organizations through evidence based conclusions (Ketchen, Boyd & Bergh 2008). This thesis has argued and demonstrated that other ways of knowing exist, and that Western knowledge is framed according to Western cultural values and schema. Western knowledge is inclined to be explicite, a linear, sequential, compartmentalised and bipolar approach toward knowledge.

The thesis has also argued that a Western approach to knowledge is reflected through the positivist approach in strategic management theory and research. Knowledge defined as justified true belief is but one approach to knowledge. It is a Western approach to knowledge, and within the context of the thesis is different to Aboriginal ways of knowing as understood through the cosmology and cosmogony of the Dreaming. An interpretative approach to research in strategic management can “with its different emphasis on what is important...enrich and expand the theory, research and practice of strategic management” Smircich and Stubbart (1985 p. 724).

The thesis witnessed the discourse of negotiation conducted at the cultural interface, and it is here that socially constructed knowledge was conveyed across Aboriginal and non-Aboriginal cultures. This thesis was engaged with the production, analysis, and transfer of knowledge within the constructivist ontology. One of the presuppositions of constructivist research is that reality is socially constructed. The thesis is not set up in opposition to positivist research, however the thesis does argue that strategic management theory will be enhanced by scrutinising the underlying assumptions when using a positivist research paradigm, particularly when engaged in cross-cultural contexts.

The purpose of this research was defined according to the key research objectives. The key objectives were to:

1. Discover if Western (business) concepts of knowledge influence the discourse during the process of negotiating with Aboriginal Australians.
2. Present the analysis of the discourse to reveal how Australian Aboriginal knowledge is created and constructed by Western business negotiators.
3. Discover and provide evidence to inform business of potential improvements for strategic management thinking regarding cross-cultural knowledge.

These objectives were defined according to the following primary research questions:

1. Is Aboriginal knowledge represented within the essentially Western discourse of business negotiations?
2. Do the business negotiators' Western concepts of knowledge impact on discourse to construct cross-cultural Aboriginal knowledge?
3. Are there any significant implications for the strategic management?

The thesis revealed and analysed Western frames of knowledge, and argued that there exists an impact of Western normative culture on the construction of cross-cultural knowledge. The thesis argued that Western normative frames of knowing have an impact on understanding cross-cultural knowledge. The analysis attempted to understand how the presuppositions of a culture have an effect on the negotiation process. For example, Western communication tends to be low context and that Aboriginal communication is inclined to be high context.

The thesis contends that Western negotiators are inclined to utilise cultural presuppositions or frames such as a low context frame to interpret high context frames of Aboriginal knowledge. The contextualisation/decontextualisation of knowledge during the negotiation process is an important part of understanding the complexities and inherent difficulties of Aboriginal and non-Aboriginal negotiations. When one enters into cross-cultural negotiations without understanding that knowledge is at the

very least socially constructed, then there is a real risk the negotiation process will suffer.

5.1.1 Key Findings of the Literature Review

The key findings from the literature review suggest that:

1. Tacit knowledge is the foundation of all knowledge.
2. Cultural models assist in understanding and negotiating with other cultures.
3. Cultural models have predominantly developed within a Western framework.
4. Knowledge and values are linked.
5. The strategic management literature predominantly presents a positivist view of knowledge.
6. Western paradigms of knowledge form one part of a richer landscape of knowing, and that other ways of knowing exist including Aboriginal ways of knowing.
7. Western communication is inclined to be low context, and Aboriginal communication is inclined to be high context.
8. Frames, schema or mental models form the presuppositions of knowledge.

As previously stated in the literature review Zhao and Anand (2009) argue that there is a need for a multilevel and holistic approach to knowledge transfer, and as stated by Schneider (2007) maintaining a focus on the explicit nature of knowledge, will miss the interplay between knowledge and knowing. The holistic nature of the interrelationships of the literature review is broadly outlined in **Table 5-1** below.

Table 5- 1 Ways of Knowing and Frames

Key element of the research is: Knowledge		
Context of the research: Aboriginal & non-Aboriginal business negotiations		
Literature Review	non-Aboriginal Ways of knowing	Aboriginal Ways of knowing
Frame theory	↑ Cultural Schema ↓	
Strategic Management	Positivist knowledge dominant Constructivist knowledge	Dreaming Other ways of knowing
Culture	Individualist Cogito ergo sum I think therefore I am	Collectivist I am because We are, and because We are, therefore I am
Language	Standard Australian English	Aboriginal English
Communication	Low context	High context
Cultural Values	↑ Cultural Schema ↓	
Negotiation	→ Cultural Interface ←	
Knowledge inclusive of other ways of knowing	non-Aboriginal - Cultural Frames – Aboriginal	
Strategic Thinking inclusive of other ways of knowing. Reductionist and holistic.	↓ Strategic frames	

The theories on cross-cultural negotiations (Hofstede 1980; Trompenaars & Hampden-Turner 1997) are composed of attributes, traits and values attributed to national cultures yet cross-cultural negotiations occur at the individual level. The literature review and initial analysis recognized the importance of cultural traits and orientations identified by Hall (1969, 1977), Hofstede (1980), and Trompenaars (1997). The national cultural traits that form the theoretical basis of cross-cultural research in management research are fundamentally Western models. More specifically the traits attributed to the national and predominantly Western culture of Australia are not necessarily those traits of Aboriginal people. However the traits themselves could arguably indicate cultural frames of interpretation of the world. Frames contain knowledge of the world and form an essential guide in communication because they contain presuppositions about cultural models of the world. These presuppositions or frames have significant implications for cross-cultural negotiation particularly if participants to a discourse have different frames. In particular the research indicates that the discord within the negotiations arises from differences in our ways of knowing, and to understand these differences strategic management must gain an insight into divergent ways of knowing (van Buuren 2009).

Knowledge is the fundamental source of values (Jensen 2009), and values form an integral part in the formation of knowledge (Lee 2007). The researcher contends that the knowledge and values of strategic management are reflected in the positivist preference and predominant Western scholarship, and is representative of the strategic management way of knowing. Strategic management research and Western scholarship frame the strategic management perception of knowledge. The execution of strategy itself is carried out in a linear hierarchical manner (Cummings & Angwin 2004). Understanding this preferred strategic management way of knowing may mean that strategic management may itself be emancipated, liberated to comprehend knowledge beyond the normative frames, by then understanding other ways of knowing. “Novel and interesting frameworks may stimulate novel and interesting environments that could in turn preface novel and interesting strategic initiatives” (Smircich & Stubbart 1985, p. 729).

