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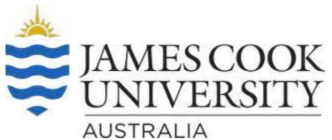

Walking and Talking:
Towards Community-based Co-management of the Errk Oykangand National Park, Cape York Peninsula

Thesis submitted by

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In July 2012

for the degree of Doctor of Philosophy

in the School of Earth and Environmental Sciences

James Cook University

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Thesis Formatting & Editing	Katharine J. (Kathy) Fowler my supervisors

Declaration on Ethics

The research presented and reported in this thesis was conducted within the guidelines for research ethics outlined in the National Statement on Ethics Conduct in Research Involving Humans (1999), the Joint NHMRC/AVCC Statement and Guidelines on Research practice (1997), and the James Cook University Statement and Guidelines on Research Practice (2001). The proposed research methodology received clearance from the James Cook University Human Research Ethics Committee (approval number H2227).

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Abstract

This thesis is concerned with understanding how sustainable, resilient co-management systems are created. Berkes (see for example, 1997, p. 6) made the following assertion: “Very little scholarly work addresses, in my opinion, the key question: ***When is co-management feasible?***” This research question has led to the identification of the key ‘preconditions’, or those critical aspects of capacity that support the negotiation and implementation of adaptive co-management (ACM) agreements.

This research was initiated and supported by the Oykangand people, Traditional Owners of the Mitchell-Alice Rivers National Park (MARNP)[1], and the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO), in Cape York Peninsula, Queensland. The Traditional Owners required information to assist them to negotiate a partnership with the state’s protected area management agency, Queensland Parks and Wildlife Service (QPWS). It was envisaged that such a partnership with the state could assist the Oykangand people to achieve their aspirations and lead to the effective community-based co-management of the MARNP.

The MARNP is a remote protected area located about 600 kilometres northwest of Cairns in the southwest of Cape York Peninsula. It is bounded to the west and north by Kowanyama-held lands, including the Kowanyama Deed of Grant in Trust (DOGIT) area and the pastoral lease properties of Oriners and Sefton. The 37,100 hectare MARNP was gazetted in 1977 after being excised from Koolatah Station without the knowledge or consent of the Oykangand people. In Cape York Peninsula, the creation of national parks has long been seen by Aboriginal people as a form of invasion and dispossession due to the manner in which many of them were originally created and the restrictions placed on hunting, fishing, the development of homeland centres and potential economic uses. Respected authors, academics and politicians now widely acknowledge that the present state of disadvantage in Australian Aboriginal communities and their dependence on welfare is directly related to their alienation or dispossession from much of their land.

This thesis provides a case study of the implementation of adaptive co-management (ACM) in the Australian protected area management context. ACM systems: 1. are flexible community-based systems of resource management tailored to specific places and situations; 2. are supported by various organisations at different levels; 3. occur when organisational arrangements and ecological knowledge are tested and revised in a dynamic, ongoing, self-

[1] The Mitchell-Alice Rivers National Park was formally renamed the *Errk Oykangand National Park* on 23 October 2009, two years after the completion of fieldwork for this research. Hence, the original name is used throughout this thesis to refer to this portion of the Oykangand homeland, except in the title as preferred by the Traditional Owners.

organised process of learning by doing or 'trial-and-error' (Folke et al., 2002; Folke, Hahn, Olsson, & Norberg, 2005).

ACM has significant merit for understanding co-management contexts where local and Indigenous people and their communities seek a role in the management of protected areas as the purpose of ACM is to 'foster ecologically sustainable livelihoods' (Plummer & Armitage, 2007b). This goal is consistent with the Oykangand peoples' core aspirations for their National Park homeland - to be recognised as the statutory owners and to integrate the management of the area into the functions of KALRNMO.

A methodological approach was developed to guide this research 'in', 'with' and 'for' the Kowanyama Community. Termed 'Indigenous Collaborative Action Research' (ICAR), the methodology was developed from Participatory Action Research, Community Action Research and Indigenist research principles. The principles were then refined in collaboration with the Kowanyama Community during fieldwork and during our efforts to develop a Research Agreement. The development and implementation of the Research Agreement and the development of the ICAR principles occurred concurrently, each informing the other in the manner of the classic 'Lewinian' Action Research cycle. The methodology was qualitative, with the main data collection phase occurring in Kowanyama during 2006 and 2007.

An evaluative or diagnostic framework was developed from the literature and proved to be a useful guide for the investigative process of this research. Ostrom's (2007) eight first-tier variables for analysing social-ecological-systems (SESs) were used as a means of drawing attention to the major themes or preconditions for adaptive co-management. The use of Ostrom's variables could allow for future comparison across cases and (eventually) the identification of causal links that help to build coherent theory on the co-management of SESs (Agrawal, 2001).

The development of the ACM Pyramid is the major theoretical contribution to the academic literature from this research. Identifying the preconditions is important because they either should already exist or be developed for the negotiation and implementation of ACM to be successful. The ACM Pyramid presents seven major themes that represent the preconditions for ACM in the MARNP in a loosely hierarchical order of importance. A 'resource valued' by both parties was found of principal importance and together with the 'recognition of the rights' of both parties to be involved in ACM, formed the base of the ACM Pyramid. Similarly, ACM would not proceed without the ability of the parties to identify a 'common or unifying purpose' for ACM and to form 'positive relationships' based on communication, respect and trust both internally within each party, between the parties and with an external network of supporters. There must also be 'willingness' by politicians to introduce formal legislation and policies to

legitimise Traditional Owners' ownership and leadership in ACM and a flexibility to design an ACM agreement that is suited to their aspirations and capabilities. It is also critical that both parties have a 'focus', or consistent goals or objectives for ACM and a well-articulated understanding of how they intend to achieve them. The last precondition is for both parties to have the 'capability' to carry out ACM, particularly in terms of the human and financial resources required to implement the strategic and operational functions of the agreement.

The Oykangand people are a part of a community who began walking and talking towards self-governance and resource co-management in the 1980s. Hence, efforts to establish community-based ACM in the MARNP may be viewed as a continuation of the process of renewing rights and responsibility for Aboriginal lands and resources for the benefit of the Aboriginal residents of Kowanyama. It is proposed that the ACM Pyramid be used as a tool to assist the Oykangand people and QPWS to understand the prospects or feasibility of ACM in the MARNP and to identify any areas which require capacity-building effort. However, as the ACM Pyramid is derived from a single case-study it cannot be applied to other settings without careful consideration.

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But I can feel'm (Government) that chain still round that neck mine. Still round (my) leg like a hobble.
Still there and we got to take it step by step (when we talk with Government).
Today it is still there. Just like a hobbled horse we!!

But we walking yeah, we walking and we will get there. One day eh?

Colin Lawrence March 2000, cited in '*Towards Aboriginal Management Alice and Mitchell River National Park*' 2000

Chapter 1 Introduction

1.1 Introduction: How this Research Came About

The objective of this chapter is to narrate the story about how this research came about, thereby introducing the reader to the co-researchers and central collaborators in this research, and the reasons why the research is significant. The origins and context of this research have greatly influenced decisions regarding the choice of research question and methodology and hence influence the way in which the research can be interpreted. But first, as stated by Martin (2003, p. 204) there are protocols to be observed:

> *"The protocol for introducing one's self to other Indigenous people is to provide information about one's cultural location, so that connection can be made on political, cultural and social grounds and relations established."*

1.1.1 Personal Background

I grew up within a white Australian family in a middle-class suburb in Brisbane during the 1970s and 1980s. We lived in close proximity to my extended family of aunts, uncles, cousins and grandparents and we remain close knit. I was educated in the state school system. There were no Indigenous children attending my primary school and only a handful in my high school. At the end of my schooling years, the only knowledge I had of Aboriginal and Torres Strait Islander culture and society was courtesy of my Bjelke-Petersen era schooling. I was, without a doubt, ignorant, but also greatly misinformed.

In 1984 I went on a geography trip to 'Ayers Rock' and central Australia. It still amazes me that I was not exposed to any Aboriginal people or culture during this excursion. Most members of our group (including myself) climbed Uluṟu without any knowledge of the offence this activity causes to the Anangu people.

I became aware of environmental issues in my teens, when the controversial Cape Tribulation road (the Bloomfield Track) was first cut through the pristine Daintree Rainforest and the Gordon-below-Franklin Dam project was receiving national and international media attention. I joined and donated to The Wilderness Society (TWS) for several years from the age of 18 and again from the age of 30, after I returned from almost 9 years of overseas travel. I did not participate actively in TWS, but liked to stay informed of environmental issues.

After completing high school, I commenced nursing training at the Royal Brisbane Hospital (RBH). As the largest tertiary hospital in Queensland, the RBH accepted patients from all over the State who required treatment not available in their region. It was during this period that I

became aware of the health related problems and the living conditions of Indigenous people in both urban and remote communities.

I left Australia in 1992 with a one-way flight to London via Indonesia. Apart from a few short holidays, I didn’t return to Australia to live until 2001. It was during my time overseas, particularly in the four years I spent in Africa that my interest in protected area management, local communities and tourism began to develop. When travelling in other people’s country, I always endeavoured to learn about and to be respectful of local culture. By travelling overseas, I learned to accept other people’s culture as being of equal value to my own. At the same time, I also became very mindful of the aftermath of colonialism, of social inequity, and of poverty in the world around me.

When I arrived back in Australia, I moved to Townsville to attend James Cook University where I completed tourism management and environmental science degrees. My university lecturers and supervisors were instrumental for the development of my interest and understanding in protected area management and Indigenous rights and responsibilities for caring for country. I finally came to meet Aboriginal people who assured me that a white Australian woman could make a positive contribution to improving Indigenous wellbeing, if we are genuine and are willing to listen and learn from Aboriginal people. However, my exposure to remote Aboriginal communities, their aspirations and capacities, and the meaning of self-determination remained under-developed at the start of this PhD research. I came to this research with a substantial degree of ignorance. Yet, I also had little or no ‘baggage’ from past experiences of working with Aboriginal people – I had no expectations and could make no assumptions about the Kowanyama community based on my experiences elsewhere. I also had an open mind and a willingness to learn. Any progress I have made in my understanding is the result of my Kowanyama mentors and co-researchers - the Oykangand people. Any continued lack of understanding demonstrated in my thesis is a result of my own limitations.

While I do not believe that this research will make up for any injustices of the past, it is my hope that the work that we have done together can assist Indigenous and non-Indigenous Australians to better understand each other and to work together towards a society free from disadvantage.

1.1.2 Arriving at the Research Topic

Like many PhD’s, the process of undertaking this research was far from linear. The road was winding and it was often slow going – I started with a very different research topic to the one I finished with. I view these twists and turns very positively as they resemble a classic Lewinian Action Research spiral (see Chapter 3) and I believe the process taken made the research topic far more relevant and interesting. At times I struggled with the focus and then the structure of

this thesis due to the circuitous research process, but these both became clearer after much discussion with my co-researchers and supervisors.

This research takes an emic, community-centred perspective. At times, the linear (positivist) structure of this thesis is very different from the winding road actually travelled to arrive at these results.

When this PhD research commenced in February 2005, my intention was to investigate the impacts of natural area tourism upon Cape York Peninsula communities. Whilst in the early stages of refining the topic, I accepted a desktop consultancy offered by The Wilderness Society (TWS) to investigate the resourcing and management of the protected area estate in Cape York Peninsula. I accepted on the condition that the results of the study could contribute towards this PhD research. Queensland Parks and Wildlife Service (QPWS) personnel, the state agency responsible for managing the state's protected areas, cooperated fully in the TWS investigation. QPWS provided the necessary policy, financial, human resource and geographic data pertaining to the protected area estate in Cape York Peninsula that is now presented predominantly in Chapter 7. The report was published on TWS's website and the findings promoted by TWS in radio interviews and media releases (e.g. ABC News Online, 2005). It was used by TWS as one of a number of tools to successfully lobby the State government to increase the resources available for the management of parks in the region.

The consultancy also provided a number of benefits to this thesis. First, TWS contributed $4,000 to my student research account in return for the work on the report and the funds were used to pay for expenses associated with the PhD research. Second, it provided an excellent means of understanding the nature and history of protected area management in Cape York Peninsula, particularly the challenges in delivering effective management. Third, it resulted in an invitation to Kowanyama to undertake a consultancy that would become the focus of this PhD research.

In mid-2005, the Oykangand Traditional Owners were planning to reinvigorate talks with Queensland Parks and Wildlife Service (QPWS) regarding the future community-based management of the Mitchell-Alice Rivers National Park (MARNP)[2]. They required assistance in preparing information that could assist them in their negotiations. The consultancy included a summary of their land use aspirations and natural resource management planning in the Errk Oykangand (homelands)[3]. The PhD topic was based on this core need and was expanded to

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[2] The MARNP was formally renamed the *Errk Oykangand National Park* on 23 October 2009, two years after the completion of fieldwork for this research. Hence, the original name is used throughout this thesis to refer to this portion of the Oykangand homeland, except in the title as preferred by the Traditional Owners

[3] Errk Oykangand means *"the place of the people of the outside lagoons/waterholes"* (of the Mitchell River). 'Homelands' is defined as the *"traditional country of Aboriginal people" (Commonwealth of Australia, 1987, p. xiv)*

provide adequate scope for the PhD and to provide the Traditional Owners with further relevant information to assist their negotiations.

The Kowanyama consultancy also contributed $8,000 to my student research account which was used to support my fieldwork. The final research proposal was negotiated over a 12 month period between June 2005 and June 2006, when it was presented in a confirmation of candidature seminar at JCU. I travelled to Kowanyama to commence fieldwork immediately thereafter. The focus of the research changed very little since the initial research proposal; however, the methodological approach and theoretical framework were continuously refined as fieldwork and analysis progressed.

1.2 The Research Aim

The aim of this thesis was to provide the Oykangand Traditional Owners with information that would assist them to negotiate a partnership with the state so they may achieve their aspirations for their families and for their homeland. It was anticipated that the knowledge generated by this research could be used in the design of appropriate management regimes and capacity development programs that may ultimately improve the lives of Aboriginal people through improvements in wellbeing and the creation of sustainable livelihoods. This in turn would lead to the effective management of protected areas in Cape York Peninsula through the conservation of cultural and natural heritage.

It was also the aim of this thesis to make a contribution to literature in the disciplines of the adaptive co-management, common-pool resource management and protected area management.

1.3 Co-researchers: The Oykangand Traditional Owners and the Kowanyama Community

Kowanyama is a small Aboriginal township of 1063 people[4] most of whom are directly descended from three tribal groups that lived in the lower Mitchell and Alice Rivers region prior to European settlement (Kowanyama Aboriginal Land and Natural Resources Management Office, 2003). Ninety-one percent of the Kowanyama population identify as being Indigenous[5]. The Kowanyama township and Deed of Grant in Trust (DOGIT) was originally established by Anglican Missionaries as the Mitchell River Reserve (see Freier, 1999 for an analysis of the interactions of Missionaries and Aboriginal people at the Mitchell River Mission). Administration of Kowanyama was taken over by the Department of Aboriginal and

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[4] Statistics from 2006 Census: http://www.oesr.qld.gov.au/products/tables/erp-age-sex-lga-qld-consult/index.php
[5] Based on 2011 Census data:
http://www.abs.gov.au/AUSSTATS/abs@nrp.nsf/Latestproducts/LGA34420Population/People12007-2011?opendocument&tabname=Summary&prodno=LGA34420&issue=2007-2011

Island Affairs (DAIA) in 1967 (known locally as 'Department Time') until an Aboriginal Council was elected by the people of Kowanyama in 1987.

In 1991 and 1996 respectively, Council purchased the neighbouring pastoral lease properties of Oriners (Helmsley) and Sefton, which are held in trust for the Kowanyama Community and managed by the Kowanyama Cattle Company as cattle raising properties (see Figure 1.1).

The Uw Oykangand, (also known as Kunjen and the Olkola / Olgol people) have traditional affiliations in the east of the Kowanyama DOGIT (at *Errk Igow* / Shelfo) and on the neighbouring properties further east, including Koolatah, Oriners and Sefton, part of Dunbar, and the MARNP. Hence, the MARNP is one of three different tenures that make up the much larger Errk Oykangand (homelands). It was clear that the MARNP could not be studied (or managed) without consideration of the larger, surrounding homelands.

The invitation to conduct research in Kowanyama was extended to me by Dr James (Jim) Monaghan on behalf of the Kowanyama Aboriginal Shire Council (KASC). Jim was manager of the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) (a section of Council operations) between 2003 and November 2006. Formerly, Jim was a lecturer the School of Tropical Environment Studies and Geography at James Cook University and undertook his PhD fieldwork in Kowanyama and Pormpuraaw. However, my primary mentors in Kowanyama were the returning and founding manager of KALNRMO, Mr Viv Sinnamon and Mr Colin Lawrence (an Uw Oykangand / Kunjen Elder).

My first visit to Kowanyama occurred in November 2005 to conduct a 'scoping study' which included a workshop and field trip to the MARNP to begin documenting the Uw Oykangand people's aspirations. The visit also enabled a preliminary mining of KALNRMO records for evidence of any work that had been achieved in this area to date. It was found at this time that the broad (high level) aspirations of the Traditional Owners had been documented as a reference for future negotiations under the *Aboriginal Land Act, 1991* (QLD) and the *Native Title Act 1993* (Kowanyama Aboriginal Land and Natural Resources Management Office, 2000). The document was presented to QPWS personnel in the year 2000. However, formal discussions regarding the Traditional Owner's aspirations had not progressed since this time beyond an exchange of several emails for reasons discussed further in Chapter 6. The workshop in November 2005 began a new and comprehensive process of clarifying and documenting the Oykangand people's aspirations for their homeland area. However, as evidenced by the work already documented and archived in the KALNRMO library, the Traditional Owners core aspirations had remained consistent for more than 20 years. At that early stage of the research, three core aspirations for their national park homeland were explicit:

- Recognition as the statutory owners of the national park homeland under Queensland legislation
- Community-based co-management of the national park. That is, management based in the Kowanyama community, integrated into the functions of the Kowanyama Aboriginal Land and Natural Resources Management Office and supported where necessary by the state and other external partners (consistent with the community's principles of self-governance)
- Management of the national park as part of the greater Aboriginal estate in recognition of the small size of the park and that cultural and environmental domains were not reflected by the gazetted boundaries of the park

1.4 The Research Setting

1.4.1 The Physical Setting

The Mitchell-Alice Rivers National Park is located about 600 kilometres northwest of Cairns in the southwest of Cape York Peninsula (see Figure 1.1). The MARNP is bounded to the west and north by Kowanyama-held and administered lands, including the Kowanyama Deed of Grant in Trust (DOGIT) area and the pastoral lease properties of Oriners and Sefton. The Mitchell River and Alice River create a natural boundary to the south and north (respectively) of the MARNP.

The 37,100 hectare national park was gazetted in 1977 (during 'Department Time') after being excised from Koolatah Station without the knowledge or consent of the Oykangand people. The park is representative of the woodland and grassland vegetation of the extensive alluvial plains of the lower rainfall regions of the Peninsula (Stanton, 1976). The area remains in excellent condition (Cockburn, Little, & Schroor, 2007), with natural values including seasonal creeks and river anabranches, lagoons and riparian forest. The area also holds cultural value for the Aboriginal Traditional Owners and contains historical/pioneer infrastructure such as remnants of a homestead and several cattle and bronco yards (in varying condition) throughout the park. The savanna ecosystems across much of Northern Australia, including Cape York Peninsula, are recognised as being the largest and most intact tropical savanna left on Earth, and thus are of outstanding national and international significance for biodiversity (Mackey, Nix, & Hitchcock, 2001; Valentine, 2006; Woinarski, Mackey, Nix, & Trail, 2007).

Due to annual flooding events typical of the Northern Gulf bioregion, this very remote national park is only accessible by four wheel drive vehicles along dirt tracks during the 'dry season' (about July/August to November). The park is accessed via the gazetted road corridors through

Kowanyama Deed of Grant in Trust lands and via a number of cross-country ‘back door’ tracks on neighbouring Koolatah and Oriners stations.

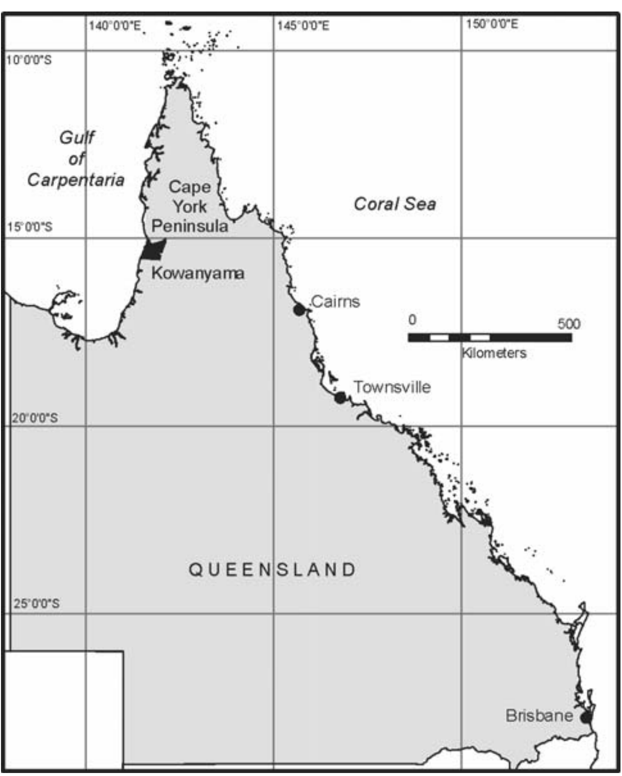

Figure 1.1 The Research Setting: Cape York Peninsula, Queensland, Australia

1.4.2 CYP Regional Demography and Economic Activity

According 2006 Census data, the counted number of residents in the Cape York Peninsula region was 11,699 which accounts for 0.3 per cent of the total population of Queensland (Queensland Health, 2009). In 2006, the Indigenous population accounts for 51.3 per cent of the total population of Cape York Peninsula. As a result of the *Mabo* (1992) and *Wik Peoples* (1996) decisions, Native Title rights and interests are likely to have survived across 87% (at least 12 million hectares) of Cape York Peninsula (Fitzgerald, 2001).

According to Altman (2001), from the late 1800s to the present day, Aboriginal people have depended on a 'hybrid economy', made up of market (the productive private sector), state (service provision, welfare etc.) and customary components, including hunting, gathering and fishing; and land/natural resource management. The dominant land use in the region is cattle grazing (the pastoral industry) which occupies 57% of the area but agriculture and fishing combined contribute only 5.4% of the gross regional product (GRP) (Fitzgerald, 2001). The mining industry contributes more than half of the GRP and occupies 4.5% of the land area. The second largest contribution to GRP is made by Community Services at 18.1%, demonstrating

the dependence of many residents on government welfare support. Environmental and natural resource management activity represents up to 10% of total economic activity in the region and has been conservatively estimated as worth $30 million per annum and growing in 2006 (Cape York Institute for Policy and Leadership & Balkanu Cape York Development Corporation, 2007). Traditional management of Indigenous lands is increasingly seen as a national benefit and of value to the Australian economy due to traditional owners' ability to deliver conservation management at equivalent or lower cost to the public than the state (Altman, 2001; Moran, 2006).

1.5 Background and Research Significance

Why is it important to the Oykangand people to be recognised as the statutory owners and managers of the MARNP? Why hasn't the state government accommodated their aspirations? And why is this case worthy of research? This section explains the background and significance of traditional owners' efforts to regain their rights and responsibilities for their traditional lands in Cape York Peninsula.

1.5.1 The History of Dispossession in CYP

Closely following colonisation, Aboriginal people in Queensland were subject to a series of *Protection Acts* starting with the *Aboriginal Protection and Restriction of the Sale of Opium Act 1897* (QLD). The intent of the Acts was to 'protect' Aboriginal people from the vices of European society (Australian Institute of Aboriginal and Torres Strait Island Studies, 2008). 'Protectors' appointed under the Act controlled almost all aspects of the lives of Aboriginal people until equal wages legislation was introduced in the 1960s. Thus, Aboriginal families were forcibly removed from their homelands and sent to live on missions or government settlements and children were removed from parents and sent to live in dormitories. Local superintendents decided who could marry, where they could work and, *if* they received their wages, how they could spend their money. No one could enter or leave the reserve without the superintendent's permission and speaking traditional languages and practicing customs was often forbidden. Many Aboriginal people practiced language, cultural obligations and ceremonies in secret, behind closed doors. However for those caught practicing traditional ways, punishments included beatings or removal to distant reserves, such as Palm Island.

Later, during the 1970s and 1980s, there were a number of developments proposed for the Cape York Peninsula region that were described by Horstman (1990) as 'the second wave of occupation'. These developments included mass tourism developments, a spaceport, an air force base, large scale open cut mines, land clearing and subdivision, logging and a gas pipeline (see Mackey et al., 2001; Valentine, 2006, p. for a description of past and contemporary threats

to the natural and cultural heritage of CYP). During the same period of time, the state government commenced a program of compulsory acquisition and voluntary resumption of pastoral lease properties so as to expand the protected area estate on Cape York Peninsula.

1.5.2 Expansion of the CYP Protected Area Estate

The declaration of protected areas in Cape York Peninsula is another historical example of how non-Indigenous legal and administrative control supplanted Aboriginal people's rights to natural and cultural resources and their economic benefits (Council for Aboriginal Reconciliation, 1994). In the 1970s, former officers of the Forestry Department, Mr. J. Peter Stanton and Dr. Peter S. Lavarack, compiled an extensive report on the natural heritage of the CYP region following three years of dry season field work. The scientists' report recommended a minimum of twelve areas for national park reservation including the Iron Range, McIlwraith Range, the catchment of the Jardine River, Archer Bend and the *junction of the Mitchell and Alice Rivers* (Lavarack, Stanton, & Queensland National Parks and Wildlife Service, 1975; Queensland National Parks and Wildlife Service, 1976; Stanton, 1976). These 12 areas represented a broad range of vegetation types, scenic amenity and the major historical and geographical features of the region. One of the areas targeted for addition to the protected area estate, Archer Bend, incorporated the Archer River Pastoral Holding.

1.5.2.1 The Case of John Koowarta and Archer Bend National Park

In Cape York Peninsula, the creation of national parks has long been seen by Aboriginal people as a form of invasion and dispossession due to the manner in which many of them were created and the restrictions placed on hunting, fishing, the development of homeland centres and potential economic uses (B. R. Smith, 2002; B. R. Smith & Claudie, 2003). How Aboriginal people came to view the gazettal of national parks in CYP was strongly influenced by John Koowarta's battle to acquire the Archer River Pastoral Holding.

In the 1970s, at the same time that Northern Territory Aboriginal people were provided with a means to claim ownership of their homelands, the Bjelke-Petersen Queensland Government was actively blocking the purchase of a pastoral station in Cape York Peninsula by a Traditional Owner. Between 1974 and 1976, John Koowarta, a member of the Winychanam group resident at Aurukun had sought the assistance of the Federal Labor Government's Aboriginal Land Fund Commission to purchase the lease of the Archer River Pastoral Holding for grazing and other purposes. The Commission agreed to the request and together they began to take steps to make the acquisition, entering into a written contract with the lessees for the purchase of the area and stock in February 1976. However, the transfer of pastoral leases are subject to the approval of the Minister for Lands of the State Queensland who refused to grant

the transfer stating government policy at the time, as per a Cabinet decision made in September 1972, as “The Queensland Government does not view favourably proposals to acquire large areas of additional freehold or leasehold land for development by Aborigines or Aboriginal groups in isolation” (*Koowarta v Bjelke-Petersen*, 1982). The Commission’s intent to purchase the lease for Koowarta was discussed in Cabinet in June 1976, who affirmed that, because “sufficient land in Queensland is already reserved and available for the use and benefit of Aborigines, no consent be given to the transfer of Archer River Pastoral Holding No. 4785 to the Aboriginal Land Fund Commission[6]”. Instead, the Government passed legislation to gazette the area as a national park, ‘Archer Bend’, which was placed under the control of the state’s protected area management agency, QPWS.

Legal action brought against the Bjelke-Petersen government[7] (*Koowarta v Bjelke-Petersen*, 1982) later found that these actions amounted to racial discrimination. While the new Goss government elected in 1989 assured Koowarta that he would receive title to his land (Brennan, 2008), Koowarta died in 1991 and Archer Bend today remains part of the Mungkan Kaanju National Park[8].

1.5.2.2 Expansion of the Protected Area Estate from 1970 to 2008

The protected area estate in Cape York Peninsula has continued to expand since the 1970s. The CYP tenure map for 1970 shows only three tenures: pastoral leases, mining tenements and Aboriginal reserves. Pastoral leases occupied over 77 percent of the Peninsula and state reserves (a tenure that is the statutory responsibility of the state’s environment department) occupied 3.6 percent. There were no national parks in the region (Holmes, 2011b).

In its first term (from 1989), the Goss Labor government pledged to double the area of national parks in the state to 4 percent (Paterson, 1991). In 1990, national parks and state reserves covered almost 13% of the Peninsula (Holmes, 2011b) and by 2005, almost 15% of the total area of Cape York Peninsula was gazetted as a protected area or another tenure that is the statutory responsibility of the state’s Department of Environment and Resource Management[9] (Larsen, 2005). A further $15 million was announced by Labor Premier Beattie for land acquisitions and additions to the protected area estate in the Peninsula with the passing of the *Cape York Peninsula Heritage Act 2007* (QLD)[10]. As a consequence, the Queensland

[6] See also (1988) for a description of the ALFCs attempts to purchase the Archer River Pastoral holding
[7] http://www.austlii.edu.au/au/cases/cth/HCA/1982/27.html
[8] On 6 October 2010 Premier Anna Bligh announced that a 75,000 hectares (750 km2) portion of the park would be given over to the Wik-Mungkan peoples as freehold land: http://news.theage.com.au/breaking-news-national/indigenous-land-return-ends-shame-20101006-166yd.html
[9] The Department of Environment and Resource Management (DERM) was known as the Environmental Protection Agency until 2009
[10] *QPWS#1 interview 21-8-07*

government maintains a commitment to acquire further land of high natural integrity for inclusion in the National Reserve System (Schneiders & Hill, 2003).

While the processes used by the Queensland Government to acquire land for conservation in Cape York Peninsula have become more inclusive of Indigenous interests in the region since the 1970s, tension remains between the rights of Traditional Owner groups and the demands of conservationists wanting to increase the protection of the region's outstanding natural and cultural attributes[11]. As much of CYP is marginal in terms of its agricultural productivity it has received limited investment in landscape transformation and subsequently has retained its high conservation value (Holmes, 2010). From the 1995 election campaign, Labor has used CYP as "a prominent, low-cost arena by which to gain green electoral preferences in successive elections" (Holmes, 2011b, p. 227).

As stated by Smith (2002), "Given this history, it is little surprise that Aboriginal perspectives over the existence of national parks - which severely affect hunting, fishing and outstation development by Aboriginal owners, let alone the potential for enterprise development - remain jaded." Hence, the acquisition and reservation of land for conservation purposes was, and still is, perceived by many Aboriginal communities as a threat to their aspirations, self-governance and economic development in Cape York Peninsula (see for example, Owens & Wilson, 2010).

1.5.3 The Legacy of Dispossession in CYP

Respected authors, academics and politicians now widely acknowledge that the present state of disadvantage in Australian Aboriginal communities and their dependence on welfare is directly related to their alienation or dispossession from much of their land (Council for Aboriginal Reconciliation, 1994; Cronin, Smallacombe, & Bin-Sallik, 2002; Davidson & Jennett, 1994; Fitzgerald, 2001; Noel Pearson, 2000; Steering Committee for the Review of Government Service Provision, 2003). As in other Indigenous communities around the world, Queensland Aboriginal peoples' dispossession and exclusion from their homelands and the use of natural resources has also engendered profound social costs (Borrini-Feyerabend, Kothari, & Oviedo, 2004).

The legacy of the past continues to be felt by succeeding generations as Aboriginal people rebuild family networks and cultural links and deal with ongoing social and economic problems. In Cape York Peninsula, the median age of death of Aboriginal people is approximately 20 years below that of non-Indigenous Australians (Queensland Health, 2009). Suicide rates among Aboriginal males in remote communities are over six times higher than that of Queensland's overall population; alcohol-related death rates are over 21 times higher

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[11] Pickerill (2009) examines the complexities of contemporary negotiations between conservationists and Aboriginal people on the peninsula.

than the general Queensland rate; and homicide and violence (much of it alcohol-related) is eighteen times higher (Aken, 2004, p. 3). In addition, Pearson (2005) states that only 14 per cent of Indigenous Australians receive an income from paid employment in the mainstream economy (not including *Community Development Employment Program* (CDEP) – an Australian Government 'work for the dole' scheme). Pearson also cites figures provided by Education Queensland that in one Cape York Peninsula community, only six percent of year seven students will go on to complete secondary school.

Aboriginal people are now demanding the right to make their own decisions about the future use of their traditional lands and to obtain economic outcomes for their communities where appropriate. However, the question arises: *do the Aboriginal communities of Cape York Peninsula have the capacity to take ownership and management of national parks?*

In an interview for this research[12] a senior staff member at the Cape York Institute for Policy and Leadership stated: There are

> *"…fundamental issues that Aboriginal communities deal with around capabilities and community dysfunction. Things like the alcohol epidemics, the lack of community social stability that impacts on everything you try and do in your daily life… Basic capabilities of health and education, literacy, numeracy, you know and ability to work, a will to work. Basic capabilities are rare, not common, in the community. And we need to rebuild those… to have an effective 'caring for country' program there's a much broader skill set that needs to be developed. And that is administration, it's grant writing, it's fundraising, it's scientists, it's traditional knowledge scientists, it's this whole bag of things."*

1.6 Research Participants: Queensland Parks and Wildlife Service

The same question regarding capacity for management could also be asked of the state's protected area management agency. In early 2005, environmental non-governmental organisations (ENGOs) and scientists were increasingly raising concerns regarding the Queensland Government's commitment to environmental protection and management (e.g. see Taylor & Schneiders, 2005). My own research for my Honours thesis in 2004 had found that rangers in North Queensland were often too poorly resourced to effectively manage their protected areas (Larsen & Valentine, 2007; Larsen, Valentine, & Birtles, 2006). In addition, the consultancy report I completed for TWS at the start of this PhD found that the resources provided by the State for the management of the protected areas in the Peninsula were grossly

[12] *CYI interview 23-8-07*

insufficient to provide effective management (Larsen, 2005). After considerable lobbying by ENGOs, on 5 June 2005, the Premier committed an extra $58 million in recurrent funding over four years to help manage Queensland's national parks, including at least seven new staff on Cape York Peninsula (Beattie, 2005). Five ranger traineeships were also identified for local Indigenous people.

The 2006 Census data shows that more than fifty percent of the resident population in Cape York Peninsula are of Indigenous decent and Native Title rights are likely to survive over 87 percent (at least 12 million hectares) of the land area of the region (Fitzgerald, 2001), including the protected area estate. Subsequently, the Queensland government has recognised the need to implement cooperative management arrangements with the Traditional Owners of protected areas where Native Title is likely to have survived. Despite these factors, Indigenous peoples' involvement in the management of parks was minimal, with only 5 per cent of QPWS ranger positions occupied by Indigenous people state-wide (Queensland Minister for Environment, 2004). Queensland's model for the cooperative management of national parks at the time this research commenced in 2005 consisted of the framework provided under the *Aboriginal Land Act, 1991* (QLD). However, this co-management model was unsuccessful in that no claims under the ALA had been finalised and proceeded to grant.

An impasse had been reached and the state government was at a point where it needed to review the legislation and facilitate reform to allow cooperative management arrangements with traditional owners to be negotiated and implemented.

The state's protected area management agency, QPWS, a division of the state's Department of Environment and Resource Management (DERM), is the authority responsible for the administration of the *Nature Conservation Act 1992* (QLD) and the management of the state's protected area system. According to the Master Plan for Queensland's Park System, the vision of QPWS is:

> *"To contribute to the conservation of natural and cultural heritage in Queensland by establishing and managing a comprehensive and fully representative system of protected areas, managed in partnership with Indigenous people, and with the involvement of an informed and participating community." (Environmental Protection Agency (QLD), 2001, p. 3)*

QPWS Northern Region headquarters, which is responsible for the CYP parks, is based in Cairns on Queensland's east coast. In 2005, the responsibility for the day-to-day management of protected areas fell to QPWS rangers. Many QPWS rangers were based on-park, while others are based in regional towns. QPWS rangers who managed the Mitchell-Alice Rivers National Park were based in the town of Chillagoe - four hundred kilometres to the south-east

of the park. The Northern Region manager provided consent for QPWS employees to participate in and contribute to this research and no individual officer refused to be involved. Further discussion on the ethical relationship with QPWS officers is provided in Section 3.11.1.4.

1.7 The Problem

The gazettal of the MARNP in 1977 within the Oykangand people's traditional estate but without their knowledge or consent was perceived by the Traditional Owners as a further act of invasion and dispossession. For people who value the land as the source of their cultural heritage and identity, as well as for food, medicine, raw materials for cultural items and other economic benefits; the dispossession of that land by a dominant mainstream society has had a devastating spiritual and psychological effect.

There is a growing trend around the world for managers and policy makers to move towards more participatory and inclusive forms of protected area management, replacing 'westernised' top-down forms of governance (Borrini-Feyerabend, Kothari, et al., 2004). There are recognised socio-economic, ecological and cultural benefits at local, regional and national levels from having Aboriginal people based on-country and undertaking community-based land management in northern Australia (Altman, 2003; B. R. Smith & Claudie, 2003). If the people who depend on the land are sustained, then we secure the best means of caring for the heritage which we seek to conserve. One way that people can be sustained is to facilitate their aspirations for their traditional land, including the devolution of land management responsibilities and benefits to local communities. This is important for Aboriginal people because, according to their ongoing cultural obligations, the land is cared for through their presence and ongoing use of natural resources.

The establishment of collaborative or 'joint management' regimes for national parks are seen as a means of redressing Indigenous disadvantage and land dispossession in Australia. Attempts to negotiate co-management arrangements for the MARNP under the Aboriginal Land Act in the 1990s were unsuccessful. Subsequent discussions between Traditional Owners and the Queensland government regarding interim (non-statutory) co-management arrangements for the park had also ceased several years prior to the commencement of this research. Despite lodging a Native Title claim in 1996, negotiations for an ILUA with the state government for the national park were also yet to commence.

In 2005, the legislative environment in combination with the unique context and capacities of each community had resulted in a lack of acceptable co-management options for the protected areas across Cape York Peninsula and little consistency or clarity in either the negotiation

process or the achievable outcomes (Memmott & McDougall, 2003; Valentine, 2006). Barriers to Aboriginal people regaining responsibility and authority for their homelands includes lack of legally recognised 'ownership'; inadequate capacity for effective community-based land management; and a reluctance to devolve power from regional organisations to local control and management (B. R. Smith & Claudie, 2003).

1.8 The Research Question

As stated in section 1.2, the aim of this research is to provide the Traditional Owners with information that will assist them to negotiate a partnership with the state that may ultimately achieve their aspirations and thereby improve the lives of the Oykangand people and lead to the effective management of the MARNP.

From this central aim, a research question was developed to help provide a theoretical focus to the investigation. Berkes (1997, p. 6) made the following assertion:

"Very little scholarly work addresses, in my opinion, the key question: *When is co-management feasible?*"

This is the primary research question for this thesis. This thesis examines the historical and contemporary processes used to pursue co-management arrangements for the MARNP in Cape York Peninsula. This thesis is also concerned with understanding how sustainable, resilient co-management systems are created. Such an investigation can identify the key 'pre-conditions', or those aspects of *capacity*, that support or challenge the creation of formal partnerships with Aboriginal traditional owners, their communities and the state's protected area management agency, QPWS.

1.9 Thesis Presentation & Structure

Because this research takes an emic, community-centred perspective, the results (and the chapters) are presented in a sequence that best allows the story of the Traditional Owners and their national park homeland to be told. Additionally, each chapter builds a robust case for the conclusions presented in Chapter 9. The model presented in Chapter 9 is based on the major themes that emerged from this qualitative research.

As will be explained in Chapter 3, the data that were analysed to inform this thesis have come from a wide variety of sources. Many documents (published and unpublished) and images were found in the KALNRMO library and QPWS archives. These documents include: research theses and journal articles, presentations, consultancy reports, media reports, government agency reports, and locally produced documents (e.g. annual reports, council memos),

publications, multimedia (photos, video) and communications (emails, faxes, letters). Unpublished documents and primary data from participation and observation, interviews and community meetings are referenced as *footnotes*. Published documents or presentations are cited in-text and referenced in full at the end of this thesis.

Chapter 1 introduces the research. The two core aspirations of the Traditional Owners are introduced in Chapter 1 because they are central to the desired outcomes of a prospective ACM regime for the Mitchell-Alice Rivers National Park. Chapter 1 also sets the scene with regards to the social-economic-political setting and the historical context of national park management in the region. These aspects of the social-ecological-system are fundamental to the aim and research question which are also presented in Chapter 1.

Chapter 2 traces the theoretical bases of the co-management concept within a number of literatures and its evolution towards the interdisciplinary concept of *adaptive co-management* (ACM). The chapter seeks to understand the potential of ACM for application in an Australian protected area co-management context. This chapter also explores why Indigenous communities and government organisations enter into co-management arrangements for protected areas and examines existing literature that has identified attributes of social-ecological systems that facilitate the co-management of resource systems at the global / theoretical scale.

Chapter 3 focuses on the methodological approach used in this research. In Part A, a holistic, evaluative framework is developed for conducting an ex-ante evaluation of a social-ecological system to identify the critical factors that support or challenge the implementation of ACM. The key tasks for evaluating the feasibility of ACM in the MARNP are also identified. In Part B, the action research literature is reviewed and a methodology that incorporates Indigenous worldviews is developed from action research to suit the present context. Finally, the chapter describes how this methodology, named Indigenous Collaborative Action Research (ICAR), was developed alongside the negotiation of a 'Research Agreement', each informing the other. The chapter describes how the ICAR principles also informed the choice of methods used to collect and analyse data.

Chapter 4 presents the natural and cultural heritage attributes of the Mitchell-Alice Rivers National Park and identifies the threats to the integrity of the social-ecological system. The traditional, historical and contemporary rights to the use of the resources are discussed in order to identify the Traditional Owners' and the State's rights and interests in the area.

Chapter 5 expands in detail the Traditional Owners' aspirations (desired outcomes) for the ownership and community-based management of their MARNP homeland. The current management or governance system is described, along with the new or proposed governance

system which describes how the Traditional Owners aim to achieve their desired outcomes of ACM.

In *Chapter 6* international and national efforts towards the adaptive co-management of protected areas is investigated. These efforts are compared and contrasted with the legislation and policies that provide the framework for the co-management of national parks in Queensland. The chapter investigates with the progress made by the State since the 1970s in meeting Traditional Owner needs and aspirations. Queensland's protected area management objectives are compared and contrasted with the aspirations of the Oykangand people.

Chapter 7 critiques the Queensland Parks and Wildlife Service's capacity to manage national parks in Cape York Peninsula, including the MARNP, with a focus on the available financial and human resources. The capacity of the state to achieving the desired outcomes of adaptive co-management (ACM), that is, to improve the lives of Aboriginal people and the conservation of cultural and natural heritage.

Chapter 8 aims to understand the capacity of the KALNRMO, with the support of the Traditional Owners, to provide leadership in the adaptive co-management (ACM) of the Mitchell-Alice Rivers National Park. KALNRMO's demonstrated capacity to support ACM in other resource sectors experiencing conflict and management dilemmas (e.g. fisheries, fire and tourism) provide a proxy understanding of their ability to support ACM in the MARNP. The effectiveness of the community in managing their resources and those aspects of capacity that may challenge the implementation of ACM in the MARNP are identified.

Chapter 9 presents the theoretical contributions to the literature from this research, including the potential applications and future research. The principle result of this research is presented in a coherent, integrative model that describes those preconditions, or aspects of capacity, that were found to be critical to the implementation to ACM in the context of the Mitchell-Alice Rivers National Park. The model presents seven themes that have emerged from the data and loosely ordered so that the most crucial to the emergence of ACM provide the foundations to the model. Together, these attributes of the social-ecological system are what makes co-management feasible in the context of the Mitchell-Alice Rivers National Park. The chapter also presents two methodological contributions to the literature. A discussion on the limitations of this research completes this final chapter.

1.10 Limitations

There are several limitations to this research that are described at the appropriate stages throughout this thesis and are drawn together in the Conclusions Chapter at Section 9.4. However, one limitation is worthy of noting 'up front' to assist the reader to form a clear

understanding of the timeframes and the context within which this research was conducted and the write-up of the thesis was completed. Describing this limitation will assist the reader to interpret the results of this research and to make conclusions about its current significance, including its application to other settings (both geographical and temporal).

Timeframe issues associated with this PhD thesis may be considered a limitation by readers, particularly as the duration of my candidature from commencement to submission for examination was seven and a half years. As a non-Indigenous person working ethically with an Indigenous community utilising Indigenous Collaborative Action Research (ICAR) methodology and principles, my ability to complete and submit this thesis within academia's expected three to three-and-a-half year timeframe was greatly impaired.

This research commenced in February 2005 and fieldwork ended in November 2007. By October 2008, the thesis was at a stage where the data had been analysed and the research was successfully presented at a pre-completion seminar at James Cook University. The preliminary results were also presented at the Australian Protected Areas Conference in November 2008. It was at this point that stipend support ended. There followed a period of three and a half years where the write-up of the thesis progressed on an irregular basis during leave from work and on weekends and was finally submitted for examination in July 2012.

Despite submission of this thesis in 2012, readers may note that the vast majority of literature that informs this thesis was published prior to 2009. This transpired because the literature that is reviewed in both Chapter Two and within each of the chapters that present and discuss the results of this qualitative research are necessarily located within the context that the research question and research aims were developed, the significance of the research established, and the data were analysed. Many publications published after 2008 are also relevant to the context and therefore inform the literature review and discussion of the research results within each of the chapters. However, the number of publications included after 2008 are reduced in number in this thesis and some recent papers may by some be considered to by some experts to be key literature has not been included if it doesn't bear relevance to the context or period within this research was undertaken. This research does not claim to have transferability across time or space. It is a case study undertaken to address an issue of concern to a particular community at a single point in time.

Plate 1.1 Kowanyama Township & location of KALNRMO (photo courtesy of KALNRMO)

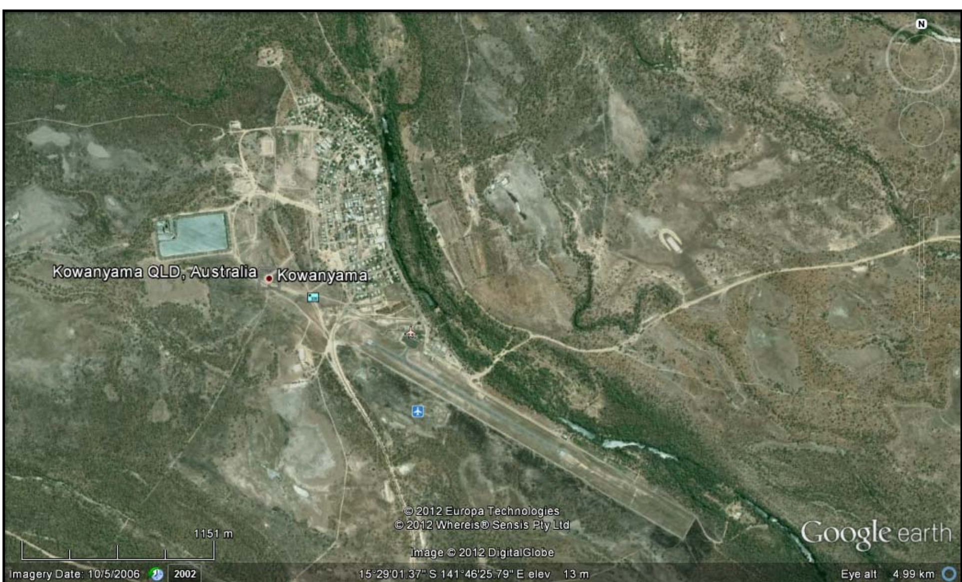

Plate 1.2 Kowanyama Township (Google Earth image, 2012)

Chapter 2 Coevolution and Integration in Protected Area Co-management Theory

2.1 Introduction

Each chapter of this thesis has objectives that focus on answering the research question, 'What makes co-management feasible?' This chapter has three objectives:

1. to understand the theoretical foundations of the concept of adaptive co-management and their potential for application in an Australian protected area co-management context
2. to understand why Indigenous communities and government organisations enter into co-management arrangements for protected areas
3. to understand the attributes of a social-ecological system that facilitate the co-management of resource systems at the global / theoretical scale

The chapter will trace the theoretical bases of the co-management concept within a number of literatures and its evolution towards its recent emergence as the interdisciplinary concept of adaptive co-management (ACM). The development of the ACM concept has been influenced by a number of Western scientific resource management concepts particularly common-pool resources (CPR) and adaptive management (AM) (Armitage, Berkes, & Doubleday, 2007). Authors contributing to the protected area management literature, as has occurred in other systems of resource management (e.g. forestry and fisheries), have adapted ideas and concepts from CPR, AM and other sources for use in their own particular field. These theories all seek to understand and resolve the "social dilemmas of collective action" (Ostrom, 1998) in complex social-ecological systems.

Not well recognised is the influence of Indigenous knowledge systems on these foundation concepts and on ACM itself. Figure 2.1 illustrates the coevolution and integration of the literatures since the 1970s. Their interactions with each other and with Indigenous knowledge systems over time resulted in the emergence of ACM early this century. As Indigenous knowledge systems navigate from antiquity through modern times and through the Western scientific literatures, it has helped to shape and create new theoretical landscapes (i.e. ACM) while maintaining its own core integrity and identity.

ACM systems are (a) community-sensitive, (b) tailored to specific contexts, (c) characterised by on-going learning and adaptation and (d) supported by various organisations at different scales (Olsson, Folke, & Berkes, 2004; Ruitenbeek & Cartier, 2001). The ACM literature has principally been developed and tested by North American and European researchers in a variety

of resource management contexts. It is not yet widely utilised in the protected area management (PAM) field and has not been widely cited (if at all) in Australian PAM case studies. This thesis therefore introduces adaptive co-management into the Australian PAM context.

This literature review critiques the facility of ACM for guiding an investigation of prospective protected area co-management arrangements between Indigenous peoples and government management agencies. Do the principles and components of ACM provide an appropriate framework for the task ahead? To answer this question, section 2.2 introduces some fundamental components of Australian Aboriginal and contemporary Western knowledge systems, or ideologies of resource management, and discusses their interactions. Sections 2.3, 2.4 and 2.5 introduce the concept of co-management and its role within: (a) the paradigm shift in protected area management, (b) common-pool resources and (c) ecosystem based management respectively. The compatibility of these western concepts with Indigenous knowledge systems is examined throughout these sections and the attributes of these concepts that facilitate and/or challenge the co-management of protected areas are identified.

Section 2.6 presents the possible motivations or rationale for Indigenous communities and government organisations for entering into co-management arrangements for protected areas. Section 2.7 introduces the concept and components of adaptive co-management. It is found that the principles and components of ACM are tantamount to the attributes of a social-ecological system that facilitate the co-management of resource systems such as protected areas. Therefore, it is concluded in section 2.8 that ACM is suitable for use as a guiding concept for the thesis.

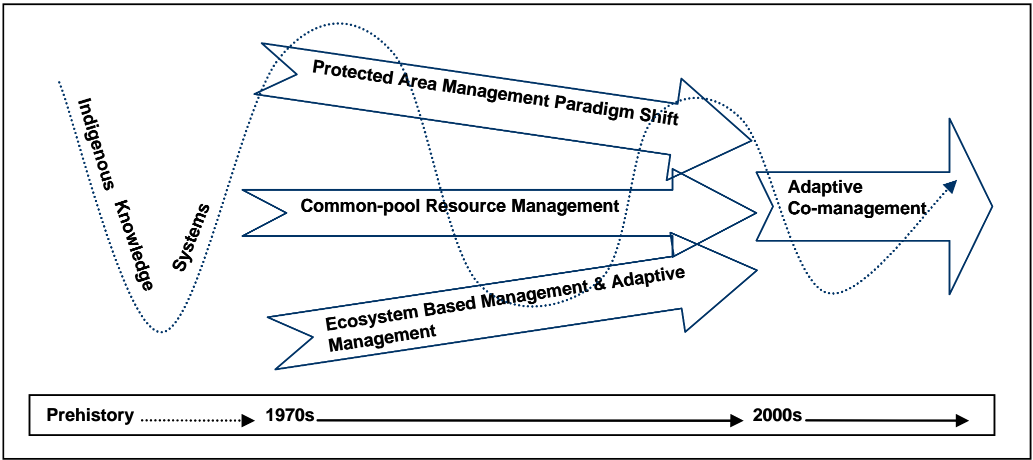

Figure 2.1 Convergence of environmental management literatures and interactions with Indigenous knowledge systems

2.2 Indigenous and Western Knowledge Systems

In Australia, two concepts that epitomise the differences in Aboriginal and Western or non-Indigenous worldviews and relationship with the land are 'country' and 'wilderness'. This section provides an introduction to Aboriginal knowledge systems and relationships with 'country', and Western knowledge systems and the bases for managing natural resources, including protected areas. It is only an 'introduction' because there are many valuable publications that describe in great depth Australian Aboriginal knowledge systems and the differences with Western ideologies and epistemologies.

Deborah Bird Rose's (1996) highly acclaimed work Nourishing terrains: Australian Aboriginal Views of Landscape and Wilderness uses the words, poems, songs and stories of Aboriginal people from all over Australia to provide non-Indigenous Australians with a greater understanding of the significance of Aboriginal connections with country.

While Indigenous peoples' worldview has shared meanings across the continent's language groups, for Australian Aboriginal people, knowledge comes from *country* – it is highly localised and specific to the place and to the people who belong to that place (Berkes, 2012b; Muir, Rose, & Sullivan, 2010; Rose, 1996). Accordingly, this section will cite published information pertinent to the worldview of the Oykangand people provided by the anthropologist Professor Veronica Strang. Strang's doctoral research with the Oykangand people provides insight into the differences in their worldview and their relationship with their homeland compared to those of the non-Indigenous (white Australians) who settled the area that later became known as the Mitchell-Alice Rivers National Park.

2.2.1 Indigenous Knowledge and the Meaning of 'Country'

According to Rose (1996), the basis of wealth in Aboriginal culture is knowledge. Material wealth is less important than knowledge which was traditionally held by elders and passed on in numerous ways including dance, song and ceremony. "The subjects of these are usually narratives describing how ancestral figures create and recreate the land and its resources. This occurs in a special form of time/space which is translated as 'the dreaming'. The sum of these stories is called 'the law'" (p. 32).

Rose (1996) has managed to capture the essence of the meaning of 'country' to hundreds of Australian Aboriginal groups each with their own distinct cultures. While there is no universal 'Aboriginal culture', Aboriginal people do experience 'country' in similar ways. Country is 'synonymous with life'. It is holistic and multidimensional, consisting of

> *"people, animals, plants, Dreamings; underground, earth, soils, minerals and waters, surface water, and air. There is sea country and land country; in some*

> *areas people talk about sky country. Country has origins and a future; it exists both in and through time."* (p.8)

Country is a 'nourishing terrain' within which

> *"all the elements do their work. They all nourish each other because there is no site, no position, from which the interest of one can be disengaged from the interests of others in the long term. Self-interest and the interest of all of the other living components of country… cannot exist independently of each other in the long term. The interdependence of all life within country constitutes a hard but essential lesson ~ those who destroy their country ultimately destroy themselves… [M]anagement of the life of the country constitutes one of Aboriginal people's strongest and deepest purposes in life, as well as making up much of their daily lives in so far as it is still possible for people to take care of their country."* (p.10)

2.2.2 The Meaning of 'Wilderness'

> *"Wilderness is the raw material out of which man hammered the artefact called civilization" (Leopold, 1966, p. 241).*

When European colonists first 'discovered' and explored the Australian continent, they saw, using their own cultural lens, a land with no sign of development or property ownership with which they were accustomed. They subsequently assumed that the landscape was 'natural' and 'unaltered' by the few Indigenous people they came into contact with - a 'wilderness' from which a civilization may be hammered. Australian Aboriginal people were perceived by the colonists to be transients and not associated with any particular territory. The British claim to the Australian continent was thus based on the concept of terra nullius, or land belonging to no-one. The Western notions of wilderness and terra nullius have come to embody the notion of dispossession for Australian Indigenous people and their clash with Western ideologies regarding the occupation and use of land.

Not recognised by the colonists was that,

> *"… at the time of their arrival this continent already had been discovered. It was already travelled, known, and named; its places were inscribed in song, dance and design; its histories were told from generation to generation; its physical appearance was the product of specific land management practices; its fertility was the product of human labour which had been invested in the land" (Rose, 1996, p. 18).*

The different ideological bases of Indigenous and Western relationships with land and its resources have created often enduring conflicts over rights and responsibilities for their use and

management. As explained by Rose in her description of Australian Aboriginal peoples conception of land (1996, p. 4),

> *"there are genuine social and cultural differences among the different families of humanity, and... Aboriginal people have developed a system of knowledge and a way of managing the continent that is quite different from the ways that European-derived cultures manage knowledge and land."*

The different values which people hold for the land and its resources, such as those demonstrated in Table 2.1 may create tension and often conflict between those with an interest in an area. Such tension may even occur within a relatively homogenous culture, but is often amplified when occurring between societies with very different worldviews.

Table 2.1 A Summary of Values (Strang, 1997, p. 285)

Aboriginal Australian	**White (non-Indigenous) Australian**
Unboundaried	Boundaried
Connected / immediate	Alienated / distanced
Holistic / integrated	Specialised / fragmented
Lateral / spatial	Linear / temporal
Emotional / irrational	Intellectual / rational
Subjective	Objective
Qualitative	Quantitative
Implicit / metaphorical	Explicit / Literal
Conservative / passive	Progressive / active
Stable	Mobile / transformational
Mystical / spiritual	Scientific
Personal / specific	Impersonal / generic
Collective / relational	Individual / independent
Vague	Precise
Small-scale	Large-scale

Not explicitly demonstrated in the above table, is that in contemporary Western societies, land and natural resource management strategies (such as those practiced in developed colonised countries such as Australia, Canada and the United States of America) are predominantly based on utilitarian values of economic exchange. The aim of forest and fishery management, for example, is to increase or maintain productivity and commercial viability of the resource. In order to achieve this, Western countries have developed a knowledge system increasingly based on 'science' which has become an important basis for management actions.

However, policy makers are now beginning to become aware of the limitations of technology and science and to recognise that Indigenous knowledge has enabled its holders to manage their homelands sustainably (Battiste, 2008). For these reasons, Indigenous ecological knowledge is now seen as an essential part of sustainable resource use and environmental protection and management.

Western motivations for setting aside undeveloped areas of land for their preservation or protection, on the other hand, have focused on intrinsic values. 'Wilderness' has become the principle target of the Western environmentalists of developed nations seeking to protect the remnants of the once vast natural ecosystems that existed prior to colonisation and industrialisation.

> *"Wilderness is sometimes presented as though based on principles for biodiversity conservation, making reference to large areas of land sufficient for ecological sustainability… [However] In practice, definitions mostly invoke subjective and sensory qualities, such as apparently untouched, pristine characteristics of land; the absence of human artefacts associated with the industrial age; remoteness from modern society; boundaries of sight; capacity to offer opportunities for solitude; and the potential for restoration to enhance or produce these qualities" (Russell & Jambrecina, 2002, p. 128).*

Jenny Pickerill (2008, 2009) writes on the differences in language used by Indigenous and environmental NGOs in their approaches to country / the environment in Cape York Peninsula.

> *"There is increasing recognition that environmental groups' evocations of 'wilderness' as a rallying call for the protection of large tracts of land ignores the complexity of Indigenous rights and knowledge, and is tantamount to ecological imperialism."* (Pickerill, 2008, p. 95)

To illustrate the intense and often passionate connection that Westerners may associate with wilderness, consider the profound words of J. Peter Stanton (1980, p. 80), spoken at the Second World Wilderness Congress in Cairns, regarding the conservation value of Cape York Peninsula:

> *"I have not chosen to give compelling scientific evidence of the value of Cape York Peninsula wilderness. I have, instead, preferred to dwell on the ways it can enrich the inner life of those who take the trouble to experience it. It may be desirable that rationality and science should rule the world, but there is little evidence that the behaviour of human beings was ever guided for long by their precepts. It is the heart that still rules, and if the morality of the arguments for caring for one of*

> *nature's last realms in this devastated continent… is not enough, the cold arguments of science will not suffice."*

Despite the intrinsic value environmentalists place in wilderness, there is not necessarily common ground with Indigenous peoples. Australian Aboriginal peoples' worldview combines intrinsic with utilitarian values. Without the presence of people within the landscape, using and managing its resources, the land is 'lonely', 'empty' and 'going to waste'.

B. R. Smith (2002, p. 2) described the concept of 'wilderness' within the world-view of the Kaanju Traditional Owners' of central Cape York Peninsula as "at best nonsensical and at worst an aspect of dispossession".

> *"On visiting the Mungkan-Kaanju National Park, traditional owners bemoaned the fact that the country has 'gone wild', become scrubby and overgrown and out of the material and spiritual control of its traditional owners. For traditional owners, both the forced abandonment of living on and working their land and its uptake by national parks are infringements of Aboriginal law and custom. 'Standing empty' the land is 'going to waste'."*

Also consider Rose's (1996, pp. 20-21) explanation for Aboriginal peoples' perception of the words 'wilderness' and 'wild':

> *"Since 1788, with the progressive cessation of Aboriginal land management practices… with the increasing congregation of Aboriginal people in settlements, and with the introduction of new forms of land use and land management, there is developing a pervasive 'wild' ~ a loss of life, a loss of life support systems, and a loss of relationships among living things and their country. For many Aboriginal people, this 'wild' has the quality of deep loneliness."*

There is little doubt, then, that many Western people feel a generic passion for 'wilderness' that has great potential to collide with Indigenous spiritual connections to their own 'country'.

While wilderness everywhere is valued by environmentalists, indigenous people focus on the wellbeing of their own lands. As previously stated, in the Australian Aboriginal worldview, knowledge is tied to place, as are those people who hold the knowledge of country, and subsequently, it is only those persons who have such a substantive relationship with 'country' who can 'speak for' the area in question. This emphasis on substantial ties to a particular locale is clearly at odds with the advocacy of environmentalists for wilderness protection everywhere.

Another major source of tension between environmentalists and Indigenous peoples is created by the legacy of colonisation and subsequent dispossession of Indigenous people's land and culture:

> *"... colonisation of aboriginal Australia was about controlling the land, the real wealth (possibly the only one that matters) of indigenous peoples all over the world. Indigenous identity and culture cannot be separated from the land; the nature-culture dichotomy, so prevalent in Western thought, is an alien epistemology for indigenous peoples"* (Banerjee, 2000, p. 9).

The gazettal of protected areas, the layering of environmental legislation over traditional lands and the use of non-statutory devices (such as the Commonwealth's 'National Wilderness Inventory' (e.g. Lesslie, Abrahams, & Maslan, 1992)) tend to prejudice Aboriginal land interests due to the history of conservative use in these areas (Langton, 1998). These Western devices are often perceived by Aboriginal people to reduce the potential for future development and economic opportunities which may provide livelihoods and improve the wellbeing of disadvantaged communities.

There is also recognition that many 'past' colonial relations and practices continue into contemporary resource and conservation management practices. As will be discussed later in section 2.4, as in many other colonised countries, the conservation of the land and its resources in Australia has come to be considered the exclusive responsibility of the state and managed by government management agencies. As stated by Scott (2009, p. xii):

> *"The need for the natural resources of the "tribal zone" and the desire to ensure the security and productivity of the periphery has led, everywhere, to strategies of "engulfment," in which presumptively loyal and land-hungry valley populations are transplanted to the hills."*

In Cape York Peninsula, transition from production values (e.g. pastoralism) to consumption (e.g. tourism), protection (e.g. national parks) and Indigenous values has occurred in earnest from the 1970s (Holmes, 2011b). This broad scale transition has created inevitable and often intractable disputes characterised by a complex array of policies, tenures, territorial claims, legislation and agreements (Holmes, 2010, 2011a).

Until very recently, Indigenous peoples were, at best, 'consulted' over management decisions and occasionally invited to participate in the management of resources controlled by others. Local and Indigenous conservation knowledge, skills and organisations were often neglected and undermined leading to conflict regarding the use, management or conservation of resources located on traditional lands. As was the case with John Koowarta (Chapter 1), conservation, including the dedication of national parks, wilderness areas, and conservation reserves, was used by the State with the support of environmentalists to thwart Aboriginal aspirations and claims to state lands (Figgis & Donald, 1986; Miller, 1992; Toyne & Johnston, 1991).

2.2.3 Towards Reconciliation in Conservation Management in Australia

More than 200 years after colonisation, the notion of terra nullius was overturned in the High Court of Australia in what became known as the Mabo decision . The High Court found that, at the time of European settlement, the claimants did hold, and continued to hold, customary title to their lands in the Torres Strait. The decision held implications for all Australian Indigenous peoples and, in his Mabo judgement, the Chief Justice of the High Court, Sir Anthony Mason, specifically referred to national parks as an example of land tenure where he anticipated that native title would have survived.

> *"Native title continues where the waste lands of the Crown have not been so appropriated or used or where the appropriation and use is consistent with the continuing concurrent enjoyment of native title over the land (e.g., land set aside as a national park)."*

The Mabo decision and the resultant *Native Title Act, 1993* (Cwth) transformed Australian Indigenous peoples' interests in protected areas, entitling them to claim native title rights and to subsequently negotiate cooperative management arrangements over state-owned national parks (Woenne-Green, Johnston, Sultan, & Wallis, 1995).

According to Robertson, Vang and Brown (1992), adequate protection of wilderness in Australia is unlikely to be achievable unless native title and Indigenous peoples' aspirations for their country are comprehensively addressed at the national level. Recognition of Indigenous peoples' opposition to the concept of wilderness and the high correlation of wilderness areas with lands that retain native title interests has prompted a redefinition of 'wilderness' in Australia since the early to mid-1990s (Howitt, 2001; Sultan, Josif, Mackinolty, & Mackinolty, 1995).

As explained by Robertson et al., (1992):

> *"wilderness has come to mean a landscape that is valued because it is undeveloped by colonial and modern technological society. In this sense, 'wilderness' does not represent a perpetuation of notions of 'wasteland' and Terra Nullius used against indigenous people. Rather it encompasses a view that all that the land contains – including indigenous culture – is to be respected, appreciated and sustained."* (p.18)

Despite such sentiment, environmental groups active in the CYP region have been slow to change their language and practices regarding their use of the word 'wilderness' as a place devoid of human influence, concerned that a change may impact negatively on their 'model of success' and no doubt guarded about engaging with the complex and contested domain of

Indigenous politics (Pickerill, 2008). And it is clear that such attempts to redefine 'wilderness' are not largely understood by Aboriginal people. The Australian environmental non-governmental organisation (ENGO), 'The Wilderness Society' adapted their campaign for wilderness protection in northern Australia by renaming their campaign 'Wild Country' in an attempt to portray an empathy for, and common interest with, Indigenous people in regaining ownership of their traditional lands. The campaign has not been well received by Aboriginal people, however. 'Wild' is still often perceived by Indigenous people as an affront to their culture and a threat to self-determination. As stated by Gerhardt Pearson of the Balkanu Cape York Development Corporation (2008) with regards to The Wilderness Society's activities in Cape York Peninsula:

> *"The Wilderness Society's thinking is informed by a deeply problematic attitude towards indigenous people and their presence on and use of ancestral lands. Some conservationists seem to harbour an unrealistic notion of wilderness as a place without people, when our lands have been used by people for thousands of years".*

Many Indigenous leaders are now seeking to move beyond recriminating the government and environmental NGOs in order to create a new way forward for cooperative management of Indigenous lands in Australia:

> *"What I am suggesting is the need for integrating the views, approaches, and experiences of indigenous peoples into national strategies for environmental and conservation management. What I am suggesting is a partnership … between Western knowledge and 'scientific' approaches to land and environmental management, and indigenous knowledge and approaches. Such a partnership, I suggest, should provide the basis for sound, sustainable environmental management and protection" (Dodson, 1996, cited in Langton, 1998, p. 8).*

Simply merging Western and Indigenous paradigms is not straightforward however. A new paradigm may be required to frame a management approach that is acceptable to these two different worldviews. Just as the 'paradigm wars' between quantitative and qualitative research methodologies created new pragmatic approaches such as 'mixed methods', what may be needed to reconcile Western and Indigenous worldviews on land management may not be merging of the two paradigms but a new philosophical perspective altogether - a pragmatic approach based on what actually works. Agrawal (1995) questions the supposed distinction between Indigenous and western or scientific knowledge, making the case that it makes much more sense to recognise the multiple domains and types of knowledge, with differing logics and epistemologies. Such an approach would recognise that there may be a will to 'overcome the Western' but to pretend its presence disappears when the Indigenous knowledge is given

priority is a dangerous delusion (Nakata, Nakata, Keech, & Bolt, 2012). Learning what works is the key; and there may not be a successful formula that can be applied to all contexts. However, Hill et al., (2012) found that where Indigenous people retain control of governance in environmental management situations, there are improved prospects for the integration and convergence of Indigenous Ecological Knowledge and western science.

The ongoing development of the concept of Indigenous and Community Conserved Areas (ICCAs) by members of the International Union for the Conservation of Nature (IUCN), and the expansion of the Australian Government's Indigenous Protected Areas (IPA) program (see Chapter 6.3.2), exemplify pragmatic approaches to reconciliation and environmental protection. In both ICCAs and IPAs, Indigenous people retain a high level of control over management and decision-making.

In all societies and all knowledge systems, as learning takes place human societies can adapt their worldviews accordingly. Only fifty years ago, Sharp (cited in Strang, 1997, p. 290) predicted the demise of the 'fragile' Indigenous culture on the Cape York Peninsula. However, Strang (1997) perceives that what has actually happened is that Western culture has faltered and is now questioning its own environmental values and priorities while the Aboriginal people of the Peninsula have steadily re-established and strengthened their cultural ties and relationships with their traditional lands - albeit in sometimes new and innovative ways. This reinvigoration of Australian Indigenous people's relationship to country is an indication of the resilience of their culture and is recognised in the paradigmatic shift in the way the international community has approached environmental protection and management, a shift which began in the 1970s. The following section describes this paradigm shift in protected area management and also provides an Australian example of how this shift has been implemented at the national level.

2.3 Co-management: The Paradigm Shift in Protected Area Management

The concept of co-managed protected areas arises from major conceptual revisions regarding the establishment and management principles of protected areas. This 'paradigm shift' in protected area management has occurred worldwide incrementally over the last 30 to 40 years. Protected area policy-makers in Australia and the State of Queensland are also moving towards more inclusive approaches to protected area management. Opportunities for Aboriginal Traditional Owners to be involved in the management of existing and new national parks in Cape York Peninsula have increased in the last several years. The reasons for the shift towards co-management and the role and reactions of Indigenous peoples are described in this section.

2.3.1 The Origins of Protected Areas

It is widely cited in the literature that Western or 'modern' forms of state-designated heritage protection began in the United States (see e.g. Berg, Fenge, & Dearden, 1993; Lockwood & Kothari, 2006; Nash, 1970; Runte, 1979) with the dedication of Yosemite as a reserve in 1864 and Yellowstone as a national park in 1872. The concept quickly spread around the world, including to the colony of New South Wales where the Royal National Park was created south of Sydney in 1879.

Yellowstone National Park is also credited as being the original model for the management principles of protected areas worldwide, including Australia. According to the *Act* which established Yellowstone National Park, the area was:

"reserved and withdrawn from settlement, occupancy, or sale... dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people…and all persons who shall locate or settle upon or occupy the same…shall be considered trespassers and removed therefrom" (U.S. National Archives & Records Administration, 2008).

As is clear from the above excerpt, according to the 'Yellowstone model', national parks required shielding from development and settlement. The Yellowstone model for national parks was later embedded in the IUCN definition of a 'National Park' proposed by the 10th General Assembly of International Union for the Conservation of Nature (IUCN) in November 1969 which recommends that all governments reserve the term only for relatively large areas where

> *"(1) one or several ecosystems are not materially altered by human exploitation and occupation...; (2) where the highest competent authority of the country has taken steps to prevent or to eliminate as soon as possible exploitation or occupation in the whole area ...; and (3) where visitors are allowed to enter, under special conditions, for inspirational, educative, cultural and recreative purposes"* (IUCN, 1969, cited in Duffey, 1971, p. 964).

Protecting the spectacular scenery for the general public to use as a pleasuring ground necessitated the removal of any resident Indigenous peoples and the cessation of traditional practices (perceived as 'exploitation'), such as hunting and gathering. These practices were considered incompatible, even a threat, to the natural condition of the area and the more 'appropriate' recreation activities that were promoted. This management philosophy was not consistent with that of George Catlin who, it is stated by Nash (1970, p. 728), "gave birth to the national park idea". According to Nash, in 1832 Catlin had travelled to the American frontier and had observed that the Sioux people had traded fourteen hundred buffalo tongue for a few gallons of whisky and proceeded to leave the carcasses to rot while they drank their remuneration. Catlin was greatly concerned that the demise of both 'Indian' and buffalo was

imminent and, in contemplating a solution, wrote in his journal “A nation's Park, containing man and beast, in all the wild and freshness of their nature's beauty!” (cited in Nash, 1970, p. 728). Catlin proposed that the park would be very large; wild rather than ‘manicured’; and protected and administered by the national government on behalf of the people. The only significant difference to the national parks eventually established more than 40 years later, Nash states, is that Catlin also proposed that the “Indian’, ‘in his classic attire’, be part of the wildlife in the preserve” (1970, p.730). While Catlin’s idea may now resemble museumification, his inclusion of Indigenous people and their interests in the national park concept was 150 years ahead of its time.

It was, perhaps, the advancement of local people’s interests and their inclusion within the boundaries of national parks in countries such as Britain, Germany and Japan, that laid the foundation for the recognition of Indigenous peoples’ interests in protected areas elsewhere. When the United Nations first began compiling lists of national parks in 1961 it found that many countries had broadened the national park definition to include landscapes that were perceived to hold cultural value to the nation. These landscapes contained agricultural areas, villages and sometimes even towns. Instead of ‘wilderness’ and ‘preservation’ being the focus of these parks, it was ‘heritage’ and ‘conservation’ which was the focus of protection (Stevens, 1986). Brechin, West, Harmon, and Kutay (1991) describes this as the ‘British’ national park model and questions whether resident peoples in national parks would experience the same complex issues if this model, or the Man and Biosphere Program, were better understood and adopted in developing nations. However, the ‘British model’ came much too late for Australian Indigenous peoples interests in national parks. Ironically, many British colonies that adopted the Yellowstone model and its top-down management processes (including the Colony of New South Wales in the 1800s) declared their first national parks considerably earlier than the British. In the case of New South Wales, the Royal National Park was declared 72 years before the first British national park13.

