

POLICY BRIEFING PAPER
FOR THE AUSTRALIAN
COLLABORATION

**Outcomes of
three case studies
in Indigenous
Partnerships in
Protected Area
Management**

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2007

AUSTRALIAN INSTITUTE OF
ABORIGINAL AND TORRES STRAIT
ISLANDER STUDIES

THE AUSTRALIAN COLLABORATION
FUNDED BY THE POOLA FOUNDATION
(TOM KANTOR FUND)

First published in 2007 by the Australian Institute of Aboriginal and Torres Strait Islander Studies

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Cover images (*left to right*): Trainee Horticulturalist Kain Ardler, Wreck Bay Aboriginal Community member and Booderee National Park employee; Phillip Runyu (Nitmiluk ranger) and Patrick Carmody (Wildlife Ranger) remove a saltwater crocodile from the Katherine river (photo NT Parks and Wildlife Service); staff of Dhimurru Land Management Aboriginal Corporation; Jessica Woods in Nitmiluk National Park.

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1. OVERVIEW

This briefing paper presents a summary of the findings and recommendations arising out of three case studies of Indigenous partnerships (joint management and other arrangements) in the management of protected areas in Australia.

The case studies were commissioned by the Poola Foundation (Tom Kantor Fund) in response to a joint proposal by the Australian Collaboration and the Australian Conservation Foundation. They form part of a wider 'Success in Aboriginal Organisations' project undertaken by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) for the Australian Collaboration.¹ This policy document is based on the findings reported in the more detailed and combined case study report.²

The three case studies were chosen as examples of successful partnerships between Indigenous people with rights and interests in protected areas and government conservation agencies and others, which utilise a variety of legislative and policy mechanisms.

The case studies were:

1. **Nitmiluk National Park**, which is Aboriginal land located near Katherine in the Northern Territory, leased to the Northern Territory government and jointly managed by Jawoyn traditional owners and the Northern Territory Parks and Wildlife Service;
2. **Booderee National Park**, which is Aboriginal land located in Jervis Bay Territory on the coast of south-eastern Australia, leased to the Australian government and jointly managed by the Wreck Bay Aboriginal Community Council and Parks Australia; and
3. **Dhimurru Indigenous Protected Area (IPA)**, which is Aboriginal land located adjacent to Nhulunbuy in north-eastern Arnhemland, declared as a protected area by Aboriginal traditional owners and managed by the Dhimurru Land Management Aboriginal Corporation with the support of both the Australian and Northern Territory governments.

1. Finlayson, J, 2004. *Success in Aboriginal Communities: A pilot study*. A report prepared for the Australian Collaboration by the Australian Institute of Aboriginal and Torres Strait Islander Studies, Vol. 1.

Finlayson, J, 2004. *Success in Aboriginal Communities: A pilot study*. A report prepared for the Australian Collaboration by the Australian Institute of Aboriginal and Torres Strait Islander Studies, Vol. 2.

2. Bauman, T and Smyth, D, 2007. *Indigenous Partnerships in Protected Area Management in Australia: Three case studies*. Report to the Australian Institute of Aboriginal and Torres Strait Islander Studies.

The case studies were carried out during 2006, at a time when policies and practices relating to joint management of protected areas in all jurisdictions were continuing to develop; when the impact of native title determinations on protected area management arrangements were rolling out across the country, and when the IPA Programme, which was initiated by the Australian government ten years ago, was about to receive a significant increase in funding. This was also a time when international initiatives and best practice (relating to the recognition of Indigenous peoples' rights and interests in protected areas) was developing rapidly, particularly spurred on by deliberations at, and recommendations from the 5th World Protected Area Congress in Durban in 2003 (see Attachment 1).

The first extensive review of Indigenous involvement in protected area management, published in 1994, was funded by the Commonwealth Government in response to the Royal Commission into Aboriginal Deaths in Custody.³ Since that time, researchers have explored issues relating to the operation of jointly managed protected area from the 1980s onwards and the emergence of IPAs in the late 1990s. The current project is the first to undertake case studies to directly compare the operations of jointly management protected areas and an IPA.⁴

3. Woenne-Green, S, Johnston, R, Sultan, R and Wallis, A, 1994. *Competing Interests: Aboriginal participation in national parks and conservation reserves in Australia — A review*. Australian Conservation Foundation, Melbourne.

4. For a summary of key publications in the field of Indigenous involvement in protected areas see: Bauman and Smyth (2007) (op cit.), Langton, M, Rhea, Z and Palmer, L, 2005. Community-Oriented Protected Areas for Indigenous Peoples and Local Communities. *Journal of Political Ecology* vol. 12 pp. 23-50 and Smyth D, 2001 Joint management of National Parks. In: Baker, R, Davies, J and Young, E *Working on Country: Contemporary Indigenous management of Australia's land and coastal regions*, pp. 75-91. Oxford University Press.

2. POLICY CONTEXT

Until about 30 years ago, Australia's several hundred national parks and other protected areas were managed almost exclusively for their biodiversity and scenic values, with some recognition of archaeological values such as Aboriginal rock art and engravings. Aboriginal people themselves were excluded from living in and using traditional resources within protected areas, and they played no part in managing these lands which had been in their care for tens of thousands of years. In this respect, protected areas were part of the broader colonial project which denied Aboriginal people ownership of, cultural relationship with and economic benefit from their traditional estates.

Since about 1975 there has been growing recognition within governments and the wider Australian community of the continuing cultural and economic relationship between Aboriginal people and Australia's landscape, fauna and flora. This in turn has led to the development of various mechanisms for the involvement of Aboriginal people in the management of protected areas, including the transfer of ownership of some national parks to Aboriginal people and the development of formal co-management arrangements. These developments have occurred at different rates and have had differing outcomes in each state and territory. At the same time as these developments in protected areas, Indigenous groups and organisations in many parts of Australia have developed formal land and sea management arrangements, such as Caring for Country units within land councils and ranger groups at the community level.

Australia now has examples of terrestrial and marine protected areas that fall within the entire range of the governance spectrum described in the most recent World Conservation Union (IUCN) guidelines on Indigenous people and protected areas.⁵ While most Australian protected areas continue to be owned, declared and managed by government agencies with minimal involvement of Indigenous people, there is a growing number of Aboriginal-owned, jointly managed national parks in which the Aboriginal owners play a major role in decision-making. Some jointly managed national parks include both terrestrial and marine areas, but generally Indigenous involvement in protected areas in the sea has not been developed to the same extent as in protected areas on land.

5. Borrini-Feyerabend, G, Kothari, A and Oviedo, G, 2004 *Indigenous and Local Communities and Protected Areas*. IUCN Best Practice Protected Area Guidelines Series No. 11.

