

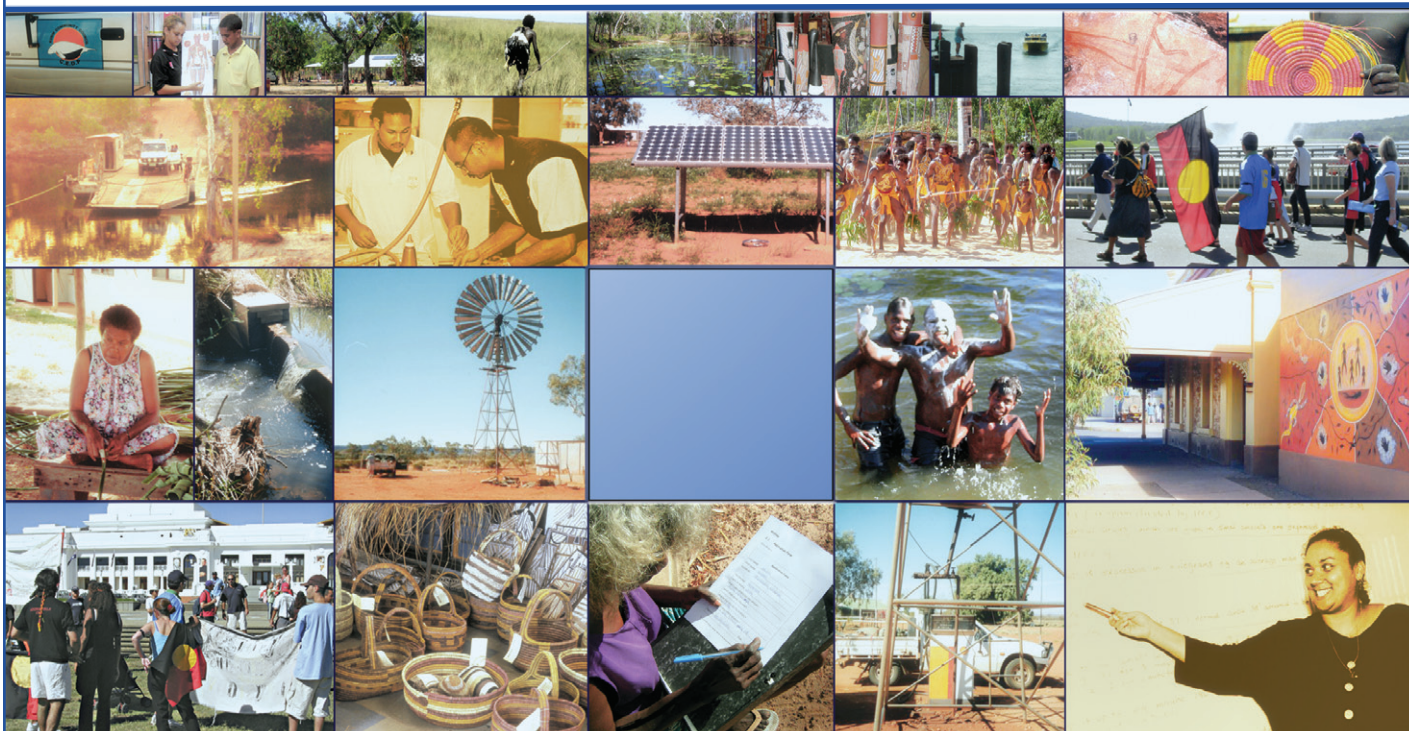
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Alternate Development for Indigenous Territories of Difference

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Alternate development for Indigenous territories of difference

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The Indigenous estate, the assemblage of Indigenous lands held under a diversity of land rights and native title regimes now covers an estimated 1.7 million sq kms or 22 per cent of continental Australia. For a variety of reasons, including a restricted common property regime that is the dominant form of land tenure and remoteness and the nature of Australia's settler colonisation, much of the Indigenous estate is environmentally intact. Indigenous people, living on the lands that they now own, are well positioned to make valuable environmental contributions to critical national efforts in three areas: the conservation of biodiversity during a period of inevitable climate change and associated species loss; carbon abatement and sequestration to offset national greenhouse gas emissions; and management of fresh water quality and environmental flows.