The conceptual advances of the new protected area paradigm have been traced by Phillips (2003) from resolutions from World Parks Congresses and other international conferences from 1962 to the early 21st century (see also Lockwood & Kothari, 2006). Collaborative management was first discussed in the protected area management literature in the 1980 World Conservation Strategy (WCS) (Berkes, 1997; IUCN, 1980). The WCS recognised that conservation and sustainable development are mutually dependent and linked to the wellbeing of people. Local community involvement was also recognised as providing a means of integrating economic, social and ecological objectives into park management. However, despite

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[13] Peak District National Park was declared in 1951 under *The National Parks and Access to the Countryside Act 1949*

this recognition, and the inclusion of human influenced (cultural) landscapes in many national parks, the impact of protected areas on local people remained of little concern to governments (particularly colonial and post-colonial administrations) until the 1990s (Phillips, 2003).

In Caracas Venezuela in 1992 delegates of the IV World Congress on National Parks and Protected Areas called for the development of policies for protected areas that safeguard the interests of Indigenous peoples and that take into account customary resource practices and traditional land tenure systems. The IUCN has since taken a lead role in the development of such policies for the protected area management arena. In 1994, IUCN published the revised definition of a protected area (derived from a workshop at the IV World Congress) to include reference to culture and published guidelines for protected area management categories. A further revision of the definition and management categories were published in 2008. Each management category is defined according to its management objectives ranging from strict protection in Category I to increasing human intervention and modification of the natural environment (

Table 2.2). However, while most protected areas have more than one management objective, according to the IUCN, all sites must have nature conservation as the primary objective to be considered a protected area (Dudley, 2008; IUCN, 1994). Other objectives may have an equal or lower priority, however if conflict arises, nature conservation must take priority.

A protected area is: “A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values” (Dudley, 2008, p. 8).

Table 2.2 IUCN Protected Area Categories (summarised from Dudley, 2008)

Category	Description
I	Strict Nature Reserve/Wilderness Area: managed mainly for science or wilderness protection
I a I b	Strict Nature Reserve: managed mainly for scientific research and monitoring Wilderness Area: managed mainly for wilderness protection
II	National Park: managed mainly for ecosystem conservation and compatible spiritual, scientific, educational, recreational and visitor opportunities
III	Natural Monument: managed mainly for conservation of specific natural features
IV	Habitat/Species Management Area: managed mainly for conservation through management intervention to maintain habitats
V	Protected Landscape/Seascape: demonstrate the interaction of people and nature over time. Managed to safeguard the integrity of this interaction and the area's natural and other values
VI	Managed Resource Protected Area: conserve natural, cultural and traditional values and managed partly for non-industrial sustainable use of natural resources

In 1999, the IUCN and WWF released Principles and Guidelines on Indigenous and Traditional Peoples And Protected Areas and in 2005, IUCN published Benefits beyond boundaries: Proceedings of the Vth IUCN World Parks Congress. At the 2005 World Parks Congress, conference delegates resolved that forced resettlement must be removed from protected area management policies and practices and that ethical principles, as well as environmental (social-ecological sustainability) and pragmatic reasons, should provide a basis for the devolution of responsibility, authority and the benefits of management to local communities.

2.3.2 Definitions and a Model of Co-management

A pervasive criticism of the field of co-management is that, despite a substantial accumulation of empirical material, the field remains weak in terms of theory development (Berkes, 1997; Ostrom, 1990; Plummer & Fitzgibbon, 2004a). So much so, that while numerous definitions of co-management in a resource management (including protected area management) context have been published, authors have yet to commit to a single definition (Berkes, 1997). To date, authors working or commenting on the co-management arena tend to choose or to create a definition that best describes the context of their study and/or the background/field of the author. Definitions of co-management, the term used to denote it and the spectrum of arrangements possible appear to be a pragmatic response to the particular needs of each context. Some authors believe that it may be best to maintain a broad, inclusive definition of co-management considering the variety of arrangements possible (Berkes, 1994, cited in

Plummer & Fitzgibbon, 2004a, p. 878). In fact, Castro and Nielsen (2001) identify a recent trend to use the term co-management in a highly inclusive manner. 'Co-management' is often used synonymously with collaborative management, joint management, cooperative management, participatory management, community-based management, multi-party management and partnership.

Borrini-Feyerabend, Pimbert, Farvar, Kothari, and Renard (2004) cite 36 different definitions (derived from 36 different publications) for the concepts and terms used to denote interactions in managing natural resources. The various definitions differ in (a) the degree to which power is shared; (b) the diversity of stakeholders included; (c) the particular type of resource being managed; and (d) the management objectives of the resource. Essentially all of these terms involve the sharing of power, usually between a central government (as represented by a particular institution or management agency) and local communities (Berkes, Feeny, McCay, & Acheson, 1989; Pinkerton, 1989). For example, an early definition of co-management in the protected area management literature is provided by West and Brechin (1991, p. 25), "the substantial sharing of protected areas management responsibilities and authority among government officials and local people". Some definitions do, however, exclude management which is predominantly local or community-based (with minimal external input) from the co-management rubric, preferring instead to call this community-based or local management. Pomeroy and Berkes (1997, p. 467) differentiate co-management from government regulation or community-initiated regulation by defining co-management as "a middle course between pure state property and pure communal property regimes".

Due to the differences in the literature and in practices regarding what is considered to be co-management it is necessary to ensure that the definitions used in this thesis are explicit.

2.3.2.1 Definition

In this thesis, community-based management is taken to be a form of co-management. The term co-management describes,

> *"a partnership by which two or more relevant social actors collectively negotiate, agree upon, guarantee and implement a fair share of management functions, benefits and responsibilities for a particular territory, area or set of natural resources"* (Borrini-Feyerabend, Pimbert, et al., 2004, p. 67).

Used in conjunction with the co-management model (Figure 2.3) below, this definition of co-management is broad and inclusive and it covers the full spectrum of governance options for local and Indigenous community involvement in protected areas (apart from nil involvement).

2.3.2.2 Model

Just as there is no single definition for co-management, there is also no single 'one-size-fits-all' model for the involvement of Indigenous people in protected area management. Successful arrangements should be tailored to fit the unique needs, opportunities and complexities of each context (Borrini-Feyerabend, Pimbert, et al., 2004; Ruitenbeek & Cartier, 2001). The degree to which power is shared in co-management ensures that a wide variety of governance arrangements are feasible between the extremes of management by a centralised government at one end of the scale to strict local management or self-governance at the other (Persoon & van Est, 2003). Any model depicting co-management must be able to represent the full typology of governance options that are possible, including the development of Indigenous community-based land management agencies.

Most co-management models and attempts to assess the degree to which participation occurs are based on variations of Arnstein's (1969) 'Ladder of Citizen Participation' (Berkes, 1997). The ladder depicts the extent of citizens' power in planning and decision-making (Figure 2.2). The rungs of the ladder are arranged in ascending order from 'contrived substitutes' where power-holders manipulate or try to 'educate' the citizens, up to delegated power and citizen control, whereby citizens hold most or all of the managerial power.

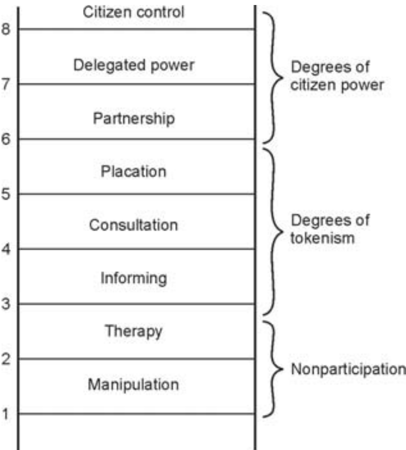

Figure 2.2 Eight Rungs on a Ladder of Citizen Participation (Arnstein, 1969, p. 217)

One model has been adapted from Arnstein's Ladder for use in the protected area management context. The diagram below (Figure 2.3) demonstrates the range of governance options that exist to support Indigenous and community involvement in protected area management. This model is able to represent the degree of citizens' power (in this case the citizens are Indigenous peoples and local communities) to control the management of protected areas. The continuum ranges from government managed areas where Indigenous involvement is negligible, to Indigenous and Community Conserved Areas (ICCAs) where authority and responsibility for

an area is largely devolved to the local level. ICCAs include Indigenous peoples' protected areas and territories – established and run by Indigenous peoples; and Community conserved areas – declared and run by local communities (Dudley, 2008).

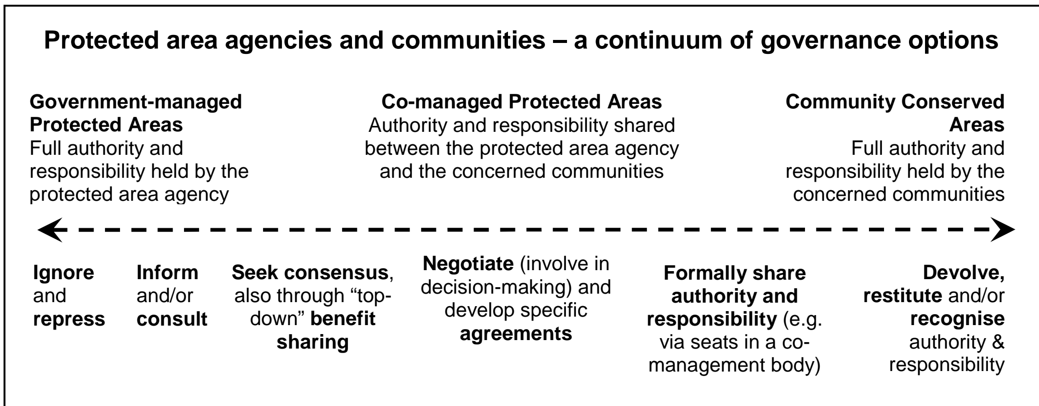

Figure 2.3 Governance options for protected area agencies and communities (Borrini-Feyerabend, Kothari, et al., 2004, p. 30)

While models are useful for demonstrating the range of co-management possibilities they can also over-simplify complex social-ecological systems. Arnstein herself warns that "In the real world of people and programs, there might be 150 rungs with less sharp and "pure" distinctions among them" and "some of the characteristics used to illustrate each of the eight types might be applicable to other rungs" (1969, pp. 217-218). Borrini-Feyerabend, Pimbert et al., (2004) concur, stating that it is difficult to identify demarcations between formal types of participation as depicted in the model and the actual power sharing involved in the management activities required. Therefore, the categories found in this model are not mutually exclusive. It may be the case that some management activities are fully devolved to the community, while other activities may involve a negotiated role in decision-making. A co-management regime should be flexible and responsive to changing needs and capacities and to feedback from the system as parties continue to learn and apply new knowledge to their management. Hence, it is critical that the parties are not 'locked' into long-term inflexible co-management arrangements.

Still, the model can provide a useful indication of an Indigenous community's philosophical inclinations or general aspirations towards one part of this co-management spectrum. As was established in Chapter 1, the Oykangand Traditional Owners aspire to the 'community-conserved' end of the spectrum where they consider themselves to be the primary managers of the park, which is seen as part of the larger Indigenous estate. Responsibility is devolved (returned to) to the local level (often referred to in this thesis as '*community-based co-management*' and referred to in Kowanyama as '*self-governance*'). However, as will be discussed further in Chapter 5, the Oykangand people are prepared to negotiate their level of responsibility and authority for individual management activities.

2.3.2.3 Alternate Definitions

While some authors have called for a narrowing of the co-management definition, given the number of synonymous and related terms used interchangeably in the broader resource management literature it appears unlikely that scholars would agree on a single definition in the near future. It is also unlikely that the broader public would adhere to such a definition given their diverse range of experiences with co-management. Just as 'wilderness' means different things to different sectors of the community, the terms used to denote co-management have also come to mean different things to researchers, authors, practitioners, local communities and Indigenous peoples working in the protected area management field.

Borrini-Feyerabend, Pimbert et al., (2004) consider that 'community-based management' and 'indigenous management' are examples of co-management. However, according to these authors, it may only be appropriate to refer to a co-management regime as either of these terms if the participation of the government is very much 'hands-off' and limited to policy decisions. In Australia, there is no such thing as unencumbered ownership of land. The State always holds some degree of responsibility for all land tenures on behalf of the public. Where co-management of an existing protected area is introduced, governments may need to pay particular attention to some sectors of the broader community's resistance to the perceived reduction in their 'rights', particularly in the initial stages of a co-management arrangement (Bauman, Haynes, & Lauder, 2013). Consequently, even in a self-governing resource management situation where the local community makes many of the rules and decisions that affect the use and management of a resource system, full devolution of authority and responsibility is highly unlikely. There will be local, regional, national, and sometimes international authorities that will also make rules that affect key decisions and management actions (Ostrom, 1999). Thus co-management of protected areas in Australia will not be practiced in total isolation; it will always be influenced to some degree by government regulation and involvement.

In the Australian protected area management context the terms 'joint management' and 'co-management' are sometimes used interchangeably, but have also developed meanings that are value-laden and sometimes politically loaded. The definitions as evolved in Australia reflect the exercise of, and Indigenous peoples' reaction to, inequitable 'power' distribution in proposed collaborative management regimes:

> *"I think it's a tragedy in Australia that co-management has come to mean the opening gambit for further disempowering Aboriginal people in environmental management issues. And it is why Aboriginal groups insist on joint management…*

> *there are lots of examples of where this idea of co-management has been perverted into completely unusable provisions and statutes."* (H. Ross, 2000).

The term joint management is directly derived from negotiations between Indigenous people and the Australian Government. It has generally come to mean an equal share of authority between the parties, such as an equal or slight majority for Traditional Owners on national park boards of management – as is the case in the 'Uluru' and 'Kakadu' joint management model (see Chapter 6 for a description of Australian protected area governance systems).

People in Kowanyama, however, do not have the same aversion to the term co-management as many other Indigenous groups in Australia. The term co-management is preferred over joint management in Kowanyama because they have a 20 year history of interaction with North American First Nation people from Washington State where the term co-management is widely used and accepted. In addition, (as stated in Chapter 1), the Oykangand people in Kowanyama do not aspire to an 'equal' share of management authority as is the case in joint management situations in Uluru-Kata Tjuta and Kakadu National Parks. In fact, they are seeking substantially greater devolution of management authority and responsibility to the Kowanyama community than Indigenous people elsewhere in Australia have negotiated for their national park homelands (see Chapter 6 for an analysis of the Oykangand people's aspirations for their national park homeland). The term *equitable* is used in this thesis, rather than *equal*, after George, Innes and Ross (2004), to promote the idea that co-management responsibilities can be agreed mutually and fairly, even with differing allocation of roles between the parties.

2.4 Common-pool Resources and Resource Systems

Many of the principles and policies created for protecting and managing natural and cultural heritage are derived from theories developed in the common-pool (or common property) resource literature. This thesis will use the term 'common-pool resource' (CPR) developed by Ostrom (1990) to refer to both natural and man-made (including cultural) resource systems used by many individuals in common. Ostrom differentiated the resource system from the resource units produced by the system, while still acknowledging their interdependence. Examples of resource systems may include fishing grounds, forests, river catchments, protected areas, and the homelands of Indigenous peoples. Examples of resource units include renewable and non-renewable resources such as wildlife, timber, fish and minerals. Goodland, Ledec and Webb (1989) include an even broader range of public goods within the CPR concept to encompass the full range of environmental attributes, including environmental/ecosystem services (e.g. carbon sinks) and the less tangible values and benefits associated with the resource system. Intangible values may include biological values (e.g. value derived from the

existence of a diversity of species) and cultural and spiritual values associated with the resource system.

Berkes and Farvar (1989) explain that much of the early resource management thinking is Western ethnocentric, highlights competition rather than cooperation and assumes the supremacy of individuals or institutions over the community. However, by the mid to late 1980s enough evidence from case studies had been gathered to show these assumptions to be inappropriate. Authors addressing the issues and challenges involved in managing CPRs refer to Garrett Hardin's (1968) article The Tragedy of the Commons as a major source of the dominance of the Western ethnocentric theory. In his article, Hardin assumes that the degradation of the environment is to be expected whenever many individuals use a scarce resource in common. Hardin defined commons as 'open-access'; as everybody's property and open to all users. In such situations, he states, individuals will seek to further their own interests because they reap all the reward of resource appropriation in the commons, but only a small share of the cost. The ultimate result of commons use is, according to Hardin, the over-exploitation of resources and the subsequent collapse of resource systems. Few people now deny that unfettered appropriation of resources is likely to result in the degradation of the resource system (see Ostrom, 1990, p.3 for several examples). Hardin's model became so popular that it has become "entrenched in resource-management textbooks, university curricula, and in the conventional wisdom of many contemporary managers of common-property resources" (Berkes & Farvar, 1989, p. 9). As such, the model now dominates the thinking of many protected area managers in the Western world and been exported to many developing countries.

By the mid to late 1980s CPR researchers and commentators began to reach consensus regarding their contention of Hardin's theory and proposed solution to 'the tragedy of the commons'. The main concerns of these authors were twofold. First, Hardin did not recognise the possibility that commons could be owned and/or managed collectively by a group of people associated with the resource or resource system. According to Hardin, 'commons' (in the 'Western' ideological sense) were not owned, only property could be owned, either privately or by the state. Hardin's failure to recognise communal ownership or association with resources resulted in a failure to recognise that there are often cultural and institutional restrictions to the self-interested behaviours that can damage collective interests (Berkes & Farvar, 1989; Feeny, Berkes, McCay, & Acheson, 1990; Pinkerton, 1989). That is, by failing to recognise communal ownership, Hardin also failed to recognise that communal management, by Indigenous organisations for example, can also result in conservation outcomes as well as sustainable use of the resource.

Second, the solution proposed by Hardin for avoiding a tragedy of the commons was either government or private control of the commons. As Ostrom (1990, p. 9) states, "The presumption that an external Leviathan is necessary to avoid tragedies of commons leads to recommendations that central governments control most natural resource systems." Numerous case studies have now shown that local level management of communal assets: management shared within a community, and also shared between central governments and local people, can result in the effective management of resources and resource systems (Acheson, 1989).

While protected areas are considered a resource system, the primary management objectives of these areas are considered to be protection or conservation. Sustainable use of the areas for social, cultural or economic purposes are considered legitimate as long as they do not interfere with conservation objectives. Sustainable use is a secondary consideration wherever conflict with protection occurs. In the past, the management of other resource systems, such as forests or fisheries, focused most strongly on their commercial 'use'. However, the collapse of many of these systems from over-exploitation brought attention to the need to manage for sustainability. The concepts of 'sustainability' and 'ecologically sustainable development' have brought the objectives and practice of resource management and protected area management significantly closer together (Figure 2.4).

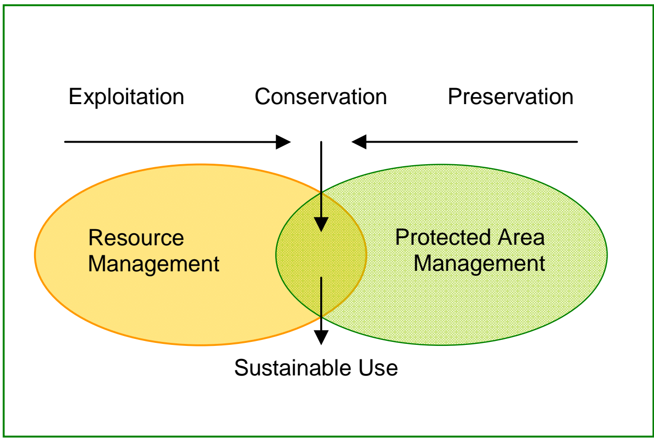

Figure 2.4 Trends towards sustainable use of CPRs since 1980s

2.4.1 CPRs and Indigenous People

An alternative to the western ethnocentric view of CPRs, the 'language of property ownership', is what Berkes and Farvar (1989, p. 7) describe as a 'traditional' view, i.e. "those resources for which there exists communal arrangements for the exclusion of non-owners and for allocation among co-owners". However, the Western legal systems in place in many colonised nations, including Canada, Australia and the United States of America (USA) have not recognised communal ownership arrangements such as Indigenous peoples' cultural associations with CPRs and their systems of management.

Such differences in worldviews in Australia and other colonised countries have created conflict between central governments and Indigenous peoples regarding the ownership, use and management of CPRs. Under any worldview, ownership is never absolute; the strength of ownership depends on its time-frame or tenure and the conditions attached through it (Murphree, 1997). In an effort to resolve ongoing conflict with Indigenous people over the ownership and management of CPRs, some governments are now making attempts to integrate this 'traditional' perspective into the 'Western ethnocentric' by refocusing attention from 'property ownership' to the recognition of land tenure as a 'bundle of rights'. A bundle of rights refers to the set of legal rights conferred upon owners that allows them to act in certain prescribed ways towards objects (which may be their exclusive property or CPRs) depending on the type of object, the legal system, the social context and so forth (Nadasdy, 2003). Resource use rights are socially determined and may arise from either formal legislation, tradition and cultural norms or socio-economic interaction (Murphree, 1997). Statutory agreements over the use of CPRs distil and compartmentalise individual Indigenous cultural practices into a 'right' (such as 'hunting rights', the 'right to conduct ceremony', the 'right to use fire/burn') which can then be bundled together to provide at least partial property, possessory or use rights (e.g. 'native title rights', in Australia). A bundle of rights differentiate 'owners' from 'non-owners' and may be effective regardless of who holds title to the land.

Murphree (1996, cited in Borrini-Feyerabend, 1996, p. 24) states, "Authority and responsibility are conceptually linked. When they are de-linked and assigned to different institutional actors, both are eroded". Despite the intent to incorporate Indigenous peoples' traditional perspective, the 'bundle of rights' concept remains, according to Nadasdy (2003), a Western legal and theoretical construct written in the language of property. Nadasdy found the 'bundle of rights' concept to be an inadequate tool for protecting Canadian First Nations peoples' traditional relationship with the land. Stemming from the aforementioned compartmentalisation and distillation of culture, Nadasdy states that the language of property emphasises the 'right to hunt', for example, without emphasising the cultural obligations and responsibilities that traditionally go along with it. The author believes that the 'language of property' and the 'bundle of rights' has led some (particularly younger individuals) to possess "a sense of entitlement, an expectation that those rights should be fulfilled" (Nadasdy, 2003, p. 246) even if the action was considered by others (often elders) in the same community as culturally inappropriate. This 'sense of entitlement' is more consistent with Western views of the land and its resources, described by Aldo Leopold in A Sand County Almanac prior to his death in 1948 (1966, p. 218) as being "strictly economic, entailing privileges but not obligation".

While Indigenous peoples' relationships with CPRs have undoubtedly been influenced by Western colonisation and the continued actions and ideologies of central governments, it could

equally be argued that the integration of traditional peoples' views of the land into the legislation of nations and states has influenced Western societies' land ethic as well. Since the time Leopold wrote his highly regarded essays, many of his ideas for creating a 'land ethic' in the Western world have been incorporated into the concepts of ecosystem based management and sustainable development which are more closely aligned with Indigenous conceptions of land and its management. Through the introduction of obligations of society and individuals for the sustainable management of the land and CPRs into legislation, modern environmental management has since moved much closer to a 'traditional' ethic towards the management of land and CPRs.

There is no doubt that Indigenous societies' relationships with the land have and will continue to evolve when confronted with colonisation and the need to adapt to secure the survival of their people and culture in its aftermath. In colonised countries such as Canada, Australia and the United States of America, CPRs were commonly appropriated by national or state governments without regard for what is now considered to be Indigenous peoples' human rights (see Chapter 5). Interactions between Indigenous peoples and governments have involved the vastly unequal deployment of power and coercion on the part of government in order to control the use and exploitation of CPRs. Partnership arrangements for protected area co-management still deliver inequitable outcomes that marginalise Indigenous interests and fail to deliver mutual benefits for biodiversity conservation and Indigenous peoples (Hill, 2011). Despite some progress made towards the sharing of power in the management of CPRs such as protected areas, there is still a great deal more progress to be made towards more equitable and just management regimes.

Ultimately, the extent to which Indigenous culture evolves is strictly the business of Indigenous peoples. Distinctly Western imperatives and practices are clearly an influence on Indigenous cultures (Bauman & Smyth, 2007; Merlan, 1998; Nadasdy, 2003). Trask (1999, cited in Charters, 2007, p. 25) states "By entering legalistic discussions wholly internal to the American system, Natives participate in their own mental colonisation". The discourses and processes of land claims and self-determination, for example, is a conundrum demanding that Indigenous people engage with Western legal and knowledge systems and simultaneously provide evidence that their cultural knowledge and practices remain unchanged since colonisation. Recognition of Indigenous peoples' right to self-determination means supporting local communities to collectively determine their own lifestyle and means of cultural survival. Then, the evolution of culture would not exclude Indigenous people from the ownership and management of traditional homelands.

2.4.2 Indigenous Homelands, Protected Areas and CPRs

Protected areas and the homelands of Indigenous peoples are both examples of co-owned and co-managed resource systems. While individual Indigenous peoples traditionally did not 'own' property in the Western sense of property ownership, as a group they have long had institutional arrangements based on custom and tradition which control access and allocate rights and responsibilities for the use and management of resources. These arrangements, Indigenous peoples' culture, do not disappear when a protected area is created over Indigenous lands.

Protected areas were created in many countries in response to the excessive exploitation of CPRs resulting in environmental degradation. CPR systems which remained in good condition were often declared protected areas, such as national parks, in order to protect the system or ensure the survival of particular CPRs, such as endangered wildlife or threatened ecosystems. Hardin perceived protected areas were treated as 'commons', stating:

> *"The National Parks present another instance of the working out of the tragedy of the commons. At present, they are open to all, without limit. The parks themselves are limited in extent - there is only one Yosemite Valley - whereas population seems to grow without limit. The values that visitors seek in the parks are steadily eroded. Plainly, we must soon cease to treat the parks as commons or they will be of no value to anyone"* (1968, p. 1245).

Hardin's statement comes in response to poorly managed parks where effective or appropriate management regimes either did not exist or were not adhered to (hence the term 'paper parks'). The irony of Hardin's observation is that, often these national parks had remained in a good condition prior to their legalised protection because of the presence of local and Indigenous peoples and their conservative, communal management regimes. As stated by Borrini-Feyerabend, Kothari, & Oviedo (2004, p. 20),

> *"Indeed it is likely that most government-run protected areas in the world have been created in areas traditionally inhabited or used by indigenous and local communities. Often, the communities had in place their own conservation practices, including some quite elaborate and effective systems, which were "replaced" by official regulations based on state ownership of natural resources."*

While a 'romantic' view of Indigenous-environmental relations is clearly not appropriate, there is evidence to suggest that many small-scale societies living in pre-industrial conditions were able to develop ways to exploit their natural environment without depleting the natural resources upon which they depend (Pinkerton, 1989). As stated by Langton (1998, p. 24),

> *"indigenous people act with intent in relations with their environment, ... [and] their actions have, at least in some cases, global or large-scale implications, that their concerns go beyond mere consumption and exchange, and that outcomes of their actions which have the effect of conserving species are not merely incidental" (emphasis in original).*

In Australia, the legacy of colonialism and land dispossession has resulted in Indigenous communities with severe disadvantages in terms of livelihood opportunities and general health and wellbeing (Fitzgerald, 2001). Other challenges to Indigenous participation in the environmental management includes cultural and language barriers, geographic isolation, lack of resources and lack of familiarity with Western planning and decision-making processes (Lane, 2002; Lane & Williams, 2008). While the co-management of protected areas may have potential to provide some benefits to these communities (Borrini-Feyerabend, 1996; Langton, Rhea, & Palmer, 2005), there are substantial social and ecological challenges to implementation. The capacity of each party to seek and implement solutions to these challenges will influence the feasibility of co-management in any given context.

2.5 The Ecosystem Based Approach to the Management of CPRs

Apart from the ethical reasons outlined in the previous sections for accommodating the aspirations of Indigenous people in the management of their protected area homelands, there are a number of environmental (social-ecological sustainability) and pragmatic rationale also. Numerous case studies in the academic literature now provide support for involving Indigenous peoples and local communities in the management of CPRs. Co-management, therefore, has a sound basis in the ecological and social sciences for providing an effective means by which to conserve heritage. The principles proposed by the ecosystem-based approach to management (EBM) were developed in response to the now largely discredited perception of protected areas as 'islands' or 'fortresses' disconnected or 'locked up' from people and their influence on surrounding landscapes. This fragmentation of the environment is one of the key factors accelerating the loss of biodiversity (Valentine, 2000). The EBM approach aims to protect native ecosystem integrity over the long term by integrating "scientific knowledge of ecological relationships within a complex sociopolitical and values framework" (Grumbine, 1994, p. 31). This section reviews the core principles of the ecosystem-based approach to management and its relationship to the interests of Indigenous peoples in the co-management of protected areas.

2.5.1 Ecosystem-Based Management

The ecosystem based approach to management (EBM) emerged in the literature in the late 1980s in response to a number of issues of concern. Foremost among these concerns was, according to Grumbine (1994), the critical decline of biodiversity and environmental condition and the lack of successful policy response to this situation. Other factors include progress in conservation biology research (e.g. landscape ecology and the scientific debate regarding the number, size and shape of reserves); continued population growth, industrial expansion and resource demand; political pressure from environmental groups; and failure to meet public expectations for participation in decision making. Walters (1986) cited the failure to fully consider the role of socioeconomic dynamics as a major flaw in the early development of the CPR literature. In addition, greater public demand for a role in environmental protection was symptomatic of evolving societal views regarding the relationship between people and nature. Public involvement in the conservation debate thus became an important component of EBM.

The incorporation of human use and values into the management of CPRs, including protected areas, has required a shift from the biocentric model of planning and management toward an anthropocentric approach where biodiversity is one of many values held by people for protected areas (Larsen & Valentine, 2007). The biocentric approach is the "primacy of biodiversity over cultural and social diversity," whereas an anthropocentric approach "values biodiversity in terms of its social utility" (Lane, 2001, p. 658). In a review of EBM for the United Nations Institute for Training and Research (UNITAR), Valentine (2000) greatly emphasised the importance of linking social and ecological systems. Cooperation between all levels of government (from international to local) was essential, as is research and monitoring; however, a particular focus of the UNITAR report was the importance of the role of members of the community in EBM and the challenges this entailed for protected area managers. While science plays a role in knowledge-based decision-making in EBM, Valentine (2000) wrote that the 'inclusive' nature of the process of EBM was critical. The values and aspirations of communities must also play a role in management: "In the end, the ecosystem management approach to biodiversity conservation is about achieving community outcomes, about satisfying community needs, and it is therefore strongly grounded in the public participation philosophy" . Involving the local communities that are dependent on a resource can also bring pragmatic advantages to management such as: specific capacities (e.g., knowledge, skills); comparative advantage (e.g., proximity, mandate); and a willingness to invest specific resources (e.g., time, money, political authority) (Borrini-Feyerabend, 1996).

Removing the boundary fences (figuratively and sometimes physically) of protected areas was predicted (and has shown) to be no easy feat, requiring a major shift in our philosophical, political and social commitment to conservation. Perhaps the greatest shift has been demanded

from policy makers and the staff of State PAM agencies. Protected area managers often lack the resources and capacities needed to carry out basic management duties, let alone to immerse themselves in complex issues that require them to collaborate with multiple groups that may have an interest in an area (Wells & McShane, 2004). Attaining the involvement of the community, including private land holders, community groups, industry groups and non-governmental organisations (NGOs) is likely to require capacity development for all parties, as well as a change in the culture of the PAM agency in order to create the necessary trust and skills to incorporate the views of multiple stakeholders (Valentine, 2008). Valentine (2000, p. 29) states,

> *"In addition to the conventional natural resource management skills which day to day management staff have always needed, particular ecosystem based approach skills will need to be developed. For example, few field managers have been given adequate training in community participation and the various techniques which enable appropriate outcomes for all participants. As managers move from a clearly defined "ownership" role, to being part of a wider group with often different initial objectives, the demands increase. Cooperation is earned not commanded."*

Facilitating the change process required to implement EBM, and in particular the shift towards an anthropocentric focus for management, will require careful attention to the culture and climate of the PAM agency (Larsen & Valentine, 2007). Selin and Chavez (1995) concur, stating that flexible policy and procedures are required to facilitate collaborative solutions to protracted resource conflicts. Public service managers used to hierarchical decision making find it difficult to change to the lateral decision-making required to sustain effective collaboration. The authors continue to say, "Managers need new skills to move from the expert opinion role in traditional environmental management to an empowerment role as a mediator, catalyst, or broker in the new order" (p. 189). EMB recognises that top-down, command-and-control style management bureaucracies experience limited success when operating in complex systems (Holling & Meffe, 1996).

Table 2.3 Key Attributes of EBM

Valentine, 2000	Grumbine, 1994
1. Long term sustainability (intergenerational sustainability)	1. Hierarchical context: systems perspective, multiple scales, connectivity
2. Clear, operational goals	2. Ecological boundaries: working across administrative & political boundaries; define ecological boundaries at appropriate scales
3. Sound ecological models and understanding	3. Ecological integrity: conservation of viable populations
4. Understanding complexity and connectivity	4. Data collection
5. Recognition of dynamic character of ecosystems	5. Monitoring
6. Attention to context and scale	6. Adaptive management
7. Humans as ecosystem components	7. Interagency cooperation: federal, state & local management agencies & private parties. work together, integrate conflicting legal mandates & management goals
8. Adaptability and accountability	8. Organisational change: changes in structure of management agencies & ways of operation: professional norms, altering power relationships
9. Open and participatory processes	9. Humans embedded in nature: inseparability of humans from nature
	10. Values: human values play a dominant role in ecosystem management goals regardless of the role of scientific knowledge

2.5.2 Adaptive Management

As seen in Table 2.3, a key feature of EBM is adaptive management (Grumbine, 1994). Adaptive management arose from the resilience literature introduced by Holling (1973) who wrote:

> *"A management approach based on resilience... would emphasize the need to keep options open, the need to view events in a regional rather than a local context, and the need to emphasize heterogeneity. Flowing from this would be not the assumption that future events are expected, but that they will be unexpected"* (p.21).

Following further research and theory development by Holling (1978) and Walters (1986), this management approach would become known as ‘adaptive environmental assessment and management’. Many of the ideas and theory of adaptive management and EBM co-evolved and thus incorporate many of the same concepts.

Conventional (non-adaptive) scientific research attempts to ‘decompose’ large-scale complex systems into smaller sub-processes that are more amenable to investigation (Walters, 1986). Walters cited three problems with this approach: (1) the number of factors embedded in the system grows exponentially as the system is decomposed; (2) a decomposed system must eventually be reconstructed again and this will involve the accumulation of many small errors; and (3) results obtained from the investigations of components of the system must still be tested on/in the overall system. Where information is derived from experiments on limited components of a complex natural resource system, predictions are problematic and therefore, it will not be known if a management initiative will have the desired effect until it has been implemented and tested.

Those who carry out adaptive management view complex resource systems as integrative and holistic, and search for simple structures and relationships that explain much of nature’s complexity (Gunderson, 2003). Nature is seldom linear and predictable (Berkes, Colding, & Folke, 2003). Complex systems, in contrast to simple systems, possess a number of attributes including nonlinearity, uncertainty, emergence, scale and self-organisation (Berkes et al., 2003). An understanding of complex systems augments general systems theory, which is concerned with the exploration of wholeness, meaning that an understanding of a system is derived from an examination of its components and also their interactions. Components of a complex system are investigated not in isolation, but how they work together. General systems theory, therefore, emphasises connectedness, context and feedback (a concept that refers to a result of behaviour that reinforces or modifies future behaviour).

Additionally, it is now widely accepted that resource systems should be managed for sustainability and resilience. Sustainability - the use of environment and its resources to meet the needs of the present without compromising the ability of future generations to meet their own needs - is synonymous with resilience when managing complex social-ecological systems. A system with low resilience also has low sustainability – and may not last long before flipping into an alternate or undesirable state (Berkes et al., 2003). The greater the resilience of a co-management system, the greater is the system’s ability to absorb shocks and perturbations and adapt to change, and the longer the system can be sustained.

Adaptive management assumes that scientific knowledge is provisional and that management is a learning process or continuous experiment (Walters, 1986). Adaptive management

emphasises the need for ongoing learning through experimentation, learning-by-doing and by engaging with a broad range of stakeholders, including scientists, government policy makers and managers, and the public (Walters & Holling, 1990). Recognising the interests of stakeholders and ensuring their involvement will facilitate learning-based management. If management decisions are made in the absence of agreement among managers and/or stakeholders, the prospects for failure are considerably increased (B. K. Williams, 2011). Recognising and incorporating multiple interests in decision-making, particularly those of Indigenous communities, is not a simple task as demonstrated by Nursey-Bray, Marsh and Ross (Nursey-Bray, Marsh, & Ross, 2010). These authors found that basic differences in the perspectives of members of Hope Vale Aboriginal community and the staff of management agencies interfered with the implementation of an environmental management initiative.

Learning is fundamental to adaptive management because knowledge of complex resource systems is always incomplete; and the system itself is constantly evolving - primarily as a result of human influences, including the actions of resource managers. Hence, learning will need to be an iterative and cyclical process whereby solutions are tailored to specific contexts, based on systematic experimentation and social and environmental feedback to policies and management intervention to improve the way management is conducted in the future (Borrini-Feyerabend, Johnston, & Pansky, 2006). Because adaptive management requires the outcomes of learning and experimentation to be constantly incorporated into new actions, management needs to remain flexible and be able to adapt to change and uncertainty (Grumbine, 1994).

Table 2.4 Conventional versus adaptive attitudes about the objectives of formal policy analysis (Walters, 1986, p. 351)

Conventional	Adaptive
1. Seek precise predictions	Uncover range of possibilities
2. Build prediction from detailed understanding	Predict from experience with aggregate responses
3. Promote scientific consensus	Embrace alternatives
4. Minimise conflict among actors	Highlight difficult trade-offs
5. Emphasise short-term objectives	Promote long-term objectives
6. Presume certainty in seeking best action	Evaluate future feedback and learning
7. Define best action from a set of obvious alternatives	Seek imaginative new options
8. Seek productive equilibrium	Expect and profit from change

2.5.3 Ecosystem Based Management, Adaptive Management and Indigenous Worldviews

Overall, EBM and AM are holistic concepts that co-exist relatively well with Indigenous worldviews. Adaptive Management, like many traditional knowledge systems, assumes that nature cannot be controlled, that uncertainty and unpredictability are characteristics of all ecosystems (Berkes, 2012b). There are, however, certain elements that justify greater attention to ensure that Indigenous groups are empowered to work within a management regime based on EBM and AM concepts. While proponents of EBM and AM recognise that people are part of resource systems and that management of the system needs to change from ecocentric to anthropocentric approaches, it is clear that 'achieving community outcomes and satisfying community needs' must be consistent with ecological sustainability. The name 'ecosystem based management' does suggest that the 'ecosystem' remains the principle focus of the approach. This is also consistent with the IUCN's definition of a protected area, whereby the long-term conservation of nature is the primary goal of management. Conflict may occur if Indigenous utilisation of the resource is perceived by protected area managers and broader society to be inconsistent with conservation. Modern or Western influences on Indigenous culture, the de-linking of 'rights' and 'responsibility', and community pressures to create new

economic opportunities on or nearby protected areas have the potential to lead to unsustainable resource use and practices.

As seen in Table 2.3, Valentine's (2000) component numbers three and five of the EBM approach emphasise the need to understand and recognise the complexity of the ecology of the system, not necessarily the social elements. To avoid potential conflicts between Indigenous resource use and conservation objectives, there is an urgent need to fully incorporate social considerations (including cultural, economic, political etc.) into protected area management approaches - not just in simplistic terms of people's impact on the ecology of the system, but also incorporating all the social dimensions that influence the functioning of the social-ecological system. Berkes (2012a) states that implementing EBM in the 21st Century requires a move away from management focusing on science and policy, towards governance. To achieve this, EBM must become interdisciplinary to deal with the wicked problems of complex social-ecological systems and incorporate resilience, adaptive management and co-management approaches. Governance approaches may include cooperative, multilevel (rather than centralised, top-down) management, partnership approaches, social learning and knowledge co-production.

To be compatible with Indigenous worldviews, a co-management regime must fully consider the social elements of the system, including cultural, livelihood and wellbeing influences on, and from, conservation efforts. Understanding local aspirations and priorities; acknowledgement and use of local knowledge; provision of incentives, infrastructure, political and financial support and capacity development initiatives; and devolving responsibility to local people and institutions are all vital for empowering local people to manage traditional lands for conservation and sustainable use.

While many protected areas may have arbitrary administrative/political boundaries, purely ecological boundaries may not be pragmatic either when the interests of Indigenous people are also taken into account. In many cases there is a need for PA boundaries to be negotiated according to both ecological and social criteria, which may include cultural factors such as the territorial boundaries and meanings of places to Indigenous peoples.

The proponents of EBM have recognised that in many cases there will be a need for substantial changes in legal mechanisms and administering institutions in order to accommodate local community and Indigenous peoples' aspirations for, and involvement in, the management of CPRs. EBM recognises that formal protected areas are only one means to achieve conservation outcomes and that Indigenous communities and community-based organisations may also use mechanisms such as conservation covenants and co-management agreements to manage resources within their traditional land for cultural and conservation purposes. Less well

recognised in the EBM approach is that Indigenous peoples and their communities often self-organise - they prioritise, plan and carry out their own resource management and conservation initiatives with or without external assistance including statutory protection. While statutory protection may provide some defence against large, unwanted developments, such as mining or dams, there is no certainty. Indigenous communities have been known to fiercely resist (both actively and/or passively) the imposition of unfamiliar regulatory mechanisms for CPRs that are not sensitive to local priorities and land management activities. Recognition of Indigenous self-governance will assist government agency staff and other external stakeholders to rectify any remaining power disparity in environmental legislation and management agencies with entrenched centralised 'top-down' models of governance.

Negotiating co-management in complex systems such as Cape York Peninsula will necessarily involve interactions between multiple actors from multiple geographical scales, including the members of the community, Indigenous regional organisations, and state and federal agencies. The ability of theory to deal with both social and ecological complexity when guiding thinking and investigations into co-management is therefore critical. Considering a large number of variables qualitatively, rather than a small number of variables using quantitative methods, could be an effective way to deal with complexity and to build a holistic picture of a social-ecological system (Berkes & Berkes, 2009).

2.6 Integration of the Literature: Summary of Attributes and Rationale for Co-management

This section provides a summary of the themes or attributes discussed in this literature review thus far that must be supported as conceptual bases of contemporary co-management regimes between Indigenous peoples and the State. In order to provide an adequate guide for an investigation of protected area co-management in any context, the concept of adaptive co-management must be able to recognise and support these attributes (section 2.6.1) and 'rationale' or motivations of the co-management parties for entering into co-management (section 2.6.2). These attributes and rationale were gleaned from the literature reviewed for this chapter and grouped into themes using a process of content analysis.

2.6.1 Necessary Attributes of a Protected Area Co-management System

1. Values, ethics and worldviews:
    a. incorporates ethical principles
    b. combines utilitarian and intrinsic values
    c. allows for the evolution of culture

   d. rejects the ‘romantic’ view of indigenous land management
   e. recognises and seeks reconciliation between the parties
   f. is equitable, fair and socially just
2. Community focused:
   a. place-based: recognises that knowledge of country may be unique to that area
   b. incorporates local peoples’ livelihood and wellbeing aspirations as a goal of management
   c. incorporates locally relevant understandings and terminology
3. Relationships:
   a. ‘inclusive’, participatory management process
   b. requires trust, accountability and cooperation between the parties
4. Knowledge-based:
   a. recognition that knowledge is provisional
   b. recognition that management is a learning process or continuous experiment
   c. seeks greater understanding of the social dimensions of the resource as well as the ecological
   d. involves learning via data collection and monitoring
   e. a pragmatic approach based on learning what actually works
5. Adaptable, Sustainable, Resilient, Flexible:
   a. recognises resilience of Indigenous cultures, ongoing relationship with country
   b. responsive to changing needs, capacities and system feedback
   c. acceptance that future events will be unexpected & change is inevitable
   d. need for flexibility and ability to adapt to change and uncertainty
   e. seeks to build resilience
   f. based on sustainability
   g. emphasises adaptation
6. Holistic view of system:

   a. PA boundaries negotiated according to both ecological and social criteria: e.g. incorporates territorial boundaries and meanings of places to Indigenous peoples
   b. recognises social-ecological linkages
   c. recognises system complexity and connectivity
   d. pays attention to context and to scales of time and place
   e. works across ecological and administrative boundaries: appropriate spatial scales

7. Governance
   a. tailored to fit the unique needs, opportunities and complexities of each context
   b. incorporates long term, as well as short term goals and objectives
   c. recognition that protected areas are only one way for communities to conserve local resources
   d. provides a spectrum of co-management governance options
   e. provides support for community self-governance and self-organisation: ability to prioritise, plan and carry out their own resource management and conservation initiatives with or without external assistance
   f. recognises communal / cultural management regimes that restrict self-interested / exploitative behaviours
   g. recognises shared ownership, authority & responsibilities
   h. devolves power: provides statutory, policy or other effective support for co-management
8. Capacity:
   a. incorporates capacity development for all parties
   b. acknowledges that views, skills, and other management resources from multiple stakeholders can improve management effectiveness
   c. shared capacity will determine the feasibility of co-management

2.6.2 Rationale (or Motivations) for Protected Area Co-management

Drawn from the literature, the rationale for entering into a protected area co-management regime could involve any one or more of the following three themes:

1. To secure the social-ecological sustainability of the resource:
    a. recognise social-ecological linkages: organisms and natural processes do not respect protected area boundaries and often cross into surrounding land tenures
    b. people are a part of, and interact with, the environment; e.g. traditional Indigenous practices are inherently linked to the health of the land and its people
    c. response to social &/or ecological crisis: e.g. response to threats to a PA from over-exploitation or development, conflict amongst interested parties
    d. provide intergenerational equity: protect the resource for enjoyment of future generations
2. Pragmatism:
    a. different parties contribute different skills, knowledge, resources and other management advantages, therefore the involvement of multiple parties can complement otherwise under-resourced management regimes
    b. flexible, resilient and knowledge/learning-based management systems are the most sustainable because they are best able to cope with complexity and adapt to inevitable change;
    c. inclusive, collaborative, cooperative styles of management experience less conflict
    d. to take advantage of an opportunity that arises (e.g. change in legislation, a condition of ownership of a resource, chance for economic development)
3. Ethics:
    a. To link management rights and responsibilities
    b. recognition of a legitimate claim to, and/or shared ownership of, a resource
    c. resolve past injustices including the appropriation of traditional lands and the removal of indigenous people from their homelands
    d. redress power imbalances, treating local and Indigenous people with respect and equity
    e. addressing disadvantage through economic, sustainable development and capacity-development opportunities contributing to community livelihoods and improved wellbeing

The above motivations or rationale for the implementation of co-management regimes for protected areas provide a neat summary of the principles or shared values by which co-management may be established and managed. It is proposed here, that

> *if the parties share a common or unifying purpose for entering into co-management of a protected area, a foundation for future cooperation and collaboration will exist.*

The differences in Indigenous and Western knowledge systems and ideologies can challenge the implementation of protected area co-management regimes. The capacity of each party to seek solutions to these challenges will determine the feasibility of co-management in any given context. Simply merging Western and Indigenous paradigms may not provide an answer to this complex dilemma. A new philosophical perspective may be required to frame a management approach that is socially and ecologically sustainable; is pragmatic i.e. based on what actually works; and is ethical. The next section introduces adaptive co-management and seeks to understand its potential as a bridging concept – a new approach for reconciling Indigenous and Western knowledge systems and for creating a unifying basis for protected area co-management.

2.7 Adaptive Co-management

This thesis is concerned with understanding how sustainable, resilient co-management systems are created; what makes co-management feasible? The concept of adaptive co-management (ACM) has significant merit for understanding co-management contexts where local and Indigenous people and their communities seek a role in the management of protected areas. Plummer and Armitage (2007a) state that ACM emerged as a response to the conventional 'command and control' resource management approaches that do not respond well to the complexity and uncertainty of social – ecological systems. The ACM concept is interdisciplinary – it has evolved from multiple perspectives. It is also relatively new, and still evolving.

According to Plummer and Armitage (2007b) the purpose of ACM is to 'foster ecologically sustainable livelihoods'. This goal is consistent with the Oykangand Traditional Owners' core aspirations for their Mitchell-Alice Rivers National Park homeland. As found in Chapter 1, the Oykangand people aspire to be recognised as the statutory owners of the national park and to integrate the management of the area into the functions of their community's wider land management office. Bridging organisations such as the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) play a critical role in adaptive co-management by providing a forum for the exchange of knowledge and learning and by

coordinating tasks that enable collaboration. Effective bridging organisations provide access to resources and networks, and help to build trust and resolve conflict (Berkes, 2009; Hill et al., 2010).

The goal of ACM is also consistent with IUCN's description of national park functions - ecosystem conservation and compatible spiritual, scientific, educational, recreational and visitor opportunities - as long as Traditional Owners are empowered to achieve livelihood (including economic) outcomes from these compatible opportunities.

While the ACM concept is still in the early stages of development it does have relatively well grounded theoretical foundations in the adaptive management and resilience literatures and also the common property literature from which collaborative management has its origins (Armitage et al., 2007). As has been shown in the Introduction to this chapter (section 2.1), the protected area management literature has also evolved alongside the CPR and adaptive management literatures, borrowing from and contributing to conceptual developments in a number of resource management and geographical contexts.

Combining the adaptive management and co-management concepts will mean that ACM systems: 1. are flexible community-based systems of resource management tailored to specific places and situations; 2. are supported by various organisations at different levels; 3. occur when organisational arrangements and ecological knowledge are tested and revised in a dynamic, ongoing, self-organised process of learning by doing or 'trial-and-error' (Folke et al., 2002; Folke et al., 2005).

Plummer and Armitage (2007a) conducted a Delphi study of experts in co-management in order to identify the core components of adaptive co-management (Table 2.5). These core components of ACM are consistent with the attributes of a social-ecological system that facilitate Indigenous people's involvement in the management of protected areas.

Table 2.5 The Core Attributes of ACM (Plummer & Armitage, 2007a)

- Sharing authority, i.e. power, between at least two groups of actors, usually, but not limited to the state and civic actors and/or users
- Shared decision making
- Inclusion of stakeholders for appropriate representation in the specific context, broadly defined to include those interested in management objectives, i.e. government, those directly, i.e., users, and indirectly, i.e. public, affected by potential interventions
- Careful design, i.e. structuring, of management actions as deliberate experiments with learning as an objective of doing
- Social learning by which actions are developed, tested, reflected upon, and revised, i.e., double loop learning, learning by doing
- Capacity to evolve and change in light of feedback, i.e. adaptive
- Communication, i.e. sharing of information and establishment of shared understanding
- An underlying and ongoing process
- An aim to increase socio-ecological resilience, i.e. conservation/preservation, of the resource system
- Institutional innovation and creativity
- Matching management to complex ecosystem structures/dynamics
- Dealing with cross-scale linkages, i.e. across multiple levels
- Incorporation/engagement of multiple sources of knowledge and culture
- A collectively developed and agreed upon model of management roles and responsibilities
- Adequate resources and capacity, e.g. human, financial, institutional
- Focus on elements of difference, i.e. power, culture, knowledge, and legitimisation and empowerment of different social actors
- Equity
- Participation in various aspects, e.g. decisions, enforcement, monitoring, etc.
- Monitoring ecological and social changes and outcomes of interventions, i.e. adequate feedback loops
- Flexibility that permits rapid institutional change
- Place-based understanding
- Trust, i.e. social capital, among participants and a nurturing environment
- Strong leadership and/or facilitation
- Conflict management mechanisms and processes
- Decentralisation
- Common vision/goal or endpoint supported by rationale for direction
- Social/organisational memory
- Community capacity building
- Sustainable livelihood development
- Minimal external inputs, self-organisation, and self-reliance

In addition to the above components, Fennell, Plummer and Marschke (2008, p. 73) state that adaptive co-management can provide a mechanism for ethical decision-making, meaning a genuine commitment to the right approach and the free will (authenticity) of individuals:

> *"As a governance system, adaptive co-management provides a promising mechanism by which multiple perspectives (ethical triangulation) could be considered by many different actors. As participants discuss these fundamental ethical questions through meditative or reflective thinking, adaptive co-management becomes an agent of governance which is good, right, and authentic as well as an arena in which uncertainty can be embraced."*

Considering Indigenous peoples' experience with dispossession of their country, their struggle for recognition as land-owners and managers and for self-governance, ethics must be considered a core component of ACM. In addition, the concept of free, prior and informed consent is a key principle within the 2007 United Nations Declaration on the Rights of Indigenous Peoples, potentially enabling Indigenous people to exercise more power in negotiations over proposals that directly affect them (Hales, Rynne, Howlett, Devine, & Hauser, 2012).

Revisiting the definition of co-management provided in section 2.3.3:

> *"a partnership by which two or more relevant social actors collectively negotiate, agree upon, guarantee and implement a fair share of management functions, benefits and responsibilities for a particular territory, area or set of natural resources"* (Borrini-Feyerabend, Pimbert, et al., 2004, p. 67).

Adding an ethical component to this definition means that a partnership will be 'fair' or equitable if it has met or has addressed the aspirations of Indigenous people and is entered into with free, prior and informed consent (i.e. is free from coercion).

Co-management is considered to be a dynamic process rather than a rigid state of organisation, even when arrangements seek to create order or consistency in the relationship between co-managers (Selin & Chavez, 1995). Conceptualising ACM as an evolving process means that the conditions that facilitate ACM will be unique to each context and subsequently arrangements must be tailored to the unique demands of the situation rather than using the same regime in all situations. While Plummer and Armitage (2007a) ranked the above components according to the level of importance placed upon them by ACM experts, Table 2.5 does not include this information because their importance may vary according to the unique attributes of each co-management context. Those attributes most significant to the Mitchell-Alice Rivers National Park and the Cape York Peninsula context may vary widely from those found significant elsewhere. It is the aim of this research to determine the most significant attributes to the

MARNP and Cape York Peninsula context, which may or may not include those listed in sections 2.6 and 2.7. Most of these attributes, particularly those relevant to Indigenous knowledge systems, have been identified within the literature review thus far. However, due to the likely distinctiveness of each context, these attributes are not all discussed in detail at this juncture. Later in this thesis, the differences and similarities of the components of ACM found important to the context under investigation and those found in the literature will be discussed in more detail.

2.8 Conclusion

This chapter began with three objectives that address the research question: 'What makes co-management feasible?'

1. to understand the theoretical foundations of the concept of adaptive co-management and their potential for application in an Australian protected area co-management context
2. to understand why Indigenous communities and government organisations enter into co-management arrangements for protected areas
3. to understand the attributes of a social-ecological system that facilitate the co-management of resource systems at the global / theoretical scale

The chapter introduces the relatively new interdisciplinary concept of 'adaptive co-management' to the Australian protected area management field. ACM's links with the concepts and theory of 'the paradigm shift in protected area management', 'common pool resources' and 'ecosystem based management' and other related approaches that address uncertainty and complexity in social-ecological systems are reviewed. From the resource management literature, the rationale or motivations for Indigenous peoples and government agencies to enter into co-management regimes for protected areas are identified. If shared between the co-management parties, these rationales may provide a common or unifying purpose for the management of a protected area, a foundation for future cooperation and collaboration.

By reviewing the Western resource management concepts and examining their compatibility with Indigenous knowledge systems, a number of issues of concern are highlighted. Many of these issues are addressed by drawing together their community sensitive attributes into the concept of ACM. Combined with a focus on ethics, ACM is established as a concept that can guide an investigation into the feasibility of prospective co-management regimes between government agencies and Indigenous peoples. The result of this literature review is a list of the components or principles and themes underlying adaptive co-management partnerships. It is

proposed that these same components are tantamount to the attributes that facilitate the co-management of social-ecological systems such as protected areas. However, due to the complexity and uniqueness of each context, the attributes most important in any given context may vary.

In the next chapter, a conceptual framework is developed so that the attributes of a SES that facilitate and challenge the implementation of adaptive co-management in any given context may be systematically and holistically examined and the most significant identified.

Chapter 3 Developing and Implementing a Methodology for Evaluating the Feasibility of Adaptive Co-management

Part A - Evaluating the Feasibility of Adaptive Co-management

“as simple as possible, but no simpler”

Einstein

3.1 Introduction

In Chapter 2 it was found that the principles of adaptive co-management (ACM) are suitable for guiding an investigation into the feasibility of prospective protected area co-management regimes between government agencies and Indigenous peoples. However, the feasibility of co-management is an area of research that has yet to receive adequate attention. Berkes (1997, p. 6) states, “Very little scholarly work addresses, in my opinion, the key question: When is co-management feasible?”

In Chapter 2.6.2 it was proposed that a common or unifying purpose for entering into co-management could create a foundation for future cooperation and collaboration. That is, ACM will only be feasible when the attributes of a social-ecological system foster the desired outcomes or shared goals of the co-managing parties within a given context. Developing a process for testing this proposition and for identifying other critical factors that support the implementation of ACM is essential and is the objective of Part A of this chapter.

An evaluation of the feasibility of ACM can give the parties confidence that the effort required of such an undertaking is likely to be worthwhile. An evaluation can also ensure that resources for the implementation of ACM are targeted according to the needs of each context. However, understanding the feasibility of ACM has remained a challenge for researchers and resource managers alike. The challenge lies in knowing how to conduct an ex-ante evaluation – that is, to identify and/or create the conditions and processes that will support ACM in a given context where it has yet to be implemented. Further challenges are evident when it is understood that complex social-ecological systems (SES) do not always behave as expected, are not easily understood and can be unpredictable (Gunderson, 2003). Because of this complexity and unpredictability, panaceas must be avoided. There will be no standard set of ‘off the shelf’ attributes of an SES that are known to guarantee the successful implementation or maintenance of resource governance regimes in any given context (Ostrom, 2007; Walters, 1986).

However, adaptive management theory states that simple structures and relationships can explain much of nature's complexity. And, as a consequence of researchers' continued efforts to make sense of the attributes of SESs for management and other purposes, there is a growing empirical base of observation of the conditions that influence the 'success' of co-management (Plummer & Fitzgibbon, 2004a). Research effort has broadly sought to identify combinations of variables, their interactions and outcomes across diverse social-ecological systems and has subsequently revealed emergent patterns as well as unexpected behaviours. This kind of research is still in its early stages and direct causal links remain elusive. There are also ontological reasons for avoiding a-priori knowledge due to the possibility that researchers will overlook contextual factors that are not 'on the list' (Edwards & Steins, 1999), that is, were not identified in other contexts. Despite such limitations, research undertaken in other SESs, while not always transferable across settings, may assist researchers to frame questions and contain useful considerations for an ex-ante evaluation of adaptive co-management.

An ex-ante evaluation is useful when much of the information required for understanding the feasibility of co-management cannot be directly observed from the context of interest because co-management has yet to be implemented. Of particular interest are holistic conceptual or evaluation frameworks that draw researchers' attention to broad themes or groups of attributes without dictating which variables may be of importance in a given context.

There is a delicate balance, therefore, to ensure that the results of research undertaken in other contexts, with their diverse array of methodologies, do not excessively direct the gaze of the researcher and thus predicate the results of an ex-ante evaluation. A-priori knowledge can complement inductive research by ensuring that the research is holistic, that the researcher's attention is drawn to all possible variables and their interactions that could influence the feasibility of ACM in the current investigation. Then the researcher must allow the variables of importance to be revealed inductively from the context of interest.

Rather than critique the results of research from other contexts, which may have limited transferability, the objective of Part A of this chapter is to review two types of conceptual frameworks used to guide the evaluation of social-ecological systems:

(a) those used to evaluate the performance or functioning of existing resource management regimes; and

(b) those used to evaluate the feasibility of cooperative management regimes in a context where co-management is prospective.

From these two frameworks, an evaluative or diagnostic framework is devised to guide an investigation of the feasibility of ACM of the Mitchell-Alice Rivers National Park. The

objective of Part A of this chapter, therefore, is to demonstrate how this conceptual framework was developed from the literature and to provide directions for its implementation.

The framework must enable an investigator to sort through the large number of variables to determine the specific combination of attributes that will have a major impact on the ability of the Traditional Owners and the Queensland Parks and Wildlife Service (QPWS) to implement a sustainable ACM regime for the Mitchell-Alice Rivers National Park.

3.2 Evaluating the Performance of Co-management Regimes

As explained above, research undertaken in other social ecological systems, particularly those analysing the implementation and/or performance of ACM may contain useful considerations for an ex-ante evaluation of a prospective ACM regime. Agrawal (2002) explains that the relationship between the attributes of a SES which influence the implementation of co-management regimes and the attributes that influence its ongoing performance is not clear. What is known is that the attributes are not identical, but closely related and complex, and there is likely to be some overlap. Therefore, attention to both sets of variables is important and both need to be incorporated into a conceptual framework for evaluating the feasibility of ACM regimes.

There has been substantial effort directed toward documenting the attributes of SESs that influence the success of co-management regimes across a number of different resource management contexts and geographical locations over the last 20+ years. Due to the complexity of SESs, most often researchers have sought to understand SESs via case studies using qualitative methods, or have examined limited variables or attributes of the system across a larger number of cases. For example, researchers have examined:

- the conditions and processes of institutions or governance regimes that influence the co-management of environmental resources (see e.g. Borrini-Feyerabend, Pimbert, et al., 2004; Mendis-Millard & Reed, 2007; Ostrom, 1990; Pinkerton, 1989; Pomeroy, 2007; Roe et al., 2000; Wondolleck & Yaffee, 2000)
- the planning and effectiveness of resource management regimes (e.g. Hockings, Stolton, Leverington, Dudley, & Courrau, 2006; Yasamis, 2006)
- learning, adaptation, adaptive capacity, resilience, and capacity development of organisations and individuals in resource management (Armitage, 2005a; De Urioste-Stone, McLaughlin, & Sanyal, 2006; Folke et al., 2002; Hahn, Olsson, Folke, & Johansson, 2006; Jones & Burgess, 2005)
- social capital in resource management (Pretty, 2003; Pretty & Smith, 2004; Pretty & Ward, 2001)

- policy analysis in resource management (Pomeroy & Berkes, 1997)
- theoretical and methodological approaches to understanding resource management regimes (Carlsson & Berkes, 2005; Ostrom, 2007)
- collaboration and/or conflict resolution (Armitage, 2005b; Gray, 1985; Kopelman, Weber, & Messick, 2002; Selin & Chavez, 1995)
- studies that investigate success factors relevant to Indigenous organisations and their partnerships or relationships with the State (particularly those Indigenous organisations managing natural and cultural resources) (Armitage, 2005c; Berkes & Davidson-Hunt, 2006; Carter & Hill, 2007; Gillespie & Cooke, 1998; Hill, 2006; Howitt, 2001; Nadasdy, 2003; Power, 2002).
- barriers to co-management success (e.g. see Pini, River, & McKenzie, 2007)
- and many more, particularly those studies dedicated to industry sectors such as fisheries, forests, protected areas, ecotourism etcetera. In fact, the *Digital Library of the Commons* at Indiana University had collected 5000 citations by 1990 (Ostrom, 1990).

If it is accepted that any attribute of an SES could facilitate or obstruct the implementation and ongoing success of ACM, then an encompassing, holistic investigation of the attributes of the system across multiple scales (of time and space) is required to understand the feasibility of co-management. Ostrom (2007) introduces a nested, multi-tiered framework that is designed to enable researchers to organise analyses of how attributes of a resource system (RS), the resource units generated by that system (RU), the users of that system (U) and the governance system (GS) are influenced by the broader social (S) and ecological (ECO) settings and together affect and are indirectly affected by interactions (I) and resulting outcomes (O) achieved at a particular time and place (Figure 3.1).

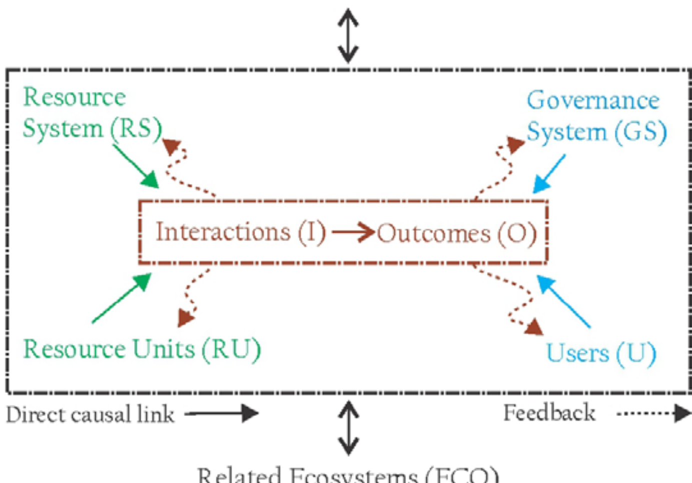

Table 1. Second-tier variables in framework for analyzing an SES

Social, Economic, and Political Settings (S)

S1- Economic development. S2- Demographic trends. S3- Political stability.
S4- Government settlement policies. S5- Market incentives. S6- Media organization.

Resource System (RS)	Governance System (GS)
RS1- Sector (e.g., water, forests, pasture, fish)	GS1- Government organizations
RS2- Clarity of system boundaries	GS2- Non-government organizations
RS3- Size of resource system	GS3- Network structure
RS4- Human-constructed facilities	GS4- Property-rights systems
RS5- Productivity of system	GS5- Operational rules
RS6- Equilibrium properties	GS6- Collective-choice rules
RS7- Predictability of system dynamics	GS7- Constitutional rules
RS8- Storage characteristics	GS8- Monitoring & sanctioning processes
RS9- Location	

Resource Units (RU)	Users (U)
RU1- Resource unit mobility	U1- Number of users
RU2- Growth or replacement rate	U2- Socioeconomic attributes of users
RU3- Interaction among resource units	U3- History of use
RU4- Economic value	U4- Location
RU5- Size	U5- Leadership/entrepreneurship
RU6- Distinctive markings	U6- Norms/social capital
RU7- Spatial & temporal distribution	U7- Knowledge of SES/mental models
	U8- Dependence on resource
	U9- Technology used

Interactions (I)	→ Outcomes (O)
I1- Harvesting levels of diverse users	O1- Social performance measures (e.g., efficiency, equity, accountability)
I2- Information sharing among users	O2- Ecological performance measures (e.g., overharvested, resilience, diversity)
I3- Deliberation processes	O3- Externalities to other SESs
I4- Conflicts among users	
I5- Investment activities	
I6- Lobbying activities	

Related Ecosystems (ECO)

ECO1- Climate patterns. ECO2- Pollution patterns. ECO3- Flows into and out of focal SES.

for analysing social-ecological systems

Each of Ostrom's eight broad first tier variables can be unpacked and further unpacked into subsequent levels or tiers. Ostrom identified second tier variables in her 2007 article (Figure 3.1) and work is ongoing to develop third and subsequent tier variables. The lower level variables and the horizontal and vertical linkages among them may provide the most meaningful understanding of a particular SES dilemma. Use of a common set of variables allows for comparison across cases and sites and, eventually, the identification of causal links that help to build coherent theory on the management of social-ecological systems (Agrawal, 2001). However, not all variables are applicable in a given SES context and lower tier variables will only be potentially relevant when they are subcomponents of a second tier variable that is thought to influence interactions and outcomes. The empirical base of observation regarding the attributes of SESs that influence the implementation of co-management regimes, however, is in its infancy.

3.3 Evaluating the Prospects of Implementing ACM Regimes

At present, there is little consistency regarding the terminology used in reference to these attributes that influence implementation of co-management regimes. Nor is there an established, holistic conceptual framework that can be used to identify all factors that can influence the feasibility of implementing ACM. Selin and Chavez (1995) use the word 'antecedents' to refer to 'the environmental forces that lead to collaboration', while Plummer and Fitzgibbon (2004a) refer to 'preconditions' or 'antecedents' as providing the 'impetus' to the co-management process. Pomeroy and Berkes (1997) write about the 'establishment of conditions' and the 'tasks' involved in establishing co-management. McCay (2002) refers to the 'emergence' of institutions for managing the commons, while Olsson, Folke & Berkes (2004) also refer to the 'essential features for self-organisation'. Pomeroy (1998, cited in McConney, Mahon, & Pomeroy, 2007, p. 107) describes the 'pre-implementation' phase of co-management. Olsson, Folke and Hahn (2004) investigate the 'social mechanisms behind the transformation' toward adaptive co-management of an ecosystem. However, none of these studies provide a framework or process capable of guiding a holistic investigation into both social and ecological aspects of a potential co-management system.

One exception is the 'Collective Resource Management' (CRM) framework developed by Wood, Knowler, & Gurung (2008) for studying the prospects for community-based wildlife management (Figure 3.2). The authors tested their framework by evaluating the prospects for community-based management of the Himalayan musk deer in Nepal. The framework guides an 'ex-ante' assessment, meaning an evaluation of the prospects for successful co-management is undertaken before the project is implemented, distinguishing this study from 'ex-post' studies - the larger body of research examining the reasons for success or failure of completed or

ongoing projects. The authors state that “Ex-ante analyses can help to distinguish the settings where [co-management] may work from those where it almost certainly will not be successful” (p.17).

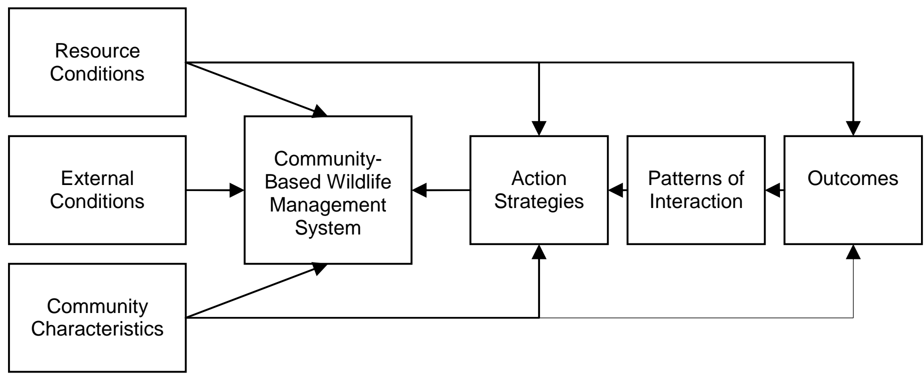

Figure 3.2 A conceptual framework for studying the prospects for community-based wildlife management (Wood et al., 2008)

The authors examined Agrawal’s (2001) ‘critical enabling conditions for sustainability on the commons’ (Table 3.1) and isolated the ‘resource conditions’, ‘external conditions’ and ‘community characteristics’ as being the only elements of a SES that can be directly observed before the implementation of co-management. These broad attributes were incorporated into their evaluation framework as observable or contextual elements. Evaluating these observable attributes was dependent on general understandings obtained from ex-post research in other settings. Other attributes important for evaluation were not observable and therefore required definition, prediction or assessment by the researcher and/or the community. These attributes include the desired outcomes, the patterns of interaction and action strategies necessary to support the outcomes. An understanding of the prospects of co-management come about from ‘forecasting’ whether the observable contextual variables will support the desired outcome of ACM, or if not, whether these contextual factors can be modified in some way. Management recommendations can then be produced.

Table 3.1 Agrawal's (2001, p. 1659; 2002, pp. 62-63) Critical enabling conditions for sustainability on the commons

1. Resource system characteristics
    - (i) small size
    - (ii) well defined boundaries
    - (iii) low levels of mobility
    - (iv) possibility of storage benefits from the resource
    - (v) predictability

2. Group characteristics
    - (i) small size
    - (ii) clearly defined boundaries
    - (iii) shared norms
    - (iv) past successful experiences – social capital
    - (v) appropriate leadership – young, familiar with changing external environments, connected to local traditional elite
    - (vi) interdependence among group members
    - (vii) heterogeneity of endowments, homogeneity of identity and interests
    - (viii) low levels of poverty

1. & 2. Relationship between resource system characteristics and group characteristics
    - (i) overlap between user group residential location and resource location
    - (ii) high levels of dependence by group members on resource system
    - (iii) fairness in allocation of benefits from common resources
    - (iv) low levels of user demand
    - (v) gradual change in levels of demand

3. Institutional arrangements
    - (i) rules are simple and easy to understand
    - (ii) locally devised access and management rules
    - (iii) ease in enforcement of rules
    - (iv) graduated sanctions
    - (v) availability of low cost adjudication
    - (vi) accountability of monitors and other officials to users

1. & 3. Relationship between resource system and institutional arrangements
    - (i) match restrictions on harvests to regeneration of resources

4. External environment
    - (i) technology
        - (a) low cost exclusion technology
        - (b) time for adaptation to new technologies related to the commons
    - (ii) low levels of articulation with external markets
    - (iii) gradual change in articulation with external markets
    - (iv) State:
        - (a) central governments should not undermine local authority
        - (b) supportive external sanctioning institutions
        - (c) appropriate levels of external aid to compensate local users for conservation activities
        - (d) nested levels of appropriation, provision, enforcement, governance

3.4 Framework to Assess the Feasibility of ACM

Authors have stated that tools for conceptualising and analysing co-management and that provide for comparisons across cases are scarce and not well developed in the literature (Carlsson & Berkes, 2005; Plummer & Armitage, 2007b). However, the recent publication of Ostrom (2007) and Wood et al., (2008) have progressed this area of need by providing theoretically grounded (i.e. identifiable as being derived from the literature) evaluative frameworks upon which a holistic investigation into the feasibility of ACM of the Mitchell-Alice Rivers NP (MARNP) can be conceived. In this thesis, guidance on the definitions of the variables are obtained from the CPR literature, including publications such as Ostrom (1990, 2008).

In the adapted framework for this research project (Figure 3.3), the Wood et al. (2008), framework inspires the sequence of investigation and/or the process used in the evaluation. Ostrom's (2007) eight first tier attributes of SESs are used as a means of categorising and organising the variables that may influence the feasibility of implementing adaptive co-management.

Ostrom's second tier variables, along with other variables derived from the literature (e.g. the core attributes of ACM in Table 2.5, Agrawal's 'critical enabling conditions' in Table 3.1 and many other references) are useful for framing questions that may assist in the identification of variables that influence the feasibility of ACM of the Mitchell-Alice Rivers National Park. Ostrom's (2007) framework is designed for extractive resource systems. Where the desired outcomes are not primarily extraction, the significant second tier variables may differ from those presented in Ostrom's (2007) framework. The principle intent of protected areas are to *conserve* resource systems such as forests, savannas and other biomes, rather than *sustainable resource use or extraction* that has more often been the focus of common pool resource analyses to date. Commonalities between variables pertinent to co-management for conservation and those pertinent to co-management for resource use are not known. However, as seen in Chapter 2, Figure 2.4 the objectives and practice of resource management and protected area management are coming closer together so there is likely to be significant overlap.

