Empowerment of Traditional Owners through the Joint Management of National Parks: The Yorta Yorta Case, 2015

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Introduction

It is generally accepted that the formal policy and practice of Joint Management began in Australia in the 1970s with Kakadu being one of the first National Parks handed back to the Traditional Owners who then leased it back to the Northern Territory Government under a JM Agreement. This practice gained momentum and was influenced not only by Indigenous people, but also by an increasing focus on a more inclusive approach to land management and the importance of sustainability and the environment by state and federal governments. The call for Indigenous land justice at the state and Federal level was a key determining factor.

The Western concept of National Parks however, has its origins in the United States. Before the turn of the 19th Century the USA established the first Public Park or pleasuring-ground for the benefit and enjoyment of the people, Yellowstone National Park, in 1872. Although Yellowstone was not officially termed a "national park" in its establishing law, it was always termed such in practice and is widely held to be the first and oldest national park in the world.
Overview of Joint Management in Australia

There is presently around 15% of Australian land directly owned and/or managed by Indigenous people, the majority of which is in the Northern Territory encompassing Kakadu and Uluru Kata Juta National Parks, with less than 1% of this land being located in Victoria. By comparison the Victorian scenario is a legacy of neglect, and one that now seems to be in catch up mode, with the measures being taken by the Victorian Government with the declaration of National Parks along the Murray following the VEAC study, 2008, the Native Title Settlement Framework Agreement, 2009, and the Traditional Owner Land Management Agreement 2010, TOLMA currently being discussed by the Yorta Yorta Traditional Owner Land Management Board.

It is expected that these long awaited measures, will deliver to Traditional Owners ‘options for management and transfer of land, access to natural resources, and support for economic and cultural development opportunities’. The potential for ‘real land justice’ and the opportunity to build a ‘solid foundation for future’ land needs are relevant to this discussion.

What is Joint Management?

Joint Management and JM agreements vary significantly in Australia depending on the National Park involved and the ‘framework agreement’ that has been negotiated between the Traditional Owners and the relevant Government.

Generally speaking, JM refers to a hand back, lease back agreement between the Federal or State Government and the Traditional Owners as in the cases of Uluru, Booderee, Mutawintji and Kakadu National Parks.

Being on the same page in holistic and lateral thinking and the inclusion of Indigenous ideology of land management practices in the decision and policy making process, are integral to successful JMAs.

What JM Agreements aim to achieve

JM Agreements aim to utilize local based knowledge and expertise by allowing Indigenous and non-Indigenous participants to be involved in decision-making at every level. While JM is a vastly different regime to the way the land has traditionally been managed under Sole Management and customary law principles, it has been adopted in Australia as a mechanism that is more inclusive of Indigenous interests than those management policies and practices of the recent past. The enthusiasm for this approach has been significant but there is always the risk that it will conflict with the imported western and more institutionalised government structures that are far more hierarchical and bureaucratic in nature. The reality is however, that a compromise usually takes place between the two cultures, often promoted by economic pressures such as tourism and resource development and by policies aimed at attempting to reconcile Indigenous and non Indigenous interests in land ownership and management. While these agreements are driven by pragmatic considerations there is the problem of Indigenous people being subject to the dominant culture and having to compromise their cultural integrity to fit into what are imported constructs.
Keeping this background in mind we can now look at how these cultural and political dynamics play themselves out using the three case studies of Kakadu, Booderee and Mutawintji National Parks.

These case studies have been chosen because of their comparable natural and cultural values, and for the advanced management structures they have achieved over time. They are a combination of forest-wetlands, and are regions that contain significant natural/cultural values of enormous antiquity. Without imposing value judgments on their comparative values and/or decisions on what is the best model, it is important that they be treated as Indigenous landscapes and cultural systems. Indeed they have evolved in their own unique natural and cultural world since the time of creation in Indigenous epistemology. In this context it can be said that the Barmah-Millewa is equally important in what it has to offer to Australia and the world, and invites nothing less than equal treatment in the way that these forest-wetlands are managed and protected. The paper leaves open the contribution that other National Parks and JM models may offer to the Yorta Yorta context in light of those established elsewhere in Australia and overseas. As we’ve just witnessed, another important historic ceremony of land justice and the protection of significant natural/cultural sites has taken place in Australia at Uluru. Uluru and its neighbouring Kata Tjuta lands were officially transferred back to the traditional owners after Uluru was handed back in 1985-26 years ago.

Kakadu National Park: Case Study 1.

