

INDIGENOUS PROTECTED AREAS IN AUSTRALIA

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Introduction

Indigenous Protected Areas (IPAs) in Australia are areas of land (sometimes also including coastal water) voluntarily declared as protected areas by the Indigenous people who are the custodians and managers of the area. The first IPA was declared at Nantawarrina in South Australia in 1998. Since that time, 64% of all new protected areas in Australia have been IPAs, which now comprise about 20% of the terrestrial protected area estate across the country. IPAs are established and managed in accordance with IUCN guidelines, and are provided with funding and other support by the Australian Government's Department of the Environment and Heritage; in some instances IPA management is also supported by State or Territory conservation agencies¹. This article summarises the history and stages in development of IPAs, and considers challenges for their long term future.

Background

In 1992 the Australian Government made a commitment to establish a 'Comprehensive, Adequate and Representative System of Protected Areas for Australia', with the aim of ensuring that all ecosystems were adequately represented in protected areas. An ecological mapping process, known as the Interim Biogeographic Regionalisation of Australia, identified a total of 85 bioregions across Australia, all of which were to be represented in protected areas through a nationally coordinated program called the National Reserve System. It was quickly recognised that some of the identified bioregions occur only on land owned and managed by Indigenous communities or organisations, particularly in central and northern Australia. This provided an incentive to develop a new approach to establishing protected areas – one which did not require Indigenous people to give up ownership and management of their land.

The concept of what has become known as 'Indigenous Protected Areas' was explored through several research and consultative processes, which are described in detail in Sutherland and Smyth (1995), Thackway et al. (1996) and Szabo and Smyth (2003). Initial discussions with

¹ Australia is governed as a federation of six States and two Territories (formerly separate British colonies) and most national parks and other protected areas are managed by State and Territory government conservation agencies.

Indigenous landholders and organisations indicated that they were cautiously interested in exploring the concept of IPAs further. Meanwhile, analysis of the various Australian, State, and Territory laws governing conservation management and the capacity of government agencies to enter into management agreements with private landholders, showed that there were no legal barriers to implementing the IPA concept across Australia (Sutherland 1995).

Another key process was an examination of the IUCN *Guidelines for Protected Area Categories* (CNPPA/WCMC 1994) to determine whether the IPA concept was consistent with agreed international principles for protected areas, as required by Australia's National Reserve System. The examination revealed that the IUCN *Guidelines* did indeed contain the flexibility of vision to accommodate all the important features of IPAs. IUCN's definition of a protected area is:

*An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity **and associated cultural resources**, and managed through legal **or other effective means**.*

The reference to '*cultural resources*' recognises the importance of Indigenous cultural values associated with land, sea and biodiversity. The reference to '*other effective means*' provides the opportunity to declare and manage protected areas outside the normal legislative arrangements under which government-managed protected areas are established.

Other aspects of the IUCN *Guidelines* that supported the establishment of IPAs include:

- Management of protected areas may rest with '*central, regional or local government, non-government organisations, the private sector or the local community*'.
- The primary objective of a protected area is determined by '*national legislation (or similar effective means, such as customary agreements or the declared objectives of a non-government organisation*'.
- Management objectives and constraints for most of the IUCN protected area categories provide for the sustainable use of natural resources by Indigenous peoples.
- The potential role of Indigenous communities as managers is specified in the description of several protected area categories. However, the descriptions for all categories, except Category 1 (Strict Nature Reserves and Wilderness Areas), envisage the potential for management by '*a local organisation or community*', which could be an Indigenous community.

The following definition of an IPA was developed by Indigenous delegates at a national workshop in 1997:

An Indigenous Protected Area is governed by the continuing responsibilities of Aboriginal and Torres Strait Islander peoples to care for and protect lands and waters for present and future generations.

Indigenous Protected Areas may include areas of land and waters over which Aboriginal and Torres Strait Islanders are custodians, and which shall be managed for cultural biodiversity and conservation, permitting customary sustainable resource use and sharing of benefit.

Implementation of the IPA Program

Utilising funding provided to expand the National Reserve System, the Australian Government's Department of the Environment and Heritage developed an IPA funding programme that enables Indigenous communities or land-owning groups to take a staged approach to considering and declaring IPAs.

Stage 1: Consideration of the IPA concept

Indigenous landowners consider whether establishing an Indigenous Protected Area on their land is viable and meets their requirements. This stage may include seeking advice on the legal, cultural heritage or conservation aspects of the proposed IPA to inform decision-making by the landowners. Typically funds are provided to enable landowners to visit an existing IPA to discuss the concept with other Indigenous people who are engaged in managing an IPA. Community meetings are held and information is provided on a range of issues, such as IUCN categories, the level of funding and other support for IPA management, training and employment requirements.

The constraints imposed by establishing an IPA are also considered during this stage. Potential constraints include limitation of economic development to activities that are consistent with the biodiversity and associated cultural values for which the IPA is declared, and requirements to meet management and reporting commitments made in funding contracts with the Australian Government.

