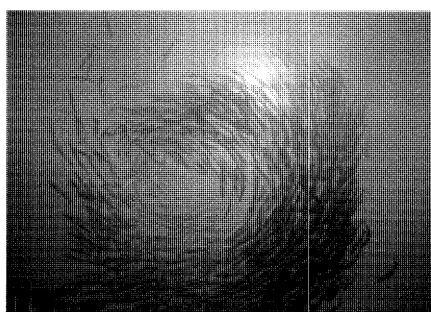


# TEN COMMITMENTS

Reshaping the Lucky Country's Environment



**Editors:**

**David Lindenmayer, Stephen Dovers,  
Molly Harriss Olson and Steve Morton**



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# INDIGENOUS LAND AND SEA MANAGEMENT

Jon Altman and Sue Jackson

1. Recognise the environmental significance of the Indigenous estate.
2. Recognise Indigenous customary marine tenure and aspirations to manage coastal country.
3. Recognise that customary natural resource management is a legitimate basis for joint management of protected areas.
4. Recognise that Indigenous land owners need assistance to manage their estates.
5. Respect the contributions that Indigenous knowledge can make to address environmental problems.
6. Resource Indigenous knowledge production and reproduction and exchange with Western science.
7. Address the investment deficit in management of the Indigenous estate through equitable funding.
8. Recognise Indigenous property rights in existing and emerging natural resource markets.
9. Resource Indigenous aspirations to live on-country and ensure a peopled landscape.
10. Resource research to assess the cost-effectiveness of Indigenous management regimes.

## Introduction

Australia is increasingly aware of the issues of climate change, water shortage, biodiversity loss and ecological sustainability. What is not yet well understood is that Indigenous people, given their substantial land holdings and traditions of sustainable management, have a crucial role to play in confronting these challenges and finding solutions in the national interest.

Indigenous Australians own and have effective control of over 20% of the Australian land-mass. A further 10% comprises the conservation estate which is managed in many places with the involvement of Indigenous people. This is especially so in 25 Indigenous Protected Areas (IPAs) that fall within both the Indigenous and conservation estates and comprise 23% of the conservation estate. Still greater areas of environmental significance fall within Indigenous customary estates not yet formally recognised by Australian law but nonetheless subject to Indigenous institutions of ownership and management.

The Indigenous estate includes some of the most biodiverse terrestrial and aquatic environments in Australia. Maps from the National Land & Water Resources Audit indicate that many

of the most intact and nationally important wetlands, riparian zones, forests, reefs, rivers and waterways are located on the Indigenous estate ([www.nlrwa.gov.au](http://www.nlrwa.gov.au)). Mapping also shows that these lands are at risk of species contraction and face major threats from feral animals, exotic weeds, changed climatic and fire regimes, pollution and over-grazing. The latest available climate science suggests that substantial biodiversity impacts on this crucial part of the continental land-mass and adjacent offshore areas are inevitable. In the face of this, an innovative national policy approach is required to support community-based efforts to ameliorate threats and minimise adverse biodiversity outcomes. This position is based on the recognition that effective resource management is much less expensive than environmental repair.

Paradoxically, this vast land ownership coincides with high levels of Indigenous poverty and disadvantage that are arguably the most persistent and intractable social problems facing the nation. The Indigenous population is quite heterogeneous and diverse. While the majority of Indigenous people live in urban settings, the substantial numbers resident in rural and remote Australia face immense and unique challenges. Restitution of environmentally beneficial relationships with the land may contribute to reducing the vast differences in social outcomes between Indigenous and non-Indigenous Australians.

If the last 30 years has been the era of land rights – when Indigenous interests struggled to attain recognition of their prior ownership of the continent – the next 30 years will be the era of land and resource challenges, when the nation must work to implement effective environmental management regimes and resource strategies on the Indigenous estate. Currently, there is an ‘investment deficit’ in managing the Indigenous estate, putting at risk one-fifth of the country and exacerbating the potential for adverse spill-overs onto adjacent conservation estates and private lands. In the Northern Territory for example, conservation estate properties receive three times as much per sq km as IPAs and yet the conservation issues are remarkably similar.