The various approaches to joint management in different states and territories reflect differing local histories and differing legal recognition of Indigenous peoples' rights to their traditional lands in each jurisdiction. Typically, where legal recognition of Aboriginal rights to traditional lands is strong, protected area joint management arrangements provide for significant Aboriginal involvement in decision-making, accompanied by rights to live within and use resources of protected areas, albeit subject to provisions of plans of management. Where such legal recognition is weak or unresolved, Aboriginal input into decision-making tends to be advisory only and rights to living areas and resource use highly constrained.⁶

The term 'joint management' (often referred to as 'co-management' in the international literature) means the establishment of a legal partnership and management structure which reflects the rights, interests and obligations of the Aboriginal owners of the Park, as well as those of the government conservation agency, acting on behalf of the wider community. Joint management arrangements represent a trade-off between the rights and interests of Indigenous people and the rights and interests of government conservation agencies and the wider Australian community. Typically, but not always, joint management arrangements involve the transfer of ownership of a national park to Aboriginal people in exchange for continuity of national park status over the land in perpetuity and shared responsibility for park management.

A key element in these arrangements is that the transfer of ownership back to Aboriginal people is conditional on their support (through leases or other legal mechanisms) for the continuation of the national park. Such partnerships often contain elements of mutual benefit and convenience, but can also be accompanied by the tensions that stem from contested authorities and cross-cultural partnerships which have not been freely entered into.

2.1 APPROACHES TO JOINT MANAGEMENT

Several approaches to joint management are currently in operation across Australia. They differ according to provisions in the enabling legislation, the existence and provisions of a lease, provisions of the plan of management, levels of resourcing and particularities of on-ground management arrangements. Examples of these approaches are summarised below.⁷

Garig Gunak Barlu Approach

Garig Gunak Barlu National Park (formerly Gurig National Park and Coburg Marine Park), located 200km northeast of Darwin in the Northern Territory, became Australia's first co-managed protected area in 1981. The key features of the joint management of Garig Gunak Barlu National Park are:

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- 6. For a summary of Indigenous involvement in protected areas in each state and territory see Bauman and Smyth (2007).
 - 7. Adapted from Smyth (2001) *op cit*.

- declaration of the park under its own legislation;
- Aboriginal ownership of the park;
- a Board of Management comprising 8 members, of whom 4 are Aboriginal traditional owners and 4 are representatives of the Northern Territory government;
- the Board is chaired by one of the traditional owner members who also has a casting vote.
- the payment of an annual fee by the government to traditional owners for use of their land as a National Park;
- day to day management by the NT Parks and Wildlife Service.
- recognition of the rights of traditional owners to use and occupy the Park.

The Uluru Approach

Uluru Kata-Tjuta National Park, located central Australia, became Australia's second co-managed protected area in the mid 1980s. The governance arrangements and benefits to the Aboriginal owners of the park are similar to those of the Gurig approach, with the important distinction that the park is leased to the Australian government for a period of 99 years. Recognition of Aboriginal rights to live in, use and jointly manage the Park are laid out in the lease document, rather than in separate legislation as in the Gurig approach. The Uluru or 'lease-back' approach was subsequently adopted in joint management arrangements in several other protected areas elsewhere in the Northern Territory, in Jervis Bay Territory and in New South Wales.

Queensland Approach

A modified form of the Uluru model was developed in Queensland in the early 1990s, but the Queensland government's insistence that the lease-back to the government in perpetuity for no lease payment of what would have become Aboriginal-owned parks meant that no transfer to Aboriginal ownership or joint management of protected areas has occurred in this state. This is despite numerous successful claims over national parks under the *Aboriginal Land Act 1991(Qld)*.

Western Australian Approach

There is a long history, going back to the 1970s, of attempts to negotiate comprehensive joint management arrangements for national parks in Western Australia. The difficulties in achieving joint management are in part due to the failure of Western Australian governments to implement the recommendations of the 1983 Aboriginal Land Inquiry in that state. The Western Australian government released a co-management discussion paper in 2003 indicating support for co-management arrangements consistent with the Uluru approach and negotiations are underway to implement such arrangements as part of the negotiation of native title determinations in parts of the Kimberly region. Meanwhile, Park Councils have been established for some existing WA national parks to provide an advisory role for Aboriginal people in park management.

The Witjira Approach

Witjira National Park, located in the north of South Australia, was established in 1985 under an agreement between the Aboriginal traditional owners, represented by the Irrwanyere Aboriginal Corporation, and the South Australian government. The agreement provides for a Board of Management and recognition of Aboriginal rights and interests similar to the Uluru approach. A significant difference, however, is that Witjira National Park remains under government ownership and is leased to the Irrwanyere Aboriginal Corporation for a period of 99 years.

Tasmanian Approach

No formal joint management arrangements are in place for any national parks in Tasmania. However, Aboriginal people do participate on advisory councils for national parks, and have direct involvement in the recording and maintenance of cultural sites within national parks. In 1995, the Tasmanian Parliament passed legislation transferring title to Aboriginal people over 12 parcels of land, totalling approximately 4500 ha. The land includes areas and places of cultural, spiritual or historical importance to Aboriginal people; some of the areas lie within existing protected areas, or comprise historic reserves such as Oyster Cove and Risdon Cove.

Victorian Approach

No formal joint management arrangements are in place for any national parks in Victoria. However, Aboriginal people are extensively involved in cultural site management throughout Victoria, including on national parks. For some national parks, Aboriginal people are represented on advisory committees and have responsibilities for the management of cultural centres (eg Brambuk Cultural Centre at Gariwerd National Park).

Other forms of co-management

- Memoranda of Understanding negotiated between government agencies and Indigenous groups to provide for some recognition of their interests within protected areas. These non-binding agreements fall short of a formal role in decision-making, but can represent a significant improvement on previous policies of total rejection of Indigenous interests in protected areas.
- Indigenous membership of Boards of Management of World Heritage Areas, such as the Great Barrier Reef and Wet Tropics, both of which are in Queensland. Though in a minority, Indigenous membership of these boards encourages the development of policies and management plans that take account of Indigenous peoples' interests.
- Employment and training of Indigenous people. Protected area management agencies typically develop policies and strategies to encourage Indigenous participation in the workforce, which in turn encourages greater recognition of Indigenous values.

2.2 INDIGENOUS PROTECTED AREAS

From the mid 1990s, the Australian government has administered a funding program to support Indigenous landholders to declare, plan and manage their own protected areas consistent with one or more of the IUCN protected area categories. Indigenous Protected Areas (IPAs) are formally recognised as part of the National Reserve System and now constitute approximately 20% of the total protected area estate in Australia. IPAs are consistent with what the IUCN refers to as Community Conserved Areas (CCAs), which includes a wide variety of protected area management arrangements initiated and managed by Indigenous peoples or other local communities. Though IPAs are under the sole management of Indigenous people, they typically receive financial and technical support from government conservation agencies and other partners through formal or informal arrangements. (For further information see <www.environment.gov.au/indigenous/ipa>.)

During 2006, the Department of the Environment and Heritage (DEH), now the Department of the Environment and Water Resources (DEW), conducted an evaluation of its IPA programme after ten years of operation.⁸ The evaluation reported wide acknowledgement of the success of, and broad support for, the IPA Programme in bringing bioregionally significant lands into the National Reserve System as a voluntary contribution from Indigenous landowners without the land having to be purchased by governments.