This thesis takes an inductive approach to identifying lower tier variables that influence the feasibility of co-management of the national park. Ostrom's second tier variables *are not* used as part of the analytical framework for this thesis and it is not within the scope of this thesis to 'test' Ostrom's (2007) framework for analysing an SES or to propose a new set of variables for the protected area management context.

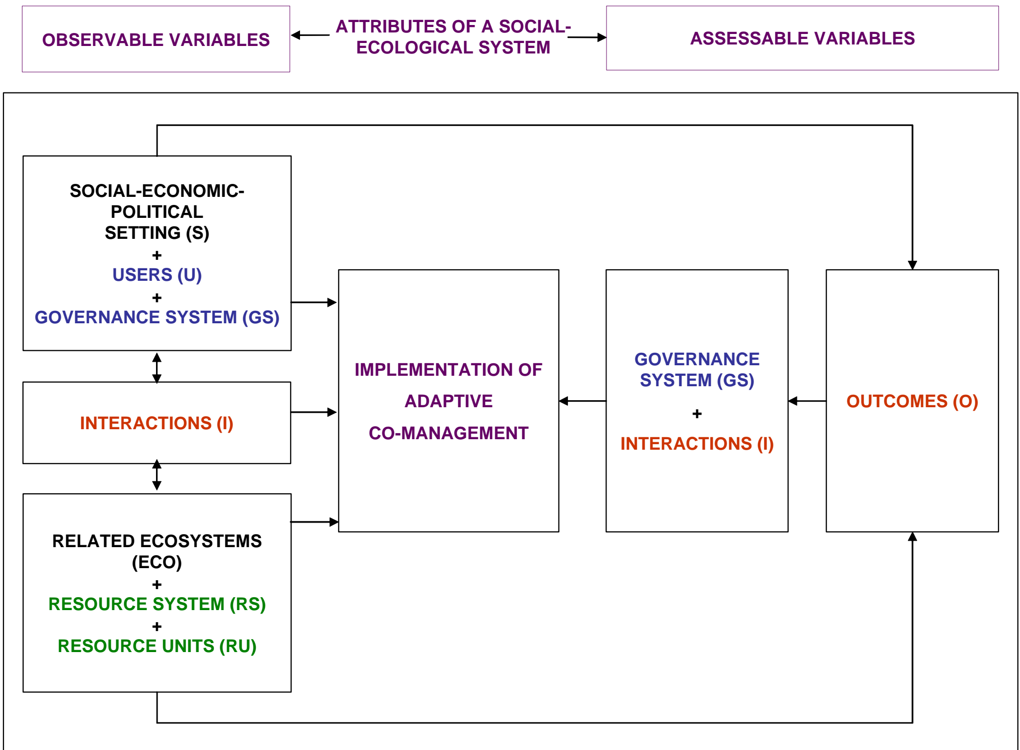

Figure 3.3 Framework to assess feasibility of ACM (adapted from Ostrom, 2007 and Wood et al., 2008)

3.4.1 Elements of the Evaluation Framework

An explanation of the first tier elements of this framework is provided below (Table 3.2). While consistent with Ostrom's (2007) *Framework*, the definition of these variables, in some cases, have been adapted somewhat for use in a protected area co-management context.

Table 3.2 Elements of the framework to assess ACM Feasibility (in a Protected Areas context)

SES Attributes	**Definition**	**Broadly Includes:**
Observable Variables	The ‘building-blocks’ of ACM. Those attributes of the social-ecological system that are observable prior to the implementation of ACM. Attention must be drawn to interactions between the observable variables, the perspectives of the parties involved, and to scales of space and time	The current and historical *social setting*; the *users* (the relevant social actors / potential parties to ACM); the current *governance system* within which the system is managed; and aspects of the *ecosystem* and the *resource system* (e.g. condition/threats) that influences the management of the SES. Also includes any *interactions* between the variables
Assessable Variables	Those attributes of the social-ecological system that cannot be observed prior to the implementation of ACM, but can be assessed via a diagnostic/evaluative process, often by observing and analysing variables in a closely related SES	The desired *outcomes* of SES; the elements of the *governance system* that are proposed to achieve the desired outcomes. Also includes any proposed *interactions* between the variables
Desired Outcomes (O)	The goals and benefits that are sought by the potential parties to ACM	User’s (social actor’s) aspirations, objectives vision or principles for the use, ownership and management of the resource system
Interactions (I)	The specific combination of or interaction between two or more variables that currently occur (observable) or proposed to occur (assessable), that influence or affect the feasibility of ACM	Communication and relationships (e.g. conflict or cooperation); knowledge sharing; joint activities and interests; lobbying and negotiations
Social-Economic-Political Setting (S)	All facets of the social setting, including economics, politics & culture that can be associated with ACM in the context of interest	Global to local conservation & development policies; worldviews, economic & cultural imperatives of the parties and broader society
Users (U)	The social actors associated with the resource system that are considering their involvement in co-management	government agencies, Indigenous peoples, local communities, fishers, tourism operators, foresters, and representative bodies or organisations
Governance System (GS)	The social structures, rules and processes (international to local; strategic to operational levels) that control the management of the resource system	International treaties and conventions; legislation, governmental policy, management plans & strategies; agreements, contracts & protocols for collaboration & cooperation and dispute resolution; allocation of authority & responsibility between the parties;
Related Ecosystems (ECO)	Any ecological system that has a role, interaction with, significance & value to the resource system of focus	Other protected areas, climate, river systems/catchments
Resource System (RS)	The natural and human-influenced attributes of the focal area from which the desired outcomes of ACM are sought	e.g. biomes, bioregions, regional ecosystems, species habitat or range, savannas, forests, river, protected area, homeland.
Resource Units (RU)	Those attributes and qualities of the SES that are valued and for which the area is managed (including the natural and cultural, tangible & intangible values)	Fauna & flora species, soils, water bodies, ecological communities, cultural & historic sites, micro-habitats, ancestral beings & story places, places of aesthetic appeal

In addition, the attention of the researcher must also be drawn to issues of scale when considering each of the observable variables of the SES (Armitage, 2005a; Mendis-Millard & Reed, 2007). While attention to some elements of spatial scale are explicit in the framework (e.g. resource units, resource system to related ecosystems), consideration of temporal scale is not. Historical events, for example, may have long-term repercussions for the feasibility of adaptive co-management. Hence, consideration of time is critical.

3.4.2 The Evaluation Process

While it is useful for clarity to tease apart the attributes of an SES in such a way as is demonstrated by Figure 3.3 and Table 3.2, it is usually not possible to evaluate the feasibility of a prospective co-management regime without also considering the interactions between the attributes. As stated by Mendis-Millard and Reed (2007), the identification and classification of attributes of an SES do not translate easily into measurable indicators. And, "even if indicators can be identified, they appear insufficient for capturing fluid and intangible aspects, such as the ability to work together toward a common goal" (p.546). As stated in Chapter 2, as a resource system an Aboriginal homeland is holistic and multidimensional, consisting of

> *"people, animals, plants, Dreamings; underground, earth, soils, minerals and waters, surface water, and air… there is no site, no position, from which the interest of one can be disengaged from the interests of others in the long term"* (Rose, 1996, p. 10).

Therefore, the evaluation of the observable variables and the assessable variables is performed concurrently. Within the social-ecological system there are both observable variables and assessable or apriori non-observable variables which interact and influence the feasibility of co-management. The aim of the evaluation is to identify those elements of the system which appear to be the most important to the implementation of co-management by looking for those simple structures and relationships within and between the attributes of the SES that are likely to have a major impact on particular interactions and desired outcomes. When these variables are identified, they may be further analysed with reference to the CPR literature and the unique context of the setting, before they are either dismissed or tentatively ordered in terms of their importance to the implementation of ACM. As stated by Basurto and Ostrom (2008, pp. 10-11),

> *"The intention is to enable scholars, officials, and citizens to understand the potential set of variables and their sub-variables that could be causing a problem or creating a benefit. When we have a medical problem, the doctor will ask us a number of initial questions and do some regular measurements. In light of that information, the doctor proceeds down a medical ontology to ask further and more*

specific questions (or prescribes tests) until a reasonable hypothesis regarding the source of the problem can be found and supported.”

The starting point for the evaluation is identifying the basis of the social–ecological system. In the current research, the focal resource system (RS) is the Mitchell-Alice Rivers National Park, which is embedded within and influenced by the broader social, economic and political setting (S) at local and extra-local scales. These scales include a spatial scale, for example, the Oykangand homeland (local), Cape York Peninsula (regional), Queensland (state), Australian (national) and international levels; and temporal scales which includes the historical context and past efforts to implement adaptive co-management.

An analysis of the natural and cultural attributes (RU) of the national park is performed to understand their influence (if any) on the feasibility of ACM. The focal ‘users’ of this SES are the Oykangand Traditional Owners (U) who belong to the area and who aspire to own and manage the park with the support of their community, it’s Indigenous land management agency and Queensland Parks and Wildlife Service. As the management of the national park is currently the statutory responsibility of the Queensland Parks and Wildlife Service, the implementation of ACM will therefore require the negotiation of a new governance system (GS) adapted from the existing community and state governance systems.

The evaluation of the feasibility of ACM of the Mitchell-Alice Rivers NP occurred in a cyclical or iterative fashion that incorporated the following tasks:

1. Identify the observable attributes of the social-economic-political setting and the users that facilitate or challenge the desired outcomes and the implementation of ACM.
2. Identify the attributes of the resource system that facilitate or challenge the implementation of ACM.
3. Identify the rights and interests of the potential ACM parties in the resource system
    a. Are these rights and interests recognised by each potential ACM party?
4. Document and analyse the aspirations of the Traditional Owners and the objectives of protected area management.
    a. How compatible are these desired outcomes?
    b. What are the variables that support these desired outcomes?
    c. What aspects of the current and historical governance system support or challenge the desired outcomes?

5. Evaluate the current capability of the Kowanyama community and the Queensland Parks and Wildlife Service for undertaking the strategic and operational aspects of ACM.
    a. How do these organisations currently manage the national park and closely related resource systems?
    b. How do these organisations currently interact?
    c. Where is capacity development required?
6. Group the variables identified from the research into themes representing the capacity required for implementing a sustainable ACM regime.
    a. Order the groups according to their level of importance in the SES under investigation.
    b. Develop a model that can guide negotiations and direct the resources needed to build capacity for ACM.
7. To identify the theoretical implications of the research, discuss and contrast the findings from this research with the results of other studies evaluating the implementation of adaptive co-management regimes.
    a. Do any commonalities or patterns emerge?

3.5 Part A - Conclusion

The objective of Part A of this chapter was to develop a conceptual framework from the literature that can be used to guide a holistic evaluation of the feasibility of ACM in any context where co-management is being considered, thus allowing for future comparison across cases. Because this research is based on a single case-study, it lacks transferability across settings.

Ways of evaluating both existing and prospective co-management regimes were reviewed as it was found that ex-post research (of existing regimes) can inform an ex-ante investigation of the prospects for implementing an ACM regime. Merging ex-post and ex-ante evaluation frameworks has resulted in a framework that can guide an evaluation of the feasibility of ACM in any prospective co-management context. By using Ostrom's first tier variables within a framework that guides the process of investigation, it is hoped that this research will contribute to the empirical base of observation and the future identification of common themes across settings that contribute to the emergence of adaptive co-management arrangements for protected areas.

The methodological approach used to apply this framework in the context of the Mitchell-Alice Rivers National park is discussed in Part B of this chapter.

Part B - Developing and Implementing an Indigenous Collaborative Action Research Methodology

To us it seems clear that research is actually more a craft than a slavish adherence to methodological rules. No study conforms exactly to a standard methodology; each one calls for the researcher to bend the methodology to the peculiarities of the setting

(Miles & Huberman, 1994, p. 5)

3.6 Introduction

As stated in Chapter 1, the aim of this research is to provide the Oykangand Traditional Owners with information that will assist them to negotiate a partnership with the state so they may achieve their aspirations for their families and for their homeland. The research also aims to make a significant contribution to the adaptive co-management literature. These aims entail both practical and theoretical outcomes and require a methodological approach, such as action research, that supports these aims.

Part B of this chapter has two major objectives. First, the action research literature is reviewed and an action research methodology that incorporates Indigenous worldviews is described. Second, Part B of this chapter describes how this methodology, which was adapted from action research to suit the peculiarities of the setting (see Miles & Huberman, 1994), was developed in conjunction with a Research Agreement and with data collection and analysis. Part B informs the reader how the research principles informed the development of a Research Agreement and the research methods, and vice versa.

Sections 3.6 to 3.10 provide an overview of the Action Research paradigm and the related methodologies which come under its umbrella, particularly Participatory Action Research and Community Action Research. The foundations of the action research paradigm; the definitions provided by its proponents, including the principles which guide research practice; and the process by which the research is undertaken are summarised in these sections.

Section 3.11 describes the cyclical and linked process of developing the Indigenous Community Action Research (ICAR) principles and a Research Agreement with the Kowanyama Community. In turn, the implementation of these principles and the Research Agreement guided the choice of methods used in this research.

3.7 Action Research

3.7.1 Foundations

There are divergent opinions in the literature regarding the foundation beliefs or worldviews of action research. Perhaps this is because “the modern conceptions of participatory action research is a convergence and coalescence of theoretical and practical traditions of many fields – agriculture, social work, education, health, obstetrics, housing and community development, just to name a few” (McTaggart, 1997, p. 26). Action research has also been described as a ‘family’ which includes a “whole range of approaches and practices, each grounded in different traditions in different philosophical and psychological assumptions, pursuing different political commitments” (Reason & Bradbury, 2001, p. xxxiv).

Authors may describe action research as a paradigm; a methodology; or in some cases, as a method or set of techniques. For example, the term ‘action research’ is sometimes used interchangeably with terms such as ‘action science’ or ‘action inquiry’. However, most agree that action science and action inquiry are specific kinds of action research (methodologies). Dick (1993, para.55), for example, believes action research to be a paradigm which subsumes several established methodologies including: Patton’s (1990) approach to evaluation; Checkland’s (1981) soft systems analysis; Argyris’ (1985) action science; and Kemmis’ critical action research (Carr and Kemmis, 1986). Each of these methodologies draws on a number of methods for information collection and interpretation (refer to Figure 3.4).

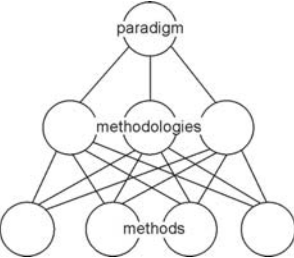

Figure 3.4 Within each paradigm of research are several methodologies, each drawing on a number of methods for data collection and interpretation (Dick, 1993, para.55)

Reason and Bradbury (2001) provide an extended account of their own worldview of action research. They write that the characteristics of action research are grounded in a *participatory* worldview, and therefore, it is not merely a methodology. This participatory paradigm is a move away from the empirical positivist worldview into a “science of experiential qualities” (p.4). However, the paradigm retains the positivist argument that there is a ‘reality’ awaiting discovery. The paradigm also draws on the contructionist perspective in acknowledging that as soon as we attempt to understand and articulate this ‘reality’ we enter a world of human language and cultural expression where multiple interpretations are possible. The authors

describe the participatory worldview as being "systemic, holistic, relational, feminine and experiential" (p.6). However, its defining characteristic is that it is participatory. A participatory worldview places people and communities (including researchers) as part of their world, while the traditional positivist worldview sees science and the researcher as separate from everyday life, in a world of separate objects. McNiff and Whitehead (2002) state that in action research, no distinction is made between who is a researcher and who is a practitioner, all are participants in the process. Researchers do research on themselves in company with other people. This contrasts sharply with the positivist view that researchers do research *on* other people. However, Dick (2002) warns against criticism of traditional science methodologies, stating that conventional research, including quantification can be an appropriate choice. However, if the circumstances of research demands responsiveness, flexibility and action - then action research is an apt choice of methodology.

3.7.2 Principles for Action Research Practice

Just as there is little consensus on the epistemology of action research, a widely accepted definition of action research is also difficult to identify. There appears to be no one 'right' definition for action research, just as there is no one right way of 'doing' action research. Whyte (1991, p. 8) states that action research is for people who, "want their research to lead to social progress and yet do not want to give up claims to scientific legitimacy". This is similar to an earlier definition provided by Chein, Cook & Harding (1948, p. 43) who describe the field of action research as one:

> *"… which developed to satisfy the needs of the socio-political individual who recognises that, in science, he can find the most reliable guide to effective action, and the needs of the scientist who wants his labours to be of maximal social utility as well as of theoretical significance."*

In the above definitions, action research has two clear qualities: a claim to be scientific; and to have a practical focus on producing a positive change in society. Action research is often used in fields where there is a history of difficulty in transferring research outcomes into changes in practice (Given, 2008). McKernan (1996 cited in Ladkin, 2004, p. 5) adds several other aspects of action research he believes to be essential for understanding its use. He states:

> *"… in a given problem area, where one wishes to improve practice or personal understanding, inquiry is carried out by practitioners, first to clearly define the problem, second, to specify a plan of action, including the testing of hypotheses by application of action to the problem. Evaluation is then undertaken to monitor and establish the effectiveness of the action taken. Finally, participants reflect upon, explain developments and communicate these results to the community of action*

> *researchers. Action research is the systematic self-reflective scientific inquiry by practitioners to improve practice."*

As previously stated, the inclusion of people within the studied community or organisation as participants in the research process is distinct from conventional scientific research paradigm. Action research is said to be grounded in the belief that research with human beings should be participative and democratic. As such, many action researchers believe that 'participation' is a vital ingredient of action research. Further discussion on 'participation' is provided in sub-section 3.10.2.

In an attempt at obtaining a common understanding amongst action researchers, a working definition of the approach (Table 3.3) was created by participants at an action research symposium in Brisbane in 1989.

Table 3.3 Working definition of action research (Altrichter, Kemmis, McTaggart, & Zuber-Skerritt, 1991, p. 8, emphasis in original)

If yours is a situation in which
• People reflect and improve (or develop) their *own* work and their *own* situations • by tightly interlinking their reflection and action • and also making their experience public not only to other participants but also to other persons interested in and concerned about the work and the situation, i.e. their (public) theories and practices of the work and the situation
And yours is a situation in which there is increasingly
• Data gathering by participants themselves (or with the help of others) in relation to their own questions • Participation (in problem-posing and in answering questions) in decision-making • Power-sharing and the relative suspension of hierarchical ways of working towards industrial democracy • Collaboration among members of the group as a "critical community" • Self-reflection, self-evaluation and self-management by autonomous and responsible persons and groups • Learning progressively (and publicly) by doing and by making mistakes in a "self-reflective spiral" of planning, acting, observing, reflecting, replanning, etc. • Reflecting which supports the idea of the "(self)reflective practitioner"
then
Yours is a situation in which ACTION RESEARCH is occurring

3.7.3 The Research Process

The social psychologist Kurt Lewin is variously described as the 'pioneer', 'inventor', or 'father' of the term *action research*. In 1946, Lewin conceptualised action research as a cyclic

process composed of planning, action, observing and evaluating or reflecting on the result of the action. Wadsworth (1998) provides a slightly modified version of this cyclical research process (refer to Figure 3.5), beginning with reflection on a problem; raising a question; taking action to resolve it; evaluating the success of the action; and if not satisfied, modifying the action and trying again. The new action differs from the old action as each cycle further refines the questions asked and the methods used to investigate the research question. Hence, action research relies on a strong scientific basis, but evolves in a cyclical fashion in response to the accumulation of evidence (Kendall, Sunderland, Barnett, Nalder, & Matthews, 2011).

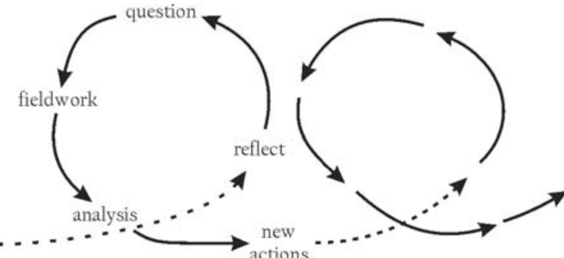

Figure 3.5 Cyclical Research Process (Wadsworth, 1998 para. 17)

Thus, action research differs from conventional models of pure research (positivism) in which proceeds from point A to point B along a straight line - commencing with a hypothesis and proceeding to a conclusion which may then be published in a journal (refer to Figure 3.6).

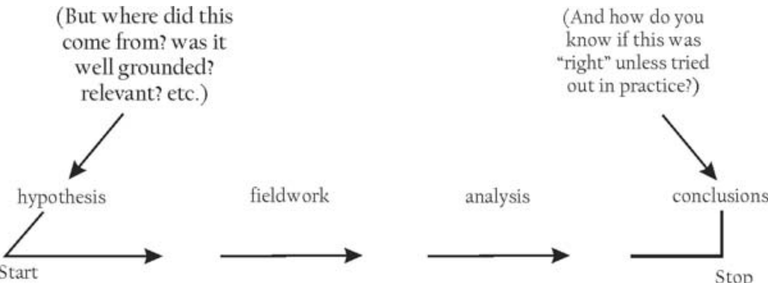

Figure 3.6 Traditional (positivist) Research Process (Wadsworth, 1998 para. 13)

Given the complexity of real social situations (outside the laboratory), Lewin recognised the need for flexibility and responsiveness in social research as it is never possible to anticipate everything that needs to be done. McTaggart (1997) explains that the cyclic nature of the action research process provides for overlapping of action and reflection to allow for changes in plans for action as people learn from their own experiences.

3.8 Action Research Methods

According to McTaggart (1999) the circumstances of each individual project (the need to bring about change); and the principles of action research, guides the choice of method. This is believed to be more important than "a slavish adherence to a technique" (p.509). The Lewinian 'cycle' is not so much a 'method' of action research as a summation of the common experiences of action researchers.

However, the lack of an explicit conceptual framework and methodology for action research, and of exemplary action research accounts in the literature, does make it more difficult for other researchers to understand the practice of action research in Indigenous communities - to choose the appropriate methods (data gathering and analysis techniques) for research and action when starting their own research project and to critique the methods chosen by others. On the other hand, it allows for a greater degree of flexibility and choice.

In her practice as a participatory action research facilitator, Wadsworth (2001, p. 427) used an extensive range of research methods and techniques, including:

> *"community development, group work, evaluation logic, theory-building, naturalistic testing, interviewing, ethnography, case studies, brainstorming, questionnaire surveys, focus group-type discussions, dialogue, co-counselling-type discussions, dialogue, co-counselling-type listening techniques, small business management, scribe/writing and records-keeping, storytelling, strategic questioning, systems thinking and reflexivity."*

In addition, resources to aid reflection included 'time and space', journaling and trusted 'critical friends'. For Wadsworth, the publication of an account of the research also rested on meticulous note-taking in open view of all participants.

From the array of methods available to social science researchers, many are suitable for action research studies. However, in keeping with the participatory nature of action research, techniques that require a separation of researcher and researched (e.g. when experimental *subjects* are kept ignorant of the purpose of the study) must necessarily be excluded (Sohng, 1995). In addition, Sohng states that methods that require technical knowledge and material resources which are not accessible to the participants are also excluded.

3.9 The Issue of Rigour and Validity in Action Research

Apart from the usual qualitative versus quantitative debate regarding the issue of research validity and rigour, action research has an additional issue which must be acknowledged as part

of any research reporting. Whereas traditional research methodologies advise the researcher to be as 'detached' as possible to ensure objectivity, the action researcher sees him or herself as part of the research frame. This is viewed as essential to the gaining of engaged understanding. So an important aspect of the research framework will be the researchers' biases and constructions of experiences (Ladkin, 2004). Action researchers do not perceive this to be a 'contaminating' process because an important part of the research process is a commitment to unearth those biases and assumptions that influence the researcher's sense-making capacity through constant reflection. While it is recognised that it is virtually impossible to unearth all of our underlying assumptions, action researchers do undertake a commitment to rigorously question, examine and reduce one's own blindness to those biases. This process of critical reflexivity is considered an essential element of (qualitative) social research methods (Hay, 2005).

The issue of validity being applicable to action research has been questioned by some authors. Levin and Greenwood (2001) argue that the validity of action research knowledge outputs should be measured according to its workability, that is, whether the actions that arise from it solve problems and increase participants control over their own situation. Wolcott (1990) has argued for dismissing validity altogether, precisely because the arguments for it are inextricably linked to the ideals of positivism. Bradbury and Reason (2001, p. 447) argue for shifting the dialogue about validity "from a concern about idealist questions in search of 'truth' to concern for engagement, dialogue, pragmatic outcomes and an emergent, reflexive sense of what is important". Hence, these authors draw attention to the important 'choice points' that action researchers address (refer to Table 3.4 below). Action researchers make their choices clear to the research community in order to promote further conversation on the issues of validity and to promote high quality action research.

Table 3.4 Issues as Choice-Points and Questions for Quality in Action Research (Bradbury & Reason, 2001, p. 454)

Is the action research:
• Explicit in developing a praxis of relational-participation?
• Guided by reflexive concern for practical outcomes?
• Inclusive of plurality of knowing?
o Ensuring conceptual-theoretical integrity?
o Embracing ways of knowing beyond the intellect?
o Intentionally choosing appropriate research methods?
• Worthy of the term significant?
• Emerging towards a new and enduring infrastructure?

Validation or quality in action research is also accomplished in ways common to those frequently used in interpretive methodologies. This includes: the use of triangulation and multiple methods; by establishing trust and credibility among participants and informants; through the establishment of an 'audit trail' of data and interpretations; and by using a 'critical community' to test the evidence and arguments advanced in the reporting of the study (McTaggart, 1997).

Mixing methods (including qualitative and quantitative methods) is seen as desirable by pragmatists who consider identifying 'what works' to be more desirable than a search for 'truth' (Tashakkori & Teddlie, 1998). Action research has been put forward by Levin and Levin and Greenwood (Levin & Greenwood, 2001) as a way to deliver on the claims of pragmatism because action research focuses on solving real-life problems.

3.10 Action Research with Communities and Indigenous Peoples

Western education, government policies and the process of assimilation have created generations of Indigenous peoples who have known "exploitation, violence, marginalisation, powerlessness, and enforced cultural imperialism" (Battiste, 2008, p. 497). This in turn has eroded and caused significant damage to Indigenous knowledge systems. In situations where cross-cultural research involves or concerns Indigenous communities, it is valuable to pay extra attention to methodologies that explicitly aim to 'decolonise' the research process. Action Research has been used to provide poor or disadvantaged people with a voice in making decisions and creating governing policies in their community.

According to Rigney (1999), Indigenous peoples are amongst the most studied groups of people in the world: "The research enterprise as a vehicle for investigation has poked, prodded, measured, tested, and compared data toward understanding Indigenous cultures and human nature" (p. 109). Williams and Stewart, 1992 (cited in S. Williams, 2001, pp. 12-13) add,

> *"Historically, Aboriginal and Torres Strait Islander people have been subjected to a range of inappropriate, unacceptable, devious and degrading research methodologies. We have been, and still are, frequently considered to be objects for research and continue to be put under the microscope of the social scientists. Researchers have tended to conform to this neo-colonial and paternalistic mentality and, in most cases, gained individual rewards through professional advancement."*

Western science and culture has heavily influenced researchers' deepest assumptions about real, true and good research and this has given rise to 'epistemological racism' (Scheurich & Young, 1997). Moreton-Robinson (cited in Martin, 2003, p. 213) also warns against methods for data collection that ignore and perpetuate power imbalances. As stated in Chapter 2, simply merging Western and Indigenous paradigms is not straightforward. Partnerships between Western knowledge and 'scientific' approaches to land and environmental management, and indigenous knowledge and approaches will require research methods that also acknowledges the multiple domains and types of knowledge that exist, each with differing logics and epistemologies (Agrawal, 1995). Such an approach would recognise that there may be a will to 'overcome the Western' but to pretend its presence disappears when the Indigenous knowledge is given priority is a dangerous delusion (Nakata et al., 2012).

Methodologies that counter the disempowerment of Indigenous peoples and communities in the research process are increasingly being used. The principles of Participatory Action Research (PAR) and Community Action Research (CAR) described in the following sections provide guidance to scientists seeking to carry out research with Indigenous communities that support their efforts towards self-determination.

3.10.1 Indigenous Knowledge: Use and Ownership

> *"The struggle for the validity of indigenous knowledges may no longer be over the recognition that indigenous peoples have ways of viewing the world which are unique, but over proving the authenticity of, and control over, our own forms of knowledge."*
> (L. T. Smith, 2012, p. 186)

Indigenous knowledge is diverse and can only be fully appreciated from within the community and only then through extended discussions with each group of knowledge holders over time

(Battiste, 2008). In addition, the process of acquiring and processing Indigenous knowledge is always going to be limited by restrictions placed on sharing certain aspects of Indigenous knowledge by the community. Researchers need to acknowledge that it is the community who will decide what knowledge will be shared and in what contexts it can be shared:

> *"The main principles for research policy and practice must be that Indigenous people should control their own knowledge, that they do their own research, and that if others should choose too enter any collaborative relationship with Indigenous peoples, the research should empower and benefit Indigneous communities and cultures, not just researchers, their educational institutions, or [broader] society"* (Battiste, 2008, p. 501).

Australian Indigenous peoples understanding of their cultural and intellectual property rights can best be explained, once again, by Deborah Bird Rose (1996, p. 32):

> *"Law belongs to country and to people. It is embedded, of course, in society and culture, and it is intellectual property which is not freely available to all. Essentially, if knowledge is constituted as evidence of relationships among persons and between persons and country, then it is most assuredly not available to all and sundry. Such a system is subverted through any form of 'freedom of information'. If there is one thing that is absolutely not free, in Aboriginal land tenure systems and in Aboriginal politics, it is knowledge. This point is often misunderstood by settler Australians who, when told something, feel free to use that information as they wish. In truth, the fact that a person has been told something does not mean that they therefore have the right to tell others. Rights to knowledge are graded, and the best rule is the same as the rule for country...: always ask."*

Janke's (1998) *Report on Australian Indigenous Cultural and Intellectual Property* is a major piece of work that defines Indigenous peoples' rights and interests in their heritage, including (amongst others):

- Scientific, agricultural, technical and ecological knowledge (including cultigens, medicines and sustainable use of flora and fauna)
- Spiritual knowledge
- Cultural and environmental resources (including minerals and species)
- Documentation of Indigenous peoples heritage in all forms of media (including scientific, ethnographic research reports, papers and books, films, sound recordings).

Janke's report also identified the concerns of Indigenous people about various uses of their heritage, including the "unauthorised use of secret/sacred material and the appropriation of Indigenous biodiversity knowledge, often without their informed consent or knowledge" (1998,

p. XX). It is therefore critical that Indigenous people's cultural and intellectual property rights are protected through all stages of the research process.

In Australia, the overturning of terra nullius has empowered Indigenous Australians to take control of research effort that affects their lives. Worldwide, academics and scientists are increasingly seeking ways to support Indigenous peoples' efforts towards self-governance. To ensure research is undertaken ethically, universities and other research institutions are increasingly introducing policies and programs that help to protect Indigenous peoples that collaborate in research projects. These may include the introduction of Indigenous ethics committees and the drawing up appropriate protocols for entering into agreements for collaborative research (Battiste, 2008).

3.10.2 Participatory Action Research (PAR)

Chein et al. (1948) state that participatory action research (PAR) grew out of a weakness observed in traditional research, where understanding a problem does not always lead to action toward a solution. According to these authors, often the main difficulty in achieving action will stem from insufficient involvement of the stakeholder community from the beginning of the research process. A widely held belief is that people will support what they have helped to create. The wider pros and cons of participation in research are well documented in the wider participatory research literature and as such, will not be reviewed in detail here.

As previously stated in section 3.7.2, some authors believe that 'participation' is a vital ingredient of action research and as such, see no need to add the word 'participatory' to the term 'action research'. However, some have also noted that there is sufficient 'action research' taking place that does not emphasise the need for participation, to warrant spelling out the 'participatory' aspects. For example, French and Bell (1999) state that "almost all authors stress the collaborative nature of action research" (p.135); and collaboration amongst scientists, practitioners and laypersons is often "a component of action research" (p.133). McTaggart (1997) notes that the addition of the term 'participatory' to action research is necessary to distinguish "*authentic* action research from the miscellaneous array of research types that fall under the descriptor 'action research'". These 'weak' or 'corrupted' versions of 'participation' in research efforts which claim the name 'action research' can create confusion about the nature of PAR.

The multiple levels of participation are clearly demonstrated in Arnstein's (1969) 'Ladder of Citizen Participation' (refer to Figure 2.2). To Arnstein, the nature of 'participation' was seen as a continuum, ranging from 'manipulation' (or non-participation); through to 'token' involvement; to ultimately, 'citizen control' - whereby stakeholders become partners in the project and assume responsibility for its management. Control of the action research process by

the research participants is critical in an Indigenous context because, as stated by Martin (2003), research is not a priority in times of crisis, grieving, celebration, ritual and maintaining relations. The design of a research program is a reflection of the extent to which the researcher is prepared to show respect and understanding of Indigenous ontology and epistemology. In addition, framing the research problem collaboratively was found to be a critical determinant of success for converging Indigenous ecological knowledge (IEK) and Western knowledge or science in contexts where communities and managers seek to enhance complex social-ecological system resilience and stability (Cullen-Unsworth, Hill, Butler, & Wallace, 2012).

Participatory action researchers believe that 'citizen control' in participation is the only level of *authentic* participation. Participation shouldn't be seen merely as input into a project, but as an "underlining operational principle which should underpin all activities (United Nations Development Program, 1997). According to Whyte (1991), PAR implies even greater participation and collaboration than classical action research does. Participation means ownership in the production of knowledge and improvement of practice and should be intrinsic to the project's design and development and not simply used from time to time to provoke interest from potential beneficiaries.

Participants in action research are considered to be co-researchers whose insider 'local knowledge' is just as necessary for valid scientific sense-making as the outsider researcher's technical expertise and abstract general knowledge. According to Bartunek (1993) this is one feature of PAR which distinguishes from other approaches to action research. Essentially participatory action research is research which involves all relevant parties in actively examining together current action (which they experience as problematic) in order to improve it (Wadsworth & Epstein, 1998). Wadsworth (2001) sees the role of the researcher as a 'facilitator of inquiry', who aims to "divine for and assist the maximum energetic self-pursuit of the questions and answers by the largest number of people possible".

Rajesh Tandon (1988, cited in McTaggart, 1997, p. 29) identified several determinants of 'authentic' participation in research:

- people's role in setting the agenda of the inquiry;
- people's participation in the data collection and analysis; and
- people's control over the use of outcomes and the whole process.

Reason (1988) emphasises the following criteria for participation-oriented research:

- the degree of involvement on the part of the participant must be open to negotiation and change;
- everyone should contribute to the creative thinking that is a part of the research process; and

- the forms of cooperation must aim toward being genuinely cooperation oriented.

However, Karlson (1991) states that participation in all stages of the research does not mean that participants must have the same type of expertise as the researchers; nor must individual participants take part in all stages of the research. They could, for example, enter when the project is being formulated and leave around the analysis or communication stage. Karlson also emphasises that the ultimate responsibility for the validity and rigour of a PAR project falls on the researcher.

3.10.3 Community Action Research

Another means of empowering Indigenous peoples' involvement in scientific research is by incorporating the principles 'Community Action Research', as described by Senge and Scharmer (2006), in the research process. The principles of CAR parallel the attributes of action research, such as working towards concrete solutions to the issues most salient to practitioners. However, the principles of CAR go further, to include the building of *cross-organisational learning communities* by linking research, capacity-building and practice. These three domains of CAR activity are valued equally:

a. Research: a disciplined approach to discovery and understanding, with a commitment to share what is learned.

b. Capacity building: enhancing people's awareness and capabilities, individually and collectively, to produce results they truly care about.

c. Practice: people working together to achieve practical outcomes (Senge & Scharmer, 2006, p. 197).

The aim of cross-organisational learning communities is to assist institutions to adapt and evolve, thus creating fundamental social and institutional change. Change is achieved by:

- "Fostering relationships and collaboration among diverse organisations, and among the consultants and researchers working with them;
- Creating settings for collective reflection that enable people from different organisations to 'see themselves in one another';
- Leveraging progress in individual organisations through cross institutional links so as to sustain transformative changes that otherwise would die out." (Senge & Scharmer, 2006, p.195)

CAR provides guidance to a research process in situations where Indigenous peoples do not hold exclusive bundle of rights to their country and where contemporary management of traditional homelands requires collaboration between Indigenous communities and external

parties such as government agencies. The negotiation and implementation of co-management agreements for protected areas overlying Indigenous homelands is a cross-organisational learning process necessarily involving Aboriginal communities and government agencies. While the Aboriginal community maintains control of the research process, commitments from all parties involved in the research to share information, to enhance awareness and capabilities and to work together towards practical outcomes, are key ingredients of the research process.

3.10.4 Principles for Action Research 'in', 'with' and 'for' the Kowanyama Community

The research process undertaken in Kowanyama must necessarily incorporate the research principles outlined in the preceding sections, including those of action, participation and cross-organisational learning. Table 3.5 below summarises the principles described thus far in Part B to create an action research methodology that reflects the distinctive needs of research in the Kowanyama context. For the purposes of this thesis, I have termed this action research methodology*: Indigenous Collaborative Action Research (ICAR).*

Table 3.5 Principles for Indigenous Collaborative Action Research

Pre-Conditions:

- An Indigenous community or group initiates research to develop solutions to a self-identified problem
- A research facilitator may be engaged as a 'facilitator of inquiry' and co-researcher and builds a rapport with other participants
- Collaboration (co-research) with one or more external organisations or groups is required to develop practical solutions to the problem identified
- Authentic participation: the co-researchers are prepared to negotiate an equitable share of authority and responsibility (shared ownership) for the research, however, the indigenous community initiating the research retains ultimate control over the research process and the use of outcomes

Process:

- Co-researchers learn progressively (and publicly) by doing and by making mistakes in a "self-reflective spiral" of planning, acting, observing, reflecting, replanning, etc.
    - Overlapping of action and reflection provide flexibility and responsiveness in the research process allows for changes in plans of action as unforeseen barriers or challenges are encountered in the research process and people learn from their own experiences
- Carefully designed and appropriate data gathering and analysis techniques are chosen specifically to suit the research context and abilities of the co-researchers, i.e.
    - exclude techniques that require a separation of researcher and researched
    - exclude methods that require technical knowledge and material resources which are not accessible to the co-researchers
- Various forms of knowledge are valued at all stages of the research process, e.g. 'local knowledge' and 'traditional knowledge' are as important as the research facilitator's technical expertise and abstract theoretical knowledge for valid scientific sense-making and rigour

Outcomes:

- Practical and theoretical outcomes are identified and implemented
- Frequent reflection on emerging research outcomes by co-researchers supports the idea of the "(self)reflective practitioner"
- A commitment to share what is learned by making the outcomes public, not only to co-researchers, but also to other persons interested in and concerned about the work and the situation, i.e. their (public) theories and practices of the work and the situation
- Capacity building enhances co-researchers' awareness and capabilities, individually and collectively, to produce results they truly care about
- Cross institutional links are created so as to sustain transformative changes

3.11 Research Methodology and Methods: Implementing Indigenous Collaborative Action Research (ICAR) principles

This section provides an account of the research methodology used in this thesis. Methodological considerations are provided to assist the independent assessment of the integrity (i.e. rigour, validity and reliability) of this research. Hay (2005) explains that transparency is vital for assessing the integrity of qualitative research. Transparency is attained by accounting for the researcher's perspective and position through the acknowledgment, or explicit description of the choices and assumptions which have influenced the creation, conduct, interpretation and reporting of the research.

As stated in Chapter 1, my own understanding of Indigenous peoples' worldview has evolved over my lifetime and particularly during the conduct of this research project. I did not start this PhD research project with the principles of Indigenous Collaborative Action Research (ICAR) firmly embedded in my mind – they were developed through study, through my experiences in Kowanyama, and by reflecting on my own values and behaviours.

Of particular importance to the development of the ICAR principles was the process of developing a Research Agreement with the Kowanyama community to guide research practice. In fact, the *development* of the Research Agreement, the *implementation* of the Research Agreement, and the development of the ICAR principles occurred concurrently, each informing the other in the manner of the classic 'Lewinian cycle'. Developing and implementing the Research Agreement between Traditional Owners, their community and research facilitators ensured a common understanding of the rights and responsibilities of each party in the research process. The Research Agreement was:

- developed collaboratively
- provided protocols for communication and the sharing of intellectual property, and
- defined the methods used for the collection, analysis and dissemination of research results and outputs

Finally, the Research Agreement was signed by key participants to demonstrate that informed consent was obtained.

Sections 3.11.1 to 3.11.3 demonstrate how ICAR principles (the preconditions, process and outcomes) are embedded in the development and implementation of the Research Agreement and the study as a whole.

3.11.1 Preconditions

3.11.1.1 Initiation of the Research

As stated in Chapter 1, Traditional Owners' attempts to negotiate statutory ownership and the right to manage their national park homeland under the Aboriginal Land Act in the 1990s were unsuccessful. Subsequent discussions between Traditional Owners and the Queensland government regarding interim (non-statutory) co-management arrangements for the park had also ceased several years prior to the commencement of this research in 2005. Despite lodging a Native Title claim in 1996, negotiations for an Indigenous Land Use Agreement with the state government for the national park were also yet to commence. The Traditional Owners therefore required information to assist them to negotiate an equitable and appropriate partnership with the state government so they may achieve their aspirations for their families and for their homeland.

3.11.1.2 Engaging a Research Facilitator

The initiation phase of this research project occurred between June 2005 and June 2006. This period commenced when I was approached by the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) to work with the Traditional Owners and ended when a Research Proposal was finalised, a Research Agreement was drafted, and fieldwork commenced[14].

The process of developing a research proposal (objectives, timelines and sourcing funding to support fieldwork) with the Traditional Owners took 12 months. There were several iterations of the research proposal during this period, which included a scoping visit to the community in November 2005, during which I developed a deeper appreciation for the need for Traditional Owners to take control of the research process and to direct the research objectives.

Funding the research project was also assisted by the Kowanyama Aboriginal Shire Council in return for consultancy work that would also contribute to the broader PhD research objectives. I prepared a consultancy report on the natural resource management planning in the homeland area of the traditional owners of the Mitchell-Alice Rivers National Park[15].

The need for a Research Agreement became clear following this scoping visit. The first iteration was drafted and sent to KALNRMO for feedback in April 2006. It was not signed by the community at this time, but the effort was considered adequate for fieldwork to commence in Kowanyama in June 2006 with the aim to continue to develop my understanding of the community's approach to self-governance and the management of research.

[14] A copy of the letter from Traditional Owners formally inviting me to undertake research and to assist them to write about their aspirations for the Mitchell-Alice Rivers National Park is included in Appendix A.
[15] See Appendix B for a copy of the Contract and for details of the objectives and uses of the report.

3.11.1.3 Collaboration

Together, the Kowanyama community (the Traditional Owners and KALNRMO personnel) and the state agency (Queensland Parks and Wildlife Service (QPWS) personnel) formed a cross-organisational learning community. QPWS personnel, both at senior management and operational levels, provided support for the project from the earliest stages. QPWS personnel agreed to be interviewed, observed, photographed and recorded during the data collection phase. The involvement of QPWS personnel occurred while they were undertaking management on the Mitchell-Alice Rivers National Park with Traditional Owners, while meeting with Traditional Owners at KALNRMO, and at their base in Chillagoe. However, financial support for the research was not provided by the Queensland Government.

The development of the Research Agreement also represented the work of a cross-organisational learning community where James Cook University and KALNRMO worked together to solve a problem and produce an outcome that was mutually beneficial.

3.11.1.4 Authentic participation

Early discussions with the Kowanyama community regarding their research information needs focussed on appropriate protocols for addressing their needs within a PhD research framework. Considerations included the community's concern for control over the use and dissemination of sensitive material; and the University's concerns regarding intellectual property rights, the need to publish and for external examination and review, and the project scope and timeframes.

> *"This group/ society have to have control of any research and thus nothing can be assumed about wider participation... in the exercise beyond QNPWS at this stage – this is their decision alone"*[16].

The Kowanyama community members cited past encounters with scientists who had undertaken research on their lands without the consent or involvement of Traditional Owners. "*Many aboriginal people think that there are too many outsiders studying aboriginal people 'for no good reason*"[17]. From 1991, Kowanyama has progressively exercised self-determination in all aspects of the management of their lands and natural resources, including research. The protocols in Table 3.6 below were developed to guide anthropological PhD research in 1992, however, no formal Research Agreement had been produced for work in the community until this current research project commenced.

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[16] *JM email 15-5-06*
[17] *26-2-92 KALNRMO memo*

Table 3.6 KALNRMO Research Protocols (1992)[18]

- Research activities will be supervised by the Head of … KALNRMO
- During her stay a certain amount of volunteer work for Council will be negotiated
- All cultural information which is gathered remains the property of the respective traditional owners and cannot be written about without their consent
- Copies of all written articles, reports and the final Doctoral thesis must be lodged with the Council and Counsel of Elders through KALNRMO
- Any future writings relating to, or using information gathered during research at Kowanyama are to be referred in draft form (before lodgement for publication) for traditional owner's consent.

The critical issues of intellectual property and the control of the research process and outputs present a major challenge to collaborative research (e.g. see Michael Davis, 1996; Janke, 1998). However, finding ways to overcome these challenges are necessary. For scientists, relinquishing control of the research project presents challenges at both a personal and professional level. My own initial concerns about relinquishing control of the research process to the Kowanyama Community centred on my ability to fulfil the requirements of a PhD:

- the possibility that the research question may evolve and eventually diverge from my own area of interest and expertise
- concern that the community may limit my access to data, resulting in a potential loss of rigour and increase in potential error
- restrictions to the publication of results – concern for academic advancement (publish or perish culture in science), ways of verifying / validating results with scientist peers and contributing new knowledge to the theoretical literature
- the additional length of time required to implement ICAR and to work within the timeframes and priorities of the Aboriginal community had the potential to exceed scholarship (stipend) time limits of three and a half years. Universities and other academic institutions still fail to recognise the additional time and effort required to implement participatory and action-oriented research methodologies in Indigenous contexts (Kendall et al., 2011).

[18] *26-2-92 KALNRMO memo*

James Cook University's process for dealing with the ethical dimensions of research involving human participants involved a compulsory process of gaining 'Human Ethics' approval[19]. Human Ethics approval requires the development of an 'Information Sheet' and 'Consent Form' that are used to help inform participants about the research process and to provide formal consent for their input or involvement. However, while these instruments were used to inform and obtain the consent of the government employee participants (QPWS officers) and were posted in the KALNRMO office (a public space), they were not adequate instruments for obtaining prior, informed consent from members of the Kowanyama community.

When this research project commenced in 2005, James Cook University did not require any special considerations for conducting research with Indigenous communities. The Human Ethics approval process did not require consideration of research processes or methods that incorporated the ICAR principles or similar[20]. Hence, it was necessary at an early stage to develop a formal agreement between the Kowanyama community and the University that would resolve the concerns described above and would provide an agreed process for undertaking this research. Such an agreement had not been developed for use in Kowanyama prior to this time. A Research Agreement was needed to clarify our agreed: (i) research aims, methods and proposed outputs, (ii) research protocols, communication protocols and protocols concerning intellectual and cultural property property/knowledge rights, and (iii) protocols for data access, collection, analysis and storage.

As stated in Section 1.6, The Northern Region manager of QPWS based in Cairns provided consent for QPWS officers to participate in and contribute to this research. This consent was provided by exchange of emails. Further email exchanges secured my access to QPWS archives and historical records. After broad consent was provided by a senior manager, individual QPWS officers were then approached for their consent and participation in the research. Each officer was provided with an Information Sheet and Consent form developed as part of the Human Ethics approval process. All QPWS officers who were approached agreed to participate.

As I had worked with several of the QPWS staff previously during Honours research in 2004 and during the writing of the consultancy commissioned by The Wilderness Society at the start of this research in early 2005, I was already familiar with many of the individual officers (both Cairns office staff and rangers) I was looking to engage in the research. Due to our familiarity a formal research agreement with QPWS was not necessary. This research was necessarily community-focused, so approval was not sought from QPWS for the publication of papers

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[19] Human Ethics Approval (Number H2227).

[20] Protocols for ethical research in Indigenous communities were subsequently developed and are now in use at James Cook University.

arising from this research. However, feedback was sought on interview transcripts to check for accuracy. The results of this research were presented at Conference in 2008 with several senior QPWS officers present and feedback was positive.

3.11.2 Process

3.11.2.1 The Self-reflective Spiral

The 'self-reflective spiral' is a symbolic representation of an infinite number of learning processes that take place on a daily, weekly, yearly basis when conducting Indigenous Collaborative Action Research.

One of these learning processes is represented by the negotiation and implementation of a Research Agreement with the Kowanyama community. Each draft of the Research Agreement that was produced (between April 2006 and September 2007) informed the development of the ICAR principles in this chapter. There were nine drafts of the Research Agreement[21] before the final version was signed; each draft represented a new cycle of reflection, question, fieldwork and analysis before a new draft was produced (see Figure 3.5).

Learning and reflection ensured that each draft of the Research Agreement was modified to include newly identified or negotiated protocols. The process included: planning (drafting the Agreement); acting (implementing the protocols); observing (obtaining feedback on the drafts and the implementation of the protocols); reflecting (talking/negotiating, reading and thinking how it could be improved); and replanning (redrafting the Agreement).

The first draft produced was four pages in length and the final Agreement totalled 14 pages. For example, in November 2006, the KALNRMO manager was sent a draft of the Research Agreement and feedback included ongoing support for the development of the project and the Research Agreement, but also requested:

1. an official request to Council for access to the KALNRMO information system (electronic files)
2. concerns regarding confidentiality of communications and research ethics to be addressed
3. a research plan for the following year (2007)[22]

This feedback was analysed, a new draft of the Research Agreement was produced and sent to KALNRMO for further comment. Other drafts incorporated learnings acquired through verbal feedback from KALNRMO and university colleagues; reading communications between other researchers and KALNRMO (particularly those requesting access to the Kowanyama Deed of

[21] A copy of Draft 1 and the Final Research Agreement are located in Appendix C.
[22] *6-11-06 KWM Council & KLNRMO letter*

Grant in Trust (DOGIT) to undertake research); and by reading journal articles and protocols published by other research organisations that work with Indigenous communities.

Most drafts were produced during the first six months of fieldwork and only minor changes to the document occurred after this time. The final versions included 'simple English' explanations of many of the clauses to ensure accessibility to Traditional Owners. This demonstrates that the protocols were well tested and found to be successful in guiding the research design and data gathering and analysis methods.

Data gathering and analysis were also undertaken concurrently, allowing the research question and objectives to become increasingly well-defined and targeted towards the needs and capacities of the community as events unfolded over time. In addition, keeping a research diary enabled me to record my interpretation of events and the information that I was collecting. By revisiting the diary regularly I found that my understanding of the research context improved greatly over time. By asking questions and checking my interpretations with the research participants, my understanding of the complex issues within the research context became increasingly clear and consistent by the conclusion of the fieldwork phase of this research.

3.11.2.2 Carefully designed and appropriate data gathering and analysis techniques

Research Design

Martin states that "Indigenist research occurs through centring Aboriginal Ways of Knowing, Ways of Being and Ways of Doing in alignment with aspects of western qualitative research frameworks. This alignment or harmonisation occurs in both the structure of the research and in the research procedures" (2003, p. 211). ICAR principles are consistent with this aspect of Indigenist research; as quantitative methods risk alienating the principal participants of this research (Sohng, 1995) and perpetuating power imbalances between the 'researcher' and the 'researched' (Moreton-Robinson, p. 16, cited in K. Martin, 2003, p. 213), the methods used in this study for data collection and analysis are qualitative.

Qualitative methods are also consistent with the ways that Uw Oykangand evaluate their land and resources in qualitative, rather than quantitative ways:

> *"Like most Aboriginal languages, those in Kowanyama contain no words for numbers beyond three, measurement is invariably relational rather than numeric, and evaluation appears largely qualitative."* (Strang, 1994b, p. 109)

The only exception to the use of qualitative methods occurs in Chapter 8, where quantitative data on protected area management budgets and staffing levels, sourced from Queensland Parks and Wildlife Service, are presented in graphic format.

The approach used to develop and implement the Research Agreement was flexible and sensitive to the needs and priorities of the participants. Most of the activities and opportunities for data collection (for example, initiating meetings and operational activities on the national park), were initiated by KALNRMO and QPWS. My contribution to the operation of KALNRMO, and forward momentum towards the implementation of adaptive co-management of the national park, was purposely kept to a minimum by KALNRMO staff. This is important to acknowledge because I did not substantially increase KALNRMO's capacity to conduct its business. A conscious decision was made by the KALNRMO managers to use their own time and expertise to progress national park matters at the pace they could sustain in the long term, long after my own departure from Kowanyama.

My presence in the community may have meant there were some adjustments to the timing of meetings to ensure I could be present to record the proceedings and outcomes, however, the number of meetings and the agenda was entirely under the control of KALNRMO and QPWS staff. I played a role in organising or facilitating meetings and taking minutes and also helped out where I could (e.g. answering phones, collecting elders for meetings, etc) however, my primary role was to record meetings, to learn, and to share any knowledge and information I have in relation to national park co-management issues.

> *"We view Kath as part of a team with a role where her research findings and advice and work with the TOs will be highly valued in Kowanyama."*[23]

I did not influence KALNRMO's priorities or act as a driver towards a co-management agreement. Progress made on national park matters in Kowanyama during my time there has been entirely the achievement of the community and QPWS.

Data Collection

Various qualitative methods, appropriate for the context and purpose, were discussed and agreed by the Kowanyama community and codified in the Research Agreement. Data collection began with the first scoping trip to Kowanyama in November 2005 and continued during the principle data collection phase (June 2006 to November 2007) during which I resided in Kowanyama and was based at the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO).

Sources of secondary data:

- Literature (external knowledge):
    - Information pertaining to research protocols or ethical guidelines was published by research institutions that regularly collaborate with Indigenous

[23] *JM email 11-09-06*

peoples. Some of the documents were obtained from: the Parliament of Australia (Michael Davis, 1996); Northern Territory University (now Charles Darwin University) (Centre for Indigenous Natural & Cultural Resource Management, 2006); Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2000), etcetera.

  - Information pertaining to protected area co-management in Cape York Peninsula was obtained from databases/journal articles, media reports (newspaper and magazine) articles, Australian Bureau of Statistics, library, Queensland Parks and Wildlife Service and other government departments and the KALNRMO library and database.

- Documents and images contained in the KALNRMO library and digital information system (local knowledge):
  - these documents include: research theses and journal articles, consultancy reports, media reports, government agency publications, and locally produced documents (e.g. annual reports), publications, multimedia (photos, video) and communications (emails, faxes, letters).

Sources of primary data:

- Data collection in Kowanyama consisted almost entirely of participation and observation, unstructured interviews and community meetings:
  - organising, facilitating, observing or recording community meetings at the Kowanyama Aboriginal Land and Natural Resources Management Office
  - accompanying KALNRMO Rangers and Traditional Owners into the national park and elsewhere on land management activities (contemporary and traditional knowledge)
  - spending time on country and in the community to talk with Traditional Owners and Elders (traditional knowledge)

- Data collection with external participants:

- Ongoing discussions and negotiations: liaising with the University's Research Office, my PhD advisors and university colleagues regarding the development of the Research Agreement.

Plate 3.1 'Aspirations' workshop with Oykangand Traditional Owners (30-11-05)

- Ten semi-structured interviews: key informants were identified by Kowanyama community members and the research-facilitator as those with the knowledge that could contribute to the research objectives. These people were government (QPWS) employees, representatives of regional Indigenous organisations (e.g. Balkanu, Cape York Institute for Policy and Leadership), the former owner of Koolatah Station, and those scientists, researchers or consultants. These interviewees have either worked closely with the KALNRMO in past years, or have expertise in the management of protected areas in Cape York Peninsula.
- A public meeting convened to discuss the issues regarding Indigenous ownership and management of protected areas in Cape York Peninsula[24]

Data Analysis and Presentation

The evaluation framework and process developed to analyse and present the data for this research project is presented in Chapter 3, section 3.4. To recap, there are no limits to the number of themes that can be identified from qualitative data. Hence, a mixed deductive/inductive approach was used to analyse the data. The approach used to analyse the data is consistent with the Miles and Huberman (1994) proposal to start with some general themes derived from the literature and add more themes and sub-themes as you go. "You have a general idea of what you're after and you know at least what some of the big themes are, but

[24] The Cape York Conservation Agenda Public Seminar held in Cairns on 23-04-07

you're still in a discovery mode, so you let new themes emerge from the texts as you go along" (Bernard, 2002, pp. 464-465).

The elements of the framework used to assess the feasibility of adaptive co-management (ACM) (Figure 3.3) provided the higher level themes for organising the analysis of the data and presentation of the results. These elements are consistent with Ostrom's first tier variables for analysing a social-ecological system. These broad themes were then supplemented with sub-themes (or lowered tiered variables) which emerged from the data. As stated in Part A, Ostrom's second tier variables, along with other variables derived from the literature (e.g. the core attributes of ACM in Table 2.5, Agrawal's 'critical enabling conditions' in Table 3.1 or the 'Necessary Attributes of a Protected Area Co-management System' gleaned from the literature and presented in Chapter 2.6.1. and many other references) were all useful for framing the questions and drawing the researcher's attention to attributes that may influence the feasibility of ACM of the Mitchell-Alice Rivers National Park.

For example, both Agrawal (2001) and Ostrom (2007) identify 'leadership' as a relevant variable for understanding social-ecological systems. Therefore, I sought to identify the leaders within my research context and to understand their actual and potential role in developing co-management agreements and activities. Leadership did emerge as a significant sub-theme in this research and information related to leadership was highlighted in several of the data chapters (Chapters 4 to 8). Leadership is thus presented as a sub-theme in the conceptual model presented in the Chapter 9 (Conclusion), which summarises the key findings of the research. Leadership emerged as a sub-theme of three of the seven identified preconditions, those aspects of capacity that make adaptive co-management feasible.

Other sub-themes were isolated while reading through the data collected along with supporting quotes or expressions. These sub-themes were cross checked with other data for consistency (or otherwise). Consistently emerging sub-themes and supporting quotes or expressions were then presented to participants to check for accurate interpretation of the data.

The data in Chapters 4 to 8 are presented qualitatively and supported with images (photographs), quotes or expressions from the data that demonstrate the theme or sub-theme presented. All images and the names of those people presented in this thesis were included after obtaining the individual's informed consent.

- *Various forms of knowledge are valued*

Aboriginal Traditional and Contemporary Knowledge

The main block of fieldwork for this research occurred between June 2006 and November 2007. Upon my arrival in Kowanyama, considerable time was allocated to my induction to

Kowanyama's approach to self-governance, the history of the community and Aboriginal natural and cultural resource management in the community. KALNRMO's philosophy and management principles, described in detail in Chapter 8, were constantly reinforced throughout my time in Kowanyama and thus assisted my knowledge and understanding of these fundamentally Aboriginal concepts. In the same way that the community controlled research activity, the community used KALNRMO to coordinate negotiations with external parties with an interest in traditional lands and waters.

I was inducted into Aboriginal worldviews and the community's approach to self-determination and self-governance by KALNRMO staff, particularly my key mentors – Colin Lawrence (Traditional Knowledge Facilitator) and Viv Sinnamon (founding manager of KALNRMO and manager from January 2007 to submission). I was also oriented spatially in the Aboriginal landscape by accompanying the KALNRMO Rangers as they worked on country. This way I was able to visit most Homelands in the Deed of Grant in Trust area, the National Park and Oriners station. With the assistance of KALNRMO and the Rangers, I acquired a broad understanding of the natural resource management issues in the region. This experience formed the basis of my ability to assess (and forecast) the capacity of KALNRMO and the Traditional Owners to manage the Mitchell-Alice Rivers National Park.

My understanding of Uw Oykangand worldviews benefited greatly from the anthropological work of Professor Veronica Strang, who documented the Traditional Owners' cultural and contemporary affiliation with their homeland as a PhD candidate. Community leaders and the relationships I formed with elders have also positively influenced my understanding of contemporary challenges facing the Kowanyama community. I was 'adopted' by a Yir Yoront elder, Ezra Michael, whose country, Kowanyumal, is in the area of the Coleman River and the Mitchell River delta. I assisted Ezra (who is in his 80s) when I visited his homeland with the KALNRMO Rangers a few months after my arrival, a role normally fulfilled by a 'daughter'. Ezra was a frequent visitor to KALNRMO during my time in Kowanyama and most days we shared a cup of tea and a biscuit would talk about community events, his family and his life. Ezra worked as a stockman on Koolatah Station well before the Hughes family agreed to hand over part of the pastoral lease to the Queensland Government to become the Mitchell-Alice Rivers National Park. Throughout my time in Kowanyama, Ezra introduced me to his extended family and others in Kowanyama (both residents and visitors) as his 'daughter'. Others in the community were thus able to 'place' me within their own extended family and community relationships and people seemed more at ease with my presence as a result. Once I was known as Ezra's daughter, I gained a mum, sisters, brothers, nieces, nephews and cousins. Through his kinship with Ezra, Colin Lawrence became my grandfather. Apart from being known as Ezra's daughter and Colin's grand-daughter, I was often referred to as 'ranger girl' by community

members, due to the amount of time I spent with the KALNRMO rangers. My relationship with Ezra and his family did not provide any obligations that limited my access to data in Kowanyama or otherwise cause any limitations to this research.

It was critical to ensure that my interpretation of the data was consistent with the Traditional Owners worldviews and that sensitive information was not presented without authorisation. As codified in the Research Agreement, KALNRMO personnel were provided with the opportunity to read and comment on all chapter drafts and publications arising from the research prior to submission or publication. KALNRMO staff provided advice to the Traditional Owners and the research facilitator on all material produced for public dissemination. The continued oversight of this research from community members, including feedback on research outputs, provides the reader with confidence that the research is trustworthy and valid.

Plate 3.2 Denis Michael, Colin Lawrence, Ezra Michael, me and Catherine Michael outside KALNRMO (October 2009)

Mainstream (Western) Knowledge

Data were also obtained from non-Indigenous participants or mainstream sources via semi-structured interviews, public meetings, government reports and statistics, consultant reports and academic theses and journal articles. All interviewees were invited to review a summary or transcription of their interview and to provide feedback. Not all participants requested to review their interview, but those that sent feedback have contributed to the trustworthiness of the analysis.

3.11.3 Outcomes

- ***Outcomes are identified and implemented***

The development of the Research Agreement enabled me to uncover the underlying concerns of the Aboriginal community and the University for conducting PhD research which is fundamentally collaborative. The protocols were implemented as they were negotiated so there was opportunity to ensure that they were effective, ensuring a 'win-win' for both parties. However, the Research Agreement also involved compromise. For example, the Traditional Owners and KALNRMO hold the authority to veto reference to any sensitive material in research outputs[25]. In return, I gained supervised access to the KALNRMO digital information system.

Another outcome of this research was a publication entitled *'Aboriginal Traditional Owner aspirations for national park homelands and the Cape York Peninsula Heritage Act, 2007 (QLD)'* (Larsen, 2008a)[26]. These aspirations were identified over a two year period, from November 2005 to November 2007, and assisted the Traditional Owners and KALNRMO with their negotiations with the Queensland Government for a Memorandum of Understanding for the co-management of the Mitchell-Alice Rivers National Park[27].

- ***Reflection on emerging research outcomes***

Reflection on the process of developing and implementing the Research Agreement and the Indigenous Community Action Research principles was facilitated by the keeping of a fieldwork or reflexive diary consisting of notes, photos, and voice and video recordings. My review of these data throughout fieldwork and during the writing up of the chapters assisted me to develop many insights regarding the research process. The benefits of relinquishing much of the control that would normally be held by the researcher in western (positivist) science projects became clear. Developing the Research Agreement and ICAR principles:

- provided a conduit or pathway for me (the research-facilitator) to learn about the community's efforts towards self-determination and the self-governance of Aboriginal lands and resources.
- secured access to the local and traditional knowledge that was critical in identifying those successful working processes which are acceptable to all.

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[25] I was permitted to access and to learn from sensitive material held in Kowanyama. However, I was not permitted to write about sensitive material in the thesis or in any published document. For example, I was provided access to documents held in Kowanyama that depicted the locations of significant cultural sites and stories. While I was able to state that these places existed within the national park homeland and how their existence affected the feasibility of adaptive co-management, I was not permitted to name the site or to reproduce the associated stories. It must be noted that the exclusion of sensitive material did not affect the reliability of the research findings.
[26] See Appendix D for a copy of this document
[27] refer to Chapter 6.4.5 for further information regarding the negotiation of the MOU

- improved my written communications skills and taught me to communicate complex themes in plain English.
- demonstrated the active link between 'rights' and 'responsibility'. While retaining authority over the research inputs and outputs, the community also exercised great responsibility towards me and the successful completion of the project. They were substantial supporters of the project in terms of time, funding, in-kind and personal support and encouragement.
- assisted the development of trust and reciprocity. The research demanded a certain level of 'trust' or 'good faith' from all parties from the very beginning, which only grew stronger over time as our relationship developed. I came to feel accepted as an honorary community member. This trust allowed us to 'just get on with it' and gave me the faith that any unforeseen challenges could be resolved as the project progressed.
- demonstrated that taking a research approach that is sensitive and flexible to the needs of the community may take more time, but the end result will be something 'that works' and will be put to use (is pragmatic and sustainable).
- increased the perceived validity and trustworthiness of science (and scientists). Indigenous peoples will have confidence in the outcomes of research in which they participated and authorised.
- was more valuable than the end product (the signed Research Agreement). The Research Agreement is not a statutory contract or legally enforceable; hence the *process* of developing the document, as a learning and communication tool, was paramount.
- is a 'co-management' agreement between myself (and the university) and the Traditional Owners (and the Kowanyama community). The process provided great insight into the capacity required to negotiate an agreement between the Traditional Owners and the Queensland Government for the adaptive co-management of the Mitchell-Alice Rivers National Park.

- ***A commitment to share what is learned by making the outcomes public***

The Research Agreement was signed by 19 community and four university representatives. The protocols in the Agreement have since been used by the Kowanyama Community as templates for creating Research Agreements with other scientists. I have also provided advice on developing Research Agreements to other scientists who were referred to me by university colleagues and the Kowanyama community.

As my research progressed I earned the trust of the Traditional Owners and the elders and was granted permission to talk and to write about the results of my research to external parties. I have delivered presentations at conferences based on my research, including the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) (Larsen, 2007a) and the Australian Protected Areas Congress (APAC) (see Larsen, 2008b). The AIATSIS presentation shared the aspirations of the Oykangand Traditional Owners for the Mitchell-Alice Rivers National Park and analysed some of the key challenges for the Queensland Government in supporting those aspirations. The preliminary results of the research, the 'preconditions' or capacity required for the co-management of protected areas in Cape York Peninsula, were presented at APAC.

- ***Capacity building enhances co-researchers' awareness and capabilities***

Capacity was developed by all participants during the conduct of this research. For example, this work has assisted Queensland Parks and Wildlife Service (QPWS), Cape York Land Council and Balkanu to progress negotiations for the collaborative management of the national park with Traditional Owners. A QPWS officer wrote with regards to the AIATSIS paper, "I found it very useful and it is helping to inform our head space for future negotiations"[28].

The development of the Research Agreement resulted in a comprehensive and practical document that is accessible in writing style to both the Aboriginal and scientific/academic communities. The document has informed the design of other research projects undertaken in Kowanyama and northern Australia by James Cook University colleagues and other research institutions. The process of developing the Research Agreement also provided an effective means of opening channels of communication, building trust and creating a foundation for ongoing relationships between the Kowanyama community, the research-facilitator and the University.

The depth of my own understanding of the Oykangand peoples' aspirations and the community's capacity for managing the National Park grew steadily throughout my time living in the Kowanyama community. During this time I also developed the ability to communicate effectively with the Aboriginal community by:

- identifying and talking to the right people to speak for country (key informants)[29]
- holding one-on-one 'yarns' in a location where people are at ease[30]

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[28] *BL email 21-4-08*

[29] *Usually the 'right people' to speak for country are the senior custodians or Traditional Owners of the national park who possess the traditional knowledge of country. There were also community members and employees (e.g. KALNRMO managers and Rangers) with 'local knowledge' who were trusted by Traditional Owners to speak about certain issues regarding the national park*

- Using plain English and, conversely, avoiding the use of jargon and what is called 'big English' in Kowanyama – complex language often used by researchers and government personnel that are not accessible to, or understood by, all community members
- Ensuring men and women, young people and elders are given opportunities to participate
- Allowing adequate time for questions, for information to be digested and for consensus decisions to be made

The research has also assisted KALNRMO and the Queensland Government to identify aspects of their capacity for the adaptive co-management of the Mitchell-Alice Rivers National Park that requires further development. This information has assisted the parties to negotiate and sign a Memorandum of Understanding in November 2007. By working together, the organisations can pool financial and human resources, equipment and knowledge and increase their capacity for co-management.

- ***Cross institutional links are created so as to sustain transformative changes***

Section 6.4.5 describes the negotiation of the Memorandum of Understanding between the Queensland Government, the Traditional Owners and the Kowanyama community for the provision of on-ground works within the National Park. This interim agreement represents a cross-institutional link that formalises a new working relationship between the organisations.

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[30] *Unstructured interviews: Often the needs of the Traditional Owners were revealed not in dedicated discussions on the topic, but in general conversations about their experiences with other researchers.*

Plate 3.3 KALNRMO and QPWS Rangers at the signing of an MOU (01-11-07)

3.12 Part B - Conclusion

Part B of this chapter aimed to meet two major objectives. Sections 3.6 to 3.10 reviewed the Action Research paradigm and its related methodologies, particularly Participatory Action Research and Community Action Research. These methodologies were strengthened by incorporating Indigenist research principles (Rigney, 1999) which respect and protect Aboriginal peoples' worldviews and cultural and intellectual property rights. The resultant principles, named *Indigenous Collaborative Action Research* (ICAR), provide a basis for the selection and implementation of the research design and methods used in this thesis.

The ICAR principles presented in section 3.10 are not the sole result of a literature review and were not developed prior to the commencement of the research project or fieldwork as would be typical of a Western (positivist) research process (see Figure 3.6). Instead, the ICAR principles were developed during the scoping and fieldwork phases of the project and coincided with the development of a Research Agreement and data collection and analysis. In this way, the development of ICAR principles, the Research Agreement and choice of methods were classic 'Lewinian spirals' and demonstrate the cyclical, reflexive nature of action research (see Figure 3.5).

Section 3.11 provides an account of the research methodology used in this thesis, using the ICAR principles as a structure for describing the choices and assumptions which have influenced the creation, conduct, interpretation and reporting of the research. Section 3.11 also describes the learnings and capacity development that arose from developing and implementing

the ICAR principles and the Research Agreement. Importantly, the Research Agreement is a 'co-management' agreement between myself (and the university) and the Traditional Owners (and the Kowanyama community). The process provided great insight into the capacity required to negotiate an agreement between the Traditional Owners and the Queensland Government for the adaptive co-management of the Mitchell-Alice Rivers National Park national park.

Chapter 4 Heritage Attributes and Management Rights and Interests in the Mitchell-Alice Rivers National Park

4.1 Introduction

In this chapter, I investigate whether or not there is a basis for the adaptive co-management of the Mitchell-Alice Rivers National Park (MARNP). To identify the attributes of the system that make adaptive co-management feasible we first must determine why the Oykangand Traditional Owners and the Queensland Government are candidates for adaptive co-management (ACM) of the resource system.

Sections 4.2 to 4.5 investigate the observable attributes of the SES, including the resource units (RU), resource system (RS), and related ecosystems (ECO) (see Figure 4.1 Framework to assess the feasibility of adaptive co-management with circled areas of general investigation in Chapter 4). A desktop review of the known natural and cultural heritage attributes of the MARNP and the broader system of protected areas in Cape York Peninsula reveals that the attributes and qualities of this National Park are highly valued by mainstream Australians and the Oykangand people alike. To arrive at this conclusion the following questions were asked as the data were analysed:

- Why is the resource system (the MARNP) protected as a national park (a western perspective) and how is this same area (the homeland) perceived by Traditional Owners?
- What is the importance of this national park homeland within the region and beyond?
- Is the condition of the national park homeland suitable for supporting conservation and adaptive co-management?
    - What are the threats to the integrity of the area?
    - Are these threats perceived to be manageable?
- What are the benefits and costs to the national park homeland from introducing adaptive co-management?

Ultimately, we ask, are the natural and cultural heritage attributes of the national park homeland sufficiently valued to sustain universal support for the effort and cost involved in reorganising the governance regime and establishing adaptive co-management (ACM)?

Sections 4.6 to 4.8 of this chapter reviews the attributes of the social, economic and political setting (S), and the characteristics of the users (U) and the governance system (GS) that influences the feasibility of ACM (see Figure 4.1 Framework to assess the feasibility of

adaptive co-management with circled areas of general investigation in Chapter 4). In seeking to understand if these parties (the Oykangand people and the Queensland Government) should be considered candidates for ACM we ask:

- What is the basis of their claim to the co-management of the area? and,
- Do the parties have recognised rights to the ownership and management of the park?

The results presented in this chapter form the foundation of what makes ACM feasible in the context of the Mitchell-Alice Rivers National Park homeland. I find that the resource system is valued by the prospective ACM partners and this attribute of the social-ecological system provides a platform for further capacity development towards an appropriate ACM regime. The chapter describes how both parties have a valid territorial claim to the national park. However, what remains to be determined is whether the territorial claim and rights of the Traditional Owners are legally recognised by the State and whether the 'will' exists to implement an adaptive co-management governance regime for the protected areas of Cape York Peninsula. These critical factors are analysed in Chapter 6.