It is argued that the strategic management literature in general could take a more expansive and more heterogeneous approach to knowledge, and the way it is used. The learning from the scholars writing in the cross-cultural field need to be applied more generally to the point that theories, where knowledge is a central construct, do not approach it in a singular Western orientated mode. The practical application is that cross-cultural negotiators can broaden their knowledge frames to engage with new concepts of knowledge and communicate more effectively. The suggestion is that individuals and groups need to more adequately prepare themselves when engaging with other cultures and other ways of knowing. Theoretical recommendations that can be applied in practice are presented in section 5.7.1.

Strategic management practice has to deal with very dynamic and complex realities (Styhre 2002). The literature review made apparent that there was a strong connection between cultural schema and knowledge (Bolman & Deal 2003; Brett & Okumura 1998; DiMaggio 1997; Gee 1990; Tannen & Wallat 1993; Watanabe 1993). The use of schemas and belief systems assist managers in this complex fast changing environment, however the repeated use means these schema and belief systems generate strong expectations and are likely to be resistant to change (Davis & Devinney 1997). Strategic thinking could be improved if a diversity of perspectives could be developed (Styhre 2002). Handling this cognitive complexity requires managers to embrace this complexity (Calori, Johnson & Sarnin 1994).

5.1.2 Key Findings of the Critical Discourse Analysis

The critical discourse analysis of knowledge was undertaken at an individual level in a Western culture engaged with another culture through negotiation. Understanding knowledge within the field of strategic management will provide an ability to understand and engage with other ways of knowing, that will enhance the inimitable. Results from the critical discourse analysis highlighted cultural contextualisation differences in the negotiations analysed. Utilising frame theory the thesis has highlighted that non-Aboriginal negotiators can have quite specific expectations, understandings or

interpretations. Much of this can be attributed to the cultural frames and interpretations of knowledge.

It is argued:

1. The non-Aboriginal or Western frames of knowledge have impacted on the discourse to construct Aboriginal knowledge.
2. Aboriginal knowledge is transferred into something that is different, and reflective of Western knowledge and cultural values, and that non-Aboriginal negotiators are inclined to decontextualise Aboriginal knowledge.
3. Aboriginal knowledge not essential to the negotiation discourse is at times excluded from the non-Aboriginal discourse.
4. The analysis of the discourse demonstrates that Western knowledge is influenced by cultural fames.
5. Being aware of other ways of knowing will enhance strategic thinking.

The research has identified occasions where Aboriginal knowledge appears to be not understood. If the knowledge is not understood there is an argument to suggest Aboriginal knowledge as a consequence cannot be valued. At a broader level when the discourse of Aboriginal people is not valued, then the meaning, knowledge and experience of that discourse is also not valued (Erasmus 1989).

The most important attribute for a negotiator in cross-cultural negotiation is excellent listening skills (Adler 1991). Yet as previously identified, in non-Aboriginal cultures the emphasis during communications is on the talking, whereas for Aboriginal cultures the emphasis is on listening. The acts of listening and talking are the acts that sculpture meaning (Schostak 2006). Accordingly “We must learn to listen and listen to learn” (Erasmus 1989, p. 274).

Advice provided to the researcher by Aboriginal elders on how to learn Aboriginal ways of knowing, is, to walk Country with Aboriginal people and listen to their stories, go to language centres to learn their languages, understand the connections and relationships

to Country, and most importantly to have an open mind. The advice regarding having an “open mind” was a common advice from the Aboriginal people who shared their wisdom with the researcher.

The ontology of the research presupposes that the knowledge of non-Aboriginal people exists within a socially constructed reality. Further to this, it is argued that our values and schema influence how we construct that reality. What is knowledge within the socially constructed reality is arguably influenced by our Western cultural schema, and what we see as knowledge is within the limitations of this socially constructed reality, and knowledge that exists outside of this realm is either not valued, understood, or maybe not even recognised as knowledge. Understanding the limitations placed on knowledge through the frames of our socially constructed reality will allow a deconstruction of these limitations and the ability to gain access to other ways of knowing.

The explicate order of Western culture and the implicate order of Aboriginal culture is represented in **Table 5-2**.

Table 5- 2 Explicate and Implicate Order

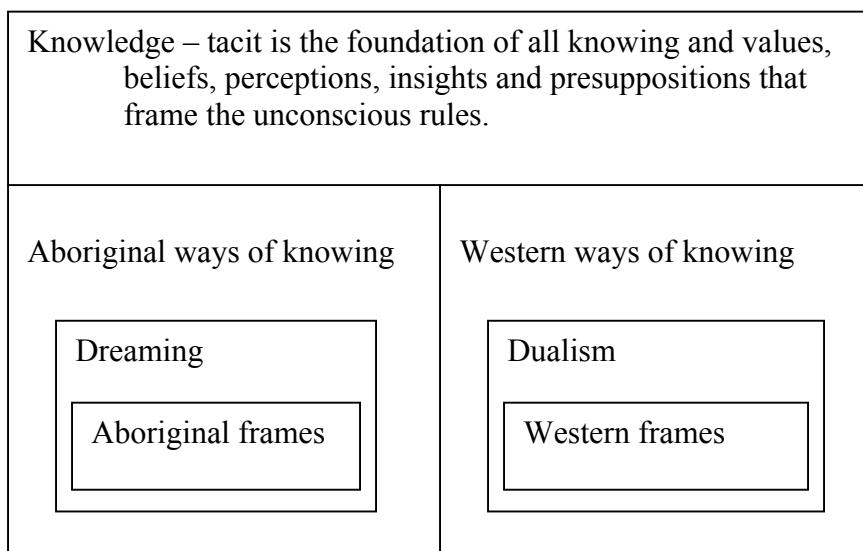
Frames		
Ways of thinking		
Non-Aboriginal		Aboriginal
Dualist thinking	<- Intercultural interaction ->	Holistic thinking
Reductionist	<- Discourse -> <- Scientific Relationship ->	Integrated
Fragmented		Multidimensional
Explicate Order	Disjunct of understanding between cultures	Implicate Order

Non-Aboriginal people negotiating with Aboriginal people frame cross-cultural knowledge according to low context rules and knowledge frameworks influenced by Western cultural values. The high context nature of Aboriginal knowledge is potentially

not understood, not recognised and not included in the non-Aboriginal discourse and agreements. It appears framing Aboriginal knowledge within the Western context changes knowledge from high context to low context.