This chapter is based on the following four principles:

- (1) The social justice principle that the ownership of land should benefit Indigenous people in accord with their aspirations. It is recognised that aspirations are diverse – not all Indigenous people want to be land managers and conversely not all want to work in mines or tourism or migrate to mainstream employment. Indigenous land owner aspirations in relation to land management need to be clearly established, heard and respected.
- (2) The funding equity principle that Indigenous people should be remunerated equitably from the public purse for land and resource management undertaken in the national interest. At present, most work is undertaken by ‘community rangers’ under the Community Development Employment Program that only pays part-time wages equivalent to welfare entitlements rather than proper wages.
- (3) A national interest principle that it is for the benefit of all Australians to ensure that assets on the Indigenous estate are maintained and well managed. For example, a large proportion of Australia’s pristine rivers are on the Indigenous estate; their maintenance will require resource management in the riparian zone to protect them from threats like exotic weed infestations, wild fire, and feral animals (Jackson and Douglas 2007).
- (4) A cultural difference principle recognising that many Indigenous people believe their environmental relationships and philosophies are essential to cultural vitality and resilience, as well as underpin social and economic well-being. Current environmental policy tends to promote recognition and protection of Indigenous cultural values. However, a narrow view of heritage management has often resulted in the exclusion of Indigenous people from conservation and natural resource management activities. The most direct and enduring

means of embracing, protecting and, in some cases, enhancing cultural values is through ensuring access to country and the equitable participation of Indigenous people in a suite of management activities.

## Key issues

### 1. Recognise the environmental significance of the Indigenous estate

The Indigenous estate, mainly in central and northern Australia, has very high biodiversity value and much of it is contiguous and ecologically co-dependent with the smaller conservation estate. A review of the National Reserve System in the 1990s concluded that the inclusion of Indigenous lands in remote Australia was critical to establishing a system that is comprehensive, adequate and representative of the full range of ecosystems (Thackway *et al.* 1994). In the last decade two-thirds of lands added to National Reserve System have been Aboriginal-owned and are managed as IPAs (see Figure 7). Figure 8 represents the Australian conservation management system in relation to Indigenous land holdings.

### 2. Recognise Indigenous customary marine tenure and aspirations to manage sea country

Australia has some of the most diverse, unique and spectacular marine life in the world. Indigenous groups in many of these rich and often remote environments regard the sea, islands, reefs, sandbars and sea grass beds as an inseparable part of their estates. They possess extensive knowledge of environmental zones in the coastal and marine environment (Jackson 2004). Through sea claims and the strategic activities of local land and sea management agencies, coastal Indigenous communities are seeking a primary role in the use and management of marine and coastal environments and resources.

Marine management requires restructuring to allow for two things: Indigenous economic engagement in the commercial fishing industry, and the co-management of Australia's maritime jurisdiction alongside Indigenous systems of governance and management. This step could serve as a means of settling the many claims to sea, inter-tidal zones and estuaries, and islands and aquatic living resources. As with point 4 below, sufficient resources are urgently needed to support the environmental protection and stewardship activities of land and sea management groups, such as coastal surveillance, marine debris clean-ups and threatened species management.

### 3. Recognise that customary natural resource management is a legitimate basis for joint management of protected areas

To advance Indigenous recognition and protection of 'natural values' according to a protected area model of conservation, governments need to recognise and protect Indigenous values and objectives on lands where Indigenous ownership and connection has been disrupted. This can be achieved through the restoration of Indigenous land management practices under joint management arrangements.

Australia should aim to match world best practice in protected area management by encouraging all levels of government to set a goal of negotiating consent agreements with the appropriate Indigenous groups for the management of all existing protected areas by 2013, the date of the next World Parks Congress (Bauman and Smyth 2007).