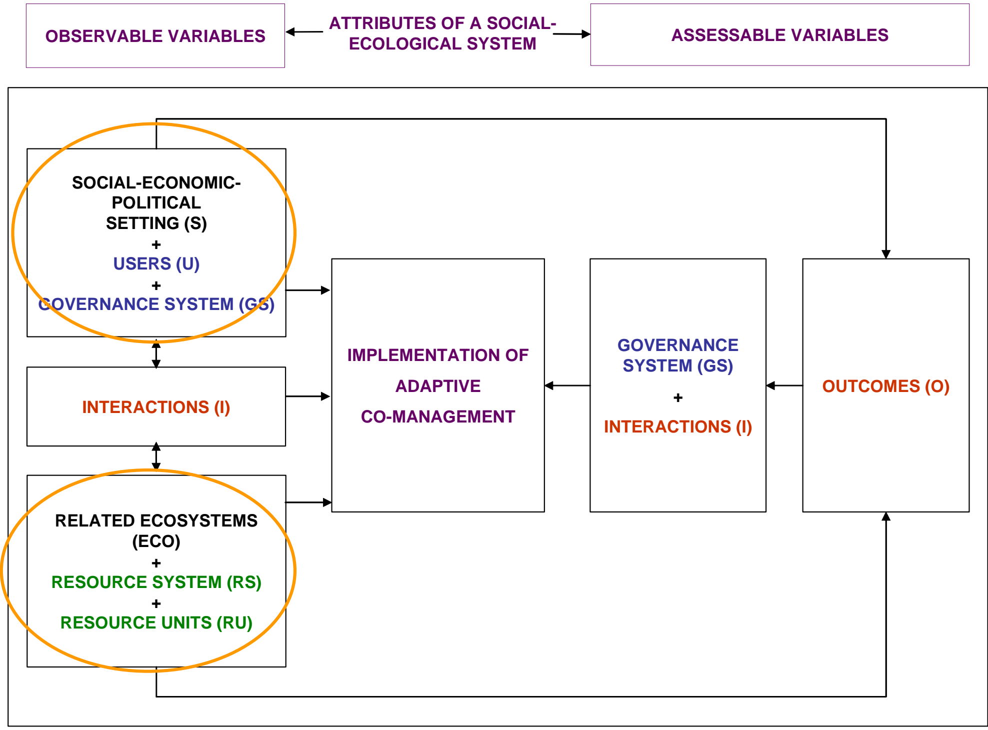

Figure 4.1 Framework to assess the feasibility of adaptive co-management with circled areas of general investigation in Chapter 4

4.2 Protected Areas of the Cape York Peninsula Region

The area of land in the Cape York Peninsula region as defined for this thesis extends south from the tip of Cape York Peninsula to approximately 16 degrees south latitude. The total land surface of the region covers an area of approximately 13.7 million hectares. This study region does not include parks or islands within the Great Barrier Reef World Heritage Area (GBRWHA) or the Wet Tropics World Heritage Area (WTWHA)[31]. In the study region, the governance system for the management of protected areas is overseen by the Queensland Parks and Wildlife Service, a division of the Department of Environment and Resource Management (DERM)[32].

As of 2005, a total of 2,031,700 hectares (almost 15% of the total area of Cape York Peninsula) are protected areas and other tenures which are the statutory responsibility of the Environmental Protection Agency[33]. There was an additional 1,557,500 hectares of land whose management is also the statutory responsibility of QPWS that has long-term unresolved tenure, and is either proposed as additional protected area or will eventually change their existing protected area status. If all this land were proclaimed as protected areas, this would add approximately one million hectares to the CYP protected area estate, bringing the total area of Cape York Peninsula in protected areas to approximately 22 per cent of the Peninsula. In addition, the Queensland Labor Government's 2004 election commitment promised to provide $7.5 million for further acquisitions of Cape York Peninsula land with high conservation values (Queensland Labor, 2004).

[31] These areas are managed cooperatively by state agency - QPWS in cooperation with the federal government agencies of the Great Barrier Reef Marine Park Authority (GBRMPA) and the state/federally funded Wet Tropics Management Authority (WTMA) respectively.
[32] In 2009, the Environmental Protection Agency merged with the Department of Natural Resources and Water to become Department of Environment and Resource Management (DERM)
[33] refer to Appendix E for a copy of *'Parks in Crisis': An Analysis of the Resourcing and Management of National Parks and other Protected areas in Cape York Peninsula* (Larsen, 2005, p. 32) which includes a list of the CYP terrestrial protected area estate where DERM has statutory responsibility

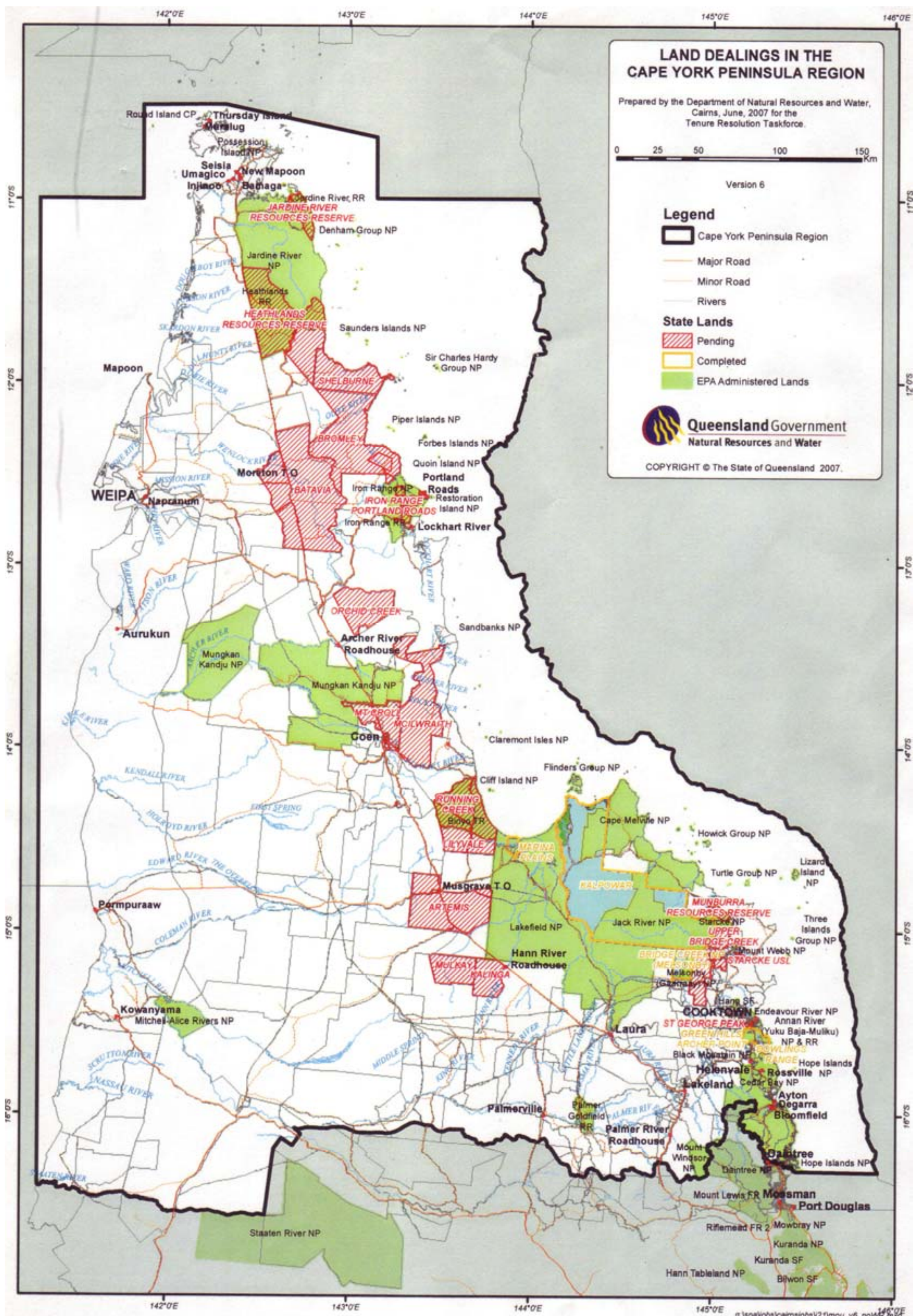

Figure 4.2 Cape York Peninsula Protected Area estate, Queensland, Australia (DERM, 2007)

4.2.1 Natural & Cultural Heritage Significance of Cape York Peninsula

The natural heritage attributes of Cape York Peninsula are well described (on a macro scale) in numerous publications. Stanton (1980) writes that the Cape York Peninsula region has retained many of the attributes of the high rainfall belt of east-coast of Australia that have been elsewhere been degraded or succumbed to development pressures. Hence, the region "represents our last chance to hold and protect the heritage of this part of the continent" (pp. 79-80).

In Cape York Peninsula, numerous ecosystems including rainforests, woodlands, heaths and grasslands are relatively undisturbed by modern technology. The savanna ecosystems across much of Northern Australia, including Cape York Peninsula, are recognised as being the largest and most intact tropical savanna left on Earth, and thus are of outstanding national and international significance for biodiversity (Mackey et al., 2001; Valentine, 2006; Woinarski et al., 2007). Several authors (e.g. IUCN Commission on National Parks and Protected Areas, 1982; Mackey et al., 2001; Valentine, 2006) have found that the region is likely to qualify as World Heritage. There is widespread support for the notion of World Heritage listing for appropriate parts of the Peninsula – the Queensland Government's 2004 election commitments promised action toward achieving this and other conservation objectives within the region (Queensland Labor, 2004).

In addition to the region's natural heritage values, the landscape of Cape York Peninsula also holds cultural significance for both Indigenous and non-Indigenous residents, a reflection of the history of their various communities. The region is also part of the Queensland and national identity and thus has importance for all Australians. However, the transfer of knowledge and the representation of indigenous cultural heritage to non-indigenous people, including researchers and governments, are tightly guarded by Traditional Owners in the Peninsula. As a consequence, there remains a relatively poor understanding and awareness in the mainstream population of the significance of the indigenous cultural landscape, as compared with the natural landscape, in the region (Valentine, 2006; Woinarski et al., 2007).

Both existing and proposed protected areas within Cape York Peninsula contain a diverse array of outstanding natural and cultural heritage qualities and attributes. The natural heritage attributes of the Cape York Peninsula region, and the benefits that flow from these areas, are highly valued at a local, national and international scale.

4.3 Location and Size of the Mitchell-Alice Rivers National Park

The Mitchell-Alice Rivers National Park is located approximately 400 kilometres from the town of Chillagoe along the Burke Developmental Road and about 600 kilometres by road, or an approximately nine hour drive from the closest city, Cairns, on Queensland's east coast (Figure 4.3). The Park lies to the east of the Kowanyama Deed of Grant in Trust (DOGIT), less than 40 kilometres by road from the Kowanyama township, along a partly graded dirt track (Figure 4.4). The pastoral leases of Dunbar and Koolatah neighbour the National Park on Mitchell River frontage to the southwest and east respectively. While these two properties are not Indigenous tenured, they lie within the Kowanyama People's Native Title claim area (about 2.23 million hectares inclusive of Gulf waters -Figure 4.5). To the north-east of the Park are the Kowanyama pastoral holdings of Oriners (Helmsley) (218,000 hectares) and Sefton (77,000 hectares). These properties were purchased by the Kowanyama Aboriginal Shire Council in 1991-92 and 1996 respectively and, along with the DOGIT (252,000 hectares), are held in trust by the Council for the people of Kowanyama.

The national park is 37,100 hectares in area - small when compared to other mainland national parks in Cape York Peninsula and to the rest of Kowanyama people's land interests and homelands by which it is bounded.

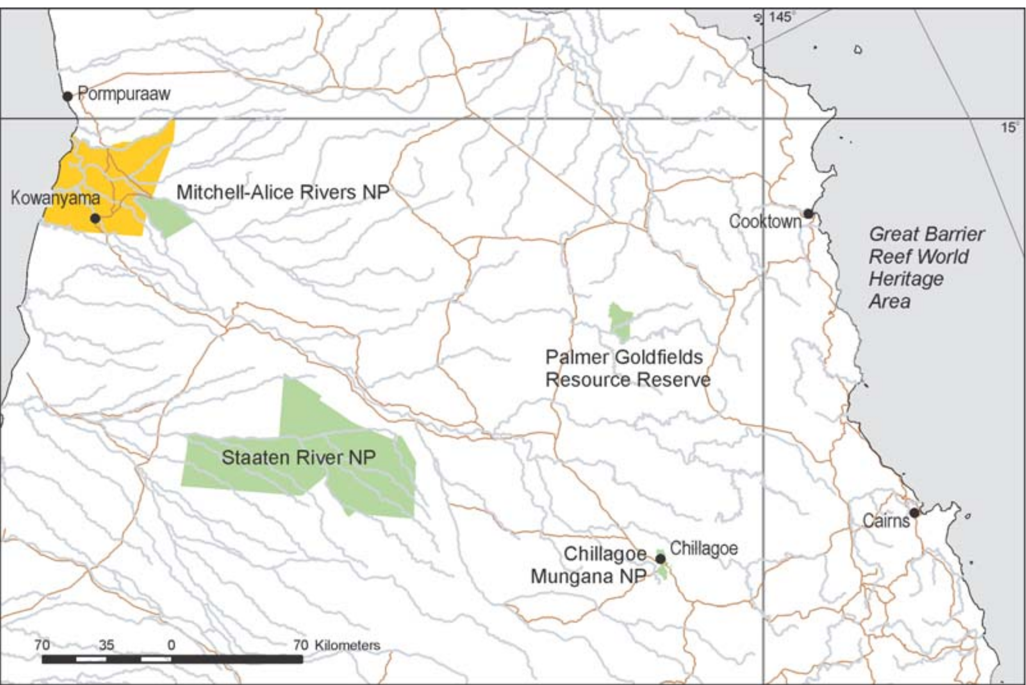

Figure 4.3 Location of Kowanyama and the Mitchell-Alice Rivers National Park, Cape York Peninsula (2007)

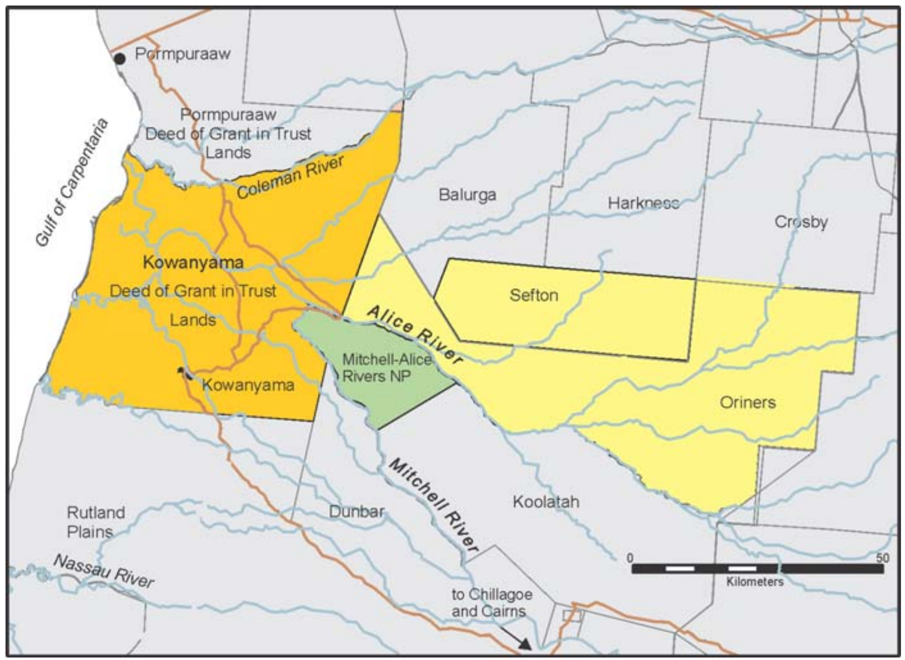

Figure 4.4 Kowanyama-held trust lands (in orange and yellow) and neighbouring properties, Western Cape York Peninsula (2007)

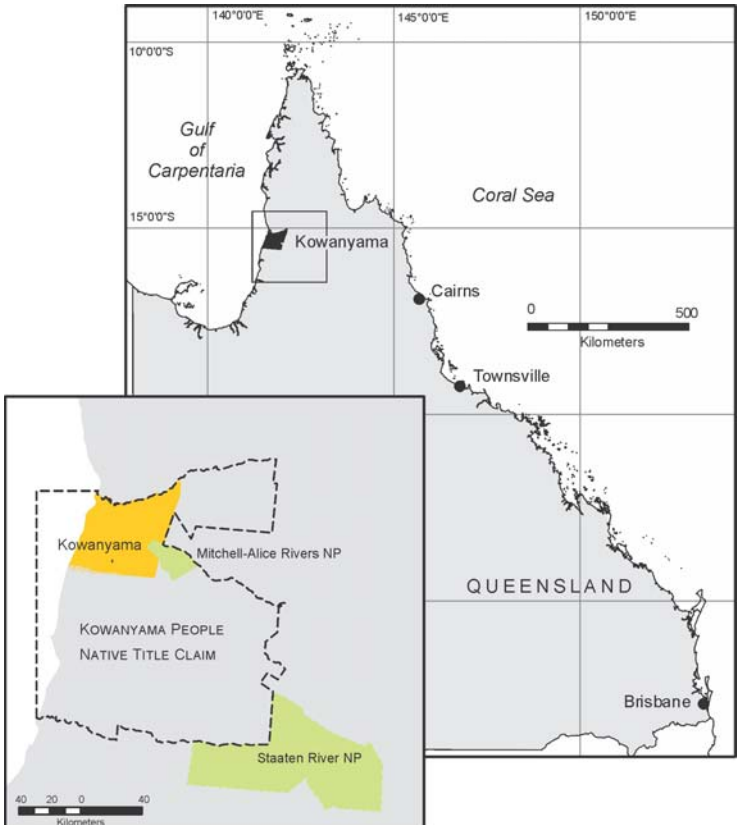

Figure 4.5 Kowanyama People's Native Title Claim Area, Cape York Peninsula (2007)

The Northern Dry Tropics sub-district office of QPWS is based in the town of Chillagoe, almost 400 kilometres by road to the south-east of the National Park. From this office, six

QPWS Rangers manage the Mitchell-Alice Rivers National Park, the extensive Staaten River National Park, the Palmer Goldfield Resources Reserve, and the Chillagoe-Mungana Caves NP, a total of about 526,800 hectares. Queensland Parks and Wildlife Service's regional office, is located in Cairns and the Agency headquarters is based in Brisbane in south-east Queensland – almost 2,000 kilometres 'as the crow flies', to the south east.

4.4 System Boundaries and Conservation Values

Kowanyama land interests straddle the 'Gulf Plains/Gulf Lowlands' biogeographical region (bioregion) and the 'Cape York Peninsula' bioregion. The seasonal Alice River (Plate 4.1) not only marks the northeast boundary of the National Park, but also the distinct boundary between the Gulf Plains with the Cape York Peninsula bioregions. Those lands that lie to the southwest of the Alice River, including the Mitchell-Alice Rivers National Park, the Kowanyama DOGIT and the neighbouring pastoral properties of Rutland Plains, Dunbar and Koolatah are characterised by the alluvial plains of the northern part of the Gulf Plains bioregion. To the northeast of the Alice River, the landscape is characterised by the forest country *(Eucalyptus tetradonta)* of the Cape York Peninsula bioregion.

The area's significant natural attributes and the subsequent boundaries of the National Park were first described and delineated by scientist and park administrator J. Peter Stanton in 1976 in his report entitled 'National Parks for Cape York Peninsula'. Stanton's work was later used by the Queensland Parks and Wildlife Service (QPWS) as the basis of their property acquisitions and gazettal program[34]. Stanton did not visit the Gulf Plains region in person or the area he proposed to become the Mitchell-Alice Rivers National Park. He proposed the area for gazettal based on an examination of aerial photographs. His report stated that,

> *"[The park] was designed to afford a cross-section of the woodland and grassland vegetation of the extensive alluvial plains of the lower rainfall regions of the Peninsula. It was chosen with the intention that the monotony of such vegetation would be broken by the scenic relief provided by the presence of permanent water and gallery forests of large streams."* (p. 54)

The area that was gazetted as the Mitchell-Alice Rivers National Park is clearly defined in the state's conservation legislation. The area was excised from Koolatah Station and gazetted on 27th of October, 1977.

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[34] *QPWS, Aug 1977 NP Proposals*

Plate 4.1 The black-necked stork (Jabiru) with barramundi – sandy soils of the Alice River frontage on the boundary of the Mitchell-Alice Rivers National Park and the Kowanyama Deed of Grant in Trust area (August, 2007)

The Mitchell River (Plate 4.2) begins on the Atherton Tablelands near Mareeba and flows northwest across southern Cape York Peninsula and discharges into the Gulf of Carpentaria. The Mitchell River accounts for approximately 8% of Queensland's total water runoff, discharging 11.3 million megalitres a year into the Gulf of Carpentaria, making it one of the state's most significant rivers (Queensland Department of Natural Resources and Water, 2008, p. 4). The Mitchell River catchment covers at least 70,000 square kilometres and includes the tributaries of the Lynd, Walsh, Alice and Palmer rivers and Rifle and Bushy creeks – a total of about 15,425 kilometres of major streams in the catchment. A 'State of the Rivers' report found that, despite some disturbance attributed to a dam, grazing activity, pest plants and roads, eighty-five per cent of the stream length in the Mitchell River catchment was found to be in good to very good condition (Queensland Department of Environment and Resource Management, 2009).

Plate 4.2 Permanent flow of the Mitchell River at the end of the dry season. Photograph taken at Shelfo Crossing (*Errk Igow*) on the boundary of the Mitchell-Alice Rivers National Park and the Kowanyama Deed of Grant in Trust area (November, 2005)

The Mitchell-Alice Rivers National Park is described as "an excellent representative sample of lower Peninsula country which has been subject to minimal disturbance" (Cockburn et al., 2007, p. 1). The natural attributes and qualities of the national park include riparian forest, river anabranches, grasslands, Eucalypt, Corymbia and Melaleuca woodlands and permanent lagoons. Interviews with QPWS Rangers determined that the vegetative health of the park is robust[35]. According to the draft Fire Strategy prepared for the park, QPWS has recorded thirty-two regional ecosystems and ninety-eight plant species within the national park boundaries. Of these regional ecosystems, seven are categorised as 'of concern' (at the State level) including: Deciduous scrubs on plains of cracking clays; Molloy redbox and bloodwood woodland; Paperbark woodland-open forest on sands in channels and on levees; and Melaleuca foliolosa woodland (Freeman & Garnett, 2004). Some of these natural systems/communities found in the park are not found elsewhere in the Queensland protected area estate. All flora species found in the park have a 'common' status under state legislation.

QPWS assessments have so far recorded 151 vertebrate species, including 16 amphibians, 20 reptiles, 107 birds and 9 mammals on the park (Cockburn et al., 2007). The estuarine crocodile (*Crocodylus porosus*) inhabits the park and is listed as 'vulnerable' under state conservation legislation. Insufficient data means the importance of the park for other rare and threatened species (e.g. radjah shelduck, black-necked stork, square-tailed kite) remains unconfirmed (Freeman & Garnett, 2004).

[35] *QPWS Chillagoe 11-9-07 (final)*

4.5 Threats to Conservation Values

4.5.1 Pests

Although the park is described as being "relatively free from weeds and feral animals" (Freeman & Garnett, 2004, p. 5), six pest animal species and five pest plant species have been recorded in the Mitchell-Alice Rivers National Park including pigs, cattle, horses, cats, dogs and cane toads (Cockburn et al., 2007). Feral pigs pose the greatest threat to the natural integrity of the Park. Pigs concentrate around permanent swamps and lagoons at the end of the dry season and reduce water quality, particularly at Hereford Swamp and Emu Lagoon. Cattle stray onto the Park from neighbouring properties, although numbers are not considered a threat to the park as long as they are mustered and removed every year[36]. Other feral animals were not considered a high priority for management intervention by the Traditional Owners[37].

Weed species are largely confined to the riparian areas close to the Mitchell River where seasonal fire does not penetrate. There are a number of weed species present in the neighbouring DOGIT area that are yet to be recorded in the park. The presence of weeds with burrs is a particular nuisance to Traditional Owners who prefer to walk barefoot. The Traditional Owners and QPWS Rangers place a high priority on preventing the spread of all weeds from the DOGIT and from the riparian areas into the core of the park.

4.5.2 Climate

Climate in the region is characterised by hot summers and mild winters. Climate statistics from Kowanyama Airport indicate that the warmest months, with average maximum temperatures of 36 degrees Celsius, are most likely to occur in October and November (Bureau of Meteorology, 2009). Wind speeds are also highest in these months and the relative humidity remains low in October (around 35%). Climatic conditions from September to November create the most extreme conditions for wildfires.

The remoteness of the area from the more developed regions closer to the east coast of Queensland is heightened further each wet season when much of the landscape of the Gulf Plains is inundated by floodwater, making ground travel impossible from December to about April/May (see Plate 4.3). At this time, the Kowanyama community and surrounding homelands are completely cut off by road due to monsoon rainfall averaging 1,250 millimetres per year (Bureau of Meteorology, 2009). More than half of this rain falls in January and February. Flooding brings silt and deposits (and redistributes) large quantities of sand in the creeks and riverbeds. The only way in and out the Kowanyama community for up to six months

[36] *QPWS Chillagoe 11-9-07 (final)*
[37] *Homeland Work Schedule Report: Cluster Number Five (Uw Oykangand homelands), 2006*

of the year while the roads remain impassable is by air. The National Park remains inaccessible for an even longer period, until the floodwaters of the Mitchell River and the Alice River subside. The permanent flow of the Mitchell River (Plate 4.2) to the southwest and the seasonal flow of the Alice River to the northeast (Plate 4.1) create natural boundaries to the national park. When river levels have adequately subsided, the Mitchell River crossing at Shelfo (*Igow* in the Kunjen/Oykangand language) usually requires the mechanical removal or redistribution of river sand from over the rocky base (by bulldozers) in order for the park to become accessible to four wheel drive vehicles.

Plate 4.3 Silt on trees indicates 2005/2006 flood levels of at least 1 metre above ground level in the Mitchell-Alice Rivers National Park (2006)

4.5.3 Soils

The soil and vegetation types of the National Park have strong implications for management activities, in particular road/track maintenance and fire/burning regimes. When disturbed, these soils are highly susceptible to erosion, making the management of roads and tracks essential (see Plate 4.4).

According to the QPWS draft Fire Strategy (Cockburn et al., 2007), the Middle Creek land unit is the largest on the Park, encompassing the country between the Mitchell River frontage and the Alice River frontage land units. The soils of this flood-prone area are mostly light coloured alluvial clay.

The Mitchell River frontage is a fertile strip of country while the sandy soils of the Alice River frontage are less fertile but hold moisture considerably longer than other areas of the park, keeping the grass greener until later in the dry season. Hence, soil moisture influences the

timing of fire management activities. Fire sensitive vegetation is found predominantly in the River frontages but the majority of the Middle Creek land unit is habitat for fire-tolerant and fire-dependent vegetation types.

4.5.4 Fire

Fire is a significant concern for the management of the Mitchell-Alice Rivers National Park, and for all the savanna landscapes of northern Australia. Fire is a natural process in this region but requires active human intervention in order to achieve management objectives, whether those objectives are for traditional indigenous, pastoral or conservation purposes. Despite the change in the tenure and responsibility for the management of the area since European settlement, the excellent condition of the resource system confirms that fire management practices over this time have maintained the natural attributes for which the area is now protected (Cockburn et al., 2007).

4.5.5 Tracks

The main track through the Mitchell-Alice Rivers National Park, between the Mitchell River crossing at Shelfo and the Alice River crossing is part of the main and most viable route used to travel between the communities of Kowanyama and Pormpuraaw to the north (see Figure 4.6). The people of Kowanyama and Pormpuraaw share culture and homelands. Hence, the track is a vital link for residents of both communities to maintain contact with their extended families and for tourists venturing off the more highly traversed route to the ‘tip of Cape York’.

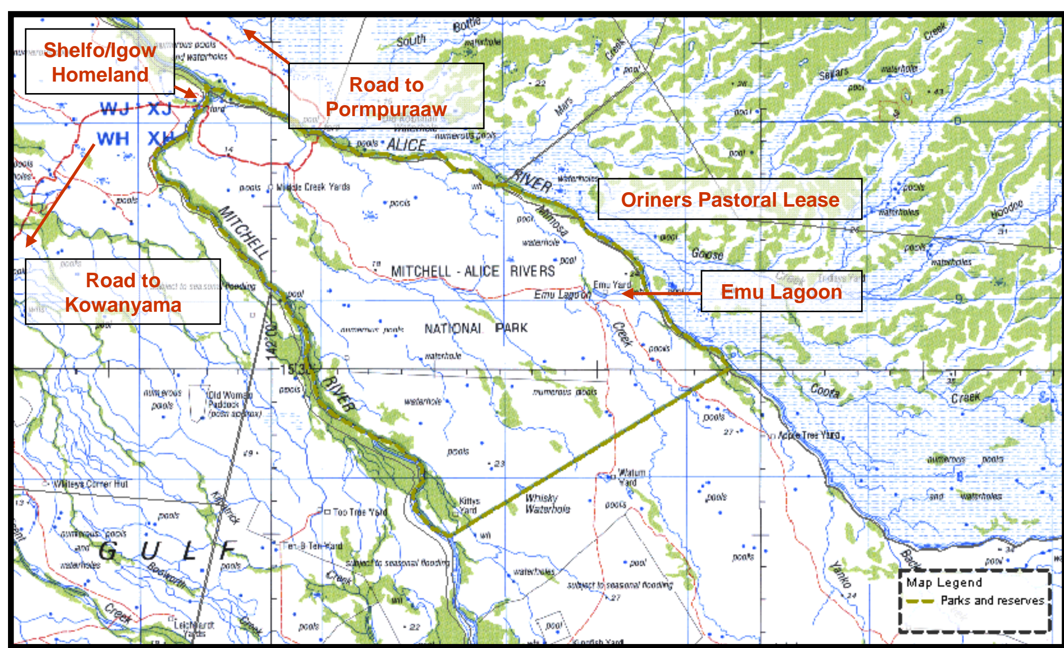

Figure 4.6 Principal track through the Mitchell-Alice Rivers National Park connecting Kowanyama and Pormpuraaw (2007)

As of 2007, no tracks in the National Park had been surveyed or gazetted. However, QPWS has permitted the track to be graded most years to facilitate the movement of people between Kowanyama and Pormpuraaw. At the request of Traditional Owners, the alignment of this track was adjusted to avoid a culturally important site (a story place) at Middle Creek. After the wet season and with use, the friable soils of the gulf plains erode creating bulldust, ruts, washaways and potholes. If road conditions are poor, drivers seek alternate off-road routes to reach their destination, thereby creating further damage to the conservation value of the national park. Light grading of tracks has also been permitted by QPWS to allow access of vehicles for mustering purposes. Due to the fragility of the soils, the lack of a permanent alignment and a maintained track in the National Park is highly detrimental to the environment.

Plate 4.4 Roadside gullying in the Mitchell-Alice Rivers National Park near the approach to the Alice River, Mitchell-Alice Rivers National Park (2006)

4.5.6 Historic Infrastructure

A basic homestead made of ironwood was built by Ernest Samuel Allender and two others in 1918 in the western section of the National Park; some of the stumps from this dwelling remain today. Much of the infrastructure remaining inside the park area was built during the Hughes family's tenure for stock management using the labour of local Aboriginal stockmen and hence holds significance to members of the Kowanyama community[38].

More recently, a cattle dip built in the 1970's and within 100 metres of Emu Lagoon in the eastern section of the MARNP, has not been properly decommissioned since grazing was discontinued. The dip contains foul-coloured liquid throughout the year and, while the liquid has not been tested for toxic substances, poses a potential threat to aquatic life and is hazardous to the health and safety of visitors and Oykangand families who camp in the area (see Plate 4.5).

Plate 4.5 Historic dip and infrastructure (cattle holding yards) at Emu Lagoon, Mitchell-Alice Rivers National Park (2006)

4.5.7 Tourism and Visitor Infrastructure

The Mitchell-Alice Rivers National Park contains limited tourism infrastructure, which is in keeping with very low numbers of people who visit the Park and negligible numbers that have obtained permits to camp[39]. There is one designated camping area on the Mitchell River

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[38] See Table 4.1 Post-contact history of the National Park homeland area for a description of the post-colonial settlement of the area.

[39] *Cape York Revenue 03-04; 24-1-94 MARNP 1993 camping data*

frontage within the National Park (see Figure 4.7). There is no infrastructure at these sites and they are rarely used.

Park identification and crocodile warning signs (see Plate 4.6) have been erected at several access points to the park. There is no interpretation or formal directional signs for visitors, although the Kowanyama Rangers erected some temporary signs (not approved by QPWS) to assist visitors driving between Kowanyama and Pormpuraaw to stay on track in the 2006 dry season.

Plate 4.6 QPWS signage at Shelfo crossing, Mitchell-Alice Rivers National Park (2006)

While the vast majority of visitors ‘do the right thing’, some are known to participate in illegal activities which include hunting, poaching, drug activities, bull-catching, mustering and cutting new roads/tracks. Visitors have also made incursions into naturally and culturally sensitive sites (e.g. swamps and story places) and interference with natural and cultural resources (e.g. the removal of cultural artefacts). Many visitors use the pastoral properties of Oriners, Sefton and the national park as a ‘back door’ entry point to the Kowanyama Deed of Grant in Trust area. Other visitors have had vehicle break-downs and have become lost in the national park.

In 2005, planning began for a proposed four wheel drive tourism route, the ‘Mitchell River Loop Road’. The loop traverses the Mitchell-Alice Rivers National Park, beginning (or ending) at Chillagoe. The proposed route takes in the townships of Kowanyama, Pormpuraaw and Musgrave and has the potential to substantially increase vehicle traffic throughout the area. A product review of the loop road proposal in 2006 found that “the Kowanyama - Pormpuraaw section of the Loop Road is more reflective of what Cape York visitors might expect in terms of an ‘off-road’ experience[40].” The challenging road conditions (the river crossing at Igow/Shelfo in particular) and the remoteness of the area were considered to be somewhat daunting to less experienced four wheel drivers and may deter some people from attempting to make the drive. The same review found that it may be possible for Traditional Owners to develop some guided tourism experiences in or near the National Park, such as fishing, walking or drives to Emu Lagoon and Old Koolatah Lagoon.

[40] *DRAFT Mitchell River Loop Road Report [1]* unpublished Tourism Queensland report (2006)

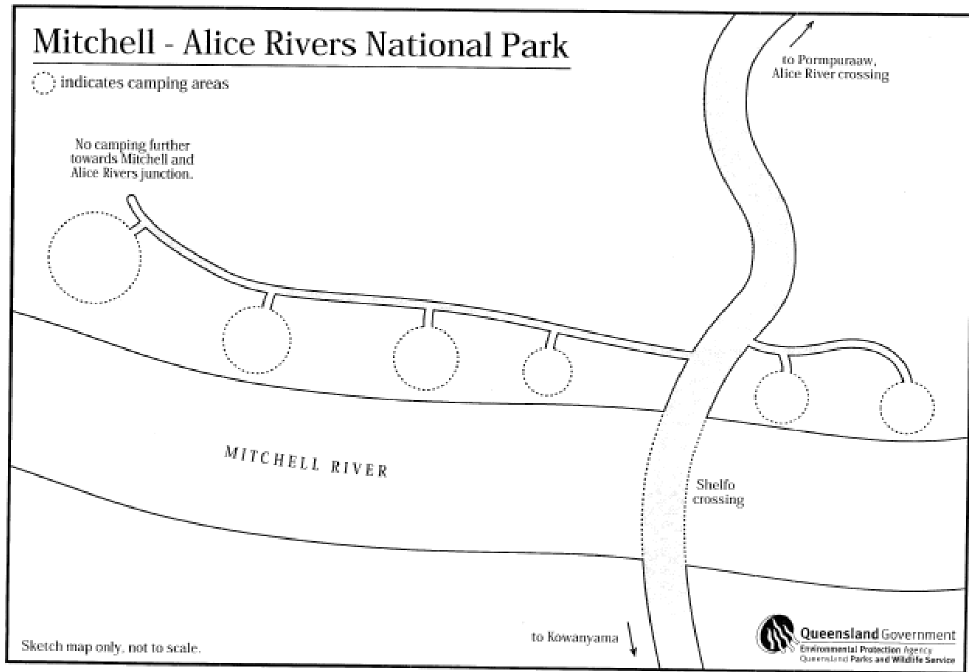

Figure 4.7 Sketch-map of designated camping sites at Shelfo Crossing within the Mitchell-Alice Rivers National Park (2005)

4.6 The Cultural and Historical Landscape

The *Uw Oykangand*, meaning *the people/language of the outside lagoons* (of the Mitchell River) are the Traditional Owners of the Mitchell-Alice Rivers National Park. The Oykangand families identify with different landscapes within their larger homeland area. Their homeland, or traditional estate, surrounds the national park, incorporating what is today known as the eastern parts of the Kowanyama Deed of Grant in Trust (DOGIT) area and the pastoral leases of Dunbar, Koolatah, part of Rutland Plains, Oriners and Sefton Stations.

4.6.1 Pre-contact

> *"Before the arrival of Europeans, Aboriginal people in North Queensland lived a quintessential hunter-gatherer existence... Small groups of people moved around their own clan country and that in which they had secondary rights, hunting, fishing, gathering bush foods, using bush medicines, and collecting materials for their technology... As hunter-gatherers, Aboriginal people used every part of the physical environment: few fauna were not regarded as edible or practically useful in some way; few trees and plants did not provide an edible seed or root, or bark for medicine or string."* (Strang, 1997, p. 85)

As a consultant, Strang (1994a) and Oykangand Elders documented and mapped the traditional stories associated with the Mitchell-Alice Rivers National Park homeland area. Approximately

30 places of primary importance were mapped, including the tracks of many ancestral beings – many of which originate outside the boundaries of the Park, cross it, and proceed to other areas. Significantly, Strang documented that:

- The national park area holds significant cultural heritage attributes and is highly valued by the Traditional Owners
- The knowledge of the Oykangand elders remains intact
- The spatial boundaries of the Mitchell-Alice Rivers National Park do not coincide with Aboriginal perceptions of estate boundaries, and
- The National Park is a small component of the Oykangand homeland and is engulfed by their much larger traditional estate.

4.6.2 European Settlement

The development of the pastoral industry in the region of the lower Mitchell and Alice Rivers was characterised by violent interaction, resistance and significant displacement of the Aboriginal inhabitants. The key events from this period, compiled from KALNRMO (2000), McGhie Consultants Pty Ltd. (1994) and Cockburn et al. (2007) are summarised in Table 4.1.

Table 4.1 Post-contact history of the National Park homeland area

- The ‘Battle of the Mitchell’: death of more than 30 Aboriginal men in a confrontation with the Jardine Brothers (European settlers passing through the region) on an anabranch of the Mitchell River in 1864.
- The Mitchell-Alice area was first established as a pastoral leasehold property in 1882 for the raising of beef cattle. The area was originally part of Dunbar station.
- The massacre at Ajamb Ithan, the Emu and Brolga story place, whereby almost an entire camp of women and children were killed in retaliation for the killing of a horse. This occurred around the time the original Mitchell River Mission was established (1905). The women and children were buried in a mass grave at a site adjacent to the existing Bronco Yard at Emu Lagoon. The site remains a highly significant story place and camping place within the national park boundary.
- After subdivision from Dunbar Station, the Kulata (Koolatah) pastoral lease was taken up by Herbert Maddock Hughes in 1912. After various parts of the station were subdivided, what remained of Koolatah Station was finally sold by Cecil and Bill Hughes in 1998.
- Bolton Holding (now the western section of the national park) was taken up by Ernest Samuel Allender and two others in 1918, who named the area Shelfo (an amalgamation of the names of the three partners). The partners built a basic homestead from local ironwood; some of the stumps from this dwelling remain today within the national park. The partners were believed to be involved in cattle duffing from neighbouring Koolatah and Dunbar stations and were eventually caught by the Hughes brothers. Their operation had ceased by 1922; the lease for the area was taken up by the Hughes family and incorporated into Koolatah operations in 1924.
- Much of the infrastructure remaining inside the park area was built during the Hughes family’s tenure using the labour of local Aboriginal stockmen and hence hold significance to members of the Kowanyama community, including:
    - Emu Lagoon: a bronco branding yard and tent fly frame on the sand ridge beside Emu Lagoon made out of local ironwood in the 1920’s. Little remains of these structures.
    - Emu Lagoon: a wooden drafting yard, dip yard (built in 1964) and several barbed wire holding paddocks remain in the area.
    - Other yards include: “Kitties Yard”; a bronco yard and holding paddock called “Whisky Yard”; a bronco yard and holding paddock at Campbell’s Lagoon; and a bronco yard and holding paddock at Middle Creek waterhole. Whisky, Campbell and Middle Creek Yards were built in the early 1970s.
- 37,100 hectares was excised from Koolatah Station and gazetted as ‘NP5’, the Mitchell-Alice Rivers National Park on 27th of October, 1977. The Hughes family were permitted by Queensland Parks and Wildlife Service to continue grazing Koolatah cattle on the Park until 1998. Because the park is for the most part unfenced, cattle continue to stray onto the national park from surrounding properties. Mustering in the park to remove stray cattle is an ongoing management requirement.

4.6.2.1 Mission Time

The Kowanyama community was established as the 'Mitchell River Reserve for Aborigines' in 1903, closely followed by the establishment of an Anglican mission at a site known as Trubanamen in 1905. The Mission site was relocated to its present location, on the banks of the Magnificent Creek, in the period from 1910 to 1915 primarily because of a problem of saline intrusion into the drinking water at Trubanamen. The Magnificent Creek is a tributary of the (South) Mitchell River, which has its source in the Atherton Tablelands west of Cairns on the east coast. The township lies about 25 kilometres inland from the Gulf of Carpentaria coast and 40 kilometres west of the junction of the Mitchell and Alice Rivers (the National Park).

During 'Mission time' (the period from 1905 to 1967), the population of Kowanyama came to include three major linguistic groups from the surrounding region: Yir Yoront, Kokoberra and the Oykangand people. The Oykangand people includes Kunjen and Olkola (dialects) speakers. An extensive historical account of the Mitchell River Mission is provided by Freier (1999).

In the years following European settlement in the area, many Oykangand families came to live and work on the cattle stations (including Koolatah and Dunbar) which occupied their traditional country. In this way the Uw Oykangand, like other Aboriginal peoples in Cape York Peninsula, were drawn into the pastoral industry. In addition to the rations (typically food, tobacco and blankets) they received from the pastoralists, Aboriginal people continued to utilise flora and fauna resources derived from hunting and gathering (B. R. Smith, 2003). Aboriginal people were able to continue to learn and remain in touch with their cultural traditions (Strang, 1997; Sutton, 2003) and in turn pastoralism was assimilated into Aboriginal people's own system of land use and knowledge systems which they handed down to their children (B. R. Smith, 2002). Strang (1997, p. 263) states that "despite the incorporation of many European ideas, a traditional cosmology continues to inform the Aboriginal environmental relationship".

Some Oykangand families, such as the Yam family who lived on Koolatah Station (which incorporated the land upon which the MARNP would be gazetted), remained on neighbouring pastoral properties until their children were required to attend the mission school in the 1950s, or later in the 1960s and 70s when equal wage legislation was introduced throughout Australia (KALNRMO, 2000; Monaghan, 2005; Moran, 2006; Strang, 1997). At this time, many Indigenous stock workers and their families lost their livelihoods and moved into Kowanyama. Strang (1997) adds that the arrival of these families in Kowanyama in the 1960's coincided with a relaxation in Mission controls, providing momentum for the future revitalisation of cultural traditions. Hence, the Oykangand people were able to maintain an unbroken connection with their country despite European settlement in the area (KALNRMO, 2000; Moran, 2006).

4.6.2.2 Department Time

In 1967 the Queensland Government's Department of Aboriginal and Islander Affairs (DAIA) assumed control of the Mitchell River Reserve from the Anglican Church. This was the start of the period which became known locally as 'Department time'. Department time persisted for 20 years until Kowanyama lands were handed over in trust to councillors elected from the Kowanyama community in 1987, creating the local government authority - the Kowanyama Aboriginal Council[41] (KAC). Ownership and management of the Mitchell River Reserve was returned to the people of Kowanyama and renamed the Kowanyama Deed of Grant in Trust (DOGIT) lands. In 1991 and 1996 respectively, the Kowanyama Aboriginal Council purchased the titles to the neighbouring pastoral lease properties of Oriners and Sefton. These properties adjoin the Mitchell-Alice Rivers National Park to the north and are a part of the Uw Oykangand traditional estate.

4.6.3 Contemporary Homelands - Errk Igow (Shelfo)

The Kowanyama Aboriginal Shire Council assists kin groups and their extended families to establish homeland sites in places where they have traditional, historical or other associations (Monaghan, 2005). Within Kowanyama land holdings, including the Deed of Grant in Trust (DOGIT) and the pastoral leases of Oriners and Sefton, there are more than 20 homelands (sometimes called 'outstations' in other Aboriginal communities). Each of these homelands contains varying degrees of infrastructure and development. There are also many more undeveloped sites in the area that are frequented during the dry season for day visits and camping trips, particularly during school holidays.

Within the Uw Oykangand traditional estate, only one family, headed by elder Alma Wason and her son Arthur Luke, have developed a homeland site. This site, known as *Errk Igow* (also called 'Shelfo'), is strategically located on the western bank of the Mitchell River, opposite the National Park and close to the Shelfo river crossing (refer back to Figure 4.6). From this location, the Traditional Owners monitor park conditions and the movement of local people and visitors into and out of the Park. The homeland is linked by UHF radio to the Kowanyama Aboriginal Land and Natural Resources Management Office and other homelands in the DOGIT. The Traditional Owners provide support and report incidents that occur in the National Park.

[41] Now known as the Kowanyama Aboriginal Shire Council (KASC)

Plate 4.7 Infrastructure at Shelfo (*Errk Igow* homeland in the Kowanyama Deed of Grant in Trust area, adjacent to the Mitchell-Alice Rivers National Park (2005)

Other Oykangand families have not developed homeland sites (with infrastructure) within the DOGIT area or the National Park. However, the homestead at Oriners is visited, if irregularly, by Oykangand families (particularly the Yam family) during the dry season. Permanent residence at this remote site is problematic due to access (wet season flooding), financial and other capacity issues. Oriners Station lies to the north east of the MARNP and is also strategically located to monitor visitor access. Recreational pig hunters are active in the area in the early part of the dry season and have been known to enter and hunt (illegally) in the National Park at a time when the area remains inaccessible from Kowanyama to the west due to the high flow of the Mitchell River.

Also on Oriners Station, Oykangand elder Paddy Yam enjoys camping with his family at a place known as 'Old Koolatah' - a lagoon on the north side of the Alice River in close proximity to the National Park. Paddy also camps within the National Park at 'Emu Lagoon' and 'Campbell Yard'.

According to Traditional Owners and fieldwork observations, hunting pressure by Aboriginal people in the national park and surrounding homelands is very light. Target species are primarily feral pigs and occasionally wallaby and duck species. Fishing, usually with handlines, also occurs in the rivers, creeks and lagoons of the park – favoured species are primarily barramundi and freshwater turtle but most fish species that are caught are kept and consumed.

Cordell (1995) concludes that Indigenous mixed commercial and subsistence economies have not yet induced over-exploitation or placed unsustainable pressure on resources in Cape York Peninsula. As long as hunting and gathering activities in the Errk Oykangand remain light, they are highly likely to remain sustainable. However, the sustainability of hunting, gathering and

fishing in the Mitchell-Alice Rivers National Park can only be substantiated by a long term monitoring program which has not been undertaken.

4.7 The State's Rights and Interests in the Mitchell-Alice Rivers National Park

Yandle (2003, p. 181) states that "Co-management regimes may have their origins in a variety of regimes, but a key foundation is users having a strong bundle of property rights"[42]. Property rights result from holding a recognised territorial claim to an area. Sack defines territoriality as "the attempt to affect, influence, or control actions, interactions, or access by asserting and attempting to enforce control over a specific geographic area" (1983, p. 55). Burghardt (1973) describes seven bases for territorial claim: (1) *effective control*, (2) *history*, (3) *culture*, (4) *territorial integrity*, (5) *economic importance*, and (6) *ideology and (7) elitism*.

Table 4.2 below describes the bases for territorial claim that enable the Queensland Government to hold the ownership and management of the Mitchell-Alice Rivers National Park. These same claims provide the government with the power and authority to change the governance regime to adaptive co-management. Five bases for territorial claim are relevant for illustrating the Queensland Government's claim to the MARNP. Many of these claims are explored in greater depth in the following chapters, but are summarised here to provide an overview of the Queensland Government's rights to determine a suitable governance regime for the MARNP.

[42] While Australian Aboriginal people do not perceive their homeland as their 'property' (as in the Western sense) they do claim communal ownership of their traditional lands

Table 4.2 The Bases for the Queensland Government's claim to the Mitchell-Alice Rivers National Park

Claim	Basis for Claim (Burghardt 1973)	State Claim
History	Based on priority – on being there first or on being there the longest (preferably to the present day)	The history of European occupation of the Cape York Peninsula region (and specifically the Mitchell-Alice Rivers National Park) is very recent. James Cook claimed the east coast of the Australian continent in the name of King George III as British territory by planting the Union Jack on Possession Island (Bedanug) off the tip of Cape York Peninsula on 22 August 1770. The first European to explore the Peninsula by land was Edmund Kennedy in 1848. The first settlement on the Peninsula was at Somerset, 10 km SE of Cape York, in 1864. The junction of the Mitchell and Alice Rivers was first established as part of the Dunbar pastoral lease in 1882. However, apart from the three men who established a homestead at Shelfo (Bolton Holding) (now part of the MARNP) for a few years in the early 1900s, no non-indigenous people have permanently resided on the area that the MARNP now occupies.
Effective Control[43]	Demonstrated via continuous administration and effective occupation of the land via the management and/or use of the natural resources of the area	The Queensland Government took statutory possession of the land at the time that Queensland was colonised and settled, and instigated a low level of control over the area via the issuance of pastoral leases, and later, national park gazettal under the *Nature Conservation Act 1992* (QLD) (NCA). This Act includes the regulation of permissible activities on national parks. The cardinal principle of national park management under the NCA (S17, 1a) is the "permanent preservation of the area's natural condition and the protection of the area's cultural resources and values". Section 62 of the NCA restricts the taking of cultural and natural resources of protected areas, unless a management plan, covenant or (as of October 2007) an *Indigenous Management Agreement* states otherwise. The *Aboriginal Land Act 1991* (QLD) and *Cape York Peninsula Heritage Act 2007* (QLD) were introduced by the State to afford Traditional Owners a role in national park management. *The Native Title Act 1993* (Cwth) also moderates but does not destroy the capacity of the states and territories to regulate the exercise of native

[43] Legislative controls over Queensland National Parks and Traditional Owner responses to this legislation are discussed further in Chapter 6.

		title rights (Nicholls, 2000). The state agency, Queensland Parks and Wildlife Service (QPWS) does not maintain an on-ground presence on the MARNP; officers visit a few times per year. No QPWS officer visited the park before the area was gazetted or for 11 years thereafter. The park does not have a management plan or interim management guidelines. A Fire Strategy was drafted by QPWS without any involvement of Traditional Owners and progress subsequently stalled pending the outcome of co-management negotiations.
Territorial integrity	Based on the relative location of an area, usually contiguous with territory already controlled or because some physical connectivity is perceived to exist	The MARNP lies within the jurisdiction of the State of Queensland which retains a legal interest in all land tenures in the state. While the park is spatially isolated from other protected areas in the CYP region, the area remains an integral part of the regional, state and national reserve system as a representative sample of the Gulf Plains bioregion.
Economic importance	Based on economic grounds if control over the territory is necessary to secure or improve the economic status of a claimant group. A claim may also be refused on economic grounds if the claimant group do not have adequate resources or human capital to independently manage the area and become self-determining	The Queensland government derives minimal direct economic/financial benefit from the MARNP due to minimal visitation. However, the MARNP is part of Queensland's protected area estate. The natural capital of Queensland's protected areas (including both active and passive values) is estimated to have a financial value of $78 billion (Asafu-Adjaye, Brown, & Straton, 2005). The Queensland government has imposed serious financial constraints to the management of protected areas in CYP (Larsen, 2005), including the MARNP. Refer to Chapter 7. The lack of management resources decreases the legitimacy of QPWS claim to the MARNP.
Elitism (based on culture and/or technical ability)	A colonial belief that the white race had a God-given mandate to control the world. More recently, elitist groups claim control over a territory because it has the technical ability to develop it to the fullest potential – to utilise the resources, to improve the land and to contribute to world economic productivity.	At the time Australia was colonised it was widely believed in much of the Western world that the white race had a mandate to civilise indigenous peoples around the world (Burghardt, 1973). Post Federation, the Australian Government's sanctioning of Missions in remote areas demonstrates continuation of the elitist claims to control the territory and lives of Aboriginal people. Missionaries sought to 'civilise the natives' and to assimilate them into European/mainstream society while the government appropriated and exploited their traditional lands and resources.

The area that became the MARNP was appropriated by the Queensland Government and leased to European settlers in 1882. In 1977, the State again subdivided the land from Koolatah station and gazetted the MARNP for conservation purposes without the knowledge or involvement of the Traditional Owners of the land. Sharing or delegating responsibility for the ownership and management of Queensland protected areas to Traditional Owners does require the State to acknowledge that they do not have the right to sole ownership and management of the area; nor do they necessarily have a superior capacity to achieve conservation outcomes.

4.8 Uw Oykangand Rights and Interests in the Mitchell-Alice Rivers National Park Homeland

4.8.1 Dispossession

Following the initial European colonisation of the area and the establishment of pastoral properties less than a century earlier, the creation of a national park over Uw Oykangand traditional lands in 1977 was perceived by the Traditional Owners as a further act of invasion and dispossession. As with the gazettal of other national parks in Cape York Peninsula in the 1970s (as discussed in Chapter 1), it was not the practice of Queensland's Bjelke-Petersen National Party government to include Aboriginal people in decisions regarding the ownership and management of traditional territories. Rather, the government actively and consistently denied Aboriginal people their rights to land and natural resources. Hence, when the Mitchell-Alice Rivers National Park was proclaimed by notification in the Queensland Government Gazette, the Oykangand people resident in Kowanyama were not informed or in any way involved.

Colin Lawrence, a community leader and Oykangand elder whose family has country in the national park area, reflected:

> *"You know, they never come and ask the Kunjen people, 'Oh well, this place gonna become national park'. They never come and ask the people: they just went on and do it! And we got a great big shock!"* (1992, cited in Strang, 1997, p.64)

Plate 4.8 Traditional Owners George Lawrence (foreground) and Colin Lawrence at *Archampiythan* (Emu Lagoon), Mitchell-Alice Rivers National Park (2006)

For people for whom "land is the primary form of economic capital" (Sharp, 1937, p. 211), who regard land as the "central medium through which all aspects of life are mediated" (Strang, 1997, p. 84), the addition of another layer of state control over their homeland was distressing. The gazettal of the MARNP was perceived as a threat to the continuation of their culture, the security of their story-places, their management traditions, and their efforts towards self-determination[44]. Calls for the national park to be handed back to Traditional Owners began soon after gazettal and have remained consistent for more than 20 years.

4.8.2 Uw Oykangand Territorial Claim to the Mitchell-Alice Rivers National Park Homeland

Table 4.3 examines the bases for the Uw Oykangand territorial claim to the area that has become known as the Mitchell-Alice Rivers National Park. Co-management is often pursued as a plausible solution to land claims contested by Indigenous peoples and can be a means of addressing fundamental human rights issues and conflicts (Plummer & Fitzgibbon, 2004a). As in the previous section, an analysis is performed

[44] This reaction was consistent with that of other traditional owner groups in the Peninsula. The regional context and Aboriginal response to the establishment of protected areas was discussed in Chapter 1.

here based on six of Burghardt's seven bases for territorial claim (minus *elitism*[45]): (1) *effective control*, (2) *history*, (3) *culture*, (4) *territorial integrity*, (5) *economic importance*, and (6) *ideology*."

As previously stated, research conducted in collaboration with the Oykangand people by anthropologists such as Veronica Strang (1994a, 1997), John C. Taylor and linguists such as Bruce Sommer (1998), has established the Traditional Owners' continuous connection to the national park area. This connection was established using the legal framework stipulated by the Queensland Government[46], which, in 2001, officially recognised the Uw Oykangand claim to the national park under the *Aboriginal Land Act 1991* (Qld) (Land Tribunal, 2001).

The Oykangand peoples' claim, or 'rights', to own, use and to undertake community-based co-management of the MARNP is based on much more than their traditional affiliation with the area. The MARNP lies within the traditional estate boundaries or 'territory' of the Oykangand people - a geographical area where they seek to "affect, influence, or control actions, interactions, or access by asserting and attempting to enforce control" (Sack, 1983, p. 55). Their interest in, and relationship with, the MARNP also includes contemporary affiliations and considerations as well as traditional connections.

Many of these claims are explored in greater depth in the following chapters.

[45] Elitism is described in Table 4.1 as a colonial belief that the white race had a God-given mandate to control the world. More recently, elitist groups claim control over a territory because it has the technical ability to develop it to the fullest potential – to utilise the resources, to improve the land and to contribute to world economic productivity. Hence, elitism is not pertinent to the Uw Oykangand territorial claim to the MARNP Homeland

[46] The Queensland Government has accepted the findings of the Land Tribunal which was established to process claims to national parks under the *Aboriginal Land Act 1991* (Qld). This process is described in greater detail in Chapter 6.

Table 4.3 The Bases for the Uw Oykangand Claim to the Mitchell-Alice Rivers National Park

Claim	Basis for Claim (Burghardt 1973)	Uw Oykangand Claim
Culture	Based on the sense of a group of people belonging together, a feeling of loyalty to a particular area, both land and people	Uw Oykangand cosmology ties the wellbeing of the land and its people irrevocably together creating a mutual dependence. They are a cohesive group with familial associations and with established social norms and collaborative decision-making processes based on consensus-building and the knowledge of elders. Their continued engagement with the area is essential for the transfer of cultural knowledge between generations.
History	Based on priority – on being there first or on being there the longest (preferably to the present day)	Aboriginal people were the first human occupants of the area and have maintained a continuous connection with the area for at least 40,000 years. The Oykangand people occupied and used the natural resources of the area on a seasonal basis pre-European settlement. This use continued while working in the pastoral industry post colonisation. Currently, Oykangand families continue to visit and to camp in the national park, to hunt and gather the natural resources, and to care for story places.
Effective Control	Demonstrated via continuous administration and effective occupation of the land via the management and use of the natural resources of the area	The Oykangand families have affected control over the national park by maintaining a continuous connection, rights and responsibility for the area. Sometimes with the assistance of the Kowanyama Rangers, the Traditional Owners continue to use the area by visiting and camping on the park, using the natural resources and via (voluntary/self-initiated) conservation management, such as monitoring and surveillance of visitor activities. The *Aboriginal Land Act 1991* (QLD) was introduced to afford traditional owners people a role in national park management. The Oykangand claimed the MARNP under the Act and in 2001 the Land Tribunal recommended that the MARNP should be granted to the claimants. However, the Oykangand families chose not to proceed to grant due to their concerns regarding unacceptable provisions in the Act[47]. The Traditional Owners have also registered a Native Title Claim[48] over the area.

[47] Described and analysed in Chapter 6
[48] *Native Title Act, 1993*

Territorial integrity	Based on the relative location of an area, usually contiguous with territory already controlled or because some physical connectivity is perceived to exist	The MARNP lies within the much larger Uw Oykangand traditional homeland. The Aboriginal controlled DOGIT and pastoral properties border the national park to the west and north. An ILUA[49] has been negotiated for Koolatah Station to the east and Dunbar Station to the south is also subject to a Native Title claim and future ILUA negotiations. This will provide statutory recognition and protection of Uw Oykangand rights and interests in all lands surrounding the statutory boundaries of the national park. No other indigenous group claim traditional rights or interests to the Errk Oykangand (homelands); the integrity of the homeland is recognised by the tribes of neighbouring homelands.
Economic importance	Based on economic grounds if control over the territory is necessary to secure or improve the economic status of a claimant group. A claim may also be refused on economic grounds if the claimant group do not have adequate resources or human capital to independently manage the area and become self-determining	The legacy of government policies during colonisation continues to be felt by succeeding generations as Aboriginal people rebuild family networks and cultural links and deal with ongoing social and economic problems. The Oykangand people currently derive minimal economic/financial benefit from the MARNP but continue to use the area for subsistence fishing, hunting, gathering and cultural activities. Despite economic disadvantage, national park management activities were largely self-initiated and funded by the Traditional Owners and the Kowanyama community until Nov 2007 when some funding support for management activities was successfully negotiated with the State via a Memorandum of Understanding. The MOU may help to improve the economic status of the Traditional Owners via fee for service provisions.

[49] *Indigenous Land Use Agreement's, registered under the Native Title Act 1993, are discussed in Chapter 6*

Ideology	Based on 'anti-colonialism' and 'justice' (the right to obtain recompense for injustices and sufferings endured)	During European settlement, Oykangand people were removed from their traditional lands and were required to work on cattle properties. Oykangand children were forcibly removed from their parents and their homeland and sent to the Mitchell River Mission boarding house to attend school. Many mixed race children of Aboriginal mothers became members of the 'stolen generation'. The MARNP was established without Traditional Owner consent and the government banned all hunting and gathering activity on protected areas. The 'Mabo case' (described in Chapter 1) proved the fiction of *terra nullius* (that the land belonged to no-one at the time Australia was claimed by the British) and led to the passing of the *Native Title Act 1993* and other legislation that enabled Aboriginal people to claim ownership of their traditional lands. Regaining authority and taking responsibility for land and natural resource management, at both the individual and community level, is seen as a way towards self-determination in Kowanyama and as a solution to some of the community's socio-economic challenges. The UN's Draft Declaration on the Rights of Indigenous Peoples was approved by majority vote of the UN's General Assembly on the 13th September 2007. On the 3rd of April 2009 the Australian government announced its support for the Declaration.

4.9 Discussion

This chapter has identified observable attributes of the social-ecological system that influences the feasibility of an adaptive co-management regime in the Mitchell-Alice Rivers National Park.

4.9.1 A Valued Resource

It was found in this chapter that the Mitchell-Alice Rivers National Park (the resource system and resource units) is robust and the park is in good condition. The condition of the National Park is significant as the natural and cultural attributes of the system are not at a point of deterioration where it is considered a wasted effort to make a 'feasible improvement' to the governance regime (Ostrom, 1999). Nor is the National Park in such a pristine condition that it is perceived that no improvements should be made – *'if it ain't broke, don't fix it'* (Basurto & Ostrom, 2008; Ostrom, 1990, 2002). System dynamics are sufficiently predictable so that the risk to the resource system from a change to the governance system is low.

It is expected that prospects for entering into ACM will improve, or become feasible, when the parties involved perceive that expected costs are either non-existent, or more likely, do not outweigh the expected benefits. If there are attributes of the SES that are unsupportive of the desired outcomes and cannot be modified, then it is likely that prospects for ACM, and hence feasibility, will be low. Alternatively, if parties to the proposed ACM regime are willing and able to modify the problematic attributes of the SES, then prospects for entering into ACM become higher, i.e. are more feasible.

The likelihood of inter-organisational collaboration increases during crises, such as depletion of a valuable resource, particularly if those problems are bigger than any single organisation acting alone can resolve (Gray, 1985; Pinkerton, 1989; Pomeroy & Berkes, 1997). While there are no ecological crises that drive the parties towards ACM, there are a number of ongoing threats to the integrity of the MARNP that requires active human intervention in order to maintain the natural and cultural integrity of the resource system. Threats include:

- pest animals and plants, erosion, wildfires and visitation
- poor road conditions, friable, highly erodible soils
- proposed increase in visitation: tourist loop road promotion
- fire management
- illegal activities: road clearance/bull catching, pig hunting and wildlife poaching

The presence of these threats suggests that improvements to management arrangements may improve the condition of the National Park. For example, the distance of the Mitchell-Alice

Rivers National Park from the Queensland Parks and Wildlife Service's centres of management in Chillagoe, Cairns and Brisbane reduces the capacity of that organisation to manage the National Park efficiently and effectively. Ostrom (2008) states that cooperation between managers and the users of the resource will be more effective if institutional arrangements are tailored to the local context rather than 'commanded from afar' as they are more likely to be perceived by resource users as legitimate. In addition, knowledge, action and cooperation in the management of natural resources is limited by transportation and communication over long distances (Ostrom, 1999). It is also likely that management from afar is not cost effective, particularly if there is limited available staff and operational funding (see Chapter 7). The use of technology may assist organisations to manage an area remotely. For example, fire hotspots may be monitored remotely via satellite technology and telecommunications. However, as stated by Stanton (2005), technology cannot replace an intimate knowledge of the area gained via an on-ground presence. In addition, while some remote monitoring may be possible, rapid remedial action (e.g. responding to wildfires) is not. The distance of the QPWS rangers from the Mitchell-Alice Rivers National Park is likely, therefore, to limit their knowledge of and ability to manage the area.

Conversely the proximity of the Kowanyama township and the *Errk Igow* (Shelfo) homeland to the national park reduces the costs of transportation and communication and enables a rapid response to threats and incidents involving visitors to the area. Adaptive co-management arrangements that support Traditional Owners' aspirations (the desired outcomes of adaptive co-management) will be perceived as legitimate and thus be supported. The proximity of Kowanyama to the National Park, therefore, facilitates Traditional Owners' role in adaptive co-management.

According to Ostrom (1990), the higher the value placed on a resource, such as the protected area estate in the region, the higher the likelihood that improvements to the governance system will be supported. As shown in this chapter, the Mitchell-Alice Rivers National Park homeland holds significant natural, cultural and historic heritage attributes and is highly valued by the Oykangand Traditional Owners and the Kowanyama community. The Oykangand people are supported by the Kowanyama community's own land and natural resources management agency (KALNRMO). Of the thirteen principles developed by the community to guide the functions of KALNRMO (refer to Table 8.1), two in particular demonstrate and support the value that the Uw Oykangand hold for their homeland (KALNRMO, 1994):

- *Connectedness of all Things*: people and culture are integral parts of nature; cultural and biological diversity are inseparable
- *Future Generations*: intergenerational equity in the use of natural and cultural resources

This chapter has also revealed that non-Indigenous Australians value the natural and cultural heritage of Cape York Peninsula. Pressure from environmental groups resulted in the Queensland Labor Government election commitment to provide $7.5 million for further acquisitions of Cape York Peninsula land with high conservation values (Queensland Labor, 2004). Further, there is widespread support for the notion of World Heritage listing for appropriate parts of the Peninsula. The passing of the *Cape York Peninsula Heritage Act 2007* (QLD) (CYPHA) in 2007 (see Table 4.1) demonstrates the government's commitment to devolve day-to-day management of national parks to traditional owners (the CYPHA is examined in depth in Chapter 6). Traditional management of Indigenous lands is increasingly deemed a national benefit and of value to the Australian economy due to traditional owners' ability to deliver conservation management at equivalent or lower cost to the public than the state management of protected areas (Altman, 2001; Moran, 2006). The commitment of the state to adequately resourcing the management of the protected areas of the Cape York Peninsula region is examined in Chapter 7. Legitimate questions are asked of the state and QPWS as to whether their resourcing of very remote parks is a reflection of the value the public place on the conservation of those places.

One thing that is certain is that without a valued resource, there would be no basis for the pursuit of ACM in the MARNP. The value of this National Park homeland to the Traditional Owners and non-Indigenous Australians provides a solid platform for community-based adaptive co-management and for exploring further attributes of the system that make co-management feasible.

4.9.2 Recognised Rights

It was found in this chapter that both prospective co-management parties, the Oykangand Traditional Owners and the State have valid territorial claims over the MARNP. However, does each party recognise the territorial claim of the other and the other party's right to take responsibility for the management of the area?

The Queensland Government has a responsibility to recognise the rights of Indigenous people by introducing legislation and policy that will provide traditional owners with the opportunity to be recognised as the statutory owners and co-managers of protected areas. Land security and state support for Indigenous communities to develop their own governance structures for

protected areas is critical to the success of community-based management (Langton et al., 2005).

Wright (1994, p. 527) adds:

> *"Perhaps the single greatest obstacle to conservation is lack of secure tenure to land, wildlife and other resources... Secure tenure includes the right to use a resource, determine modes of use, benefit from use, determine the distribution of benefits, and establish rules of access to the resources."*

Similarly, in his study of Turkish coastal fisheries management Berkes (1986) found that those fisheries with a well-defined set of institutional arrangements concerning who may or may not make use of a resource and the rules governing how the accepted users shall conduct themselves were characteristics of all three cases of successful co-management. Success, defined as sustainability and efficiency of the fishery, was most clear when the membership of those with the right to use a resource is legally defined.

While the spatial boundaries of the MARNP do not coincide with Aboriginal perceptions of traditional estate boundaries, the Uw Oykangand claim to the national park is not disputed. The Uw Oykangand are a small and clearly defined group of people with strong cultural and historic ties to a homeland area that includes the Mitchell-Alice Rivers National Park. Their traditional estate subsumes the national park and the Kowanyama community actively supports the Traditional Owners' voluntary management of the park as part of their larger homeland estate. The 13 core principles for the management of traditional lands in Kowanyama (refer to Table 8.2) includes the following 4 principles related to the recognition of rights and interests (KALNRMO, 1994):

- *Recognition of traditional interests*: recognition of land ownership and the right to manage country
- *Self-governance*: leading the planning and management of country
- *Cultural maintenance*: the right to choose a culturally appropriate lifestyle in a modern world that must be accepted in the broader community
- *Recognition and respect*: recognition, respect and acceptance of a diversity of viewpoints

The recognition of a group of people's rights to manage a common pool resource system such as a national park involves many elements and nuances. In a protected area context, recognition of Indigenous peoples' rights may involve:

- decentralisation of ownership
    - secure tenure and legally recognised land ownership

    - naming rights
    - determining the boundaries of the system
- decentralisation of management
    - the right to determine rules of access, including the exclusion of others from the area
    - the right to determine who may use and benefit from a resource (e.g. harvesting of a natural resource)
    - the right to determine how the benefits of a resource are distributed
    - the right to enforce these rules

The Oykangand people have been consistent and clear in their aspiration to take the leading role in the management of the MARNP. The Queensland Government had introduced the *Aboriginal Land Act 1991* (ALA) and the *Cape York Peninsula Heritage Act 2007* (CYPHA) in order to provide Traditional Owners with an opportunity to negotiate a role in national park management. A major lesson from the failure of the ALA to provide an acceptable framework for co-management of the MARNP is that power and authority of the Uw Oykangand to make decisions and to take responsibility for management was critical to the implementation of ACM (see Chapter 6). Partnership arrangements for protected area co-management frequently deliver inequitable outcomes that marginalise Indigenous interests and fail to deliver mutual benefits for biodiversity conservation and Indigenous peoples (Hill, 2011). Recognising the rights of Aboriginal people to regain responsibility, authority and control of their homelands requires the state to provide legally recognised ownership and the devolution of an equitable balance of power to local control and management (Plummer & FitzGibbon, 2004b; Selin & Chavez, 1995; B. R. Smith, 2002; B. R. Smith & Claudie, 2003). As stated by Pomeroy & Berkes (1997, p. 469):

> *"The role of government in establishing conditions for co-management is the creation of legitimacy and accountability for the local organization and institutional arrangements. The government, through legislative and policy instruments, defines power sharing and decision-making arrangements."*

The decision by the Uw Oykangand not to pursue co-management under the *Aboriginal Land Act 1991* demonstrates that the balance of power legislated by the government was not equitable. The devolution of ownership and management of resources to local groups may fail if arrangements such as legislation and policy made by government are incompatible with the aspirations, rights and responsibilities of Indigenous people (Feldmann, 1994).

Policy supporting the emergence of ACM should take a passive, enabling role by supporting local social capital; promoting awareness; providing education; and thus introducing

consciousness into the ACM process. Flexibility is also important, so policy should support the partner's ability to change the rules of the co-management system if necessary (Ruitenbeek & Cartier, 2001).

At the conclusion of fieldwork for this thesis, the *Cape York Peninsula Heritage Act 2007* had only very recently been enacted by parliament. The legislation aims to provide traditional owners with the opportunity to be recognised as the statutory owners and to participate in day-to-day management of national parks in Cape York Peninsula. While this demonstrates the government's willingness to recognise traditional ownership and to decentralise some management tasks, it remained unclear whether the government would recognise strategic and non-traditional aspects of contemporary, community-based management of natural and cultural resources by an Aboriginal community. The negotiation for co-management under this Act was beyond the scope of this research project. However, a detailed analysis of the prospects of the CYPHA leading to the negotiation of ACM in the MARNP is provided in Chapter 6.

While the Traditional Owners' aspirations are for community-based management of the MARNP, even when communities are depicted to hold full authority and responsibility for protected areas, governments will still retain some rights on behalf of the wider society. These rights are intended to ensure that the interests of wider society in the maintenance of the resource or resource system are represented (Wright, 1994).

Recognition of each party's rights and aspirations is therefore a fundamental attribute of the social-ecological system that makes adaptive co-management feasible. Even where political will exists for co-management, implementation may prove problematic as management is inherently more complex when power is shared rather than held entirely by either the government or the local community (Western, Strum, Tuzin, Sayre, & Wright, 1994). The recognition of each party's rights and responsibilities for looking after country is a vital and necessary part of capacity development towards ACM in the MARNP.

4.10 Conclusion

The results presented in this chapter form the foundation of what makes ACM feasible in the context of the Mitchell-Alice Rivers National Park homeland. It was found that the resource system is highly valued by the prospective ACM partners and this attribute of the social-ecological system provides a solid foundation for further capacity development towards an appropriate ACM regime. The chapter has also found that both parties have a valid territorial claim to the national park. However, what remains to be determined is whether the territorial claim and rights of the Traditional Owners are fully recognised by the State and whether

sufficient 'will' exists to implement an adaptive co-management governance regime for the protected areas of Cape York Peninsula. These critical factors are analysed further in Chapter 6.

Chapter 5 Uw Oykangand Aspirations for their National Park Homeland: Establishing the Desired Outcomes of Adaptive Co-management

5.1 Introduction

In Chapter 2.6, a number of rationales were identified from the literature for entering into co-management arrangements for a social-ecological system. It was proposed at that point that if the prospective co-management parties share a common or unifying purpose for the management of a protected area, a foundation for future cooperation and collaboration will exist. That is, adaptive co-management (ACM) will be feasible when the attributes of a social-ecological system foster the desired outcomes or shared goals of the co-managing parties within a given context. In this chapter I seek to identify the desired outcomes of ACM as identified by the Oykangand people, Traditional Owners of the Mitchell-Alice Rivers National Park (MARNP). These are then compared in Chapter 6 to those outcomes sought by the State for the co-management of national parks in the region to understand if there is a common or unifying purpose for ACM.

Section 5.2 of this chapter provides an overview of the Traditional Owner's aspirations for their national park homeland and further explains their importance to the feasibility of ACM in the MARNP. Section 5.3 explores the current governance system (GS - observable variables), the desired outcomes (O), and the proposed governance system (GS - assessable variables) for the adaptive co-management of the MARNP (see Figure 5.1 below).

5.2 Aspirations

'Aspirations' are a person's or people's strongly held desires or 'high hopes' to achieve something. However, when the Oykangand people, the Traditional Owners of the Mitchell-Alice Rivers National Park, tell people about their aspirations for their country they are not just talking about what they hope for. They are also asserting what they believe to be their right and their moral entitlement to securing an enduring connection to their country. In putting forth their aspirations the families also acknowledge their responsibility and obligation as Traditional Owners to care for their homeland and its people.