The tacit nature of knowledge made up of values, beliefs, perceptions, insights and presuppositions frame the unconscious rules that have built up over years that enable us to act quickly and effectively without stopping to think about our actions. These rules paradoxically also limit our framework for knowing. Strategic management theory will be enhanced through understanding that tacit knowledge plays an enormously important part in our comprehension of the world, and in how knowledge is constructed and applied. This is presented in **Figure 5-1** below.

Figure 5- 1 Ways of Knowing



Understanding the values, beliefs, perceptions, insights and presuppositions that frame the unconscious rules of one's own culture will allow the negotiator to then understand and juxtapose other ways of knowing, and secondly the negotiator will be able to engage with a wider range of frames. This ability to engage with a wider range of strategic thinking is significant for strategic management theory, and is discussed in Section 5.8.

5.2 Housing Transcript

The housing transcript was arguably presented Aboriginal knowledge according to the explicitly stated frameworks of the authors and is indicative of knowledge constructed according to Western frames.

Aboriginal knowledge was presented in a sequential, compartmentalised and reductionist manner. Knowledge was aggregated and compartmentalised according to a set of six headings: Household Unit, Kin obligations, Establishment and Social Structure of an Aboriginal camp, Death, Housing Considerations, and European Structured Settlement. Kin obligations are collated under the rubric of the heading “Kin obligations” and arguably become explicitly compartmentalised thereby losing tacit relationships from the other elements of the original interviews. This restructuring of knowledge potentially removes knowledge relationships and implicit knowledge in the original text.

The language in the transcript reflects the compartmentalisation and fragmentation through the use of terms such as housing unit, social unit, single men’s quarters, single women’s quarters, centralisation and decentralisation. This is not a criticism of the knowledge being presented by the authors. What is argued is that the presentation of knowledge reflects explicit and implicit Western cultural schema, and that knowledge and cultural values are inextricably linked.

Aboriginal knowledge presented under a set of six explicit rubrics was removed from its original context and the fragmentation of Aboriginal knowledge has the potential to separate context-laden discourse into discrete elements of explicit knowledge. Implicitly the authors have explicated knowledge. High context knowledge is framed as low context knowledge. Arguably the cultural schema of our knowing frames our understanding of cross-cultural knowledge. Aboriginal knowledge that was obtained by

the authors in the Housing Transcript was arguably presented according to Western frames of knowledge.

This was an important first transcript for analysis, as the negotiation specifically sought Aboriginal knowledge and represented that knowledge in a transcript. The implicit nature or presupposition of how Aboriginal knowledge was to be represented is evidenced in the transcript. Aboriginal knowledge is presented as explicit, compartmentalised, fragmented and low context, and arguably reflects Western frames of knowledge.

5.3 Noonkanbah

The Noonkanbah negotiations took place over many years, and highlight the complexities and the often long-term nature of non-Aboriginal and Aboriginal negotiations. The negotiations at Noonkanbah were conducted with different people, at different locations, and with different specific issues. The Noonkanbah negotiations as analysed within this thesis also demonstrate how cross-cultural negotiations have changed and stayed the same over the decades.

5.3.1 Negotiations circa 1980

The analysis of the Minister's message to the community arguably identified broader strategies of a Western culture engaging with an Aboriginal culture. In particular when these strategies are combined with the Minister's message regarding the development of Aboriginal culture and knowledge, Aboriginal people are arguably relegated to the realm of the 'primitive'. Aboriginal knowledge is barely recognised, or framed as cave drawings. This it is argued placed limits on the frames that could have been available to the Minister in his negotiations with the Noonkanbah people, thereby limiting the capacity to negotiate win-win outcomes.

5.3.2 Consent Determination 2007

The Consent Determination in many respects represents what has changed and what has not changed:

1. Negotiations pertaining to native title have changed and are now often conducted within a legal framework that must recognise statutory Aboriginal heritage and certain statutory rights in the negotiation process.
2. Aboriginal knowledge is presented within the Consent Determination in a sequential, compartmentalised, reductionist and decontextualised manner.
3. Aboriginal knowledge is still predominantly framed in a Western context.

The researcher contends that the Consent Determination represents a form of knowledge. Aboriginal knowledge represented in a Consent Determination Area, or map, is arguably derived from what is perceived as useful Aboriginal knowledge because it is a contribution to universal knowledge that forms the basis for modern forms of governance (Bryan 2009). The Consent Determination is not necessarily a framework for broadening the knowledge perspectives of people involved in cross-cultural negotiation. Whilst the article by Bryman (2009) has a focus on power relations, the arguments also suggest a map is also forming a boundary object between the notions of Western and Aboriginal knowledge, and also raises the question as to, what does it mean for a Consent Determination Area to represent Aboriginal knowledge? Does the Consent Determination Area represent an area where Aboriginal knowledge exists within a bounded area, and where non-Aboriginal knowledge exists outside this area?

5.3.3 Knowledge, Frames and Schema

The Consent Determination Area and the song-poem “The Bulbul Bird” are both maps that represent different ways of knowing of non-Aboriginal and Noonkanbah cultures. Both maps contain explicit and implicit knowledge. However a map is more than this, “The map is a strategy” (von Krogh, Nonaka & Aben 2001, p. 426).

Von Krogh, Nonaka and Aben (2001) provide the example that using a map to get from one city to another, gives the reader of the map information from which to plan and strategise the journey, to apply knowledge to ensure a safe journey, to plan the most scenic or efficient route, ultimately to achieve a strategic goal. Using the ‘map’ as a metaphor that represents our strategic choices when we create and apply knowledge processes to achieve a strategic goal is quite profound. The map metaphor in the context of this thesis is very significant.

