

PROMOTING ABORIGINAL ECONOMIC INTERESTS IN NATURAL RESOURCE MANAGEMENT IN NSW: PERSPECTIVES FROM TROPICAL NORTH AUSTRALIA AND SOME PROSPECTS

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Introduction

Recent analysis of 2001 Census information indicates that there are an estimated 135,000 Indigenous people in NSW, just on 2 per cent of the total population of over six million. Social indicators show that Indigenous people are relatively badly off: Indigenous unemployment was three times higher than the non-Indigenous (23% versus 7%); Indigenous median weekly income was about 75% of the non-Indigenous; only 16% of Indigenous people completed year 12 or equivalent compared to 40% for the non-Indigenous; and in the only comparative asset indicator available, 16% of Indigenous people owned their homes outright compared to 44% of non-Indigenous people in NSW. The demographic spread and geographic distribution of these two populations was also fundamentally different: the age distribution of the Indigenous population is a youthful pyramid shape, the non-Indigenous population is aging and slow growing; 58% of Indigenous people reside outside major cities compared to only 29% of the non-Indigenous.¹

The reasons for this low socioeconomic status are well-known. NSW was the first part of the Australian continent colonised by Europeans and however the 'history wars' today seek to interpret the colonisation process, there is no argument that the alienation of land and of property rights in resources from 1788 were major contributors to Indigenous marginalisation. Other more recent historical processes in the 20th century include the exclusion of many Indigenous people from full access to the beneficial provisions of the Australian welfare state, discrimination, and government policies with questionable outcomes.

At the start of the 21st century there are some emerging opportunities that may assist to partially rectify this historic injustice and the resultant disparities in socioeconomic status identified above. These opportunities are linked to a number of factors that are reasserting Indigenous rights in land and resources:

- The passage of land rights legislation in NSW twenty years ago that has seen the transfer of some land back to Indigenous owners and has also seen the creation of a significant investment fund. More recently, the Indigenous Land Corporation has purchased a number of mainly farming properties in NSW and divested these to Aboriginal owners
- The amendment of the NSW National Parks and Wildlife Act in 1996 resulted in the subsequent gazettal of nine national parks under co-management arrangements (see Smyth 2001)

¹ Such comparisons assume that Indigenous and non-Indigenous populations can be neatly distinguished, which of course they cannot, owing to a high degree of intermarriage (see Birrell & Hirst 2002). This distinction is made mainly for analytical purposes.

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- The passage of the Native Title Act ten years ago, and of complementary NSW statute, included s.211 that recognises customary use rights in resources as a common law right, a view upheld in the *Yanner v Eaton* (1999) High Court decision.

There is a growing recognition that the current mix of common property rights in water and some naturally-occurring resources, coupled with private commercial agriculture and livestock husbandry, is causing environmental degradation in much of south-east Australia—nowhere more apparent than in the Murray–Darling Basin. This recognition is eliciting a policy response that is seeking to create new rules for allocation of entitlements in water and important resources, like fisheries. As new forms of property are being created, new opportunities are emerging for Indigenous people that extend beyond their land holdings. Because native title recognises Indigenous customary rights in resources, like water and fisheries, new property rights frameworks cannot create efficient markets in resources by focusing only on their commercial and private utilisation—customary rights and interests in such resources must also be recognised. Any proposals to create new property rights, in water as proposed by COAG, or in fisheries or wildlife, must recognise customary rights because these are overlapping property interests in such resources. The sensible quest for greater efficiency and more ecologically sustainable use of resources will be jeopardised by high transactions costs, compensation bills and associated inefficiencies if existing Indigenous legal rights to customary use are ignored.²

This paper sets out to do a number of things. First, it reviews and comments on some research on sustainable development on Aboriginal-owned land in north Australia, specifically in the Northern Territory in the tropical savanna. This review is not undertaken to suggest that the wholesale transportability of institutions and practices is possible, or even desirable, it is merely provided to highlight some overarching economic possibilities. Second, it makes an argument for stronger advocacy of Indigenous economic development issues in NSW—economics has been under-represented in discussions to date. This is partly due to an absence in policy discourse of the actual and/or potential significance of the Indigenous customary (some use the term cultural) economy and its intersections with commercial sectors of the economy. It is also possible that existing levers, in the form of customary property rights, have been under-utilised—although as already noted such opportunities have only arisen recently in the native title era. Third, the paper argues that evidence-based research will be essential to demonstrate to all stakeholders—the public, government, parks authorities and Indigenous people themselves—that existing levers can deliver practical outcomes. The paper ends with an optimistic envisioning of a new economic deal in NRM and use for Indigenous people in NSW.

