

PFII/2007/WS.3/11
Original: English

UNITED NATIONS



NATIONS UNIES

DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
Division for Social Policy and Development

Co-organizers
Secretariat of the Permanent Forum on Indigenous Issues
Government of Khabarovsk Krai and the Russian Association of
Indigenous Peoples of the North (RAIPON)

**INTERNATIONAL EXPERT GROUP MEETING ON INDIGENOUS PEOPLES
AND PROTECTION OF THE ENVIRONMENT**

KHABAROVSK, RUSSIAN FEDERATION

AUGUST 27-29, 2007

Indigenous Protected Areas in Australia.

Paper by Michael Dodson

Introduction

This paper is about Indigenous Protected Areas (IPA's) in Australia. It is impossible to talk about this subject without having some understanding at the outset of what land and environment means in the Australian Aboriginal context.

[MAP OF INDIGENOUS AUSTRALIA]

We talk about this notion of; 'Caring for Country' in our part of the world. What exactly do we mean when we talk about 'country?' Country is the spiritual, the ecological, social and aesthetic realm of my people.¹

The Australian landscape country and sea has been a contested place since the British arrived to assert their sovereignty and commence the colonization process.

We Indigenous Australians and our forebears – the first peoples of this land now called Australia - have fought for our place in this country in the face of this colonization.

We have struggled physically, politically and through the imposed legal system, and its processes, to try to achieve recognition for our inherent right to own and manage our traditional lands, seas and resources and the places in and on them. Our entire ecological space.

What is this Indigenous idea about country and our yearning for it. Well for one thing we are not on about the ordinary English usage of that word – country. When we talk about country we mean something different. In the Aboriginal context country has an altogether different meaning and sense.

When we say country we might mean homeland or tribal or clan area and in saying so we may mean something more than just a place; somewhere on the map. We are not necessarily referring to place in a geographical sense. But we are talking about the whole of the landscape, not just the places on it.

Country is a word for us that conveniently abbreviate all the values, places, resources, stories and cultural obligations associated with that area and its places. The word country best describes the entirety of our ancestral domains. All of it is important – we have no wilderness.

¹ For a succinct discussion on the meaning of country to Indigenous peoples see generally - Key Issues Paper No.1 Council for Aboriginal Reconciliation *Understanding Country* AGPS – Canberra 1994

It is place that also underpins and gives meaning to our creation beliefs – the stories of creation form the basis of our laws and explain the origins of the natural world to us – all things natural can be explained. It is also deeply spiritual.

It is through our stories of creation we are able to explain the features of our places and landscape. It is the cultural knowledge that goes with it that serves as constant reminders to us of our spiritual association with the land and its places. Even without the in depth cultural knowledge, knowing country has spiritual origins makes it all the more significant and important to us.

These signals for us are everywhere, as one writer put it:

There is no place without a history, there is no place that has not been imaginatively grasped through song, dance and design, and no place where traditional owners cannot see the imprint of sacred creation.²

So, Country is known – people sing for it, there are dances known, taught and danced for it, it has its stories that are taught, learned and told. It has its mysteries. It has its rituals. It can be painted, it can be harvested, and one can care for and love it.

The sea is country to many of us as well. The same is true of the sky. These are places we know.

The lightning men and women live in the sky, creative beings have travelled this place we call the sky, and for some of us it is where some of our dead relations now reside.

There are places we regard particularly significant, particularly special, places some of which might be dangerous. People sometime refer to them as sacred sites.

It is not always easy to explain these places. It is more about the spiritual than anything else I guess. If you had an understanding of the dreaming tracks and all that goes with that it would help a bit. All things have their own sacred places and rituals. These dreaming tracks link these things and us to landscape and ecosystem. These tracks are about the journeys of creator beings. How they did heroic deeds and formed the landscape, its waters, its birds, the mountains and hills, the gullies, the ravines, the rivers and streams. All of the animals and all of the people. They did important things at what are now important places to us. These places are testament to them, who they were and what they did and what we must do to preserve it.

² from Deborah Bird Rose in NOURISHING TERRAINS Australian Aboriginal Views of Landscape and Wilderness see also comments by Mary Tarrant at p. 83 in TRACKING KNOWLEDGE in North Australian Landscapes edited by Deborah Rose & Anne Clarke NARU 1997

They are also about the living and who we are.

Sacred sites are the cultural core of Australian Aboriginal country.

We get connection to country and places at birth.

You immediately acquire right to country and will eventually have to take up responsibility for it and the places on it. You grow up knowing what place you have a right to speak for. And you grow up learning more about your country and its places almost everyday. You know what you can do there. And you don't need to ask someone else.