Key findings of the IPA evaluation include:

- IPAs are highly cost-effective, but there is concern about inadequate resources for their ongoing management;
- 95% of Indigenous communities involved in IPA management report economic participation and development benefits;
- considerable social and cultural outcomes from IPA management included gainful and meaningful employment contributing to social cohesion, positive outcomes for early childhood, contribution to a reduction in substance abuse, restoring relationships and reinforcing family and community structures;
- there is potential for IPAs to be the focus for Shared Responsibility Agreements and strategic partnerships between the Department of the Environment and Water resources, the Department of Employment and Workplace Relations and the Indigenous Land Corporation to deliver whole-of-government outcomes; and
- there is a need for tripartite agreements between Indigenous landowners, state or territory governments and the Australian government to provide ongoing support for the management of IPAs.

The IPA evaluation recommends that the IPA Programme should continue and that funding and other resources should be increased, including through tripartite

8. Department of the Environment and Heritage 2007. *The Indigenous Protected Areas Programme 2006 Evaluation* by Brian Gilligan.

agreements. The evaluation also recommends that the Australian government should investigate the implications of extending IPAs to include sea country. The recommendations of the IPA Programme evaluation are reproduced in full in Attachment 2 of this document.

2.3 NATIVE TITLE AND JOINT MANAGEMENT

The joint management models described above are based on the statutory recognition of Aboriginal rights and interests in national parks that have resulted in the granting of land to Indigenous people by governments, typically through successful claims under land rights legislation. In contrast, recognition of native title rights and interests acknowledges pre-existing and continuing ownership of land by Indigenous people under their own laws, which in turn are now recognised as part of Australian common law as a result of the 1992 High Court *Mabo* native title decision. Although the claim for recognition of native title on Mer (Murray Island) by Eddie Mabo and other Meriam people did not include a national park, the Chief Justice of the High Court in his *Mabo* judgement specifically referred to national parks as an example of a land tenure where he anticipated that native title would have survived:

Native title continues to exist where waste lands of the Crown have not been appropriated or used or where the appropriation and use is consistent with the continuing concurrent enjoyment of native title over the land (eg land set aside for national parks).

Recognition of native title under the *Native Title Act 1993* has thus provided additional opportunities for Indigenous people to negotiate joint management or other involvement in the management of protected areas, typically through the development of Indigenous Land Use Agreements (ILUAs).

In 2001, Arakwal National Park, on the north coast of New South Wales, was the first protected area in Australia to be established under an ILUA. The Arakwal ILUA recognises Aboriginal rights to use traditional resources within the Park (subject to a Plan of Management) and provides for a Joint Management Committee that advises the NSW National Parks and Wildlife Service about the management of the park. Unlike the Boards of Management in the Uluru Model, however, the Arakwal Joint Management Committee does not have decision-making powers.

The determination of Djabugay people's native title in 2004 led to the negotiation of an ILUA outlining Djabugay native title rights and interests in Barron Gorge National Park in north Queensland, including the rights to hunt, fish, camp, conduct ceremonies and protect cultural sites. The ILUA also provides for the involvement of Djabugay people in the development of a Plan of Management, but falls short of delivering comprehensive joint management arrangements.

In the Northern Territory, recognition of native title has been instrumental in delivering formal joint management arrangements over 27 national parks through 31 ILUAs. The Northern Territory government decided to develop these agreements following a decision by the High Court in August 2002 that Keep River National Park in the Northern Territory had been established illegally because it failed to take into account the interests of native title holders. This decision cast doubt over 49 parks that had been declared between 1978 and 1998, thus leading to an offer by the NT government to negotiate joint management arrangements over many of these protected areas.

In 2007 it is anticipated that the Githabul people of northern NSW will be involved in joint management of 19 national parks and state forests after securing the biggest native title deal struck so far on Australia's eastern seaboard. The claim covers parts of the Githabul nation, which stretches for more than 6000 sq km, straddling the NSW and Queensland border near Mt Lindesay and taking in the World Heritage-listed Border Ranges and Toonumbar national parks.

Native title and IPAs

The recognition of native title over areas of land and sea will provide new opportunities to establish IPAs, which to date have typically been established on areas of land purchased by Aboriginal people or granted to them by governments. In particular, native title may provide a legal management tool for including sea country within IPAs.

3. CRITICAL SUCCESS FACTORS

Though the case studies are limited to just three examples of the large number of Indigenous partnerships in protected area management that have developed in Australia over the last 25 years, they do lead to some conclusions that can assist the further development in policy and practice in this area.

The case studies also provide an opportunity to take stock of how two recognised successful examples of joint management (one in northern Australia and one in southern Australia) compare with each other and with a recognised successful example of an Indigenous Protected Area. Each of the three examples is understandably molded by their individual local histories, legal frameworks, environments, locations, resources and capacities. They are examples of different kinds of successes, each successful in their own ways, and each demonstrating greater or lesser effectiveness across the many aspects of managing protected areas. There are nonetheless common elements or critical success factors in all three case studies that can assist the further development in policy and practice in this area. These include:

- Indigenous land ownership as the critical foundation on which to build protected area partnerships;
- the degree of commitment of all parties to the management process;
- the commitment of Indigenous people to utilise the opportunities presented by protected areas to care for their country, reinforce its associated cultural and natural values, and further community and individual development;
- a coherent and effective representative Indigenous party which has a big picture approach but which also addresses short term local issues;
- a bipartisan political approach in which political parties, traditional owners, and relevant government departments work together for the benefit of all;
- a diversity of partnerships in arriving at the mix of personnel, resources, expertise and commitment to achieve the goals of protected area management;
- productive day-to-day, on-ground working relationships and mutual respect between the individuals involved in protected area partnerships between and across all areas of management;
- achieving a balance between Indigenous holistic community development aspirations and approaches and the reality that joint management cannot be a panacea for all problems;
- approaching the management of protected areas as a matter of progressive and incremental improvement involving the serial capacity building of all involved across a range of areas;

- recognising the importance of effective partnerships with neighbouring landowners and managers in biodiversity and other environmental initiatives, since protected areas cannot be managed successfully in isolation from surrounding environments;
- secure, annual core funding which permits robust work programmes and delivers minimum standards of management with which to leverage additional funding and support to further enhance conservation and community outcomes;
- developing sophisticated approaches to intercultural engagement and awareness and community education processes which provide local communities and traditional owners themselves with information about activities in the Park, Board decisions and biodiversity and environmental issues;
- clearly defined roles and responsibilities, and understandings of financial limitations and resources in establishing partnerships;
- clear understandings of Indigenous values and ideas of success, as well as those of other partners and their integration into evaluation and monitoring procedures.
- Competent and effective governance procedures on the part of all parties which involve:
 - a degree of flexibility;
 - consistently high level leadership skills;
 - traditional owners playing a central role in identifying strategic directions and joint operational planning, monitoring and evaluation procedures which are matched against the emotional, procedural and substantive rights, needs and interests of parties;
 - allocating sufficient resources and planning to participatory community development approaches, including inclusive and transparent decision-making and dispute management processes and ‘on-country’ visits;
 - accessing appropriate technical and other expert advice;
 - clearly identifying and developing the capacity of all parties involved;
 - integrating training activities across all the joint management partner organisations;
 - placing an emphasis on Indigenous youth; and
 - innovative pathways of employment, research partnerships and approaches to traditional owners undertaking contract work.