The aspirations of the Oykangand people are critical to the success of an ACM regime for three reasons:

1. Community-centred approach: ACM of protected areas, as with ecosystem-based management, "is about achieving community outcomes, about satisfying community needs, and it is therefore strongly grounded in the public participation philosophy" (Valentine, 2000, p. 13).
2. Pragmatism: Past attempts to implement co-management in Cape York Peninsula have failed when the State's objectives for the management (and co-management) of protected areas did not take into account the aspirations of Traditional Owners. As stated in Chapter 1 and will be further explored in detail in Chapter 6, the *Aboriginal Land Act, 1991* (QLD) (the ALA) failed as a mechanism to facilitate the implementation of co-management because the terms of the Act did not support Traditional Owners' aspirations for their national park homelands. Finding a common purpose for ACM requires understanding and respecting the desired outcomes of both co-management partners.
3. Social justice: Respecting the aspirations of Traditional Owners when designing an ACM regime demonstrates respect for Traditional Owners' relationship with their country and may assist the parties to create trust and compensate for past acts of dispossession.

Subsequently, aspirations are central to identifying those attributes that facilitate co-management. In subsequent chapters I explore the observable variables of the system and ask the data: *'Does this attribute support the aspirations of the Traditional Owners?'*

This chapter incorporates the results of a consultancy report commissioned by the Kowanyama Aboriginal Shire Council (KASC) on behalf of the Oykangand people over a two year period[50] (Larsen, 2007b). The report was commissioned to assist the Oykangand people to convey *their* aspirations (or desired 'outcomes' as shown in Figure 5.1) and ideas for the management of their country to the government and other professionals assisting the families to recover their rights and responsibilities for their national park homeland. The report and this chapter are a summarised record of two workshops with the Traditional Owners convened on the 30th of November 2005 and the 29th of September 2007. Despite occurring almost two years apart, these workshops were not isolated events. The workshops simply facilitated the clarification and compilation of those aspirations expressed consistently by the Traditional Owners to others over a 20 year period. In addition, fieldwork conducted in the two year period between the workshops informed the agenda of the final workshop and assisted with the articulation of aspirations in a way that was meaningful to both the Traditional Owners and external parties.

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[50] This consultancy report was later published as an e-book Chapter - refer to Appendix D for a copy of this paper

This chapter is also informed by a significant document compiled by the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) in preparation for an on-park meeting with the State's Land Tribunal to assess the Traditional Owners claim to the national park in 2000. This discussion paper, entitled *'Towards Aboriginal Management of the Alice and Mitchell River National Park'* (KALNRMO, 2000), informed government representatives about the Traditional Owners' traditional, historical and contemporary relationship with the national park homeland and the principles by which negotiations with the State regarding future management of the area should be undertaken. This discussion paper remains highly relevant today, providing the philosophical foundation upon which management arrangements for the MARNP should be negotiated. The document also provides a map of the area, historical background to the claim of the National Park and some short and long term objectives of the Traditional Owners for the area. It is primarily a strategic document, providing a framework of issues to consider for the future consideration of community-based management of the park including the management of practical, on-ground operations. It is important to reiterate the overarching aspiration of the Traditional Owners, as stated in the discussion paper "Towards Aboriginal Management of the Alice and Mitchell River National Park' in 2000:

"… the long term goal is Aboriginal land tenure and management of the area" (p.36)

Traditional Owners seek to negotiate management arrangements for the national park that are far more self-determining than they perceive is happening elsewhere in Australia (Sinnamon, 1995b). The community does not find current Australian examples of co-management (or joint management) attractive and is wary of 'models' that have arisen through hard fought negotiations in other areas and which may be dogmatically applied across contexts without thought for local concerns or supporting local efforts towards self-determination and self-organisation.

> *"We got one National Park there at Mitchell River. It's covered up most of my Kunjen people's country. You expect us not to go in there. I asked the Minister and he told me no but you can't stop me going in there. He said that we should have a bit of a claim in that National Park area. He said 'you can join us side by side' and we said 'what for, we don't need you to manage it, we can do it ourselves, it's our land."* (Colin Lawrence, cited in ATSIC & CYLC, 1992, p. 29)

As demonstrated by the above statement made by Oykangand Elder, Colin Lawrence, the Traditional Owners seek to negotiate their own form of community-based management of their traditional land - a governance regime where power and authority to make decisions regarding

management, both operational activities and strategic planning, are largely devolved to the Traditional Owners.

True authority is derived from land ownership – statutory (contemporary) as well as traditional - and the Oykangand people have long aspired to be recognised in Australian law as the statutory owners of their land. From land ownership stems several other important principles by which the Kowanyama community manages their communal lands and waters. These principles, derived from the thirteen principles for the management of Kowanyama lands and waters (see Table 8.2 for the full list) are also critical for the successful development and implementation of any legislation concerning Aboriginal land. They include:

- self-governance
- a sense of ownership of the legislation and over the process of implementation
- the pursuit of community initiatives and priorities
- utilisation of indigenous-directed expertise (KALNRMO, 1994, n.d.).

The strong focus on self-governance does not mean that the Traditional Owners and the Kowanyama community will not work with QPWS.

> *"The Council and Elders view the involvement of their Aboriginal Rangers in work with National Parks and Wildlife Service and other management agencies as an integral part of its own developing land and natural resource management. It views those agencies as resources to [assist it] to achieve its own objectives."* (KALNRMO, 1990, p. 5)

The community has been proactive in seeking interim management arrangements with the State from time to time. However, the Traditional Owners are only willing to negotiate and enter into interim arrangements if there is a commitment by the other parties to Kowanyama's long-term vision of Aboriginal land tenure and community-based management.

The Traditional Owners would like to impress upon those reading this chapter an understanding that some of their aspirations are not 'fixed' and that new ideas may emerge from time to time. This relates directly to another of the thirteen principles:

- Evolving Nature of Things: All things change and develop, including our capacity as natural resource managers.

There are a number of potential reasons that the Traditional Owners are willing to negotiate interim arrangements. First, some aspirations described in this chapter are more complex than others and some will require time for capacity-building and for implementation strategies to be devised. Second, there are some aspirations held by some Traditional Owners which require further consideration within the community and, therefore, are not included in this document.

Third, capacity within the Kowanyama community and the protected area management (PAM) agency, Queensland Parks and Wildlife Service (QPWS), is also likely to fluctuate somewhat from year to year. Fourth, priorities for the implementation of the aspirations in this chapter are not always stated; it is expected that the Traditional Owners, along with others in the Kowanyama community, will provide guidance on their priorities from year to year. The Traditional Owners are also receptive to suggestions from QPWS staff regarding the priorities and projects that they perceive as important from year to year.

The potential variability of some of these aspirations implies that information contained in this chapter should be used as a guide and as a secondary means of communication and understanding between the Traditional Owners and external parties with an interest in their national park homeland. Accordingly, this information is not intended to replace ongoing face-to-face discussions that help to build trusting relationships with external parties. The Traditional Owners understand that flexibility and a commitment to ongoing talks and negotiation are crucial if they are to derive sustainable benefits from their involvement in the management of their National Park homeland.

This chapter does not include many of the fundamental native title rights and responsibilities which the Traditional Owners hold for the area. These practices are not considered to be ‘aspirations’; they are simply things the Oykangand families have always done, and will continue to do, on their country without need for external permission, aid or intervention. They include, but are not restricted to, hunting, gathering, fishing, camping and cultural activities. Taking responsibility for the management of the national park homeland is also considered to be a contemporary ‘right’ of the Traditional Owners, as is the right to create livelihood (e.g. economic) opportunities from their country. The Traditional Owners believe that by taking their place as the statutory owners and the principal managers of their country, and receiving the economic opportunities that will entail, is imperative to the health of that country and the wellbeing of their people.

Plate 5.1 Kowanyama Rangers Tommy Dick and Darren Birchley fishing with handlines at Emu Lagoon (*Archampiythan*) in the Mitchell-Alice Rivers National Park (2006)

While the success of Kowanyama's land management activities have been nationally and internationally recognised (see for e.g. Baker, Davies, & Young, 2001a; Chernela, Ahmad, Khalid, Sinnamon, & Jaireth, 2002; Strang, 1997) the community understands that there are areas where further capacity-building is required. If Kowanyama identifies that additional capacity is required to manage certain tasks, they are happy to seek assistance and resources externally from organisations such as QPWS and others. This way the community can build its own capacity for land management, gaining expertise and equipment, receiving the socio-economic benefits that result.

5.3 Governance System

In this chapter, 'aspirations' are comprised of two parts. First, they are the 'desired outcomes' (O) - the goals and benefits that are sought by the Traditional Owners. Second, they are the proposed 'governance system' (GS – assessable), i.e. the agreements, contracts, protocols for collaboration and cooperation; allocation of authority & responsibility between the parties; communication; dispute resolution; strategic and operational management tasks that are proposed to achieve the desired outcomes for their homeland and its people (from Chapter 3, Table 3.1).

Many aspects of the current governance system for the MARNP (GS – observable) are also described in this chapter so that the Traditional Owners' aspirations are placed in context. The variables targeted for evaluation in this Chapter are circled in Figure 5.1 below.

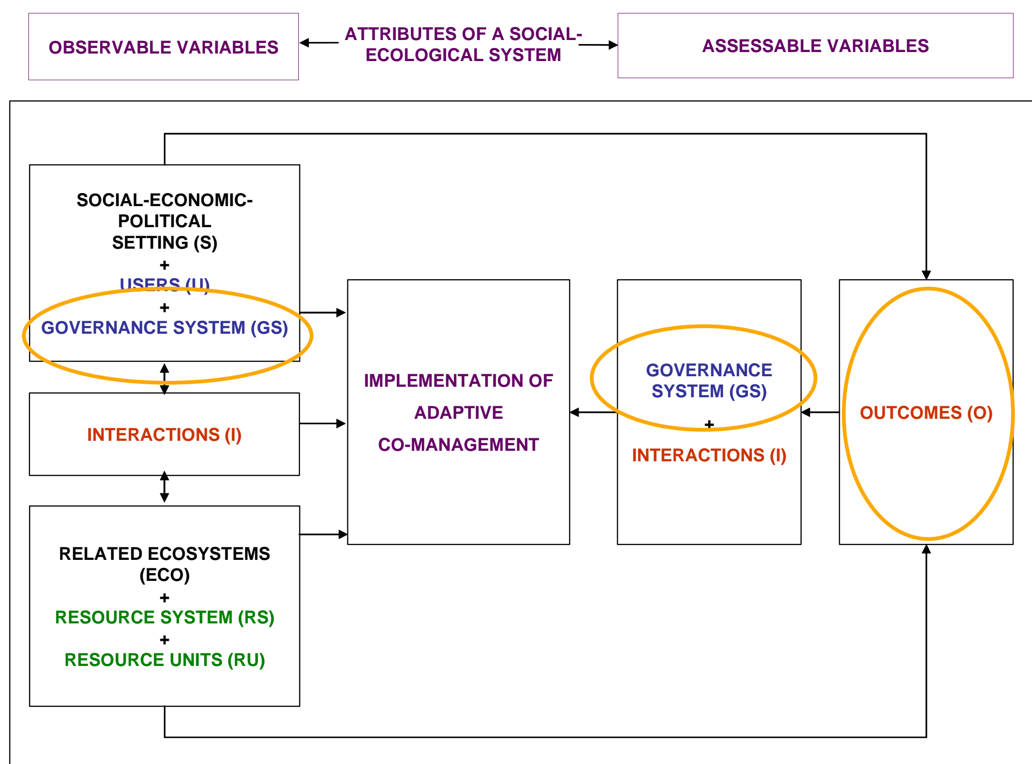

Figure 5.1 Framework to assess feasibility of adaptive co-management with circled areas of general investigation in Chapter 5

This section describes the aspirations of the Traditional Owners for the governance system for the MARNP. Each sub-section examines aspects of strategic and operational management of the MARNP, including: the overarching community-based co-management arrangements; visitor management; management of roads and tracks; pest management; fire management; knowledge, research and heritage management; and arrangements for homelands.

5.3.1 Community-based Co-management Arrangements

5.3.1.1 Current Management Arrangements for the MARNP

For more than a decade following gazettal of the MARNP, the area received no management from QPWS. A special lease that would permit grazing on the new MARNP was offered to the former leaseholder in return for the surrender of part of the lease holding required for national

park purposes[51]. Hence cattle continued to be grazed on the park. In the dry season of 1988, three QPWS officers visited the area to install the first park signage as well as to undertake a general inspection and familiarisation of the area. The officers found that the Koolatah managers (the grazing permit holders) were in the process of grading roads in the park in preparation of the annual cattle muster and that considerable new fencing and a new permanent stockyard had been constructed without prior authority and in contravention of the grazing permit[52]. Yet, grazing continued in the park under license until 1998[53]. QPWS had not undertaken any natural resource management or research activities on the park until the late 1980's and feral animals, weeds and fire were also not managed, except on an ad-hoc basis by the grazing permit holder.

Due to the distance of the QPWS rangers' base to the park (its perceived isolation), very low tourist visitation, seasonal flooding, the generally poor condition of the roads and tracks in the area, and serious limits to resourcing, QPWS rangers have managed the MARNP as a 'wilderness area'. The QPWS rangers describe the management of the MARNP as simple and uncomplicated and they only visit the area when they have a pressing need, usually only a handful of times each year[54].

As will be demonstrated in Chapter 7, the MARNP does not receive a separate operational budget allocation and therefore competes with other national parks in the district for resources. There was also minimal effort taken by the QPWS to involve Traditional Owners in the management of the area, and consultation after the 1990s remained ad hoc.

At the time of this PhD research, no protected areas in Cape York Peninsula had management plans. Section 111 of the *Nature Conservation Act 1992* (QLD) states that management plans must be developed "as soon as practicable" after the declaration or dedication of an area. Thirty years after the gazettal of the Mitchell-Alice Rivers National Park, a management plan remained to be developed for the area. At the time of this research, QPWS also did not develop annual work or operational plans for the park. The QPWS rangers stated that the work on the park was much the same year after year[55]. A Draft Fire Management Strategy was the only and most substantial planning instrument available for the MARNP (see section 5.3.5).

5.3.1.2 Desired Outcomes (Aspirations) for the Community-based Co-management of the MARNP

Listed below are the overarching aspirations of the Oykangand people, as articulated by them, for the community-based co-management of the MARNP:

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[51] *16-6-78 Koolatah Special Grazing Licence*
[52] *5-6-89 unauthorised roadworks; 15-8-88 G.Barnes field report*
[53] *25-1-94 QDEH Stock Grazing Permit; 14-2-95 Koolatah grazing*
[54] *QPWS Chillagoe 11-9-07 (final)*
[55] *QPWS Chillagoe 11-9-07 (final)*

- Statutory ownership: to secure an enduring connection to country
    - Secure access to the homeland in perpetuity
    - Continue to care for and enjoy country; to ensure lands and culture stay healthy for future generations
    - To pass on knowledge and culture to children
- Community-based management:
    - Recognition and self-determination in the management of lands and resources
    - Authority and responsibility to lead operational and strategic planning and management
    - Sharing of responsibility and benefits with the wider Kowanyama community
- To seek livelihood opportunities that will improve quality of life and wellbeing in Kowanyama
- To integrate management of the national park with the wider Aboriginal landscape
- To continue to learn, to build community capacity for land management and to pass on knowledge to others
- To cooperate and collaborate within the community, with neighbours and with others with an interest in the area
- To receive external support where required, particularly funding and indigenous directed expertise
- To reconcile past differences with the government and other parties and to continue to develop understanding, trust and respect between the community and external parties (relationship building)

5.3.1.3 Proposed Management Arrangements for the MARNP

Listed below are the overarching aspirations of the Oykangand people for achieving their desired outcomes for community-based co-management of the MARNP. The Traditional Owners have allocated responsibility for assisting them to achieve these aspirations to different sections of the Kowanyama community:

Traditional Owners' rights and responsibilities:

- To provide advice and pass on knowledge (act as consultants) on all management activities both on and off the park. These may include, but are not restricted to: supervision of musters, road-works, research and ranger activities on park; and attending meetings and planning activities off park
- To provide opportunities for young people to be employed on projects (e.g. capital works) on the national park

"Another thing we can do, while we're all sitting here together, is get some more young people involved and get the commitment, the commitment is the main thing. …. That's the only way we'll make things better. We can't be dragging the old people around all the time, it's about time us young people got up there and started looking after that country"[56]

- To earn an income from commercial activities on the national park
- To provide and receive training where required to increase capacity for management of the area
- To develop a homeland on the park so they can pass on knowledge, continue their close spiritual association to the country with their children and monitor the activities of visitors
- To assert ownership of cultural property (artefacts) and provide advice and policy direction on how to deal with cultural property found in the national park

KALNRMO responsibilities:

- To integrate the strategic, operational and administrative management of the national park into the current holistic management of other Kowanyama lands (the Aboriginal landscape)
- To coordinate the activities of the Kowanyama community and external parties
- To facilitate yearly (minimum) meetings with neighbours, QPWS and interested parties to discuss common issues such as fire management, mustering, control of pest species etc.
- To facilitate the negotiation and implementation of a Memorandum of Understanding with QPWS and any other agreements with external parties
- To provide and receive expert advice to/from the Traditional Owners and facilitate decision-making regarding the planning and management of the national park
- To undertake the associated administration and record keeping
- To identify areas where capacity building is required, coordinate training and the acquisition of equipment

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[56] *Michael Yam 29-9-07*

Plate 5.2 KALNRMO Manager Viv Sinnamon and Rangers Phillip Mango (seated), Alan Flower and Stanley Budby working on mapping (photo courtesy of KALNRMO, 2007)

KALNRMO Ranger Service responsibilities

- To undertake the operational, day-to-day (on-ground) natural and cultural resource management tasks
- To receive training where required to increase capacity for management of the area
- To facilitate the involvement of Traditional Owners, researchers, neighbours etc in the day to day management of the national park

Kowanyama Cattle Company responsibilities:

- To coordinate the annual cattle mustering activities in the national park, as an Aboriginal community-owned company

The Kowanyama Aboriginal Shire Council responsibilities:

- To provide technical (e.g. engineering) support and coordinate road and track maintenance

5.3.2 Visitor Management

5.3.2.1 Current Visitor Management Arrangements for the MARNP

The control of visitor activity to Kowanyama lands, including the national park, remains a high priority of the KALNRMO and the Traditional Owners. The Traditional Owners welcome visitors to their national park homeland but they are particularly concerned about the welfare of these people, the places they go and the activities they undertake. Not all visitors are tourists; some are community people just passing through the national park on their way between

Pormpuraaw and Kowanyama. While the vast majority of visitors 'do the right thing' and stick to the tracks, some have participated in illegal and culturally offensive activities. To date these have included hunting, poaching, drug activities, bull-catching, mustering, cutting new roads/tracks, incursions into naturally and culturally sensitive sites (e.g. swamps and *poison* places) and interference with natural and cultural resources (e.g. the removal of cultural artefacts).

Some visitors have also used Oriners, Sefton and the national park as a 'back door' entry point to the Kowanyama Deed of Grant in Trust (DOGIT) area and therefore the community as a whole sees the management of visitors to the national park as integral to the management of visitors in the Kowanyama DOGIT and township. Pig hunters bring guns and dogs, and often alcohol, and may leave behind rubbish and rotting animal carcasses (often left where they were shot in or near water bodies).

Due to ambiguous tracks and lack of signage, some visitors have also unintentionally taken the wrong tracks, leading deep into the national park, resulting in their intrusion into culturally sensitive areas. Due to their experiences with visitors to the area, the Traditional Owners' have approached tourism development in the region with caution. People travelling through the national park and other areas of the homeland may inadvertently introduce weed seeds not currently found in the area. Weeds are transported in cars, on people's clothes and in their belongings.

Large numbers of tourists, and tourists who wander about country without knowing where they are going, are a cause for concern for the Traditional Owners. The presence of strangers in culturally significant places is not welcomed by the Traditional Owners as this has repercussions for the health of both the country and the people connected with it, "*Sometime they might sneak in here, we might get sick, old people go die then*" (Nelson Brumby, 1992, cited in Strang, 1997, p. 105). Discussions regarding the best ways to exclude tourists from important sites are ongoing in Kowanyama. Elder, Alma Wason would like signs to be erected to warn people from entering, while other Traditional Owners believe that signs may draw the attention and curiosity of visitors toward sites that would otherwise be unknown to them[57].

Tourism development has been proposed for the region, specifically the 'Mitchell River Loop Road' aimed at the commercial four-wheel-drive tour market and free and independent four-wheel-drive travellers. The proposed route of the loop road route takes in the towns of Chillagoe, Kowanyama, Pormpuraaw and Musgrave. As the road between Kowanyama and Pormpuraaw traverses the Mitchell-Alice Rivers National Park National Park (Figure 4.6), in September 2006 the area was evaluated for its tourism potential. A draft product review report

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[57] *Cluster 5, Homeland NRM Mapping 2006*

undertaken by Tourism Queensland (2006), the State's tourism development organisation, in September 2006 proposed to restrict access to Emu Lagoon (*Archampiythan*), in the far east of the park, to those visitors guided by a member of the Kowanyama community, or taking part in a community-based tourism venture.

Visitors to the area may purchase a camping permit from QPWS in Chillagoe to camp in the MARNP near the Shelfo crossing on the Mitchell River. While negligible visitors choose to camp within the national park, the Traditional Owners would like this camping site to be closed and for visitors to be encouraged to use existing camp sites at Shelfo crossing on the DOGIT side of the Mitchell River. Further planning is essential if tourism is encouraged or promoted in the future as the proposed 'Loop Road' may increase future vehicle traffic throughout the area.

Due to the location of the QPWS base in Chillagoe almost 400 kilometres from the national park, QPWS Rangers have been unable to patrol and provide adequate surveillance in the national park. In the past, the KALNRMO Ranger Service has overseen camping activities which led to the eviction of illegal campers on park. This was done in consultation with the Chillagoe QPWS.

Desired Outcomes (Aspirations) of Visitor Management in the MARNP

Listed below are the aspirations of the Oykangand people for the management of visitors in the MARNP:

- To receive economic benefits from tourism
- To help others understand country and culture
- To manage access to the national park
- To develop and integrate a visitor management plan for the MARNP and all Kowanyama land interests
- To ensure visitors are safe on country
    - Prevent illegal activities in the area
    - Protect cultural heritage and historic infrastructure

Proposed Management Arrangements for Visitors to the MARNP

Listed below are the aspirations of the Oykangand people for achieving their desired outcomes for the management of visitors in the MARNP. The Traditional Owners have allocated responsibility for assisting them to achieve these aspirations to different sections of the Kowanyama community:

Traditional Owners' rights and responsibilities

- To close campsites in the national park and to offer visitors a campsite at the Shelfo/Igow homeland site in the Kowanyama DOGIT

- To restrict tourists from visiting and camping at Emu Lagoon unless they are accompanied by a Traditional Owner or community member acting as a guide
- To assist in the development of signage (directional and interpretive) and visitor information
- To maintain a presence at Oriners homestead to monitor visitor activities and access to the national park

KALNRMO responsibilities

- To issue permits for national park visitors for camping at Shelfo/Igow (outside the MARNP)
- To provide advice to visitors
- To assist the Traditional Owners with the preparation of visitor information, including park guides, and interpretative and directional signage
- To coordinate tourism planning

KALNRMO Ranger Service responsibilities

- To undertake wet season and/or early dry season surveillance using a helicopter or quad bikes
- To patrol the area and manage visitors by:
    - Undertaking surveillance to establish a presence in the national park, assisting those in trouble and deterring and/or investigating illegal activity
    - Monitoring important cultural sites to ensure there is no interference from visitors
    - Checking camping permits, campsites and removing rubbish as required
    - Informing visitors about the value of the park to the Traditional Owners and distributing interpretive material such as maps and a national park guide
    - Installing and maintaining signage

Plate 5.3 Kowanyama Ranger Anzac Frank on patrol in the Mitchell-Alice Rivers National Park (2007)

5.3.3 Roads & Tracks

5.3.3.1 Current Road and Track Management Arrangements for the MARNP

Managing the roads and tracks is a part of managing visitation. It is an enduring concern for all parties because roads and tracks are always in very poor condition following the monsoon floods. Drivers will often make new tracks in order to avoid damage to their vehicles from the ruts, washaways and bull-dust. Most recently, the Kowanyama Aboriginal Shire Council (KASC) has taken responsibility for grading the Shelfo crossing and the road in the national park between the Mitchell and Alice Rivers. Road repairs have been minimal for a variety of reasons, including the lack of gazetted status, the cost of improvements and maintenance, the availability of road base material (which must be obtained outside the national park), and impact of road works on the surrounding environment.

The Traditional Owners see road improvement as vital prior to further development and marketing of the 'Mitchell-River Loop Road' for tourism purposes.

5.3.3.2 Desired Outcomes (Aspirations) of Road and Track Management in the MARNP

Listed below are the aspirations of the Oykangand people for the management of roads and tracks in the MARNP:

- To create and maintain a road in the national park that allows visitors and community members to traverse safely and without damaging country.

5.3.3.3 Proposed Management Arrangements for Roads and Tracks in the MARNP

Listed below are the aspirations of the Oykangand people for achieving their desired outcomes for the management of roads and tracks in the MARNP. The Traditional Owners have allocated responsibility for assisting them to achieve these aspirations to different sections of the community:

Traditional Owners' rights and responsibilities

- To guide the surveyors and grader operators regarding the correct alignment of the road and will provide advice on construction activities which may cause damage to the environment and important story places

KALNRMO and Ranger Service responsibilities

- To install new directional signage so people do not get lost and impinge upon culturally sensitive places

Queensland Government responsibilities

To gazette the section of road within the park along the route to Pormpuraaw

- To permit and fund the Kowanyama Aboriginal Shire Council (KASC) to improve the road to Pormpuraaw

Kowanyama Aboriginal Shire Council responsibilities

- To carry out a road survey to provide a permanent alignment for the road through the national park
- To repair and maintain the road to an adequate condition each season (funded by the state government)

Plate 5.4 Oykangand Elder Paddy Yam guiding Council track maintenance in the Mitchell-Alice Rivers National Park (2006)

5.3.4 Pest Plant and Animal Management

5.3.4.1 Current Pest Management Arrangements for the MARNP

Five pest plant species have been recorded in the park (Cockburn et al., 2007), localised around the Mitchell River and channels. According to QPWS Rangers in Chillagoe, weeds are generally kept under control by a fire regime[58] . There is a long term vegetation monitoring site at 'Kitty's Corner' in the southeast of the national park adjacent to the Mitchell River where there is a problem with Noogoora burr (*Xanthium pungens*), Joy weed (*Alternanthera ficoidea*) and Coffee senna (*Senna occidentalis*). Monitoring involves a trial of burning with hot fires late in the year. Early results suggest that this method of weed control is not yet having an effect on opening up the area as fire cannot get hot enough due to canopy cover and lack of grasses. This work is conducted by QPWS technical staff, usually with the assistance of QPWS Rangers based in Chillagoe. At the time of fieldwork (September 2007) the Traditional Owners had not been informed about, or involved in, this monitoring program. There is a particular concern that weeds occurring in the Kowanyama DOGIT lands (e.g. para grass and grader grass) do not spread into the national park, carried by vehicles traversing the area.

Six pest animal species inhabit the national park including cats, brumbies (wild horses), cattle, pigs, cane toads and dogs. Feral animals can be a problem, particularly around waterholes and lagoons. Brumby numbers are small and are currently not considered a problem by the

[58] *QPWS Chillagoe 11-9-07 (final)*

Traditional Owners. Feral pigs are considered to be considerable management concern in the national park by QPWS Rangers[59]. Although pigs are known to cause substantial damage to lagoons and waterholes, they have also become an important food resource for Traditional Owners who live on homelands adjacent to the national park. In addition, the only viable means of reducing pig numbers is by aerial shooting which leaves pig carcasses insitu. Aerial shooting currently represents an unacceptable method of pig control to Traditional Owners. The management of feral pigs both in the MARNP and neighbouring Kowanyama landholdings remain an ongoing concern that is actively being addressed by community education programs instigated by the KALNRMO.

Cattle are a species that are considered a 'pest' on national park lands by QPWS, and as an acceptable part of the landscape by Traditional Owners. Fencing the entire park to exclude cattle is unviable due to the annual flooding events. Cattle are free to cross the rivers into and out of the park from neighbouring pastoral properties. The management of cattle is not considered to be a major concern as long as an annual muster removes cattle from the national park.

5.3.4.2 Desired Outcomes (Aspirations) of Pest Management in the MARNP

Listed below are the aspirations of the Oykangand people for the management of pests in the MARNP:

- To prevent the spread of weeds into the area
- To limit the damage to the area by feral animals

5.3.4.3 Proposed Management Arrangements for Pests in the MARNP

Listed below are the aspirations of the Oykangand people for achieving their desired outcomes for the management of pest animals and plants in the MARNP. The Traditional Owners have allocated responsibility for assisting them to achieve these aspirations to different sections of the Kowanyama community:

KALNRMO and Ranger Service Responsibilities

- To survey and monitor weeds during patrols of the area (ongoing)
- To undertake weed management activities to contain or control weeds
- To limit access into the park and to wash-down vehicles to prevent spread of weeds into the park
- To destroy cats on sight

Kowanyama Cattle Company

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[59] *QPWS Chillagoe 11-9-07 (final)*

- To remove cattle from the national park in the annual muster, by:
  - Coordinating a single annual tender muster
  - Facilitating the supervision and involvement of Traditional Owners and sharing in any profit derived from the muster
  - Involving neighbouring station managers

5.3.5 Fire Management

5.3.5.1 Current Fire Management Arrangements for the MARNP

Fire is a significant management concern for the Mitchell-Alice Rivers NP, as it is in all North Queensland landscapes. Fire is a natural process in this region, and is necessary to maintain the distribution, diversity and extent of plant communities; although in contemporary times there are a number of different objectives for which fire is managed, reflected in the burning regimes in practice in a particular area. The Mitchell-Alice Rivers National Park has been subjected to a number of different burning regimes in the 200 years since colonisation. The traditional land management regime of the Oykangand people who inhabited the area centred on the maintenance of resources essential for the health of the land and its people. Strang (1997) describes traditional fire management practices as the equivalent of "housekeeping". Fire facilitated hunting (by removing long grasses that obstruct hunters' view and by promoting new growth to which game species are attracted), walking across country and reduced the risk to human life. Unmanaged fire has both cultural and ecological repercussions in the Aboriginal landscape,

> *"where these have ceased owing to loss of control over land, Aboriginal people express great concern that the country has become 'wild' and 'dirty'. They assert that when country remains unburned for several years, scrub and old grass build up and the land becomes vulnerable to hot fires at the wrong times, resulting in considerable damage to resources."* (Strang, 1997, p. 89)

The Traditional Owners are concerned that the country appears to be burnt too frequently in some areas, allowing insufficient time for regrowth and feed for wallaby and other minya (food species) in the dry season.

Plate 5.5 Oykangand Elders Paddy Yam and Victor Highbury supervising burning activities in the MARNP (2007)

Since taking up the pastoral lease over the area in 1912 until the national park was gazetted in 1977, the Hughes family managed fire:

- To ensure that there will be some "fresh eat" or new grass growth for cattle
- To protect infrastructure from very hot wildfires that occur late in the season
- To ensure there'd be enough old grass by May the following year to get another fire burning
- Because birds and wildlife have adjusted to that regime[60]

For the first decade after the national park was excised from Koolatah station, fire was unmanaged. Despite being granted a permit for cattle grazing, Hughes was not permitted to burn in the national park as he had been accustomed. Wildfires began to spread onto neighbouring properties until QPWS began a burning regime in the area in the early 1990s.

In recent years QPWS Rangers have been leading fire management activities in the national park with the assistance of the Traditional Owners and the Kowanyama Rangers. In 2007, QPWS passed on a full draft fire management strategy to Kowanyama for comment; however,

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[60] *Hughes, interview, 19-5-07*

the Traditional Owners felt they had been inadequately involved in the development of this draft strategy. Efforts to finalise the draft strategy subsequently stalled. The draft Fire Strategy cited three management objectives in the MARNP:

1. Protection of life and property on the Park and neighbouring lands
2. Maintenance of the conditions required for the conservation of flora and fauna
3. Protection / maintenance of significant cultural assets, i.e. the historic cattle yards on the park (Cockburn et al., 2007).

5.3.5.2 Desired Outcomes (Aspirations) of Fire Management in the MARNP

Listed below are the aspirations of the Oykangand people for the management of fire in the MARNP:

- To minimise the risk from wildfires causing damage to the environment, historic infrastructure and neighbouring properties
- To maintain the diversity of flora and fauna in the park by placing mosaic burns in the cool, dry months

5.3.5.3 Proposed Management Arrangements for Fire in the MARNP

Listed below are the aspirations of the Oykangand people for achieving their desired outcomes for the management of fire in the MARNP. The Traditional Owners, KALNRMO and Rangers will work together:

- To continue to coordinate burns with QPWS
- To work with neighbours to coordinate burning practices
- To build capacity (training and equipment) in Kowanyama to enable Kowanyama Rangers and Traditional Owners to lead burning activities

5.3.6 Knowledge, Research and Heritage Management

Current Knowledge, Research and Heritage Management Arrangements for the MARNP

Parts of the Oykangand homeland, particularly the national park, have been the subject of extensive cultural mapping (recording of stories, places and other information of cultural significance), anthropological and linguistic research. This research has been conducted by the Traditional Owners in conjunction with KALNRMO staff, academics and consultants such as Viv Sinnamon, Veronica Strang, John C. Taylor and Bruce Sommer.

The combined efforts of these scientists has provided a body of work that has been invaluable for providing strong and tangible evidence of the Oykangand people’s continuing connection with the Mitchell and Alice Rivers landscape and its resources. Information pertaining to the

cultural attributes of the area is held in Kowanyama, the use and distribution of the research is controlled by the Traditional Owners. However, currently, QPWS is required to issue a permit for any research undertaken on the national park.

To date, only preliminary studies of flora and fauna have been conducted in the MARNP (Cockburn et al., 2007) - further surveys are required to understand the true diversity of flora and fauna and to maximise the quality of information upon which management planning is based. A long term vegetation monitoring site has been established by QPWS *Technical Services Unit* at 'Kitty's Corner' in the south-western corner of the park. Prior to this PhD research, the Traditional Owners were unaware of this monitoring as they had not been invited to participate, nor had the results of this work been passed on to KALNRMO.

However, the QPWS Rangers in Chillagoe stated at interview that their knowledge of natural attributes of the MARNP was adequate. Management of the area was perceived by the QPWS Rangers as 'simplistic' so only a basic depth of knowledge is required to manage natural resources[61].

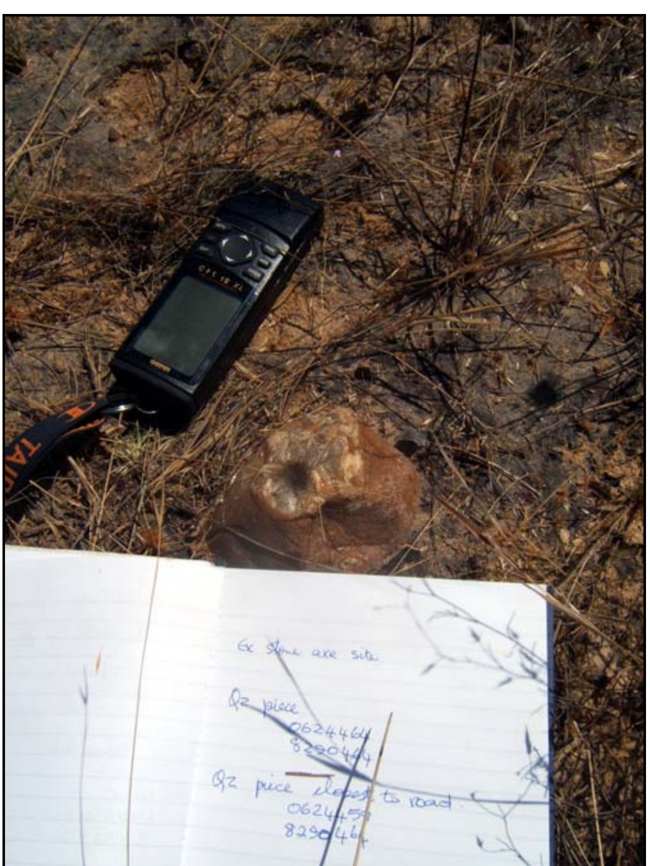

Plate 5.6 Recording the location of stone artefacts in the Mitchell-Alice Rivers National Park using the Global Positioning System (GPS) by KALNRMO manager, Viv Sinnamon (2006)

[61] *QPWS Chillagoe 11-9-07 (final)*

5.3.6.1 Desired Outcomes (Aspirations) of Knowledge, Research and Heritage Management in the MARNP

Listed below are the aspirations of the Oykangand people for the management of knowledge, research and heritage in the MARNP:

- To research, record, protect and transmit heritage and traditional knowledge
- To permit and guide research and monitoring activities according to KALNRMO research protocols

5.3.6.2 Proposed Management Arrangements for Knowledge, Research and Heritage in the MARNP

Listed below are the aspirations of the Oykangand people for achieving their desired outcomes for the management of knowledge, research and heritage in the MARNP. The Traditional Owners and the Kowanyama Community will work together:

- To identify, repair and maintain culturally significant sites including the massacre burial site at Emu Lagoon
- To identify, repair and maintain historically significant cattle yards and other infrastructure
- To inform visitors about Aboriginal tradition and pastoral history with interpretation and displays either at the new cultural centre to be built in Kowanyama, Shelfo or on-site
- To share and pass on traditional culture to young family members by getting them involved with work on the park
- To evaluate and permit appropriate research activities
- To participate in and monitor activities at the QPWS vegetation monitoring site at Kitty's Corner

5.3.7 Homelands

5.3.7.1 Current Management Arrangements for Homelands in the MARNP

The homeland or outstation movement evolved in Australia as a means of redressing disadvantage derived from dispossession. The contemporary aspirations and motivations of Aboriginal people in creating these homelands is said by Smith (2004) to be complex, and an interwoven mix of pre-colonial and contemporary factors.

Responsibility for looking after country has always been an imperative of Aboriginal people and remains a core motivation for the development of homelands or outstations

(Commonwealth of Australia, 1987). While individual and communal aspirations of each homeland group are unique, some broad motivations may include: the desire to spend time on one's own country in the company of a small group of close relations; to access bush-foods, materials and other resources; and a desire to escape the noise and tensions of life in the township. There are recognised socio-economic, ecological and cultural benefits at local, regional and national levels from having Aboriginal people based on-country and undertaking community-based land management in northern Australia (Altman, 2003; B. R. Smith & Claudie, 2003).

Currently, the Traditional Owners camp on the national park with their families during the dry season. While Traditional Owners may camp on a national park, at the time of fieldwork, the *Nature Conservation Act 1992* did not allow Traditional Owners to build permanent infrastructure for a homeland.

5.3.7.2 Desired Outcomes (Aspirations) for Homeland Development in the MARNP

The Oykangand families aspire to establish a permanent Homeland, with new infrastructure, at Emu Lagoon. Facilities may include toilet and shower amenities; barbecue or cooking shelters and running water. The Homeland will enable the families to spend more time on the national park and help the elders pass on their knowledge to their young people. A Homeland at Emu Lagoon could also provide some support for other family members out at Oriners homestead. The Traditional Owners may wish to host tourists and other visitors at or nearby their Homeland sometime in the future. A Homeland will also assist them to take a greater role in the management of the area, particularly monitoring the activities of visitors. The Homeland may also provide the Kowanyama Rangers with a base and a place to store equipment when they need to stay overnight or for longer periods to complete their work on the national park. Until such time as a new Homeland is established at Emu Lagoon, the Traditional Owners are happy to use existing infrastructure (e.g. the old shed at Emu Lagoon) or their own equipment when camping in the national park.

5.3.7.3 Proposed Management Arrangements for Homelands in the MARNP

Listed below are the aspirations of the Oykangand people for achieving their desired outcomes for the establishment and management of homelands in the MARNP. The Traditional Owners, KALNRMO and the Kowanyama community will work together:

- To develop a Homeland for Traditional Owners at Emu Lagoon
- To assist the families of Traditional Owners who choose to be buried on the park at a site of their choice

Plate 5.7 Traditional Owners Alma Wason, Arthur Luke and family at their Shelfo/Igow homeland site in the Kowanyama Deed of Grant in Trust area, adjacent to the Mitchell-Alice Rivers National Park (2005)

5.4 Conclusion

Regaining authority and taking responsibility for land and natural resource management, at both the individual and community level, is seen as a way towards self-determination in Kowanyama and as a solution to some of the community's socio-economic challenges. Since the handover of the DOGIT title to the locally elected Kowanyama Aboriginal Council in 1987, Kowanyama's leaders have strongly asserted the right and responsibility for the management of natural resources and land interests of all the people of Kowanyama, whether those resources are considered to be owned in a Western 'statutory' sense, or traditionally owned. The Council's own land management agency, KALNRMO and its Ranger Service, coordinates and/or supports Traditional Owners to undertake land management activities across Kowanyama land interests, including the DOGIT, the national park and the pastoral properties of Oriners and Sefton. However, at the time this research was undertaken, the Traditional Owner's and KALNRMO's activity in the MARNP was restricted by the existing governance system for Queensland protected areas (see Chapter 6). This chapter has described the aspirations and related governance system proposed by the Traditional Owners for the MARNP. These aspirations will now be compared and contrasted with the PAM principles and policies of the State in Chapter 7 in order to understand the potential for finding a common or unifying purpose to ACM.

Chapter 6 The Objectives of National Park Management: Establishing the Desired Outcomes of Adaptive Co-management

"'Community' and its relationship to common-pool resource management is meaningless without ... clearly positioning particular places and peoples within their environments, their histories, their cultures, as well as regional, national, and global relations of wealth and power" (McCay, 2002, p. 387).

6.1 Introduction

This chapter re-enters the social-economic-political setting (S) to place the Traditional Owners' aspirations for the national park homeland, identified in the previous chapter, within the context of their history, culture and their relationships within the region and with the State. This chapter also seeks to explore the relationship or interactions (I) between the parties and to determine if the outcomes (O) of adaptive co-management (ACM) sought by the Traditional Owners have common ground with the objectives for protected area management as determined by the Queensland government and international conventions (see Figure 6.1).

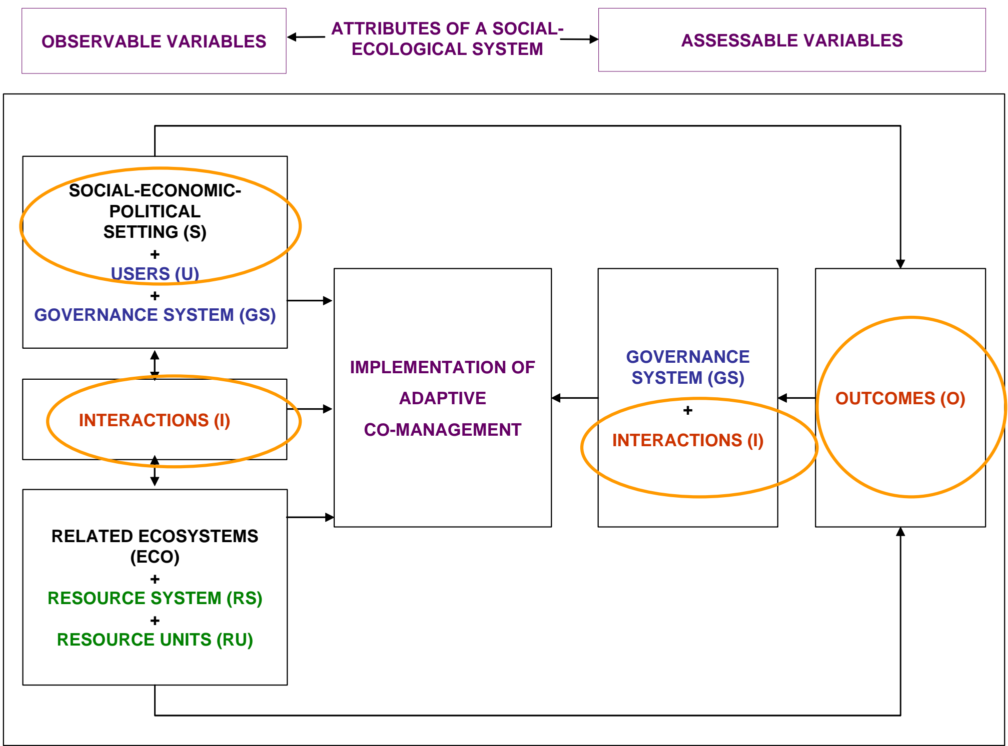

Figure 6.1 Framework to assess feasibility of adaptive co-management with circled areas of general investigation in Chapter 6

The scale of this investigation crosses time and place - the attributes of the social-ecological system (SES) identified are contemporary and have specifically influenced the use and management of the Mitchell-Alice Rivers National Park (MARNP), but also have their origins in historical events and in national to regional issues. In the 1970s, protected areas, and the legislation used to establish them, were actively utilised by the Queensland Government to deny Aboriginal people ownership, access and the use of their traditional lands. At that time, the state's conservation legislation was often used for the exercise of power and control - not just over land, but also over the lives of Aboriginal people. The injustice of past actions by the State has resulted in thirty years of conflict and mistrust between the traditional owners and others with an interest or stake in land ownership and management. The surreptitious manner in which many protected areas in Cape York Peninsula were originally created was perceived by traditional owners as yet another act of dispossession since colonisation of the region only a century earlier. The dispossession of land has contributed substantially to a seemingly intractable legacy of disadvantage and dysfunction in Aboriginal communities in Cape York Peninsula. This legacy provides a looming backdrop to several attempts by the government since the early 1990s to reconcile the actions of the past and move towards more inclusive forms of protected area management in the Cape York Peninsula region.

Section 6.2 examines the socio-economic benefits of Indigenous people's involvement in protected area management. The analysis finds that the expected economic benefits from protected area co-management, particularly in terms of tourism income, are limited in the case of the MARNP.

In section 6.3, international and national efforts towards the adaptive co-management of protected areas are analysed. Section 6.4 examines past and present conservation legislation and policy in Queensland in order to understand the role of legislation in developing and supporting effective adaptive co-management regimes.

Section 6.5 revisits Traditional Owners' aspirations for their national park homeland and seeks to understand if the reforms arising from the *Cape York Peninsula Heritage Act, 2007* (QLD) (CYPHA) and the management arrangements that may be negotiated under the Act are likely to meet the aspirations of the Oykangand Traditional Owners. It was found that the CYPHA certainly progresses legislative requirements to involve traditional owners in national park management, and thus has the potential to meet many of the Oykangand people's aspirations. However, there was insufficient evidence at the time this research was undertaken to foresee how the Traditional Owners of the MARNP would proceed when confronted with still more negotiations over land which they have always known as their own. Much will depend on the policy (which was being developed at the time of this research) and resources available to

implement the CYPHA and the capacity of the community to engage in potentially demanding and time-consuming negotiations.

Section 6.6 identifies and discusses those crucial preconditions or elements of capacity emerging from this research that are essential to the negotiation and implementation of an adaptive co-management regime. In Chapter 2.6.2, several possible motivations or rationale for entering into co-management were identified from the literature. It is found in this chapter (Chapter 6) that the Oykangand Traditional Owners and the State have several common or unifying purposes for co-managing the Mitchell-Alice Rivers NP. In particular, both parties recognise that:

- Traditional Indigenous practices are inherently linked to the health of the land and its people
- Different parties contribute different skills, knowledge, resources, and
- Co-management is a means to resolve past injustices, including the appropriation of traditional lands and the removal of indigenous people from their homelands.

In addition, three further aspects of capacity are identified as critical to enabling the emergence of ACM in Cape York Peninsula: positive relationships, particularly building respect and trust between the co-managing parties; the political support and 'will' of the government and community to work together to negotiate and implement legislation and policy that supports local community's involvement in an adaptive co-management agreement, and having focus for ACM, meaning being able to convey clearly to the other party what you want to achieve from your role in ACM and, importantly, having a plan for how you intend to achieve it.

6.2 Socio-Economic Benefits of Protected Area Co-management

> *"Over the last four decades, it has been widely acknowledged within the mainstream that dispossession of traditional lands represents one of the major causes of Aboriginal disadvantage in Australia. The return of land is not only central to the wellbeing of the Cape communities; it is an indicator of Governments' commitment to social justice and to the fulfilment of prior promises"* (Fitzgerald, 2001, p. 357).

This section investigates the potential social and economic benefits of protected areas to local communities and of the MARNP in particular. While the primary objective of protected areas is to protect and maintain biodiversity and natural and cultural resources (IUCN, 1994, p. 7), parks also have a number of other management objectives which provide for a variety of social and economic benefits to people. A common rationale or motivation for entering into ACM is

to address disadvantage through economic, sustainable development and capacity-development opportunities that contribute to community livelihoods and improved wellbeing (refer back to Chapter 2.6.2). Evidence from the review of the Australian Government's *Indigenous Protected Areas program* found that gainful employment of Aboriginal people in the community-based management of protected areas provides for an increased sense of self-worth and contributes to social cohesion within communities by providing a framework for members of the community to work together (Gilligan, 2006). Indigenous Protected Areas also provide a platform for traditional knowledge transfer and for engaging young people in positive educational experiences, including western science.

Potential for economic and employment returns may also be associated with the tourism industry's use of protected areas or a broad range of other economic uses including carbon offsets and bio-prospecting (Financing Protected Areas Task Force of the World Commission on Protected Areas (WCPA) of IUCN in collaboration with the Economics Unit of IUCN, 2000) . It is well established that the benefits society gains from protected areas far outweigh the costs required to maintain and protect them, even if those benefits are narrowly measured in financial terms. Numerous case studies have shown that investment in parks can provide a significant return to national and local economies. The natural capital of Queensland's protected areas, for example, is estimated to have a financial value of $78 billion (Asafu-Adjaye et al., 2005).

Tourism is recognised as the major generator of revenue from protected areas and is the major source of direct income in the protected area estate, providing at least 85% of all direct revenues paid to Queensland Parks and Wildlife Service (QPWS) for park usage in Cape York Peninsula (personal communication QPWS, 3 March 2005). An estimated 75,000 visitors travel to the southern areas of the Peninsula annually, with around 30,000 travelling to the northern tip. Driml, 1997, cited in (Wet Tropics Management Authority, 2000, p. 69) found that the tourism industry contributed significantly to the North Queensland economy at both a local and regional scale. Direct tourism use of the Wet Tropics World Heritage Area was estimated to generate over $179 million annually. Incorporating a 'flow on' or multiplier effect, a visitation of 500,000 tourists to Daintree National Park (Cape Tribulation section) alone was estimated to generate 1,366 jobs and contribute nearly $412 million to state domestic product each year (Lindberg & Denstadli, 2004). In addition, the Great Barrier Reef World Heritage Area generated $4.3 billion in tourism expenditure in the year 1999-2000 (Productivity Commission, 2003). Over the entire state, tourism in protected areas injects more than $1.2 billion each year into the Queensland economy and directly generates more than 6,000 jobs (Environmental Protection Agency (QLD), 2001).

However, much of the 'flow on' revenue generated by tourism is not captured by park managers for use in their own areas; instead it is absorbed into local and regional economies. As a result, the revenue received by management agencies from tourism in Australian protected areas falls far short of the real costs of servicing tourism infrastructure and providing visitor services in parks (Worboys & De Lacy, 2003) . The impact of national park visitation on the economy of Cape York Peninsula has not been evaluated. The protected areas in the Cape York Peninsula region earned merely $82,725[62] in direct income in the 2003/04 financial year, primarily from the sale of camping permits.

Therefore, encouraging tourism activity by promoting parks as a destination without increasing management resources can place considerable pressure on human resources and protected area budgets. CYP parks do not have basic visitor monitoring mechanisms in place, even in the more highly visited camping grounds or day-use sites. Consequently, visitor impacts (both positive and negative) cannot be accurately assessed.

To date, none of the protected areas in Cape York Peninsula has a management plan (including a financial plan) in place and the annual financial cost of managing the Mitchell-Alice Rivers National Park is not known. While the commercial tourism industry to the Peninsula region is currently small in comparison to that in the Wet Tropics to the south, it is growing. In 1996, the industry was estimated to have an annual turnover of $26 million (Kelly & Cape York Peninsula Development Association, 1996). More recent figures are not available. Many tourism operators incorporate visits to protected areas in their itineraries. However, considering the Peninsula has unique natural and cultural qualities and attributes which are understood to be of sufficient universal value for the pursuit of future World Heritage listing, the area may have substantial untapped tourism potential that could, in the long term, bring benefits to local and Indigenous communities. However, substantial economic returns are unlikely to materialise in the case of the Mitchell-Alice Rivers National Park, at least in the short to medium term, due to the isolation of the park from the main tourism four-wheel-drive route to Cape York (the 'tip'). Hence, the State Government will be required to input significant funding and other resources to ensure the effective management of the area. Funding, staffing levels and other capacity issues relevant to the management of Cape York Peninsula's protected areas will be explored further in Chapters 7 and 8.

[62] Note: information regarding income from Commercial Activity Permits in the region was not provided by QPWS

6.3 Towards Adaptive Co-management in Australia

6.3.1 Recognition of the Rights of Indigenous Peoples

The United Nation's Declaration on the Rights of Indigenous Peoples was approved in 2007 by majority vote of the UN's General Assembly (Nettheim, 2009). While the Declaration does not constitute formal international or national law, it sets the minimum international standards for the protection and promotion of the rights of Indigenous Peoples. The underlying principles of the Declaration are about participation, engagement and consultation. In addition, the concept of free, prior and informed consent is a key principle, potentially enabling Indigenous people to exercise more power in negotiations over proposals that directly affect them (Hales et al., 2012). The Australian government announced its support for the Declaration on 3 April 2009, demonstrating a commitment to redesigning and shaping existing and future laws, policies, and programs on Indigenous Peoples to be consistent with this standard (Megan Davis, 2008).

6.3.2 Australian Indigenous and Community-Conserved Areas

Cooperative management mechanisms are a direct result of the recognition of Indigenous rights to their traditional land and entail formal agreements specifying each party's obligations, rights, responsibilities and powers in reference to a particular protected area. A number of models exist in Australia and worldwide which provide examples of Indigenous people and governments seeking to introduce cooperative management arrangements. Figure 2.3 shows a continuum of governance options for cooperative management arrangements. Several typologies for Indigenous engagement in protected areas have been developed by scholars. See for example, (Hill et al., 2012; Zurba et al., 2012). The arrangements negotiated and implemented will ultimately depend upon the legal, political, financial and social circumstances to be found in a particular area (see Bauman, Haynes & Lauder 2013 for a description of the pathways to the co-management of protected areas in Australia). Most Australian states and territories have now introduced new legislation and/or amended existing conservation legislation to enable co-management over protected areas (Bauman et al., 2013).

The concept of national park co-management in Australia arose in response to increasing legal recognition of Indigenous rights to the ownership and management of traditional lands (Smyth, 2001). This recognition resulted in formal written agreements regarding negotiated co-management arrangements (Zurba et al., 2012). While not the first land rights legislation, the passage of the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) by the Commonwealth marks a major watershed in Australia's political history (Peterson & Langton, 1983). The ALRA provides for the recognition of around half of the Northern Territory as inalienable freehold Aboriginal-owned land (Baker, Davies, & Young, 2001b); and established

the Land Councils, statutory bodies which provide Aboriginal people with a basis for independent action, returning to them some degree of "personal and group autonomy which existed prior to colonisation" (Peterson & Langton, 1983, p. 3). The ALRA also established the term *'traditional Aboriginal owners'*, now commonly shortened to 'Traditional Owners', who are:

> *"…a local descent group or Aboriginals who – a) have a common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land; and b) are entitled by Aboriginal tradition to forage as of right over that land".*

The Commonwealth's Aboriginal Land Rights Commission chose the Northern Territory as a starting point for establishing the principles relating to the granting of Aboriginal land rights primarily because of the Commonwealth's ability to legislate directly there (Peterson & Langton, 1983). The ALRA legislation provided a catalyst for Indigenous people in other Australian states to assert their determination for similar rights (Baker et al., 2001b). However, the Commonwealth's difficulty in legislating directly outside the Northern Territory meant that subsequent legislation introduced by state governments varied in strength (was weaker) and resulted in inequities and frustration for Aboriginal people who wanted to return to country (Baker et al., 2001b; Bauman et al., 2013; Smyth, 2001).

> *"The extent of indigenous involvement in Australian national parks generally reflects the degree of legal recognition of indigenous ownership and other rights and responsibility relating to the park; the greater the statutory recognition of those rights, the greater the formal involvement in park management."* (Smyth, 2001, p. 76)

The overturning of *terra nullius*[63] (land belonging to no-one) in the Mabo decision in 1992[64] brought legislation containing an equitable 'bundle of rights' to Indigenous traditional owners across all states and territories. The ensuing *Native Title Act 1993* (Cth) provided traditional owners with recognition of prior and continuing ownership of traditional land, but does not result in a land grant. Native title rights, the right to continue traditional practices such as the hunting and gathering of common pool resources was found to be able to coexist with certain existing land uses including state owned protected areas.

For many years, arrangements negotiated for national parks in the Northern Territory under the ALRA were considered to provide the strongest recognition of rights and responsibilities for

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[63] The concept of Terra Nullius in Australia was based on the belief of the colonisers that: *"Australia was a ceded rather than a conquered colony because of the European view that there was no unified political and legal system or authoritative representative with whom to negotiate a settlement and the terms of colonisation.*" (Peterson & Langton, 1983, p. 3)

[64] *Mabo and others v State of Queensland*

traditional owners in Australia. The negotiated arrangements for Kakadu and Uluṟu-Kata Tjuṯa World Heritage Areas quickly became the 'model' for many Indigenous groups and non-indigenous academics who sought the expansion of these protected area co-management arrangements around the country (De Lacy, 1994; De Lacy & Lawson, 1997; Thackway, Szabo, & Smyth, 1996).

> *"It is to be hoped that close observation of developments in Kakadu and elsewhere in the Territory will encourage the Queensland government to change its attitude to Aboriginal involvement in managing traditionally owned land."* (Smyth, 1981, p. 60)

However, at an Indigenous Ranger Conference held in Kakadu National Park in 2002, Indigenous Rangers expressed the view that the 'joint management model' at Kakadu and Uluṟu-Kata Tjuṯa did not devolve real power. There was a lack of jurisdictional authority and enforcement powers making it difficult for Aboriginal Rangers to take full responsibility for land and resource management matters (Cronin et al., 2002).

A major development in protected area management since the start of this century is the recognition by IUCN of local communities' and Indigenous peoples' efforts at conservation - the concept of Indigenous and Community Conserved Areas (ICCAs). ICCAs are: "natural and modified ecosystems, including significant biodiversity, ecological functions and cultural values, voluntarily conserved by indigenous peoples and local and mobile communities through customary laws or other effective means" (Borrini-Feyerabend & Dudley, 2007, p. 1). There are three key features of ICCAs, including:

- The local/Indigenous community has a relationship with, and concern about, the ecosystem because of cultural, livelihood, economic or other ties
- The local/Indigenous community management decisions and actions result in the conservation even if the conscious objective of management may not be conservation *per se*
- The local/Indigenous community is the principal party (even if conservation efforts include external support) and hold the authority, responsibility and capability for decision-making and implementation (Kothari, 2006a, 2006b; Phillips, 2003).

While ICCAs can provide a governance structure for effective biodiversity protection for any of the IUCN protected area management categories (

Table 2.2), in many places worldwide, ICCAs are not formally recognised and supported within national protected area estates (Borrini-Feyerabend & Dudley, 2007). There may also be reluctance on the behalf of the community to reveal sites of special or spiritual value where they perceive that formal recognition will expose the area to external pressure for development or exploitation (e.g. tourism). However, in some cases, formal recognition may provide the community with additional resources to safeguard their areas.

6.3.2.1 Indigenous Protected Area Program

An Australian example of an ICCA now gaining international recognition is an Indigenous Protected Area (IPA). The Australian Government's IPA program provides a planning and land management framework for Indigenous owned lands to be managed as part of the National Reserve System (NRS) (Gilligan, 2006). The programme was devised so that the Australian Government could meet its target of establishing a comprehensive, adequate and representative NRS, one that incorporates all bioregions, some of which only occur on Indigenous-owned lands (Smyth, 2006). Indigenous landowners that wish to commit to managing their land for conservation may voluntarily declare their lands as an IPA within one of the IUCN reserve categories and then seek funding from various sources, including Local, State and Commonwealth governments for the implementation of specific projects linked to the IPA plan of management. The projects are controlled and usually carried out by the community providing employment opportunities for Indigenous peoples to 'care for country'. A review of the IPA Program in 2006 found that it has been "spectacularly successful in its aim of protecting ecosystems and the biodiversity they contain" (Gilligan, 2006, p.46). In addition, while the program is not deliberately designed to promote the wellbeing of Indigenous communities, the Gilligan report found that IPAs also "deliver, or have the potential to deliver, substantial social, educational and economic outcomes for Indigenous communities" (p. 29).

IPAs are attractive to some Aboriginal land owners because they bring management resources without the loss of autonomy associated with co-management regimes. IPAs also provide public recognition of the natural and cultural values of Aboriginal land, and of the capacity of the Aboriginal People to protect and nurture those values. IPAs are attractive to government conservation agencies because they effectively add to the nation's conservation estate without the need to acquire the land, and without the cost of establishing all the infrastructure and human resources of a conventional national park.

The declaration of the *Kaanju Ngaachi Wenlock and Pascoe Rivers IPA* in Cape York Peninsula (the region's first) in June 2008 brought the total number of IPAs across the

Australian continent to 25[65]. The Program is increasingly perceived by Indigenous peoples as a viable and worthy option for those communities wishing to manage their natural and cultural resources for biodiversity conservation and sustainable economic livelihoods (Langton et al., 2005). It is highly likely that Indigenous communities in Cape York Peninsula will compare any future co-management regime put forward by the Queensland government for the region with the IPA model.

6.4 Towards Adaptive Co-management of the Mitchell-Alice Rivers National Park

This section investigates attempts by the Queensland Government to recognise and accommodate Aboriginal aspirations for ownership and management of homelands overlying the protected area estate. The three most important pieces of legislation in this regard are the *Aboriginal Land Act, 1991* (Qld), the Native Title (Queensland) Act, 1993 (Qld) and the *Cape York Peninsula Heritage Act, 2007* (Qld), all of which remain in effect to date. This section also traces the Oykangand people's response to the gazettal of the Mitchell-Alice Rivers National Park and their efforts to recover ownership and management of the homeland. As will be shown, the Traditional Owners' principal aspirations for statutory ownership and community-based management have not fundamentally altered over the 20 year period since discussions began about the future area.

6.4.1 1976 to 1991

Prior to 1991, the Queensland Government concentrated effort on acquiring and gazetting land as national parks. As stated in Chapter 1.5.2, the junction of the Mitchell and Alice Rivers was targeted for addition to the protected area estate in a report compiled by QPWS officers in 1976. The land that was excised from Koolatah Station and gazetted as the Mitchell-Alice Rivers National Park was one of seven national park declarations that occurred between 1977 and 1979. The first declaration, the Archer River NP, occurred to subvert the acquisition of the Archer Bend pastoral lease by Traditional Owner John Koowarta. However, this park had also been identified by QPWS for inclusion in the protected area estate due to its high conservation value. Holmes (2011b) states that the sudden declaration of these seven national parks by the Bjelke-Petersen Queensland Government appears to have been undertaken for a variety of reasons, including providing 'a low-cost locale' for appeasing environmental NGOs' call for the enlargement of the protected area estate.

[65] As of December 2011, there were 50 declared IPAs and a further 42 IPA Consultation Projects. See: http://www.environment.gov.au/indigenous/ipa/map.html

Other lands identified as having high conservation value were located on Aboriginal Reserves (later to become Deed of Grant in Trust). It was proposed by the QPWS that lands on Aboriginal Reserves "would best be dealt with as special preserves for nature conservation… and controlled by the Aborigines themselves" (Queensland National Parks and Wildlife Service, 1976, p. 3). Stanton, the Regional Director of QPWS at the time was quoted in the Cairns Post as saying,

> *"We must change our institutions to offer a type of employment that satisfies the Aboriginal lifestyle, and in particular Aboriginal aspirations, and gives involvement that is on their own terms…"* (Spencer, 1987).

While senior QPWS officers encouraged and supported the participation of Aboriginal people in the management of the CYP conservation estate, the Agency did not progress any arrangements for 'special preserves' within Aboriginal Reserves, instead concentrating efforts at acquiring pastoral leases and converting them to national parks.

Indigenous people in the region remained overwhelmed with reasons for mistrusting the intentions of the state government and the growing conservation movement. State legislation played a large role in this mistrust. Under the superseded *Fauna Conservation Act 1974* (QLD), traditional hunting and gathering in Queensland national parks was illegal. All fauna was the property of the Crown and it was an offence for a person to take fauna unless they held a permit or licence to do so. Hunting by traditional owners on protected areas would remain illegal until the passing of native title legislation. In *Yanner v Eaton,* the High Court upheld by a 5:2 majority the dismissal of an illegal hunting charge against Murrandoo Yanner, on the basis that the taking of a crocodile was authorised by the *Native Title Act 1993 (Cth)*. However, for hunting to be permitted, it must be considered to be sustainable. Indigenous peoples' rights to hunt and gather in Australian national parks therefore remain secondary to the rights of scientists and managers to protect biodiversity and conserve species in accordance with legislation, lease agreements, or plans of management (A. Ross, Pickering Sherman, Snodgrass, Delcore, & Sherman, 2011).

Most of the lands originally targeted for addition to the conservation estate in the 1976 report were held by the Crown as pastoral leases or unallocated state lands. The marginality of pastoral pursuits in CYP enhanced prospects for the pursuit of 'post-productivist' values, including: recognition of Indigenous land rights; conservation of ecosystems and natural landscapes; and tourism and recreation pursuits; and exploration and mining (Holmes, 2010). Disputes between competing interests became inevitable, and according to Holmes (2011a), contests between Indigenous, environmental and mining interests in CYP appeared impossible to resolve. Conflict was anchored within a complex system of tenures, territorial claims,

legislation and agreements and was wielded by highly capable Indigenous and conservation leaders. While conservation (green) groups were considered a threat by many Aboriginal communities in the Peninsula, as early as 1990, the Kowanyama community realised that:

> *"Conservationists can be useful allies against certain unwanted developments. They however must be used with care as motives are not always the same. They will need to be lobbied and educated... Developing anti-greenie stances will do aboriginal issues no good. They are a potentially valuable, even powerful ally.*[66]*"*

From the time of the gazettal until the 1990s, QPWS had not undertaken any natural resource management activities nor expended any of the district budget allocation on the Mitchell-Alice Rivers NP[67]. In Kowanyama, however, natural and cultural resource management activity had expanded exponentially since 1987, the end of 'Department time'. Following the handover of the Kowanyama Deed of Grant in Trust (DOGIT) to a newly installed Aboriginal Council fully elected by the people of Kowanyama, the Council, and those that followed, quickly began taking an active (and radical) role in the management of Aboriginal lands and waters with the establishment of a firm self-governance ethic and their own land management agency. Land management expanded from traditional practices to include contemporary practices. From the earliest days of the Kowanyama Aboriginal Council (KAC), the community has represented the land interests of all residents of Kowanyama, including those whose traditional homelands were not inside the boundary of the new DOGIT area. The position taken by the Council had important implications for the neighbouring national park.

In May 1988, Council appointed its first Community Ranger[68] and by early 1989, a formal Resource Management Strategy was being developed with the "potential to complement National Parks, Fishery Habitat Reserves, and the Wilderness Management Strategy"[69]. In 1989, Council was also developing enforcement capabilities through its by-laws and its first Community Ranger had obtained enforcement powers from QPWS under Flora and Fauna Legislation. In 1990, Council opened an Aboriginal land and natural resource management office (KALNRMO) to develop and administer its own land management policies[70].

6.4.1.1 Contract Employment Program for Aboriginals in Natural and Cultural Resource Management (CEPANCRM)

In 1989, QPWS was first approached to support Council's application for a 'Contract Employment Program for Aboriginals in Natural and Cultural Resource Management'

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[66] *13-6-90 Ab-Cordin Council W.G.pdf* (V.S. Notes to the Aboriginal Co-ordinating Council, Working Group on Legislative Review)
[67] *1990 Eval of Cons Mgt MARNP:* Evaluation of the Conservation Management Program in the MARNP
[68] *4-10-88 KWM Council;1-11-88 QNPWS; KLNRMO (file brief), 1990*
[69] *KWM Council 29-3-89:* Funding Proposal to the Australian Institute of Aboriginal Studies
[70] *KLNRMO (file brief), 1990:* Aboriginal Land and Natural Resource Management in North Queensland

(CEPANCRM) arrangement with the Commonwealth's Australian National Parks and Wildlife Service (ANPWS)[71] in that year. The CEPANCRM project was intended to provide funds to record, or 'map', the Oykangand people's associations with the MARNP and adjacent area, while providing the opportunity for employment, information for future use in interpretive materials for visitors to the area and to "create the potential for ongoing aboriginal involvement in management of the National Park"[72].

Consultations between QPWS and the Kowanyama Community regarding the funding application for the CEPANCRM project had increased the level of contact between the QPWS District Ranger based in Chillagoe, and the newly created Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO). After a visit to the MARNP and Kowanyama in November, 1991, the District Ranger stated in a field report to QPWS regional office in Cairns:

> *"Local station and community people share with us an interest in this country, and appreciate the chance to talk over local matters. It is important to maintain good communications with these people, and look for opportunities to involve them, and co-operate with them. With few other resources, we will require their assistance to effectively manage this remote Park."*[73]

Contact between QPWS officers and the Kowanyama community had thus led to the general acceptance that the neighbours to the national park had, at least, a consultative role in the management of the area, providing a foundation for cooperation between the community and field staff.

The CEPANCRM project eventually commenced in January 1992 marking the first occasion that Kowanyama community and the Traditional Owners undertook their own work on the national park with the cooperation of QPWS (in fact, the QPWS role in this project amounted to little more than providing the 'permission' to undertake the work on the national park). Significantly, this project was conceived and carried out by the Kowanyama community with the assistance of their own anthropologist (Veronica Strang), was funded from Commonwealth (not State) monies, and the outcomes of this particular project have proven invaluable to the Traditional Owners, the national park and QPWS ever since. The cultural mapping exercise provided temporary employment for the Traditional Owners; provided a means for the Elders to pass on their knowledge to future generations; produced a wealth of information which may be used in future park interpretive material; documented the Traditional Owners association with

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[71] Now known as 'Parks Australia', a division of the Australian Government Department of Sustainability, Environment, Water, Population and Communities (SEWPaC)

[72] *KWM Council 29-3-89:* Funding Proposal to the Australian Institute of Aboriginal Studies

[73] *13-1-92 A.Little field report*: Field Trip Report Mitchell and Alice Rivers N.P. 4 Nov – 10 Nov 1991

the homeland for the benefit of land claims under future State and Federal legislation; and has provided information that has assisted in the examination of illegal acts on the national park.

6.4.2 The *Aboriginal Land Act 1991* (Qld)

A change in State government at the end of 1989 heralded the end of the Bjelke-Petersen National Party government and the beginning of a Goss Labor Party government. The new Minister for Environment and Heritage, Hon Pat Comben, and QPWS officers conducted a tour of Cape York Peninsula in 1990, stopping in at Kowanyama on the 3rd of July. Discussions with community representatives centred around the government's future directions and policies regarding the involvement of Aboriginal people in the management of national parks; access by community members to national parks for traditional purposes; and the strengthening of links between communities and local staff of the QPWS. Notes taken during this meeting demonstrate that the Elders explained to the Minister that the national park 'belonged to' the Oykangand people and they sought autonomy and decision-making authority over the area, although they were prepared to work with the QPWS. The Minister made a commitment at this meeting to involve the Traditional Owners in the management of the MARNP, however, it was very clear that the self-determination sought by the Elders required a much higher level of involvement than the Minister was prepared to later recognise. As will be shown in the next section, despite government efforts to make legislative and policy changes, it quickly became apparent that the degree of involvement to which the Oykangand people aspired would not be achieved in the short term.

In 1991, the Queensland Government passed the *Aboriginal Land Act, 1991* (Qld) (ALA) into state legislation. The ALA was intended to provide:

> *"recognition of the interests and responsibilities of Aboriginal people in relation to land and thereby to foster the capacity for self-development, and the self-reliance and cultural integrity, of the Aboriginal people of Queensland"* (p.2)

Section 83 of the Act provided the first cooperative management model for Queensland national parks. Specific national parks became available for claim by Aboriginal people based on their historical or traditional association with that land. Seven of the fourteen claimable national parks are on Cape York Peninsula, including the Mitchell-Alice Rivers National Park.

There are a number of steps Traditional Owners are required to take if they are to successfully claim a national park under the ALA. These include:

- Providing substantial oral and documented evidence of their traditional associations with the national park to the government's newly established Land Claim Tribunal (s53(i)). Collating this evidence is a substantial task, requiring the service of a

consultant anthropologist to work with sometimes elderly and frail traditional owners on-country in order to map the traditional landscape and trace familial associations

- If the Land Tribunal approves the claim, a the grant of national park is subject to a number of conditions:
    - Compulsory lease back the area to the government to be managed as a National Park (Aboriginal Land) in perpetuity
    - No rental payment (peppercorn lease)
    - Secure rights of access for existing park users
    - Trustees of the national park are appointed by the Minister
    - The Board of Management is appointed by the government and there is no surety of majority of traditional owners
    - A management plan for the national park must be negotiated by the Board of Management and the Queensland Parks and Wildlife Service before the park can proceed to grant
    - The management plan must be approved by the Governor in Council
    - No commitment of funding and resources for Aboriginal people to manage their land once the park was granted

Both the process of developing this legislation and its content were criticised extensively from before the ALA was enacted. After initially promising a lengthy consultation period, the Queensland Government moved ahead with the preparation of the Bill with such alacrity that Aboriginal people felt they had insufficient time to properly understand and to provide meaningful input into the legislation (Brennan, 1991). The Minister of the Department of Family Services and Aboriginal and Islander Affairs, was quoted as saying, “It's not a matter of what you want - we know that. It's what you'll accept” (Warner, 1991, cited in Brennan, 1991, p. 1). Aboriginal communities no longer felt they could provide meaningful input into the development of the legislation and withdrew from negotiations with the Government. Any sense of ownership, the opportunity for reconciliation, for resolving long-standing disadvantage and for improving the lives of Aboriginal people in Queensland, was lost.

