

## Chapter 2.

### **Indigenous partnerships in Northern Territory protected areas: Joint management of national parks and support for Indigenous Protected Areas**

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***Abstract.** Partnerships between Aboriginal Traditional Owners and government protected area agencies present opportunities for significant environmental and social improvement. Both opportunities and challenges are presented by the simultaneous rollout of joint management for twenty-seven Northern Territory parks and reserves and co-operative arrangements between the Northern Territory Government and Indigenous Protected Areas.*

In relation to parks joint management these key ideas are discussed:

- Joint management comes into effect with appropriate structures and processes that support shared, equitable decision-making by the partners, that is, effective governance.
- Governance begins out of planning process. Joint management commences with statutory Joint Management Plans. The development of Joint Management Plans is a positive first step on the path to effective governance. Joint Management Plans are written so that joint management can commence, with governance described in flexible terms allowing governance processes to adapt and evolve out of joint-management experience.
- The capacity and cross-cultural understanding necessary for successful joint management can be built concurrently with joint-management planning.
- An equitable partnership, a keystone of joint management, will take time to develop but should be realised in time with strategy, well-placed resources and commitment.

The shared benefits of partnerships between the Northern Territory Government and Indigenous Protected Areas (IPA) also are discussed and a contrast drawn with joint management. The IPA partnerships take place at Traditional Owners' invitation. In the joint management of national parks and reserves, Traditional Owners have entered into a partnership with the Northern Territory Government subject to conditions that do not necessarily reflect Traditional Owners' values, interests or aspirations.

#### **2.1 The Northern Territory context**

The Territory comprises 1.3 million square kilometres, one sixth of the Australian mainland. It has a population of 210 000 of which twenty-eight percent are Indigenous. About ninety protected areas directly managed by the Parks and Wildlife Service of the Northern Territory (NT Parks) account for about 3.5 percent of the area of the Northern Territory. Counting the area of the two national parks under management of the Australian Government, the total figure increases to five percent. It is unlikely in the near future that significant areas will be acquired by the Northern Territory government for inclusion in the Territory parks system.

Aboriginal lands account for about one half of the Northern Territory land mass and eighty-four percent of its coastal areas. As well as being valuable for perpetuating cultural diversity these lands are among the Territory's most biologically diverse and intact. They make, and also have great unrealised potential to make, an enormous contribution to conservation of the Territory's biodiversity. Counting the extent of the four Indigenous Protected Areas so far declared in the Northern Territory, the total area within the Territory where biodiversity conservation is a major objective of management is almost doubled. The four Indigenous Protected Areas so far declared are Dhimurru (1010 km<sup>2</sup>; the first in 2000), Laynhapuy (6900 km<sup>2</sup>), Anindilyakwa (2700 km<sup>2</sup>) and Northern Tanami (40 000 km<sup>2</sup>). Consultations and planning are currently underway for the declaration of at least four more IPAs in the Northern Territory.

Four of the Northern Territory Government's five old (pre-2003) joint-management parks lie in the Territory's north. Nitmiluk National Park (which includes the tourist icon of Katherine Gorge) is the most high profile of these. Nineteen of the twenty-seven new joint-management parks are in the southern Territory, including the high profile and potential World Heritage West MacDonnell National Park, located on Alice Springs' doorstep. Locations of Northern Territory national parks and Indigenous Protected Areas are shown in Figure 2.1.

### ***Old joint management, new joint management***

Including the Commonwealth-managed Uluru-Kata Tjuta and Kakadu National Parks there are seven 'old' jointly managed parks in the Northern Territory. Joint management for these resulted from negotiated settlements under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Clth)* (ALRA). These parks, however, represented a small number of the total that over the years had become subject to land-rights claims under the ALRA and/or, since 1993, claims under the *Native Title Act 1993*. Until 2002 unresolved land claims cast doubt on the future management and development of many Territory parks.

Conservative governments held power in the Territory until 2001. Until then, the majority of claims relating to parks were vigorously contested by the Territory Government.

The new joint-management arrangements resulted indirectly from the Ward native title decision in 2002. This High Court appeal finding was related to an earlier native title decision affecting Keep River National Park. It was found that the declaration of Keep River National Park under Territory legislation was invalid. Further legal advice sought by the Northern Territory Government found that in the twenty years to 1998, forty-nine Territory parks and reserves had probably (in legal terms) been invalidly declared. While the Territory quickly re-declared thirty-eight of these parks they were still vulnerable to ALRA claims and native-title determinations. The remaining eleven parks could not be re-declared because they were already subject to claims under the ALRA. To remove doubt over the future of the affected parks, the Territory proceeded to a negotiated settlement of the outstanding land- and native-title claims through the Aboriginal Traditional Owners' representative bodies, the Northern Land Council (NLC) and the Central Land Council (CLC).