4. GENERAL CONCLUSIONS AND COMPARISONS

All of the case studies demonstrate the value of day-to-day, on-ground working relationships between Indigenous and non-Indigenous protected area managers. It is at this level of individual partnerships that 'joint management' or 'two-ways' management pays the greatest dividends, whether or not it occurs in the context of mandated or voluntary arrangements. The mentoring, skills transfer and cross-cultural understanding that occurs when people work together on country is at least as important as the more formal decision-making relationships that occur within boards of management or other governance structures. These on-country partnerships are more readily available within jointly managed parks such as Nitmiluk and Booderee, though Dhimurru IPA has achieved a similar day-to-to partnership between its traditional owners, the Northern Land Council, the Northern Land Council, the NT Parks and Wildlife Service, and the Commonwealth Department of the Environment and Water Resources through the negotiation of a Section 73 Agreement under the *Territory Parks and Wildlife Conservation Act*.

The case studies demonstrate that ongoing commitments to, and achievement of, environmental protection and biodiversity conservation outcomes by Indigenous people through protected area management can occur both within the mandated joint management partnerships involved in the lease-back of Aboriginal land to a government conservation agency (as occurs at Nitmiluk and Booderee) and in the voluntary partnerships developed to support the management of Indigenous Protected Areas (as occurs at Dhimurru).

The Dhimurru IPA case study has demonstrated sustained commitment and capacity to protected area management since the IPA was declared in 2000, following on from the earlier achievements in land and sea management and research that has occurred over the same area since the establishment of the Dhimurru Land Management Aboriginal Corporation in 1992. High profile environmental management and conservation awards from both the Australian and Northern Territory governments, and strengthening financial and collaborative partnerships with government and non-government agencies and industry, are testament to these achievements.

In particular, the negotiation of the Section 73 agreement demonstrates that there are alternative ways to secure robust Indigenous/government protected area

partnerships without the loss of traditional owner authority inherent in lease-back joint management arrangements. This agreement provides for the secondment of an NT Parks and Wildlife ranger to work with Dhimurru on day to day management issues, as well as an advisory role for the NT and Australian government and the NLC in the management of Dhimurru IPA, without diminishing traditional owners' authority over the IPA.

The Dhimurru Case study also demonstrates that the Indigenous autonomy associated with the Indigenous Protected Area concept does not mean an absence of management partnerships. On the contrary, a key element of Dhimurru's success has been its capacity to negotiate and sustain a diversity of research, management, advisory and financial partnerships, resulting in an operating annual budget similar to that of Nitmiluk National Park. Indeed, Dhimurru has developed a greater diversity of partnerships than has been developed in the other case study protected areas, where there is a greater reliance on the core bilateral relationship between the traditional owners and a government conservation agency. The greater diversity of partnerships at Dhimurru is in part driven by the need to secure sufficient operational funding year by year — a need more securely met within joint management partnerships. On the other hand, the absence of a dominant government partner, however harmonious the partnership, may stimulate innovative approaches and encourage other potential partners that may be less willing or able to become part of formal joint management arrangements.

The Booderee case study demonstrates that the goal of sole management, whether or not the goal is defined or even reached, can provide a powerful catalyst that encourages all partners to build the capacity of Aboriginal communities and individuals to play greater roles in the complex tasks of contemporary protected area management. Another key outcome of the Booderee case study is a clear demonstration of the benefits of establishing and supporting an Aboriginal-owned commercial enterprise to undertake a range of park management tasks under service contracts, complementing opportunities for Indigenous management through employment in government conservation agencies.

The Nitmiluk case study demonstrates the importance of the balancing of commercial, environmental, social and cultural needs and interests and the potential economic benefits of joint management arrangements when opportunities to deliver commercial tourism services and products within the national park are fully developed. This experience can provide encouragement to traditional owners of other national parks and IPAs, where less emphasis has been placed on developing economic returns from protected area ownership and management to date. Nevertheless, care must be taken to ensure that any focus on economic activity does not distract from the business of looking after country, relationship building and decision-making processes. The Nitmiluk case study also demonstrates that the development of a productive culture of joint management is an ongoing process

and requires changes of mindset according to current priorities in the Park and the existing capacity of all involved.

While there is a strong focus on training at each location, the Booderee case study in particular showed the value of an integrated, high quality and diverse training strategy, coordinated by a dedicated Training Manager and delivered through learning processes that are appropriate and successful for members of all the protected area partners. This level of training and training support would be more difficult to achieve without the funding base of a formal joint management arrangement.

The case studies reveal that the term ‘joint management’ has different meanings in different contexts. In Nitmiluk and Booderee, the term is a short-hand for the formal shared management arrangements involving lease-back of the parks and the operation of boards of management with Aboriginal majorities. In Booderee, there is an explicit goal to progress from joint management to sole management, with the clear implication that sole management will involve greater Aboriginal control than joint management. At Dhimurru, however, where traditional owners currently exercise legal sole management over the IPA, the term ‘joint management’ is used to reflect the array of partnerships that traditional owners have negotiated with government and non-government agencies. In this context, joint management is an expression of sole management, not a step on the journey towards sole management.

One of the conclusions of the case studies, therefore, is to acknowledge that terms such as joint management, co-management and sole management, may have different interpretations in different locations. While strict definitions may be helpful in engaging in national and international policy debates, it is important to respect the fact that local people will develop their own terms to express their own partnerships, and that the level of satisfaction with these local partnerships, their effectiveness and sustainability, is more important than the terms used to describe them.

The case study examples also contain sufficiently different characteristics to enable some individual elements of Indigenous partnerships in protected area management to be explored. These elements include:

- the impact on effective management of the circumstances surrounding the formation of the partnership, including the degree of choice in entering into it;
- the various interpretations and implications of Indigenous ‘sole management’ and ‘joint management’ of protected areas;
- whether the benefits to Indigenous people of their participation in protected area partnerships outweigh the economic and other opportunities foregone by the establishment of a protected area on their land;

- The challenges in securing Indigenous partnerships in managing marine components of protected areas comparable with those over terrestrial components, due to considerably less recognition of Indigenous rights and interests in the sea as compared to the land.

5. POLICY RECOMMENDATIONS

The following policy recommendations were developed on the basis of the findings from the three case studies and feedback from case study participants and representatives of the Australian Collaboration and AIATSIS. The final choice and wording of these recommendations, however, are the responsibility of the authors alone.

