

Native Title, ILUAs and Indigenous development opportunities in National Parks
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Co-managed protected areas are defined as ‘government-designated protected areas where decision-making power, responsibility and accountability are shared between governmental agencies and other stakeholders, in particular the indigenous peoples... that depend on that area culturally and/or for their livelihoods’ (Borrini-Feyerabend, Kothari & Oviedo, 2004: 32). Collaborative management involves park agency consultation with other stakeholders, while in joint management multiple stakeholders sit on a park management board with decision-making authority. Co-management (or joint management) of parks involves recognition of cultural differences, power sharing, negotiated decision-making, and equitable sharing of benefits (Borrini-Feyerabend *et al.*, 2004). Co-managed national parks where Indigenous peoples comprise a majority on a park board require the government conservation agency to negotiate and develop new agreements on park management, resource use, interpretation and tourism. These new park agreements with Indigenous peoples address subsistence use of natural resources (i.e. hunting, fishing, gathering), living areas, ceremonial use, naming/renaming land features, park employment, training and tourism. Agreements for co-managed national parks mainly focus on subsistence hunting and Indigenous resource use rights, employment of Indigenous park rangers and provision of tourist services. The next sections review some co-managed national parks in Australia with Indigenous lease agreements, and a case study of Mamu Rainforest Canopy Walkway in North Queensland. Comparisons are made with Maori treaty claims to protected areas in New Zealand.

Joint management of Australian national parks

In Australia, most states and territories (except Tasmania) have formal joint management arrangements between government park agencies and Aboriginal groups for selected national parks (Smyth 2001; Wearing & Huyskens 2001; Zeppel, 2009) (Table 1). Agreements with Aboriginal groups claiming national parks under land rights or native title legislation include an annual park rental fee, a portion of park entry fees, park maintenance contracts, employment as rangers, support for Aboriginal-owned or joint venture tourism enterprises, cultural centres and interpretation. The first jointly managed park was Gurig (1981), followed by Kakadu (1984), Uluru (1985) and Nitmiluk (1989), all with Aboriginal involvement in tourism. At Uluru and Kakadu, traditional owners work as rangers, operate cultural or wildlife tours, invest in tourist lodges, receive an indexed annual rental payment of AUD\$150,000 and 25% of park entry fees. A new tourism strategy for Kakadu promotes local Aboriginal businesses and tourism joint ventures, along with marketing Aboriginal cultural heritage (Morse, King & Bartlett 2005; Wellings, 2007). At Gurig, traditional owners also receive safari hunting royalties and resort land rental fees (Foster 1997), while Jawoyn people at Nitmiluk National Park have full ownership of Nitmiluk Tours, operating boat tours, kayak rentals and a campground in Katherine Gorge, and also receive half of park revenue. The Northern Territory now has 39 jointly managed protected areas, mainly comprising Aboriginal freehold land leased back to the government as a park or reserve. Jointly managed parks in other states include Booderee (1995, ACT), Witjira (1995, SA) Mutawintji (1998, NSW) and other areas, with varied land ownership and lease back, park management and tourism arrangements. In New South Wales in 1996, three national parks were specified for Aboriginal ownership and a 30-year lease period: Mungo, Jervis Bay and Mootwingee (Mutawintji), followed by Arakwal (2001), Kincheha (2002), Biamanga and Gulaga (2006), and Worimi (2007) (DECC, 2007). In 1983, Aboriginal people blockaded the entrance to Mootwingee Historic Site in western NSW demanding that a campground be

relocated, public access to sacred sites be banned, walking trails realigned, accredited tour guides at rock art sites and a Mutawintji Culture Centre to present Aboriginal history. The area was closed from 1983-1989 to implement these measures, with cultural training for non-Aboriginal guides and operators since 1991, an Aboriginal ranger employed in 1993 and local Aboriginal people contracted to provide guided tours. In 1998, it was the first park in NSW returned to traditional owners with the name changed to Mutawintji (Sutton, 1999). In Western Australia, Aboriginal people are involved in the management of Purnululu and Karijini National Parks, with a cultural centre and tourist camp in the latter park owned by Aboriginal groups. In Victoria, Aboriginal groups are involved in managing the Grampians/Gariwerd National Park, operating Brambuk Culture Centre and a backpacker lodge. A key feature of most jointly managed national parks is developing Aboriginal cultural interpretation, employment, and tourism ventures. The restoration of Aboriginal names for national parks and key natural features also occurs; recognizing park areas as Indigenous cultural landscapes (e.g. Booderee, Uluru).