The resulting *Parks and Reserves (Framework for the Future) Act 2005 (NT)* sets out a mix of land-tenure changes, leasing and joint management arrangements for twenty-seven parks and reserves across the Territory. While joint management and Traditional Owner engagement is not new to the Territory parks service, with one-third of all parks coming into partnership arrangements with Traditional Owners, the impact

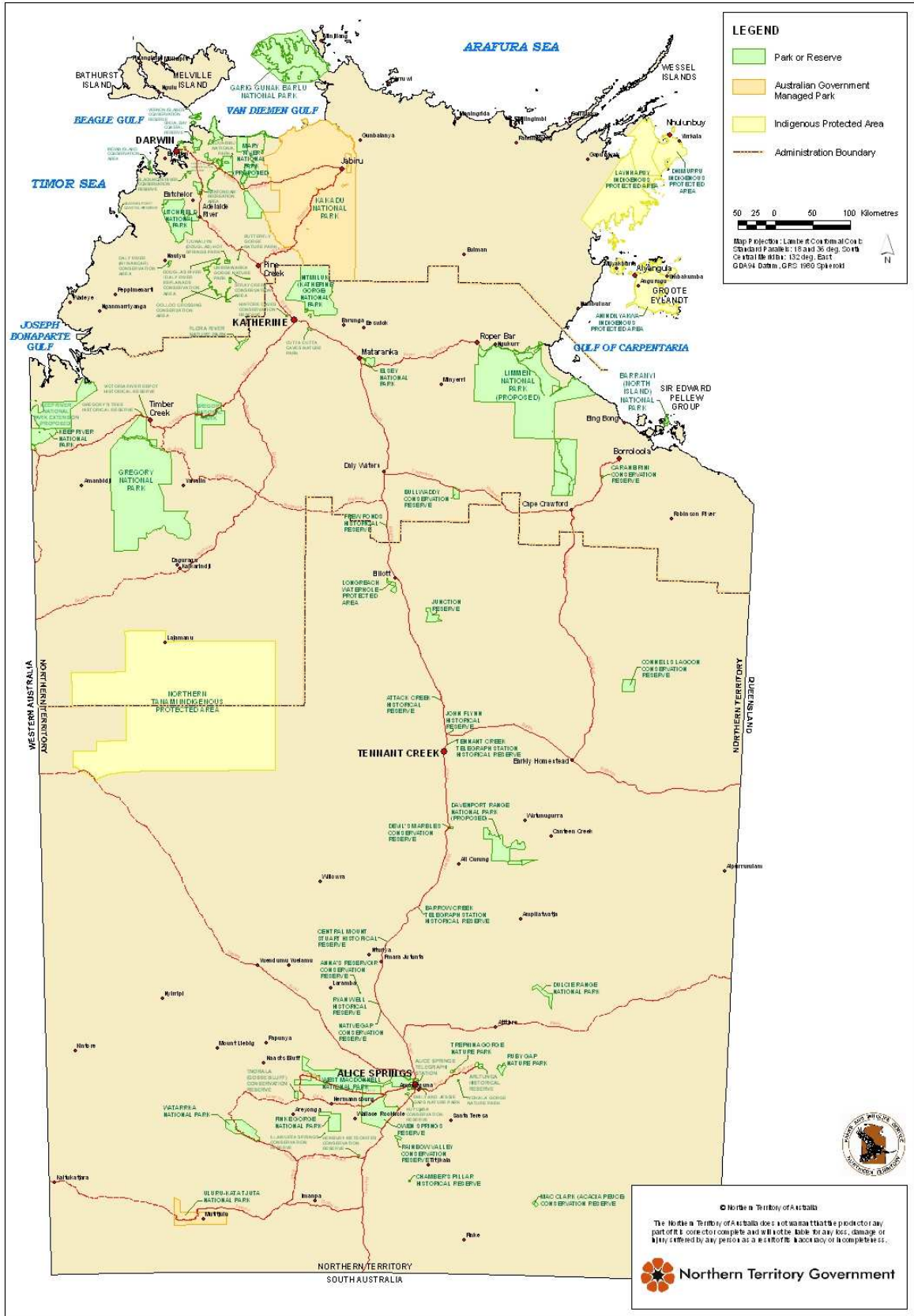


Figure 2.1: Map of Northern Territory showing locations of national parks and Indigenous Protected Areas

and importance of new joint managements cannot be underestimated, elevating the importance of Indigenous engagement and relationships to the highest of priorities.

