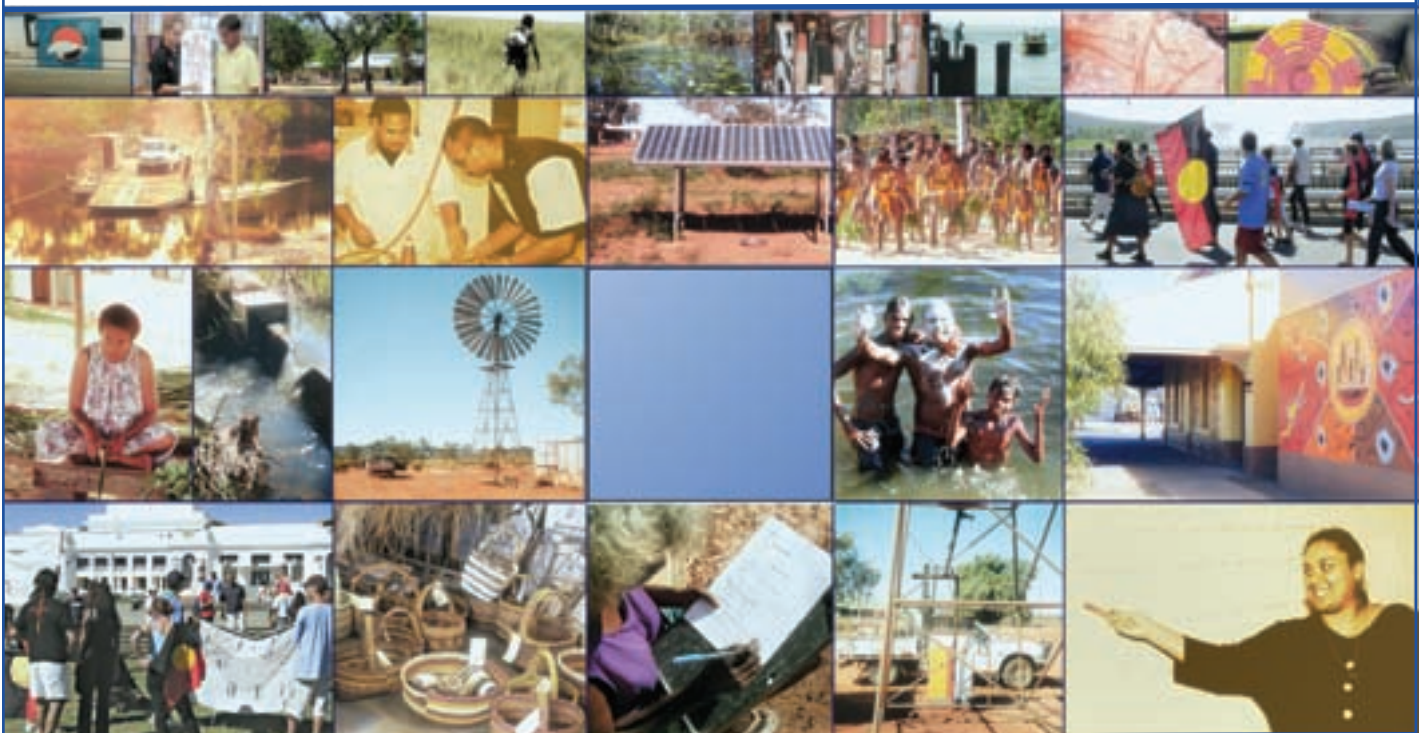


Submission to the Review of the National Biodiversity Strategy: Indigenous people's involvement in conserving Australia's biodiversity

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1. INTRODUCTION

This submission addresses 'Australia's Biodiversity Conservation Strategy 2010–2020 Consultation Draft' (hereafter 'the Consultation Draft') with a focus on 'Priority for change 5: Involving Indigenous peoples'. In particular, it addresses the question 'Do you think the Consultation Draft adequately covers the roles of Indigenous peoples in biodiversity management?'

In short, we answer this question in the negative: *The Consultation Draft does not adequately cover the roles of Indigenous peoples in biodiversity management.*

The consultation draft does not adequately cover the roles of Indigenous peoples in biodiversity management as it fails to recognise the enormous effort Indigenous Australians make towards biodiversity management through their formalised Indigenous land and sea management programs that now operate across numerous regions of Australia, including many areas of extremely high biodiversity value.