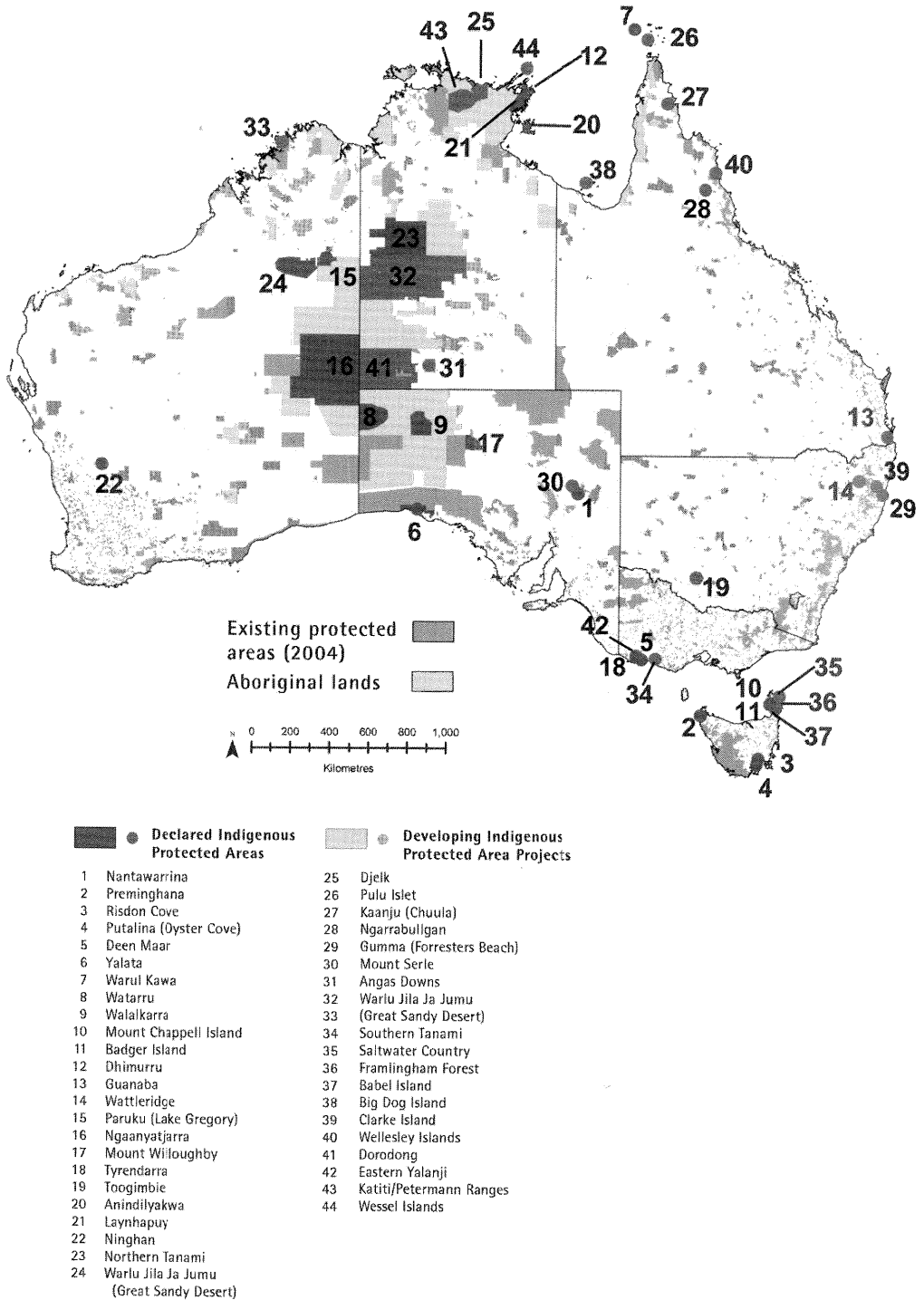
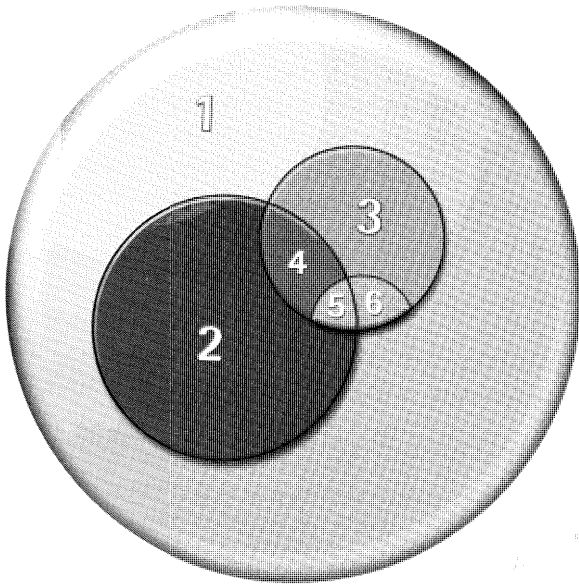