The ALA was criticised for giving with one hand and taking with the other. Any benefits that were provided were negated by another condition within the Act. There was perceived to be great inequity in the ALA conditions when compared to the joint management arrangements in place at Kakadu and Uluṟu-Kata Tjuṯa National Parks in the Northern Territory. Ownership of the land is of little practical value if it must then be given back in perpetuity for others to manage according to Western-oriented laws, rather than traditional law and customs. Ownership of national parks under the ALA did not appear to provide much improvement in

rights and responsibility to successful claimants. Dr Lesley Clark (state member for Barron River) stated:

> *"Aboriginal communities need clear signals from NPWS that if they are going to enter into joint management arrangements that there will really be something for them in the arrangements and that it will not be tokenism."*[74]

Other commentators described the ALA co-management model as providing a relatively unsophisticated mechanism by which the government maintains authority and responsibility for protected areas, with traditional owners merely consulted about issues and decisions affecting the management of their country. Fitzgerald (2001, p. 362) states that "the *Aboriginal Land Act 1991*… has been largely defunct since its enactment". The reasons include: its inflexibility by comparison with most regimes elsewhere; the fact it was almost immediately made redundant by the recognition of Native Title; and conflicts with the more sophisticated principles in the *Nature Conservation Act, 1992* (QLD) (NCA) which provide ample statutory basis for the State to negotiate and enforce holistic conservation measures across a range of tenures, including national park designations over Aboriginal freehold land. Acrimonious debate also raged at this time (and for many years afterwards) regarding the provisions in the Act that allowed for 'restricted' hunting rights for traditional owners on national parks, polarising public opinion.

The conditions attached to 'owning' the national park were not attractive to the Oykangand people, and the interpretation of some important provisions in the Act remained unclear, so they decided to wait a while and see what other traditional owner groups were doing and how events unfolded. In the meantime, the Kowanyama community continued to actively involve themselves in the regional and state political debate regarding Aboriginal land management (on and off the protected area estate). Elders, Councillors and KALNRMO staff frequently spoke out at regional forums about self-determination and self-governance of Aboriginal lands. For example, representatives from Kowanyama attended a major meeting in Cairns very soon after a new state Labor government was elected in 1989. The new premier, Wayne Goss, made an announcement in local and state media on the same day of the meeting that no changes would be made to the status of the Archer Bend National Park (see section 1.5.2.1). Kowanyama representatives organised a walk out of Indigenous interests at the meeting in protest of the announcement. Kowanyama had already become wary of the new government[75].

Meanwhile, the Traditional Owners, KALNRMO and its Ranger Service continued to undertake activities on the MARNP including camping, surveillance patrols and cultural mapping, actively demonstrating their rights and responsibilities for the area.

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[74] *8-8-91 LClark Report Ab involvement in NP & PA:* Dr Lesley Clark (Member for Barron River) Draft Report following conference "Aboriginal Involvement in National Parks and Protected Areas", Charles Sturt University
[75] *Viv Sinnamon pers. comm. (July 2012)*

While work towards collating information for the Oykangand people's claim to the MARNP had commenced years earlier with the cultural mapping (CEPANCRM) project, the Traditional Owners, with the support of the Kowanyama community, formally lodged a claim for the Park with the Lands Tribunal on the 31 May 1996. By this time, the Traditional Owners well understood the limitations of a claim under the ALA and entered the process understanding that the outcome would not achieve their full aspirations for their country. However, the community was prepared to submit to the claim process in the belief that: it would not interfere with a future claim under Native Title legislation; and that the outcomes could improve their current standing and serve as an interim measure - part of a long term strategy for achieving their aspiration for statutory ownership and community-based management. At a minimum, it was believed that a successful tribunal hearing would at least acknowledge the groups with a traditional association to the park.

In 2001, five years after the claim for the park was lodged, the Land Tribunal made a recommendation to the Minister that the Mitchell-Alice Rivers National Park should be granted to the Uw Oykangand claimants:

> *"…they have held and continue to hold their common connection to the land under well-defined Aboriginal tradition."*[76]

However, like other successful claimant groups in Cape York Peninsula[77], the Oykangand families chose not to proceed to grant due to their continued concerns regarding unacceptable provisions in the Act. Concern amongst CYP traditional owners included: the compulsory leaseback arrangements (Queensland Department of Natural Resources and Mines, 2005), the passive role of the community in the development of management plan (conversely, the active role of external parties e.g. compiled by the Agency; the public consultation process; the powers of the Minister); lack of clarity on the distribution of power and responsibility on the park's 'Board of Management'; and the lack of control over tourism permits.

However, even more problematic to the Kowanyama Community was the government's narrow view of Aboriginal management as being restricted to the national park tenure and confined to cultural heritage, rather than as part of an integrated or holistic management, incorporating natural and cultural values, traditional and contemporary methods, and based on homelands (cultural landscapes). Additionally, the community's perceived lack of self-governance – a lack of ownership of the land and the process of negotiation and management – was a concern.

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[76] *11-10-99 Opening Address Emu Land Claim Hearing*

[77] Despite their reservations regarding the conditions of the ALA, all seven national parks on CYP claimable under the ALA were claimed. Several claimants, like the Uw Oykangand, were able to prove their claim to the Land Tribunal.

There was little assurance that management under the ALA would involve community priorities and initiatives, nor the use of independent, indigenous-directed expertise.

> *"They could see nothing [beneficial] in an arrangement that gave them land they knew had been theirs all along and might 'allow' them to do some of the things they had been doing there for as long as they could remember anyway."* (KALNRMO, 2000, p. 21)

6.4.3 2001 to 2007 Policy Development and Election Commitments

The management principles of national parks in Queensland are to provide to the greatest possible extent, for the permanent preservation of the area's natural condition and the protection of the area's cultural resources and values. The secondary principles for national park management include the presentation of the areas cultural and natural resources and their values; and to ensure that the only use of the area is nature-based and ecologically sustainable.

These management principles are broad and rely on policy guidelines for implementation. In 2001, QPWS released the Master Plan for Queensland's Park System – which aims to respect Indigenous peoples' aspirations in respect to their lands and to support their role in the management of natural and cultural heritage via the negotiation of a range of agreements with traditional owners.

During the 2004 election campaign, the Queensland Labor Government election commitments[78] again committed the government to resolve and finalise Cape York Peninsula land tenure issues for all existing state-owned lands and newly acquired land of high conservation value. Importantly, the election policy committed the government to work with traditional owners to resolve tenure and cooperative management issues for state-owned lands both within and outside the protected area estate. In addition, the policy aimed to produce such positive outcomes as:

- The implementation of the Cape York Land Use Heads of Agreement[79]
- Improved protected area management capacity and conservation outcomes
- Enhanced Indigenous land management capacity
- To employ additional national park rangers, particularly Aboriginal rangers
- A comprehensive and well promoted natural and cultural tourism strategy for the region

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[78] *'Protecting Queensland's Natural Heritage: Cape York's Outstanding Values'* policy document (Queensland Labor, 2004)

[79] In an attempt to secure a common vision for a sustainable future for the natural environment of CYP, representatives of Aboriginal, pastoral, and environmental groups (and later the State government) came together to sign the Cape York Land Use Heads of Agreement in 1996. However, there are lingering doubts that the signatories were truly representative of their constituency and as a result the different interests remain "somewhat at odds" (B. R. Smith, 2002, para 2). Alliances regarding land ownership and management in the Peninsula are highly fragile.

- Enhanced park presentation and visitor infrastructure at key national park sites, and
- To build the case for World Heritage listing of appropriate areas

QPWS operational and procedural policy developed after the election now clearly outlines policy relating to creating partnerships with Traditional Owners for the management of parks. The park system is to be managed through cooperation and partnerships with Indigenous peoples where Native Title claims have been made, even if the claim has not yet been legally determined (QPWS, 2004). Other significant principles and attributes of the operational policy include:

- Seeking the involvement of Traditional Owners in the establishment and management of protected areas in order to reduce the possibility of issues arising in the future
- The belief that partnerships with Indigenous people are of benefit to the parks system and therefore, QPWS will seek partnerships in a mutually appropriate and agreeable form
- To seek agreements that assist in the resolution of Native Title and negotiate Indigenous Land Use Agreements (ILUA) when required by the law
- Management protocol working groups may be established to address specific management outcomes and negotiate protocols for issues such as fire, visitor and commercial activity management, and cultural heritage management
- Management plan working groups may be established to specifically address the development of a management plan for an area
- Exploring employment opportunities for Indigenous peoples within the agency & a possible commitment to provide opportunities for Traditional Owners to derive economic benefit from the park
- Consideration of living areas and hunting on parks (depending on scope & procedures), and
- Naming of parks and sites drawn from Indigenous languages.

While providing greater recognition to the rights of Indigenous people, these policies must still not impede the power of the Minister or allow any action that is contrary to the provisions of the NCA. Subsequently, even if Native Title is legally attained over a protected area, ultimate power and authority over the use of the area will remain with the Government. Chapter 7 will examine the feasibility of implementing these policies with regards to the capacity of the organisation (e.g. having adequate staff and funding resources) to engage with traditional owners and Indigenous communities in the Peninsula.

6.4.4 *Native Title Act, 1993* (QLD)

Within twelve months of formally lodging the Oykangand people's claim for the MARNP under the Aboriginal Land Act (on 25 March 1997), the Kowanyama community (under the name 'Kowanyama People') lodged a claim over the National Park, the DOGIT and neighbouring pastoral properties under the *Native Title (Queensland) Act, 1993* (QLD) (NTA) (see Figure 4.5). The Queensland Government had expressed a strong preference for land claims to be settled under the ALA rather than NTA, and the Oykangand people hoped that a Native Title claim over the Mitchell-Alice Rivers National Park would pressure the State government to release the funding required for progressing the claim under the ALA which had stalled due to a review of policy by a new State government. While the funding for progressing the claim under the ALA was eventually granted, by the end of 2007 (ten years since lodgement of the native title claim), formal negotiations for an Indigenous Land Use Agreement for the MARNP legislation had yet to commence.

Despite the serious lack of real outcomes, the Queensland Government has often expressed an 'in principle' commitment to resolving Native Title, tenure and management issues in Cape York Peninsula. However, according to Fitzgerald (2001, p. 361), the implementation of resolution processes has in practice been

> *"…a stop-start affair in which the flow of Government support seems to have been inconstant and unreliable, and clarity of purpose at Government operational level has been lacking. Consequently, implementation appears to have bogged down into a slow and frustrating process."*

There have been efforts committed to review policy and legislative issues relating to Indigenous title to, and management of, national parks and protected areas in CYP.

Prior to the passing of the CYPHA, the Queensland Government had commenced acquiring land in Cape York Peninsula with the aim of turning much of it into protected areas and to return homelands to Aboriginal people for their economic development (see Figure 4.2). As part of this tenure resolution process, the State Government and two Traditional Owner groups in the eastern Peninsula entered into ILUAs under the NTA. ILUAs negotiated under the NTA do not provide Aboriginal people with statutory ownership of national parks, but they can and did provide substantial support for co-management arrangements for the national park and for community-based conservation on Aboriginal land. These ILUAs have delivered better outcomes, particularly in terms of resourcing and support, than Traditional Owners perceived possible under the ALA. An aim of the CYPHA is to simplify the tenure resolution process and to provide traditional owners with statutory ownership of national parks (with no compulsory lease-back arrangements).

Some of the ILUA arrangements that have been negotiated for national parks in the Peninsula (not including the MARNP) include:

- Establishment of a traditional owner negotiating committee to negotiate management protocols and other arrangements
- Establishment of an incorporated body to receive, hold and administer funds
- A consultation protocol (three levels of consultation depending on the proposed activity)
- Recognition of rights and interests: e.g. permanent living areas on park and traditional use of wildlife
- Use of traditional place names
- Employment, training and scholarship opportunities within QPWS
- Community rangers provided access to QPWS training programs
- Control of public use and access to certain areas
- Assistance and training for commercial tourism applications from the local community
    - Funding has been provided to communities for management activities such as:
    - Natural and cultural resource management
    - Ranger patrols and compliance
    - Support for negotiations and meetings
    - Administration of an incorporated body
    - Management plan preparation
    - Employment and training of rangers
    - The hire or acquisition of vehicles, equipment and materials

6.4.5 Interim Arrangements: A Memorandum of Understanding

The failure to complete the transfer of title of the Mitchell-Alice Rivers National Park under the ALA or to complete an ILUA under the *Native Title Act* does not imply that Kowanyama's involvement in the management of the National Park ceased. Although contact was often ad hoc, QPWS and the community continued to liaise and sporadically work together on operational tasks within the national park. The Traditional Owners and the Kowanyama community continued to independently plan and implement their own management of the area, as well as participate in QPWS planned activities. However, prior to the signing of a Memorandum of Understanding on the 1st of November 2007 no payment was made for the conservation work undertaken by the community in the national park.

Discussions regarding the community's involvement in the MARNP also continued between QPWS and Kowanyama, without the involvement of lawyers. For example, in March 2003 the QPWS District Manager outlined eight different areas in which the Traditional Owners and

KALNRMO Rangers could become involved in the management of the MARNP, including: Indigenous place names, weed management, developing a visitor information sheet, ranger patrols, prescribed burning, road realignment, camping permits, and the recording of cultural heritage. Not long after this letter was received, however, the incumbent KALNRMO manager resigned and a new manager was appointed to the position. Recommendations from the departing manager to continue discussions with QPWS on arrangements for the national park were made. However, two years passed before a renewed effort was made to refocus on national park management issues within the community (with the commissioning of the 'aspirations' study in November 2005) and to reinvigorate external discussions with QPWS regarding Kowanyama's role in the management of the National Park (by a newly appointed Homeland Ranger/NRM Coordinator to KALNRMO in June 2006).

While KALNRMO prioritised projects in areas other than the national park, QPWS Northern Region managers developed and implemented policy which facilitated Traditional Owners' involvement in National Park management. In other parts of North Queensland (in Cape York Peninsula and the Wet Tropics World Heritage Area), Indigenous communities were entering into statutory ILUAs (as described in the previous section) and non-statutory Memorandums of Understanding co-management agreements with QPWS.

In the two year period between the two 'aspirations' workshops in Kowanyama (Nov 2005 – Sept 2007), there were ongoing discussions both within the Kowanyama community and with QPWS staff regarding the future management of the Mitchell-Alice Rivers National Park. Much progress was made towards reaching an understanding of the rights and responsibilities of both parties for the management of the area. These discussions culminated in the signing of a Memorandum of Understanding in Kowanyama on 1 November 2007. The principle purpose of the MOU is to increase the capacity of the Traditional Owners to participate in and lead management activities on the national park. Resourcing of the works will be achieved through payment for work carried out (on a fee-for-service basis) and the provision of training and the equipment required for management activities on the park. The MOU also contains a communication protocol and as such, provides a clear process under which future management planning for the area can be undertaken. While the MOU is not a statutory document and cannot change the tenure of the national park to that of Aboriginal land, the implementation of the MOU is (potentially) an effective interim means of realising many of the aspirations of the Traditional Owners while they continue to work towards their higher goal of Aboriginal land tenure and community-based management.

Plate 6.1 Tim White (QPWS) and Victor Highbury (Oykangand (Kunjen) Elder, Senior Traditional Owner) with MOU (2007)

6.4.6 *Cape York Peninsula Heritage Act, 2007* (QLD)

On the 7 June, 2007 the latest iteration of conservation legislation was introduced to Queensland Parliament. The *Cape York Peninsula Heritage Bill, 2007* was touted by Premier Peter Beattie as a means to “further protect the natural and cultural values of Cape York Peninsula whilst enhancing the social and economic circumstances of the Indigenous communities through active involvement in conservation and land management programs” (Chief Hansard Reporter, 2007a, p. 1965). Amongst other functions, the CYPHA amends Queensland’s *Aboriginal Land Act, 1991* and *Nature Conservation Act, 1992* to allow traditional owners to take (conditional) ownership of national parks and to allow for cooperative management arrangements for national park homelands within the region to be negotiated. The Premier described the Bill as “one of the most significant land management initiatives in the history of Queensland” (Chief Hansard Reporter, 2007a, p. 1938). Aboriginal leader, Noel Pearson, said the Bill was the “culmination of decades of conflict between pastoralist, mining, Aboriginal and conservationist interests” (2007, 09 June); and “I really do feel land rights is going to be put behind us ... and we can get onto the social agenda of development and welfare reform.” (cited in ABC News Online, 2007, 7 June). Representatives

from Cape York Peninsula's Indigenous organisations provided substantial input into the Bill, as did representatives of the pastoral industry, resources/mining industry and environmental non-governmental organisations. After receiving bipartisan support from both sides of the House, the Bill was passed into law by Parliament on 17 October 2007.

However significant a step forward this legislation is believed to be by those who developed it, the question remains whether the co-management of protected areas is an aspiration of the traditional owners of CYP and, if so, whether or not this legislation can adequately facilitate their goals.

As the name implies, the Act is directly relevant only to the Cape York Peninsula region, where there are:

> *"…at least 45 existing and proposed national parks totalling in excess of 3 million hectares (23% of the Cape York Peninsula area) will be incorporated into the new model allowing for joint management of national park land by Traditional Owners and the State."* (Bligh, 2007)

The CYPHA has a number of different functions; the function of principal interest to the Traditional Owners of the Mitchell-Alice Rivers National Park is that which provides for the grant of ownership of existing national parks. This provision is subject to a number of conditions:

- Ownership must be granted to an Aboriginal Land Trust made up of traditional owners
- The Land Trust must agree for the area to continue to be managed as a national park in perpetuity but also in a way that is, as far as practicable, consistent with Aboriginal tradition
- The Land Trust and the State must negotiate an Indigenous Management Agreement (IMA) before the national park is granted. The IMA will include details such as how the land will be managed; the responsibilities of each party involved in the agreement; and will confirm public rights of access
- When the park is granted, it concurrently becomes Aboriginal land under the *Aboriginal Land Act, 1991* and a new class of national park under Queensland's *Nature Conservation Act, 1992*, National Park (Cape York Peninsula Aboriginal Land)
- After the dedication of National Park (Cape York Peninsula Aboriginal Land) the Minister must prepare a management plan jointly with the Land Trust which is consistent with any Indigenous Land Use Agreement (ILUA) (under the *Native Title (Queensland) Act, 1993*) and the IMA for the area

The CYPHA also requires the Minister to establish a Regional Advisory Committee comprising at least fifty per cent representation of Indigenous people from the Peninsula region. The

Committee will advise the Minister on matters concerning the implementation of the Act. A sub-regional advisory committee may also be established, if it is deemed necessary, to advise the Minister on the implementation of the Act at a local level.

How an Act is interpreted, in terms of the structures, processes and policies necessary for implementation, are equally important as the legislation itself. At the conclusion of fieldwork for this thesis, these critical instruments were currently in development; however, the second reading of a Bill can often provide insight into the interpretation of the legislation and the commitment from the government for implementation. At the second reading of the CYPH Bill on the 7 June 2007, Premier Peter Beattie stated:

> *"The extent of the government's role in the management of national park land will be negotiated for each subregion and be dependent on the capacity of traditional owners to undertake day-to-day management. The greater the capacity of the traditional owners to manage the day-to-day aspects of the national park, the greater their responsibility will be. Subcontracting arrangements to traditional owners will be detailed in the Indigenous management agreement. Where the government undertakes management of the national park land, it will occur in accordance with Aboriginal tradition."* (Chief Hansard Reporter, 2007a, p. 1963)

At the resumption of the second reading of the Bill on 17 October 2007, the new Premier Anna Bligh committed the Queensland Government to provide $3.63 million for the 2007-08 financial year to allow the government departments to commence work immediately and to reinvigorate negotiations with traditional owners; and to establishing an Aboriginal environmental rangers program (Chief Hansard Reporter, 2007b).

With the passing of the CYPHA, traditional owners of national parks in Cape York Peninsula began again to consider whether or not they would enter into co-management arrangements with the Queensland Government. For the Oykangand people, the legislation bought with it the facility to be recognised as the statutory owners of the land underlying the national park and to be formally involved in the management of the area. Again, the key to acceptance of Traditional Owners of the conditions of the Act lies in the detail. How an Act is interpreted, in terms of the structures, processes and polices necessary for implementation, are equally important as the legislation itself. At the end of 2007, these critical instruments remained in development.

While the Oykangand families were interested in these developments, due to past disappointments, they awaited further explanation regarding the implementation of the legislation with caution. QPWS made clear their expectation that the MARNP will be one of

the first existing national parks they will seek to negotiate co-management under the CYPHA. Their reasons included:

- The MARNP was successfully claimed under the ALA
- The MARNP is a 'greenfield', i.e. remains in a highly natural state with few management problems
- The MARNP is small and remote relative to most other parks in CYP
- the Kowanyama community is known to be cohesive, the Traditional Owners and their community support each other and speak as one to external parties
- the Kowanyama community has developed expertise and capabilities in land management not readily found in other CYP Aboriginal communities
- There were established personal relationships (of a positive nature) between QPWS staff members and members of the Traditional Owner group

> *"My hope was that we would look at Mitchell-Alice fairly soon in the timetable because it's a long time since they've done their claim... In some places we've got to start with basic anthropology, we've got to find out who are the people. So we're really starting well back in some places[80]."*

The processes used to negotiate, implement and monitor the desired outcomes and proposed governance system incorporated into the Indigenous Management Agreement, the Indigenous Land Use Agreement (under the *Native Title Act*) and the national park's Management Plan will be of critical importance to the Traditional Owners and the Kowanyama community. Processes that use straightforward, face to face communication, and build relationships based on trust and understanding of each party's aspirations and capabilities is highly important to the Traditional Owners. QPWS negotiators need to be aware of the lessons of past failure to negotiate co-management under the *Aboriginal Land Act*.

> *"We have heard the same thing so many times and there have been so many promises over the last few years. When is something going to happen for us. It is so many years that we have been talking... and we here again saying, listening to the same thing? We just about had it and this grey hair mine getting too much from all that worry eh. We can't give up now but what we going to say to these young people?"* (Colin Lawrence, 1999, cited in KALNRMO, 2000, p. 21)

The process for achieving the right to ownership and day-to-day management of the national park is a complex one under the CYPHA and involves interplay with the *Native Title Act 1993*. Legal representation for traditional owners will be critical to the process. Below are the expected steps in the negotiation process:

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[80] *QPW#1 interview 21-8-07*

1. Traditional owners establish a Land Trust, a legal entity that will carry the responsibility and rights for ACM
2. The State and the Land Trust negotiate an Indigenous Management Agreement (IMA)
3. An Indigenous Land Use Agreement is negotiated and signed by State and Native Title holder
4. State and Land Trust sign the IMA
5. An Aboriginal freehold deed is issued and the area is dedicated as National Park (Cape York Peninsula Aboriginal Land)
6. The IMA is implementation and management plan is developed
7. Day-to-day operational management activities are ongoing

If the process for negotiating co-management arrangements under the CYPHA is found to be overly taxing, if support and resources are not forthcoming, if the Traditional Owners perceive their aspirations are not being heard or taken seriously, then consultation fatigue may take its toll and the Traditional Owners may wonder why they are required, yet again, to 'jump through hoops' to assert their rights and responsibilities for their own country. QPWS co-management negotiators needed to re-establish trust in their relationship with the Traditional Owners. Traditional Owner, Michael Yam summarised the main goal of an upcoming meeting at Kowanyama with QPWS officers to be one of "building a relationship with them and then taking it further with them later" and "we need to learn how to trust each other"[81].

6.5 Revisiting Traditional Owner Aspirations

Table 6.1 provides a comparison of the major aspects of the three Queensland 'Land Rights' Acts. The principal features of the *Cape York Peninsula Heritage Act, 2007* and related policy which will further traditional owner aspirations from that deliverable under the ALA are:

1. The higher level of consultation with Aboriginal communities in the drafting of the legislation has provided a higher sense of 'ownership' over the content and the process for implementation
2. The government's commitment to providing resources for implementation – both for the negotiating process and for implementing the Indigenous Management Agreements
3. Where the community has the capacity, the government has committed to devolving responsibility for the day to day management of the park

[81] *Meeting 31-5-07 Meeting KLNRMO & NP families:* re. future visit from QPWS District Manager on 7-6-07

Table 6.1 Comparison of Major Features of the Queensland ‘Land Rights’ Legislation

	Aboriginal Land Act, 1991	***Native Title (Queensland) Act, 1993* (ILUA)**	***Cape York Peninsula Heritage Act, 2007***
Ownership of land	Yes	No	Yes
Aboriginal ownership / control of process	low	moderate	high (so far)
Tenure	National Park (Aboriginal Land)	National Park	National Park (CYP Aboriginal Land)
Leaseback	Yes, in perpetuity	No, area remains a National Park	No, but must be managed as National Park in perpetuity
Rental	None / ‘peppercorn’	None	None
Agreements	None	Indigenous Land Use Agreement	Indigenous Management Agreement must be negotiated by Land Trust and QPWS prior to grant of NP
Management Body	Board of Management appointed by government; no guarantee of Aboriginal majority	Traditional Owner Negotiating Committee (or similar)	Steering Group consisting of QPWS and a Land Trust (consisting of Aboriginal people/traditional owners)
Management Plan	Yes, must be written prior to grant of NP	Not included in process	Yes, can be written after grant of NP
Management principles	as a national park consistent with Aboriginal tradition	1. as a national park	as a national park consistent with Aboriginal tradition
Community role in management	To be negotiated	Yes, as negotiated	Yes, in day to day management - as much as community capability allows (as negotiated)
Resources for Implementation	TOs could apply for funding to facilitate the claim process only	Yes, resources can be provided for negotiation process and for Aboriginal management of the area	Yes, resources can be provided for negotiation process and for Aboriginal management of the area

Aboriginal people (via their representative bodies) have had a much greater input into the development of the CYPHA, providing a far greater sense of ownership, goodwill and cooperation between the parties than was achieved with the development and implementation of the *Aboriginal Land Act*. The government has also, thus far, committed to providing

substantial resources for the implementation of the CYPHA; such a commitment was not offered when the ALA was passed. With funding and responsibility for managing day to day aspects of the national park come employment and training opportunities for local people.

Some of the conditions of the CYPHA appear to be simple ‘repackaging’ or ‘rewording’ of certain ALA conditions. For example:

1. the word ‘leaseback’, a highly contentious condition of Aboriginal ownership within the ALA, has disappeared; however, under the CYPHA the land must still be managed as a national park in perpetuity, co-existing with Aboriginal land, and
2. The management principles (under the *Nature Conservation Act, 1992*) of ‘National Park (Cape York Peninsula Aboriginal land)’ and ‘National Park (Aboriginal land)’ are identical

While the Queensland Government has committed to negotiating the government’s role in the operational or ‘day to day’ management tasks, there are other aspects of national park management to which the Oykangand people also aspire to take responsibility. The Traditional Owners’ aspiration for leading strategic management activities, such as planning in the national park (see Chapter 5), will allow the management of their homeland to be effectively integrated into the management of wider Aboriginal landscape at Kowanyama. A draft fire management plan for the MARNP had stalled at the time of this research largely due to the lack of community ownership and control over the development of the strategy. Lack of ownership over planning activities for the park may prove to be an ongoing area of contention if QPWS continues to initiate such activities without first asking if the Kowanyama community can prioritise, plan and resource and preferably lead the development of such demanding activities (particularly in terms of local people’s time and expertise).

The devolution of authority and decision-making over both strategic planning and operational management is a characteristic of community-conserved protected areas and community-based management. The Commonwealth Government’s Indigenous Protected Area Program, for example, allows Aboriginal landowners to choose the level of government involvement and enshrines the community’s authority to decide what level of visitor access (if any) and development will meet their needs (Bauman & Smyth, 2007). The level of community control characteristic of the IPA program is not available to the owners of national parks under the *Cape York Peninsula Heritage Act, 2007* because ownership of the land is contingent on the area remaining a national park. Under the Indigenous Protected Area program, Indigenous landowners voluntarily enter into arrangements with the Commonwealth and can choose to cease their agreement at any time. Traditional Owners are provided with incentives, such as funding, that enable communities to manage their land for conservation purposes. Under the

CYPHA, it may be that traditional owners could feel coerced to accept a cooperative relationship with the State because the freedom of choice to use this land for purposes other than conservation is not available to them. However, if the Traditional Owners support the conservation objective and if adequate incentives are offered to support their other aspirations, Traditional Owners may agree to enter into an ACM regime.

If the Traditional Owners choose not to accept the conditions of the CYPHA the park will remain as is; a Government managed protected area with community involvement in day to day management under the Memorandum of Understanding. If they choose to engage with the government under the terms of this Act and continue to build their capacity for management, they can eventually come substantially closer to the 'community-conserved area' end of the continuum of governance options (Figure 2.3) where decision-making is devolved to the community. Of course, the community will still not have the same level of authority and responsibility for the area as they would over an Indigenous Protected Area for example. Therefore, it is possible that the Traditional Owners may choose to accept the conditions of the CYPHA as another interim measure[82]; and only if there is evidence of government support for the future devolution of authority and for the community to continue to build their capacity for community-based management of the area.

It may come to pass, however, that the response from the Oykangand people and the successful implementation of the CYPHA may depend less on the content of the Act itself (and the political promises made when the legislation was passed), than a number of other factors. These factors may include:

- The relationship between the community and government facilitators, particularly the level of trust and cross-cultural understanding between the Traditional Owners and QPWS operational staff
- The policy developed from the Act; for example, will the government be willing to go beyond building capabilities for day to day management and eventually relinquish control of strategic management so that Kowanyama can take a leadership role in strategic planning and other activities in the park?
- The flexibility of the government to respond to community priorities, timeframes and competing demands of contemporary Aboriginal land management
- Even though the Traditional Owners have the support of their Land Office as a community-owned agency, consideration needs to be given to whether Kowanyama

[82] In October 2009, the Traditional Owners' signed an Indigenous Management Agreement (IMA) with the state under the CYPHA. IMA negotiations commenced following the cessation of fieldwork for this thesis in November 2007.

and the Traditional Owners have adequate capacity, particularly well-informed representatives, available to:

  - Engage in potentially demanding and time-consuming negotiations, and
  - Provide consistent, best practice Aboriginal management of the national park over time

- The resources and support available for negotiations and for community-based management must be secure and long-term if the community is to maximise capacity-building and the benefits of owning and managing their national park homeland. In particular, long-term secure (non-CDEP) employment for KALNRMO rangers and Land Office managers is vital and will foster the necessary stability and incentive necessary for enduring and effective protected area management.

6.6 Discussion

6.6.1 A Unifying Purpose or Uncommon Ground?

In Chapter 2 it was anticipated that if the proposed co-managing parties share a *common or unifying purpose* for entering into co-management of a protected area, a foundation for future cooperation and collaboration will exist. The evidence from this research strongly supports this premise.

> *"Clearly, the need to find that common ground is acute to avoid the head on collision that is looming between the conflicting interests of National Parks and Aboriginal usage on traditional land"* ("Aboriginal interests and conservation interests are not necessarily the same," 1989)

Finding common ground has not been a simple task in Cape York Peninsula because conflict over land-use issues has characterised the relationship between Indigenous and non-Indigenous Australians in the region for decades. The creation of national parks has long been seen by Aboriginal people as a form of invasion and dispossession due to the manner in which many of them were created and the restrictions placed on hunting, fishing, homeland development and potential economic uses (B. R. Smith, 2002; B. R. Smith & Claudie, 2003). The actions of the Bjelke Peterson government in 1976 in blocking Koowarta's acquisition of the Archer River pastoral holding by declaring the property a national park caused outrage amongst traditional owners and was eventually (several years later) found to be an act of racial discrimination.

From this very low base of trust in the 1970s, subsequent governments have made efforts to reconcile Aboriginal people's aspirations for their traditional homelands with the broader non-Indigenous community's demands for expansion of the protected area estate in the Peninsula. However, at the time of this research, these efforts had been unsuccessful in creating common

ground for ACM for several reasons. Berkes and Davidson-Hunt (2006, p. 45) state that 'integrated responses', where more than one objective is developed to support both ecosystem services and human wellbeing simultaneously, may be seen as a way of moving from problem-solving in simple systems to problem-solving in complex adaptive systems. Efforts to introduce a co-management regime under the ALA lacked recognition of the complexity of the social-ecological system and the complex problem-solving needed to recognise multiple objectives. The Queensland Government's protected area management policy focused on a single objective - the cardinal principle for national park management under the NCA – *the permanent preservation of natural and cultural resources*. The Aboriginal community's goals for their homelands, including creating sustainable livelihoods and improving community well-being, were largely ignored under the ALA and NCA. Some traditional activities, such as hunting, were also perceived by the non-Indigenous community to be incompatible with the cardinal principle. Ultimately ACM failed to emerge.

Research into the implementation of a Turtle and Dugong Hunting Management Plan developed by Hope Vale Aboriginal community in Cape York Peninsula and the state management agency found that complete agreement was not a prerequisite for planning. However, locating points of difference or potential conflicts in each other's positions are critical. Developing management actions based on common ground was identified as an important first step in achieving positive environmental and cultural outcomes and equity in environmental decision making (Nursey-Bray et al., 2010).

As found in Chapter 2.6.2, there are a number of possible rationale or motivations for entering into a protected area co-management and the differences in Indigenous and Western knowledge systems and ideologies can challenge the prospective co-manager's ability to agree on common management principles. A new philosophical perspective is required to frame a co-management approach that is socially and ecologically sustainable, pragmatic and ethical.

In 2007 the CYPHA was passed with the bipartisan support of the government, opposition, regional Aboriginal organisations and the pastoral industry. Advocates of the legislation stated that it will address Indigenous disadvantage through support for multiple objectives such as economic, sustainable development and capacity-development opportunities that contribute to community livelihoods and improved wellbeing. The government has agreed to recognise that:

- Traditional Indigenous practices are inherently linked to the health of the land and its people
- Different parties contribute different skills, knowledge, resources; and
- Co-management is a means to resolve past injustices, including the appropriation of traditional lands and the removal of indigenous people from their homelands

Advocates of this legislation also believe that it will:

- Address disadvantage through economic, sustainable development and capacity-development opportunities that contribute to community livelihoods and improved wellbeing

The recognition of these multiple objectives for national park management improves the likelihood that common ground can be created between the parties, as long as traditional owners accept the primary conservation objective without coercion. Arriving at an ethical decision regarding entering into ACM requires an examination of various perspectives and making an informed choice in full knowledge of the alternatives and situational circumstances (Fennell et al., 2008). Ethics needs to be a fundamental concern for ACM as successful ACM regimes are freely entered into.

The Oykangand people do accept the conservation objective for their MARNP homeland and have freely entered into a MOU with QPWS for the co-management of the national park. The Oykangand people are supported by their community, including KALNRMO. Chapter 8 will present many examples of the Kowanyama community's capacity to identify common ground both internally within the community and also with external parties with an interest in the management of a natural and/or cultural resource.

The MOU between the Uw Oykangand and QPWS is an interim measure whereby the Traditional Owners can realise many of their aspirations for their homeland while continuing to work towards their higher goal of Aboriginal land tenure and community-based management. The CYPHA allows for traditional owners to be recognised as the statutory owners of the national park. In addition, the Act allows traditional owners to undertake as much of the day-to-day management of the national park for which they have capacity. However, the Oykangand people aspire to community-based management of the park, including taking the lead in strategic management activities, such as planning and research, and integrating their management responsibilities for the MARNP with their larger homeland area which surrounds the protected area.

It was not clear at the time of this research how well the CYPHA would meet the aspirations of the Oykangand Traditional Owners as the policy and other resources that would support implementation of the Act had yet to be finalised. This Chapter has also raised questions regarding the importance of the resources provided to support the negotiation and implementation of a potential ACM regime. The resourcing and current management of Cape York Peninsula's protected areas are therefore analysed in greater depth in Chapter 7.

6.6.2 Building Positive Relationships for ACM

Building on the three previously presented themes (Valued Resource, Recognised Rights and Common/Unifying Purpose), this chapter has also demonstrated that developing positive relationships based on communication, respect and trust is vital to the negotiation and implementation of an ACM regime. Positive relationships were found to be a critical enabling precondition for ACM and need to exist within each party (cohesive internal relationships), with external networks and between the prospective co-managers. There is much evidence in the literature to support the finding that relationships are critical to the success of ACM (Armitage, 2007; Pinkerton, 1989). For example, in the Cape York Peninsula context, Smyth (1981, p. 60), found that:

> *"By developing a climate for communication, it should be possible to understand that the long term interests of Aboriginal people and the QNPWS have a common foundation; that is, the restoration, preservation and continued well-being of Australia's natural heritage."*

Relationships based on trust may only develop when each party recognises that they have common ground and there is a climate for communication. Thirty years of conflict in CYP had arisen from the unilateral declaration of national parks and the denial of Aboriginal aspirations and interests in their homelands. According to Castro and Nielsen (2001), some conflict may be necessary before the state and Indigenous people are willing to enter into negotiations for a co-management agreement. Negotiating co-management can also see new conflicts emerge or cause old ones to escalate. Repairing the broken relationship between the state and the Aboriginal community, therefore, is recognised to require great effort from both QPWS and Traditional Owners. As stated in section 6.4.6, Oykangand Traditional Owners recognise the need to build a relationship with QPWS based on trust before taking matters further and entering into a co-management arrangement. QPWS senior officers also stressed the importance of "building a pragmatic relationship of people working on country" as a kind of bottom-up way of building trust into a future "political" relationship between Aboriginal people and the management agency[83]. It was proposed that QPWS and Aboriginal Community Rangers receive cross-cultural training, secondments, exchanges, fieldtrips and joint training programs as relationship building exercises. This situation is consistent with the recommendations of Valentine (2000, 2008), Selin and Chavez (1995) and Wells and McShane (2004) and others (see Chapter 2.5.1) in that reconciling the aspirations, rights and interests of multiple stakeholders is a formidable challenge. Managers need to develop new skills to enable them to move from the 'expert opinion' role found in traditional protected area management to a role

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[83] *QPWS#1 interview 28-1-07*

that seeks to collaborate, to incorporate the views of multiple stakeholders and to facilitate the building of relationships based on respect, communication and trust. The organisational culture of QPWS, including the internal relationships within the organisation, is explored further in Chapter 7.

Representatives of Aboriginal regional bodies emphasise that QPWS and Aboriginal communities need to start seeing each other as an opportunity rather than as a threat[84] - "the fundamental cultural shift that government agencies and the general public need to make … is around trust". Building the organisational strength of QPWS and assisting Aboriginal communities to build strong Indigenous institutions at a regional and community level will assist each party to navigate each other's aspirations and capacity and help them work together. Building positive relationships is also dependent on an equitable balance of power between the parties, which will stem from the recognition of each party's right to be involved in the co-management of the resource. The CYPHA allows Traditional Owners to create a representative body known as a 'Land Trust' that will hold title to the national park and will be accountable for implementing Traditional Owners' responsibilities under the Indigenous Management Agreement that is negotiated with the State. If both parties are able to negotiate what they perceive to be a fair share of power and authority (based on recognising each other's rights, responsibilities and other elements of capacity), then positive relationships are more likely to develop.

At the time of this research, KALRNMO assisted the Traditional Owners to plan and conduct their own planning and on-ground management activities for their national park homeland[85]. These works were their own initiative and often undertaken at their own expense or with assistance from other external partners (e.g. CEPANCRM). Many of the on-park operations occurred with the full knowledge and cooperation of the QPWS rangers based in Chillagoe who recognised the benefits of involving the community to conduct management activities they often did not have the capacity to perform themselves. At the time of this research, some of the more complex management activities, e.g. fire management, were conducted jointly on-park. These operations helped to increase the level of trust, understanding and respect between QPWS rangers and the Traditional Owners. Additionally, the long-term tenure of several QPWS rangers in their positions (up to 25 years), assisted the Traditional Owners, KALNRMO rangers and QPWS rangers to create long-term interpersonal relationships, a core organising principle in Aboriginal life (B. R. Smith, 2002). However, the relationship between the community and QPWS rangers should not be idealised. Communication between Chillagoe and Kowanyama was at times ad hoc; the QPWS rangers' sense of 'ownership' of the park was very

[84] *CYI interview 23-8-07*
[85] *Homeland Work Schedule Report 2006*

high, and trust in the TOs to conduct complex tasks remained low. However, as trust is a fundamental requirement for the self-organisation required for the emergence of ACM and takes time to emerge (Olsson, Folke, & Berkes, 2004; Pretty & Ward, 2001) the collaboration of Traditional Owners and the QPWS rangers over time bodes well for continuing to build a positive relationship between the parties.

While the relationship between Traditional Owners and the QPWS operational rangers at Chillagoe has steadily improved from continuing contact over the years, the same level of trust had yet to form between Traditional Owners and senior QPWS officers and the Queensland Government based in Cairns and Brisbane. However, the negotiation of the MOU was seen by the Traditional Owners as an act of faith by both parties and has resulted from the slow shift in the Government's position of antagonism, to denial and then towards recognising and supporting Aboriginal aspirations. If successfully implemented, the MOU will further assist the growth of trust and respect between senior QPWS officers and the Traditional Owners and could facilitate the negotiation of an Indigenous Management Agreement under the CYPHA.

6.6.3 The Will or Commitment to Implement ACM (Legislation & Policy)

As stated in Chapter 2.3.1, the IUCN definition of a protected area is: "A clearly defined geographical space, recognised, dedicated and managed, through *legal or other effective means*, to achieve the long-term conservation of nature with associated ecosystem services and cultural values" (Dudley, 2008, p. 8). The establishment of legal or other effective means to manage protected areas was found in Chapter 2.6.1 to be a necessary attribute of a protected area co-management system. However, designing and adopting new institutions or regimes for managing common pool resources are difficult tasks and therefore requires substantial will or motivation to make institutional changes (Ostrom, 1990).

QPWS and the Queensland Government must prioritise the creation of partnership agreements with Traditional Owners and facilitate reform to allow cooperative management arrangements for protected areas to be negotiated and implemented. This is an important step toward Traditional Owners regaining full responsibility for the management of their country. As stated by Phillips (2003, p. 31),

> *"In theory, at least, we know now what needs to be done to achieve successful protected areas. The challenge, as always, is to apply the theory. This requires that we develop support among people and their political leaders for protected areas."*

A critical role played by political leaders is to introduce legislation and policies that support the paradigm shift in protected area management. Legislation and policies must legitimise local participation in co-management arrangements by:

- clearly defining jurisdiction and control
- recognising rights and defining and clarifying responsibility and authority of each partner
- recognising local decision-making arrangements and support local enforcement and accountability mechanisms
- enabling flexibility so organisations can make arrangements suited to their needs (Pomeroy, 2007; Pomeroy & Berkes, 1997)

Legislation and policy that support adaptive co-management of common-pool resources has been described as a fundamental aspect of adaptive capacity. Berkes (2007) writes that legislation enabling the decentralisation of protected area management was passed in Tanzania that has enabled communities to manage their own affairs. The co-management of Marine Protected Areas in Belize suffer from a lack of coordination, cooperation and commitment among the management agencies that need to be resolved at the legislative level and supported by the creation of national-level policies and guidelines. However, McConney, Mahon and Pomeroy (2007) write that the state must remain a powerful actor in support of its delegated co-management functions to ensure the cooperative implementation of these policies and guidelines.

In Cape York Peninsula negotiating 'Indigenous Management Agreements' under the CYPHA with all willing traditional owner groups and their communities will take many years. The previous chapter has shown that the Oykangand people are willing to negotiate and enter into interim arrangements for the MARNP if there is a commitment by the Queensland Government to their long-term vision of Aboriginal land tenure and community-based management. In addition to supporting the emergence of adaptive co-management regimes, political leadership and support for community-based management of national parks will also need to be ongoing (sustainable) for as long as Indigenous homelands remain a protected area under the *Nature Conservation Act 1992*. It is absolutely imperative that government resourcing and funding allocations for the management of protected areas in Cape York Peninsula continue to increase appropriately as the number of communities taking on the management of their national park homelands increases. While the Indigenous Protected Area program has demonstrated that investment in community-based protected area management is cost effective and has the added benefit of improving Aboriginal people's social, cultural and economic wellbeing (Gilligan, 2006), this does not guarantee continuing government funding allocations.

6.6.4 Having a Focus for ACM

> *"Co-management should be introduced with procedural safeguards and remain subject to periodic review"* (Wright, 1994, p. 528).

A strong theme that is emerging from this research is having a 'focus' for adaptive co-management, which means being able to convey clearly to the other party what you want to achieve from your role in ACM and, importantly, having a plan for how you intend to achieve it. Chapters 5 and 6 have identified and discussed the Oykangand Traditional Owners aspirations for their national park homeland and the state's objectives for the management of national parks in Cape York Peninsula and found many areas of common ground. The Oykangand people have been clearly articulating their aspirations to the state since at least 2000. Their aspirations include overarching principles, longer-term strategic goals and a basic plan for on-ground management of the area. By entering into a Memorandum of Understanding with QPWS in 2007, the Traditional Owners have demonstrated their ability to focus on both short and long term goals. They view the MOU as an interim means of increasing their capacity to lead management of the national park, while they continue to work towards their higher goal of Aboriginal land tenure and community-based management. These interim arrangements are likely to provide a means towards obtaining greater responsibility for the management of the MARNP. Pinkerton (1989) found that co-management is most likely to develop when there is an opportunity for experimental co-management of one simple function, which may later be expanded to other functions. The Uw Oykangand Traditional Owners' experience in developing relationships and capacity incrementally is similar to that of Girringun Aboriginal Corporation (Girringun) on Queensland's east coast at Cardwell. Girringun's journey towards co-management is described as a process of evolution from modest beginnings and strategic opportunism (Zurba et al., 2012). In the absence of clear government policy and statutory Indigenous rights, Girringun's leadership successfully implemented a 'learning-by-doing' approach. Effort was concentrated on building relationships and incrementally developing organisational capacity and responsibility for protected area management over time.

We have also seen from this and earlier chapters that the State does not have a good track record in establishing an acceptable statutory and policy foundation for achieving ACM. Nor had the State managed to develop and implement management plans for any protected area in Cape York Peninsula. Scientific monitoring of environmental conditions in the MARNP is limited to one long term vegetation monitoring site, and the area has yet to benefit from comprehensive surveys to understand the true diversity of flora and fauna to maximise the quality of information upon which management planning is based.

At the conclusion of this research in 2007, the State had not outlined in any specific terms how they intended to implement the CYPHA and to negotiate co-management agreements with the Traditional Owners of the Peninsula. However, the introduction of the CYPHA has demonstrated that the State is able to learn from the mistakes of the past. While the policy and implementation details of the legislation have yet to be released, the CYPHA was developed with the support of Aboriginal people and resources for implementation have been pledged by the Queensland Premier. This shows a significant improvement from the conditions for co-management under the ALA.

A significant challenge to adaptive co-management in the MARNP is the need for the Traditional Owners and QPWS to be able to tailor their own co-management arrangements to suit their aspirations, objectives and combined capabilities. At the time of this research, the Uw Oykangand did not find national park co-management arrangements currently available in the Peninsula and in other states and Territories attractive. Environmental conditions, risks and the capabilities of each party may also fluctuate over time, so flexible arrangements and planning instruments are likely to increase adaptive capacity and resilience and reduce vulnerability in the social-ecological system (Adger & Vincent, 2005).

There is also a need to integrate the knowledge (both contemporary and traditional) of traditional owners into all levels of planning for protected areas. National strategies for environmental conservation to individual protected area management plans that incorporate both Indigenous knowledge and Western science form a strong basis for environmental protection (Worboys, Lockwood, & De Lacy, 2005). As stated by Langton, (1998, p. 8), "Aboriginal and western systems of knowledge are parallel, co-existing, but different, ways of knowing." It is the complementarity of local and/or Indigenous knowledge and scientific knowledge that makes co-management stronger than entirely community-based management or government management of protected areas (Pomeroy & Berkes, 1997).

Another challenge to implementing ACM in the MARNP and the Peninsula, will be for the State to recognise that national park boundaries are a Western construct and rarely, if ever, follow traditional estate boundaries.

> *"The collective visions of Kowanyama's elders concerning the scope of environmental management go well beyond the standards for national parks. The council points out that "it would be a sad thing indeed if the only land people cared for in the future were national parks and protected areas"".* (Cordell, 1993, p. 111)

As boundaries may be arbitrary or meaningless to Indigenous people, engagement of Traditional Owners in natural and cultural resource management in the Aboriginal landscape beyond the protected area is absolutely necessary.

It has been found in Chapter 5 that QPWS does not have a management plan in place for the MARNP or any other protected area in Cape York Peninsula. However, the management principles for national parks are defined in legislation and policy documents such as the NCA and the Master Plan. A process for achieving co-management of the national parks was clearly articulated in the ALA but the conditions were unacceptable to Traditional Owners so efforts to create co-management agreements failed. More recently, the CYPHA was developed to provide a new pathway to co-management. However, the policy for implementing the Act has yet to be developed and released so it is not yet possible to foresee if Aboriginal people will enter into negotiations or accept the terms and conditions for co-management under this Act. Therefore, while QPWS can clearly articulate 'what' they want to achieve, they are unable to clearly articulate to Traditional Owners, 'how' they intend to achieve it.

This and previous chapters has therefore demonstrated that a focus for ACM is a critical feature of adaptive capacity for making ACM in the MARNP feasible. So far, having focus entails:

- Knowing *what* you want from ACM - being consistent in your aspirations and/or objectives and having a well-articulated understanding of *how* you will achieve your goals
- Having the ability to learn from past experiences, both successful and unsuccessful, and to adapt future arrangements to ensure adaptive capacity continues to be developed
- Having the ability to plan for ACM, including developing strategic and short term plans and technical solutions to management dilemmas, based on research and monitoring
- Integrating Indigenous knowledge (both traditional and contemporary) with western scientific knowledge
- Having the ability to self-organise and not be forced to comply with 'models' for co-management that may not be suited to the context, nor restrict activities to within meaningless boundaries.

6.7 Conclusion

Clearly the statutory recognition of the ongoing connection or relationship of the Oykangand people to their homeland by external parties is a critical 'observable variable' that supports the Traditional Owner's aspirations for the statutory ownership and the community-based co-management of the national park. The Traditional Owners' relationship with the land is, in this case, uncontested within the broader social-political setting and this supports the feasibility of

ACM. The Oykangand people's relationship with their homeland area is supported by the physical proximity of the Kowanyama township and the homeland site at Shelfo (*Errk Igow*). The Oykangand people's relationship with the homeland is based on their social, cultural and economic dependence on the homeland, the maintenance of their knowledge and their mental models of the homeland, their history of use of the homeland. In addition, the leadership and wisdom provided by elders such as Colin Lawrence and Alma Wason in imparting their worldview and aspirations for their homeland to external parties with an interest in the national park (e.g. politicians, government officers, Indigenous organisations, researchers) demonstrates their commitment and will to implement ACM.

This chapter has shown that, to be feasible, an adaptive co-management regime must have the support of both the community and government and leadership to drive reforms to legislation and policy that legitimises local authority and responsibility for national park management. Both parties must have the will to work together to make ACM work, to create a common ground or a unifying purpose for the national park homelands and to commit to working together towards that vision over the long term. Government must have the will to develop legislation and policy that devolves an appropriate level of authority and responsibility to local communities and to assist them to build their capacity so that they may achieve their aspirations for their homeland and their people while maintaining the natural and cultural heritage for which the national park is protected.

The unique context and capacities of each community in combination with the legislative environment at the time of this research resulted in a lack of feasible co-management arrangements for the protected areas across Cape York Peninsula. While it is important for a range of governance options to be available to maintain the adaptive capacity of a complex social-ecological system, such regimes are often difficult to negotiate and require a strong focus for achieving ACM. Having focus means being able to convey clearly to the other party what you want to achieve from your role in ACM and, importantly, having a plan for how you intend to achieve it.

Chapter 7 State Management of Protected Areas in Cape York Peninsula

"There are other areas where important contributions can be made, especially in national park and Aboriginal land management. Unfortunately, because such activities are rarely seen as value adding to the national economy there is a reluctance by government to provide appropriate resources." (Altman, 2001, p. 15)

7.1 Introduction

In the last 30 years, much has been written about the urgent need to protect the natural and cultural attributes and qualities of Cape York Peninsula, one of the most ecologically complex regions left on earth. There has been a substantial increase in the area of land placed into formal protected areas in the region since the mid-1990s. At the commencement of this research in 2005, the size of the protected area estate captured 15 percent of the land area of the Peninsula (Larsen, 2005). Potentially, the area could increase further to 22 percent or more if the areas of long-term unresolved tenure, where Queensland Parks and Wildlife Service (QPWS) has a significant interest, are also gazetted as protected areas. There is also widespread support for the notion of World Heritage listing for appropriate parts of the Peninsula - Queensland Government election commitments provide impetus toward achieving this and other conservation objectives within the region.

While efforts to enhance the protection of this region are to be commended and encouraged, the increase in the protected area estate brings a much greater management responsibility and resourcing requirements. The aim of this chapter is to investigate the effectiveness of the resourcing and management of protected areas in Cape York Peninsula, and the Mitchell-Alice Rivers National Park (MARNP) in particular, in terms of achieving the desired outcomes of adaptive co-management (ACM). That is, to protect and maintain biodiversity and natural and cultural resources and to improve the lives of Aboriginal people (sustainable livelihoods and improved wellbeing).

This chapter turns the reader's attention once more to the observable variables of the social-ecological system, including the governance system (GS), the users (U) and the social-economic-political setting (S), in order to identify those critical preconditions or aspects of capacity that make ACM feasible (see Figure 7.1).

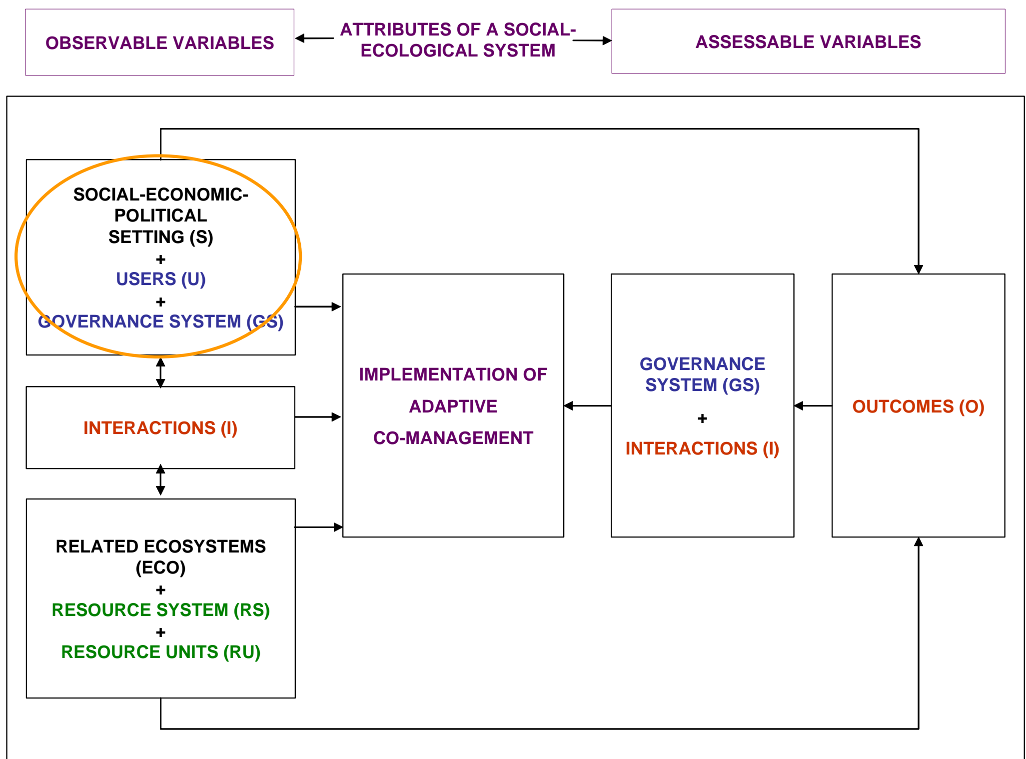

Figure 7.1 Framework to assess feasibility of adaptive co-management with circled areas of general investigation in Chapter 7

The data presented in the graphs and tables in this chapter were collected in the first few months of this PhD research in early 2005, as part of a consultancy report commissioned by The Wilderness Society (see Chapter 1.1.2). The report was subsequently published online and is included in this thesis as Appendix E.

Section 7.2 analyses the financing of protected area management, including government funding allocations in Cape York Peninsula (CYP) and the MARNP and asks the question, "how much is enough?" Section 7.3 analyses the human resources available to manage the protected area estate in CYP and seeks to understand how greater involvement of Traditional Owners and Indigenous communities can assist the government to achieve best practice standards in PAM. Section 7.4 provides a discussion on two critical preconditions for the negotiation and implementation of ACM that emerged during this chapter. The first theme to emerge - 'positive relationships' - is a continuation of the theme first described in Chapter 6. In this chapter, a discussion is provided on the relationships *within* QPWS, particularly in terms of how the organisational culture of the agency may influence the negotiation and implementation of ACM. The second theme discussed is termed the 'capability' of the organisation to facilitate negotiations and the implementation of ACM for the MARNP, specifically asking if QPWS has

the financial and human resources available to assist the Oykangand Traditional Owners to meet their aspirations for their national park homeland.

7.2 Financing Protected Areas

Numerous authors have commented on the inadequacy of funding and staffing resources provided by governments around the world for all aspects of protected area management (e.g. Carey, Dudley, & Stolton, 2000; Collins, 2000-01; Department of Industry, Tourism and Resources (DITR), 2003; Hall & McArthur, 1996; Wearing & New, 1990). Queensland is not exempt from such censure and, as the following sections will show, has attracted much criticism in this regard since the early 1990s from both internal government sources and external observers.

The aggregate environmental economy in Cape York Peninsula has been conservatively estimated at $30 million per annum in 2006 and growing, while environmental and natural resource management activity represents up to ten percent of total economic activity in the region (Cape York Institute for Policy and Leadership & Balkanu Cape York Development Corporation, 2007). The region's protected areas are also important for the generation of revenue for the Queensland Government: "For every $1 of government funding invested in their management, national parks generate more than $40 worth of economic activity in the Queensland economy" (Environmental Protection Agency (QLD), 2001, p. 14).

Lindberg & Denstadli (2004), found that the revenue generated by tourism at Daintree National Park[86] alone ($13.59 million) provides the Queensland Government with almost as much revenue as the total amount spent by QPWS on visitor management throughout the state's park system ($17 million). The authors emphasise that even when benefits are measured in purely financial terms, tourism in protected areas "more than pays its way" (p.45). With the importance of natural and cultural resource management and tourism in the Cape York Peninsula region, within which the protected area estate has a central role, it must be a quite simple task to justify an appropriate investment in their management?

Yet, the under-resourcing of protected areas, particularly of staffing and funding requirements, is a constraining factor in the effective management of those areas. Park management agencies compete with other public sectors (such as health, education or roads) for government revenue. From a political perspective, these other sectors may have a higher perceived need and priority within the community than conservation and the environment and subsequently benefit from greater political attention. However, as stated by Beeton, (2001, p. v) "a well managed

[86] Daintree NP is located in the Wet Tropics World Heritage Area, immediately south of the Cape York Peninsula region and just outside the study area.

protected area system is an essential element in a modern society and a key to effectively establishing [Queensland's] identity in terms of its natural and cultural heritage". Additionally, traditional management of Indigenous lands is increasingly seen as a national benefit and of value to the Australian economy due to traditional owners' ability to deliver conservation management at equivalent or lower cost to the public than the state management of protected areas (Altman, 2001; Moran, 2006). Environmental management is also more efficient when Indigenous people can collaborate with the state agency on planning and management rather than be embroiled in conflict over resource use (such as hunting) and other Indigenous rights (H. Ross, 2000).

7.2.1 Government Funding Allocations in CYP

In September 1994, the Queensland Minister for Environment and Heritage, Hon. Molly Robson, announced a review of the adequacy of resourcing of the parks of Cape York Peninsula. Ostensibly, the intention of the review was to ensure "that Government's commitment to a world class system of national parks is being delivered" (Gall, 1994, pp., p.33).

The review, conducted by the Director of Queensland National Parks and Wildlife Service - Bruce Gall (henceforth referred to as the 'Gall Report'), found the funding situation in CYP protected areas to be in a state of deep crisis. There was, for example, insufficient financial support to pay the salaries of existing park staff and the operating budget was less than a third of what was considered sufficient (at the time) to meet an 'effective' standard of management. Community and industry groups in the region were also highly critical of the level of staffing and financial resourcing of the parks. In the 1994/95 financial year, parks in the region together received a capital and operational budget of $294,000 to manage 10% of the land area of the Peninsula (under $0.22 cents / hectare).

By early this century, another public inquiry into the funding and management of Queensland's protected areas was conducted on behalf of the Local Government Association of Queensland (LGAQ). This inquiry also fiercely condemned the adequacy of the resources provided by the Queensland Government to manage the State's protected areas:

> *"The on-ground resources are not sufficient to effectively maintain the conservation values of the estate and maintain existing capital assets, let alone provide the visitor experiences, which are an integral part of the internationally recognised role of National Parks."* (Beeton, 2001, p. ii)

It appears that there had been little real improvement in the management of CYP protected areas in the elapsed time between the Gall and LGAQ reports.

Below is a graph (Figure 7.2) showing the capital and operational funding of the CYP Protected Area Estate from the 1994/95 financial year to the 2005/06 financial year.

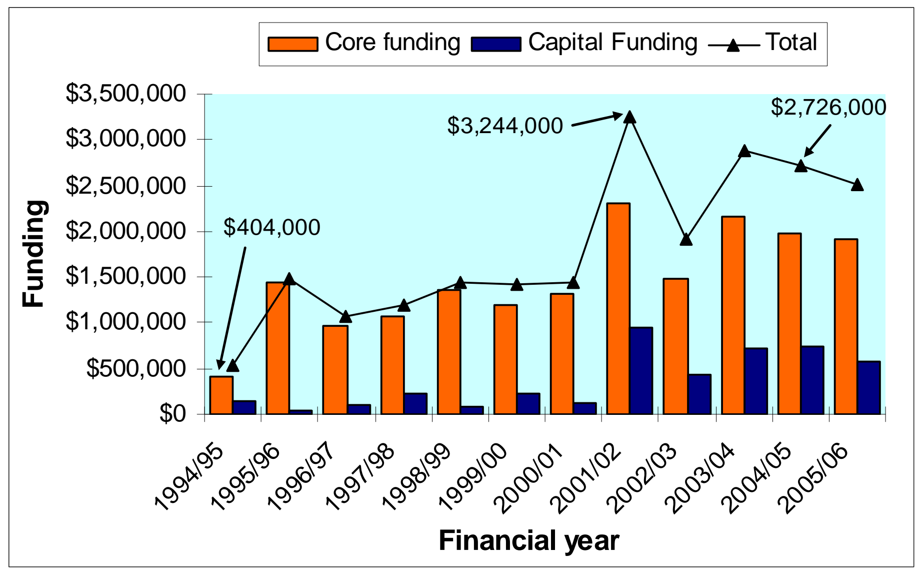

Figure 7.2 Total Funding of the Cape York Peninsula Protected Area Estate from Financial Years 1994/05 to 2005/06

Information provided by QPWS for this research shows that in the ten year period from 1994 to 2004, the size of the terrestrial protected area estate on Cape York Peninsula increased by 127,195 hectares while funding increased by almost $2.2 million, from $539,000 to $2.726 million. However, this is not an accurate depiction of the increase in lands managed by QPWS. The figure does not include Reserves for Environmental Purposes or many other properties purchased in the last decade which are currently the statutory responsibility of QPWS, or are lands for which QPWS has a significant interest[87]. As previously stated, in 1994 ten percent of the area of CYP was included in national parks (Gall, 1994) while almost 15% of the land area of the Peninsula is the statutory responsibility of QPWS in 2005. This is an increase of at least 685,000 hectares.

A downward trend in park funding across the region has emerged since the 2001/02 financial year, including a drop of $220,000 for the 2005/06 financial year alone. Of this amount, Lakefield, the most highly visited national park in the region (estimated 30,000 visits/year), takes the greatest cut receiving almost a quarter less in the next financial year, a decline from approximately $1.40/ha to $1.05/ha (see

[87] Refer to Appendix E (Larsen, 2005, pp. 32-33) for a list of properties within the CYP protected area estate and areas of unresolved, long-term tenure where QPWS has a significant interest (are proposed as additional protected areas or will change their existing protected area classification)

Table 7.2).

In summary, despite an increase in Queensland Government funding for the management of protected areas on Cape York Peninsula over the last 10 years, this funding is insignificant in comparison to other regional State Government funding programs such as road and transport infrastructure and development. In the 2005/06 financial year, funding for protected area management totals $2.5 million, or three percent of the amount provided for road improvements ($79.6 million) in the region (Larsen, 2005). In addition, the protected area estate has grown by at least five percent during the last ten years, not including a number of newly acquired properties awaiting tenure resolution for which QPWS has a significant management interest. The management needs of these properties must also be considered when funding is allocated. See Table 7.1 below for a summary of the issues and resource demands that impact on the funding required to effectively manage the protected area estate in Cape York Peninsula.

Table 7.1 Summary of Issues and Resource Demands Impacting on Cape York Peninsula Protected Areas (from Larsen, 2005)

- Resolving tenure, ownership and native title rights to acquired properties
- Negotiation of cooperative or joint management arrangements for current protected areas and newly acquired properties
- Increasing the number of Indigenous-identified Ranger positions within QPWS and recruitment of more Rangers with remote area experience to live and work on-park
- Capital investment in park infrastructure such as Ranger accommodation and equipment
- Campsites and other infrastructure to encourage visitation and reduce impacts at sensitive sites
- The development of Management Plans (including financial plans) and other significant management documents vital for the application for World Heritage listing including:
- obtaining the informed consent and participation of Traditional Owners for WH declaration
- fire management plan
- feral animal control strategy
- weed control strategy
- significant wildlife management strategies (e.g. crocodile), and
- wildlife recovery plans for vulnerable or endangered fauna and flora
- Improving research and monitoring of natural and cultural heritage, particularly in newly acquired properties
- The development and implementation of tourism management strategies for the region and individual parks, including:
- the implementation of monitoring systems to assess visitor satisfaction and their impacts at sensitive sites
- Improved reporting (e.g. ‘State of the Park’ reporting) of:
- environmental condition and management activities against key performance criteria

- protected area budgets, income, expenditure and outputs in the region

7.2.2 Government Funding Allocations in the MARNP

As stated in Chapter 5, no data exists on the funding actually spent on the state's management of the MARNP[88]. On-ground or operational management of the MARNP is planned and carried out as part of larger work program that includes all other parks in the Northern Dry Tropics sub-district (NDT) sub-district. The NDT protected areas managed by rangers from their Chillagoe base include: Mitchell-Alice Rivers NP, Chillagoe-Mungana Caves NP, Staaten River NP and the Palmer Goldfield Resource Reserve – about 526,800 ha in total. Only the MARNP and Palmer Goldfields Resource Reserve are located within the CYP study area. QPWS allocates annual funding to the NDT, and the rangers allocate the annual budget across their management areas as they see appropriate.

Operational budget for the NDT:

- Financial Year 1998/1999: $20,500
- Financial Year 2001/2002: $26,163.01
- Financial Year 2005/2006: $126,000
- Financial Year 2006/2007: $173,019

No capital funding was provided for the MARNP. The operational budget of $0.24/ha in the NDT sub-district in 2005/06 may be compared to operational funding of $1.20/ha in the CYP region in the same year (refer to

[88] *QPWS Chillagoe 11-9-07 (final)*

Table 7.2). Despite this very significant difference in funding amounts, at the time of interview in September 2007, the NDT Senior Ranger stated that the funding for the sub-district had increased over the last few years and was now "comfortable" and "even better than expected"[89].

7.2.3 QPWS Rangers' Perceptions of Protected Area Funding

Another way to assess the adequacy of funding to a protected area is to listen to the opinions of operational rangers based in the region and on-park. In a study of rangers' perceptions of tourism in North Queensland's protected areas, Larsen (2004b) found that an underlying perception common to all rangers who participated in the study was the belief that "organisational resources and support were in many respects grossly inadequate for many (if not all) aspects of management at park level, not just for tourism and recreation management" (p.25). For example, a ranger based in CYP stated:

> *"There're often things that we're lacking and require that are pretty integral to land management and we just can't purchase them... Often the case is there's no money and we just have to make do with a rundown campground which is a reflection upon the whole organisation, not just the park or ourselves."* (Larsen, 2004a, p. 62)

Rangers directly experience increasing visitor and community expectations in relation to park presentation and management standards. This in turn provides greater pressure for enhanced funding for protected areas. Protected area managers must be provided with adequate resources to support the management objectives for their areas lest poor morale leads to a loss of job satisfaction, high staff turnover (including loss of experienced staff), and less successful management outcomes (Larsen & Valentine, 2007; Larsen et al., 2006).

7.2.4 Comparison of Protected Area Budgets

The Cape York Justice Study found that "current Queensland National Parks on Cape York Peninsula are funded only at a level equating to less than 20% of the state average" (Fitzgerald, 2001, p. 362). Comparing the funding of individual parks or an entire protected area system can be a useful 'rule of thumb' indicator of the adequacy of resourcing in a region. At the commencement of this PhD research in 2005, I compared the funding provided to CYP parks with other Australian and international management agencies. Care was taken to compare 'like with like', however, such comparisons should be read with caution as information on what items or services are included or excluded in the budget figures were not always readily available.

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[89] Care has been taken in comparing these two data sets. However, even though data on 'operational' funding was requested from QPWS, the data were supplied from two different sources within the organisation and obtained 2 years apart (2005 and 2007).

Table 7.2 Budgets of Selected Protected Area Management Agencies in Australian Dollars per Hectare

Country / State	Year	Area (ha)	Budget (A$) '000	Budget (A$ per ha)
† United States	1993	69,376,500	-	20.20
† Canada	1991	29,534,500	-	8.70
† Israel	1993	392,900	-	7.00
† South Korea	1993	756,800	-	103.00
† Malaysia	1994	265,800	-	26.20
† Ghana	1993	1,268,100	-	2.00
∞ Queensland	2004	12,239,750	105,400	8.60
¥ Australia (Cth parks)	2004	2,131,200	57,545	27.00
Kakadu NP	2004	1,980,400	21,380	10.80
§ New South Wales	2003	5,899,882	109,131	18.50
Cape York Peninsula	2005	2,031,698	2,726	1.30
	2006	2,031,698	2,506	1.20
Lakefield NP	2005	537,000	736	1.40
	2006	537,000	563	1.05

† adapted from James, Green & Paine (1999) & converted from US$ to A$ at 1st July 1996 exchange rates (US$1=A$1.27033) and from square kilometres to hectares
∞ Figures are for QPWS Parks Division & includes terrestrial & marine parks (EPA (QLD), 2004)
¥ As per the Director of National Parks Annual Report, 2003/04; Budget $/ha includes expenditure in all terrestrial parks & reserves only; Area (ha) does not include Marine Parks (Director of National Parks, 2004)
§ Budget figure is for Program 3: Conservation management only (NSW National Parks and Wildlife Service, 2003)

As seen in

Table 7.2, in 2005, the parks in Cape York Peninsula received an average of $1.30/ha in operational and capital funding for on-park management. According to the 2003/04 EPA Annual Report, Parks Division of QPWS received a capital and operating budget of $105.4 million to manage 12,239,750 hectares of estate. This equates to $8.60 per hectare. CYP receives approximately 15% of the state average funding, a decline from 20% as stated within the Cape York Justice Study in 2001 (Fitzgerald, 2001). In contrast, the jointly-managed Kakadu National Park in the Northern Territory receives $10.80/ha in funding according to the DEH Director of National Parks 2003/04 Annual Report.

The parks of Cape York Peninsula are somewhat comparable to Kakadu NP in terms of their location in northern Australia; the vast size of the parks and their remoteness from large urban centres; the sparsely populated region; the diversity of natural ecosystems and natural resource management issues (e.g. fire, feral animals & weeds); their significant cultural values and Traditional Owners' aspirations for ownership and management; and the limited development of the region (e.g. road access and visitor infrastructure). It can be useful, therefore, to compare the resourcing of Cape York Peninsula parks to Kakadu.

While Kakadu NP is World Heritage listed and managed jointly with Traditional Owners and the parks of the Peninsula are not, there is a political commitment to pursue World Heritage listing and co-management in CYP. If this commitment is genuine and Lakefield NP, for example, were to be funded at $10.80 per hectare, the park's annual budget would increase from $736,000 to $5.8 million. Similarly, the budget for the protected area estate on Cape York Peninsula would increase to almost $16 million per annum.

However, the Cape York Peninsula protected areas have suffered from neglect for many years and there are numerous issues remaining which have long been resolved, or are closer to resolution, in Kakadu NP. Kakadu NP has benefited from nearly 25 years on the World Heritage register and has in the past been praised by IUCN for becoming "a model of effective park management" and for having a "a solid and well-funded field programme" (WCMC/IUCN, 1992, p. 136).

While a funding level of $10.80/ha may seem a reasonable short-term goal for CYP protected areas, this level of resourcing would not be sufficient to resolve long-standing problems and meet effective standards of protected area management in existing CYP parks and would be completely inadequate for the new acquisitions. The protected areas of CYP require substantially greater initial investment to elevate their management to the standard of that at Kakadu. A longer-term goal for world's 'best practice' protected area funding is provided in the following section.

In summary, a comparison made at the international and national level showed that the protected areas of Cape York Peninsula are grossly under-funded. For example, for the funding for Cape York Peninsula protected areas to compare favourably with that allocated for the management of Kakadu National Park in the Northern Territory, funding would need to increase from $2.7 million to $16 million per annum. However, this level of funding does not take into account previous years of investment in the operations and infrastructure of Kakadu NP.

7.2.5 What needs to be spent?

A commonly asked question is, "how much funding is considered adequate for 'best practice' protected area management?" There is not a 'magic' number as each park has specific characteristics which warrant the individual assessment of resourcing requirements. Best practice guidelines can provide a means by which to assess the appropriateness of management processes in use. However, 'best practice' management will vary from country to country and region to region depending on the circumstances that apply to different types of protected areas. "It is neither sensible nor possible to define a single 'best practice' for any area of activity" (Hockings, Stolton, & Dudley, 2000, p. 38), including for funding. When assessing the financial requirements of protected areas and establishing best practice management, agencies should to take the following into account:

- The size of the protected area
- Zoning regulations within the protected area
- Management responsibility including legal mandates (including co-management arrangements)
- Ownership of land and associated resources and features
- Regional variations
- External zoning regulations including buffer zones
- International designations / objectives of management
- Available resources
- Nature and extent of use of the protected area
- Nature and extent of threats to protected area values
- National cultural and behavioural norms
- Legal and administrative framework of the country

(Financing Protected Areas Task Force of the World Commission on Protected Areas (WCPA) of IUCN in collaboration with the Economics Unit of IUCN, 2000; Hockings et al., 2000)

Identifying specific best practice guidelines for the management of CYP protected areas is a complex process which must be negotiated with multiple stakeholders and would require far more resources and time than that provided for this thesis. In order to establish best practice management processes for an area, IUCN recommends utilising information from a number of sources, including:

- agency policies
- relevant provisions in existing park management plans
- best practice guidelines
- people with local, national or international experience in protected area management
- park staff, and
- local communities and others with a stake in the management of the area

It is appropriate to negotiate 'best practice' guidelines for CYP parks as part of negotiations for co-management and during the management plan development process which, as previously stated, has not been completed for any parks in CYP. 'Statements of Fire Management Intent' and threatened species management guidelines have been completed for selected areas within the CYP protected area estate, including the MARNP (Freeman & Garnett, 2004; Queensland Environmental Protection Agency, 2004).