Country for us is also centrally about identity. Our lands our seas underpin who we are. Where we come from. Who our ancestors are. What it means to be from that place from that country. How others see and view us. How others identify us. How we feel about each other. How we feel about our families and ourselves. Country to us is fundamentally about our survival as peoples.

Everything about Aboriginal society is inextricably interwoven with, and connected to the land. None of it is vacant or empty, it is all interconnected. You have to understand this and our place in that land and the places on that land. Culture is the land, the land and spirituality of Aboriginal people, our cultural beliefs and our reason for existence is the land.³

So this is the background and context in which I want to talk about IPA's in Australia.

Australian Indigenous Protected Areas⁴

What we are trying to do in Australia is to bring together the multiple knowledge systems that reflect the diverse realities of the many groups and landscapes we have to deal with.

We are allowing for the exchange and collaboration of customary and contemporary knowledge systems and their values to support the objectives of biodiversity conservation on the ground.

Indigenous Protected Areas (IPAs) arose out of the need to recognise inherent Indigenous rights, responsibilities and obligations to country. In the Australian context, IPAs are described as:

³ Dodson, Michael, 1997. Land Rights and social justice. *In Our Land Our Life; Land Rights Past, Present and Future*, Galarrwuy Yunupingu Ed. St Lucia: University of Queensland Press.

⁴ Much of what follows has been downloaded from the Australian Government website.

*'an area of land or sea over which the Traditional Indigenous Owners have entered into a voluntary agreement for the purposes of promoting biodiversity and cultural resource conservation.'*⁵

In general Protected Areas are what most of us known as national parks, nature reserves and marine parks. The World Conservation Union (IUCN) defines a protected area as:

"An area of land or sea specially dedicated to the protection and maintenance of biodiversity and associated cultural resources and management through legal and/or other effective means."

Through the IUCN definition there is international recognition that Indigenous resource use and customary land management can live in harmony with, and contribute to, biodiversity conservation objectives on protected areas.

Goals of the Indigenous Protected Areas Program

The programme seeks to get Indigenous Landowners to become voluntarily involved in the National Reserves System with the objective of establishing partnerships that promote Indigenous involvement in protected area management and best practice approaches in conservation through the integration of Indigenous ecological and cultural knowledge.

Indigenous Protected Area projects across Australia are at different stages of development. A number of Projects have resulted in IPA declaration while others are in the process of developing management plans and consulting with the Indigenous community and other organisations which may provide assistance.

If Indigenous landowners want to establish an IPA they can get advice from the NHT on the legal, cultural heritage or conservation aspects of the proposed IPA to inform decision making by them.

The Indigenous landowners can prepare a Management Plan for the area they want declared an Indigenous Protected Area and if necessary will engage with the relevant State/Territory conservation agencies and other agencies that may be able to support the project in the development of the plan.

⁵ The Indigenous Protected Area Program <http://72.14.253.104/search?q=cache:28WOHP1SwYUJ:www.environment.gov.au/indigenous/ipa/pubs/ipa-advice.doc+IPA+Program&hl=en&ct=clnk&cd=1&gl=au>

Accessed: 23/08/07

Once a draft Management Plan is in place declaration can take place by way of a public announcement of the intention to manage land as an Indigenous Protected Area.

The Management Plan for an IPA will identify the on ground management activities and the decision making structure which will govern management decisions. The Plan will also identify the relevant IUCN (International Union for the Conservation of Nature) Categories for conservation management which apply to the IPA.

The IPA Program is managed in Australia by the Department of Environment and Water Resources (DEW) and funded through the Natural Heritage Trust (NHT). The Program was created to incorporate Indigenous owned lands as part of the National Reserve System (NRS), of Protected Areas (PAs) aimed to represent all biogeographical regions in Australia.⁶ The core aims of the IPA program parallel those of World Conservation Union (IUCN) PAs, being the protection of biodiversity and cultural resources.⁷ The Australian IPA Program does not specify rehabilitation of polluted areas or pollution minimisation as core aims; however, such outcomes are permissible within the activities of independent IPAs.⁸

Indigenous Protected Areas Funding

Funding is available to establish Indigenous Protected Areas as part of the NHT funding round.

Indigenous landowner groups seeking funding to develop an IPA need to have legal ownership of the land where they wish to establish an IPA and the land has to have high natural and cultural heritage values.⁹

Indigenous Protected Areas Advisory Group

In June 1999 the Minister for Environment and Heritage established an Indigenous Protected Areas Advisory Group to provide advice on the development of the IPA program. The membership of the group reflects a range of participants with both expertise and commitment to promoting the benefits of Indigenous involvement in the management and protection of Australia's biodiversity. The Advisory Group has

⁶ Gilligan, B., 'The Indigenous Protected Areas Program Evaluation,' Department of Environment and Water Resources, 2006, p 2.