Figure 7: Indigenous Protected Areas and the Indigenous estate, November 2007



- 1. Australia**  
7.7 million sq kms
- 2. The Indigenous Estate**  
c.1 500 000 sq kms  
20% of Australia
- 3. National Reserve System**  
880 000 sq kms  
11.4% of Australia
- 4. Indigenous Protected Areas**  
202 000 sq kms  
23% of NRS, 2.6% of Australia
- 5. Joint Management  
(Aboriginal-owned)**  
c. 69 300 sq kms  
0.9% of Australia
- 6. Cooperative Management  
Arrangements**

**Figure 8:** Relationship between the Indigenous estate and the conservation estate

#### **4. Recognise that Indigenous land owners need assistance to manage their estates**

While the Indigenous estate is relatively environmentally intact, it faces numerous challenges, many from introduced pests. Managing these remote locations constitutes one of the nation's most significant land management challenges (Altman and Whitehead 2003; Whitehead 1999). Most Indigenous owners are socio-economically disadvantaged and lack financial and other capacity to address the myriad of current and future threats independently, and to restore degraded ecosystems.

#### **5. Respect the contribution that Indigenous knowledge is making to address environmental problems**

Indigenous natural resource management practice is shaped by culturally specific systems of knowledge, historical association, practical experience and social institutions such as property rights. The tremendous growth in grass-roots Indigenous initiatives in recent years has seen the emergence of partnerships between Indigenous experts and western-trained scientists in many parts of Australia (Baker *et al.* 2001). Indigenous knowledge – values, beliefs and specific content – may help improve current understanding of critical ecological processes, as well as offer insights into ethical and policy trade-off dilemmas facing consumer societies in the quest for sustainability (Fischer *et al.* 2007).

#### **6. Resource Indigenous knowledge production and reproduction and exchange with Western science**

In many remote places, the production and transfer of knowledge continues to be sustained by Indigenous traditions that differ from place to place. Environmental changes have brought new requirements for information. There is an urgent need to negotiate new systems and

practices to allow the engagement of different ways of thinking about natural resource management research and practice (Christie 2007).

There is an urgent need for a major program to conserve Indigenous languages, support youth education and other social practices that validate and transfer Indigenous knowledge across generations. Such a program should include support for junior ranger initiatives and inclusion of Indigenous knowledge in school curricula. Indigenous land management agencies require digital technologies (e.g. geographic information systems) and the capacity to record, codify and integrate different forms of Indigenous and Western scientific knowledge. There is also a pressing need to support building of Indigenous capabilities to ensure strengthening of blended customary and western natural resource management institutions. Addressing this challenge will require a major effort beyond discrete national resource management initiatives. However, the potential significance of Indigenous contributions to the sustainability challenge could well encourage broader innovation in Indigenous policy reform.