The *Master Plan for Queensland's Park System* (EPA (QLD), 2001, p. 48) (the *Master Plan*) provides guidelines for *minimum* standards for park funding against which the adequacy of management can be discussed. Core funding:

- Must provide for protection of park resources and at a minimum basic resources for presentation, interpretation, research, inventory, monitoring and adaptive management, and
- Must be adequate to maintain and, where necessary, restore values and integrity and allow for the development of management arrangements with traditional owners.

Given the information presented in the previous section, it has been argued that resources are far too low for minimum standards of management to be met in Cape York Peninsula. In addition, while it may be a commendable goal in some countries or regions with limited resources and capacity to aspire to funding protected areas at less than $2 per hectare, it is not considered adequate by Australian standards, especially for a region with potential for World Heritage listing and for whose people are increasingly relying on the natural resource economy for improving livelihoods and community wellbeing.

As previously stated, developing effective management plans for CYP protected areas will be a complex process which must be negotiated with multiple interests and stakeholders. A

management and financial plan for each park must also undergo an extensive period of community engagement before being given effect under the *Nature Conservation Act, 1992* (QLD).

7.3 Human Resources: Staffing & Working Conditions

No amount of funding will be sufficient for the conservation and presentation of the protected areas of Cape York Peninsula if the management of human resources and the organisational culture of QPWS are not perceived by staff to support their on-going efforts. This section will demonstrate that not only the number of QPWS staff is insufficient for best practice management in the Peninsula; but also the organisational culture of QPWS may not be conducive to supporting high morale and job satisfaction from QPWS staff, despite their dedication to the environment and their management areas.

In the year 1985, the number of people managing the parks on Cape York Peninsula tripled from one person to three (Delaney, 1992). By the time the Gall Report was released in 1994, there were eight rangers based on CYP parks and five more were based at sub-district offices within the region. There were three unfilled ranger positions due to inadequate funding for the wages of existing staff. A further nine positions were identified as being “essential for the provision of quality management in the Cape” (Gall, 1994, p. 17). Ranger accommodation on park at the time did not meet Workplace Health and Safety requirements or the housing standards laid down by the Industrial Relations Commission. Rangers endured a work environment characterised by “poor road conditions, long travel times, harsh climate, high self-maintenance costs, costs of ration runs and relief staff, isolation, and being unofficially ‘on call’ all the time, [which] adds up to a heavy burden, both financial and personal” (Gall, 1994, p. 3).

There is no doubt that working conditions for rangers in the Peninsula have improved since this time, primarily due to industrial relations and workplace health and safety legislation requirements. According to QPWS, rangers’ working conditions in CYP have changed in recent years in a number of key areas including:

- Significant increases in the use of IT technology to support on-ground management
- Significant focus on staff safety
- Greater policy support to help guide decision making and on-ground management
- Advancement in core training and accreditation requirements for management activities
- Remote area communication equipment advances to support on-ground management, and
- Increasing management effort required to support growing visitor numbers

However, is the improvement adequate to support rangers and on-ground management to a standard expected by the public?

7.3.1 Rangers' Perceptions of Park Staffing

In research undertaken in 2004, Larsen found that rangers remain dissatisfied with the low number of operational staff on-park:

> *"We don't have enough staff – it's really so disappointing… So basically, we're hampered again in our management of these areas because of these restraints..."*

These findings are consistent with a submission from the Queensland Rangers Association to the LGAQ National Park Inquiry (Beeton, 2001, p. 9):

> *"Current general staffing levels are not in place to fulfil the basic legislative requirements of protected area management. Inadequate staffing levels exacerbate safety problems, create unsustainable workloads and generate low morale and personnel problems."*

Below is a graph showing the number of operational and administrative staff in the Cape York Peninsula district from 1994/95 to 2005/06.

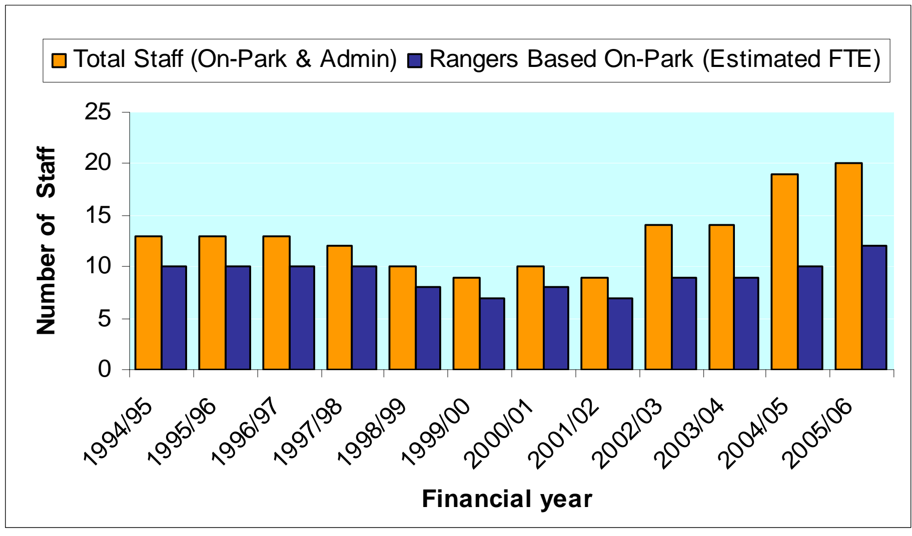

Figure 7.3 Total Staff Numbers and the Number of Rangers Based On-Park in Cape York Peninsula (FY 1994/95 – 2005/06)

While the graph at Figure 7.3 shows an increasing number of staff employed in the CYP region, there is also a widening gap between the total number of staff and the number of rangers based and working on-park. The gap represents administrative/support positions which are increasing at a faster rate than the number of rangers. The rangers themselves perceive QPWS to have a top-heavy organisational structure, for example:

> *"They're also now starting to put more people at the top of the ladder rather than the foot soldiers down at the bottom where we are and where they're needed..."* (Larsen, 2004a, p. 58)

With only nine staff members per 1,000 km^2 of protected area estate (refer to

Table 7.3), QPWS *is* understaffed compared to other Australian agencies - New South Wales NPWS (33) and Parks Australia (13); and is grossly understaffed compared to world's 'best practice' management the United States (33).

Table 7.3 Staffing Levels of Selected Protected Area Management Agencies (per 1,000 km2)

Country / State	Year	Area (ha)	Total Staff	Staff (per 1,000 km^2)
† United States	1993	69,376,500	23,029	33
† Canada	1991	29,534,500	3,823	13
† Israel	1993	392,900	250	64
† South Korea	1993	756,800	256	163
† Malaysia	1994	265,800	291	109
† Ghana	1993	1,268,100	680	52
∞ Queensland	2004	12,239,750	1,055	9
¥ Parks Australia (Cth)	2004	2,131,200	276	13
Kakadu NP	2004	1,980,400	65	3
§ New South Wales	2003	5,899,882	1,937	33
Cape York Peninsula	2005	2,031,698	19	1
	2006	2,031,698	20	1
Lakefield NP	2005	537,000	7	1

† adapted from James, Green & Paine (1999)
∞ Figures are for Parks Division & includes terrestrial & marine parks & staff (EPA (QLD), 2004)
¥ As per the Director of National Parks Annual Report, 2003/04; Area (ha) & Total Staff does not include Marine Parks (Director of National Parks, 2004)
§ Staff figures reflect total employees (number of Program 3 staff are not provided in Annual Report) (NSW National Parks and Wildlife Service, 2003)

In the 2005/06 financial year, there were only ten rangers based across all CYP parks, for an area roughly equivalent to that of Kakadu NP in the Northern Territory which had 65 full time equivalent (FTE) staff involved in park management. If Lakefield NP (where seven out of ten FTE rangers based on-park are located) were staffed at the same ratio as Kakadu NP, there would be 17-18 rangers instead of seven. The remaining protected areas in CYP would not have three FTE rangers based on park, there would be 49.

When using the Parks Australia ratio of 13 FTE protected area managers per 1,000 km^2 of protected area estate, the total number of staff in the CYP region would also require an increase from 19 to 263. However, if U.S. National Park Service staffing levels were accepted as Queensland's goal for achieving world's best practice, then the total number of staff across the region would require an even greater increase to 670 QPWS staff.

In 2007, the QPWS rangers with the statutory responsibility to manage the MARNP were based 400 kms from the park in the town of Chillagoe. From their base, six permanent staff worked across four protected areas in the NDT sub-district, totalling about 526,800 ha. According to the Senior Ranger in Chillagoe, the number of staff at the NDT base had been static for the last 10 years. All of the parks except Chillagoe-Mungana Caves NP are very remote, accessible

only by four wheel drive and receive very few visitors each year. On-ground management of these areas, including the MARNP, was minimal. At the time of interview with the Senior Ranger in Chillagoe (September 2007), staffing levels were stated to be adequate, however, the work load in the cool, dry months was particularly heavy due to:

- Peak season for cave tours in Chillagoe-Mungana Caves NP: QPWS staff are responsible for providing guided cave tours to the public for a minimum of three times per day plus group bookings (e.g. schools and commercial operators). Tours continue throughout the year, excluding Christmas day, but the cool, dry months are peak season.
- One staff member is rostered onto cave tours every week and another is rostered on as a reserve/back-up; tour groups may occupy yet another staff member on some days.
- QPWS does not employ seasonal workers during peak season
- Peak season for the cave tours coincides with burning program in all the NDT parks
- The QPWS commitment to run cave tours means that sometimes it is difficult for two staff members to leave Chillagoe for work in other parks

7.3.2 QPWS Human Resources Policies

The ‘Master Plan’ outlines QPWS’s responsibilities towards its staff. It states that QPWS aims “to develop a workforce with the necessary skills, resources and capability to protect, monitor, restore and present Queensland’s parks”. This will be achieved by ensuring the workforce is “well resourced, highly trained and of sufficient size to meet the management obligations of the parks system” (QPWS, 2001, p. 46).

While such goals are laudable, in 2004 rangers perceived that the *Master Plan* was not actually implemented at ground level:

> *“In an ideal world [the Master Plan] would be a great policy if it could be implemented fully. But for a lot of reasons, including those political reasons, it’s hard to get it fully implemented... I think that practically it is often hard to implement it especially when, like for instance our budget situation, our operating budget is virtually zilch. And, we have vacant positions running for lengthy periods of time...”* (Larsen, 2004a, p. 43)

This statement by a North Queensland ranger highlights the inadequate resourcing and staffing of protected areas in this region, especially at park level. Rangers are particularly concerned about declining staffing levels and unfilled positions when additional properties are added to the protected area estate and come under their day to day management:

> *"When you inherit additional parks and your staffing is reduced its not good, its demoralising as far as attitude within the workforce goes…"* (Larsen, 2004a, Appendices, p.31)

The 2004 study also found that rangers perceived that QPWS stifles their aspirations for their parks and their ability to manage their areas. There is a perceived lack of value placed on the role of rangers, which when combined with poor resourcing, resulted in low morale and widespread discontent:

> *"…the department will say that its staff are its most valuable asset, blah blah blah and all the right things that they're supposed to say…[But] it just seems at every point that they show almost like contempt for their park staff— I think they look at us as hole diggers and labourers and very expendable."* (Larsen & Valentine, 2007)

As previously stated, if the management of human resources and the organisational culture of QPWS are not perceived by staff to support their on-going efforts, no amount of funding or additional staff will be sufficient for the management or co-management of protected areas in Cape York Peninsula. Further evidence that this is the case is provided by Peter Stanton (2005) who stated, "never in the history of the national park estate have parks been so bereft of care or badly managed". Stanton believes that a culture of "fear and oppression" within QPWS is forcing many experienced rangers out of the organisation resulting in a loss of continuity and knowledge of park management and a loss of personal pride taken in their work.

Rangers are at the coalface of park and visitor management. Community and industry groups believe that rangers do an excellent job given their working conditions and the inadequacy of the resources they are provided (Gall, 1994; Larsen, 2004a). However, morale and performance will inevitably drop if staff perceive their work to be unsupported by their own organisation (Larsen & Valentine, 2007).

In summary, at the time of this research, there was clearly inadequate funding available to the rangers of Cape York Peninsula protected areas for the implementation of Queensland Government policies relating to staffing. When policies found within critical documents such as the 'Master Plan' are perceived to be ignored, rangers will struggle to maintain morale and motivation, particularly when faced with increased responsibility and a reduction in management capacity. This section has provided evidence of a poor internal relationship within QPWS. The following sections provide further arguments for increasing the number of park-based and support staff working in Cape York Peninsula.

7.3.3 Indigenous Management of CYP (Caring for Country)

If staffing levels are inadequate, what is the ideal number of rangers for the parks of the Peninsula? One way of estimating the ideal number of park staff is by looking at the original number of natural resource managers in the region - that is, the estimated number of Aboriginal people who lived on and actively cared for their country prior to European settlement. Traditional management, particularly for fire regimes, is increasingly recognised as vital for maintaining populations of fauna and flora in particular landscapes, including the savanna lands of Cape York Peninsula (Mackey et al., 2001). Estimates of the population prior to European settlement are difficult to make with any degree of accuracy. However, the number of Wik and Wik-Way people present on country was estimated by D. F. Martin (1997), para. 7:

> *"There could have been some 2,000 Wik in the less ecologically diverse but very extensive inland forest zone. At least this number could have lived in the much richer coastal zone between the Embley and Edward Rivers."*

The successful Native Title claim by the Wik and Wik-Way covered 618,659 hectares of Western Cape York Peninsula. This is equivalent to approximately 650 land managers per 1,000 square kilometres. In 2005, only 10 QPWS ranger employees are based on-park in the entire CYP protected area estate, and the number of threats to the natural integrity of CYP landscape has increased since the arrival of Europeans due to the introduction of livestock, weeds and feral animals and changes in management regimes. Admittedly a goal of 650 employees per 1,000 square kilometres is unlikely to be considered realistic by QPWS. However, as Whitehead (2004, p. 31) states:

> *"Weeds, feral animals and fire cannot be managed by walking away and treating places like Cape York Peninsula as 'wilderness'. More, rather than fewer, people active on country may be needed to deal with existing threats."*

Virtually all national parks in Cape York Peninsula were under claim or have been successfully claimed under the *Aboriginal Land Act, 1991* (QLD) – a statutory mechanism that provides for joint or co-management by the Traditional Owners and QPWS. Subsequently, the agency would do well to increase the number of Indigenous people employed to care for country. Traditional Owners could be employed to manage protected areas both within the QPWS and within local communities seeking to establish or expand the role of their own natural resource management agencies. In 2004, only 5% of ranger positions across Queensland were occupied by Indigenous people (Queensland Minister for Environment, 2004), while 60% of the resident population in Cape York Peninsula are of Indigenous decent (Cape York Regional Advisory Group, 1997).

Great concern has been voiced by Indigenous communities in relation to the lack of involvement of Aboriginal people in protected area management in the Peninsula. According to the LGAQ, this is especially the case if QPWS is benchmarked against other Australian agencies (Beeton, 2001). A submission by the Aboriginal Coordinating Council to the LGAQ noted that:

> *"...The employment potential of Aboriginal people by QPWS is not realised in Cape York in particular or Queensland in general. Traditional ecological knowledge could successfully be applied and incorporated into National Park management for the benefit of all Australians. However, the recalcitrant approach by the QPWS to the employment of Aboriginal people has been disappointing. The active recruitment of non-Aboriginal Rangers and managers by the QPWS into Cape York and North Queensland has helped create a racial divide... The organisational culture of the QPWS is to pour scorn on learning indigenous culture or language".* (Beeton, 2001, p. 17)

Interviews for this research with senior QPWS officers confirmed the existence of an organisational culture that could substantially inhibit the success of an adaptive co-management agreement:

> *"Certainly in Parks we have a very strong culture, as you'd be very aware about, that our rangers are the only ones who can do the job. There's a very strong sense of that, has been for a long time; that as people get skills, they get very possessive about their patch and they have a sense that no one else can do their job as well as they can. And releasing that responsibility to other parties who perhaps aren't quite within the box, locked into the bureaucratic box with our codes of conduct and all our other, to provide a standard model which is easily understood and safe; is where the biggest challenge is."*[90]

However, Aboriginal leaders in the region continue to push for the devolvement and sharing of management of parks and natural resources in the Peninsula. Participants at the *Culturally and Environmentally Appropriate Economies for Cape York Peninsula* roundtable (Fenton & Besson, 2004, p. 72) stated:

> *"natural and cultural resource management, for example weed infestation, this work could be undertaken by Traditional Owners, to work on riparian areas, no-one is really caring for country. Traditional Owners should be managing those issues on country and being resourced to do it."*

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[90] *QPWS#1 interview 21-8-07*

and

> *“Black and white management. Work in partnership. The European way and the cultural way”*

A key to the successful long-term management of national parks and other protected areas on the Peninsula involves much greater involvement of traditional owners and Indigenous communities in park management. Indigenous knowledge and involvement is urgently required to maintain healthy ecosystems and fauna and flora populations in Cape York Peninsula’s protected areas. However, as was found in Chapter 6, government support to negotiate and implement co-management of parks under the *Aboriginal Land Act 1991* did not include financial assistance to Traditional Owners to obtain expert advice, to assist them to clarify their aspirations and views on the management of their national park homelands, or to represent their interests in negotiations with the State. While such assistance has since been pledged under the *Cape York Peninsula Heritage Act 2007*, at the time of this research the resources available to Traditional Owners had yet to be announced.

In summary, the number of protected area managers working in Cape York Peninsula, in comparison to other Australian and overseas park management agencies, is grossly inadequate. In the 2005/06 financial year, there were only ten full time equivalent rangers based across all CYP parks, an area roughly equivalent to that of Kakadu NP in the Northern Territory which has 65 staff involved in management. If Kakadu NP and Parks Australia were used as models for effective protected area management in the Peninsula, there would need to be an increase in total QPWS staff from 19 to 263. In addition, if the U.S. National Parks Service was used as a model of ‘best practice’ management, an increase in park staff from 19 to 670 would be required.

7.4 Discussion

This chapter has analysed two key capital assets available to QPWS for the management of protected areas in Cape York Peninsula: financial resources and human resources. In the process, two critical preconditions for the negotiation and implementation of ACM have emerged.

‘Positive relationships’ emerged as a theme once again; this time the focus is on internal relationships within QPWS and the organisational culture of the agency. There is considerable overlap or interaction between this theme and the second critical theme to emerge in this chapter, namely the ‘capability’ of the organisation to effectively manage protected areas in the region, and in particular, to facilitate negotiations and the implementation of ACM for the

MARNP. The 'capability' theme focuses on the levels of human and financial resources available to the organisation to enable staff to meet the desired outcomes of ACM.

7.4.1 Capability of QPWS for Protected Area Management in Cape York Peninsula and the MARNP

The Cape York Peninsula region has a large and growing protected area estate and, at the time of this research, was grossly under resourced to manage the estate effectively and according to best practice standards. Under the *Aboriginal Land Act, 1991* (QLD), traditional owners in the Peninsula found their aspirations unfulfilled and the environmental and livelihood outcomes they seek for their national park homelands were unachievable due to limitations to resourcing in the region to support ACM.

Inadequate resourcing has also provoked criticism from community and industry groups. Traditional Owners and the tourism industry may choose to encourage tourism to protected areas due to the economic advantages that they perceive will flow to their communities and businesses from this activity. However, additional burdens are placed on park managers when visitation is increased, as tourists can cause negative environmental impacts. In 2005, QPWS did not have any means in place for surveying or monitoring tourist numbers, activities and impacts (Larsen, 2005).

At park level, visitor management and natural resource management issues (such as fire, feral animals and weeds) are no less a problem in the Peninsula than they are in many other protected areas in Queensland. In fact, these problems are greater in CYP due to geographical isolation from population centres; political isolation from the centre of government in Brisbane; long-term under-resourcing; the rapid increase in the size of the estate; and the lack of certainty and coordinated planning which exists in relation to land tenure and management in the region. Hence, the region is justified in seeking greater budget allocations than many less isolated areas.

This research has suggested a minimum level of funding equivalent to that of Kakadu NP is required for effective management of the CYP parks, particularly if World Heritage listing and cooperative management arrangements are a future goal for the parks of Cape York Peninsula. This would entail an increase from $2.7 million in 2005 to $16 million per annum. Similarly, if 'Parks Australia' provides a model for effective staffing at a regional level, an increase in the number of total staff based in CYP would need to increase from 19 to 263 persons.

If QPWS aims to achieve world's best practice protected area management, this research has suggested using the resourcing of the U.S. National Park Service as a model. This would require a funding level of A$55/hectare and 670 staff to manage the region's parks. Funding has been pledged by the Queensland Government to negotiate and implement co-management

agreements under the *Cape York Peninsula Heritage Act, 2007* (QLD) (CYPHA), however, the details of this funding is yet to be announced and may only become known well into negotiations with traditional owners.

Interviews with senior QPWS officers for this research (in 2007) found that the organisation understands that the prospect of negotiating co-management agreements with Traditional Owners under the CYPHA requires a substantial injection of funding from the state government and an organisational culture that supports adaptive co-management of the region's protected areas:

> *"The stuff we've perhaps paid lip service to is going to be in statute so we're going to have to really move forward and I hope that we have the ability financially and culturally to do it… because… it's not going to be free."*[91]

The task will also not be straight forward. Wells and McShane (2004) warn against trying to reduce the challenge of co-management into a few simple steps or a pre-packaged model to be negotiated and implemented during a conventional project timeframe. The authors emphasise that park managers often lack the resources and other capacity required for basic management duties, let alone for more complex issues.

Additional funding will be required to support the traditional owners to define their aspirations and to attend meetings with their negotiation team. Funding is required to employ additional staff to carry out the negotiations, including lawyers, and the state will need to fund staff travel expenses to attend meetings in remote communities. Funding will also be required for the implementation of each co-management agreement to provide community-based managers with incentives or benefits, which are critical for encouraging people to negotiate, agree, and to participate in ACM (Castro & Nielsen, 2001; Feldmann, 1994). For both co-managing parties, the expected benefits from a change in the management regime must outweigh the expected costs (Ostrom, 1999).

A protected area co-management agreement may include a number of incentives, including funding for: employment and capacity development activities (e.g. training); capital works and infrastructure; for developing a management plan; and for contracting the services of community rangers for natural and cultural resource management activities. Incentives may also include non-financial benefits such as increased accessibility or control of resources, and elimination of cost and risk. In addition, ACM must provide national-level benefits in return for the national contribution (Feldmann, 1994). The Oykangand Traditional Owners and the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) had undertaken many management activities in the national park under their own initiative.

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[91] *QPWS#1 interview 21-8-07*

Therefore, additional benefits will be necessary to provide inducement for them to work in closer collaboration with the state.

Historically, there was a very limited budget for many or most of these undertakings in Cape York Peninsula. It now remains to be seen whether resourcing will improve with the passing of the CYPHA. There is the danger that the state government will perceive community-based ACM as a form of "service on the cheap" and will seek to reduce public expenditure (Cronin et al., 2002, p. 20).

A critical consideration for the feasibility of ACM in the Peninsula will be the perceived security of long-term, ongoing funding to support the implementation of ACM – particularly to assist traditional owners to undertake strategic and operational management activities. If funding is not perceived to be sustainable, negotiations may fail and ACM will not be feasible. For ACM to be feasible in the MARNP, the park will require its own budget allocation and the Oykangand people will require the ultimate authority and control of funding (Cronin et al., 2002). This funding should be negotiated with the state and then allocated to different management priorities by both co-managing parties at annual planning events held in Kowanyama.

While traditional owners have a critical role to play in the effective management of CYP parks, natural resource management activities are often seen as secondary to other essential services (e.g. health, education, roads, etc.) and have traditionally been believed to rarely add to the national economy, resulting in a reluctance by government to provide adequate resources (Altman, 2001). However, this perspective is changing and it is now seen as possible for traditional owners' to deliver conservation management at equivalent or lower cost to the public than the state management of protected areas (Altman, 2001; Moran, 2006).

Under the *Aboriginal Land Act 1991*, there was no commitment of funding and resources for engaging Aboriginal people to manage their land once the park was granted:

> *"self-management must be more than handing over to Aboriginal leadership the problems that the white community has been unable to solve. This "washing of hands" and the imposition of plans from outside the community tend, inevitably, to fail and, as Dale (1993:p.c.) has pointed out, failed management schemes or projects that go wrong decrease the community's credibility, and are disheartening for those involved."* (Strang, 1994b, pp. 112-113)

While the introduction of an adaptive co-management regime for the parks of Cape York Peninsula is now seen as theoretically desirable from the perspective of both government and traditional owners, in practical terms, bringing together two culturally different groups can also expose differences and conflict in the values and beliefs participants hold regarding the social

and ecological system, and how management activities are undertaken and prioritised (Natcher, Davis, & Hickey, 2005). Research undertaken in 2004 found that the organisational culture of QPWS was not perceived by staff to support their on-going efforts (Larsen & Valentine, 2007). If this remains the case, no amount of funding or additional staff or resources will be sufficient to provide best practice management of protected areas in Cape York Peninsula. Therefore, understanding the internal relationships within QPWS that are likely to influence the negotiation and implementation of ACM is critical to understanding feasibility.

7.4.2 Positive Relationships

In QPWS, a culture was found to exist whereby the organisation failed to provide adequate resources to support the on-ground management of parks and the negotiation and implementation of co-management agreements with traditional owners. In 2007, only 6 permanent ranger staff were employed from the NDT sub-district to manage more than half a million hectares of remote and rugged country, including the MARNP. The remote parks in the sub-district were managed as 'wilderness areas' and rarely visited by rangers due to their isolation and low visitation. However, management issues, including fire, pests, threatened species management and neighbour relations are just as important in these parks as in the more accessible parks on the east coast of Queensland. These same rangers would be expected to work closely with the Oykangand Traditional Owners on operational matters should an Indigenous Management Agreement be negotiated and implemented under the CYPHA.

It is further argued that a simple increase in the number of QPWS staff would not be sufficient to ensure the effective management of the Peninsula's protected areas. There is evidence to suggest that the human resource management and organisational culture of QPWS does not support the efforts of staff or the involvement of Traditional Owners and their communities in the management of parks. QPWS rangers were believed to have a very strong sense of ownership of 'their' management areas and relinquishing responsibility for management to a culturally different party was recognised to be a challenge for the organisation. Hence, senior managers must support operational rangers to make the transition to ACM. Managing the relationship between the QPWS rangers and traditional owners, particularly cooperation and communication, will be fundamental to the feasibility of adaptive co-management in Cape York Peninsula. Failing to manage group interaction may cause tension, distrust and result in the perpetuation of historical conflicts (Natcher et al., 2005). When policies are ignored and the work-related needs of staff and the park they manage are perceived to be a low priority within the organisation, there will be an inevitable struggle to maintain morale, motivation and to achieve management objectives. The relationship of QPWS rangers based in Chillagoe, the Oykangand Traditional Owners and the Kowanyama community is examined in Chapter 8.

7.5 Conclusion

The negotiation and implementation of ACM agreements (Indigenous Management Agreement) under the CYPHA will require a substantial investment from the state. Additionally, senior QPWS managers must ensure the organisational culture is supportive of ACM and Aboriginal community's aspirations for their homelands. This research supports the findings of previous inquiries – that the resourcing of protected areas in Cape York Peninsula is grossly inadequate for meeting minimum standards of management in those areas, creating a crisis for the management agency in the region. When combined with a perceived unsupportive organisational culture, such levels of resourcing become highly unsustainable and, unless addressed, could result in poor outcomes for the negotiation of ACM for the MARNP and the Cape York Peninsula region.

Chapter 8 Walking and Talking: Land and Natural Resource Management in Kowanyama

"Doing what you say is often the hardest task of all"

(Kowanyama Aboriginal Land and Natural Resources Management Office, 1990)

8.1 Introduction

Community-based co-management of the Mitchell-Alice Rivers National Park (MARNP) requires a dramatic shift from the current state-based governance system for managing national parks in Queensland. Australian protected area management regimes have been greatly influenced by Hardin's paradigm. Hardin's (1968) *The Tragedy of the Commons* has been used by policy makers and government agencies around the world to justify the centralisation of control over natural resources (Ostrom, Burger, Field, Norgaard, & Policansky, 1999). However, the people of Kowanyama have remained outspoken against the imposition of this model upon their traditional and contemporary domain.

This chapter will show how Kowanyama self-organised in the 1980s and created their own land and natural resource management agency in response to perceived threats to Indigenous resources and rights. A community-based governance system for the management of common pool resources emerged when the Kowanyama Aboriginal Council (KAC) began its own community ranger service in 1988, closely followed by the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) in 1990.

The Oykangand Traditional Owners aspire for their community's own natural resource management agency to be the lead agency for a new community-based management regime for their Mitchell-Alice Rivers National Park homeland. Existing institutions, such as KALNRMO, that can be adapted for new purposes may be a precondition to the emergence of self-governance of common-pool resources (McCay, 2002; Ostrom, 1990). Adapting existing institutions can lower transaction costs, provide decision-making structures and enforcement powers. Human resources within existing institutions can bring leadership capacity and cultural understanding that that may otherwise have to be created anew and at greater economic and social cost. A strategy of sequencing community-based environmental co-management initiatives by progressively developing capacity for new (and more complex) partnership arrangements was successfully undertaken by Girringun Aboriginal Corporation (Girringun) in the Wet Tropics of North Queensland (Maclean, Ross, Cuthill, & Rist, 2013). Having an existing community-based ranger group and building trusting relationships with partners gave Girringun the necessary operational and organisational capacity to extend their responsibilities

and partnerships in protected area management that required even greater levels of organisational capacity and trust.

Therefore, the presence of an existing community-based governance system for land and natural resource management at the local level thus may provide a platform for formally extending operations from the Kowanyama held trust areas (Deed of Grant in Trust and the pastoral lease properties of Oriners and Sefton) to include primary responsibility for the MARNP. But how solid is this platform? Has KALNRMO co-managed resources with external parties in the past? How effective have they been? Will the extension of KALNRMO responsibilities into the national park stretch organisational capacity beyond sustainable levels? What are the existing attributes of this community organisation (and its system of governance) that support or challenge a new governance system for the National Park?

This chapter aims to understand the capacity of the KALNRMO to support of the Traditional Owners to provide leadership in the adaptive co-management (ACM) of the Mitchell-Alice Rivers National Park. The chapter focuses on the observable attributes of KALNRMO (U), its governance structures (GS) and the social-economic-political setting (S) that support and/or challenge the feasibility of ACM. In addition, the interactions (I) of the agency and the broader community with the MARNP (RS) and related ecosystems (ECO) will be identified and analysed (see Figure 8.1).

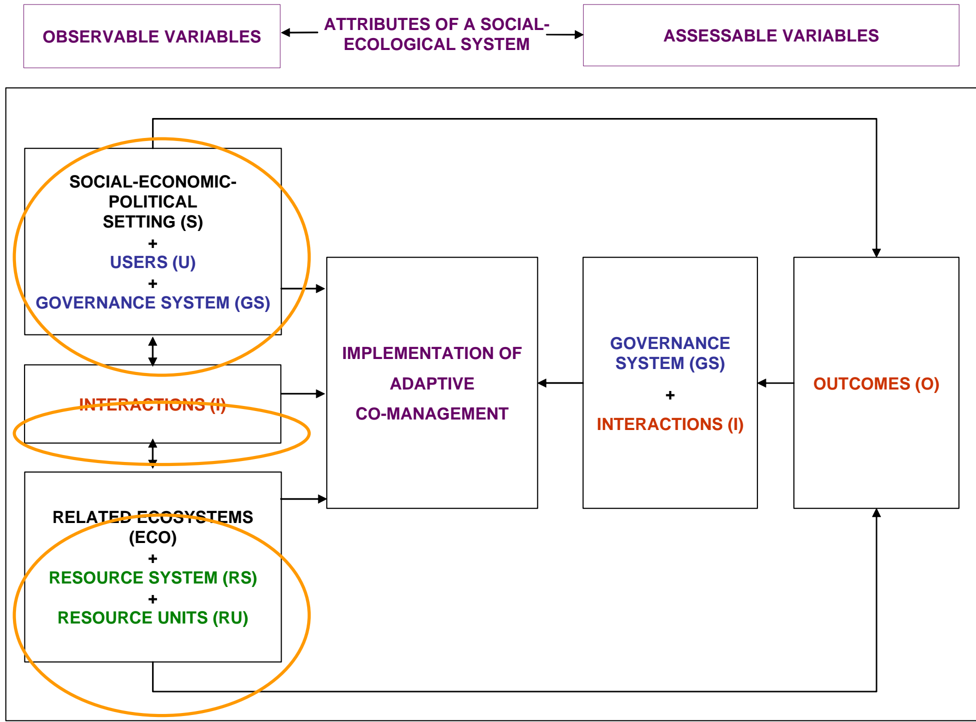

Figure 8.1 Framework to assess feasibility of adaptive co-management with circled areas of general investigation in Chapter 8.

KALNRMO's capacity to support ACM in resource sectors experiencing conflict and management dilemmas (e.g. fisheries, fire and tourism) provide a proxy understanding of their ability to support ACM in the MARNP. An ex-post study of the community's experiences in other sectors has assisted in the forecast the community's capacity and developmental needs. The data that were analysed to inform this chapter have come from a wide variety of sources. As stated in Chapter 3.11.2, many of the documents analysed (both published and unpublished) and images were found in the KALNRMO library and digital information system. These documents include: research theses and journal articles, consultancy reports, media reports, government agency reports, and locally produced documents (e.g. annual reports, council memos etc.), KALNRMO publications, multimedia (photos, video) and communications (emails, faxes, letters). Unpublished documents and data from participation and observation, interviews and community meetings are referenced as footnotes. Published documents or presentations are cited in-text and referenced in full at the end of this thesis. Throughout the chapter, the data are critically analysed against evidence from the broader scientific literature so as to understand their broader legitimacy across resource systems and spatial and temporal scales.

Ultimately, the attributes identified in this chapter provide further insight into those themes emerging from the social-ecological system which support the negotiation of future governance regimes and capacity development efforts.

8.2 Foundations of Co-management in Kowanyama: Lessons from the Fisheries Sector

The process of self-organisation for community-based resource management in Kowanyama began in the mid-1980s as a pragmatic response to increasing conflict between the community and external groups with an interest in the natural resources of the Mitchell River. Parties with an interest in the natural resources of the Mitchell River include Aboriginal people, commercial and recreational fishers, graziers, miners, conservationists and tourists. In particular, Aboriginal people living in Kowanyama perceived a threat to subsistence fish stocks from increasingly wasteful and allegedly illegal activities of commercial and recreational fishers operating in Kowanyama's inter-tidal rivers and creeks ("Council want Topsy closed," 1986, March). Kowanyama residents retaliated against the activities of the commercial fishers and charges were laid against the residents for their interference and theft of commercial fishing equipment found blocking creeks (Sinnamon, 1992).

In the fisheries sector, co-management is most likely to emerge in response to a real or imagined crisis in stock depletion, or a problem of comparable magnitude (Gray, 1985;

Pinkerton, 1989; Pomeroy & Berkes, 1997). In Kowanyama, the new Aboriginal Council became convinced of the need to become actively involved in the management of a resource beyond their own landholdings in order to secure the sustainability of the downstream subsistence fishery that the community relied upon (Sinnamon, 1992). The Kowanyama community's case for co-management of the Mitchell River fishery was based on their traditional ownership rights, their dependence on the resource for their spiritual and dietary needs, and their continued use and management of the resource (KALNRMO, 2003).

Initial meetings with the Queensland Fish Management Authority (QFMA) regarding their concerns led to further face-to-face meetings with the industry group Queensland Commercial Fishermen's Organisation (QCFO) and state fisheries agencies. Face-to-face meetings, where groups can engage their partners in conversation and look at their partners when making decisions, have been consistently found by social scientists to substantially raise levels of cooperation in situations of social dilemmas (Ostrom, 1998; Sally, 1995).

According to Ruitenbeek and Cartier (2001), the process of negotiating co-management does not necessarily have to arise from top-down legislation, but may be most effective when self-organised from the bottom-up. In August 1988, Kowanyama organised and hosted a 'Northern Fisheries Resources Conference' which was attended by representatives of key government and commercial fishing authorities and provided a forum of exchange with, and between, Aboriginal communities and external agencies, commercial interests and non-governmental lobbying groups. Aboriginal people used the forum to successfully present a case for equitable involvement in fisheries management:

> *"Kowanyama wishes to introduce the concept of aboriginal involvement in co-management of resources, "co" meaning 'co-operative', "co" meaning 'as partners'"* (Sinnamon, 1990, p. 5).

Aboriginal representatives at the conference also proposed a new governance structure for the management of fisheries based on cooperation:

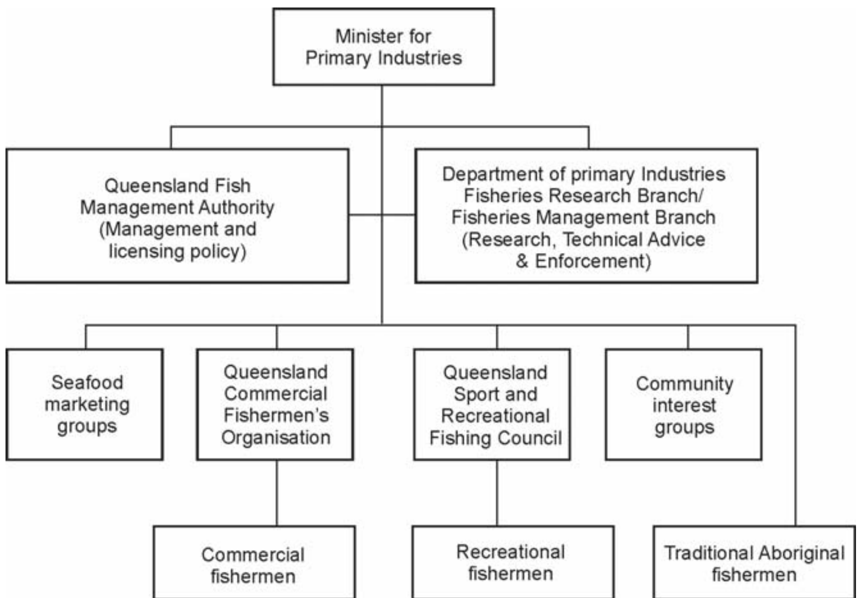

Figure 8.2 Proposed Governance Structure for North Queensland Fisheries Co-management (KALNRMO, 1988, p. 16)

The response received by the Aboriginal participants to their proposed new governance structure was described as: “frank and to the point. Our diagram was fine but not worth the paper it was written on unless it was made to work” (Sinnamon, 1990, p. 7). While the proposed governance structure was not formally implemented by the Queensland Government, KALNRMO responded to this challenge by working towards establishing a reputation as an effect management agency with the capacity to co-manage natural resources with other interest groups. How KALNRMO establishes this reputation is explored in the ensuing sections of this chapter.

8.3 Establishing a Unifying Purpose

In the late 1980s, Kowanyama sought to learn more about the experiences of Native American groups in creating their own natural resource management agency and policies. Contact was established with the Lummi Tribe from the Pacific Northwest who had developed their fisheries management systems in the State of Washington, USA in the 1970s (Kowanyama Aboriginal Community Council, 1990; Sinnamon, 1992). The Lummi introduced the term ‘co-management’ to Kowanyama, who have become more comfortable with that term than ‘joint’ management which is more commonly used in a protected area context in Australia (see Chapter 2.3.2). In 1994, the Chairman of the Northwest Indian Fisheries Commission in Olympia (Washington State) provided a foreword to the first Strategic Plan developed by KALNRMO and the Kowanyama Community to provide direction to their land and natural

resource management activities. The foreword, entitled "Co-operative management has many benefits" states:

> *"My people believe that what we create together cannot be created alone... Before the tribes were accepted as resource managers and cooperation became the accepted approach... we, the Indian people fought for our rights on the shores and riverbanks... blood was spilled. Cooperative management has built a peace bridge between Indian and non-Indian governments, programs and people. Over the last 20 years, trust has been the key to cooperative resource management... For the past several years, we have put many court cases on hold in favour of forums that place State and tribal policy makers at the same table, in search of common solutions to common problems"* (Frank, 1994).

In reflecting on Kowanyama's early efforts towards the co-management of natural resources, Sinnamon (2008) describes the external threat to the subsistence fishery as 'unifying' - bringing the community and external stakeholders together based on a common purpose. In Chapter 2.6, it was anticipated that if the parties share a common or unifying purpose for the establishment and management of a protected area, a foundation for future cooperation and collaboration will exist. By working together with external parties, Kowanyama has found that they can overcome mutual resource management dilemmas that they could not otherwise resolve alone. Since this time, Kowanyama has continued to seek and actively participate in partnerships that aim to resolve common resource management dilemmas.

8.4 Capacity to create and maintain positive relationships

8.4.1 External Networks for Inspiration and Support

From the time the newly elected Kowanyama Council was established in 1987, the local government authority began to develop what has now become an extensive network of individuals and organisations within Australia and overseas that contribute capacity and resilience to the KALNRMO. Exchanges of personnel and information have now occurred between KALNRMO, the Lummi and the Northwest Indian Fisheries Commission for more than thirty years. KALNRMO and the community have gained inspiration and mentoring to assist them to formulate strategies that contribute to sustainable fisheries co-management.

KALNRMO's external network has provided assistance with the development of many aspects of the strategic and operational functions of the organisation. Many experts provide this assistance on a volunteer basis; such is their respect for the organisation and its goals, other experts are contracted by the community to undertake certain tasks on their behalf. All work done by external experts for KALNRMO is guided and monitored by KALNRMO. The

acknowledgements page of the aforementioned Strategic Directions planning document (below) represents a small part of KALNRMO's network in 1994.

Table 8.1 Example of KALNRMO's Internal and External Planning Support Network in 1994 (KALNRMO, 1994)

ACKNOWLEDGMENTS

The Kowanyama Aboriginal Land and Natural Resource Management Office would like to thank the following for supporting the development of this Strategic Plan.

Organisation / Person	Support
Lands Branch. Department of Family Services, Aboriginal and Torres Strait Islander Affairs, Brisbane.	- Funding and advisory support.
Kowanyama Aboriginal Council.	- Planning support.
Kowanyama Counsel of Elders.	- Planning support.
Kowanyama State School.	- Planning support.
Ron Whitener, Squaxin Island Tribe, Shelton, Washington State, USA.	- Planning support.
John Oxley Library, Brisbane.	- Historic photographs.
Dr. Barry Alpher, Linguist, Bethesda, Maryland, USA.	- Yir Yoront translation.
Bill Frank Jnr., Chairman, Northwest Indian Fisheries Commission, Olympia, Washington State, USA.	- Foreword.
Dr. Allan Dale, Institute of Applied Environmental Research, Griffith University, Brisbane.	- Planning facilitator.

KALNRMO's network now includes all levels of government, philanthropic organisations, non-governmental organisations (e.g. green groups, industry), research and educational institutions, natural resource management groups, business (e.g. banks), and Indigenous groups and communities. The network contributes inspiration, information, funding and training. While KALNRMO drew on the capacity of others in the early stage of establishment, their reputation is now such that they are in a position to reciprocate by contributing capacity to other members of their network, particularly other Aboriginal communities in Cape York Peninsula.

8.4.2 Building Relationships based on Trust, Reciprocity and Reputation

Agrawal (2001, 2002) found that 'shared norms', 'interdependence among group members' and 'homogeneity of identity and interests' were all critical enabling conditions for sustainability on the commons. The close cultural and familial ties between the Aboriginal population is such that the needs and characteristics of a particular Traditional Owner group in Kowanyama

cannot be considered in isolation from the rest of their community. As introduced in Chapter 6, the internal cohesiveness of the Kowanyama community and their support of the aspirations of the Oykangand Traditional Owners made the MARNP an attractive place for Queensland Parks and Wildlife Service (QPWS) to start their negotiations of Indigenous Management Agreements for the national parks of Cape York Peninsula under the *Cape York Peninsula Heritage Act 2007*. Community cohesiveness contributes to the feasibility of adaptive co-management.

> *"We want to help each other. One lot of people, they want their country, yeah! Other tribe help… So we know we're pulling together, we're not going to separate. We'll do things with one voice"* (Colin Lawrence, 1993, cited in Strang, 1997, p. 99)

Their ability to 'pull together' means that Uw Oykangand aspirations for the recognition of their rights and responsibilities for their national park homeland, and their own capacity for contemporary land management, are shared and supported by the Kowanyama community.

> *"Yeah, like we all share… The Rangers and us, we can go round together, and we'll be happy, you know"* (Alma Wason, 1992, cited in Strang, 1997, p. 106)

The Kowanyama Aboriginal Council established KALNRMO in order to ensure traditional owners regained their rights and responsibilities for caring for their lands and resources. KALNRMO was one of the first such agencies in Australia operated by an Aboriginal Community Council. From the initiation of contemporary land management in Kowanyama, the Council realised that they have a responsibility to assist traditional owners to look after their lands and resources for future generations. Upon election, each succeeding Council adopted and further refined the resource management policies of the previous Council. According to Council records, this continuity had the effect of "maintaining a credible continuity in negotiations with various outside agencies" to the extent that they quickly became a credible voice in natural resource management in the region and nationally (Kowanyama Aboriginal Community Council, 1990). Bridging organisations such as KALNRMO play a critical role in adaptive co-management by providing a forum for the exchange of knowledge and learning and by coordinating tasks that enable collaboration. Effective bridging organisations provide access to resources and networks, and help to build trust and resolve conflict (Berkes, 2009; Hill et al., 2010).

Council set up KALNRMO's governance arrangements to provide the organisation with direct links and accountability to both the Council and an informal community group known as the *Counsel of Elders* (Figure 8.3), established in 1988. The role of the Counsel of Elders is to provide direction and to advise KALNRMO personnel and community rangers in all land

management matters. In Kowanyama, decisions about land and culture are made by members of the community, and the community expects to be in charge and continually consulted.

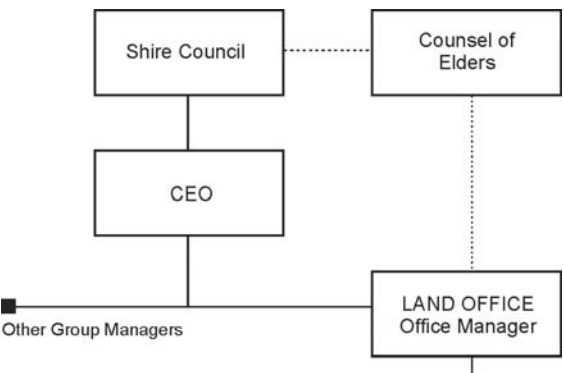

Figure 8.3 Position of KALNRMO within Kowanyama Aboriginal Shire Council (Moran, 2007)

The community has embraced 'cooperation' as a guiding principle for the operation of KALNRMO (refer to 'Unity of Purpose' in Table 8.3). They are, both within the Kowanyama community and externally, a cohesive and cooperative group with shared values based on the knowledge and leadership of their elected councillors and elders. KALNRMO personnel have consistently reiterated these principles of self-organisation and self-governance of Aboriginal lands to external parties over time. KALNRMO and the rangers had at the time of this research operated continuously for almost 20 years and had established a reputation (at regional, national and international scales) for the effective delivery of community-based natural resource management on Aboriginal lands (see e.g. Baker et al., 2001a; Chernela et al., 2002; Fourmile, 1996; Moran, 2006; Strang, 1997).

The community's ability to lobby external groups regarding their rights and responsibilities for managing natural resources and to follow up with on-ground actions, has earned Kowanyama and KALNRMO respect and a reputation for being able to deliver on their objectives. In time, they became known as trustworthy and willing to reciprocate (but not necessarily compliant). The attributes of reputation, trust, and reciprocity and the relationships that have been created over time have earned KALNRMO the cooperation of (and a positive relationship with) the broader fishery interest groups and their other partners in common pool resource management. As demonstrated by Figure 8.4 levels of trust, reciprocity, and a reputation for being trustworthy are positively (or negatively) reinforcing and these, in turn, affect levels of cooperation and net benefits to the community and the resource system (Ostrom, 1998, p. 13).

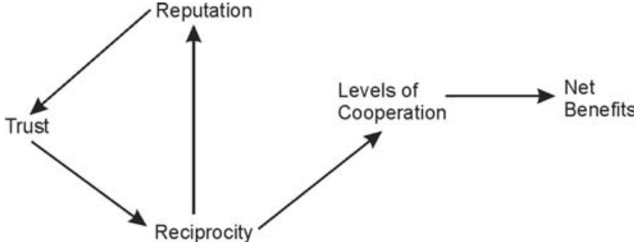

Figure 8.4 The Core Relationships (Ostrom, 1998, p. 13)

8.5 The Will or Commitment to Implement ACM

The Kowanyama community has consistently demonstrated its ability to adapt to the challenges confronting their people and homelands. However, the community also recognises that sometimes they share the responsibility to confront these challenges with other parties, and they are willing to work with others while they continue to build their own capacity. KALNRMO does not confine its operations to the community-held trust lands. It also assists traditional owners to represent their rights and interests throughout the larger Kowanyama People's Kowanyama People's Native Title Claim area (see Figure 4.5). KALNRMO also participates in the co-management of resources at a regional level where events or management activities are believed to impact on Kowanyama resources and community wellbeing (e.g. catchment management, pest management, visitor management, road works etcetera). Working with external parties is believed to ultimately benefit their country and its people.

In the same year as the Northern Fisheries Conference (1988), Kowanyama's Council established its first bylaws regulating non-Indigenous camping and fishing on Aboriginal Lands and appointed its first Aboriginal ranger, whose role included the monitoring and regulation of recreational fishers and other visitors to trust lands. The Council introduced camping fees for recreational fishers camping on DOGIT lands and the income received was used to pay for helicopter surveillance of coastal waterways in the trust area to monitor the activities of commercial and illegal fishers. Council also bought out two commercial in-shore gillnet fishing licences for the Mitchell River delta and made them redundant to reduce pressure on fish stocks. This led to Council's successful negotiations with Gulf fishermen and the state to change the law and close large sections of the Mitchell River delta to both recreational and commercial fishing, while retaining traditional fishing rights for local Aboriginal people.

In 1990, Kowanyama hosted the Mitchell River Watershed Conference in recognition that their efforts at sustainable management of Mitchell River delta could not be managed in isolation of its broader catchment. This conference brought together representatives of all parties with an interest in the health of the catchment and led to the establishment of the Mitchell River Watershed Management Group, which remains active today.

In this way, the Kowanyama Community was able to demonstrate their active commitment to implementing the policy objectives they advocate - *to do the walk as well as the talk.*

> *"Kowanyama's concerns are real and they go much further than "involvement in nature conservation with conservation agencies. They are exercising an active commitment to care for their country."* (KALNRMO, 1990, p. 5)

Co-management is more likely to develop when local resource users show a willingness to contribute financially, or by recruiting other sources of support, to the rehabilitation or management of the resource (Pinkerton, 1989). Within two years of face-to-face talks, the community's consistent position and action had paid off. The QCFO, QFMA and the Kowanyama Aboriginal Community had begun to move from "standoff conflict towards a more co-operative management relationship" regarding fisheries use and management (Kowanyama Aboriginal Land and Natural Resources Management Office, 1990, p. 2). The QCFO and conservation groups joined forces with a Kowanyama-led campaign to lobby the government in opposition to a proposed mining exploration permit in the Mitchell River delta (Sinnamon, 1995a). All were strong allies in the early development of the Mitchell River Watershed Management Group and continue their united stance on mineral exploration activity on the delta[92].

8.6 Having a Focus for ACM

8.6.1 Philosophy & Management Principles

KALNRMO's planning efforts for the management of the community's natural resource interests, including the MARNP, have provided the organisation and the community with a clear focus for their operational activities. The 1994 Strategic Directions document was the first major planning instrument developed collaboratively by members of the Kowanyama community with the assistance of supporters from their broader external network. The document articulates the vision of the elders for their lands and their people within the core principles (Table 8.2) which the Kowanyama Aboriginal Council began developing in the late 1980s. See Plate 8.1 for a selection of the planning documents developed by KALNRMO to guide the direction and activities of the organisation.

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[92] *Viv Sinnamon (pers. Comm. July 2012)*

Table 8.2 Thirteen Core Principles for the Management of Kowanyama Lands and Waters (KALNRMO, 1994)

Local Community Control and Self-Management
• Recognition of Traditional Interests: Our land tenure and our right to manage country • Self Governance: We plan and manage our country ourselves • Unity of Purpose: We must be able to speak strongly with one voice when necessary • Provision of Expertise: We must have access to appropriate expertise to make better decisions
Culture and Diversity
• Connectedness of all Things: People and culture are integral parts of nature; cultural and biological diversity are inseparable • Cultural Maintenance: We desire a lifestyle that we consider appropriate in a modern world. This cultural diversity must be accepted in the broader community
Communication and Relationship
• Community Participation: We need to participate at all levels in management of our land and water • Common Ground: While recognising differences of opinion, we will seek common ground as a basis of negotiations • Recognition and Respect: We must recognise, respect and accept a diversity of viewpoints • Bargaining and Negotiation: We all must be willing to discuss our concerns, and debate ways to address them.
The Future – Development, Change and Sustainability
• Social and Economic Development: We will pursue social and economic development, without limiting options for future generations • Future Generations: Natural and cultural resources must be used in a way that provides for future generations • Evolving Nature of Things: All things change and develop, including our capacity as natural resource managers. We will nurture that capacity

All of the above principles can be viewed as aspects of capacity that make adaptive co-management of natural resources feasible in Kowanyama. In Chapter 9 these principles are re-grouped and loosely ordered according to the themes or preconditions that have emerged in this research and found to be critical to negotiating an Indigenous Management Agreement for the MARNP.

Plate 8.1 Selection of Kowanyama Aboriginal Land and Natural Resources Management Office planning documents demonstrating clearly articulated aspirations and organisational objectives (2007).

Kowanyama's Natural Resource Management Plans are reviewed every 5 years, demonstrating the continued relevance and sustainability of the organisation's planning processes. The 2003 Plan defines the role of KALNRMO within the Kowanyama Community and 13 management principles which continuously guide the operations of the organisation. Planning documents shown in the Plate above include: *Kowanyama Strategic Directions, 1998; A Five Year Review of Strategic Directions, 2003; Kowanyama Aboriginal Council Community Development and Strategic Directions 2005; Kowanyama Homelands: Looking After Country; Kowanyumal; Kowanyama Landscape Mapping Project; Ranger Patrol Scheduling; Recreation/Tourism Planning in Kowanyama 2006.*

Plate 8.2 Kowanyama Council and the Local Government Association of Queensland planning workshop – facilitated by KALNRMO (2007)

8.7 Capability for Protected Area Management: Walking the Talk

In the early years of their relationship with their Lummi Native American advisors and mentors, Kowanyama people were urged to "talk, don't dig in" (Sinnamon, 1988), and to "walk your talk", or practice what you preach; recognising that "Doing what you say is often the hardest task of all" (KALNRMO, 1990). KALNRMO personnel took action on this advice and, with strong leadership, passion and commitment, have built the organisation's reputation with external parties as an agency capable of delivering on their objectives. This section describes the KALNRMO's human, financial and other resources that make the organisation capable of functioning as an effective community-based natural resource management agency.

8.7.1 Organisational Structure & Human Resources

Many new land management challenges have emerged since European colonisation that has complicated traditional methods of caring for country. Contemporary natural and cultural resource management in Kowanyama is now a multifaceted blend of traditional and modern practices. In the early stages of the development of KALNRMO, it was recognised that "provision of the most basic elements of management was crucial for the aboriginal community to deal with external agencies as equals and to effectively management their resources" (Sinnamon, 1992, p. 25). Thus, KALNRMO requires the human resources to support the Kowanyama Aboriginal Shire Council with technical expertise, policy-making capacity and effective on-ground management and enforcement capability. KALNRMO personnel provide advice to elders, councillors and youth so as to educate the community in aspects of contemporary (non-traditional) land management. KALNRMO will draw upon technical

support from external experts as well as use indigenous, local and scientific knowledge to develop their own policy and processes and to build capacity to support decision-making and operationalise the management of their homelands. These internal governance arrangements are perceived to be a major contributing factor to the success of KALNRMO by the leaders of regional Aboriginal representative bodies and the local government representative body[93].

Figure 8.5 represents the proposed structure of KALNRMO resulting from a review of the organisation's operations and the manager's position undertaken by Dr Mark Moran in early 2007. As of November 2007, three of these staff positions were unfilled, including the Cultural Heritage Officer, Senior Ranger and Trainee Officer (Animal Health). In addition, the current Manager had been 'acting' in the position for about 12 months and the NRM Coordinator was due to end his contract the following month. A replacement had not been secured for the NRM coordinator as ongoing funding for maintaining the position was yet to be secured.

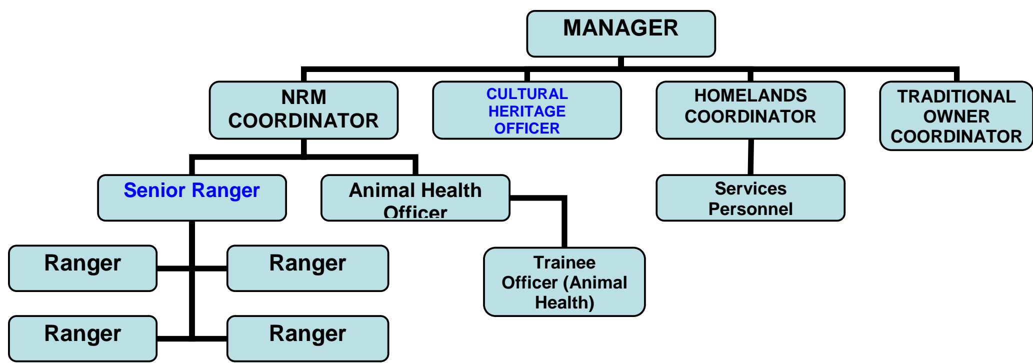

Figure 8.5 Proposed Structure of the Kowanyama Aboriginal Land and Natural Resources Management Office in 2007 (Moran, 2007; Sinnamon, 2008)

A human and physical resources audit was undertaken in September 2007[94]. The physical resources audit determined the equipment not available to the KALNRMO Rangers at the time for on-ground management works in the MARNP. This equipment included: fire management tools ('slip-on' fire unit, backpack sprays, drip torch & protective clothing); quad bikes (for early dry season access to the MARNP); and firearms (for pest control purposes).

The human resources audit revealed that the Kowanyama Community (Traditional Owners, KASC, KALNRMO & Rangers) have most of the necessary skills and equipment to undertake the natural and cultural resource management activities required in the MARNP. Table 8.3 and Table 8.4 identify the qualifications of KALNRMO personnel and those aspects of capacity that need to be either updated or training developed.

All of these skills are required for the management of the trust lands, as well as the MARNP. As stated in Chapter 2.4, the objectives and practice of resource management and protected area

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[93] *Fieldwork Diary: meeting notes 14-08-07; 5.6.07 LGAQ meeting transcript*
[94] *MARNP Management Tasks w'shop 24-9-07*

management are moving closer together towards sustainable use of resources. In Kowanyama, there is very little difference in the intent of management of the MARNP and the trust lands (excluding the township). While the national park is managed for conservation, the traditional use of natural resources is also an acceptable activity under native title legislation. One key difference is that the raising of beef cattle is an objective in the trust lands, whereas cattle are considered to be incompatible with the conservation objective for national parks and are either excluded (which is not possible in the MARNP) or mustered and removed annually.

Table 8.3 Human Capital: Qualifications of KALNRMO Personnel and Rangers (2007)

• Manager: Bachelor of Arts (Anthropology & Geography), foundation manager of KALNRMO, resident in community since 1972 (excluding periods between 1997 and 2006), extensive experience in natural and cultural resource management at operational and strategic levels; multiple short course qualifications; experienced public speaker and human resource manager
• NRM/Ranger Coordinator: Bachelor degree in NRM (Hons): 20yrs experience working for interstate government environment and conservation agency at operational to managerial level; numerous short course qualifications.
• Rangers: Certificate II Conservation & Land Management (Technical and Further Education – TAFE)
• Traditional Owner Coordinator: Counsel of Elders, Oykangand Elder, former Chairman of the Kowanyama Aboriginal Council, speaks and reads three tribal languages (Kunjen, Kokoberra, Yir Yoront)

Table 8.4 Human Capital: Outstanding or updating of skills or training appropriate for work in the MARNP and trust areas (2007)

Fire management	Radio communication
Firearms	Public liaison/relations training
Chemical handling / application	Legislation & enforcement training
Workplace/occupational health and safety	Monitoring & research skills (e.g. species surveys)
Basic/senior first aid	Chainsaw operation
Small motor maintenance	4-wheel-driving

8.8 Discussion: KALNRMO Effectiveness

At the time of this research, KALNRMO was considered to be the only fully operational community-based land and NRM management agency in the Cape York Peninsula (Cape York Institute for Policy and Leadership & Balkanu Cape York Development Corporation, 2007). The KALNRMO manager was often invited to speak to other Aboriginal and governmental forums on the factors that have contributed to the sustainability and success of the organisation. Sinnamon (1995a, pp. 24-25) summarised the key factors believed to contribute to the success of Kowanyama's working relationship with the QFCO and the QFMA:

- key individuals were involved with a commitment to negotiated outcomes for management of the fishery
- continuity of the group involved in talks and negotiations
- the lack of human population pressures in the Gulf with a limited number of stakeholders in the process
- confidence in the other's ability to deliver on promises and strategies at the negotiating table
- major parties resident in the region with a strong vested interest in both regional and local management
- all spoke a language the other understood
- sufficient time between negotiation sessions to plan and consider options
- there were mutual concerns and understandings on issues such as habitat protection
- Kowanyama was able to address broader issues of management such as the regulation of other sectors of the fishery i.e. recreational fishers
- Kowanyama's network was seen as beneficial to Queensland Commercial Fisherman's Organisation on issues of mutual concern
- Kowanyama's development of a professional approach to discussions dispelled early fears of dealing with an indigenous community i.e. helicopter surveillance data, camping permits for recreational fishers, an active Ranger Service etc.

The above factors that were found (ex-post) to contribute to the success of Kowanyama's partnership with the QFCO and QFMA and strongly support and reinforce the themes that have emerged from this research on what would make ACM feasible in the MARNP.

Since their early success in the regulation and management of the Mitchell River fishery, KALNRMO's activities have broadened considerably. Table 8.5 provides a summary of the natural resource management activities that KALNRMO were coordinating or participating in at the time of this research.

Table 8.5 KALNRMO Responsibilities and Partnerships (at 2007/08)[95]

Responsibility	**Partner Organisations**	**Focus**
Native Title	Cape York Land Council (CYLC) National Native Title Tribunal	Kowanyama Peoples NT Claim Meeting coordination with Traditional Owners Olgol Claim Indigenous Land Use Agreements (ILUA) Mineral Exploration Permit submissions
Engagement in Local, Regional & State Planning Processes	Northern Gulf NRM Cape York NRM Body (CYPDA) Balkanu Cape York Land Council Mitchell River Watershed Management Group Tourism Queensland	Natural Resource Management Capacity building Catchment management Five year review of Kowanyama NRM plan and Strategy Mitchell River Loop Road Product review Development of a Fire Management Plan for Kowanyama Aboriginal Lands covering traditional, pastoral and land management aspirations Development of Geographic Information System (GIS)
Research planning, coordination and oversight	Monash University Charles Darwin University Griffith University Commonwealth Scientific & Industrial Resource Organisation QLD Environmental Protection Agency State Emergency Service	Tropical Rivers and Traditional Knowledge (TRaCK) Crimson Finch Recovery Waterbirds Wetlands Disaster planning
Pest control	Kowanyama Aboriginal Shire Council (KASC)	Kowanyama Pests and Weeds Management Plan 2007

[95] *6-5-07 KALNRMO Activities doc*

	QLD Health Department (Animal Management Program) Commonwealth Government (Envirofund, Natural Heritage Trust) Australian Quarantine Service	Monitoring pest species and populations Eradication and/or control Dog health and control Community education Pigs and Marine Turtle
Wetlands Management & Training	The Christensen Fund Annan Endeavour Group Wetlands International	Water quality monitoring Aquatic weed control Wetland bird monitoring Traditional Use of Wetlands
Fisheries and Tourism	QLD Dept of Natural Resources & Water Recreational Fishing Grants Cwlth Natural Heritage Trust Northern Gulf NRM Group	Toilet facilities upgrade-Topsy Creek campsites Tourist brochures, signs & logos Ghost nets & beach surveillance Camping reservation, regulation, fee collection Maintenance of camping sites
National Park Management	James Cook University QLD Parks & Wildlife Service KASC	Research: co-operative management planning Fire and NP management Surveillance Cultural landscape & historical heritage mapping
Homelands and pastoral leases	KASC Kowanyama Cattle Company	Fire and NR management Surveillance
Cultural Heritage	KASC Carpentaria Shire Council	Coastal survey & site mapping Wanyaw mapping project Cultural heritage clearance

		Melbourne Fibre Art Exhibition Significant Trees Project Three language dictionary Arts, Culture and Research Centre concept development Cultural Collections Documentation Oral Histories Photographic collection
Capacity Development/ Exchange	Various Aboriginal Land and Sea management organisations QLD and Commonwealth Government departments CYLC and Balkanu Australian Agricultural College	Training (on and off-country) Ranger / Traditional Owner exchanges Conferences, meetings
Administration	KASC	Budgets Grant applications and acquittals Coordination of Network/Partnerships/technical input Human Resource Management Advice to Council Community engagement, Counsel of Elders Neighbour relations Cultural inductions/orientations Planning

In a review of the operations of KALNRMO, undertaken in 2007, Moran described the scope of the organisation's responsibilities as "daunting":

> *"[KALNRMO] operates both in and out of town. It catalogues cultural artefacts and state-of-art GIS technology. It translates technical concepts to people of limited English, and conveys local world views to visiting departmental officers. This operational range of the Land Office is widely respected and should not be understated. People in Kowanyama, from Indigenous elders to recently-arrived outside employees, rely on the ability of the Land Office to listen, absorb, respond, and to help them interpret the daunting complexity of Indigenous Affairs"* (Moran, 2007, p. 2).

Moran's (2006) doctoral research undertook a study of planning and local governance in Kowanyama with fieldwork occurring between 2002 and 2004. Moran analysed the practice of local decision-making through beneficiary participation in planning and governance, and its progress towards achieving self-determination. The planning processes of KALNRMO were judged as being the most effective in facilitating local decision-making in Kowanyama. KALNRMO's managers had substantial proficiency in participatory methods, technical expertise and negotiation (considered key to the successes of KALNRMO). Moran concluded that the success of the organisation was dependent on external technical expertise and this introduced a major vulnerability. The vulnerability was not only due to the obvious difficulties in placing and retaining skilled professionals in remote settings, but also finding individuals with the combination of patience, sensitivity, ethics and commitment to go to considerable lengths to explain complex inter-cultural concepts to the Elders so they were in a position to make informed decisions. As stated in Chapter 2, challenges to Indigenous participation in environmental management includes cultural and language barriers, geographic isolation, lack of resources and lack of familiarity with Western planning and decision-making processes (Lane, 2002; Lane & Williams, 2008). All of these challenges are present to some extent in Kowanyama.

Table 8.6 Success rating for operations of KLNRMO and the Counsel of Elders, 1998-2003 (Moran, 2006, pp. 210-211)

Overall Success (five point scale)	5	Best practice model of Indigenous-controlled land management. Highly effective organisation in bringing together Western and traditional knowledge systems, as internally judged by its constituents and as widely held by external stakeholders.
Participation	5	The informal and fluid membership of the Counsel of Elders, an open door policy, and an effective planning regime encouraged broad participation.
Technical expertise	5	KLNRMO was able to recruit a series of Coordinators, who were technically competent and who facilitated the involvement of Elders in technical decision-making. As needed, it also brought in consultants, scientists and specialists in their fields.
Effective negotiation (internally and externally)	5	Effective negotiation with outside commercial and government interests, as well as internally with Council and among competing outstation groups.
Institutional capacity	4	Considerable capacity existed in staff and facilities, but the organisation was vulnerable due to reliance on technical expertise with a high turnover of Coordinators since 1997.
Focal driver	4	Long involvement of the founding coordinator, then a string of subsequent male Coordinators. Also, the commitment of focal male Elders, which was ongoing but especially strong during the early establishment phase.
Jurisdictional devolution	4	Council devolved powers to KLNRMO by establishing it as a parastatal section and it enjoyed considerable discretion in its activities. By demonstrating its proficiency, the Office was able to attract adequate support and resources from government to achieve its objectives.

5 = Highly successful, unexpected positive outcomes, exceeding expectations, exceptional; 4 = Successful, positive impact, considerable, significant; 3= Some success, but falling short of potential, limited; 2 = No change, no impact, not effective, not significant, none; 1: Destructive influence, negative

8.8.1 Capacity Development Challenges

In addition to the vulnerability identified by Moran (2006) in Table 8.6, a number of other capacity development challenges may influence the sustainability of KALNRMO and the feasibility of ACM in the MARNP. For example, each of the responsibilities and partnerships presented in Table 8.5 comes with project funding, either from the partner organisations or Council to support implementation. KALNRMO’s reputation for delivering and acquitting project funds is such that the organisation could usually attract funding for short term projects of high priority to the community. In fact, KALNRMO turned away project proposals and substantial funding if the project was not a priority for traditional owners or if they did not have the available personnel to ensure the project could be successfully completed within a stated timeframe. However, while funding could sometimes cover casual wages for KALNRMO personnel or traditional owners participating in the project, it does not cover on-going wages for permanent positions.

Funding for wages was the foremost concern regarding the sustainability of KALNRMO at the time of this research. Council funding established KALNRMO and continued to support the administration of the organisation and the manager's wage at the time of this research. However, funding for other positions was short-term or (for the rangers) based on Community Development Employment Program monies[96] which wasn't considered secure.

While KALNRMO attracted a diverse array of project support funding from various governmental and non-governmental organisations, there was, at the time of this research, insufficient financial support and reporting from the Council Accountant so that the organisation could closely monitor project spending, plan works and complete acquittals appropriately.

Other KALNRMO capacity development challenges included[97]:

- Guarantee of ongoing funding for technical positions within KALNRMO
- Attracting and retaining staff with technical expertise: capacity fluctuates from year to year
- Maintaining the Kowanyama GIS and Database systems
- Government funding of individual NRM projects, rather than integrated community programs
- Government funding programs designed for Government priorities, rather than local priorities (too many strings attached and disjunction of priorities)
- Non-government funding sources are more difficult to access
- Managing organisational growth in scope, personnel and budget since establishment

8.9 Conclusion

The purpose of this chapter was to examine if a pre-existing institution, KALNRMO, could be adapted for a new purpose – to extend its operations to include the community-based ACM of the MARNP. KALNRMO started operations with a voice, a strong conviction on a single issue: the sustainable management of the valuable, subsistence fishery resource of the Mitchell River. Backing up their talk with significant and effective actions, Kowanyama and KALNRMO started to slowly build a reputation with external parties as a people and entity with both a strong interest in the management of the resource and the ability to effectively co-manage the resource. From this single issue, KALNRMO rapidly broadened their scope of operation according to the priorities of

[96] CDEP is a Australian Government program that aims to help Indigenous job seekers to gain the skills, training and capabilities needed to find sustainable employment by paying participants $20.80 / fortnight more than they would otherwise receive on a job seeker allowance

[97] Compiled with reference to *KALNRMO Briefing Summary, Apr 2008*

the community, all the while building trusting relationships both within the community and externally. KALNRMO built their reputation on the 'walking and talking', which created trust and the will to reciprocate with a wide range of external stakeholders. Networking from the local to the global level was influential in providing inspiration and for supporting the community to determine their own planning and direction for their community and their lands.

The Kowanyama community also nurtured and supported their leaders and valued KALNRMO personnel, both Indigenous and non-Indigenous. These leaders were determined to improve the lives of and protect the interests of *all* of the people of Kowanyama. Local solutions were sought by local people for local challenges in Kowanyama. Land holdings were increased by Council in order to protect traditional land interests and provide economic opportunities for Kowanyama residents. Within the community, the 'right' people speak for their country, the experience of the Counsel of Elders and the participation of youth in decision-making is highly valued. When consensus on an issue is found internally, community leaders speak with one voice, presenting a united and cohesive front to the outside world. As time went on, the community continued to self-organise, to build capacity, to plan and refine their strategies for the management of their lands and resources. The profile of the community land management agency has thus risen to one of substantial credibility at the national level; one where now their reputation has generated trust from many external parties. They were able to find ways to turn challenges into opportunities: conflicts of interest into common purpose, threats into advantage, external competitors to allies, and critics into supporters. Their abilities lie in their capacity to adapt, to learn and persist.

All of the above factors contribute to the feasibility of ACM emerging in the MARNP. As long as KALNRMO is able to continue to build capacity and to address their capacity development challenges, the organisation is likely to provide appropriate support for the Oykangand people's aspirations for community-based ACM of the MARNP.

Chapter 9 Conclusion

9.1 Introduction

The aim of this research was to provide the Traditional Owners of the Mitchell-Alice Rivers National Park (MARNP) in Cape York Peninsula with information that will assist them to negotiate an adaptive co-management (ACM) partnership with the Queensland state government. It is hoped that this research could ultimately assist the Oykangand people to achieve their aspirations and lead to the effective management of the MARNP. Berkes (1997, p. 6) made the following assertion, which became the primary research question for this thesis:

> *"Very little scholarly work addresses, in my opinion, the key question:* ***When is co-management feasible****?"*

This Indigenous Collaborative Action Research project was undertaken with and for the Kowanyama community, with the main data collection phase occurring in Kowanyama primarily during 2006 and 2007.

The primary research question has led to the identification of the key 'preconditions', or those critical aspects of capacity, that support the negotiation and implementation of adaptive co-management (ACM) agreements. The chosen context for studying the preconditions for co-management has been the attempts to create a formal co-management agreement between the Oykangand Traditional Owners and the Queensland Parks and Wildlife Service for the Mitchell-Alice Rivers National Park, a remote protected area near Kowanyama in Western Cape York Peninsula.