1. Recognise that Indigenous Protected Areas are a viable alternative to achieving the same environmental protection and biodiversity conservation objectives inherent in the lease-back joint management arrangements.
2. Encourage all governments to develop and utilise statutory arrangements (such as provisions of Section 73 of the *Territory Parks and Wildlife Conservation Act*), as well as non-statutory mechanisms, to support the long term viability of IPAs.
3. Encourage governments and IPA owners/managers to explore legal and other effective means to ensure that IPAs are protected from developments that adversely impact on the values for which the IPAs have been declared.
4. Recognise that free, prior and informed consent of Indigenous traditional owners is a requirement for the development of mutually respectful, beneficial and productive protected area management partnerships (whatever form those partnerships take) and is consistent with Recommendation 24 from the 2003 IUCN World Parks Congress.
5. Recognise that the process of establishing the consent of Indigenous traditional owners for protected area management is complex and time consuming, encourage Federal, State and Territory governments 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, to ensure that Australia meets world best practice in protected area management.
6. Recognise that Indigenous peoples' goal of exercising their traditional authority in the management of protected areas can be a catalyst for increasing the diversity of partnerships between Indigenous people, government agencies and others, and hence strengthen multi-stakeholder support for the ongoing management of the protected area.

7. Support the use of alternative mechanisms for Indigenous management of protected areas, such as through contracted services, in place of or complementing Indigenous employment within protected area management agencies.
8. Recognise the social, cultural, employment and economic benefits that can flow from appropriately negotiated and supported Indigenous partnerships in protected area management, including through local Indigenous monopolies in delivering contracting services and tourism enterprises.
9. Support the development of Junior Ranger Programmes or other mechanisms to involve and build capacity among young people (Indigenous and non-Indigenous) in understanding and managing their local protected areas.
10. Support dedicated development/training positions within protected area management structures as one of the mechanisms to achieve Indigenous training and employment goals.
11. Recognise that Indigenous rights and interests in protected area management are not restricted to remote, northern Australia; encourage governments to develop equitable arrangements that provide similar opportunities for Indigenous people with rights and interests associated with protected areas throughout Australia.
12. Recognise the benefits of on-country, practical partnerships between Indigenous and non-Indigenous environmental managers (both government and non-government), encourage/support conservation agencies to strengthen on-ground partnerships and secondment arrangements to enable government conservation and natural resource management staff to develop long term on-country working relationships with Traditional owners, promoting mentoring, skills transfer and cross-cultural understanding.
13. Recognise that there are particular challenges for Indigenous people to develop equitable partnerships in the management of their sea country within marine protected areas (MPAs) comparable to the partnerships that have developed in the management of terrestrial protected areas over the last decade; hence support Indigenous people, government agencies, NGOs and industry to explore innovative governance arrangements and other approaches to the recognition of Indigenous peoples rights and interests in MPAs, including the establishment of IPAs over sea country.
14. Support the establishment of a national protected area clearing house for Indigenous people to:
 - co-ordinate a national email network of Indigenous people involved in protected area management;
 - share knowledge of best practice, including innovative ideas for visitor engagement with Indigenous people;

- develop an alternative national curriculum for Indigenous Rangers, including Junior Ranger programs with an ‘on country emphasis’;
 - build on existing initiatives in developing flexible innovative vocational pathways for Indigenous employment in protected areas;
 - build a national network of skilled, trained and nationally accredited Indigenous and non-Indigenous natural resource management facilitators, negotiators, mediators and participatory community developers network, building on the Department of the Environment and Water Resources’ Indigenous facilitators’ network;
 - develop community education programs which provide local communities and traditional owners themselves with information about activities in the Park, Board decisions and biodiversity and environmental issues;
 - develop a generic protected areas national cultural awareness and engagement curriculum into which local components may be incorporated;
15. Support the development of digital archives for protected area cultural materials and for dedicated positions for developing intercultural awareness training and education.

Recommendations from the World Parks Congress, Durban 2003 (Attachment 1) and from DEW’s recent review of IPAs (Attachment 2) are broadly complementary to the above recommendations.

6. POSSIBLE RESEARCH TOPICS

The following topics which require research emerged directly from the case study findings and from associated discussions with case study participants, as well as from discussions with representatives of the Australian Collaboration and AIATSIS.

1. Comparative study of State, Territory and Federal joint management of national parks.
2. Comparative study of State and Territories approaches to management of Indigenous Protected Areas.
3. Development of a specific flexible Indigenous Ranger program curriculum.
4. Analysis of the types of flexible Indigenous employment and vocational pathways which could be offered on Parks and protected areas.
5. The meaning of capacity-building as it relates to protected areas and joint management of Parks, and practical ways in which capacity-building might occur.
6. The effects on management of the manner in which the partnership was entered into including issues around free, prior and informed consent and whether the differences between ideals, promises and realities were and continue to be understood.
7. Scoping study on the time, resources, costs and benefits of achieving informed Indigenous consent for all existing and future protected areas across Australia.
8. The development of policies and practices that ensure equitable recognition of Indigenous rights, interests and values in all terrestrial and marine protected areas in Australia, irrespective of current or future tenure.
9. Options for the potential for conservation economies, including economies based on protected areas, to contribute to Indigenous communities' economic and social development.
10. The contribution of jointly managed protected areas and IPAs to community and regional economies.

ATTACHMENT 1

RECOMMENDATIONS FROM THE WORLD PARKS CONGRESS, DURBAN 2003

Recommendation 24: Indigenous Peoples and Protected Areas

Indigenous peoples, their lands, waters and other resources have made a substantial contribution to the conservation of global ecosystems. For this trend to continue, where appropriate, protected areas, future and present, should take into account the principle of collaborative management attending to the interests and needs of indigenous peoples.

Many protected areas of the world encroach and are found within and overlap with lands, territories and resources of indigenous and traditional peoples. In many cases the establishment of these protected areas has affected the rights, interests and livelihoods of indigenous peoples and traditional peoples and subsequently resulted in persistent conflicts.

Effective and sustainable conservation can be better achieved if the objectives of protected areas do not violate the rights of indigenous peoples living in and around them.

It is widely acknowledged that successful implementation of conservation programmes can only be guaranteed on long term basis when there is consent for and approval by indigenous peoples among others, because their cultures, knowledge and territories contribute to the building of comprehensive protected areas. There is often commonality of objectives between protected areas and the need of indigenous peoples to protect their lands, territories and resources from external threats.

In addition to the benefits to conservation, it is also necessary to acknowledge that indigenous peoples have suffered human rights abuses in connection with protected areas in the past and in some cases continue to suffer abuses today.

Resolution WCC 1.53 Indigenous Peoples and Protected Areas, adopted by IUCN members at the 1st World Conservation Congress (Montreal, 1996), promotes a policy based on the principles of:

1. Recognition of the rights of indigenous peoples with regard to their lands or territories and resources that fall within protected areas;

2. Recognition of the necessity of reaching agreements with indigenous peoples prior to the establishment of protected areas in their lands or territories; and
3. Recognition of the rights of the indigenous peoples concerned to participate effectively in the management of the protected areas established on their lands or territories, and to be consulted on the adoption of any decision that affects their rights and interests over those lands or territories.

At the request of the World Commission on Protected Areas (WCPA), IUCN's Council endorsed in 1999 *Indigenous and Traditional Peoples and Protected Areas: Principals, Guidelines and Case Studies*, in response to actions called for in Resolution WCC 1.53. In addition, several inter-governmental bodies and international agreements, as well as international conservation organizations, have adopted and promote policies that support recognition of the rights and interests of indigenous peoples in the context of biodiversity conservation and protection of the environment.