In section 1.1 of the Consultation Draft (1.1 Building on current work) there is no mention of the large network of Indigenous land and sea management programs that operate across many regions of remote Australia. Although, many of these programs are small, their combined effort ensures many hundreds of thousands of square kilometres are now under some form of formalised land and sea management. The growth of these Indigenous land and sea management programs over the last 15 years represents one of the most significant developments in the conservation history of Australia.

The Consultation Draft sets out Australian governments' vision for the next 10 years without fully recognising past and on-going Indigenous efforts outside of the Indigenous Protected Area (IPA) program. In failing to do so, it understates Indigenous contributions to the national biodiversity management effort, of which the IPA program represents only a small portion.

IPA:

Indigenous
Protected Area

This submission provides comments and recommendations in support of our central argument that:

the Indigenous estate, Indigenous people on country and Indigenous land and sea management are essential to the effective long-term conservation of Australia's biodiversity.

NBSRTG:

National
Biodiversity
Strategy Review
Task Group

We strongly support the Consultation Draft's recognition of the fundamental importance of Indigenous peoples, their knowledge, and their lands in conserving Australia's biodiversity. In particular, we welcome the Consultation Draft's recognition of 'Indigenous peoples' access to, and presence on, country and their use of the biodiversity resources of country ... as essential elements of the management of country' (National Biodiversity Strategy Review Task Group (NBSRTG) 2009: 75). However, we do question why this and other strong, evidence-based findings are contained in Appendix 8 of the document rather than forming central elements of the strategy.

CAEPR research, including the current People on Country, Healthy Landscapes and Indigenous Economic Futures Project, has highlighted the importance of Indigenous Australians living on, and caring for, their country in addressing key threats to Australia's biodiversity including climate change; invasive species; loss, fragmentation and degradation of habitat; unsustainable use of natural resources; changes to the aquatic environment and water flows; and inappropriate fire regimes (see, for example, Altman, Buchanan & Larsen 2007).

While supportive of the Consultation Draft's increased emphasis on Indigenous involvement as a priority for change, we have identified some key areas where the strategy needs to recognise existing Indigenous efforts and better support current activities and future involvement. In the following we outline the need for greater support for Indigenous people on country in conserving Australia's biodiversity; key comments on the Consultation Draft's effectiveness in addressing this need; and recommendations for better addressing these needs in the final version of Australia's Biodiversity Conservation Strategy for 2010-2020.

2. THE NEED FOR PEOPLE ON COUNTRY: THE INDIGENOUS ESTATE, INDIGENOUS LAND AND SEA MANAGEMENT AND THE CONSERVATION OF AUSTRALIA'S BIODIVERSITY

The Indigenous estate, people on country and Indigenous land and sea management are essential for the effective conservation of Australia's biodiversity.¹ It has been estimated that over the past 30 years over 20 per cent of the Australian land mass has been returned to Indigenous Australians via land claims, native title and land acquisitions, predominantly in remote and very remote Australia. The Indigenous estate is still growing—incorporating both marine and terrestrial environments—along with the role that Indigenous people play in conserving biodiversity and maintaining essential ecological systems and processes in the national interest. The Indigenous estate includes some of the most biodiverse and ecologically intact parts of Australia. However, this estate, its biodiversity and Indigenous livelihoods it supports face major threats from climate change, invasive species, changed fire regimes, pollution, overgrazing, and erosion. In view of this, there is a vital need for further strategic, legislative, policy and program innovation in support of Indigenous traditional owners living on country and for Indigenous community-based land and sea management programs.

CDEP:

Community
Development
Employment
Projects

Over the past 30 years a great deal of the management of biodiversity on the Indigenous estate and in related sea country has been conducted by traditional owners living on country supported by outstation resource agencies, land councils and Community Development and Employment Projects (CDEP) organisations. These Indigenous organisations and management efforts have historically been poorly supported and remunerated

1. This section provides a very brief synopsis of research findings from *CAEPR Discussion Paper No. 286* (Altman, Buchanan & Larsen 2007).

as a result of underinvestment by both the state and the private sector. More recently, the IPA and Working on Country (WoC) programs have delivered significant symbolic and practical breakthroughs in support for Indigenous land and sea management on the Indigenous estate. Initiatives like the West Arnhem Land Fire Abatement (WALFA) program have similarly highlighted the potential for greater public and private investment in Indigenous land and sea management as new markets emerge (particularly in carbon and water). However, there remains a need—in terms of closing gaps in both biodiversity conservation and Indigenous socioeconomic outcomes—for more holistic and whole-of-government support; for greater support of Indigenous people's sustainable customary and commercial use of biodiversity; and for greater public and private investment in Indigenous land and sea management on the Indigenous estate. The new national biodiversity conservation strategy must play a key role in addressing these needs.