Identifying the preconditions is important because they either should already exist (be a characteristic of the social-ecological system) or be developed for the successful implementation of ACM. The co-management process may be hindered if interested parties try to forge ahead with negotiations or co-management activities without considering all the preconditions for co-management. While it may be possible to address some of the preconditions during negotiations or during simple, early co-management functions, other preconditions may prove intractable or be made more difficult if one party to the process is perceived to be pushing ahead before the other is ready. Indeed, a power imbalance between the parties may occur if all preconditions are not present, which may lead to coercive or inequitable negotiations.

This concluding chapter presents the major theoretical contribution to the literature derived from this research – those preconditions for community-based adaptive co-management of the MARNP. These findings are presented in a model, which I have named the 'Adaptive Co-management Pyramid'. In addition, the chapter recaps two methodological contributions to the literature – the development of the Indigenous Community Action Research (ICAR) methodology; and the development of the framework to assess the feasibility of ACM. Future research derived from the theoretical contributions of this research are presented and this chapter also discusses the limitations of this research.

9.2 Theoretical Contributions to the Academic Literature, Potential Applications and Future Research

9.2.1 The Framework to Assess the Feasibility of ACM

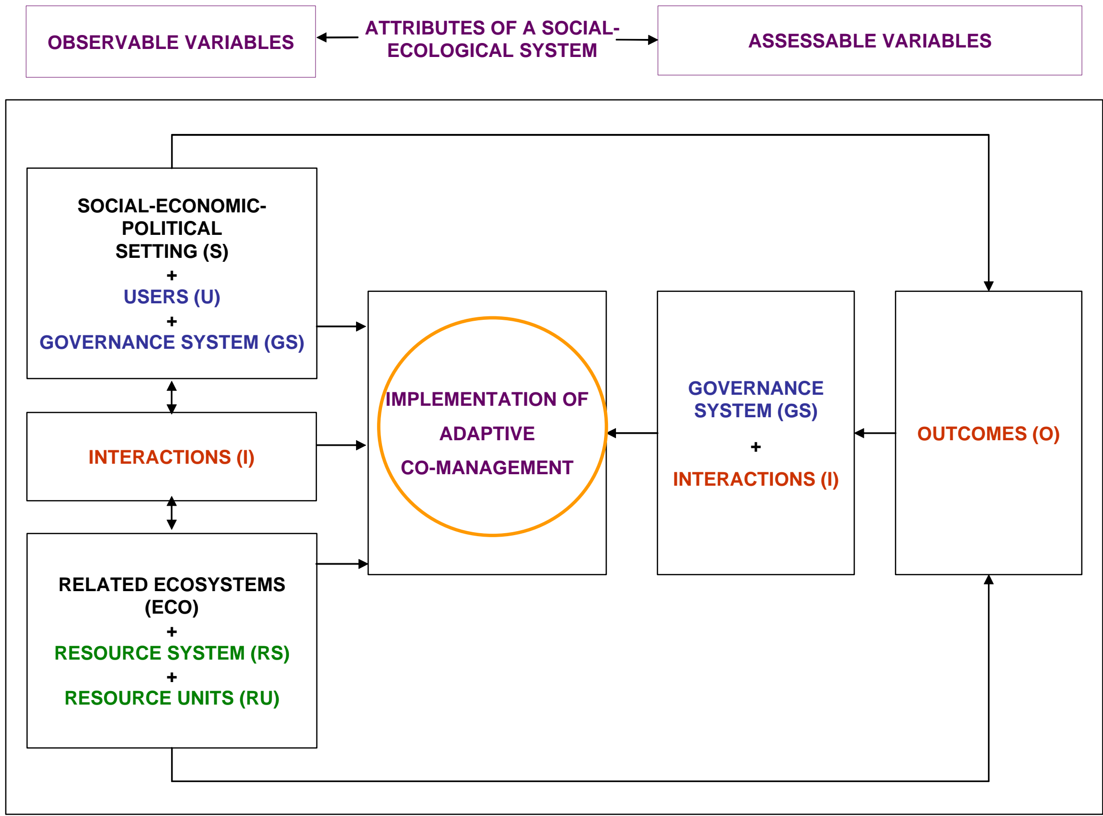

Figure 9.1 Framework to assess feasibility of adaptive co-management with circled areas of general investigation in Chapter 9

An evaluative or diagnostic framework (Figure 9.1) was developed from the literature to guide the investigative process of this research. As presented in Chapter 3, the Wood et al. (2008) framework

inspires the sequence of investigation and Ostrom's (2007) eight first-tier attributes of social-ecological-systems (SESs) were used as a means of categorising and organising the variables that may influence the feasibility of adaptive co-management. This approach used to analyse the data was consistent with the Miles and Huberman (1994) proposal to start with some general themes derived from the literature and add more themes and sub-themes as you go. Hence, a mixed deductive/inductive approach was used to identify the preconditions. Ostrom's first tier variables for analysing SESs did not excessively direct the gaze of the researcher nor predicate the results of this research. The preconditions emerged from the data and were then critiqued against the existing academic literature. Finally, the preconditions were loosely ordered according to their level of importance to the feasibility of ACM to create the ACM pyramid.

9.2.1.1 Future Research & Applications

Use of a common set of variables, such as Ostrom's first tier variables for analysing SESs, allows for comparison across cases and sites and (eventually) the identification of causal links that help to build coherent theory on the management of social-ecological systems (Agrawal, 2001). This PhD research may therefore contribute to a meta-analysis of related research to help build a coherent theory regarding the preconditions for successful co-management of CPRs. Having used Ostrom's first tier variables in the investigative framework should assist scholars to code the information contained in this research according to Ostrom's core variables identified in Figure 3.1of this thesis. In conclusion, the framework for assessing the feasibility of ACM has proven to be a useful guide for the process of this research and also for drawing attention to those contextual factors of importance in a given context.

9.2.2 Indigenous Collaborative Action Research (ICAR)

Derived from Participatory Action Research and Community Action Research methodologies, along with the principles developed for the ownership and use of Indigenous knowledge, a methodological approach was developed to guide research 'in', 'with' and 'for' the Kowanyama Community.

Termed Indigenous Collaborative Action Research (ICAR), the principles of this methodology were presented in Table 3.5. The development of ICAR principles began with a review of the literature and by reflecting on my own worldview and expectations for the ethical conduct of research. The principles were then improved with input from the Kowanyama Community during fieldwork and our efforts to develop an agreement that would guide the conduct of this collaborative research. The development of and implementation of the Research Agreement, and

the development of the ICAR principles occurred concurrently, each informing the other in the manner of the classic ‘Lewinian cycle’.

Chapter 3 demonstrated how capacity was developed and new understandings arose during the course of this research as a result of the development and implementation of the ICAR principles and the Research Agreement. The Research Agreement itself may be seen as an ACM agreement between myself (and the university) and the Traditional Owners (and the Kowanyama community). The process provided great insight into the capacity required to negotiate an agreement between the Traditional Owners and the Queensland Government for the adaptive co-management of the Mitchell-Alice Rivers National Park national park.

9.2.2.1 Future Research and Applications

Because the ICAR methodology was developed from existing and well accepted action research and Indigenist research methodologies, it’s principles could be used in any context where action research is appropriate and where the preconditions for ICAR are met (see Table 3.3); i.e. where the Indigenous community initiates the research and engages a research facilitator, where collaboration with one or more external groups is necessary, and where the community maintains ownership and control of the research process and use of outcomes.

There are two important issues that researchers should carefully consider before embarking on research using the ICAR principles. They highlight the tension between the ICAR approach and the ‘normal’ expectations of universities regarding PhD theses and research in general. First, due to the time required to undertake research using ICAR principles, PhD candidates should be aware that the expected timeframe for completing a PhD in Australia may easily be exceeded. The use of the ICAR principles throughout this research required that a considerable degree of control over the research process be relinquished to the Traditional Owners and the Kowanyama community. My own steep learning curve and the additional time needed to build a rapport with the community and to work within their priorities and timeframes did impact my ability to complete and submit this thesis within the expected three to three-and-a-half years. In addition, Universities and other academic institutions still fail to recognise the additional time and effort required to implement participatory and action-oriented research methodologies in Indigenous contexts (Kendall et al., 2011). As I was forced to seek employment at the cessation of my stipend, the duration of my PhD candidature was close to seven-and-a-half years from commencement to submission and the write-up was completed on weekends and during leave from work.

The second consideration for researchers is that the use of ICAR principles may create a tension between the 'ownership' of Indigenous knowledge that contributes to the research results and an academic 'publish or perish' culture. All researchers, including PhD candidates, are expected to produce publications from their research which are used as a measure for career advancement and as a source of income for the University. While publication is certainly possible using ICAR principles, once again (and rightly so), the community maintains control over the dissemination of Indigenous knowledge and the outcomes of the research derived from that knowledge.

Tensions such as the two described above are not uncommon where researchers are community-based and are required to balance the needs of multiple partners. Constant tension may lead to *moral distress*, which has recently been recognised in the Australian community-based research literature as a significant challenge for universities that seek to support ethical research practice by non-Indigenous researchers in Indigenous communities. Moral distress is defined as:

> *"Painful feelings that occur when, because of institutional constraints, the [practitioner] cannot do what he or she perceives to be what is needed. Such feelings involve perception of moral responsibility and of the degree to which a person views herself or himself as individually responsible or as restricted by circumstances."* (Jameton, 1984, cited in (Kendall et al., 2011, p. 6)

Constant tension caused by moral distress in an Indigenous community-based research context has been associated with burnout, withdrawal from the research project, difficult interactions or relationships with the community, and withdrawal from Indigenous research altogether (Corley, Elswick, Gorman, & Clor, 2001; Kendall et al., 2011; Sunderland, Catalano, Kendall, McAuliffe, & Chenoweth, 2010).

9.2.3 The Adaptive Co-management Pyramid

The development of the ACM Pyramid is the major theoretical contribution to the academic literature from this research. The preconditions, or critical aspects of capacity, for community-based adaptive co-management of the MARNP are presented in a model. Efforts to establish ACM in the MARNP may be viewed as part of, or a continuation of, the process of pursuing a greater role in the management of Aboriginal lands and resources for the benefit of the Aboriginal residents of Kowanyama. The Oykangand people are a part of a community who began walking and talking towards self-governance and resource co-management in the 1980s. Their first foray into co-management was to secure the sustainable use and management of a traditional subsistence fishery. This issue was and remains of utmost importance to the health and wellbeing of the

community and of the Mitchell River and was achieved in collaboration with industry and government. Since this time, the community has successfully initiated and participated in a number of resource co-management partnerships, including the Mitchell River Watershed Management Group and numerous research and monitoring partnerships.

The most recent, and possibly the most challenging partnership sought by the community thus far is for the community-based co-management of the MARNP. Efforts to create statutory co-management arrangements for the MARNP first began in the 1990s without success. At the conclusion of fieldwork for this research in 2007, a non-statutory MOU was signed as an interim, non-binding, co-management arrangement. Hence, the major themes that emerged from the data as part of this research were derived from past and contemporary efforts made by the Oykangand people and the Kowanyama community to create co-management arrangements for the MARNP and other resource systems. These themes, or preconditions, have been discussed in depth and critiqued against the literature in each relevant chapter as they emerged from the data.

This section presents these themes as a model (Figure 9.2), which I have termed the Adaptive Co-management Pyramid, and briefly interprets the components of the model.

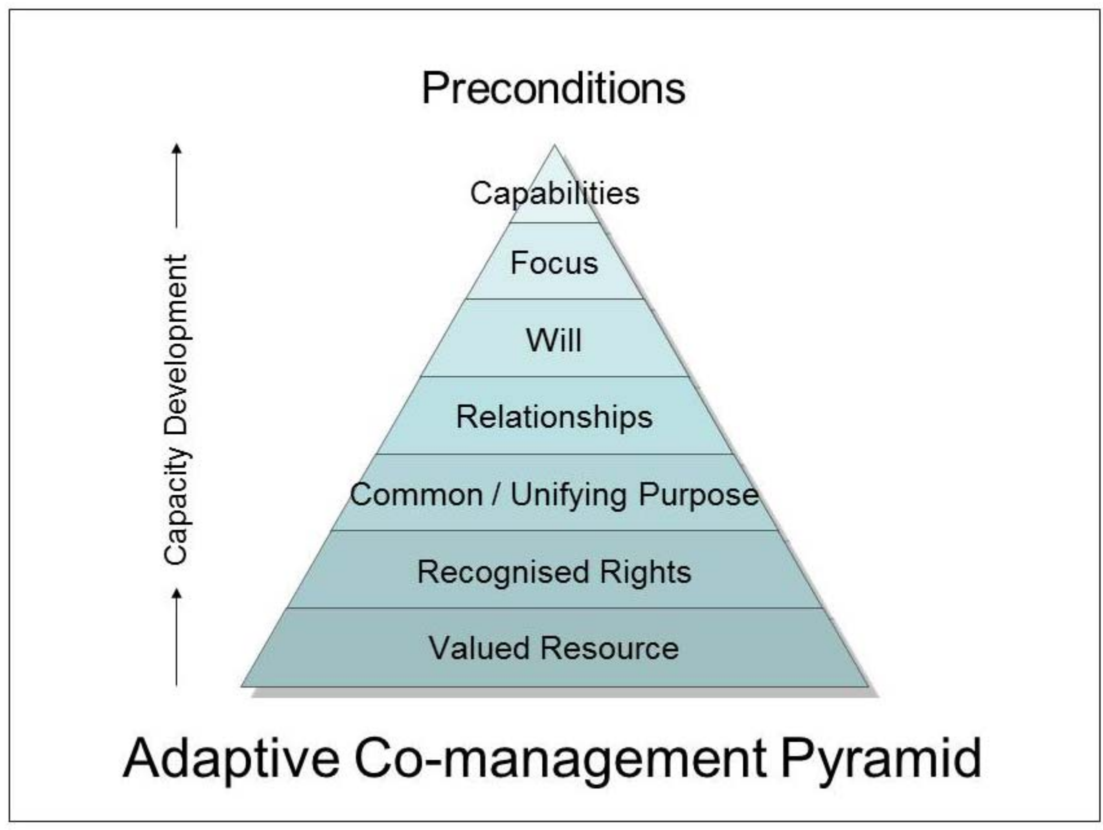

Figure 9.2 The Adaptive Co-management (ACM) Pyramid

It is proposed that effort to build capacity for ACM should commence in those areas found to be deficient closest to the base of the Pyramid first before working up in ascending order. This implies, for example, that concentrating effort on building local *capabilities* for the delivery of ACM tasks (e.g. training/employing Indigenous rangers) is not likely to facilitate the successful negotiation and implementation of a co-management agreement if the resource is not adequately *valued* by both parties and the *rights* of both parties to participate in co-management are not *recognised*.

It is further proposed that the more the above preconditions are met by the Traditional Owners, the stronger their claim for community-based co-management will be. However, it may not prove necessary for all preconditions at each level of the pyramid to be present in a particular context before ACM negotiations may be initiated. Often capacity or preconditions can be developed as part of negotiations or during interim arrangements such as a MOU. For example, *positive relationships* based on trust may be developed during negotiations if each party is *willing* and able to openly discuss their aspirations and motivations and to find *common ground*.

The above example also demonstrates the interrelatedness of the themes. It is critical to recognise that there are likely to be many different ways the same themes could be presented in a model; none of the themes are mutually exclusive. However, adaptive management theory states that simple structures and relationships can explain much of nature's complexity and the ACM Pyramid is just one way these structures and relationships could be presented. Models can also over-simplify the representation of complex social-ecological systems. Therefore, just as Arnstein (1969) warned that in the 'real world', there will be many more and less distinct rungs on her 'ladder of participation', a strict interpretation of the levels of the ACM Pyramid must also be avoided.

A final consideration when interpreting the ACM Pyramid is to understand that capacity of each of the co-management partners can change. As found in Chapter 2, a co-management regime should be flexible and responsive to changing needs and capacities and to feedback from the system as parties continue to learn and apply new knowledge to their management. Hence, it is critical that the parties are not 'locked' into long-term inflexible co-management arrangements and the role of partners in ACM must be renegotiated as often as necessary to ensure that arrangements remain equitable and capable of achieving the desired outcomes. In addition, if all preconditions are not met within a given ACM context, then the co-managers will need to ensure that adequate supportive structures are present.

Below is a summary of those attributes of the system that facilitate ACM at each level of the 'ACM Pyramid'.

9.2.3.1 Valued Resource

- The higher the value placed on a resource by potential co-managers, the higher the likelihood that improvements to the governance system will be supported
- Having the major parties resident in the region and with a strong vested interest in both regional and local management of the resource may facilitate ACM
- Natural and cultural attributes of the system should not be at a point of deterioration where it is considered a wasted effort to make a 'feasible improvement' to the governance regime, nor be in a pristine condition such that it is perceived that no improvements could be made
- System dynamics need to be sufficiently predictable so that the risk to the resource system from a change to the governance system is perceived to be low
- Expected costs of implementing ACM must not outweigh the expected benefits
- Crisis can increase the likelihood of collaboration, particularly if the problem is bigger than any single organisation acting alone can resolve
- The close proximity of the management base to the national park will lower costs associated with transportation and communication and will enable a rapid response to threats and incidents
- The lack of human population pressure and a limited number of stakeholders may facilitate ACM

9.2.3.2 Recognised Rights

- Decentralisation of ownership of the land requires the state to support Traditional Owners' right to:
    - Secure tenure and legally recognised land ownership
    - Naming rights
    - Determine the boundaries of the system
- Decentralisation of management of the resource system requires the state to support Traditional Owners' right to:
    - An equitable balance of authority and responsibility for management
    - Achieve their aspirations for their land
    - Develop their own governance structures/institutional arrangements
    - Determine rules of access, including the exclusion of others from the area
    - Determine who may use and benefit from a resource (e.g. Harvesting of a natural resource) and how the accepted users shall conduct themselves

    - Determine how the benefits of a resource are distributed
    - Enforce these rules
- Policy supporting the emergence of ACM should take a passive, enabling role by supporting local social capital; promoting awareness; providing education; and thus introducing consciousness
- Policy should support the ability to change the rules of the co-management system if necessary
- Indigenous people will need to recognise that governments will retain some rights to represent the interests of wider society in the maintenance of the resource or resource system

9.2.3.3 Common/Unifying Purpose

- A common or unifying purpose in the outcomes sought from ACM by the parties will positively influence the relationship between the parties and the will to work together to implement a new adaptive co-management governance system
- Recognition of multiple objectives for national park management improves the likelihood that common ground can be created between the parties, as long as traditional owners of protected areas accept the conservation objective without coercion
- Parties should maintain a commitment to seeking common ground and 'cooperation' as the foundation of all negotiations over common pool resources, while recognising and respecting differences of opinion
- Internal cohesiveness within each of the ACM partners and presentation of a unified position to the other ACM party
- Maintain a consistent position or message over time
- Having mutual concerns and understandings on issues that affect the resource system

9.2.3.4 Relationships

- Positive relationships should be based on communication, respect and trust
- Levels of trust, reciprocity, and a reputation for being trustworthy are positively (or negatively) reinforcing and these, in turn, affect levels of cooperation and net benefits to the community and the resource system
- Some conflict may be necessary before the parties are willing to enter into negotiations for an ACM agreement, however, repairing the broken relationship is critical

Internal

- Internal cohesiveness: ‘shared norms’, ‘interdependence among group members’, ‘homogeneity of identity and interests’ were all found to be critical enabling conditions for sustainability on the commons;
- Cohesive communities and organisations speak with the one voice (clarity of communication)
- Communicating in such a way as all members of both parties understand each other
- Knowing who the appropriate people are to speak for their country
- Drawing on local and indigenous knowledge and elders and youth, men and women to inform and contribute to ACM

External

- Positive relationships are dependent on an equitable balance of power between the parties, which will stem from the recognition of each party’s right to be involved in the co-management of the resource
- Fostering an external network of people and organisations who can assist the parties to develop capacity for ACM as well as provide inspiration and other support
- Build trust from the bottom up by working together on country before entering into any future “political” relationship between the parties
- View the other party as an opportunity rather than as a threat
- Consistent and well expressed aspirations and organisational objectives (focus) help to build communication, respect and trust
- Long-term tenure of key leaders from both parties can help to create long-term interpersonal relationships (a core organising principle in Aboriginal life) and corporate memory
- Face to face meetings, where groups can engage their prospective partners in conversation and look at their partners when making decisions, have been consistently found to raise levels of cooperation

9.2.3.5 Will

- A critical role played by political leaders is to introduce legislation and policies that support the paradigm shift in protected area management. Legislation and policies must legitimise local participation in co-management arrangements by:
    - Clearly defining jurisdiction and control

    - Recognising rights and defining and clarifying responsibility and authority of each partner
    - Recognising local decision-making arrangements and support local enforcement and accountability mechanisms
    - Enabling flexibility so organisations can make arrangements suited to their needs
- The state must remain an effective actor in support of its delegated co-management functions to ensure the cooperative implementation of these policies and guidelines
- Both parties must be willing to share responsibility, to adapt and build capacity to meet the challenges of ACM
- A willingness to enter into interim arrangements may benefit both parties by allowing more time to negotiate appropriate ACM arrangements, especially if there is a commitment from the state to work towards the long-term aspirations of Traditional Owners
- Political leadership and resourcing and funding support for community-based management of national parks will also need to be ongoing (sustainable) and to increase appropriately for as long as Indigenous homelands remain a protected area
- Demonstrate an active commitment to implement ACM agreements - to do the walk as well as the talk
- Co-management may be more likely to develop when local resource users show a willingness to contribute financially, or by recruiting other sources of support, to ACM

9.2.3.6 Focus

- Knowing *what* you want from ACM - being consistent in your aspirations and/or objectives and having a well-articulated understanding of *how* you will achieve your goals
    - Clearly articulated aspirations and organisational objectives should include overarching principles, longer-term strategic goals and a feasible plan for on-ground management of the area
- The ability to learn from past experiences, both successful and unsuccessful, and to adapt future arrangements to ensure adaptive capacity continues to be developed
- Having the ability to self-organise and not be forced to comply with ‘models’ for co-management that may not be suited to the context (e.g. aspirations, objectives and combined capabilities)
- Environmental conditions, risks and the capabilities of each party may also fluctuate over time, so flexible arrangements and planning instruments are likely to increase adaptive capacity and resilience and reduce vulnerability in the social-ecological system

- Boundaries may be arbitrary or meaningless to Indigenous people, engagement of Traditional Owners in natural and cultural resource management in the Aboriginal landscape beyond the protected area is absolutely necessary

9.2.3.7 Capability

- Adapting existing institutions can lower transaction costs, provide decision-making structures and enforcement powers
    - Human resources within existing institutions can bring leadership capacity and cultural understanding that may otherwise have to be created anew and at greater economic and social cost
- Adequacy and sound governance of financial and human resources have been found to be critical to the feasibility of ACM. Secure, ongoing funding and other resources are required from the state to:-
    - Employ negotiators for both ACM parties, including lawyers, and to fund travel and other expenses to attend meetings
    - Provide traditional owners with incentives or benefits, which are critical for encouraging people to negotiate, agree, and to participate in ACM
    - Support the implementation of ACM: including strategic and operational management activities
- The state must not perceive community-based ACM as a form of "service on the cheap" and seek to reduce public expenditure
    - ACM must be viewed as more effective use of resources and as an acknowledgement of Indigenous rights and responsibilities
- If funding for implementation of ACM is not perceived to be sustainable, negotiations may fail and ACM will not be feasible
- Community-based managers of ACM will require some autonomy for managing budgets and acquitting ACM funds
- The organisational culture of a state agency must be perceived by staff and traditional owners to support their on-going efforts
- Community-based co-managers require the necessary skills and equipment required to undertake strategic and operational ACM activities

- Community-based co-managers demonstrated ability to deliver (walk the talk) on promises and strategies of similar nature to ACM in other resource systems or contexts increases feasibility of ACM
- Community-based co-managers ability to attract, train and retain skilled professionals with the combination of patience, sensitivity, ethics, commitment and communications skills to go to considerable lengths to explain complex inter-cultural concepts to elders and community-members so they are in a position to make informed decisions
- Leaders who are able to turn challenges into opportunities, conflicts of interest into common ground, threats into opportunities, competitors to allies, and critics into supporters

9.3 Future Research and Applications

It is proposed that the ACM Pyramid could be used as a tool to assist the Oykangand people and QPWS to understand the prospects or feasibility of ACM in the MARNP and to identify any areas which require capacity building effort. However, as the ACM Pyramid is derived from a single case-study it cannot be applied to other settings without careful consideration. The ACM Pyramid requires testing across different contexts, both within the region and further afield. Time was a limiting factor to this research as fieldwork ended before the CYPHA was implemented. The roll-out of negotiations for Indigenous Management Agreements across CYP as part of the implementation of this legislation would be an ideal context to conduct further research on what makes co-management feasible. To replicate the design of this research by using the same investigative framework and ICAR methodology in other settings in the Peninsula and to compare and integrate those findings would add considerably to our knowledge of what makes co-management of protected areas in the region feasible. If the results of this research were found to be robust in the broader CYP protected area management context, then there would be adequate confidence to test the ACM pyramid in other regions and for other types of resource systems.

9.4 Limitations

There are a number of limitations of this research that have been described at the appropriate stages throughout this thesis. They are bought together in this section for transparency and to ensure this research can be correctly interpreted and utilised by the reader.

There was no indication that my gender limited my access to data in Kowanyama. I believe this is because the research did not focus on traditional / cultural meaning of the landscape, but on

contemporary aspirations and capacity for management of the landscape. I strongly believe that the trust I shared with my mentors, the Elders and Rangers in Kowanyama was such that they would have told me if there was knowledge that could not be shared for any reason whatsoever, including my gender. However, I acknowledge that contemporary meanings of landscape and relationships between men and women and Indigenous and non-Indigenous people are shaped by culture as well as more recent history, and there may well be limitations in terms of my gender that I am not aware of.

During the course of this research, I have spent considerably more time gathering data in Kowanyama with the Traditional Owners than I spent gathering data from QPWS (the organisation) and its staff. Some may view the community-centred approach taken in this research to be biased, particularly considering I have undertaken to make a holistic investigation of this SES. However, the emic approach and resultant methodology was necessarily empathetic to the Aboriginal community who were the instigators and primary beneficiaries of this research. I make no apology for taking this approach, as it was absolutely vital for building the rapport, trust and understanding that enabled the research to occur. In addition, as a non-Indigenous Australian, my pre-existing understanding of western government bureaucracies and the policy environment within which they operate were far more familiar and easier for me to comprehend than the Aboriginal community and cultural norms within which the Traditional Owners exist. My learning curve was steep and humbling.

As stated in Chapter 3, due to their complexity, most often researchers have sought to understand SESs via single case studies using qualitative methods, or have examined limited variables or attributes of a CPR system across a larger number of cases. This has made the comparison of cases difficult and the building of consensus difficult. Such is the diversity of factors and the interactions between them that can influence the feasibility of ACM it is impossible to advocate specific preconditions that influence feasibility in each and every case (Roe et al., 2000). The MARNP context may be unique so it is not possible to make generalisations based on limited data. However, the research does provide a valuable case study from which the reader can draw their own conclusions. As stated by L. T. Smith (2012, p. 188),

> *"The strategies that work for one community may well work for another. The gains made in one context may well be applied usefully in another. The sharing of resources and information may assist groups and communities to collaborate with each other and to protect each other."*

As stated in Chapter 1 and Section 9.2.2.1, timeframe issues associated with this thesis may be considered a limitation by readers, as the duration of my candidature from commencement to submission for examination was seven and a half years. As a non-Indigenous person working ethically with an Indigenous community utilising Indigenous Collaborative Action Research (ICAR) methodology and principles, my ability to complete and submit this thesis within the expected three to three-and-a-half years was greatly impaired. In addition the vast majority of the literature that informs this thesis was published prior to 2009. This literature is necessarily located within the context within which the research question and research aims were developed, the significance of the research established, and the data were analysed. As stated above, this research does not claim to have transferability across time or space. It is a case study undertaken to address an issue of concern to a particular community at a single point in time.

9.5 Conclusion

This research has contributed to our understanding of how sustainable, resilient co-management systems are created. A contribution to the academic literature has been made by providing scholarly information about what makes co-management feasible. Such a contribution is significant from theoretical, methodological and pragmatic perspectives. This research has contributed to the Common Pool Resource management literature by furthering our understanding of a 'social dilemma of collective action' in a social-ecological system. This research has also made a contribution to the paradigm shift in Protected Area Management by providing information that can assist governments to improve the collaborative management arrangements they negotiate and implement with Indigenous peoples for national parks and other protected areas.

A second theoretical contribution to the literature included the development of a process that guided the ex-ante study of the feasibility of ACM. The ex-ante analysis of the MARNP context has helped identify key 'preconditions' to ACM in a setting where ACM had yet to be implemented. This process was found to be a useful guide in a situation where much of the information required for understanding the feasibility of co-management could not be directly observed from the context of interest.

A methodological contribution to the literature was made when an addition to the suite of Action Research methodologies was developed for this research to ensure the protection of Indigenous cultural and intellectual property rights at all stages of the research process. Indigenous Collaborative Action Research combines principles protecting the ownership and use of Indigenous knowledge with other well-known Action Research principles including action, participation and

cross-organisational learning. This methodology evolved during fieldwork and while negotiating a Research Agreement and proved to be a very successful guide to conducting research 'in', 'with' and 'for' the Kowanyama Community.

In addition to the theoretical and methodological contributions to the academic literature, the research has also made a pragmatic contribution to the Kowanyama community. This research has generated knowledge that could be used in the design of an appropriate management regime that could enable the effective management of the MARNP and, just as importantly, improve wellbeing and create sustainable livelihoods of the Oykangand people and their community. Hence, this research achieved its central aim by providing the Oykangand people with valuable practical information that may assist them in their negotiations with the state for the community-based co-management of the Mitchell-Alice Rivers National Park. This research found that prospects for developing an ACM agreement were encouraging, however, at the time fieldwork was completed in late 2007, significant challenges remained in establishing an appropriate ACM regime for the MARNP. The ACM pyramid will assist the Traditional Owners and QPWS to identify those challenges and ensure adequate support is included in a future ACM agreement.

Since fieldwork was completed, the Oykangand Traditional Owners, supported by the Kowanyama Aboriginal Land and Natural Resources Management Office (KALNRMO) and the Kowanyama community continued to walk and talk towards a community-based ACM agreement with the state. Negotiations for an Indigenous Management Agreement (IMA) under the *Cape York Peninsula Heritage Act 2007 w*ere finalised with the renaming of the MARNP homeland to the *Errk Oykangand National Park (Cape York Peninsula Aboriginal Land)* in a ceremony in Kowanyama in October 2009 (see Plate 9.1 and 9.2 below).

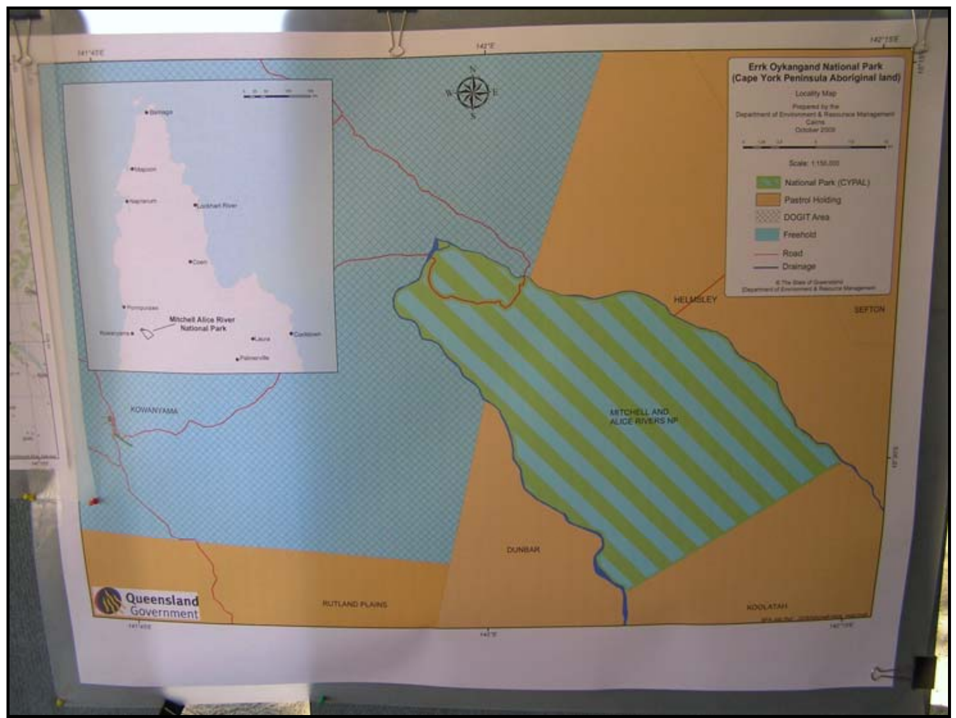

Plate 9.1 Map of the Errk Oykangand National Park (23 October 2009)

Plate 9.2 Oykangand Traditional Owners and Kate Jones MP, Queensland Minister for Climate Change, at the signing of the Indigenous Management Agreement in Kowanyama (23 October 2009)

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Appendix A – Elders' Invitation

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Appendix B – Contract

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Appendix C1 – Research Agreement First Draft

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Appendix C2 – Research Agreement (Final)

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Appendix D - Aboriginal Traditional Owner aspirations for national park homelands and the Cape York Peninsula Heritage Act 2007 (Qld)

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Chapter 6.

Aboriginal Traditional Owner aspirations for national park homelands and the *Cape York Peninsula Heritage Act 2007 (Qld)*

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Abstract*. I investigate the national park management reforms within the Cape York Peninsula Heritage Act 2007 (Qld) and the likelihood that management arrangements negotiated under the Act can meet the aspirations of Traditional Owners. The Uw Oykangand people based in Kowanyama aspire to Aboriginal land tenure and community-based management of the Mitchell-Alice Rivers National Park. They have been recognised as the Traditional Owners of the National Park after protracted proceedings under the Aboriginal Land Act 1991 (Qld). The Cape York Peninsula Heritage Act certainly progresses legislative requirements to involve Traditional Owners in national park management, and thus has the potential to meet many of the Uw Oykangand's aspirations. However, there is insufficient evidence at this stage to foresee how the Uw Oykangand families will proceed when confronted with still more negotiations over land which they have always known as their own. Much will depend on the policy currently in development, particularly with regards to power sharing and conflict resolution, the resources available to implement the Act and the capacity of the community to engage in potentially demanding and time-consuming negotiations.*

Figure 6.1: Traditional owners, Kowanyama Rangers and Queensland Parks and Wildlife Service rangers working together in the Mitchell-Alice Rivers National Park in 2007. (L to R): Lana Little and Mick Cockburn (QPWS), Stanley Budby, Phillip Mango, Allan Flower, Victor Highbury, Anzac Frank, Arthur Luke, Colin Lawrence and Paddy Yam, Arvid Hogstrom and Stephen Dunbar (Kowanyama).

5.1 Introduction

On 7 June 2007 a new Bill was introduced to Queensland Parliament that was greeted with enthusiasm and received bipartisan support from both sides of the House. The Cape York Peninsula Heritage Bill was subsequently passed into legislation on 17 October 2007. Until this time, Queensland did not have a legal framework which supported Aboriginal peoples' aspirations for their homelands within the protected area estate. The *Cape York Peninsula Heritage Act 2007 (Qld)* (CYPHA) amended some other Queensland Acts with the intent of providing 'cooperative and ecologically sustainable management' (CYPHA 2007:7) of land in the region. CYPHA amended the *Aboriginal Land Act 1991(Qld)* (ALA) and *Nature Conservation Act 1992 (Qld)* (NCA) to allow Traditional Owners to take conditional ownership of national parks and to allow for joint or co-management arrangements for national park homelands within the region.

The Uw Oykangand people, based in Kowanyama in western Cape York Peninsula (Figure 6.2), are the Traditional Owners of the nearby Mitchell-Alice Rivers National Park. The families have worked towards regaining ownership and management of their national park homeland for at least twenty years. During this time legislative reform had been introduced that purported to facilitate their aspirations. While some benefits from past reform efforts have transpired, their aspirations had not been met fully. The Traditional Owners are now concerned that they will be drawn into another process where they will be expected to 'jump through hoops' yet again with minimal outcomes for their families. The aim of this paper is to investigate the national park reforms within the CYPHA and the possibility that ownership and management arrangements negotiated under the Act can meet the aspirations of Traditional Owners.

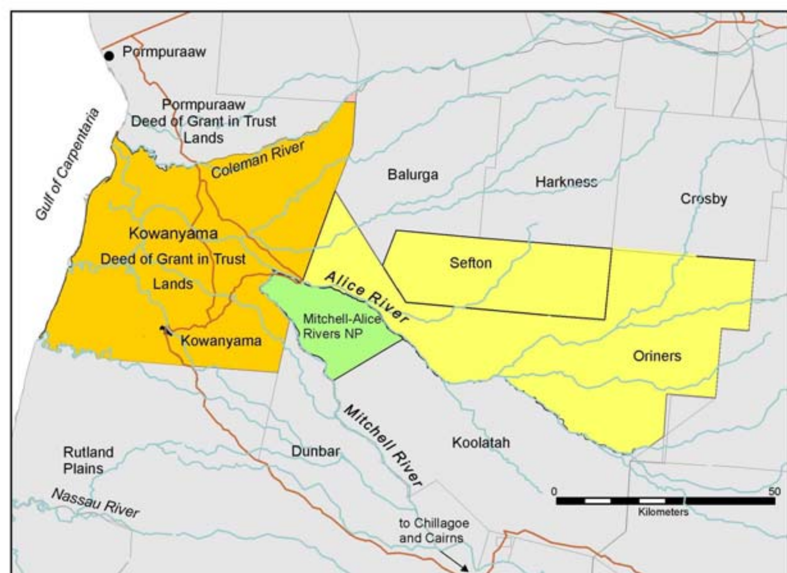

Figure 6.2: Location of Kowanyama lands and the Mitchell-Alice Rivers National Park

5.2 Research Methodology

Information presented in this chapter was obtained over a two year period as part of a larger research project including fourteen months' fieldwork with the Kowanyama community. During this time, information pertaining to the management of the Mitchell-Alice Rivers National Park and surrounding homeland area was collected using a variety of qualitative methods and analysed thematically. For example, the Traditional Owners' aspirations for their national park homeland were explored in workshops conducted in November 2005 and September 2007. These workshops facilitated the clarification and compilation of those aspirations expressed consistently by the Traditional Owners for many years (Larsen 2007). Information regarding the Traditional Owners' aspirations was also obtained by:

- Analysis of documents in the Kowanyama Aboriginal Land and Natural Resource Management Office (KALNRMO) library;
- Attending meetings between Traditional Owners and Queensland Parks and Wildlife Service (QPWS) staff while negotiating a 'Memorandum of Understanding';
- Observing interactions between Traditional Owners and QPWS staff while carrying out management activities in the National Park;
- Listening to Elders' explanations during informal conversations.

Information pertaining to CYPHA was obtained from the legislation and explanatory notes, the Queensland Parliamentary Hansard, senior staff of the Queensland Parks and Wildlife Service (QPWS), leaders and representatives of Regional Aboriginal Organisations, as well as news media and academic and law journals.

5.3 Kowanyama: the people and their country

The community of Kowanyama in the 2006 Census had a population of 1112 of whom at least ninety percent are Aboriginal (ABS 2007). The community was created when the 'Mitchell River Reserve for Aborigines' was gazetted in 1903, closely followed by the establishment of an Anglican mission at a site known as Trubanamen in 1905. The mission site was relocated to the present location of Kowanyama on the Magnificent Creek in the period from 1910 to 1915 primarily because of a problem of saline intrusion into the drinking water at Trubanamen. During 'Mission time' (the period from 1905 to 1967), the population of Kowanyama came to include three major linguistic groups from the surrounding region: Yir Yoront, Kokoberra and Kunjen. In 1967, the Queensland government's Department of Aboriginal and Islander Affairs (DAIA) assumed control of the Mitchell River Reserve from the Anglican Church. This was the start of the period which became known as 'Department time'. Department time persisted for twenty years until Kowanyama lands were handed over in trust to elected Councillors from the Kowanyama community in 1987. The Mitchell River Reserve then became the Kowanyama Deed of Grant in Trust lands (DOGIT).

Since the handover of DOGIT title in 1987, Kowanyama's leaders have strongly asserted the right and responsibility for the statutory or traditional land interests of all the people of Kowanyama. The community's efforts for self-governance and community-based natural resource management of Kowanyama Aboriginal lands led to the establishment of a community ranger service in May 1988 and KALNRMO in 1990. This was one of the first such agencies in Australia operated by an Aboriginal community council and both the land office and the ranger service have remained in continuous operation since. In 1991 and 1996 respectively, the Kowanyama Aboriginal Council purchased the neighbouring pastoral lease properties of 'Oriners' and 'Sefton'.

Today, the land office co-ordinates land management and ranger activities in these pastoral properties and the DOGIT lands.

The area that became the Mitchell-Alice Rivers National Park was identified by Peter Stanton in a report entitled 'National Parks for Cape York Peninsula'. Stanton did not visit the area in person, but examined aerial photographs. He stated (1976:54):

> It was designed to afford a cross-section of the woodland and grassland vegetation of the extensive alluvial plains of the lower rainfall regions of the Peninsula. It was chosen with the intention that the monotony of such vegetation would be broken by the scenic relief provided by the presence of permanent water and gallery forests of large streams.

Figure 6.3: Elder Alma Wason at Errk Iygow (Shelfo) on the Mitchell River National Park boundary

At the time, the area was part of 'Koolatah Station', a leasehold pastoral property running beef cattle neighbouring Kowanyama lands to the east (Figure 6.2). The owner of the lease voluntarily gave up this section of his property without financial compensation. Neither the property leaseholder nor QPWS staff informed the Kowanyama community about the impending gazettal of the park or sought to include them in the process.

Prior to European settlement of Cape York Peninsula, the Uw Oykangand traditionally occupied land to the east (inland) of the Kowanyama DOGIT. During Mission time, many Uw Oykangand families came to work on the cattle properties (including Koolatah) which occupied their traditional country. Some of these families only moved to Kowanyama when either their children were required to attend the mission school in the 1950s, or later in the 1960s and 70s when equal wage legislation was introduced throughout Australia, resulting in many Aboriginal workers losing employment on

pastoral stations (Strang 1997; Monaghan 2005; Moran 2006). By staying on, or close to their country, the Uw Oykangand were able to maintain their strong connection with their country despite European settlement in the area.

When the area (named 'National Park 5' by the government at the time) was gazetted as a national park on 29 October 1977 it was perceived by the Traditional Owners as yet another act of invasion and dispossession. As with the gazettal of other national parks in Cape York Peninsula in the 1970s, it was not the practice of the Bjelke-Petersen government to include Aboriginal peoples in decisions regarding the ownership and management of traditional land. Rather, the government actively and consistently denied their rights to land and natural resources.

Colin Lawrence (1992 cited by Strang 1997:64), a community leader and a Uw Oykangand Elder whose family has country in the national park area, reflected on the gazettal of the national park:

> You know, they never come and ask the Kunjen people, 'Oh well, this place gonna become national park'. They never come and ask the people: they just went on and do it! And we got a great big shock!

Figure 6.4: George Lawrence (foreground) and Colin Lawrence at Archampiythan (Emu Lagoon), Mitchell-Alice Rivers National Park in 2006

Following the installation of an Aboriginal Council elected by the Kowanyama community in 1987, the Council, and those that followed, began taking an active and radical role in the management of Aboriginal lands and waters with the establishment of

a firm self-governance ethic. Today, the Traditional Owners and the Kowanyama community actively demonstrate their ownership and responsibility for the national park homeland. Activities such as camping on-park, surveillance patrols by the Kowanyama Rangers, and Elders speaking out at regional forums about self-governance of Aboriginal lands have been the principal means by which the community has confirmed their rights and responsibilities for the area. More recently, the Kowanyama Rangers and Traditional Owners have undertaken an even broader range of natural and cultural resource management tasks in the area. Since the early 1990s, much of this work was planned and implemented without QPWS staff and resources. Prior to 2008, no payment was made for the conservation work undertaken by the community in the national park.

Kowanyama Aboriginal land holdings today occupy a total area of approximately 5470 square kilometres held in trust by the Kowanyama Aboriginal Shire Council. This area includes the DOGIT area (2520 km^2) and the community-owned pastoral leases of 'Oriners' (2180 km^2) and 'Sefton' (770 km^2). The Kowanyama People's Native Title claim area covers a much larger area of about 22 303 square kilometres. Neighbouring the national park and within the Native Title claim area are the pastoral leases of 'Dunbar' and 'Koolatah'. The Traditional Owners have negotiated with the leaseholder and registered an Indigenous Land Use Agreement (ILUA) under the Australian Government's *Native Title Act 1993* (NTA) over the 'Koolatah' lease area. The Mitchell-Alice Rivers National Park is 371 square kilometres, which is small compared to other mainland national parks on the Peninsula and to the rest of Kowanyama residents' land interests and homelands by which it is bounded.

QPWS Rangers who manage Mitchell-Alice Rivers National Park are based in Chillagoe, a small town almost 400 kilometres to the southeast of the Park. The Rangers also manage the Staaten River National Park, the Palmer Goldfield Resources Reserve, and the Chillagoe-Mungana Caves National Park, a total of 5268 square kilometres . Due to the distance of the QPWS Rangers' base to the park, its perceived isolation, very low tourist visitation, seasonal flooding, the generally poor condition of the roads and tracks in the area, and serious limits to resourcing, QPWS Rangers manage the park as a 'wilderness area'. The QPWS Rangers describe the management of the national park as simple and uncomplicated and they only visit the area when they have a pressing need, usually only a few times each year.

In contrast to the QPWS Rangers' perception, the Uw Oykangand do not consider the park to be isolated or remote but their homeland and part of a broader Aboriginal landscape. It doesn't make sense to them for the park to be managed in isolation from the rest of their country by those who live so far away.

5.4 Aspirations

Aspirations are a person's or people' strongly held desires and hopes to achieve something. However, when the Uw Oykangand tell others about their aspirations for their country they are not just talking about what they hope for. They are also asserting their right and their moral entitlement to securing an enduring connection to their Country. In putting forth their aspirations, the families also acknowledge their responsibility and obligation as Traditional Owners to care for their Country and its people.

The Uw Oykangand aspire to community-based management of their traditional land where power and authority to make decisions regarding management are largely devolved to the Traditional Owners. They do not aspire to joint-management regimes (often referred to as co-managed protected areas as in Figure 6.1), which tend to focus on power sharing and the co-operation and interactions between the State and the local

community. The following statement made by Colin Lawrence (cited in ATSIC & CYLC 1992:29) in 1992 demonstrates this conviction:

> We got one National Park there at Mitchell River. It's covered up most of my Kunjen people's country. You expect us not to go in there. I asked the Minister and he told me no but you can't stop me going in there. He said that we should have a bit of a claim in that National Park area. He said 'you can join us side by side' and we said 'what for, we don't need you to manage it, we can do it ourselves, it's our land'.

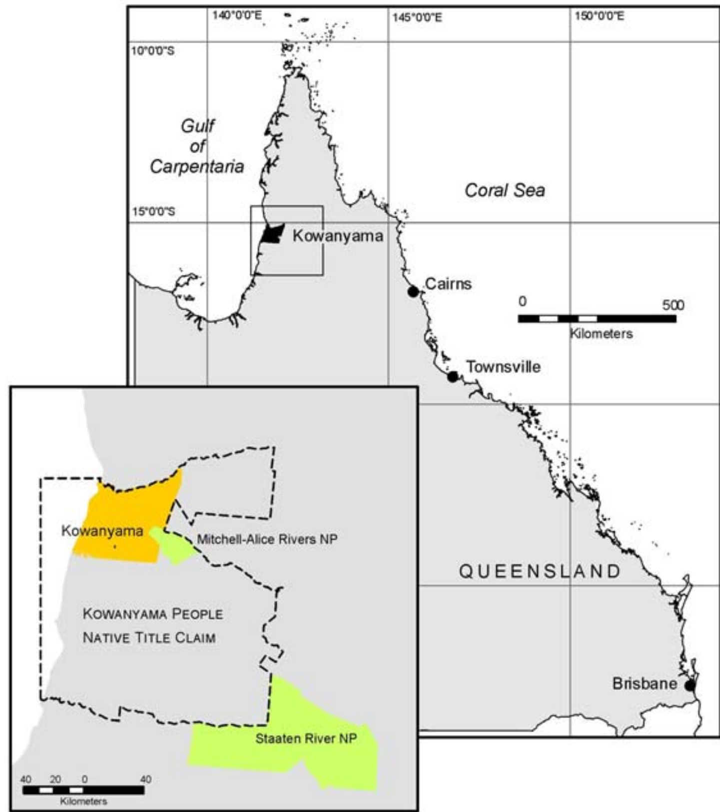

Figure 6.5: Kowanyama Native Title Claim area

True authority is derived from land ownership – statutory as well as traditional – and the Uw Oykangand have long aspired to be recognised in Australian law as the statutory owners of their land. From land ownership stems several other important principles by which the Kowanyama community manages their land. These principles, reflected in the published principles of operation of Kowanyama's Land Office (e.g. KALNRMO 1994, 1999, 2003), are also critical for the successful development and implementation of any legislation concerning Aboriginal land. They include (KALNRMO 2003):

- Self-governance;
- A sense of ownership of the legislation and over the process of implementation;
- The pursuit of community initiatives and priorities;
- Utilisation of indigenous-directed expertise.

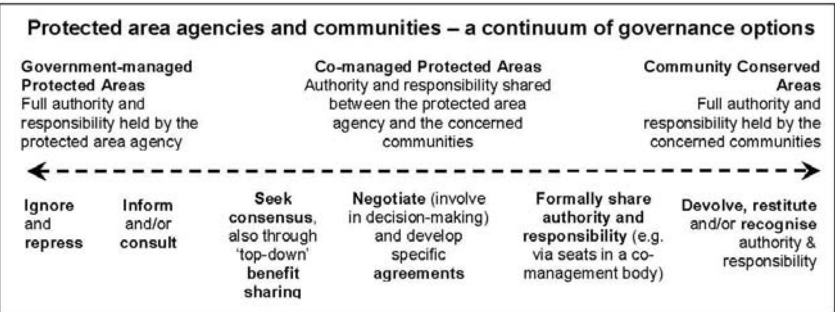

Figure 6.6: Governance options for protected area agencies and communities (Borrini-Feyerabend et al. 2004:30)

The fundamental aspirations of the Traditional Owners for themselves, their community and their land include:

- Statutory ownership;
- Community-based management:
  - full authority and responsibility held by the community;
  - sharing of responsibility and benefits with the wider Kowanyama community;
- Integrated management of the national park with the wider Aboriginal cultural landscape;
- Building community capacity for natural and cultural resource management;
- Seeking support where required, particularly the funding and other management resources necessary for effective management.

These aspirations are also the foundation principles from which the more practical, day-to-day aspirations of the Traditional Owners are derived. For example, the Traditional Owners envisage the responsibility and benefits of community-based management of the national park can be distributed within their Aboriginal community through the following mechanisms:

- The Land Office incorporating the strategic, operational and administrative management of the national park into the current holistic management of other Kowanyama lands (the Aboriginal landscape):
  - Kowanyama Rangers undertaking operational (on-ground) natural & cultural resource management tasks;
  - Land Office managers co-ordinating the administrative and strategic requirements of national park management, including the provision of technical advice and support; planning and mentoring;

- The Kowanyama Cattle Company, as an Aboriginal community-owned company co-ordinating annual cattle mustering activities in the National Park;
- The Kowanyama Aboriginal Shire Council providing technical support and co-ordinating track maintenance;
- The Uw Oykangand would like:
  - Their Elders recognised and paid for their efforts guiding the management of the national park (which they have done voluntarily to date);
  - Their young people employed on projects (e.g. capital works) on the national park;
  - To earn an income from national park visitors and related tourism activities;
  - To develop a homeland on the park so they can pass on knowledge, continue their close spiritual association to the country with their children and monitor the activities of visitors.

Figure 6.7: Elder Paddy Yam guiding Council track maintenance in the Mitchell-Alice Rivers National Park

While the success of Kowanyama's land management activities have been internationally recognised (e.g. Baker et al. 2001; Chernela et al. 2002; Strang 1997) the community understands that there are areas where further capacity-building is required. If Kowanyama identifies that additional capacity is required to manage certain tasks, it is happy to seek assistance and resources externally from organisations such as QPWS and others. This way the community can build its own capacity for land management, gaining expertise and equipment, receiving the socio-economic benefits that result.

Kowanyama and the Traditional Owners seek to negotiate management arrangements for the national park that are far more self-determining than they perceive is happening elsewhere in Australia. The community does not find current Australian examples of joint management attractive. Kowanyama has not taken the 'all or nothing' road either. The community has been proactive in seeking interim arrangements with the State from time to time. The Traditional Owners are only willing to negotiate and enter into interim arrangements if there is a commitment by the other parties to Kowanyama's long-term vision of Aboriginal land tenure and community-based management.

A Memorandum of Understanding (MOU) was signed by the Traditional Owners, the Land Office, the Kowanyama Aboriginal Shire Council and the QPWS on 1 November 2007. As an interim arrangement, the MOU will deliver some of the Traditional Owners' aspirations – those that align with the objectives of QPWS in caring for country. Under the MOU, the Traditional Owners, Kowanyama Rangers and other community members receive a greater role in the operational aspects of park management on a fee-for-service basis and can also benefit from QPWS training. The MOU has the potential to deliver significant benefits to the community while they continue to pursue their goal of Aboriginal land tenure and community-based management.

Figure 6.8: Tim White (QPWS) and Colin Lawrence (Uw Oykangand Elder) with MOU in 2007

5.5 The Cape York Peninsula Heritage Act 2007 (Qld)

The *Cape York Peninsula Heritage Bill 2007* was introduced to Queensland Parliament by then Premier Peter Beattie on 7 June 2007. He described the Bill as 'one of the most significant land management initiatives in the history of Queensland' (Hansard 2007a: 1938). Aboriginal leader, Noel Pearson (2007a), said the Bill was the '… culmination of decades of conflict between pastoralist, mining, Aboriginal and conservationist interests …' and 'I really do feel land rights is going to be put behind us … and we can get onto the social agenda of development and welfare reform' (2007b). Representatives from Cape York Peninsula's Indigenous organisations provided substantial input into the Bill, as did representatives of the pastoral industry, resources/mining industry and environmental non-governmental organisations. The Bill was passed into law by the Queensland Parliament on 17 October 2007 having received bipartisan support.

The intent of the CYPHA is to provide the Aboriginal peoples of the Peninsula with '… greater recognition and autonomy in the ongoing delivery of land management in areas of conservation significance' (Hansard 2007a:1963). As the name implies, the Act is directly relevant only to the Cape York Peninsula region, where (Bligh 2007):

> … at least 45 existing and proposed national parks totalling in excess of 3 million hectares (23% of the Cape York Peninsula area) will be incorporated into the new model allowing for joint management of national park land by Traditional Owners and the State.

The CYPHA has various functions; that of principal interest to the Traditional Owners of the Mitchell-Alice Rivers National Park provides for the grant of ownership of existing national parks. This provision is subject to these conditions:

- Ownership must be granted to an Aboriginal Land Trust made up of Traditional Owners;
- The Land Trust must agree for the area to continue to be managed as a national park in perpetuity but also in a way that is, as far as practicable, consistent with Aboriginal tradition;
- The Land Trust and the State must negotiate an Indigenous Management Agreement (IMA) before the national park is granted. The IMA will include details such as how the land will be managed; the responsibilities of each party involved in the agreement and will confirm public rights of access;
- When the park is granted, it concurrently becomes Aboriginal land under the ALA and a new class of national park under Queensland's *Nature Conservation Act 1992, National Park (Cape York Peninsula Aboriginal Land)*;
- After the dedication of National Park (Cape York Peninsula Aboriginal Land) the Minister must prepare a management plan jointly with the Land Trust which is consistent with any Indigenous Land Use Agreement (ILUA) under the Native Title Act and the IMA for the area.

The CYPHA also inserts a requirement into the *Nature Conservation Act* that requires the Minister to establish a 'Regional Protected Area Management Committee', consisting entirely of Indigenous persons, to advise the Minister about matters such as employment, management plans and provision of resources.

How an Act is interpreted, in terms of the structures, processes and policies necessary for implementation, are as important as the legislation itself. These critical instruments are currently in development; however, the second reading of a Bill can often provide insight into the interpretation of the legislation and the commitment from the government for implementation. At the second reading, then Premier Beattie stated (Hansard 2007a:1963):

> The extent of the government's role in the management of national park land will be negotiated for each subregion and be dependent on the capacity of Traditional Owners to undertake day-to-day management. The greater the capacity of the Traditional Owners to manage the day-to-day aspects of the national park, the greater their responsibility will be. Subcontracting arrangements to Traditional Owners will be detailed in the Indigenous management agreement. Where the government undertakes management of the national park land, it will occur in accordance with Aboriginal tradition.

At the resumption of the second reading new Premier Anna Bligh committed the Queensland Government to provide $3.63 million for the 2007-08 financial year to allow government departments to commence work immediately, to reinvigorate negotiations with Traditional Owners; and to establish an Aboriginal environmental rangers program (Hansard 2007b).

5.6 Queensland Land Rights Legislation

In order to understand whether the *Cape York Peninsula Heritage Act* is likely to meet the aspirations of the Uw Oykangand, it is useful to investigate previous attempts by the Queensland Government to recognise and accommodate Aboriginal aspirations for land. The most important pieces of legislation in this regard are the ALA and the NTA both of which remain in effect.

Aboriginal Land Act 1991 (Qld)

From the time of enactment, the *Aboriginal Land Act 1991 (Qld)* (ALA) was intended to provide (ALA 1991:2):

> … recognition of the interests and responsibilities of Aboriginal people in relation to land and thereby to foster the capacity for self-development, and the self-reliance and cultural integrity, of the Aboriginal people of Queensland.

As the Queensland Government's response to calls for Aboriginal land rights legislation, the ALA provides for the claim and grant of State land as Aboriginal land. Specific national parks were gazetted under the ALA as available for claim by Aboriginal communities based on their historical or traditional association with that land. Most claimable national parks are on Cape York Peninsula and the Mitchell-Alice Rivers National Park was one of these.

Steps required to be taken by Traditional Owners if they are successfully to claim a national park under the ALA include:

- Providing substantial oral and documented evidence of their traditional associations with the national park to the Government's Land Tribunal. Collating this evidence is a substantial task, requiring the service of a consultant anthropologist to work with sometimes elderly and frail Traditional Owners on-country in order to map the traditional landscape and trace familial associations;

If a claim is successful, the grant of national park is subject to conditions:

- Compulsory lease back of the area to the government to be managed as a National Park (Aboriginal Land) in perpetuity;
- No rental payment;
- Secure rights of access for existing park users;
- Trustees of the national park are appointed by the Minister;
- The Board of Management is appointed by the government and there is no surety of majority of Traditional Owners;
- A management plan for the national park must be negotiated by the Board of Management and the Queensland Parks and Wildlife Service before the park can proceed to grant;
- The management plan must be approved by the Governor in Council;
- No commitment of funding and resources for Aboriginal owners to manage their land once the park was granted.

Both the process of developing this legislation and its content were criticised extensively from before the Act was proclaimed. After initially promising a lengthy consultation period, the Queensland Government moved ahead with the preparation of the Bill with such alacrity that Aboriginal peoples felt they had insufficient time to understand and to provide meaningful input into the legislation (Brennan 1991). The Minister of the Department of Family Services and Aboriginal and Islander Affairs, was

quoted as saying, 'It's not a matter of what you want – we know that. It's what you'll accept' (Warner 1991 cited by Brennan 1991:1). Aboriginal communities no longer felt they could provide meaningful input into the development of the legislation and withdrew from negotiations with the government. Any sense of ownership, the opportunity for reconciliation, for resolving long-standing disadvantage and for improving the lives of Aboriginal peoples in Queensland, was lost.

From the time it was passed the ALA was criticised for giving with one hand and taking with the other. Any perceived benefits that were provided were negated by another condition within the Act. Ownership of the land is of little practical value if it must then be given back in perpetuity for others to manage according to relatively unfamiliar laws rather than traditional law. Ownership of national parks under the ALA did not appear to provide much improvement in rights and responsibility to successful claimants.

While work towards collating information for the Uw Oykangand people's claim to the national park had commenced years earlier, the Traditional Owners with the support of the Kowanyama community formally lodged a claim for the Mitchell-Alice Rivers National Park with the Lands Tribunal on 31 May 1996. By this time, the Traditional Owners well understood the limitations of the ALA and entered the claim process understanding that the outcome would not achieve their full aspirations for their country. However, the community was prepared to submit to the claim process in the belief that the outcomes could improve their current standing and serve as an interim measure as part of a long-term strategy for achieving their aspiration for statutory Aboriginal ownership and management (KALNRMO 2000). This perspective was clearly stated in a significant document prepared by the Land Office in preparation for an on-park meeting in 2000 with the State Land Tribunal to assess the Traditional Owners' claim to the national park. The document informed government representatives about the Traditional Owners' traditional, historical and contemporary relationship with the National Park homeland and the principles by which negotiations with the State regarding future management of the area should be undertaken.

In 2001, the Land Tribunal finally made a recommendation to the Minister that the Mitchell-Alice Rivers National Park should be granted to the Uw Oykangand claimants. However, like other successful claimants in the Peninsula, the Uw Oykangand chose not to proceed to grant due to their concerns about the proposed leaseback tenure arrangement and future management structures. The families and the Kowanyama community have continued to work towards their aspirations by negotiating interim management arrangements for the Mitchell-Alice directly with QPWS staff and by continuing their claim for the park under the NTA.

Native Title Act 1993 (Clth)

Within twelve months of formally lodging the claim under the ALA, the community (under the name 'Kowanyama People') also lodged a claim over the National Park and other properties under the *Native Title Act (Clth)* (NTA). It was hoped that the Native Title process could deliver Traditional Owners better outcomes than those possible under the *Aboriginal Land Act*. The Queensland Government had expressed a strong preference for land claims to be settled under State rather than Australian Government native title structures. Traditional owners hoped that a native title claim over the Mitchell-Alice Rivers National Park would pressure the State to release the funding required for progressing the claim under the ALA. Ten years has now passed since lodgement of the 'Kowanyama People's' native title claim and an Indigenous Land Use Agreement (ILUA) is yet to be negotiated for the National Park area.

The Queensland Government has been acquiring land in Cape York Peninsula with the aim of adding much of it to the protected area estate and returning homelands to Aboriginal peoples for their economic development. As part of this process, the State government and Traditional Owners in other parts of the Peninsula have entered into ILUAs under the NTA. These ILUAs do not provide for Aboriginal land tenure, but do provide substantial support for joint management of national parks and for community-based conservation on Aboriginal land. These ILUAs have delivered better outcomes, particularly in terms of resourcing and support, than perceived possible under the ALA. An aim of the CYPHA is to simplify the tenure resolution process as well as to improve outcomes for Traditional Owner groups.

Some of the ILUA arrangements that have been negotiated for national parks in the Peninsula (not including the Mitchell-Alice Rivers NP) include:

- Establishment of a Traditional Owner Negotiating Committee to negotiate management protocols and other arrangements;
- Establishment of an incorporated body to receive, hold and administer funds
- A consultation protocol (three levels of consultation depending on the proposed activity)
- Recognition of rights and interests: e.g. permanent living areas on park and traditional use of wildlife;
- Use of traditional place names;
- Employment, training and scholarship opportunities within QPWS;
- Community rangers provided access to QPWS training programs;
- Control of public use and access to certain areas;
- Assistance and training for commercial tourism applications from the local community;
- Funding has been provided to communities for management activities such as:
  - Natural and cultural resource management;
  - Ranger patrols and compliance;
  - Support for negotiations and meetings;
  - Administration of an incorporated body;
  - Management plan preparation;
  - Employment and training of community rangers
  - The hire or acquisition of vehicles, equipment and materials

5.7 Revisiting Traditional Owner aspirations

Table 5.1 provides a comparison of the major aspects of the ALA, NTA and CYPHA. The principal aspects of the CYPHA and related policy which will further Traditional Owner aspirations from those deliverable under the ALA are:

- The level of ownership over the content of the legislation and the process of implementation;
- The government's commitment to providing resources for implementation – both for the negotiating process and for Indigenous management of national parks;
- Where the community has the capacity, the government has committed to devolving responsibility for the day to day management of the park.

Aboriginal persons (via their representative bodies) have had much greater input into the development of the CYPHA, providing a far greater sense of ownership, good-

will and co-operation between the parties than was achieved with the development and implementation of the ALA. The government has also committed to providing substantial resources for the implementation of the CYPHA; such a commitment was not offered when the ALA was passed. With funding and responsibility for managing day to day aspects of the national park come employment and training opportunities for local persons.

Table 5.1: Comparison of Major Characteristics of the Queensland 'Land Rights' Legislation

Provisions	Aboriginal Land Act 1991	Native Title Act 1993 (ILUA)	Cape York Peninsula Heritage Act 2007
Ownership of land	Yes	No	Yes
Aboriginal ownership / control of process	low	moderate	high (so far)
Tenure	National Park (Aboriginal Land)	National Park	National Park (CYP Aboriginal Land)
Leaseback	Yes, in perpetuity	No, area remains a National Park	No, but must be managed as National Park in perpetuity
Rental	None / 'peppercorn'	None	None
Agreements	None	Indigenous Land Use Agreement	Indigenous Management Agreement must be nego-tiated by Land Trust and QPWS prior to grant of NP
Management Body	Board of Management appointed by govern-ment; no guarantee of Aboriginal majority	Traditional Owner Negotiating Committee (or similar)	Land Trust consisting of Aboriginal persons / Traditional Owners
Management Plan	Yes, must be written prior to grant of NP	Not included in process	Yes, can be written after grant of NP
Management principles	as a national park consistent with Aboriginal tradition	as a national park	as a national park consistent with Aboriginal tradition
Community role in management	To be negotiated	Yes, as negotiated	Yes, in day to day management - as much as community capability allows
Resources for Implementation	TOs could apply for funding to facilitate the claim process only	Yes, resources can be provided for negot-iation process and for Aboriginal manage-ment of the area	Yes, resources can be provided for negotiation process and for Aboriginal management of the area

Some of the conditions of the CYPHA appear to be simple 'repackaging' or 'rewording' of certain ALA conditions. The overall effect of this re-packaging may be negligible and may not advance the Traditional Owners' aspirations. For example,

- **The word 'leaseback', a highly contentious condition of Aboriginal ownership under the ALA, has disappeared; however, under the CYPHA the land must still be managed as a national park in perpetuity, co-existing with Aboriginal land;**
- **The management principles (under the *Nature Conservation Act 1992*) of 'National Park (Cape York Peninsula Aboriginal land)' and 'National Park (Aboriginal land)' are identical.**

- While the Queensland Government has committed to negotiating the government's role in the operational or day-to-day management tasks, there are other aspects of park management to which the Kowanyama community aspires to take responsibility. The Uw Oykangand people's aspiration for leading strategic management activities, such as planning in the national park, will allow its management to be integrated with that of the wider Aboriginal landscape at Kowanyama. The devolution of authority and decision-making over both strategic and operational management is characteristic of community-conserved protected areas and community-based management. The Australian Government's Indigenous Protected Area (IPA) Program allows Aboriginal landowners to choose the level of government involvement and enshrines the community's authority to decide what level of visitor access (if any) and development will meet their needs (Bauman and Smyth 2007). The level of community control of the IPA program is not available to the owners of national parks under the CYPHA because statutory ownership of the land is contingent on the area remaining a national park. Under the IPA program, Indigenous landowners voluntarily enter into arrangements with the Australian Government and can choose to cease their agreement at any time. Under the CYPHA, Traditional Owners are still coerced to accept a co-operative relationship with the government rather than offered incentives to create a co-operative relationship voluntarily.

Progress on a draft fire strategy for the Mitchell-Alice Rivers National Park stalled at the end of 2007, largely due to the lack of community ownership and control over the development of the strategy. This may prove to be an ongoing area of contention if the QPWS continues to drive planning activities without first ensuring that the Kowanyama community has decided to prioritise, plan and resource such activities (particularly in their demands of local persons' time and expertise).

If the Traditional Owners choose not to accept the conditions of the CYPHA, the Park will remain a government-managed protected area with community involvement in day-to-day management. If Traditional Owners choose to engage with the government under the terms of this Act and continue to build their capacity for management, they can eventually move substantially closer to the 'community-conserved area' end of the continuum of governance options (Figure 6.6.) where decision-making is devolved to the community. The community will still not have the same level of authority and responsibility for the area as they would over an IPA. It is possible that the Traditional Owners may choose to accept the conditions of the CYPHA as another interim measure, providing there is evidence of government support for the future devolution of authority and for the community to continue to build capacity for community-based management of the area.

The response from the Uw Oykangand Traditional Owners and the successful implementation of the CYPHA may depend less on the content of the Act itself (and the political promises made when the legislation was passed), than some other factors, including:

- The policy developed from the Act; for example:
  - Power sharing: Is the government willing to go beyond capacity-building for day to day management and support Aboriginal self-governance? For example, relinquishing control of strategic management so that Kowanyama can take a leadership role in planning activities in the National Park?
  - Conflict resolution: The mechanisms developed within the Indigenous Management Agreement to resolve potential disagreements.

- The relationship between the community and government facilitators, particularly the level of trust and cross-cultural understanding between the Traditional Owners and QPWS operational staff.
- The flexibility of the government to respond to community priorities, timeframes and competing demands of contemporary Aboriginal land management.
- Even though the Traditional Owners have the support of their Land Office as a community-driven agency, consideration needs to be given to whether the community has adequate capacity, particularly well-informed representatives, available to:
  - Engage in potentially demanding and time-consuming negotiations, and
  - Provide consistent, best practice Aboriginal management of the national park over time.
- The resources and support available for negotiations and for community-based management must be secure and long-term (in perpetuity) if the community is to maximise capacity-building and the benefits of owning and managing their national park homeland. In particular, long-term secure (non-CDEP) employment for community rangers and Land Office managers is vital and will foster the necessary stability and incentive necessary for enduring and effective management.

5.8 Conclusion

Only time will tell if Aboriginal residents of Cape York Peninsula choose to leave conflict over land rights behind so that the social agenda of development and welfare reform can take priority in the years to come. Negotiating Indigenous Management Agreements under the CYPHA with all willing Traditional Owner groups and their communities will take many years. Support for communities' management of national parks will need to be ongoing (in perpetuity) as long as their homelands remain a protected area. It is imperative that government allocations for the management of protected areas in Cape York Peninsula continue to increase appropriately as the number of communities taking on the management of their national park homelands increases. However, as the Indigenous Protected Area program has demonstrated, investment in community-based protected area management is cost effective and has the added benefit of improving Aboriginal peoples' social, cultural and economic wellbeing (Gilligan 2006).

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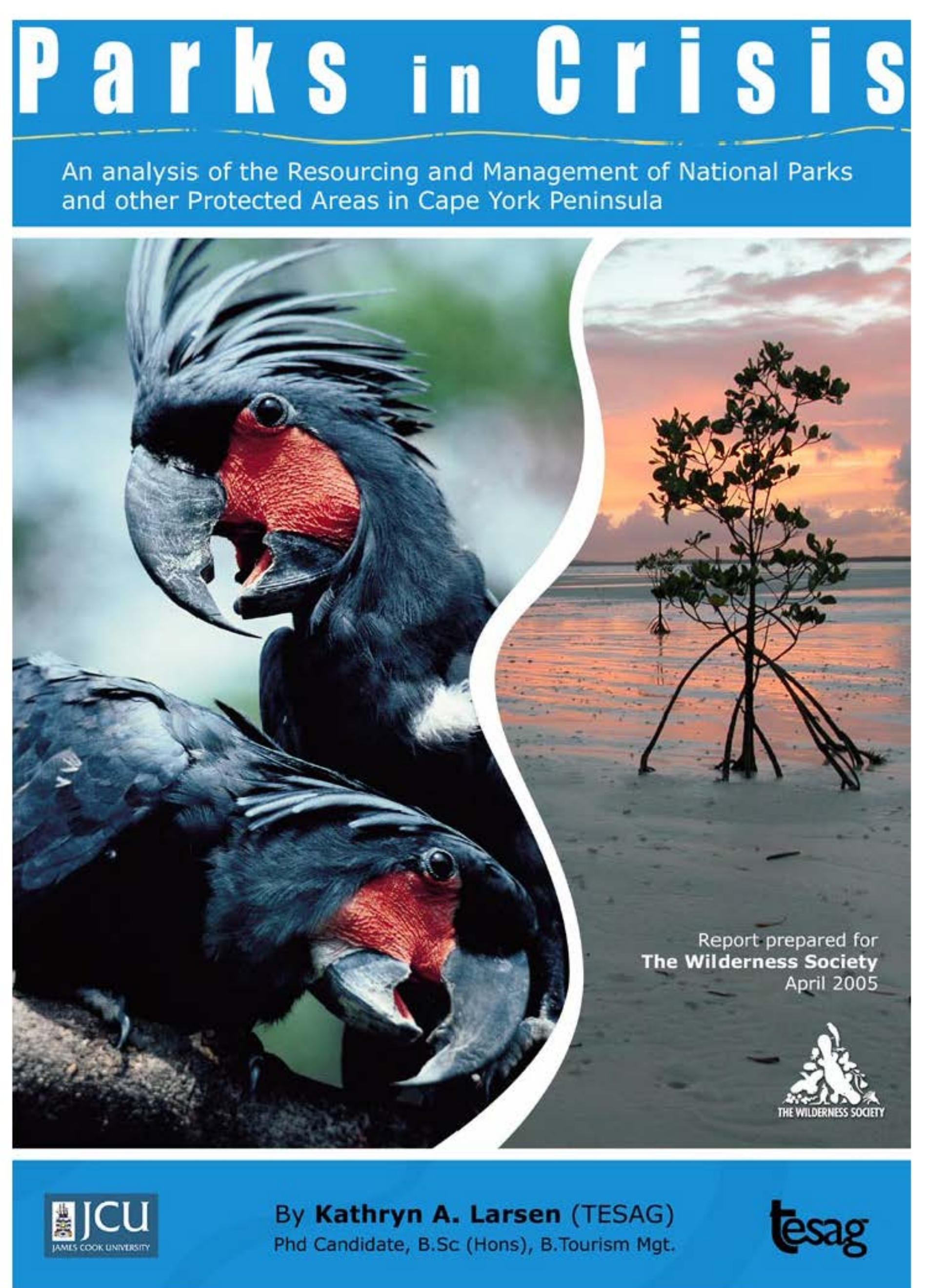
Appendix E – Parks in crisis: An analysis of the resourcing and management of National Parks and other protected areas in Cape York Peninsula



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