The customary economy is alive and well in the 21st century

In the late 1970s, I undertook research for my doctorate with a group of Kuninjku-speaking outstation residents in Arnhem Land. These people live in the Maningrida region and have had relatively recent contact with colonisation. I lived with these people for two years and documented their economy in great detail over 300 days. I found then that the customary, what people hunted, fished, gathered, or harvested, was the main component of their economy, I quantified the customary at 64% of social (monetary and non-monetary) accounts, with the balance made up of art sales (10%) and social security (26%). These results were replicated in other ways such as in work effort and in dietary intake (Altman 1987).

At that time, there was skepticism about the robustness of this customary economy, of its sustainability in economic, ecological and social terms. In 2002–2003, in collaboration with a team of biological scientists and local harvesters, I revisited the same people at the same places and compared data for the same times of year, July 2002, January 2003 and most recently August 2003. This new research found that the customary is as significant now as it was then, even if its overall significance may have declined a little because of rapid growth in art production and in provision of CDEP to all. This sustainability is evident economically in the importance of hunted game to people's livelihood, ecologically in the fact that the same species are harvested now as 24 years ago and estimates of stocks remain high for key harvested species, and socially because harvesting practices and skills have been transferred inter-generationally (Altman 2003). Officially, there is little recognition of such activity, Kuninjku people are generally viewed as welfare dependent and inactive, in reality they have a vibrant and highly productive customary economy.

² This argument has recently been made with respect to wildlife management in Queensland (Altman & Cochrane 2002); water property rights in Australia (Altman & Cochrane 2003a); and fisheries in Western Australia (Altman, Cochrane & Arthur 2003).

This Kuninjku customary economy is a part of a wider phenomenon that has developed across north Australia in the 1990s, a movement called 'caring for country'.³ The 'caring for country' movement involves community-based NRM undertaken on Aboriginal lands by community rangers. Community ranger programs are funded from a variety of sources, the Natural Heritage Trust, Environment Australia's Indigenous Protected Areas (IPA) program and, most predominantly, the CDEP scheme. Community rangers undertake a mix of formal and informal NRM activities. The formal include activities on a regional scale that monitor and seek to control wildfires, feral animals and invasive weeds. The informal include activities on a local scale like Kuninjku harvesting practice. There is a match between Aboriginal living on country and maintenance of the customary economy and wider conservation and biodiversity management goals.

I make the following brief comments on this north Australian experience:

- The modern Kuninjku customary economy appears highly sustainable, but it does not exist in isolation, it is but one sector in what I have termed elsewhere 'the hybrid economy' with customary, market and state sectors (Altman 2001). The hybrid economy is modern, not archaic, and there are important linkages between all three sectors and globalisation
- The customary economy generates local, regional and national benefits that are either unrecognised or else are under-valued. There is evidence that in terms of biodiversity conservation, Aboriginal lands in north Australia are least degraded, but there is still significant under-investment in managing ferals, fires and weeds. There is comparative evidence that caring for country is looking after Aboriginal lands, for the national interest, on the cheap (Whitehead 2002)
- There is a suite of new NRM opportunities that could see an emerging future match between customary activity in ecosystem services provision and commercial imperatives. Examples include feral animal management and weed eradication; bio-security; and carbon trading based on greenhouse gas emission abatement and sequestration associated with the maintenance of cool burn fire regimes.

I note, pessimistically, that even in such situations where Indigenous Australians have robust customary economies that clearly generate local, regional and national benefits, it is extremely difficult to get official statistical recognition or appropriate NRM funding equity for such activity.

Economics, the dismal science⁴—but crucial for livelihood and social justice

The statistics with which this paper began—comparative social indicators—show that the mainstream Australian economy is failing Indigenous people in NSW. As noted at the outset, this failure can be explained by loss of land and property rights, but also other historic systemic processes of marginalisation. Are there issues from remote Arnhem Land, where Indigenous people have widespread land rights, but still limited property rights, are the majority population, and have a vibrant customary economy that can be transported to NSW? Arnhem Land after all lies within the regions that the Commonwealth Grants Commission (2001)—in its recent Indigenous Funding Inquiry—assessed as amongst the worst off in Australia, again according to standard social indicators. It is also a region where sound economic argument that on-country livelihoods should be facilitated is not garnering equitable support for NRM.