As of November 2008, Indigenous Land Use Agreements (ILUAs) have been registered for all twenty-seven areas subject to joint-management negotiations and title transfers are still pending.

### ***The Territory Parks and Wildlife Conservation Act***

In 2005, the *Territory Parks and Wildlife Conservation Act* was amended, prescribing functional aspects of joint management to apply to the parks and reserves subject to the Framework Act. Key aspects of the legislation are:

- The joint management partners are defined as the Northern Territory Government and the Aboriginal Traditional Owners of the park or reserve.
- The objective of joint management is to establish an equitable partnership to manage the park or reserve for the following outcomes:
  - Benefits to Traditional Owners and the wider community;
  - Protection of biological diversity; and
  - Visitor and community needs for education and enjoyment.
- Principles of joint management (not all given here):
  - Aboriginal culture, knowledge and traditional decision making are respected;
  - The combined land-management skills and expertise of the partners are employed;
  - The need for institutional support and capacity building for the partners is recognised (and addressed);
  - Community living areas in or close to parks and reserves are an integral part of natural and cultural resource management.
- The role of the land councils is to identify and represent the interests of the Traditional Owners in regard to management of their land.
- Joint Management Plans must be prepared as soon as practicable. They must:
  - Describe the Traditional Owners; and
  - Describe shared decision-making processes.

The legislated objectives of joint management reflect the fact that most of the parks affected have been established for many years with established conservation and visitor management programs.

Governance arrangements for the five pre-2003 jointly managed parks is partially or fully instructed by specific Territory legislation. The *Territory Parks and Wildlife Conservation Act* makes no such stipulation. Simply, the Act requires Joint Management Plans to describe processes by which decisions relating to the management of the park or reserve will be shared by the partners while honouring the principles and objectives of joint management. Hence there is considerable flexibility in individual park arrangements. Decision-making models are developed park-by-park through negotiation between the parks service and local Traditional Owners. At the outset they are appropriate to the wishes of the Traditional Owners taking into account the number and distribution of estate groups and the level and type of involvement they wish to have.

The role of the land councils is crucial to establishment and implementation of joint management. Land council involvement with jointly managed parks in the 1980s and 1990s was minimal and the relationship between them and NT Parks often antagonistic. The new joint-management agenda, however, commenced with negotiation rather than conflict, and its implementation would not be possible without the goodwill and shared resources of the Territory Government and the Northern and Central Land Councils. The land councils assist both the Traditional Owners and the parks service to meet their

obligations under the Act, and the relationship between the land councils and NT Parks is critical to joint-management success.

### ***Joint management plans***

Joint-management planning is given high priority. NT Parks sees joint management as needing the rigour of a participatory planning process and the authority of the statutory Joint Management Plan before it can be said that a park is under joint management.

This approach is not ideal. It may be argued that a management plan might be done over a two- or three-year period of consultation rather than a relatively quick six to twelve months. For many Traditional Owners involved, joint management is a new concept. It takes time to develop understanding of the opportunities and responsibilities of joint management. It would be hard to argue against a model wherein trust in the partnership would first be built through an unhurried program of cross-cultural projects with two-way learning outcomes that are well planned and delivered.

However, the resources of the parks service and the land councils are limited. There are twenty-seven parks, each of which has Traditional Owner groups wanting joint management to begin. NT Parks has a four-year program until 2011 to complete plans for all these parks. It would be unreasonable to ask Traditional Owners to wait any longer than this.



**Figure 2.2:** Joint-management planning meeting at Karlu Karlu (Devils Marbles Conservation Reserve) 2006

Feedback from Traditional Owners on planning process is generally positive. They think that they have had their say at the most critical time and their interests will be taken into account. When the Joint Management Plan is understood as the means to begin joint management, Traditional Owners do not want to delay the process.

### **Developing effective governance**

Investment in developing effective governance and operational joint management must continue after Joint Management Plans have been completed. Plans cannot describe decision-making processes in full detail. Planning also identifies policy and procedure gaps to be resolved as high priorities. All Plans identify governance training as necessary for the joint-management partners so that joint management might be implemented effectively. The approach taken is for governance skills to be learned through problem-solving. Agreed governance processes are documented, producing guidelines that supplement Joint Management Plans. These references can be continually reviewed and updated as governance develops.