Kakadu National Park, KNP was declared under the Environment Protection and Biodiversity Conservation Act (1982), and is managed under a JM agreement between the Aboriginal Traditional Owners and the Director of National Parks. As Kakadu is a Commonwealth National Park, the Director manages the park through Parks Australia, which is a branch of the Department of the Environment and Heritage. Around fifty per cent of the land in Kakadu National Park is Aboriginal land under the Aboriginal Land Rights (Northern Territory) Act 1976, and the majority of the remaining area is currently under claim by Aboriginal people. Title to land in the park is held by Aboriginal land trusts, who have leased their land back to the Director of National Parks for the purpose of a national park. The Traditional Owners of Kakadu agreed to a JM with the expectation that they would have greater say and control over the lands and the recognition of their needs and aspirations. Parks Australia and the Traditional Owners of Kakadu are committed to the principle of JM of the park and the Kakadu National Park Plan of Management. Kakadu is now into its sixth management plan each of which runs for five years. JM in Kakadu is an amalgamation of different layers of management structures. It operates under a legal framework established by the Environment Protection and Biodiversity Conservation Act 1999, in conjunction with the lease agreements with the Traditional Owners, and in accordance with the ongoing relationship between Parks Australia administration and staff and the Traditional owners. The actual process of JM in the park is continuously under review and changes are implemented in accordance with the input of Traditional Owners, and in consultation with other Aboriginal People and Parks Australia.

The overall aim is to ensure that the JM process learns from its operational experiences so that more effective and efficient measures can be adapted to its ongoing management plan. Indeed JM models like Kakadu highlight the need for JM models to be treated as evolving process, and offer
important lessons for other JM arrangements in ensuring the ongoing flexibility and adaptability of agreeable outcomes for JM structures.

The Kakadu arrangement is one of the principal JM models in Australia that has much experience behind it and one that can be adapted to the Barmah-Millewa case study. By comparison, Kakadu is largely forest-wetlands that contain a wide variety of natural and cultural features of national and international significance. Looking at the extremities of their locations within the Australian context, they do complement each other in terms of their potential for similar JM structures and in their goals of generating an economic base for Traditional Owners, providing better management practices, cultural awareness programs, and in attracting visitors from Australia and overseas to enjoy the variety of natural and cultural values that they offer.

The other key factor that underpins successful NP models and is important for their success is the human relations dynamics. It can be said that JM works more efficiently when the key partners have developed trustworthy relationships towards each other. Most importantly JM is about deciding things, solving problems and sharing responsibility for decisions. It is about the joint management partners feeling comfortable in the relationship and in the goals that they have set to achieve.

Kakadu is a model that highlights the pragmatic issues that may emerge in joint management that need to be dealt with. These include:

- The Strength and effectiveness of the Board of Management;
- Employment and training of Aboriginal staff;
- Growth of park management bureaucracy;
- Who owns, manages and uses research done in the park;
- Inclusion of Indigenous knowledge and Intellectual Cultural Property Rights;
- Management of hard use activities impacting on natural/cultural values;
- Tourism and its impact on the preservation of natural/cultural values;
- Protection of Ramsar Sites and wildlife habitat.

Having examined some of the key dynamics of the Kakadu model we can now look at Booderee and Mutawintji National Parks and identify some final points of successful and effective JM structures that offer some ideas for Yorta Yorta consideration.

**Booderee National Park-Wreck Bay, ACT: Case Study.2**

Booderee in the Dhurga language of the region means ‘Bay of Plenty’. It is the name chosen by the Wreck Bay Aboriginal Community following the handback of the area to the Traditional Owners in 1995. Booderee National Park traditional lands and waters occupy 6400 hectares of coastal landscape in south-eastern Australia near Jarvis Bay.

The Wreck Bay Aboriginal Community Council seeks to be a respected equal and valued part of a culturally diverse Australian society. By controlling and managing its own lands and waters, the Community aims to become self sufficient and able to freely determine its future and lifestyle. The Community desires to do this by protecting its interests and values while preserving for future generations, its unique identity, heritage and culture. Wreck Bay community is discussing returning to traditional sole management options-see Summit of Barmah-Millewa Forest.
The ten-member Booderee Board of Management (the Park Board), has a majority of representatives of the Traditional Owners. The Booderee Botanic Garden, located within the park, is the only Indigenous-owned botanic garden in Australia, jointly managed with the Wreck Bay people. The traditional owners continue to use the region’s resources as a natural classroom for younger people and for collecting food and medicine. The Park is very popular with visitors and campers appreciating its natural cultural values.

The lease agreement places obligations on the Director of National Parks to manage the Park and to promote the interests of the traditional owners. The lease sets out the terms and conditions governing joint management and provides for payment to the Council of an annual rental and a proportion of income generated by the Park, in recognition of the use of the areas for conservation purposes. The lease covers a period of 99 years and the lease requires the Director to discuss possible variations with the Wreck Bay Aboriginal Community Council every five years.

