

Country-based Indigenous Protected Areas:

A new approach to integrated coastal land and sea management

Workshop at the 2011 Queensland Coastal Conference

Facilitated by

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Purpose of the Workshop

The purpose of the workshop is promote awareness and discussion about the evolution of the Indigenous Protected Area (IPA) concept from a 'tenure-based' to a 'country-based' protected area framework and the potential for this approach to enhance integrated coastal land and sea management. The workshop will provide a briefing on the development of IPAs since the late 1990s and present several IPA planning case studies from coastal Far North Queensland that apply Traditional Owners' concept of 'country' to establish multi-tenure maritime (coastal land and sea) or regional-scale land and sea protected areas.

What is an Indigenous Protected Area?

An Indigenous Protected Area is land and or/sea country that is voluntarily declared or dedicated by its Traditional Owners as a protected area, recognised as part of Australia's National Reserve System of terrestrial protected areas (NRS)¹, and managed through legal and other effective means to achieve long-term conservation of the area's cultural and natural values. Though not legislatively based, IPAs comply with the protected area guidelines developed by the International Union for the Conservation of Nature (IUCN) in 1994 and revised in 2008, which define a protected area as:

*A clearly defined geographical space, recognised, dedicated and managed, **through legal or other effective means**, to achieve long-term conservation of nature with associated ecosystem services and cultural values².*

¹ All IPAs established to date have been recognised as part of the terrestrial NRS. It is currently uncertain whether the marine components of integrated land and sea IPAs (sea country IPAs) will be recognised as part of the National Reserve System of Marine Protected Areas (NRSMPA), which currently only recognises protected areas established under legislation.

² Dudley, Nigel (ed.) 2008 *Guidelines for Applying Protected Area Management Categories*. IUCN, Gland.

The first IPA was declared at Nantawarrina in South Australia in 1998 and there are now over 40 IPAs located throughout Australia, contributing to over 20% of the NRS. IPAs are planned and managed with support from the Commonwealth Government's IPA Program, with additional support from other government and non-government sources.

Tenure-based IPAs

Over the last 13 years, the IPA concept has worked very well as a protected area management framework for Traditional Owners who have all or portions of their customary estates (country) returned to them through successful claims under statutory land rights legislation or through the determination of continuing native title. Tenure-based IPAs have resulted in vast areas added to Australia's NRS and have provided the foundations for developing many Indigenous land management agencies employing a large number of Indigenous rangers. Tenure-based IPAs have resulted in improved management of natural and cultural values, improved Indigenous community well-being and numerous partnerships with government conservation agencies, research institutions, conservation NGOs, corporate investors and philanthropic organisations.

However, tenure-based IPAs present significant limitations for many Indigenous groups - particularly Traditional Owner groups whose country:

- Extends beyond the boundaries of individual areas of land returned to them; and/or
- Includes land on which native title may have been extinguished (e.g. because of particular tenure histories); and /or
- Has been alienated through the establishment of government protected areas (national parks, forest reserves, conservation reserves etc.); and/or
- Includes marine areas not available for claim or recognition of exclusive native title.

For these groups, the option of establishing country-based IPA may provide an opportunity of addressing some or all of the above issues.

Country-based IPAs

Country-based IPAs take the Indigenous concept of 'country' (which in coastal areas includes land and sea area) as the cultural and geographic scale for planning. This approach views country through a tenure-blind lens in order to consider the spectrum of cultural and natural values of country and to consider how best to protect and manage those values. The next stage of the planning process involves the development of partnerships with agencies whose responsibilities include management of particular tenures within the proposed country-based IPA. The IPA then provides the framework for coordinating management of cultural and natural values across country, across tenures and across agencies.

Where country-based IPA planning is being undertaken by a collective of Traditional Owner groups across a large region of complex or multiple tenures, the planning context may involve the consideration of an IPA development in stages over a longer period of time.

Planning and management of country-based IPAs present both challenges and opportunities for Traditional Owners and for government conservation agencies.