Both the Determination Area and the song-poem “The Bulbul Bird” maps are representations of knowledge. Maps give the person using the map the ability to make strategic choices. However if the person is aware of both ways of knowing in both maps, then there is a whole new capacity for strategic thinking. The maps convey elements of the epistemological differences in Aboriginal and non-Aboriginal ways of knowing. This thesis argues that through the strategic choices of knowledge creation and application identified by von Krogh, Nonaka and Aben (2001) with regard to maps, and the expanded frames of Aboriginal and non-Aboriginal cultures, creates a meta-understanding of knowledge and the superior capacity to make strategic choices. The question is, how to reframe Aboriginal knowledge of the song-poem “The Bulbul Bird” in a Western context?

The Consent Determination and Consent Determination Area succinctly demonstrate that Yungngora knowledge is framed in a Western context. The Consent Determination and Determination Area are inculcated with Western ways of representing knowledge. They represent strategic choices of framing knowledge of an agreement by non-Aboriginal people following negotiations with Aboriginal people. The Consent Determination and Determination Area also represent strategic choices of excluding other ways of knowing.

The strategic management of knowledge thus becomes limited within this Western frame of knowledge. Negotiation at the cultural interface is a place of unfulfilled potential of understanding and knowledge.

Can a map be anything other than a static rendering of an area? Yes, a map can be a song-poem for example. Can this type of map offer other strategic choices? Yes, if you are aware of other ways of knowing. If ways of knowing can represent strategic choices, then there is an argument to suggest that strategic management theory and practice could be enhanced through this broadened understanding.

In an exploratory study of Chief Executive Officers with an international geographic scope the CEO's cognitive maps, or frames, of their environment were found to be more complex than the CEO's with a national geographic scope (Calori, Johnson & Sarnin 1994). Variety in the environment and complex learning is required by the CEO's to operate in an international geographic scope, and this contributes to the more complex cognitive maps (Calori, Johnson & Sarnin 1994). Knowledge is increased. Whilst the exploratory study suggest that cognitive maps are increased, the study may also indicate that the CEO's are also synthesising cross-cultural knowledge to create new knowledge.

5.4 Yirrkala

The Yirrkala negotiation is broadly centred on the revegetation of a mine site with trees and grasses. The non-Aboriginal discourse is focussed on the economic value of the trees and grasses that could be planted as part of the revegetation. Non-Aboriginal knowledge of the trees and grasses proposed in the revegetation is explicitly linked to their economic value, and this is also validated via reference to the scientific research into the trees and grasses. Aboriginal knowledge of the trees and grasses is linked to the local area, and in particular, the Stringy Bark tree.

The Yirrkala discourse demonstrates that there is cultural knowledge and schema attached to the trees being discussed in the revegetation of the mine site. The knowledge

of the trees and grasses to revegetate the mine site is arguably according to Western frames.

The non-Aboriginal discourse is concerned with the explicit economic value of the trees and grasses to make money and to be used as stock feed. Knowledge is explicit and the communication is low context.

The Aboriginal discourse is concerned with the implicit economic and cultural value of the trees and grasses. Knowledge is implicit and the communication is high context. Keep in mind that the cash economy was only introduced to Aboriginal cultures at around the time this negotiation occurred.

The divergent cultural frames of the discourse that reveal the different schema operating during this negotiation is presented in **Table 5-3** below.

Table 5- 3 Cultural Interface

non-Aboriginal discourse	Cultural Interface	Aboriginal discourse
We want to plant trees	Negotiation topic	We want to plant trees
We want trees important to our culture	Cultural knowledge and cultural values are embedded explicitly and implicitly in the discourse	We want trees important to our culture
Discourse explicitly relates to knowledge reflecting cultural frames		Discourse implicitly relates to knowledge reflecting cultural frames
Trees that have economic value		Trees that can be used in culturally appropriate ways

This discourse also reflects a degree of tacitness. As stated by Ambrosini and Bowman (2001) knowledge may remain tacit because the right questions were not asked or the people have not asked themselves what they were doing. For example, had a question been asked why the Aboriginal person wanted the Stringybarks planted on the revegetated mine site this may have accessed this tacit component of knowledge.

5.5 Adjahdura Negotiations

The transcripts of the Adjahdura negotiations highlight the low context nature of a non-Aboriginal person constructing Aboriginal knowledge. This is demonstrated through the non-Aboriginal construct of an Aboriginal sacred site through the direct intertextual link to the *Aboriginal Heritage Act* that explicitly prescribes how knowledge relating to an Aboriginal sacred site is accepted and validated to then be able to recognise a sacred site according to the Act.

Aboriginal knowledge is prescribed according to an Act. Aboriginal knowledge is placed in an objective system. Potentially, Aboriginal knowledge can then never be perfectly reconnected from the objective framework to form the original and holistic connections.

5.6 Unpublished Transcript

The analysis of these negotiations highlight the low context nature of the non-Aboriginal discourse framing the Aboriginal concept of a “yarn” at Line 28 “We understand all that that’s why we want everyone to come and have a yarn ((inaudible))”. The non-Aboriginal idea of having a yarn becomes integrated with rules and procedures according to section 12 of an Act not specified in the discourse. The response at Line 31 indicates the following series of actions required according to the Act:

1. The owner to apply under section 12 of the Act, and;
2. We’d probably need a couple of applications cause you’d want this block, and;
3. You’d actually want the whole area looked at under section 12, and;

4. You look at everything within that:

- a. What's a ((sacred)) site;
- b. What's significant what's not;
- c. What sort of conservation you need or don't need for which areas;
- d. Work out all the different actions protections for all the different areas, and;
- e. What needs to happen for you to be satisfied, and;
- f. If the developers need to work in with you, and;
- g. Somehow to get on with what they're doing in some areas.

Let's have a yarn, or a polite request to organise a conversation becomes a far more complex and procedural process. There are no questions with regard to what the meeting might be about in general terms or that the request could remain within the Aboriginal cultural context of a yarn. Searching for the rules to engage in a yarn by the non-Aboriginal person in this example is articulated explicitly. The unconscious schema in this discourse is to go straight to the Act without necessarily to stop and think about the action. The structure of knowing is directly linked to the structural frame of the Four-Frame model of Bolman and Deal (2003) that values - rules, roles, and policies. Further to this Bolman and Deal (2003) also state that managers value rationality and control, and will tend to choose rational and structural solutions.