The Wreck Bay Aboriginal Community Council concerns are wider than park management and extend into community development, housing and other social issues. Often the Community’s focus on Park issues relates to the outcomes that enhance the continued economic development of the Wreck Bay Aboriginal Community.

The implementation of joint management at Booderee continues to evolve.

The joint management structure and philosophy of the working relationship between the Government and the Wreck Bay Aboriginal Community Council is set out in the Environment Protection and Biodiversity Conservation Act EPBC. The success of the arrangements depends on a number of things, including implementation of the management plan for Booderee which:

- reflects the objectives and provisions of the lease agreement
- the aspirations of the Wreck Bay people;
- further development of a shared decision making relationship; and
- the increasing involvement of the Wreck Bay people in the management of the Park.

Important functions of the management plan are to clarify the roles of the new management arrangements, to provide for increased involvement in the management of the areas by the Wreck Bay Aboriginal Community and to manage the areas for conservation of biodiversity.

**Mutawintji National Park, NSW: Case Study 3.**

In September 1998 Mutawintji was declared one of the first National Parks in NSW to be returned to Traditional ownership under a hand back lease back agreement. The declaration of JM in itself was significantly empowering given the history behind this particular struggle. Achieving JM was the result of a sustained political struggle that involved Traditional Owners camping out and away from town halls and formal meetings in their own space which enabled them to collectively clarify their aspirations including getting large areas of land returned by purchasing grazing properties; protecting cultural places; and gaining access to land for hunting, fishing, gathering and for visiting...
sites. One memorable event that is etched into the memory of the positive Mutawintji outcome was the blockade of the Mutawintji Historical Site in September 1983, which was part of the process of political action that was needed to achieve the desired outcomes (Mutawintji Local Aboriginal Land Council, 2008).

This incident highlighted how committed the Wimpatja Traditional Owners were and it gave them a chance to interact with visitors trying to access the site, who through this experience became more sympathetic to the land justice struggle. The Wimpatja Traditional Owners were concerned that their land was being seen as a place for tourism without respect for Traditional Owners or culturally significant art sites and sacred water holes that were highly significant to the broader Indigenous population of western NSW. A shift from managing culturally sensitive sites to managing the land in total was required to achieve successful JM outcomes. The advent of Mutawintji National Park added significant strength to the Land Rights Movement in NSW which in turn made a major contribution to the establishment of similar Indigenous land management regimes in the State. Indeed, since the success of Mutawintji there have been at least six more jointly managed National Parks and eleven more agreements negotiated by the NSW Government and Indigenous groups.

One very positive outcome for the Wimpatja people, since the implementation of traditional land management practices, is the incredible gain for land justice and conservation in Australia.

These are some of the key issues that the Yorta Yorta are now dealing with in their negotiations for a JM plan for the Barmah-Millewa forest-wetlands. The current Kakadu National Park Plan of Management attempts to tackle these issues and to identify a way of ensuring park management decisions are better shared by the joint management partners. Kakadu, Booderee and Mutawintji are case studies that help to illuminate some of the issues arising in the Yorta Yorta context.

Summary

It is evident from the case study of those NP models chosen, that the positive outcomes for Traditional Owners are many. Formal power sharing under Joint Management structures between government agencies and Traditional Owners goes some way towards empowering Indigenous people, but it needs to be re-emphasised that these models are not set in concrete and are ongoing and evolving processes. It is imperative that the process evolves over time and remains dynamic allowing Traditional Owners to gain confidence and pride in their achievements. They need to be able to make decisions with confidence knowing these will be implemented and sustainable for the future -see Research Paper No 1, 2009 for definition of sustainability.

Empowerment through Land Justice

NPs provide many opportunities to enrich the lives of Indigenous people and in turn the lives of all Australians and other visitors. Places where competing values can be negotiated, environment sustainability can be encouraged and the broader education of all people can be served are other advantages. Empowerment of Indigenous Australians through the return of land is imperative and must be encouraged if the Government is to make any significant inroads into changing the shocking imbalance of opportunity that continues to exist in this country. Joint Management of National Parks is one avenue to achieve this but it must not be seen in isolation, but be seen as an
integral part of restoring land, pride and opportunity to Traditional Owners like the Yorta Yorta Nation - see other research papers on the National Parks and Management models being proposed for the Yorta Yorta Nation and on the contribution that Cultural Tourism can bring to National Parks and the benefits that can flow to Traditional Owners.


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