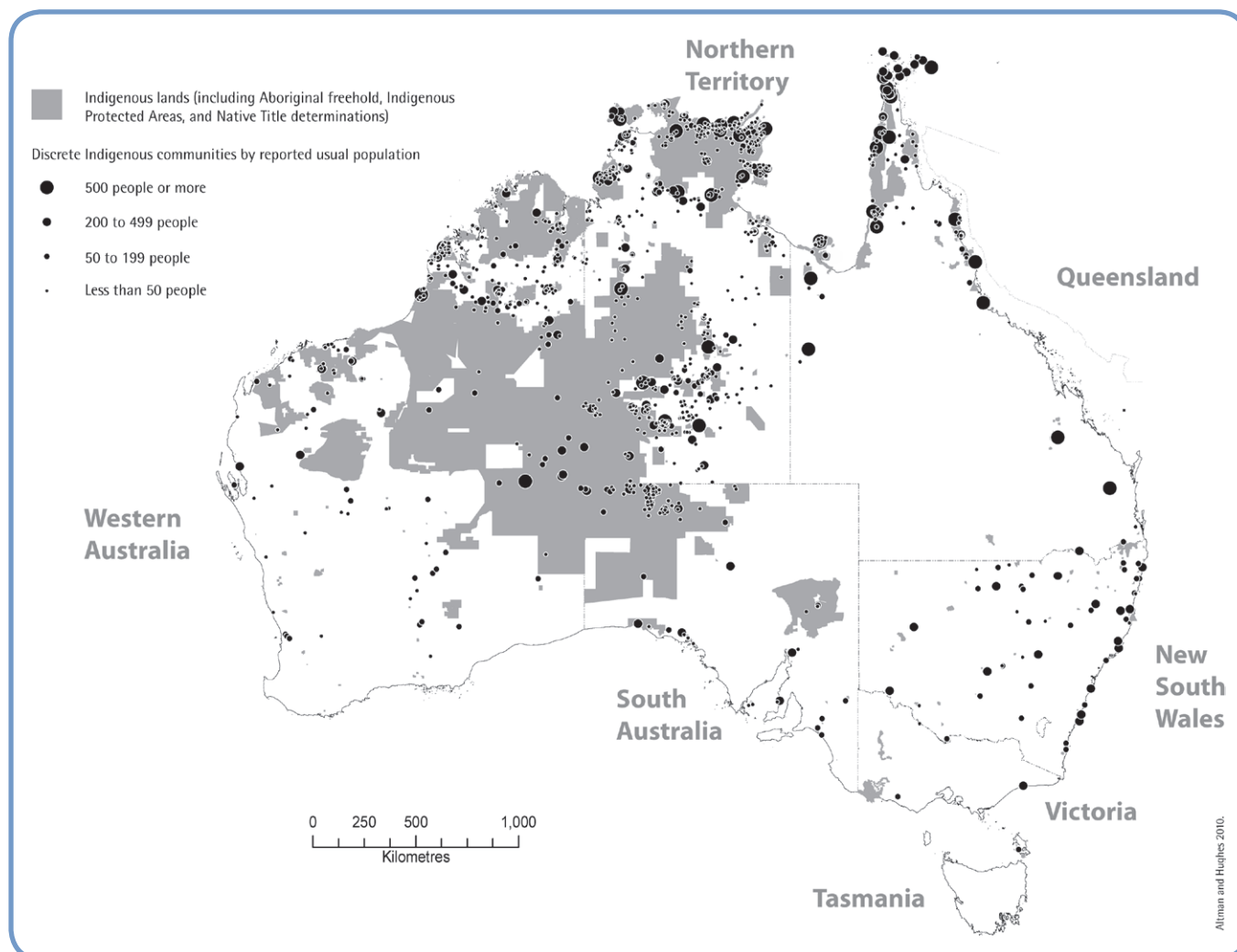
In this article, I want to argue that the Indigenous lands can be conceptualised as 'territories of difference', a term I borrow from political ecologist Arturo Escobar (2008), where different ways of thinking about land and resources might become increasingly dominant as an alternate form of development. Escobar (2008: 196) entreats us to break the hegemony of seeing Aboriginal territory, in his case in Pacific Columbia, as part of the conventional development model and to find political space within the hegemonic state to allow for the underwriting of a different form of development based on conservation.

LAND RIGHTS AND NATIVE TITLE

From the late 20th century, land has been incrementally returned to Indigenous Australians via a series of statutory measures. The most significant land rights law was passed as a social justice measure in the Northern Territory in 1976. This was Commonwealth law that followed the failed Gove land rights case; it saw the return of reserve lands to Aboriginal land trusts and for the establishment of a mechanism for groups who could prove traditional ownership to reclaim unalienated crown land. Subsequently in 1992, in an unexpected judgment, the High Court of Australia found in favour of the plaintiffs in the Mabo judgment. In what I regard as a 'judicial revolution' in the Australian context it was recognised that a form of native title might exist at common law in situations where it had not been extinguished. In the statutory Native Title Act of 1993 a means was provided for Indigenous Australians to claim back unalienated land where they could prove continuity of customs and traditions and uninterrupted connection to lands and waters. In between these two benchmark events a series of land rights laws was passed in all States and Territories except Western Australia.