### **7. Address the investment deficit in management of the Indigenous estate through equitable funding**

There is growing recognition of an investment deficit on the Indigenous estate (Altman and Dillon 2005; Altman *et al.* 2007). Funding has not kept pace with the growth in IPA declarations and only supports very basic land management activity (Gilligan 2006).

Indigenous land owners and residents are currently delivering a suite of environmental services in the Top End of the Northern Territory. A 'Caring for Land and Sea Country' network of 36 community-based groups is providing services in weed control, fire management, coastal surveillance and biosecurity supported by welfare entitlement equivalents paid under the Community Development Employment Program (Northern Land Council 2006). Such arrangements, while suitably flexible to accommodate diverse local circumstances, are financially inadequate. In 2007, the Federal Government introduced a new Working on Country Program that will fund over 200 salaried positions throughout the Indigenous estate. Such equitable resourcing of proper employment in natural resource management could be greatly expanded. Universal standards of good management and accountability will need to apply with procedures for evaluating outcomes.

### **8. Recognise Indigenous property rights in existing and emerging natural resource markets**

There is political debate and often protracted legal dispute over Indigenous access to natural resources like fisheries, evident in cases such as Blue Mud Bay in north-east Arnhem Land where the High Court of Australia recently (July 2007) confirmed Aboriginal ownership of the intertidal zone and an associated right to exclude commercial or recreational fishers. Such problems could be avoided if Indigenous interests in new forms of property in emerging natural resource markets such as fresh water, carbon, and biodiversity offsets were legally recognised. This would offer Indigenous land owners the opportunity to trade in the provision of environmental services, many of which are compatible with other aspirations (like the production of arts and crafts) and promote desirable environmental outcomes. Changes need to be made to natural resource policies to provide clarity of property rights and to assist with the establishment of institutional arrangements to deliver benefits and re-investment in environmental objectives.

### **9. Resource Indigenous aspirations to live on country and to ensure a peopled landscape**

There are over 1000 small Indigenous townships and outstations located on the Indigenous estate, mostly in remote Australia. There has been considerable policy debate in recent years

about the economic viability of these small communities; some, like outstations, average only 20 persons per community (Altman 2006). On the other hand, with the Indigenous estate growing as a result of successful land claims and native title determinations, Indigenous people are exercising their aspirations to live on the land they now legally own. There is growing recognition that occupied landscapes are essential for the effective management of Australia's environment (Altman and Whitehead 2003). Appropriate support of outstations is central to cost-effective Indigenous natural resource management delivery (Luckert *et al.* 2007). The restoration of sustainable settlement patterns on the Indigenous estate will enhance Indigenous social well-being and health (Johnston *et al.* 2007), while also improving the nation's environmental management capacity.

## 10. Resource research to assess the cost effectiveness of Indigenous management regimes

While there is no doubt that a peopled landscape is essential for effective land management, there is little research that assesses the cost-effectiveness of different management regimes and the contributions that Indigenous people make to meet national and international conservation goals. Additional research is urgently needed that encompasses both Indigenous and non-Indigenous perspectives on effectiveness and that are inclusive of environmental, economic and socio-cultural costs and benefits.

## Conclusion

Indigenous Australians are owners and managers of a very significant portion of the Australian continent. Much of the Indigenous estate is environmentally intact and abuts or forms a part of the conservation estate. At a time of heightened national awareness about issues like climate change, water shortages, environmental degradation, and ecological sustainability and about Indigenous disadvantage, there are clear opportunities to enhance Indigenous engagement in land and sea management as a form of sustainable Indigenous economic development.

Such 'caring for land and sea country' accords with the aspirations of many Indigenous people to live on their ancestral lands and to be actively engaged and properly rewarded for land and sea management work. Such activity, if realistically resourced, would generate local, regional, national and global environmental and other benefits.

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