Sicangco-Cruz (2007) suggests that Western decision-making is systematic and linear, and moves to act quickly, whereas in contrast, an Eastern approach with regard to conflict may deliberately extend decision-making time frames in order to build relationships as a method to manage conflict. The Eastern approach is a reflective approach and may enable decision-making to take superior holistic leaps in non-linear ways. There are strengths and weaknesses in both approaches (Sicangco-Cruz 2007). There may be parallels to be illuminated from Aboriginal and non-Aboriginal negotiations, with regard to linear and non-linear thinking, and decision-making. For example does the more holistic Aboriginal approach to thinking and decision-making enable superior holistic leaps in non-linear ways?

5.7 Negotiating and Intercultural Competence

The way Western business embodies and represents knowledge influences how cross-cultural knowledge is constructed. Western business practice places the emphasis on the explicit, at the individual level, that is created through concrete forms such as documents, manuals, and databases, in conditions that demonstrate clear intent and low redundancy of information (Nonaka & Takeuchi 1995).

Understanding others is required for successful cross-cultural negotiation (Chang 2003). The understanding required to transcend an ethnocentric view of the world is cultural self awareness, and an awareness of the cultural context that one is operating within (Bennett & Castiglioni 2004). The key to cultural awareness is to separate observation from interpretation (Hofstede, Pedersen & Hofstede 2002). The ability to transcend an ethnocentric view of knowledge is a cultural awareness of the schema or mental model of knowledge that one is operating within. For example this thesis has raised the concepts of low and high context communication. In low context cultures what is said represents the whole message, and in high context cultures what is said must be interpreted (Hill 2009). Low context behaviour is associated with capitalist, efficiency orientated societies, whereas high context behaviour is associated with less competitive societies where harmony and cooperation are highly valued (Hill 2009).

Hofstede (2001) states that intercultural competence is acquired through three phases: awareness, knowledge and skills. Without cultural awareness negotiators cannot have accurate non-Aboriginal and Aboriginal perspectives. However there is a paradox for non-Aboriginal people in acquiring knowledge of Aboriginal cultures. Knowledge of Aboriginal culture for non-Aboriginal people is for most acquired through text, and it is through the collection, documentation and storage of knowledge that Aboriginal knowledge is abstracted and loses its traditional connections (Nakata et al. 2005).

5.7.1 Shared World of Knowledge

When building theory in strategic management, Ketchen and Bergh (2006) state that it is important to understand conceptual frameworks used by managers to construct reality. This thesis, in building theory in strategic management, has attempted to understand how non-Aboriginal negotiators construct cross-cultural knowledge. In essence negotiators bring a set of frames to the negotiating table that are used to interpret cross-cultural knowledge. This set of frames may be insufficient for effective negotiation. Building upon this understanding the thesis then argues that it is important for managers negotiating in a cross-cultural context to understand the conceptual frameworks of other cultures and to also understand the construct of their own reality. In doing so, the negotiators construct a new reality that incorporates new knowledge.

How then can a negotiator try to improve their ability to negotiate at the cultural interface? Two models are proposed. Both models will generate new frames or mental models for people engaging in cross-cultural negotiations.

The researcher acknowledges the significant contribution of Whiteley and Whiteley (2007, p. 249) in developing the first model, listed in detail below and represented diagrammatically at **Figure 5-2**, for a shared world of knowledge at the cultural interface of cross-cultural negotiations. The model includes a discourse cycle for negotiation:

Step 1 Acknowledge that there exist multiple realities and to develop an awareness that there are different cultural realities.

Step 2 Learn about our own culture, what are our values and beliefs (Eckermann et al. 2005), and how our cultural constructs impact on knowledge. In learning about our own culture it is also essential to acknowledge that other cultures may construct knowledge in completely different ways.

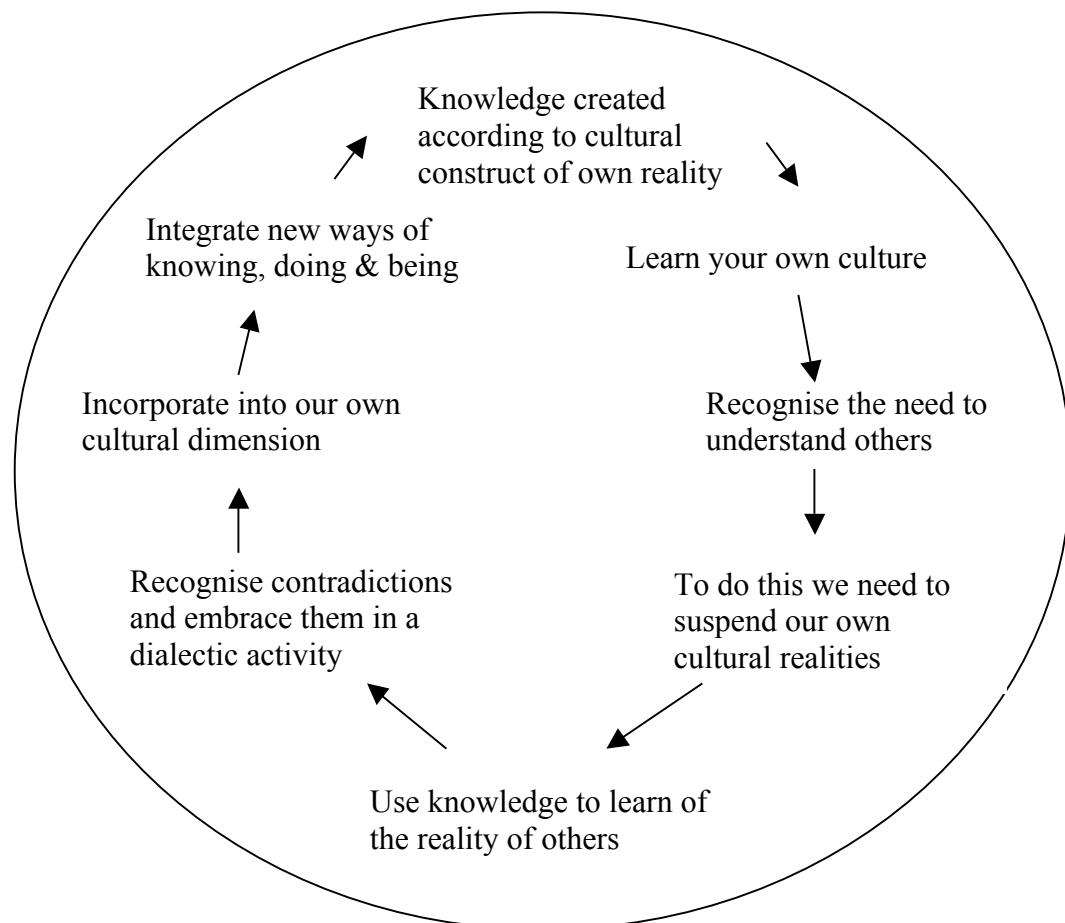
Step 3 Learn about other cultures and while undertaking this important activity to **suspend** our own cultural way of seeing the world. Suspending judgement is also advocated by Eckermann et al (2005), however it does

