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Senate Environment, Communications, Information Technology and the Arts Committee

Department of the Senate

Parliament House

CANBERRA ACT 2600

Re: Inquiry into Australia's National Parks, Conservation Reserves and Marine Protected Areas

We make submission to the above-mentioned Inquiry as staff of the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University. Since its establishment in 1990, CAEPR has undertaken considerable research on Indigenous economic development and policy issues. This research shows that the provision of land and resource management services of a nationally significant scale and quantity by Indigenous people in northern Australia is largely unrecognised by government, and as such is chronically underfunded. This submission focuses on two key areas of future policy direction for protected areas within Australia.

I: Recognition and support for Indigenous land and sea management agencies and Indigenous ranger programs.

1. Indigenous lands within Australia have been recognised as being some of the most biodiverse in Australia, including internationally recognised centres of plant and animal diversity. At the same time they face many land and conservation management challenges—fire management, weed monitoring and management, feral animals and other pests.
2. Current figures indicate that at least 18 per cent of Australia is currently owned or controlled by Indigenous people, and that in the Northern Territory 44 per cent of the terrestrial land mass is owned by Indigenous people (Pollack 2001). These figures are increasing with the resolution of native title and other claims processes.
3. Managing these remote lands constitutes one of Australia's most significant land management challenges and could affect the nation as a whole—for example, the possible entry and establishment of foot and mouth disease in Australia (Whitehead 1999).

4. A key issue in natural resource management which is highlighted in the CAEPR paper 'Caring for country and sustainable Indigenous development: Opportunities, constraints and innovation' is the interdependence of conservation management goals across the landscape and the need for a whole-of-landscape approach. This paper maintains that the vast Indigenous estate must be accorded status equal with other areas whether part of the National Reserve System, pastoral lands or privately held lands (Altman and Whitehead 2003).
5. The CAEPR paper 'Sustainable Development Options on Aboriginal Land: The Hybrid Economy in the 21st Century' highlights that there are potential positive spin-off benefits for protected areas that are generated from Indigenous land which are largely unrecognised and are neither quantified nor remunerated. For example, the attraction of species biodiversity to international tourism in Kakadu National Park which is linked to habitat conservation not just in Kakadu but also in abutting Aboriginal land in western Arnhem Land (Altman 2001).
6. In the Northern Territory community-based ranger programs are aiming to manage Aboriginal-owned land and sea natural resources sustainably—the terrestrial jurisdiction is currently about 170,000 square kilometres and the coastal/intertidal zone totals about 85 per cent of the Northern Territory. In the Northern Territory alone there are about 25 Aboriginal land and sea management agencies. In the Top End these agencies are supported by the Caring for Country Unit at the Northern Land Council (Altman 2004). They are also networking with each other and between jurisdictions on a range of natural and cultural resource management issues through forums such as the Northern Australia Indigenous Land and Sea Management Alliance (NAILSMA). In some locations these agencies have developed into well established organisations with considerable expertise in planning, geographical information systems, research, training and management, and have developed constructive partnerships with research, government and commercial organisations (NAILSMA 2005). For example, the Djelk Rangers which are part of the Bawinanga Aboriginal Corporation (BAC) have been operating for over 11 years (Cochrane 2005). The outcomes of the Djelk Ranger program are documented in the Annual Reports produced by BAC.
7. Indigenous land and sea management initiatives are providing economic and socio-cultural benefits for Indigenous peoples, and benefits at a national scale in the conservation of biological diversity. These agencies also have the potential to develop more strategic links for quarantine, defence, policing illegal commercial and recreational fishing and customs (ABC 2006a, ABC 2006b, ABC 2006c).
8. Through Indigenous Land and Sea Management agencies and ranger groups Indigenous people are personally well equipped—through an existing skills base, demonstrable commitment, and location—to address a wide range of environmental conservation issues of a local and national priority. It will be unfortunate if opportunities to contribute to the achievement of important national goals addressing biodiversity conservation and Indigenous marginalisation are not grasped.
9. One of the most critical issues for these agencies is their reliance on short-term and ad-hoc funding arrangements from programs such as the Natural Heritage Trust. Much of the work undertaken by Indigenous rangers through these agencies is paid for by the Community Development Employment Projects (CDEP) program, an Indigenous 'work-for-the-dole' program. For example, the Yirralka (homeland) Ranger program employs 20 rangers who live on the homelands through CDEP (Morphy and Marika 2005).