Therefore, PARTICIPANTS in the Cross-Cutting Theme on Communities and Equity and in the Stream on Governance at the Vth World Parks Congress, in Durban, South Africa (8–17 September 2003) stressing that the following recommendations shall be conducted in full partnership with the freely chosen representatives of indigenous peoples:

1. RECOMMEND governments, inter-governmental organizations, NGOs, local communities and civil societies to:
 - a. ENSURE that existing and future protected areas respect the rights of indigenous peoples;
 - b. CEASE all involuntary resettlement and expulsions of indigenous peoples from their lands in connection with protected areas, as well as involuntary sedentarization of mobile indigenous peoples;
 - c. ENSURE the establishment of protected areas is based on the free, prior informed consent of indigenous peoples, and of prior social, economic, cultural and environmental impact assessment, undertaken with the full participation of indigenous peoples;
 - d. Further ELABORATE and APPLY, in coordination with indigenous peoples, the IUCN-WWF *Indigenous and Traditional Peoples and Protected Areas: Principals, Guidelines and Case Studies* (available at <www.iucn.org/dbtw-wpd/edocs/PAG-004.pdf>), as well as principles that build on IUCN Resolution WCC 1.53 and which fully respect the rights, interests, and aspirations of indigenous peoples;
 - e. RECOGNISE the value and importance of protected areas designated by indigenous peoples as a sound basis for securing and extending the protected areas network;
 - f. ESTABLISH and ENFORCE appropriate laws and policies to protect the intellectual property of indigenous peoples with regards to their traditional

- knowledge, innovation systems and cultural and biological resources and penalise all biopiracy activities;
- g. ENACT laws and policies that recognise and guarantee indigenous peoples' rights over their ancestral lands and waters;
 - h. ESTABLISH and implement mechanisms to address any historical injustices caused through the establishment of protected areas, with special attention given to land and water tenure rights and historical/traditional rights to access natural resources and sacred sites within protected areas;
 - i. ESTABLISH participatory mechanisms for the restitution of indigenous peoples' lands, territories and resources that have been taken over by protected areas without their free, prior informed consent, and for providing prompt and fair compensation, agreed upon in a fully transparent and culturally appropriate manner;
 - j. ESTABLISH a high level, independent Commission on Truth and Reconciliation on Indigenous Peoples and Protected Areas;
 - k. ENSURE respect for indigenous peoples' decision-making authority and SUPPORT their local, sustainable management and conservation of natural resources in protected areas, recognising the central role of traditional authorities, wherever appropriate, and institutions and representative organizations;
 - l. REQUIRE protected area managers to actively support indigenous peoples' initiatives aimed at the revitalization and application, where appropriate, of traditional knowledge and practices in land, water, and resource management within protected areas;
 - m. UNDERTAKE a review of all existing biodiversity conservation laws and policies that impact on indigenous peoples and ensure that all parties work in a coordinated manner to ensure effective involvement and participation of indigenous peoples;
 - n. DEVELOP and promote incentives to support indigenous peoples' self-declared and self-managed protected areas and other conservation initiatives to protect the lands, waters, territories and resources from external threats and exploitation;
 - o. ENSURE open and transparent processes for genuine negotiation with indigenous peoples in relation to any plans to establish or expand protected area systems, so that their lands, waters, territories and natural resources are preserved and decisions affecting them are taken in mutually agreed terms;
 - p. INTEGRATE indigenous knowledge and education systems in interpretation of and education about natural, cultural and spiritual values of protected areas; and
 - q. ENSURE that protected areas are geared towards poverty alleviation and improve the living standards of the communities around and within the parks through effective and agreeable benefit sharing mechanisms;
2. RECOMMEND IUCN and WCPA to:

- a. FORMULATE and CARRY OUT a programme of work, with the full participation of indigenous peoples, to support their initiatives and interests regarding protected areas, and to actively involve indigenous peoples' representative authorities, institutions and organizations in its development and implementation;
 - b. PROVIDE support and funding to indigenous peoples for community conserved, co-managed and indigenous owned and managed protected areas;
 - c. ENCOURAGE international conservation agencies and organizations to adopt clear policies on indigenous peoples and conservation and establish mechanisms for the redress of grievances; and
 - d. CONDUCT an implementation review of the World Conservation Congress Resolution 1.53 Indigenous Peoples and Protected Areas and the IUCN-WWF *Indigenous and Traditional Peoples and Protected Areas: Principals, Guidelines and Case Studies*; and
3. RECOMMEND IUCN Members to consider the establishment of an IUCN Commission on Indigenous Peoples and Protected Areas at its next World Conservation Congress.

Recommendation 25: Co-management of Protected Areas

The benefits of promoting and strengthening partnerships for conservation have been repeatedly stressed by IUCN, from Council Resolution 22 of 1952 to Resolution 1.42 of the IUCN World Conservation Congress in Montreal (1996) and Resolution 2.15 of the IUCN World Conservation Congress Amman (2000). They have also been organizing by the Convention on Biological Diversity, the Millennium Development Goals and the WSSD plan of action.

Co-managed protected areas (CMPAs) are defined as protected areas (as per IUCN categories I–VI) where management authority, responsibility and accountability are shared among two or more stakeholders, including government bodies and agencies at various levels, indigenous and local communities, non-governmental organizations and private operators, or even among different state governments as in the case of trans-boundary protected areas.

In the 21st Century the size, number, and complexity of protected areas systems has increased to impressive proportions. In accordance with good governance principles, consolidating, expanding and improving this global system of protected areas should be done while respecting the rights, interests and concerns of all stakeholders, including their right to participate in decision-making in the establishment and management of protected areas. The sharing of protected area management authority, responsibilities, benefits and costs should be distributed among relevant actors, according to legitimate entitlements. Such entitlements should be defined

through a negotiation process that specifically involves disadvantaged groups, and results in stronger engagement of civil society in conservation.

Are governments alone able to ensure the accomplishment of all their protected areas conservation objectives and social requirements? Some estimate this to be plainly impossible. Fortunately, there is a substantial wealth and diversity of conservation-relevant knowledge, skills, resources and institutions at the disposal of indigenous, mobile and local communities, local governments, NGOs, resource users, and the private sector. Co-management settings are one of the most effective ways to organize such conservation-relevant resources, but are they successfully enlisted and implemented?

Current efforts to involve indigenous peoples, mobile peoples and local communities in protected area management are often limited to consulting them, asking their help in implementing predetermined activities or assigning to them some “benefits” (often unrelated to the costs incurred), without effective discussion and negotiation of options. This may be due to various causes, but lack of supportive policies and capacities are at the roots of many failures. Actions are needed to facilitate:

1. understanding the potential of, and obstacles to, co-management approaches;
2. undertaking co-management processes;
3. negotiating co-management agreements;
4. developing co-management organizations;
5. integrating adaptive governance approaches with more familiar adaptive management exercises; and
6. learning by doing through participatory monitoring and evaluation.

The diversity of co-management approaches makes them capable of fitting different contexts. If properly understood and adopted, co-management can lead towards more effective and transparent sharing of decision-making powers, a more active, conservation-friendly and central role of indigenous, mobile and local communities in protected area management, and a better synergy of the conservation capacities.