Table 1: Aboriginal joint management of national parks in Australia

PARK, Year,* Indigenous Group(s)	MANAGEMENT BOARD STRUCTURE	FRAMEWORK ARRANGEMENTS	ABORIGINAL TOURISM
Uluru – Kata Tjuta National Park , NT (Cwth) 1985 Anangu (Pitjantjatjara, Yankunjatjara) IP	Traditional Owners 6 Director of NPWS 1 Tourism Minister 1 Environment Minister 1 Arid Zone ecologist 1	Granted Aboriginal freehold , 99-year lease to Cwth, Board management plan, Annual fee	Anangu Tours Maruku Arts & Crafts Ayers Rock Resort, Yulara Annual rent of \$150,000 25% of park entry fee (\$25)
Kakadu National Park , NT (Cwth) 1984 Gagadju, Jawoyn IP	Traditional Owners 10 Director of NPWS 1 Parks Australia 1 Conservation expert 1 Tourism expert 1	Combined Aboriginal freehold and Crown land, 99-year lease to Cwth, Board management plan, Annual fee (\$7,200, 1978), 50-60% Aboriginal staff	Yellow Waters Cruise Guluyambi Cruise Wildlife & cultural tours Gagadju Lodge, Jabiru Annual rent of \$150,000 (1991), 25% of entry fees
Booderee National Park (Jervis Bay, ACT) (Cwth) 1995 Jerrinja IP	Traditional Owners 6 Director of NPWS 1 Territories office 1 Conservation expert 1 Tourism expert 1	Granted Aboriginal freehold , Annual fee to Wreck Bay Community Council, 99-year lease to Cwth, Board management plan, Park renamed	Annual rent \$? % of park entry/use fees Park service contacts (cleaning, road maintenance, operate park entry station) Cultural Centre
Garig Gunak Barlu NP (Gurig National Park), NT 1981 Agalda, Muran, Madjunbalmi IP	Traditional Owners 4 (including chairman) NT government reps 4	Granted Aboriginal freehold , Perpetual lease to NT, TO chair casting vote, Board management plan, Annual fee, Park renamed	Annual rent of \$20,000 (1981) Park entry fees Safari hunting royalties Resort land rental payments
Nitmiluk National Park (Katherine Gorge), NT 1989 Jawoyn IP	Traditional Owners 8 NT parks officers 4 Resident appointed by local Mayor 1	Claimed Aboriginal freehold , 99-year lease to NT, Board management plan, Annual fee, Renamed	Nitmiluk Tours (100%) (boat tour, canoe hire, campground, kiosk) Annual rent of \$100,000 50% of park revenue
Mutawintji National Park (Mootwingee NP), NSW 1998 Wiimpatja (Paakantji) IP	Traditional Owners 8 Land Council 1 Shire Council 1 Director NPWS 1 Conservation group 1 Park Neighbours 1	Aboriginal freehold vested in Mutawintji Land Council; 30-year lease, Board management plan, Annual fee paid to Board & must be spent in park, Park renamed	Annual rent of \$275,000 Mutawintji Heritage Tours NPWS Discovery rangers
Witjira National Park , SA 1995	Traditional Owners 4 Dept. Environment 1 Regional Committee 1 Aboriginal Affairs 1	Lease of park to TOs, SA government retains land ownership , TO chair of Board, No annual fee, Name	
Gulaga National Park , NSW 2006 Yuin IP	Traditional Owners 9 Aboriginal Councils 2 Shire Council 1 NPWS 1	Aboriginal freehold vested in Merrimans & Wagonga Land Council; 30-year lease, Board management plan, Renamed	Annual rent of \$210,00 Umbarra Cultural Tours Umbarra Cultural Centre

Source: Based on Mundraby 2005; Smyth 2001

Notes: Cwth=Commonwealth, NPWS=National Parks & Wildlife Service, NT=Northern Territory, ACT=Australian Commonwealth Territory, SA=South Australia, NP=National Park, IP=Indigenous people, TO=Traditional Owner

*National Parks with formal joint management arrangements between government agencies & Aboriginal groups. Based on year of park hand-back and/or joint management agreement with Traditional Owners.

Indigenous land use agreements for parks

A variety of agreements cover Indigenous joint management of national parks. These include Memorandum of Understanding, Cooperative Management Agreements, Aboriginal ownership and lease-back agreements and Indigenous Land Use Agreements (ILUAs). Of the 471 ILUAs negotiated under the *Native Title Act 1993* in Australia (as at 17 November 2010), around 30 of these ILUAs apply to co-managed national parks and nature reserves (Table 2). These ILUAs mainly cover Indigenous hunting and gathering rights, cultural heritage, employment in parks, and Indigenous camps or living areas in protected areas. The ILUAs also include the lease-back terms for parks, extinguishment of native title claims, and annual rental payments to Aboriginal councils. A few ILUAs also refer to Indigenous provision of commercial or cultural tours in parks (e.g. Witjira, SA). In Victoria, the Gunai/Kurnai ILUA covers co-management of 10 Gippsland parks and reserves and \$12 million in compensation. The 2010 Yawuru Area Agreement ILUA in Broome, WA, includes \$5 million over 4 years for joint management of a conservation estate and the employment of Yawuru rangers. Indigenous Business Australia and the Indigenous Land Corporation also invest in tourism accommodation and other tourism enterprises in and around jointly-managed national parks. The next sections review Indigenous involvement in the Wet Tropics of North Queensland.