not mean that we must abandon our philosophies and traditions. A significant challenge in understanding another culture is that we come to that culture with our own values, ways of knowing, ways of doing and ways of being. Observing rather than judging what another culture does is a part of this process. In undertaking this process there will be considerable contradictions and or paradoxes to our own values, ways of knowing, ways of doing and ways of being.

Step 4 Embrace the contradictions and paradoxes in a dialectic process. This will be enriching and allow for a less dogmatic and ethnocentric approach to other cultures.

Step 5 Integrate new forms of knowledge. Incorporating the knowledge and realities of others, incorporating new ways of knowing, develops and broadens our worldview.

Figure 5- 2 Model for Developing Shared Knowledge Constructs



Source: Whiteley and Whiteley (2007, p. 249)

This model represents a complementary view of knowledge outlined by Hargadon and Fanelli (2002), and is not a simple possession of facts, but is an interaction of multiple schema learned across a range of different domains. The domains when negotiating across cultures, includes a plurality of cultures, a plurality of knowledge frames, and understanding ways of knowing, doing and being.

It is through the understanding of other knowledge frames that will allow improved cross-cultural understanding of knowledge.

In developing a second model the first model is expanded to include critical reflection. The second model becomes a more complex and deeper process. Walker et al (2000) state that critical reflection is a powerful tool for creating new knowledge within a professional context. It is suggested by the researcher that critical reflection can be applied at the cultural interface. Critical reflection for (health) professionals working with Indigenous people is advocated by Walker et al (2000). Following the recommendations of Walker et al (2000), critical reflection for non-Aboriginal negotiators is to learn from experience, and to analyse and understand the broader cultural, social, political and economic environment of Aboriginal people.

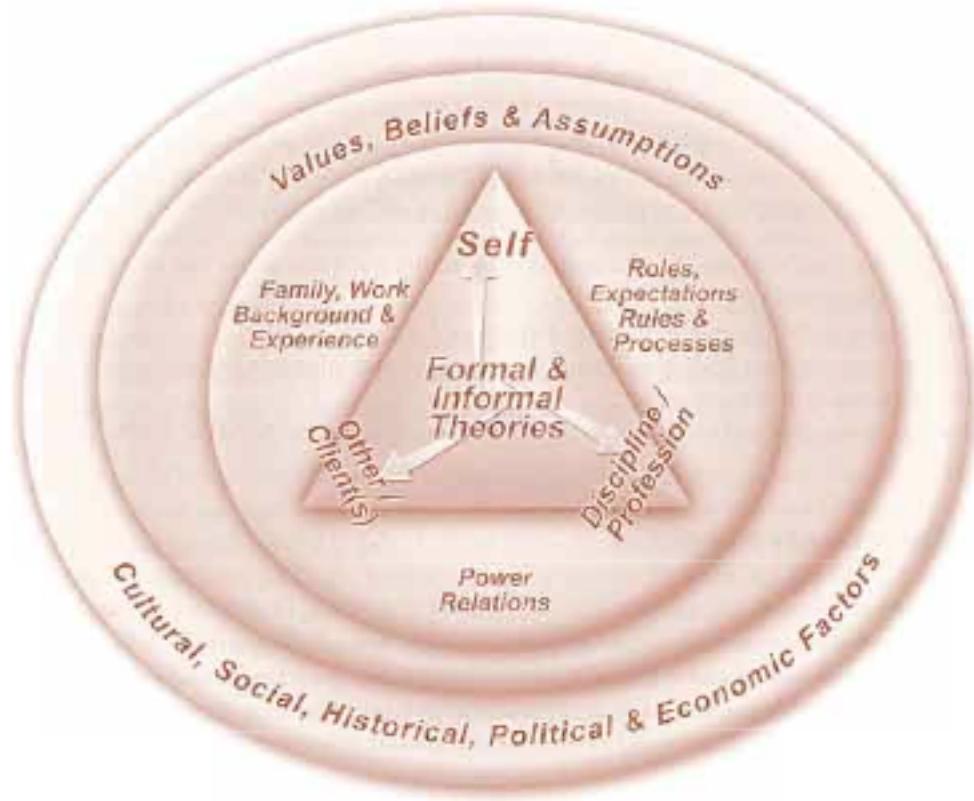
In developing a model for critical reflection in a professional context Walker et al (2000) state that it is important to reflect on:

1. One's own values and ways of working in a cross-cultural context
2. Acknowledge and identify relations of power
3. To extend our understanding of others, and their cultural values and beliefs
4. To extend our understanding of our own profession
5. To extend our understanding of the broader social and historical context.

These aspects for critical reflection are represented in a multi-dimensional model in

Figure 5-3 below.

Figure 5-3 Values, Beliefs and Assumptions



Source: (Walker, McPhee & Osborne 2000 , p. 317)

The critical reflection model of Walker et al (2000) captures two methods of reflection that were developed by Schön (1991), and they are:

1. Reflection-in-action: assumes that our knowing is tacit and implicit in our manner of action, and that the work life of the professional depends on tacit knowing-in-action. The act of reflecting-in-action is to think about what we are doing and in the process evolve the way of doing it. The danger of reflection-in-action is to engage at inappropriate times such as during emergencies.
2. Reflection-on-action: refers to those processes that provide opportunity for reflection. The act of reflecting-on-action is to think about what we have done and in the process evolve the way of doing it.