⁷ The Indigenous Protected Area Program <http://72.14.253.104/search?q=cache:28WOHP1SwYUJ:www.environment.gov.au/indigenous/ipa/pubs/ipa-advice.doc+IPA+Program&hl=en&ct=clnk&cd=1&gl=au>
Accessed: 17/08/07

⁸ Rahmoy, Jenifer, IPA Unit, DEW, pers. com. 17/08/07.

⁹ for more details regarding funding see: <http://www.deh.gov.au/indigenous/ipa/funding.html>
accessed 23/08/07

representation from Indigenous people from across the country as well as other stakeholders such as the World Wide Fund for Nature and Government Nature Conservation Agencies.¹⁰

Overview of IPA's

[MAP OF AUSTRALIAN INDIGENOUS PROTECTED AREAS]

As of May this year there were 23 Indigenous Protected Areas declared in Australia with a further 15 in the development stage. The areas cover many millions of hectares of land and sea and encompass just about every ecological landform in the country. It includes areas of the great Australian deserts, nationally significant wetlands featuring aquatic habitats. It contains the Central Ranges Bioregion in Western Australia with its rich plant species, including grasses, daisies, saltbush, acacias, mulga woodlands and groves of desert she-oaks.

It covers coastline and hinterland country, home to rocky coastal islands, sandy beaches, mangroves and ancient dune systems. It includes dense rainforests and vine thickets. It includes ancient volcanic regions in the south. It is also home to migratory whales and a multitude of bird species, some endangered and penguins, seals and sharks. It includes former degraded and downtrodden pastoral and farming country. It encompasses all the diversity and variety of the Australian environment.

This paper cannot possibly cover all the IPA in existence in Australia so a brief overview of two will be presented. Firstly the Anindilyakwa Land and Sea Management Unit project on ghost nets as part of the IPA comprising the Groote Eylandt Archipelago in the Gulf of Carpentaria.

The other project to be examined is the Paruku (Lake Gregory) Great Sandy Desert IPA.

Ghost Net Project - Pollution

In Australia, pollution is being tackled directly within the activities of IPAs for example, through the Ghost Net Project. Ghost nets are, 'fishing nets that have been lost accidentally, deliberately discarded, or simply abandoned at sea.'¹¹ Traditional Owners (TOs), Rangers and associated conservation workers engaged in IPA activities became aware of the increasing numbers of turtles being captured in ghost nets and associated

¹⁰ <http://www.environment.gov.au/epbc/publications/iac.html#committee>

¹¹ Carpentaria Ghost Nets Program
<http://www.ghostnets.com.au/index2.html>
 Accessed 17/08/07

ecological harm caused by marine debris.¹² The Ghost Net Project was created to harness the work of TOs engaged in IPAs and discrete ranger programs across northern Australia.

The aims of the Ghost Net Project are to:

- ‘To clean up the coastline in the Gulf of Carpentaria of existing nets to stop t h e m re-entering the ocean,
- To collect useful information about these nets to assist negotiations by various parties in stopping fishing nets becoming Ghost Nets, and
- Capacity building of Indigenous Rangers to continue work on ghost nets beyond the life of this project.’¹³

[PHOTO OF MEN WITH TURTLE IN GHOST NET]

Although focused on the Gulf of Carpentaria, the program has influenced other ranger programs as far west as the Dampier Peninsular of the West Kimberley.¹⁴ The core project is managed by the Northern Gulf Resource Management Group under a (Aus) \$ 2 million grant from the NHT over three years.

While the Ghost Net Project is a well publicised and widely engaged Indigenous community project dealing with pollution caused by fishing nets, the work that is completed in clearing, monitoring and reversing the impact of marine debris is not.

The Anindilyakwa Land and Sea Management Unit (LSMU) has been engaged in clearing, monitoring and tracking marine debris since 1997. This work is carried out within the IPA by Indigenous Sea Country Rangers. Due to the particular ocean currents that occur in this region, there are specific sites that are more prevalent to receiving waste accumulated as marine debris.

The Anindilyakwa LSMU combats this pollution through;

- identifying specific target sites of debris accumulation,
- removing debris on a regular basis,
- monitoring debris to ascertain its country of origin,
- monitoring debris to ascertain the core industries of origin,
- monitoring debris volume, and
- completing follow up analysis so as to change patterns of waste disposal.

¹² Ibid.