Therefore, PARTICIPANTS in the Communities and Equity Cross-Cutting Theme at the Vth World Parks Congress in Durban, South Africa (8–17 September 2003):

RECOMMEND international conventions, governments, protected area agencies, donor agencies, conservation NGOs, communities, and the private sector, and in particular IUCN — The World Conservation Union as potential inspirer and leader of well coordinated and synergistic efforts, to:

1. SUPPORT the review, consolidation, strengthening and expansion of existing experiences of co-management of protected areas;
2. PROMOTE the participation of stakeholders in decision-making concerning protected area management, with particular regards to indigenous, mobile and local communities, and disadvantaged groups via a range of mechanisms including information generation and sharing; joint visioning and participatory assessment exercises; support to stakeholder organizing and capacity building; negotiated management agreements and benefit sharing; and full empowerment and accountability for conservation in effectively co-managed and community-managed areas;
3. CREATE or strengthen enabling legal and policy frameworks for co-management in protected areas;
4. UNDERTAKE programmes to develop and strengthen institutional and human capacities for co-management of protected areas as part of efforts towards good governance and more effective management, including setting up basic training and refresher courses for natural resource managers, national and international exchange visits and joint learning initiatives among PA institutions and sites engaged in co-management efforts;
5. PROMOTE participatory action-research in co-managed protected areas with emphasis on stakeholder identification, social communication initiatives, negotiation processes, consensus-based decision making, co-management outcomes and impacts, and legislation and policies for a supporting environment;
6. EXPAND the sharing of experience and lessons learned on co-management of protected areas at national, regional and international levels including by strengthening the work of the Co-management Working Group (CMWG) of the IUCN Commission on Environmental, Economics and Social Policy (CEESP) and of the joint World Commission on Protected Areas/CEESP Theme on Indigenous and Local Communities, Equity and Protected Areas (TILCEPA); and
7. CALL upon the Conference of the Parties to the Convention on Biological Diversity to address co-management issues in their programme of work for protected areas, in particular with regard to enabling legal and policy framework, capacity building, participatory action-research and exchanges of experiences and lessons learned.

Recommendation 26: Community Conserved Areas

A considerable part of the earth's biodiversity survives on territories under the ownership, control, or management of indigenous peoples and local (including mobile) communities. However, the fact that such peoples and communities are

actively or passively conserving many of these sites through traditional or modern means, has hitherto been neglected in formal conservation circles.

Such sites, herein called Community Conserved Areas (CCAs), are extremely diverse in their institutions of governance, objectives of management, ecological and cultural impacts, and other attributes. Two primary characteristics distinguish them:

1. predominant or exclusive control and management by communities, and
2. commitment to conservation of biodiversity, and/or its achievement through various means.

In this context, CCAs are natural and modified ecosystems, including significant biodiversity, ecological services and cultural values, voluntarily conserved by indigenous and local communities through customary laws or other effective means. The term as used here is meant to connote a broad and open approach to categorizing such community initiatives, and is not intended to constrain the ability of communities to conserve their areas in the way they feel appropriate.

Various international instruments dealing with environmental and human rights have recognised the role of communities in relation to natural resource management, such as:

1. the emphasis provided by the Convention on Biological Diversity (CBD) to the biodiversity-relevant knowledge, skills, innovations, and practices of communities; or
2. the Draft *Declaration of the Rights of Indigenous Peoples*, which acknowledges the right of such peoples to control and manage their territories.

Today, most CCAs remain unrecognised in national and international conservation systems, and are largely outside the official protected area networks of countries. This may be because the resource management systems of CCAs are often based on customary tenure systems, norms and institutions that are not formally or legally recognized in many countries.

CCAs as they exist today serve the management objectives of different protected area categories. Nevertheless, CCAs everywhere are facing threats, including:

1. those resulting from unclear and insecure tenurial arrangements;
2. unsustainable developmental projects;
3. delegitimization of customary rights;
4. centralized political decision-making processes;
5. social, economic and political inequities;

6. loss of knowledge and cultural change; and
7. commercialization of resources.

It is therefore recognized that communities need support and facilitation to respond to these threats, and to enable them to reach greater security in their conservation and sustainable use practices.

Mindful of these points, participants in the cross-cutting Theme entitled “Communities and Equity” have deliberated on CCAs in several sessions of the 5th World Parks Congress, and have concluded that national and international recognition of such areas is an urgent necessity.

Therefore, PARTICIPANTS in the Communities and Equity Cross-Cutting Theme at the Vth World Parks Congress, in Durban South Africa (8–17 September 2003):

1. RECOMMEND governments to:
 - a. PROMOTE a multisectoral process for recognizing, enlisting, evaluating, and delisting CCAs;
 - b. RECOGNIZE and PROMOTE CCAs as a legitimate form of biodiversity conservation, and where communities so choose, include them within national systems of protected areas, through appropriate changes in legal and policy regimes;
 - c. ENSURE that official policies, guidelines, and principles, recognise diverse local (formal or informal) arrangements developed by communities on their own or in collaboration with other actors, for the management of CCAs;
 - d. FACILITATE the continuation of existing CCAs, and their spread to other sites, through a range of measures including, financial, technical, human, information, research, public endorsement, capacity-building, and other resources or incentives that are considered appropriate by the communities concerned, as well as the restitution of traditional and customary rights;
 - e. ACKNOWLEDGE that it may be appropriate for some existing protected areas to be managed as CCAs, including the transfer of management of such areas to relevant communities;
 - f. PROVIDE protection to CCAs against external threats they face, including those mentioned in the preamble;
 - g. RESPECT the sanctity and importance of CCAs in all operations that could affect such sites or the relevant communities, and give particular attention to applying the principles of Prior Informed Consent, participatory environmental impact assessments, and other measures as elaborated in decisions and documents of the Convention on Biological Diversity (CBD);
 - h. SUPPORT self-monitoring and evaluation of CCAs by the relevant communities, and participatory monitoring and evaluation by outside agencies or actors; and
 - i. PROVIDE impartial information when and where needed and/or asked for by the relevant communities;

2. ALSO RECOMMEND communities to:
 - a. COMMIT to conserving the biodiversity in CCAs, maintaining ecological services, and protecting associated cultural values;
 - b. CONSIDER extending the network of CCAs to sites not currently being conserved or sustainably managed;
 - c. STRENGTHEN or initiate measures to respond to forces that threaten CCAs, including those mentioned in the preamble above;
 - d. RECOGNIZE the ecological, cultural, and other values of the CCAs and species that are within territories the communities are controlling and managing;
 - e. SEEK public recognition for the CCAs they are managing where it is appropriate, including from governments; and
 - f. COMMIT to strengthening or developing effective mechanisms for internal accountability;
3. FURTHER RECOMMEND conservation agencies and other non-government organizations (NGOs), donor agencies, private sector, and other actors:
 - a. RESPECT the sanctity and importance of CCAs in all their operations that could affect such sites or the relevant communities, and in particular activities that could adversely affect them; and
 - b. PROVIDE support of various kinds to CCAs, where considered appropriate by the concerned community, including to help build capacity;
4. CALL on international organizations to:
 - a. RECOGNIZE CCAs in all relevant instruments and databases, including in the United Nations List of Protected Areas, and the World Protected Areas Database;
 - b. PROVIDE adequate space for consideration of CCAs in relevant documents, such as the State of the World's Protected Areas Report, and Protected Areas in the 21st Century;
 - c. PROMOTE CCAs through appropriate programmes of work, in particular the Programme of Work of the CBD on protected areas; and
 - d. INTEGRATE CCAs into the IUCN Protected Areas Category System, through the introduction of a dimension of governance, appropriate interpretations and additions to the definitions and guidelines especially regarding cultural values, and work towards identifying CCAs that would fit into each of the six IUCN Protected Areas Categories.