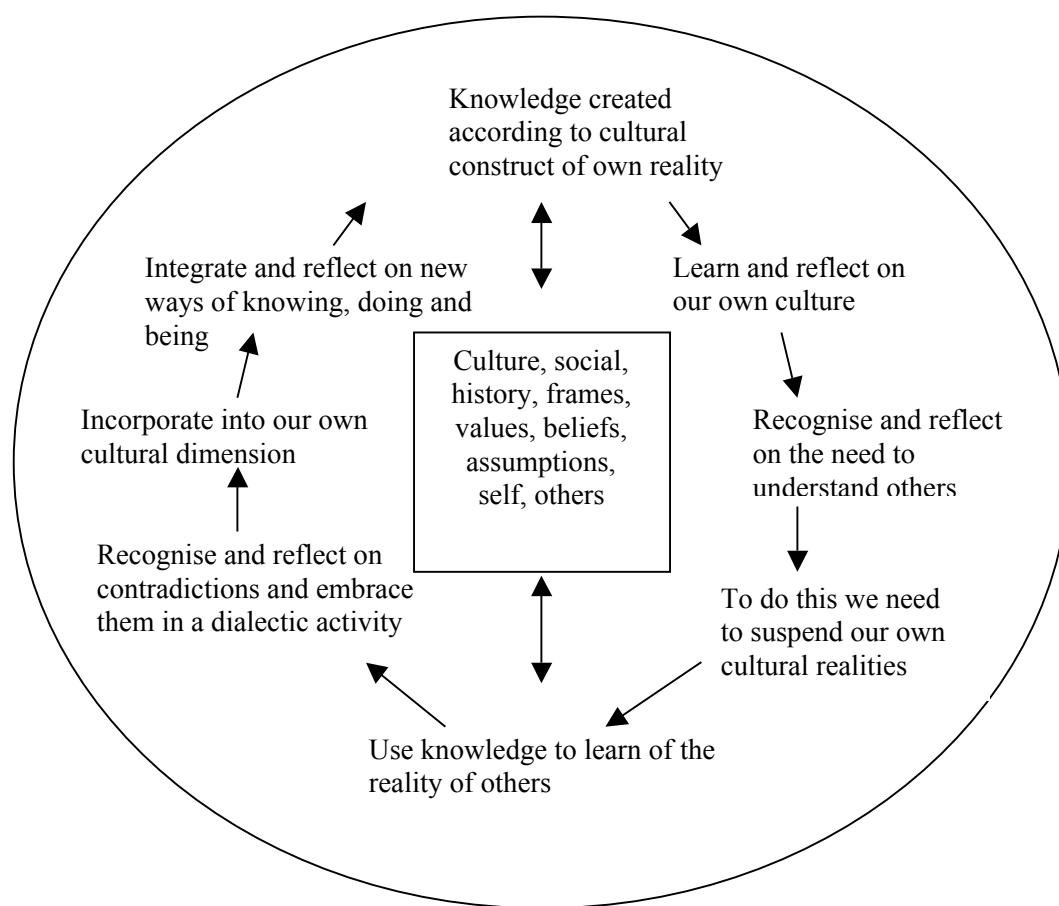
Greenwood (1993) states that reflection-in-action is to think what one is doing while doing it reflecting on the implicit understanding in the action, and that reflection-on-action involves a cognitive post-mortem where the practitioner reflects on the experience. Walker et al (2000) state that reflection-in-action refers to the tacit knowledge generated and applied in the moment and that reflection-on-action refers to the understanding that develops as a result of reflecting on previous aspects of action.

Reflection-in-practice and reflection-on-practice at the cultural interface are important competencies for professional development. This has implications for strategic management thinking in the development of knowledge and ways of knowing as a competency underpinning competitive advantage, developing cross-cultural competencies in a global environment, and understanding the cultural presuppositions that frame Western thinking in negotiations. Cross-cultural negotiation requires competence in the integration of different ways of knowing. Knowledge reflexivity requires that we learn to view unfamiliar concepts and forms of knowledge from a non-judgemental perspective.

If the first model for developing shared knowledge constructs is combined with the critical reflection model of Walker et al (2000) then a very powerful although more complex model in **Figure 5-4** for the creation and integration of new knowledge is created for negotiating in a cross-cultural environment.

Frame reflection (van Buuren 2009), is a way that negotiators' can reflect on their normative interpretations and in this context the reflection is on their normative frame of reference or interpretation of knowledge. The synthesis of knowledge in the models developed for sharing cross-cultural knowledge constructs reflects the synthesis of knowledge requirement in the concept of "combinative capability" discussed in Chapter 2.

Figure 5- 4 Reflective negotiation model to develop shared knowledge constructs



5.8 Implications for Strategic Management Thinking

Paraphrasing von Krogh, Nonaka and Aben (2001), at the heart of these models is the ability to develop new mental maps of knowledge, to also give credibility to the nature of knowledge, and in particular cross-cultural knowledge. The models will allow the development of new frames of knowledge that may challenge the Western linear, sequential, reductionist, compartmentalised and fragmented approach to knowledge.

Western readers of this thesis may have experienced some cognitive dissonance through exposure to other ways of non-linear thinking. There are a number of different forms of knowledge, and the distinctions between them are relevant both theoretically and practically (Cook & Brown 1999). The broader implication is for strategic management to be cognisant of other ways of knowing as an integral part of the knowledge-based view of the firm, and to view knowledge in a multifaceted, multicultural and multidimensional manner, that for example might engage with linear and non-linear frames. This will require expanded research methodologies in the field of strategic management, and at the more practical level for managers to link business strategies with the knowledge strategies of the firm (Haider 2009). The implications for strategic management and the concomitant competitive advantage are not necessarily obvious, but the potential could be significant. For example Nadler (2004) argues that leading thinkers approach problems very differently from reductionist thinkers, and employ a more holistic and expansive thinking process. According to Nadler (2004) they use multiple styles of thought, rather than using the reductionist approach.

The systemic unitary predisposition toward knowledge within strategic management arguably excludes this potential of a more holistic and expansive thinking process. If the negotiation process is potentially not recognising this form of holistic and expansive thinking, what strategic possibilities are also not being potentially recognised?