At a conceptual level, using the hybrid economy model, it is clear that in the Kuninjku case there is a vibrant customary economy, people have access to state transfer payments in the form of CDEP, but there is too little market engagement, indeed the market sector of the economy is a mere sliver, limited almost exclusively to the arts and some sale of wildlife products. In NSW, the hybrid economy is structured very differently, the state sector looms large and there is engagement with the market via private sector employment and small business. But it appears that the customary sector is extremely small and close to non-existent in many urban contexts. Furthermore, the nature of the customary sector appears fundamentally different from the Arnhem Land situation. Published material (e.g. Smyth 2001) suggests that in NSW the customary is focused on establishing and maintaining cultural associations, especially in terms of protection of cultural sites and heritage, in co-managed national parks, rather than on harvesting of wildlife or NRM via the maintenance of customary practices like landscape burning.

³ A term probably used for the first time in Australia in 1991 in a publication called *Caring for Country* (Young et al. 1991).

⁴ It is widely believed that Thomas Carlyle labelled economics the 'dismal science' well over one hundred years ago because it seemed boring, uninteresting, unclear and full of 'on the one hand, on the other hand' (see Wheelan 2002).

From an economics perspective the key issue is whether emerging Aboriginal rights in land and in resources in NSW can provide development opportunities, bearing in mind that neo-liberal market solutions proposed under the broad policy umbrella of 'practical reconciliation' are heavily focused on the market rather than the customary sector. Or put another way, mainstream approaches to Aboriginal economic development in NSW have had limited success, especially in non-urban situations—can levers embedded in native title, State land rights and national parks laws provide new opportunities and approaches?

As a first step, as in other Australian contexts, it seems that these levers must be exercised politically to ensure that Aboriginal rights in both land and property are recognised. Tactically, this argument can be enhanced with recourse to economics, in terms of net costs and net benefits. In terms of net costs, the negative approach, it is important that the efficiency losses of excluding legitimate Aboriginal interests in resources like water and fisheries are highlighted. In terms of net benefits, the positive approach, it is important that the gains from enhanced Aboriginal involvement in NRM are clearly articulated. Opportunities that come to mind, a number of which are already under way, include the following:

- In the co-management of national parks and other lands in a manner that utilises Indigenous, as well as western science, knowledge systems
- In employment in national parks, especially in interpretative cultural heritage activities that will enhance tourist experiences and visitation
- In wildlife and plant harvesting and management, especially in situations where such activity could reverse land degradation associated with introduced species and practices
- In some situations extending harvesting, especially in fisheries, from the customary (or non-commercial) to the commercial.

Barriers, real and imagined, and means to overcome them

The proposals made here are predicated on a view that passionate rhetoric and polemical appeal to social justice frequently carry less weight than evidence-based economic and scientific arguments and legal instruments. It is also acknowledged that the extent of alienation of Indigenous rights and powerful vested, mainly non-Indigenous, commercial interests will make unconventional approaches to development extremely difficult.

That being said, the following four areas are identified as representing major barriers to enhanced Aboriginal involvement in NRM.

Institutional design and strengthening

In NSW, as elsewhere, after considerable periods of exclusion, Aboriginal stakeholders are seeking an enhanced role in NRM especially on their lands and in co-managed national parks. Governance for effective involvement in NRM and representation of environmental aspirations in all their diversity can be problematic especially after 200 years of political complication and manipulation. This state of affairs suggests that distinct Indigenous institutions will need to evolve to represent NRM interests. Experience elsewhere indicates that much effort in the modern policy era, the last 30 years, has focused on winning land and resource rights as an essential first step. But now there is a need to invest either in institutional redesign and strengthening to reflect NRM interests, or in the establishment of new institutions, so that any gains can be realised. The particularities of the NSW case might require *sui generis* institutions that can form effective alliances with other NRM institutions like state agencies, Landcare and the Natural Heritage Trust, as well as the existing institutional framework of land councils. A crucial issue here is finding appropriate and relative independent resources for such NRM institutions that will need to reflect a diversity of perspectives, local, regional and State.