Stage 2: Development of a Management Plan

This stage includes more detailed community consultation about requirements for managing particular areas, species, values or other issues. Expertise from government conservation agencies, neighbours and others is engaged during this process. The final product is a Management Plan endorsed by the Indigenous landowners, which reflects their long-term aspirations for their country

and contains management actions for the next 5-7 years. Each plan also identifies the IUCN category or categories which best reflect the management objectives of the area.

Stage 3: Declaration of an IPA

Declaration takes the form of a public announcement of the intention to manage land as an Indigenous Protected Area according the Management Plan and specified IUCN category or categories. The landowners formally write to the Australian Government Minister for the Environment and Heritage to register the details of their property on the Collaborative Australian Protected Area Database (CAPAD), which includes all other protected areas in Australia that collectively constitute the National Reserve System.

IPA declarations generally culminate in a formal public launch and community celebration, which includes the signing of a declaration statement in the presence of Australian and State or Territory government representatives.

Stage 4: Implementation of the Management Plan

IPA management is implemented through on-ground works as specified in the Management Plan, such as putting into place weed and feral animal controls, cultural and natural heritage conservation activities or the establishment of infrastructure to manage visitor access. IPA managers continue to access funding for these purposes through the IPA programme on an annual basis.

Stage 5: Monitoring

The IPA managers, in consultation with other agencies, monitor the implementation of activities under the Management Plan and the effectiveness of the on-ground works. Monitoring mechanisms are identified in the Management Plan and focus on the condition and trends of the natural and cultural resources in the IPA. The results of this monitoring are used to adjust management activities to increase their efficiency and to contribute towards the development of future Management Plans

Funding

Funding is based on budgets developed to implement actions identified in the Management Plans and is negotiated each year with the Department of the Environment and Heritage - typically about AUS\$100,000 (US\$74,000) per year to each IPA. State or Territory government conservation agencies may also provide funding, training or other support to assist with the implementation of the IPA Management Plan, though currently most IPA funding is provided by

the Australian Government which has spent about AUS\$14 million (US\$10.4 million) on establishing and managing IPAs over the last ten years.

IPA budgets are supplemented by funding from the Australian Government's Community Development Employment Program (CDEP) which enables unemployed Indigenous people to undertake paid employment for two days per week; many of the Indigenous rangers involved in day to day IPA management are employed through the CDEP scheme. Other funding sources include income from commercial activities within the IPA (such as cultural tourism or recreational fishing) or grants from government or non-government organisations to undertake specific natural or cultural resource management projects.

Contribution of IPAs to the National Reserve System

Twenty IPAs, comprising a total land area of approximately 14 million hectares, have been declared and added to the National Reserve System since 1988. This represents about 64% of the land area added to the National Reserve System over the same period, even though only about 17.5% National Reserve System programme funding has been allocated to establishment and management of IPAs. This high return on investment has occurred because funding is not required to purchase IPAs, which remain in Indigenous ownership. By contrast, other protected areas added to the National Reserve System over the last decade have required large funding allocations for the purchase of land. Taking into account all the national parks and other terrestrial protected areas in Australia, including those established over the last decade, IPAs now comprise about 20% of the total protected area estate in Australia. The declaration of IPAs has also enabled some Australian bioregions to be included in the National Reserve System for the first time.

Where are the Indigenous Protected Areas located?

The location of IPAs in part reflects the legacies and opportunities for Indigenous people that resulted from the differing colonial and post-colonial histories of the separate Australian States and Territories. In the Northern Territory and remote parts of Western Australia and South Australia, for example, there was comparatively less displacement of Indigenous groups than in southern and south-eastern Australia following British colonisation from the late 1700s and through the 1800s. As a result, Indigenous groups in the north and centre of Australia have maintained or been granted ownership of large areas of land, some of which have now become IPAs. However, through various land claim and land granting processes over the last 30 years, Indigenous groups own some parcels of land throughout Australia and there are now declared IPAs in each State and Territory,

with the exception of the Australian Capital Territory where the local Indigenous people are involved in the management of the government-run Namadgi National Park.

The 20 declared IPAs comprise a diversity of environments across Australia, including deserts, forests, grasslands, coastal environments and islands. Several coastal and island IPAs also include the adjacent marine areas or “sea country”, though the management of marine components of IPAs raises complex jurisdictional issues (see discussion below). The distribution of current and pending IPAs is shown in Figure 1. Further details of each of the declared IPAs and other aspects of the IPA programme are available on the website of the Australian Government’s Department of the Environment and Heritage (www.deh.gov.au/indigenous/ipa).

(INSERT MAP OF AUSTRALIA SHOWING LOCATION OF IPAs)

Figure 1. Location of declared IPAs, IPAs under consideration, government-managed protected areas and Indigenous owned land. The faint lines indicate boundaries of bioregions.