The knowledge-based view of the firm presents knowledge as a source of sustainable competitive advantage. Firms have recognised the importance of knowledge, and in order to remain competitive have initiated either explicit knowledge management practices or through social capital developed interaction between people (Zack 1999). Whilst the knowledge base of the firm is emphasised as a source of competitive advantage, the research and practice has focused on information technology to support the collection, storage, and retrieval, of explicit knowledge (Muthusamy 2008), yet it is the context specific tacit knowledge that makes the knowledge advantage sustainable (Zack 1999). Muthusamy (2008) suggests that a dynamic knowledge-based organisation has a dynamic process of knowledge engineering that takes into account inductive and deductive learning, intuition and quantitative data, storytelling and analytic tools, and emphasises knowledge sharing through socialisation and communication. The inductive process tends toward a more holistic thinking style (Muthusamy 2008).

With a more expansive approach to knowledge, strategic thinking with regard to knowledge in cross-cultural negotiations could be approached with the recognition that there may be a synergy between the business strategies of negotiations and cultural approaches to knowledge. Snyman and Kruger (2004) argue that strategic management and strategic knowledge management are fundamentally interdependent, and state that knowledge, as a strategic resource, has the ability to positively influence and enable business strategies. Further to this, Snyman and Kruger (2004) argue that this facilitates the potential for long term competitive advantage. Knowledge as a resource is critical, yet in the arena of cross-cultural negotiations this thesis has established that there are fundamental flaws by non-Aboriginal negotiators in understanding and framing cross-cultural knowledge. If the argument of Snyman and Kruger (2004) that strategic management and strategic knowledge management are fundamentally interdependent, then arguably cross-cultural negotiations also form part of the process in applying the macro and micro business strategies. The consequence that there are fundamental flaws by non-Aboriginal negotiators in understanding and framing cross-cultural knowledge suggests that there is a risk the underlying business strategies of negotiations may also be flawed.

Firms negotiating with Aboriginal people are no doubt engaged with strategies in the negotiations that serve the macro and micro strategic intents of the business. Competitive advantage and sustainability of the competitive advantage is based on knowing more than the competitors, and it is knowledge and the use of knowledge that provides increasing returns (Zack 1999). Linking knowledge and strategy requires the firm to identify knowledge based resources that are valuable, unique, and inimitable, and how those resources support the strategy of the firm (Zack 1999). Regardless on how a firm constructs categories of knowledge, what is ultimately important is the link between knowledge and strategy (Zack 1999). However, this thesis contends that this link between knowledge and strategy will be difficult to achieve in cross-cultural negotiations if the frames of strategic management implicitly exclude other cultural schemas.

Powell and Swart (2005) state that it is knowing rather than knowledge that is the key to competitive advantage, and the application of different forms of knowing such as knowing what, knowing how, knowing why, and knowing who, will influence business success. Extending this argument to include other cultures, this thesis contends that knowing other ways of knowing is critical to cross-cultural negotiations. Vickers quoted in Cook and Brown (1999) states that: “every culture has not only its own set *body* of knowledge, but its own *ways* of [knowing]”.

Knowledge applied to doing, can be considered a competitive advantage in the knowledge based economy (Drucker 1993). However, it is now the ability to identify and comprehend, and appreciate how ways of knowing interact, that can provide this competitive advantage according to Powell and Swart (2005). Drucker (1993; 1994) has stated that knowledge is the resource, not just a resource. Knowing is the deployment of knowledge by a person during their interaction with a task, knowing is dynamic and relational (Cook & Brown 1999), and the interplay between knowledge and knowing is different across cultures (Schneider 2007). There is no longer a single authoritative or scientific way of knowing (van Buuren 2009). Knowing other ways of knowing then

becomes critical when the frames of management are engaged in negotiations at the cultural interface. The application of knowing is the new level in strategic management thinking.

This thesis has sought to encourage a worldview in strategic management research that is more inclusive of paradigms outside the traditional positivist paradigm of research and theory. The cross-cultural context of this research has provided a forum to juxtapose paradigms of knowledge, ways of knowing, culture, and frames. The analysis of the cross-cultural negotiations indicates that the frames or schemas of Western negotiators appear not to incorporate or understand the knowledge and knowing of Aboriginal people, or the interplay between Aboriginal knowledge and knowing. What Cook and Brown (1999) suggest is that it is necessary to understand the relationship between bodies of knowledge and activities of practice, and recognise that knowledge is the tool of knowing. Competitive advantage depends on the interplay between knowledge and knowing (Schneider 2007), yet most models of knowledge management concentrate on how to codify and abstract knowledge (Thompson, Jensen & DeTienne 2009). This is why strategic management theory falls short in cross-cultural negotiations. However, the theoretical strength of the strategic management knowledge-based view of the firm is the capacity to review the firm through the framework of tacit knowledge. For the discipline of strategic management, knowledge about cross-cultural knowledge or meta-knowledge may assist the synthesis, and application of current and acquired knowledge.

5.9 Future Research

Blackler (1995) suggests that rather than regarding knowledge as something people have, it may be more appropriate to refer to - knowing - as representative of what people do. Future research should investigate ways of knowing, how cross-cultural knowledge is reconciled, and how ways of knowing and knowledge might be managed. One of the major obstacles of this research was gaining access to direct commercial negotiations to collect data, and the main reason cited against allowing access was that commercial negotiations are commercially sensitive. Access to direct commercial cross-cultural

negotiations will allow further research to be conducted in a very rich and contemporary environment.

Questions and areas that might be researched include:

1. Does the interplay between knowledge and other ways of knowing provide a competitive advantage?
2. What kind of knowledge is produced, and what are the implications for strategic management?
3. What are the implications regarding knowledge of other ways of knowing in cross-cultural negotiations for win-win outcomes?
4. Does the decision-making of linear and non-linear thinking cultures differ, and if so how does the decision-making differ and what are the benefits of each style?

The thesis has argued that strategic management research will benefit by being more inclusive of constructivist research. The challenge for strategic management thinking is to move outside the positivist bias of Western research, and once that step is taken to also move outside Western ways of knowing to expose strategic management thinking to a very rich environment of other ways of knowing.

One of the possible approaches to future research might be for Aboriginal and non-Aboriginal researchers to engage in collaborative research at the cultural interface, thus bringing a combined cultural understanding as equal partners to the research. Sveiby and Skuthorpe (2006) in a collaborative project provide a powerful example of the cross-cultural wisdom jointly gained in a collaborative research process.

There is a significant similarity that connects both Aboriginal and non-Aboriginal cultures, and that is, knowledge is the primary resource.

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