The outcome of these land rights and native title processes over the past 40 years to 2010 has seen an estimated 1.7 million sq kms incrementally and unexpectedly returned to Indigenous ownership and management. This land is now owned under forms of restricted group or community title that is often referred to by powerful commercial interests in Australia as being communal with the ideological intent of evoking Hardin's Tragedy of the Commons (which is actually the tragedy of open access). The geographical coverage of the Indigenous estate is shown in the following map.

Indigenous Estate and discrete Indigenous communities, 2010



Also shown on the map, although hard to see, are 1200 communities dotted across the Indigenous estate. These are officially called 'discrete Indigenous communities' although many of the larger ones have non-Indigenous residents; their population totals about 100,000 people or 20 per cent of the total Indigenous population and most are in regions termed remote or very remote in Australian census geography. A few of these communities have a population of over 1,000, nearly 1,000 have a population of less than 100 each. The larger communities are called townships; historically they were government settlements and missions. The small communities are called homelands, outstations, living areas or pastoral communities.

ENVIRONMENTAL SIGNIFICANCE

In 2006, in a serendipitous moment, I did something that fundamentally changed the way that I viewed the growing Indigenous estate: I crudely overlaid a template of the Indigenous estate over a series of resource atlas maps produced by the now abolished Land and Water Australia. These maps were subsequently refined in a co-authored publication (Altman, Buchanan & Larsen 2007) that showed that the Indigenous estate contains large areas of high conservation value based on four key observations:

- The Indigenous estate includes a diversity of ecosystems spanning a continental-scale climatic gradient from the monsoonal tropics to the arid desert;
- Significant portions of the Indigenous estate remain ecologically intact having escaped the intense commercial development pressure experienced in more temperate parts of Australia;
- Much of the Indigenous estate features vast areas of relatively undisturbed, connected and ecologically healthy environments; and
- Because of this there is a high degree of species biodiversity whereas elsewhere species have either declined or become regionally extinct.

The significance of these conservation values does not mean that the Indigenous estate is not subject to a number of threatening processes including from the introduction of feral animals and invasive weeds, land disturbance especially vegetation clearance, changed fire regimes, overgrazing and marine debris and pollution. Given continuing development and land pressure across Australia, increasing water scarcity and the projected impacts of climate change on species composition and distribution across the continent, there are sound global, national, regional and local grounds to prioritise conservation.

The remote land that historically had, and today has, low commercial value and low population density now has high conservation and biodiversity values. To counter views that limited common property regimes hamper development, I note that the negative environmental impacts of commercial agriculture and water over-allocation (with the former based on private property, the latter on open access) so prevalent in temperate south-east Australia are not evident on the remote Indigenous estate. It is predictable, perhaps, that flowing from the discourse of tradition, continuity and connection that is required to reclaim land is a discourse of conservation and contra Hardin's Tragedy of the Commons a form of conservation practice that is enabled by limited common property regimes, and threatened by private property rights.

These observations, from a western science perspective, have been recognised by environmental agencies and Indigenous land owners for some time. The former have responded by seeking to incorporate large tracts of the Indigenous Estate with high environmental values into the National Reserve System (the conservation estate) especially since 1996 after the establishment of an Indigenous Protected Areas program that allows traditional owners to enter into an agreement with the Australian Government to promote biodiversity and cultural resource conservation. Nearly 40 Indigenous Protected Areas have been declared covering 230,000 sq kms, nearly 25 per cent of the conservation estate.

Indigenous land owners have responded from the early 1990s with a formal community-based natural and cultural resource management movement generally referred to as 'Caring for Country'. These community-based ranger initiatives have historically occurred as people reoccupied their ancestral lands and looked to address emerging environmental threats about which people living on the land and using it for livelihood were acutely aware—often Indigenous ecological knowledge provided the critical baseline against which to identify new environmental threats. Since 1996 more and more of the Indigenous Estate has become

a part of the National Reserve System and the Australian government has increased financial support for such activity through a program established in 2007 called Working on Country that employs Indigenous people to deliver environmental outcomes.

Since 2008 I have led a project 'People on Country, Healthy Landscapes and Indigenous Economic Futures' that is working with seven community-based ranger groups in the Top End.¹ This project is facilitating the documentation of the environmental and livelihood benefits generated by people living and working on or near their customary lands. To summarise briefly community-based ranger projects are proving effective environmental services in a wide range of activities including aerial and ground prescribed burning, feral animal control, weed management, cultural site protection, marine management and marine debris control, biodiversity monitoring and wildfood collection. Some groups are successfully engaged in carbon abatement projects and in providing services on a contract basis to Australian Customs, Australian Quarantine and Inspection Service and fisheries and environmental agencies. Much of this activity utilises western science and technology alongside Indigenous and local knowledge, in some places innovatively recorded using Nomad computers and the Cyber tracker program. Community rangers provide a partial and currently under-resourced solution to complex and deeply entrenched development and environmental challenges on the Indigenous estate. But it is an approach that is in the Indigenous and national interests. Unfortunately it faces real threats especially from the Australian state.