Challenges

For Traditional Owners, the challenges of country-based IPAs include:

- Initiating and maintaining leadership of the planning process, which requires:
 - A certain degree of cross-community interest in and support for considering an IPA framework (having a ‘unity of purpose’ for country);
 - Securing independent sources of funding and expertise;
 - Establishing appropriate internal governance framework to coordinate Traditional Owner input into the IPA process;
 - Establishing external governance frameworks to achieve effective collaboration with partner agencies;
 - Developing effective capacity among Traditional Owners to engage in on-ground management of country, for example through an Indigenous ranger group and/or through employment partnerships with government agencies;
 - Making the conceptual transition from a disempowered group that is subject to legislatively prescribed co-management options, to a culturally authorised group committed to initiating and leading collaborative management of country, and achieving recognition of this transition by government agencies;
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 - Negotiating and demonstrating a package of “legal and other effective means” for the management of the IPA that will lead to its recognition as a protected area in accordance with IUCN guidelines.

- **For government agencies**, the challenges of country-based IPAs include:
 - Responding positively (including through the provision of funding and other resources) to Traditional Owners' invitations to collaborate in the management of country, while operating within the legislatively determined management obligations for particular tenures;
 - Consistently, clearly and positively articulating the limitations and opportunities of their particular agency's legislatively determined management obligations for specific tenures;
 - Developing agency internal capacity to positively articulate and promote co-management opportunities within departmental hierarchies;
 - Making the institutional shift to accept/welcome a non-legally based, IUCN-recognised and Traditional Owner initiated protected area co-existing with legislatively based, government declared protected areas;

- Adjusting to the concept of country as the cultural and geographical for engaging with Traditional Owners in the management of government protected areas;
- Shifting to, or strengthening, an integrated landscape/seascape management approach, involving enhanced collaboration with other agencies as well as with Traditional Owners.

Opportunities

For Traditional Owners, country-based IPAs provide the opportunities to:

- Reassert cultural authority, rights, interests and obligations to country;
- Establish a co-management framework for country, and for component tenures within country, in the absence of legislatively based co-management opportunities;
- Provide an agreed, collaborative framework for implementing Indigenous Land Use Agreements (ILUAs) that often focus on rights and interests without specifying how those rights and interests will be given effect through management of country;
- Benefit from employment, economic, cultural and social outcomes associated with use and management of country;
- Develop partnerships with government agencies and others that enhance capacities of Traditional Owner organisations and individuals;
- Join country back together after it has been divided into and managed as separate tenures;
- Build resilience through multiple partnerships, in comparison to the single bilateral partnerships that are typical of legislated, tenure-based, co-managed protected areas;

For Government agencies, country-based IPAs provide the opportunities to:

- Implement ILUAs and other legal and policy requirements to engage with Traditional Owners / Native Title Holders in the management of protected areas;
- Implement undertakings already made by government agencies in regional-scale agreements or their own statutory planning instruments or plans;
- Identify and manage Indigenous cultural values of protected areas – often an obligation imposed by protected area legislation but in practice impossible to achieve without effective Indigenous partnerships;
- Include Indigenous knowledge in the management of protected areas;
- Benefit from increased workforce and resources to manage protected areas through partnerships with Traditional Owners;
- Improve integrated landscape/seascape management to enhance ecological outcomes, particularly in response to climate change impacts;
- Enhance collaboration with other agencies responsible for management of different tenures across the landscape/seascape.

Country-based IPA Planning Case Studies

The following country-based IPA planning case studies will be presented and discussed at the workshop:

Girringun Region IPA

The proposed Girringun Region IPA seeks to provide a collaborative management framework for 22 national parks, 7 conservation parks, 1 declared Wild River, 10 fish habitat areas, multiple marine parks and dugong protected areas and other conservation areas on land and sea in areas to the north, south, east and west of Cardwell, encompassing the traditional country of Girringun's member groups: the Bandjin, Djiru, Girramay, Gugu Badhun, Gulnay, Jirrbal, Nywaigi, Warrgamay and Warungnu peoples. By agreement the Girringun Region IPA may also include Aboriginal-held returned lands where the respective native title prescribed bodies corporate (PBCs) or Aboriginal land-holders decide to do so. Implementation of IPA collaborative management will be supported by a series of Memorandums of Understanding (MOUs) with statutory agencies (Queensland Parks and Wildlife Service (signed November 2010), Fisheries Queensland, the Wet Tropics Management Authority and the Great Barrier Reef Marine Park Authority) and other land owning and/or management entities by negotiation. The IPA proposal further supports existing sea country management arrangements in place under the *Girringun Region Traditional Use of Marine Resource Agreement 2010-2015*.