New approaches to NRM

Despite the failures of western science to ameliorate environmental degradation in southern Australia—there is a convenient tendency to either blame the state regulators or the institution of private property and commercial orientation—there is also an evident and often unspoken scepticism about the value of Indigenous knowledge systems. Evidence from the more environmentally intact north suggests that some of the environmental challenges Australia faces as a nation may be better addressed by adopting hybrid approaches that combine

Indigenous knowledge with western science and social science (Altman and Cochrane 2003b). In co-managed national parks in NSW there may be moves in this direction (see Feary 2001; Moore with Davies 2001), but off-reserve and with respect to property like water (COAG Water Reform Discussion Paper 2003) and fisheries, there seems to be some reluctance to even acknowledge Aboriginal interests let alone the potential for Aboriginal contributions to NRM.

New NRM research

Owing to scepticism about the value of Aboriginal contributions it will be important to develop a strong research base and then ongoing monitoring that can provide evidence of the value of Aboriginal contributions. This will be especially important in relation to the harvesting of wildlife, if the rekindling or growth of the customary sector becomes an Indigenous priority. It appears that at present information does not exist, either on species stocks or on sustainable yields or on customary harvesting activity. It is possible that little of this matters if owing to mammal extinctions species have already disappeared. Evidence from elsewhere, particularly from the tropical savanna, indicates that very fruitful collaborations can be formed between western scientists and Indigenous NRMs.

Conversely, without sound NRM research, Indigenous customary practice can become hostage to populism and vested interests. A recent example is the media coverage that accompanied the launch of The National Recreational and Indigenous Fishing Survey (Henry & Lyle 2003). This survey, based on sample surveying and questionnaires, reported a high level of Indigenous fisheries take in north Australia. This high take could be positively interpreted as an indication that customary practice was strong. Unfortunately, it was immediately negatively interpreted as unsustainable, yet there were no data provided on sustainable yields for different fisheries nor about the relative significance of Indigenous customary versus non-Indigenous commercial fisheries. It was also suggested that Indigenous fisheries may need to be regulated, something that could be legally contested under native title law and certainly something that if regulated might also be compensatable—just like loss of any other forms of property.

New economic research

There is much public policy rhetoric, at present, about the negative effects of welfare and inactivity on Indigenous communities, especially in rural and remote regions. These are the very regions where mainstream economic opportunities are limited and where NRM (and customary) opportunities loom large. Economic evidence-based research will be important to demonstrate to key stakeholders—the public, government, and parks authorities—that existing levers can deliver 'practical' employment and other outcomes to Indigenous people. Such benefits need not just be directly economic, they might also include indirect, but equally important, spin-off benefits including improvements in community social health, identity, and education. Other spin-off benefits might include the value added to tourists experiences when provided local Indigenous perspectives on, and engagements with, the environment and its cultural heritage.

Economic research will be important in situations where such dollar arguments loom large. Such research might be able to be influential in convincing government and the public that enhanced Indigenous engagement in NRM is good for conservation and land management. Research will need to document what is often unrecognised, invisible, and represents Indigenous rights. Unfortunately, even if it demonstrates net benefit from enhanced Aboriginal engagement, it will not automatically result in equity in recognition of Indigenous contributions.

Conclusion: seizing the moment for a 'new' economic deal for the 21st century

The statistics with which I began indicate that many Indigenous people in NSW have low socioeconomic status. This suggests in turn that new avenues for economic development need to be explored, ones that might match Indigenous aspirations to enhance their role in controlling their customary lands. Re-creating a space for active Indigenous engagement in NRM will not be easy, despite some of the emerging rights and levers identified. As new forms of property are created it is important for Indigenous people to ensure that opportunities for alternative economic futures, that mix the customary with the market and state sectors of the economy, are not overlooked. The pathways to recognition and acknowledgments of Indigenous rights and interests are legally emerging. The next steps in these complex inter-cultural, and highly politicised, processes might be to establish new and innovative institutions that represent and support Indigenous interests. The perspective presented here is not suggesting that enhanced Indigenous involvement in NRM will provide a magic solution to Aboriginal socio-economic problems throughout NSW. Rather it is suggested that given the inadequacies of many policy approaches, innovation might be timely. There are emerging opportunities that could increasingly match Aboriginal aspirations for an enhanced involvement in managing their country with local, regional and national benefits for Indigenous and non-Indigenous stakeholders.

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