ABORIGINAL/STATE RELATIONS

The Australian state is conflicted in its approach to the appropriate development of the Indigenous estate. The policy era of self determination has given way in recent years to a very different paternalistic policy regime of assimilation re-badged as normalisation. There are growing pressures from the neoliberal state, corporate interests and influential neo-conservative forces for Indigenous land owners to embrace the free market and globalisation as the pathway to mainstream development. The current policy framework is called 'Closing the Gap' and aims to deliver socioeconomic equality between Indigenous and other Australians.

As part of this policy there are pressures to move people living at small isolated communities into larger townships called growth towns or priority communities to make delivery of citizenship services more cost effective. This will result in a replacing of the discredited notion of *terra nullius*, land belonging to no-one, with a contemporary notion of *terra vacua*, a landscape emptied of people.

While I focus here on the environmental values of the Indigenous estate, this is but one interpretation of its value. For as the Indigenous estate has grown it has also attracted the increasing attention of domestic and global capital with a view that the Indigenous estate might be highly prospective for mineral extraction. There are already an estimated 300 agreements between mining companies and Indigenous groups according to the Minerals Council of Australia. And the mineral dependent Australian economy and state is keen to provide mining companies unrestricted access to the Indigenous estate, that is how capital accumulation works.

The bureaucratic field and political classes are divided. Environmental interests seek to incorporate indigenous lands of high conservation value into the National Reserve System and to support land owners to work and live on country in the national interest. Simultaneously, economic portfolios seek to facilitate the extraction of minerals and associated rents for the state in a developmental national interest, while social policy portfolios look to re-centralise Indigenous people to deliver cost effectively the normalising project of improvement. Underpinning a politically fraught relationship between the state and diverse

1. See <<http://caepr.anu.edu.au/poc/index.php>>.

Indigenous communities and groups is an ongoing conflict about the relative merits of western and Indigenous social norms and their inter-relationship, a conflict recently described in terms of 'Culture Crisis' (Altman & Hinkson 2010).

OPTIONS FOR THE FUTURE

The federal election of 21 August has refocused the national imaginary on the regions that suddenly have voice and political leverage thanks to minority government and a handful of independents. Of course there are many other uncertainties that enhance what could be termed the 'new regionalism': climate change, biodiversity loss, and the need to fundamentally rebalance fresh water allocations between commercial and environmental priorities. And more recently we have seen some comparative statistics that place Australia in both bad and good global light. A special report on forests in *The Economist* (25 September 2010) shows the Australian continent in the red zone as amongst the highest net losers of forests in the world. And the 2010 World Wildlife Fund's *Living Planet Report* (released 13 October 2010)² shows that Australia, on a continental scale, has great bio-capacity and could trade its excess. The same report indicates that settler industrial Australia has been responsible for the greatest quantum of species loss of any nation state in the industrial age.

I end by asking what might be the prospects for re-envisioning the massive Indigenous estate as 'territories of difference' with alternate development that is not based just on production, mineral extraction and commercial agriculture, but also on self provisioning, tourism and the arts; and conservation—services to preserve environmental values and to deliver national and global benefits in the carbon economy. Such shifts to what John Holmes (2010) has referred to as multifunctional forms of economy are already underway, but often in spite of state efforts, rather owing to state enabling.

Like British ecologist Tim Jackson (2009) I lament that the Global Financial Crisis did not jolt the state machinery and capitalist class from their intellectual and practical complacency to adopt a 'Green New Deal' for natural resource management and carbon economy possibilities on a grand scale on the Indigenous estate. I also lament that because of recent discursive wars and politicised processes that are invariably binary, development of the Indigenous estate is understood either in terms of extraction of minerals or of fresh water, in a developmental national interest, or as preservation of high conservation value lands. This simple binary is false; reality is far more complex as we are seeing in the Murray Darling Basin. One wonders what is needed to ensure a reconfiguring of the relationship between the currently dominant extractive perspective and a subordinate discourse that emphasises environmental values. Perhaps some of the changes that are starting to emerge in our political processes post-election will see changes in Australia's governance that will encourage the pursuit of differing development prerogatives and allow the emergence of different regional and cultural logics and alternate development on Indigenous territories of difference?

2. See <http://wwf.panda.org/about_our_earth/all_publications/living_planet_report/2010_lpr/>.

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