In the following we provide comments on the Consultation Draft's vision, its call to action, and 'Priority for change 5: Involving Indigenous peoples', informed by our collective research and other experiences working with Indigenous land and sea managers.

3. COMMENTS ON THE CONSULTATION DRAFT'S VISION AND CALL TO ACTION

3.1 THE VISION

It is our view that the principles underlying the strategy's vision require some further thought and revision.

Principle 4: 'The state of biodiversity reflects the state of the nation' is unclear. Indigenous lands include some of the highest conservation priority lands in Australia, including many of the most intact and nationally important wetlands, riparian zones, forests and rivers yet is the home of some of Australia's poorest citizens.

Principle 8: 'Our efforts to conserve biodiversity must acknowledge and respect the culture, values, innovations, practices and knowledge of Indigenous people' is weak. This principle needs to be strengthened. Rather than merely acknowledging Indigenous efforts it should be redrafted so that it reflects the central role that many of the Indigenous CFC programs play, in their own right and through innovative partnerships, in biodiversity management.

Recommendation 1: The New Strategy should include the following as an underlying principle: 'Indigenous land and sea management which acknowledges and respects Indigenous cultural values, innovations, practices and knowledge is fundamental to long-term biodiversity management'.

3.2 THE CALL TO ACTION

One of the main threats to environmental degradation which is absent from the Consultation Draft (NBSRTG 2009: 10) is that of a depopulated landscape.

The threats from invasive species; loss, fragmentation and degradation of habitat; changes to the aquatic environment and water flows; and inappropriate fire regimes is great in areas where country has been cleared of its people—*terra vacua*.

We are of the view that a depopulated landscape poses such a significant threat to the maintenance of Australia's biodiversity that it be recognised as a major threat in its own right.

WOC:
Working on
Country program

WALFA:
West Arnhem Land
Fire Abatement
program

We provide two examples of the threat to biodiversity from a depopulated landscape.

One clear example of the threat to biodiversity of a depopulated landscape can be seen on the Waanyi/Garawa Aboriginal Land Trust on the Northern Territory/Queensland border. This land trust covers 12,000 square kilometres and contains areas of high national conservation value. Since traditional owners moved off the land trust, because of the lack of provision of basic services (health, housing and education) that they should enjoy as a citizenship entitlement, their country has experienced large-scale late dry season hot fires. In some years these fires burn in excess of 16,000 square kilometres, beyond the land trust area. Neighbouring pastoral properties estimate up to 80 per cent of lost feed from such wildfires. The long-term result of these uncontrolled hot fires is evident across much of the land trust where vast areas of country have lost significant areas of vegetation. The loss of this vegetation means the loss of feeding and breeding habitats for many native, especially endemic threatened species. The loss of vegetation also causes the exposure of skeletal soils to erosion. In all likelihood, without people living on country and the resumption of Aboriginal fire management, these soils will slowly choke the rivers and billabongs and significantly impact the habitat of marine species. Such hot fires also emit additional greenhouse gases that marginally exacerbate global warming.

A second example also comes from the Northern Territory, which has extensive infestations of *Mimosa pigra*. This invasive plant species forms dense mono-cultures which choke wetlands—restricting biodiversity and impacting people's health through the loss of access to nutritional food sources. *Mimosa* has the potential to spread throughout the wetlands of northern Australia, further adding to costs of agriculture, nature conservation and tourism. Aboriginal people living on country on outstations/homelands have been at the forefront of identifying new infestations and containing and eradicating already established infestations of *Mimosa* (NLC 2006). The Northern Territory currently has 119 declared weeds, with numerous others such as Rubber Vine (*Cryptostegia grandiflora*) advancing from the east. These pose further threats to the Northern Territory's tourism and pastoral industries. In a depopulated landscape weeds can quickly establish thriving communities, impacting on biodiversity, increasing the intensity of fire regimes, and adding to downstream management costs. The enormous savings from early detection by Indigenous people living on country of ecologically-altering weed infestations and the other ecological threats to remote Australia such as feral animals needs to be recognised.

It is important to recognise that the majority of the main threats listed in the Consultation Draft are less threatening in a populated landscape where Indigenous Australians are engaged in formalised land and sea management.

It is time that a depopulated landscape be recognised as a major and growing ecological threat to Australia's biodiversity and not treated as a side issue to environmental management.