10. Indigenous peoples' efforts to use CDEP to maintain biodiversity over large tracts of land in the absence of government agency support is an unacceptable form of cost shifting and undervalues Indigenous initiatives and knowledge. These agencies should not be a by-product of the CDEP scheme. A broad-based flexible and long-term block funding for these organisations is of national interest (Altman 2004).
11. Some preliminary work by Whitehead (2002) estimated that about \$890 per square kilometre is spent in Kakadu National Park compared with a maximum \$140 per square kilometre in adjacent and environmentally similar western Arnhem Land. Although Kakadu is a highly visited national park the two regions are ecologically interdependent, especially for migratory species (Whitehead 2002). Preliminary comparisons of biodiversity values in the Maningrida region indicate that they are being maintained at least as well as in Kakadu National Park, just 150 kilometres to the west (Yibarbuk *et al.* 2001). Thus, there are sound ecological arguments to expand these Indigenous community-based land management initiatives from the Arnhem Land region to other Aboriginal-owned land in the Northern Territory, and then to other parts of the Indigenous estate.

Recommendation

12. Indigenous community-based land and sea management initiatives are a critical and complementary component of the Australian protected area network, and, as such, should be funded accordingly. It is recommended that the State, Territory and Australian governments recognise and support Indigenous land and sea management agencies and Indigenous rangers through adequate and flexible long-term funding and resourcing.

II: The increased involvement of Indigenous people in protected area management within Australia through the development of co-management, joint management and sole Indigenous management arrangements.

13. The first national parks were founded on premises of strict nature preservation, often involving the eviction of Indigenous people from their country. Thus, the designation of national parks has negatively impacted on the rights of Indigenous people to use resources on their country, denied people access to places of cultural significance, to live on country and to undertake traditional management practices.
14. The 'wilderness myth' still persists in the thinking of many concerned with protected areas. This means that the contribution of existing Indigenous land management activity makes to national conservation goals is poorly understood by the public and policy makers (Altman and Cochrane 2003).
15. CAEPR research in Arnhem Land on outstations has demonstrated that Indigenous people living on country generate economic, social and environmental benefits at local, regional and national levels (Altman 2003).
16. Over the past few decades there has been increasing recognition of a role for Indigenous knowledge and management practices in biodiversity conservation, and of the rights and obligations under customary law that Traditional Owners have for their country. Within Australia the economic and socio-cultural benefits of Indigenous involvement in protected area management and natural resource management has also been increasingly acknowledged in policy and legislation.

17. One of the latest developments internationally has been the recognition of Community Conserved Areas (CCAs) (Recommendation 5.26) at the World Conservation Union's (IUCN) World Parks Congress (WPC) in 2003. CCAs are defined as: *Natural and modified ecosystems, including significant biodiversity, ecological services and cultural values, voluntarily conserved by Indigenous and local communities through customary laws or other means.*
18. In Australia there is great disparity with regards to the levels of Indigenous involvement and recognition of Indigenous peoples' rights and aspirations in the management of protected areas. There has been, and continues to be great resistance on the part of some State and Territory governments to develop co-management and joint management arrangements which aim to provide Indigenous people with greater control over and responsibility for the management of protected areas.
19. There are various terms that are currently used when describing Indigenous participation in protected area management which range from consultative arrangements, cooperative management, co-management, joint management and Indigenous management (see below).



20. There is no uniformity between jurisdictions in regards to how these terms should be applied and what they mean in relation to management arrangements for protected areas.
21. In general, the extent of Indigenous involvement in protected areas generally reflects the degree of legal recognition of Indigenous ownership and other rights and responsibilities relating to that area, the greater the statutory recognition of those rights, the greater the formal involvement (Smyth 2001).
22. There are various 'models' for co-management and joint management currently in operation within Australia. They differ according to provisions in enabling legislation, the existence and provisions of a lease, provisions in the plan of management, levels of resourcing and particularities of on-ground management arrangements. Most have resulted from land claims, as opposed to native title (Smyth 2001).
23. In some models such as Uluru-Kata Tjuta National Park and Kakadu National Park joint management has involved the transfer of ownership of the national park to Aboriginal people (lease-back) in exchange for continuity into the future of the national park status of the land and shared responsibility for park management. The transfer of the land back to Aboriginal people is conditional on their support for the continuation of the national park, rather than a partnership being freely entered into (Smyth 2001).
24. Although there is no generic model for successful co-management and joint management within Australia there are some key principles that should guide policy direction. Indigenous people need to participate in joint management as equal partners. This is affected by the degree to which there is security of tenure; existence of formal lease arrangements; and Indigenous majority in decision making.
25. A new form of protected areas on Indigenous land in Australia has emerged in the form of Indigenous Protected Areas (IPA). The IPA program is part of the National Reserve System Program. There are currently 19 declared IPAs with a further 13 in various stages of development. In 2002 IPAs added 13.8 million hectares to the total National Reserve System of 77.5 million hectares. This is 1.8 per cent of the total 10.1 per cent of terrestrial land designated as protected areas in Australia (Department of Environment and Heritage 2006). A review of IPAs is currently underway. The current levels of funding within this program are grossly inadequate to meet the day-to-day management of the growing number of IPAs. IPAs are highly dependent on the