Table 2: Indigenous land use agreements (ILUAs) for protected areas in Australia

NT: Davenport Range, Dulcie Range, Finke Gorge, Gregory, Mary River, Simpson's Gap, Watarrka, West MacDonnell, & 20 nature parks, nature reserves, historic reserves (2005)
NSW: Arakwal NP (2001 & 2008), <i>Githabul</i> - 8 NPs, 2 nature reserves (2007)
QLD: Barron Gorge (2005), Raine Island (2007), Mamu Canopy Walkway (2008), KULLA (2009), <i>Kuuku Ya'au</i> - Piper, Quoin & Forbes Is (2009), Wooroonooran (2010)
SA: Vulkathunha-Gammon Ranges (2006), Witjira (2008), Coongie Lakes (2010), Strzelecki & Innamincka Regional Reserve (2010)
VIC: <i>Wotjobaluk</i> -Little Desert NP (2005), <i>Gunditjmara</i> -Mt Eccles NP (2007), <i>Gunai/Kurnai</i> - Tarra Bulga, Lakes, & Mitchell River NP & 7 reserves (2010)

Indigenous rainforest tourism in North Queensland

The Wet Tropics World Heritage Area in northeast Queensland, listed in 1990 for its natural values, attracts 3 million visitors annually. Iconic rainforest sites include the Daintree/Cape Tribulation, Mossman Gorge, Barron Gorge and Skyrail in Cairns with 500,000 visitors. There are 18 rainforest Aboriginal tribal groups known as *Bama* people found in the Wet Tropics area. Around 80% of the Wet Tropics is claimable under the *Native Title Act 1993* and *Bama* are seeking to have the Wet Tropics relisted for its Indigenous cultural values. The *Bama* traditional owners of the Wet Tropics want to own and operate tourism ventures, provide cultural education and maintain ongoing links with country (Wet Tropics Aboriginal Plan Project Team, 2005). The *Wet Tropics Nature-based Tourism Strategy* and *Wet Tropics Walking Strategy* also support Aboriginal involvement in rainforest tourism. However, the *Bama* receive minimal economic or social benefits from rainforest tourism, with no entry fees to rainforest sites and no permit fees from tourism operators paid to Aboriginal groups (Mundraby, 2005; Zeppel, 2002). There are a range of Aboriginal tourist enterprises in the Wet Tropics region including guided rainforest walks, cultural centres, art galleries and bush tucker or bush food tours. The Kuku Yalanji Dreamtime Tour in Mossman Gorge is a well known Aboriginal tourism product (Sofield, 2002; Zeppel, 2002). Indigenous Land Use Agreements have been negotiated by *Bama* people in Cairns with the Tjapukai Aboriginal Cultural Park and Skyrail Rainforest Cableway for Indigenous

employment, protection of heritage and Aboriginal approval of cultural presentations (Holden & Duffin, 1998). A similar agreement underpins the Mamu Canopy Walkway, developed as a new iconic visitor attraction in the southern Wet Tropics rainforest with Mamu Aboriginal people.

Mamu Canopy Walkway

The Mamu Rainforest Canopy Walkway is located in the Wooroonooran National Park, 90 minutes south of Cairns. It opened in August 2008 and comprises a 350m long elevated walkway, a 37m tower and a cantilever platform, all built around a ridge overlooking the North Johnstone River gorge. The Queensland state government funded the AUD\$10 million Mamu canopy walkway, developed with the agreement of Mamu Aboriginal people as native title claimants and traditional owners. A flyer for 2008-10 promoted the Mamu canopy walkway as 'Heart of the Wet Tropics World Heritage Area' and 'Homeland of the Mamu Aboriginal people.' Signs along the walkway interpret the Mamu Aboriginal culture, history and uses of the rainforest, with Mamu people also working as rangers at the site. It is operated by the Queensland Parks and Wildlife Service, with Mamu people receiving a royalty fee of AUD\$1 per visitor from the \$20 entry fee, generating an estimated \$150,000 annually. An adjoining land area of 12ha was also set aside for the Mamu to develop visitor facilities linked with the walkway such as souvenirs, a cafe or accommodation (AAP, 2008). The Mamu canopy walkway involved 10 years of negotiation between key stakeholders with a Heads of Agreement signed in March 2002 by the Mamu Aboriginal Corporation, North Queensland Land Council, State of Queensland, Queensland Parks and Wildlife Service (QPWS), Wet Tropics Management Authority and the former Johnstone Shire Council (ATNS, 2002; Johnstone Shire Council, 2002). The Wet Tropics World Heritage Area was also rezoned at the canopy walkway site to allow for construction of facilities.