4. COMMENTS ON 'PRIORITY FOR CHANGE 5: INVOLVING INDIGENOUS PEOPLES'

Our key comments and recommendations relating to Priority for change 5 relate to five significant issues underpinning Indigenous involvement in the conservation of Australia's biodiversity: (i) supporting Indigenous people on country to meet their aspirations and in the national interest; (ii) addressing underinvestment in the Indigenous estate; (iii) supporting Indigenous people's sustainable use of biodiversity; (iv) facilitating Indigenous involvement in comprehensive biodiversity conservation planning; and (v) the appropriate use of Indigenous ecological knowledge.

4.1 SUPPORTING INDIGENOUS PEOPLE ON COUNTRY

As stated above, a depopulated landscape in remote Australia presents an enormous environmental risk for the nation.² Indigenous people's residence on their country, particularly on outstations/homelands, plays an important and often unrecognised role in the delivery of essential services to wider Australia in the form of, *inter alia*, biodiversity management. Outstations/homelands have been central to innovative approaches to ecologically sustainable development on the Indigenous estate, including carbon abatement, early detection of threatening processes, wildlife utilisation, eco-tourism and art and craft industries. However, there is currently an unresolved contradiction in government approaches, such as the IPA and WoC programs, that recognise the importance of Indigenous people living on country and being actively engaged in biodiversity conservation while providing no support for such residence. These important policy initiatives are greatly weakened by the current outstation/homeland policy vacuum at all levels of government and their effectiveness is greatly threatened by recent Commonwealth and Northern Territory government measures that further limit the delivery of services and development to outstations/homelands (Northern Territory Government 2009; see also Murdoch 2009).

Recommendation 2: The New Strategy should include 'supporting Indigenous people on country'—that is, supporting Indigenous people's occupation of, and access and connection to their country—as an underlying principle of its development and implementation.

Recommendation 3: Objective 5.3.3 of the Consultation Draft should be amended to include support for 'Indigenous people's occupation of outstations/homelands' as well as access and connection to their country to ensure Indigenous biodiversity-related knowledge and practices are maintained.

4.2 ADDRESSING UNDERINVESTMENT IN THE INDIGENOUS ESTATE

The Consultation Draft states that 'the area of land under Indigenous *management* is currently 20% but many Indigenous communities remain socioeconomically deprived, with few employment options' (NBSRTG 2009: 38, emphasis added). While confusing the issue of ownership with that of management, this statement highlights an important dilemma. CAEPR research has produced an estimate of at least 20 per cent of Australia's land mass as being under Indigenous ownership (Altman, Buchanan & Larsen 2007). However, this research also noted that the ability of Indigenous landholders to effectively manage this vast and largely remote estate has been severely limited to date as a result of significant underinvestment. The Consultation Draft's commitments under Objectives 5.1.3 and 5.4.3 are particularly welcome in this regard, though they do not go far enough:

5.1.3 Expand the Indigenous Protected Area system, and extend opportunities for employing Indigenous peoples as environmental managers for biodiversity conservation outcomes.

5.4.3 Develop novel, innovative and culturally appropriate approaches to funding of biodiversity management on Indigenous lands and seas, including in payments for environmental services, carbon and water trading, and flexible working conditions (NBSRTG 2009: 39, 41).

2. Section 4.1 is drawn from Altman et al. (2008).

Recommendation 4: Objective 5.1.3 should also support the expansion of the Indigenous Protected Area system to include Indigenous management of sea country and the systematic and properly staged expansion of the Working on Country program.

NRS:

National Reserve System

While the emergence and expansion of the IPA and WoC programs are welcome developments in the recognition and resourcing of Indigenous land and sea management, there is a need to ensure that such programs resource Indigenous landholders on an equitable basis. Data from the former Commonwealth Department of the Environment and Water Resources covering the period 1996–2007 indicated a significant imbalance in the contribution of land made by IPAs to the National Reserve System (NRS) program (67.2%) compared to its portion of total Commonwealth NRS funding (15.5%) (Altman, Buchanan & Larsen 2007: 44). The Consultation Draft's commitment to developing appropriate tools and techniques to measure outcomes and to account for values of Indigenous environmental management is welcomed as a potential means of identifying and addressing such imbalances in the future.

Recommendation 5: In line with Article 8(j) of the Convention on Biological Diversity, the New Strategy should include an objective that supports the equitable recognition, remuneration and resourcing of Indigenous people's involvement in conserving Australia's biodiversity.