Integral to effective governance and operational joint management is ongoing monitoring and evaluation as a means to problem identification and continuous improvement. In 2008 a partnership commenced with Charles Darwin University to develop a joint-management Monitoring and Evaluation Framework that, in time, will be rolled out across all jointly managed parks. Performance indicators are identified through joint-management planning discussions between Traditional Owners and NT Parks.

There are also notional plans for governance groups to be developed at levels higher than individual parks and reserves. A Joint Management Agreement between the Northern Territory Government and the NLC and CLC provides for a Joint Management Forum to be created as a peak body to advise the Minister on matters of planning, policy and resourcing in relation to all jointly managed parks across the Territory. The



**Figure 2.3:** Joint planning, Karlu Karlu (Devils Marbles) 2006

forum will comprise a majority of Traditional Owners with other members from NT Parks, the land councils and Parks Australia. The forum will meet annually and assume responsibility for monitoring the performance of joint management in the Territory.

The land councils and NT Parks consider, however, that it may be some years before Traditional Owners will have had sufficient experience of joint management to contribute effectively to this formal style of governance forum. For this reason, a gathering of approximately one hundred Traditional Owners of parks and reserves across the Territory was held in April 2008, providing an opportunity for Traditional Owners to share their experiences and ideas relating to joint management. Another similar large forum is being planned for May 2009 with an agenda that will provide for sharing knowledge, updates on progress, capacity-building and strategic development.

### ***Building capacity, employment and training***

NT Parks has developed a program to build the capacity of parks staff to operate effectively in the joint-management arena. This involves:

- Compulsory basic cross-cultural training and induction to joint management. Consideration is being given to ways to measure NT Parks staff's cross-cultural competence and confidence to ensure that both follow a positive trend.
- Working with consultants to develop governance-training resources, and training NT Parks and land councils' joint-management officers in passing on governance knowledge and skill to rangers and Traditional Owners.
- Taking a multi-media approach to developing Traditional Owners' understanding of joint management. A professionally produced video distributed on DVD has proven a very useful communication tool at introductory planning workshops.

NT Parks Indigenous employment and training program includes:

- An Indigenous ranger-traineeship program with graduates entering Level-1 ranger positions at the end of eighteen months.
- A flexible employment program – a work-experience and training-focussed program that gets Traditional Owners working on park projects with NT Parks rangers and building joint-management relationships. This program is also a proven pathway to ranger traineeships, ranger jobs and general work-readiness.
- A commitment to facilitate business capacity for works-and-service contracts in relation to parks, and a commitment to grant Indigenous business contracts and tourism concessions where the business readiness exists.
- Through the land councils, support for Traditional Owners interested in developing tourism enterprises on, or in relation to, parks.

## **2.3 The NT Parks partnership with the Dhimurru IPA**

### ***Background***

An Indigenous Protected Area (IPA) is a protected area declared and managed by an Indigenous people in relation to which Traditional Owners have entered into a voluntary agreement to promote biodiversity and cultural resource conservation. The IPA Program administered by the Australian Government's Department of the Environment, Water, Heritage and the Arts (DEWHA) supports the planning and management of IPAs as part of a broader national objective to establish a comprehensive, adequate and representative National Reserve System<sup>1</sup>.

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<sup>1</sup> Further information about IPAs and the IPA Program is available at <[www.environment.gov.au/indigenous/ipa](http://www.environment.gov.au/indigenous/ipa)> and in Chapters 7 and 8 of this publication.

The Northern Territory's first IPA, the East Arnhem Coast Dhimurru IPA, covers 1000 square kilometres; it was declared in November 2000. In 1992, the Dhimurru Land Management Aboriginal Organisation (Dhimurru) was formally established following extensive consultations with Yolngu clan groups in the area of the Gove Peninsula, northeastern Arnhem Land. The role of Dhimurru was to act for the Yolngu in a land-management capacity to protect the natural, cultural and heritage values of the Gove Peninsula.

The township of Nhulunbuy, located on the peninsula within a lease from the surrounding Arnhem Land Aboriginal Reserve, was built to house the workers from a bauxite mine and alumina processing plant. The uncontrolled recreational use of areas outside of the lease led to significant environmental damage and conflict with Yolngu Traditional Owners. Issues of desecration of sacred sites, damage to fragile beach dunes and vegetation and erosion of bush tracks emerged. Written concerns regarding these issues were raised by the Yolngu in the early 1970s. Access to areas outside of the township lease was to be controlled by permits issued initially by the Department of Territories and then the Northern Land Council but the system did not achieve the controls needed.