Discussion

Over a relatively short period, IPAs have substantially increased the protected area estate in Australia. IPAs also provide a mechanism for Indigenous groups and communities to strengthen or re-establish management of their traditional lands with the support of government conservation agencies, but without the loss of Indigenous control experienced in co-managed protected areas (Smyth 2001). On the other hand, IPAs lack long term security of funding and typically struggle to offer the full time employment and career structures provided in protected areas managed by government agencies.

At national meetings held in 2003 and 2005, IPA managers reported that the process of establishing and managing their IPAs has yielded cultural, education, health, employment and other social benefits in addition to the environmental management outcomes. These social benefits include:

- providing opportunities for elders and other Traditional Owners to return to their traditional country, often after long absences;
- involving school children in IPA field trips, transferring knowledge between generations and strengthening languages;
- re-establishing traditional burning practices, maintaining waterholes and looking after cultural sites;
- providing training and employment in managing country;

- promoting economic opportunities consistent with the IPA values (examples include cultural tourism and a commercial wind farm).

The IPA programme's own monitoring processes² have shown that:

- 95% of IPAs report benefits for economic participation and development from their IPAs;
- 85% of IPAs report that IPA activities improve early school engagement;
- 74% of IPAs report that their IPA management activities make a positive contribution to the reduction of substance abuse;
- 74% of IPA communities report that their participation in IPA work results in more functional families by restoring relationships and reinforcing family and community structures.

The Australian Government's IPA programme is currently under review, but it is anticipated that annual funding for IPAs will be maintained or increase beyond its current level of about AUS\$3 million (US\$2.2 million) per year and that the number of IPAs will continue to increase. At a time when many Indigenous social, educational and health indicators are declining, particularly in remote communities, the IPA programme represents an opportunity to invest in an Indigenous initiative that delivers proven social benefits, while also achieving the Government's own conservation objectives.

In addition to the ongoing level of Australian Government funding, a key issue for the future of IPAs is the extent to which they gain recognition and support from State and Territory governments. Some State conservation agencies are currently reluctant to include IPAs in their registers of protected areas because IPAs are not dedicated to conservation in perpetuity under legislation and therefore are not given the state status as government owned national parks. Although all declared IPAs are consistent with the protected area definition of the IUCN (to which all the State and Territory conservation agencies belong), are assigned IUCN protected area categories and are managed according to plans of management approved by the Australian Government's Department of the Environment and Heritage, some State conservation agencies remain sceptical about the validity of IPAs. In response to this scepticism, one of the challenges for IPA managers is to decide whether or not to enter into legally binding conservation agreements, such as attaching conservation covenants to land titles, as a means of demonstrating Indigenous peoples' commitment to conservation.

² The IPA programme monitoring and evaluation framework is tracking outcomes from IPAs across the Strategic Areas for Action on Indigenous Disadvantage identified by the Australian Government's Productivity Commission (www.pc.gov.au).

Another matter for future consideration by IPA managers and government agencies is the extent to which the IPA concept can apply to marine areas. Currently marine areas are only included in an IPA if the Indigenous people have some acknowledged authority to manage the area, such as where there are registered marine sacred sites (e.g. the Dhimurru IPA in the Northern Territory). This is a matter of some urgency as State and Territory governments are committed to establishing systems of marine protected areas in their coastal waters. For Indigenous people who view their traditional coastal land and water holistically, the separation of land and sea into terrestrial and marine protected areas is contrary to cultural beliefs and responsibilities. However, whereas Indigenous people can manage their terrestrial IPAs on the basis of their legal rights as landholders, their rights over their traditional marine areas, when recognised at all, are viewed by Australian law as non-exclusive. Indigenous management of marine components of IPAs will therefore require negotiation with governments and other marine stakeholders.

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LEGENDS FOR PHOTOS:

IPA Photo 1: Anindilyakwa IPA rangers weighing “ghost nets” (discarded fishing nets from foreign fishing vessels that threaten marine turtles and other wildlife in Australian waters). Anindilyakwa (Groote Eylandt archipelago) was declared as an IPA in June 2006. (Photo: Anindilyakwa Land Council)

IPA Photo 2: Burning spinifex grass for regeneration at Walalkara IPA on the Anangu Pitjantjatjara Lands in South Australia. (Photo: Bruce Rose)

IPA Photo 3: Inspecting revegetation work on Badger Island IPA, Tasmania. (Photo: Ivan Haskovec)

Dermot Smyth works as a consultant in cultural ecology, focusing on supporting Indigenous peoples’ management of their traditional environments and resources, including in the management of protected areas. Together with Department of Environment and Heritage Officer Steve Szabo, Dermot undertook the initial consultations with Indigenous people in 1995 and 1996 that led to the development of the Indigenous Protected Area programme. He is currently a member of the Australian Government’s Indigenous Protected Areas Advisory Group and a member of the IUCN’s Theme on Indigenous and Local Communities and Equity in Protected Areas (TILCEPA).