With no private sector investor, QPWS committed to building the canopy walkway and car parking area in February 2007. An Indigenous Land Use Agreement negotiated by QPWS in 2007 ensured that Mamu people were included in the ownership of the canopy walkway to protect their cultural values and gain economic benefits from tourism (DERM, 2010a, b; Meadows, nd). Cultural heritage assessment and monitoring of the rainforest site was conducted while Mamu people were involved by QPWS, Arup and Hutchinson Builders in the design and construction of the canopy walkway (Arup, 2010). The builders employed two Mamu people as cultural heritage monitors during excavation and three Mamu in construction tasks (Meadows, nd). Site construction workers were shown a video about the Mamu cultural significance of the area and environmental procedures to protect the rainforest. QPWS consulted with Mamu people about the cultural content of interpretive signs and built-in art at the walkway (DERM, 2010b). New interpretive signs in 2010 presented the personal history of Mamu elders, with the great-granddaughter of one Mamu woman working as a ranger at the canopy walkway since it opened in 2008. Guided Aboriginal rainforest tours were identified as one key selling point for the Mamu walkway in a pre-feasibility study (Canopy 01, 2002) but were not currently provided. Only one Mamu ranger worked on site (formerly there were two) while other facilities were not yet built. In 2010, the Mamu people were proposing to build tourist accommodation adjacent to the walkway. While the Mamu canopy walkway attracts many visitors the slow progress in developing tourist facilities means economic benefits of tourism for Mamu are yet to be realised (Meadows, nd). In contrast, the Ngai Tahu Maori (NZ) used compensation funds to purchase tourism enterprises.

Maori claims to national parks in New Zealand

The *Ngai Tahu Claims Settlement Act 1998* was an agreement negotiated between the South Island Ngai Tahu Maori tribe and the New Zealand (NZ) government. It addressed Ngai Tahu claims under the 1840 Treaty of Waitangi and covered 65 per cent of conservation lands in the South Island. The Ngai Tahu settlement included full title to Aoraki/Mt Cook National

Park, gifted back to NZ, areas of the Te Wahi Pounamu South Island World Heritage Area, and title to other nature reserves. Some 90 names were changed to dual Maori/English place names in recognition of Ngai Tahu land ownership (MacKay 2002). A cash settlement of NZ\$170 million was used by the Ngai Tahu to acquire commercial businesses including mainstream nature tourism enterprises. These ventures operating in national parks include Franz Josef Glacier Guides, Hollyford Valley Walk, Aqua Taxi and Kaiteriteri Kayaks in Abel Tasman. In 2006, ten Ngai Tahu tourism ventures generated revenue of NZ\$35 million and earnings of NZ\$3.3 million (Te Runanga o Ngai Tahu 2006). The Ngai Tahu had also sought sole responsibility to control tourism and concessions in national parks (Hall 1996). The NZ government has resisted Maori land claims to protected areas, although the *Conservation Act 1987* recognizes principles in the Treaty of Waitangi (Hall 1996). Maori land was confiscated, coerced, compulsorily acquired and purchased inexpensively by the NZ government in areas re-designated as national parks (Coombes & Hill 2005). There are few formal agreements with Maori for co-management of national parks, with discussions proceeding with Maori Trust Boards for Mt Egmont-Taranaki, Whanganui (River), Tongariro and Te Urewera on the North Island (Coombes & Hill 2005; Federation of Maori Authorities 2003; Ifopo 2007). Some Maori regard co-management as diverting Treaty claims to national park lands (Coombes & Hill 2005). Conservation lands also have limited economic viability for local Maori groups (Ell 2000). Maori tourism ventures in and around protected areas though reinforce claims to tribal sovereignty and land use.

Conclusions

In Australia, states and territories are moving ahead with resolution of Native Title claims to national parks and other protected areas. Under the *Traditional Owner Settlement Bill 2010 (Victoria)*, Aboriginal groups that can prove a traditional rather than continuous connection to land are able to forge agreements with the government to jointly manage national parks. The terms of ILUAS for parks, and other lease-back agreements, include annual rental payments, compensation or economic development funds. Park ILUAS also include terms for Indigenous training and employment in parks, and preferential provision of Indigenous tours or park services. Joint management has stimulated Indigenous investment in park tourism facilities or enterprises. Future ILUAs for parks should include Indigenous contracts for provision of park services, and provision for payment or compensation for other Indigenous property rights (e.g. carbon credits). Indigenous carbon rights and sequestration is an emerging issue (Barnsley, 2009, Sheehan, 2010). In Victoria, traditional owner groups will be compensated for carbon sequestration activities.

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