ATTACHMENT 2

RECOMMENDATIONS FROM THE AUSTRALIAN GOVERNMENT'S EVALUATION OF THE INDIGENOUS PROTECTED AREA PROGRAMME (SECTION 6, PAGES 58–60)⁹

Overall Assessment

Consideration of major issues arising in DEH's evaluation of the IPA program, as outlined in Section 5, gives rise to a set of specific findings which, in turn, can be translated into specific recommendations relevant to the future scope and direction of the IPA Programme.

Taken together, the findings and recommendations from the evaluation present an opportunity for what is already a highly successful Programme to evolve into an even more effective one based on four parallel initiatives:

- facilitating tripartite agreements between Indigenous landowners, State or Territory Governments and the Australian Government;
- formulating a graduated system of Indigenous land management supported by a sliding scale of public investment;
- exploring a differentiated set of governance options which take account of clan estate traditions in cultural resource protection and land management; and
- funding a dedicated program targeting delivery of natural and cultural resource management services, independent of welfare-based programs.

Growing the model

With the success of the IPA Programme widely acknowledged and its current budget fully committed in support of 22 existing and nine developing IPAs, there is clearly a need for the budget to be increased to fund the progressive declarations of new IPAs and to maintain existing minimal levels of seed funding.

The current level of support provided should be considered a minimum or base level of seed funding to keep the IPA framework in place, assuming that funding for specific projects will be forthcoming from other sources.

A concerted effort should be made to streamline administration of grants through Shared Responsibility Agreements and a strategic partnership between the Department of the Environment and Heritage, the Department of Employment and Workplace Relations and the Indigenous Land Corporation to deliver whole-of-government outcomes.

9. Department of the Environment and Heritage 2006. *The Indigenous Protected Areas Programme — 2006 Evaluation* by Brian Gilligan.

Depending on the timing of new IPA declarations, maintenance of the current Programme at a basic level of operation could require a doubling of the current budget to around \$6 million in 2008–09 and further increases to about \$10 million by 2010–2011.

To permit essential forward planning, funding should be provided on a three to five year cycle subject to annual monitoring and reporting.

While this base level of operation should be retained as an option for Indigenous landowners, for individual IPAs and the Programme as a whole to be able to reach their full potential, options for further development need to be formulated through the four parallel initiatives listed above.

It is difficult to usefully speculate on the possible levels of funding needed for a fully fledged system of Indigenous managed protected areas, but if even moderate progress can be made in tripartite negotiations for a fully funded graduated system of Indigenous land management supported by a targeted ranger programme.

\$20–30 million per year might be able to be well invested by 2010–2011 rising to \$50 million thereafter. Increases of this magnitude in the scale of the IPA budget should be conditional on the achievement of well defined conservation outcomes by the IPA Programme. The pace at which any such escalation of the Programme occurs will depend on the progress of tripartite negotiations and Indigenous decision making and land management capability on any changes for individual IPAs.

Specific recommendations

6.1 Status and funding

- 6.1.1 Funding to at least a minimum base level of ongoing management of IPAs should be sought, within the supportive framework of tripartite agreements between owners, State or Territory Governments and the Australian Government, if their full value to the National Reserve System is to be realised.
- 6.1.2 Management funds should be provided on the basis of three–five year forward estimates, with actual spending reviewed annually against achievements.
- 6.1.3 The recurrent funding formula applied should be reviewed over time to reflect different levels of Indigenous land management activity negotiated in tripartite agreements between Indigenous landowners, States and Territories and the Australian Government.
- 6.1.4 The issue of possible recognition of IPAs as Conservation Agreements under Part 14 of the EPBC Act should be considered along with other options for a graduated system of Indigenous land management defined in tripartite negotiations.

6.2 Linkages with other programmes

- 6.2.1 Given the significance of land management activities to community well-being, Indigenous Coordination Centres should be asked to consider the value of using IPAs as a focus for integrating community based programme delivery.
- 6.2.2 The Department of the Environment and Heritage (DEH) should develop a policy that implements streamlined funding processes for Indigenous communities receiving DEH funding.
- 6.2.3 The Department of the Environment and Heritage should work with the Indigenous Land Corporation and the Department of Employment and Workplace Relations and other relevant Australian Government agencies to streamline programme delivery associated with land management and employment.
- 6.2.4 The Department of the Environment and Heritage should investigate options for a national Indigenous ranger programme which links to and enhances existing programmes (such as the IPA Programme) under a broad 'Caring for Country' framework.

6.3 Management effectiveness

- 6.3.1 IPA monitoring, evaluation and reporting requirements should be reviewed to ensure that they are consistent with emerging management effectiveness regimes.
- 6.3.2 IPA Programme staff should be involved in the wider task of formulating management effectiveness protocols for reserves to ensure that the scale and complexity of the management challenges facing IPA managers can be properly recognised; adaptive management and capacity building can be tracked; and achievements acknowledged.
- 6.3.3 The Australian Government should undertake a thorough investigation into the relationship between IPAs and ranger programmes. This research should also consider ranger programmes operating outside the IPA framework and examine the potential to incorporate the successful features of existing ranger activities into a nationally coordinated and funded ranger programme.

6.4 Scale and ongoing support

- 6.4.1 Australian Government Land Management Facilitators should be explicitly tasked to provide support for IPAs to enhance their capacity to engage in integrated landscape management and regional NRM programmes.

6.5 Governance

- 6.5.1 Respect for Indigenous decision making and governance regimes should continue to be a fundamental operating principle for the IPA Programme and some differentiation of governance arrangements should be explored to better reflect traditional Indigenous governance.

6.5.2 Any escalation of the IPA Programme in an effort to maximise potential contributions to the NRS should take account of the time frames and resources required for Indigenous decision making and governance.

6.5.3 The development of new IPAs should take account of the optimal scale of operations to satisfy both Indigenous and non-Indigenous governance requirements.

6.5.4 The manner and location of funds being invested by the Australian Government for IPA land management activities should take account of traditional clan governance and land management accountabilities.

6.6 Land and sea country

6.6.1 The Australian Government should further investigate the implications of community requests to declare IPAs over sea country.

6.7 Programme management

6.7.1 As the number of IPAs grows, consideration should be given to the need for additional Programme staff, both to continue the engagement between IPAs and Canberra, which is valued by the IPAs, and to enhance productive linkages with other Programmes at national, state and regional levels