CDEP program. There needs to be a firm commitment for on-going recurrent funding (that is not project based) for IPAs from the Australian, State and Territory governments.

Recommendations

26. It is recommended that governments consider international 'Best Practice' standards in the creation and management of protected areas, that ensures that both cultural and natural heritage will be protected for future generations through management that respects human rights, including Indigenous peoples' land and cultural rights. The IUCN Best Practice Standards for the management of protected areas and the recommendations of the 2003 IUCN World Parks Congress (WPC) including: 5.13 Cultural and Spiritual Values of Protected Areas; 5.24 Indigenous People and Protected Areas; 5.25 Co-management of Protected Areas; 5.26 Community Conserved Areas; and 5.27 Mobile Indigenous People and Conservation should guide the future policy direction (IUCN 2003a, IUCN 2003b, IUCN 2003c, IUCN 2003d, IUCN 2003e).
27. Funding for the negotiation, development and management of co-management and joint management arrangements (for such things as Indigenous employment and training schemes, cross-cultural training, research, Board of Management operations etc) should be given high priority by the Australian, State and Territory governments (whole-of-government approach to Indigenous affairs).
28. The Australian, State and Territory governments should commit to the principle that establishment of new protected areas will be based on the free prior and informed consent of relevant Indigenous people (where they can be identified), and of prior social, economic, cultural and environmental assessment, undertaken with full participation of Indigenous people (as per WPC Recommendation 5.24 – 1c).
29. It is recommended that governments support Indigenous ownership of protected areas (possibly including inalienable freehold title where Traditional Owners can be clearly identified).
30. Boards of Management for co-managed and jointly managed parks should be comprised of a majority of Traditional Owners or their representatives.
31. It is recommended that Australian, State and Territory conservation legislation should include reference to Indigenous people and co-management and joint management and the rights of Indigenous people to manage protected areas, including IPAs and Indigenous-held lands.
32. The agency responsible for implementing the decisions of Boards of Management in co-managed and jointly managed protected areas should not necessarily be state national park agencies. Provisions should be made for Traditional Owners to have implementation responsibility through mechanisms such as contractual arrangements. Furthermore, provisions should be made in existing protected areas for Indigenous groups (through land and sea management agencies or other appropriate Indigenous organisations) to undertake certain management responsibilities within protected areas through contractual arrangements.
33. The Australian, State and Territory governments need to provide realistic resourcing for the development of IPAs and their on-going management (whole-of-government approach) (as per WPC Recommendation 5.26 – 1c).
34. IPAs need to be legally recognised, and where communities so choose, be included within national, state and territory reserve systems through appropriate changes in legal and policy regimes.
35. It is recommended that the Australian, State and Territory governments examine options to support some existing protected areas to be managed as CCAs, including the transfer of management of such areas to relevant communities.

36. State and Territory governments need to respond proactively to recognise registered native title claims over national parks as a catalyst for developing Indigenous Land Use Agreements (ILUAs) for co-management and joint management arrangements.

In an effort to keep this submission reasonably brief we have provided a broad overview of some of the critical issues with some key recommendations for the Committee. We would be happy to assist the Committee if required with further information on any of the issues raised in this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jon Altman', with a long horizontal stroke extending to the right.

Professor Jon Altman
Director, CAEPR

A handwritten signature in black ink, appearing to read 'Libby Larsen', written in a cursive style.

Libby Larsen
NRM Researcher, CAEPR

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