¹³ Ibid.

¹⁴ Oades, Daniel, Bardi-Jaawi Ranger Coordinator, pes. Com. 17/08/07.

When monitoring the debris, the LSMU examines;

- brand types,
- bar codes indicating country of origin,
- the types of materials that are being released,
- the age of the material, relating the proximity of the polluters, and
- the percentage of varying types of debris.

Due to the currents within the region, much of the waste comes from South East Asia. Waste can be as common as thongs (Australian name for open rubber footwear) and as damaging as prawn trawling nets. When the project began in 1997, the LSMU recorded an incidence of 30% of prawn trawler nets within the debris. After complaining to the Australian Fishing Management Authority (AFMA) and the Northern Prawn Trawler Fisherman's Association, the industry engaged in a number of pollution reduction programs that included;

- education,
- training, and
- enforcement.

This action, instigated by the LSMU, has led to a reduction of prawn trawler nets to the degree that they now constitute only 2% of current marine debris in the region. This is a significant shift, constituting a 28 % reduction by type of this debris.

This project is funded by Australia through the NHT and with specific allocated funds of the Northern Territory Government. Such work is of national, but also, international importance, as marine debris that is dangerous to ecosystem health is removed from the open sea, originating internationally. The work was originally funded by the World Wide Fund for Nature (WWF).

Paruku (Lake Gregory) Great Sandy Desert IPA.

[PARUKU IMAGE]

The Paruku IPA covers about 4,300 square kilometres of Tjurabalan country in the SE Kimberley area of northern Western Australia. It's the home of the Walmajarri language group who are part of a larger system of Tjurabalan people and lands.

The Tjurabalan people have been here for a long time. They know this country well. It's theirs.

Their country is home to a series of aquatic habitats and has a number of forms of tenure including Aboriginal Land Trust pastoral properties and some exclusive native title. This country is above all crisscrossed with its aboriginal histories and identifiers. Paruku was

declared in 2001 under two IUCN categories: National Park: protected area managed mainly for ecosystem conservation and recreation¹⁵ and Managed Resource Protected Area: protected area managed mainly for the sustainable use of natural ecosystems.¹⁶

It is this last category that this part of this paper covers. It should be understood that members of the community and other traditional owners manage the IPA with the assistance of the Kimberley Land Council's Land and Sea Management Unit. (KLC LSMU)

The plan of management was developed with senior people and is consistent with people's responsibilities for managing country according to Tjurabalan Tingarri laws and customs.

Billiluna and Lake Gregory stations have been grazed since 1920 although grazing levels have fluctuated radically in the past 40 years. The cattle on the station represent an important part of the diet of the people of Mulan and Billiluna while the pastoral business provides part-time employment.

Large numbers of wild horses are found on the pastoral leases, along with wild dogs and a few camels, donkeys, mules and cats. Feral animals cause problems by taking or injuring stock, grazing extensively in competition with cattle, and may be responsible for declines in bird and flora species, although widespread vegetation death due to flooding occurs naturally.

Paruku IPA has been divided into two management zones, which accord with International Union for the Conservation of Nature (IUCN) categories.

Zone 1 comprises the prime water bird habitat on the southern, eastern and northern sides of Paruku Lake and around Lera Lake. It will be managed primarily for cultural heritage, ecosystem protection and recreation, similar to a national park. Where monitoring indicates that grazing is causing a decline in wildlife values then wildlife values will take precedence.

Zone 2 incorporates the rest of the Billiluna and Lake Gregory pastoral leases. It will be managed to maintain biodiversity while enabling the sustainable grazing of cattle and other enterprises to meet community needs.

As mentioned some of this IPA area covers ALT pastoral property lands. The Tjurabalan desire to sustain a pastoral operation has its roots in history. It is part of their socio-cultural, political and economic experience. This may seem inconsistent with conservation values but the Tjurabalan are determined to achieve both their conservation objectives and a viable and sustainable grazing operation. It is anticipated this will be

¹⁵ Category Two

¹⁶ Category Six

achieved through appropriate fencing particularly around grazing locations and waterways and monitoring programmes. Ongoing biological surveys will inform the management process and decision making.

The feral horses, wild cattle and dogs command high attention of manager. Strategies include mustering, culling and selling on regular attention to fences and exclusion zones also compliment the strategies for managing this feral problem. Through an organization know as Indigenous Business Australia (IBA) the IPA communities are developing a horse project that aims to see the effective management of 5000 horses. It will include establishing holding yards training local community members in horse management and finding buyers for the horses which will generate much needed cash for the community. It is anticipated proper herd management will minimise environmental impact.