NT Parks rangers were stationed in Nhulunbuy from the early 1980s to provide a wildlife-management service for the mining township, principally focussed on the relocation of problem crocodiles and snakes, but a relationship with the Yolngu soon developed. It was clear to both the Yolngu and the rangers that the areas used by the township residents would benefit from being managed in a way similar to national parks management.

An important role for Dhimurru was to re-institute and enforce the permit system to manage the recreational areas used by Nhulunbuy residents and visitors. In 1993 Dhimurru approached the predecessor of NT Parks, the Conservation Commission of the Northern Territory, seeking to enter into a co-operative land-management agreement over the areas identified by Traditional Owners for recreational use by township residents. At that time, government policy required a formal agreement between the Conservation Commission and landholders to maintain a management presence on lands outside of the formal reserve estate. Draft and interim agreements were negotiated between Dhimurru, the Conservation Commission and the Northern Land Council but for reasons more political than practical an agreement was not able to be forged and the Commission withdrew from Nhulunbuy in 1998.

Dhimurru's charter and resolve to manage these lands according to Yolngu wishes was maintained and negotiations towards establishing the Northern Territory's first IPA commenced with the Australian Government and, after considerable consultation and planning, the IPA was declared. While the relationship between the Conservation Commission and Dhimurru had broken down at a political level at this stage, a strong personal relationship between the Yolngu and NT Parks rangers was maintained.

A change of government in 2001 created more favourable circumstances for Territory government participation in a co-operative relationship with the Australian Government, Dhimurru and NLC. A multi-agency partnership was then built around IPA principles that recognise Yolngu ownership, acknowledge traditional knowledge and skills, and engage contemporary science-based management practices.

On 16 November 2002, an additional agreement between the Australian and Territory Governments, NLC, the Arnhem Land Aboriginal Land Trust and Dhimurru was made under Section 73 of the *Territory Parks and Wildlife Conservation Act*. This agreement with Dhimurru is unique among Australia's twenty-five IPAs in its formal



inclusion of a State or Territory Government. This voluntary agreement between the parties describes the management, governance arrangements and the roles of NT Parks and Dhimurru within the IPA.

In 2003, a senior NT Parks ranger was relocated to Nhulunbuy to work with Dhimurru and the Yolngu clans of the peninsula. The ranger was selected through a collaborative appointment process with Dhimurru to implement an agreed duty statement.

This partnership has been highly successful. The placement has provided a consistent and co-ordinated training program for the Yolngu Rangers, allowed for the implementation and completion of work programs to meet the priorities of the IPA, and provided for the growing recognition of Dhimurru as an efficient and effective land management organisation. Importantly, this arrangement allows senior Dhimurru staff to engage in the administrative and advocacy operations of Dhimurru while the on-ground technical activities can be implemented by Dhimurru rangers with co-ordination provided by the NT Parks ranger. Such definition of roles and responsibilities has enabled Dhimurru to expand its partnerships with other agencies.

The partnership with Dhimurru is unusual for the Territory Government since it involves its staff working alongside an Indigenous organisation to help that organisation achieve its natural-resource management goals according to its work program. In so doing the Territory Government is able to enhance significantly the environmental outcomes for large areas of the Territory over which it does not have management control



**Figure 2.4:** Working together

and for significantly less money than it requires to manage similar areas of land on its own. Dhimurru, on the other hand, gains access to the Western scientific skills, knowledge and training capacity of NT Parks and the networks associated with that relationship to help them better to manage their own country. Under Section 73 Agreements, Park by-laws may also be adopted by mutual agreement. In preparation for the next plan of management for the Dhimurru IPA, by-laws will be considered and will lead to the opportunity for Dhimurru rangers to train towards Honorary Conservation Officer status under the Act and be given the powers to enforce these by-laws.

The success of this arrangement is evidenced through formal requests from other IPAs in the Territory for similar support by Parks and Wildlife Rangers. The Territory government is responding to these requests by providing a new position for placement with Indigenous Ranger Groups each year for the next four years.

***Partnership benefits***

These IPA partnerships provide multiple outcomes. NT Parks is able to assist Indigenous ranger groups to achieve shared biodiversity conservation outcomes and Indigenous ranger groups are able to develop contemporary land-management skills and knowledge while working in culturally appropriate ways to manage their traditional estates. Adding to the benefit of this partnership is the reciprocal education for park rangers that contributes positively to the cross-cultural expertise and practice within NT Parks.

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