Mandingalbay Yidinji IPA

Mandingalbay Yidinji country lies just east of Cairns across Trinity Inlet and includes a great diversity of environments – marine areas, mangroves, freshwater wetlands, rainforested mountains, coastal plains, beaches, reefs and islands. The proposed IPA will incorporate portions of the Trinity Inlet Section of the Great Barrier Reef Coast Marine Park, East Trinity Environmental Reserve, Grey Peaks National Park, Malbon Thompson Forest Reserve, Giangurra Council Reserve and portions of the Wet Tropics World Heritage Area. Co-management of the IPA will be underpinned by MOUs with the relevant agencies and will assist all partners to implement ILUAs negotiated over Mandingalbay Yidinji country following a native title determination in 2006.

Wellesley Islands IPA

The proposed Wellesley Islands IPA includes some islands, intertidal areas and marine areas in the Wellesley Islands group and adjacent mainland, incorporating large areas of sea country where co-existing native title was recognised in 2004. The Carpentaria Land Council Aboriginal Corporation is currently supporting Lardil, Kaiadilt, Yangkaal and Gangalidda Traditional Owners to develop and implement a comprehensive management plan and negotiate governance and management arrangements for the proposed IPA with Queensland and Commonwealth government agencies, commercial fishers and other stakeholders.

Stage 1 of the Eastern Kuku Yalanji IPA: Kuku Nyungkal IPA

The proposed Eastern Kuku Yalanji IPA includes multiple tenures in the northern third of the wet tropics bioregion. It will proceed by stages based on cultural boundaries of sub-groups within the Eastern Kuku Yalanji nation. Stage 1, the Kuku Nyungkal IPA, is a proposed multi-tenure IPA within the Eastern Kuku Yalanji native title determination area that will include Aboriginal freehold land and national parks that are subject to ILUAs negotiated between Traditional Owners, the Queensland Government, the Wet Tropics Management Authority and other stakeholders. It is envisaged that Kuku Nyungkal IPA will be stage 1 of a large regional IPA that could include both land and sea areas of Western Kuku Yalanji country.

Further Reading

- Bauman, T. and Smyth, D. 2007 *Indigenous Partnerships in Protected Area Management in Australia: Three Case Studies*.
http://www.aiatsis.gov.au/__data/assets/pdf_file/8846/case_studies_report.pdf
- Ross, R., Grant, C., Robinson C., Izurieta, A., Smyth, D. and Rist, P. (2009). Co-management and Indigenous Protected Areas in Australia: achievements and ways forward. *Australasian Journal of Environmental Management*
- Smyth, D. 2009. Just Add Water? Taking Indigenous Protected Areas into Sea Country. In, Smyth, D. and Ward, G. (Eds) *Indigenous Governance and Management of Protected Areas in Australia*, Chapter 8 pp 95-110. E-book published by the Australian Institute of Aboriginal and Torres Strait Islander Studies and available at
<http://www.aiatsis.gov.au/research/publications/ProtectingCountry8.pdf>
- Smyth, D. and Bauman, T. 2007 *Outcomes of three case studies in Indigenous Partnerships in Protected Area Management: Policy Briefing Paper for the Australian Collaboration*. Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
http://www.aiatsis.gov.au/__data/assets/pdf_file/8861/policy_paper.pdf
- Smyth, D. and Ward, G. (Eds) 2009. *Indigenous Governance and Management of Protected Areas in Australia*. E-book by the Australian Institute of Aboriginal and Torres Strait Islander studies and available at
<http://www.aiatsis.gov.au/research/protectingcountry.html>