IPRIP:

Indigenous Profit-Related Investment Program

Of relevance to Objective 5.4.3, Altman and Dillon (2004) have outlined a proposal for a national investment scheme aimed at addressing market failure in the financing of development and natural resource management on the Indigenous estate. The proposed Indigenous Profit-Related Investment Program (IPRIP) seeks to provide incentives for greater public and private sector investment and equitable risk-sharing between government, private sector investors and Indigenous-owned corporations (Altman & Dillon 2004).

Recommendation 6: Responsibility for Objective 5.4.3 should include 'the private sector' as well as all governments in partnership with Indigenous peoples.

It is also important to recognise the innovative and intercultural role that CDEP organisations and outstation resource agencies have played, and continue to play, in supporting residence, flexible employment, commercial enterprise, and land and sea management on the Indigenous estate (Altman & Jordan 2008; Altman *et al.* 2008). Under current Commonwealth and Northern Territory Government policy we are seeing a significant reduction in state support for these particular organisations and agencies. This reduction will, in turn, create a gap in the delivery of community services, employment and development on the Indigenous estate (other than in major townships) that provide the foundation for traditional owners caring for country activities that both improve their livelihood prospects and further the national interest.

Recommendation 7: The New Strategy should promote a holistic and whole-of-government approach to Indigenous involvement in biodiversity conservation (and biodiversity conservation in general) that encourages Commonwealth, State and Territory government agencies to develop coordinated policies that effectively integrate, rather than undermine, biodiversity management and sustainable livelihoods on the Indigenous estate.

4.3 SUPPORTING INDIGENOUS PEOPLE'S SUSTAINABLE USE OF BIODIVERSITY

Appendix 8 of the Consultation Draft states that Indigenous use of biodiversity resources is an essential element of management of country (NBSRTG 2009: 75). However, the Consultation Draft's objectives relating to the involvement of Indigenous peoples lack any reference to supporting the sustainable use of biodiversity.

Recommendation 8: Recognition of Indigenous people's use of biodiversity resources as an essential element of managing country should be incorporated into the body of the New Strategy rather than solely being noted in an appendix.

This is a significant omission especially given evidence produced through CAEPR and other research of the contemporary importance of Indigenous use of biodiversity (Altman, Buchanan & Biddle 2006; Buchanan *et al.* forthcoming; Gray, Altman & Halasz 2005; see also Coleman *et al.* 2003). For example, analysis of the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) revealed that 85 per cent of Indigenous adults living on homelands had fished or hunted in a group in the three months prior to the survey (Altman, Buchanan & Biddle 2006). Recent, but all-too-rare, estimates of the replacement value of Indigenous customary use of wildlife in the Torres Strait (AFMA 2006) and in one portion of the West Kimberley (Buchanan *et al.* forthcoming) have highlighted the significant economic contribution this can make in remote communities where cash incomes are low and fresh, nutritious and affordable store foods are scarce (Altman & Jordan 2009). While important contextual differences exist, evidence from Canada suggests that significant socioeconomic benefits can be derived from enhanced state support for customary use and the appropriate commoditisation or commercialisation of biodiversity resources in remote Indigenous Australia (Aarluk Consulting Incorporated n.d.; Gombay 2005; Scott & Feit 1992).

NATSISS:
National Aboriginal
and Torres Strait
Islander Social
Survey

Recommendation 9: The New Strategy should retain the commitment contained under Objective 1.8.5 of the Current Strategy to:

Recognising the importance of harvesting of indigenous plant and animal species, both on land and in water, to the wellbeing, identity, cultural heritage and economy of Aboriginal and Torres Strait Islander peoples, provide assistance for the establishment of management programs for ecologically sustainable harvesting of wildlife by individual communities (ANZECC 1996: 15).

However, we suggest amending this objective to: 'provide support programs and assistance for the establishment of management programs for ecologically sustainable harvesting of wildlife by Indigenous peoples'.

Appendix 8 of the Consultation Draft notes what may be included in Indigenous environmental rights and interests under Australian property, environmental, and fisheries law. The rights and interests identified reflect both the anachronistic nature of legal recognition of Indigenous rights to biodiversity resources in Australia and the low priority given to holders of customary rights in relation to holders of commercial rights (Altman, Buchanan & Larsen 2007; Durette 2007). As Durette (2007) has noted in relation to fisheries legislation, recognition of Indigenous customary and commercial rights over biodiversity resources in Australia falls well short of that in other Commonwealth countries.

Recommendation 10: The New Strategy should encourage Commonwealth, State and Territory governments to pursue international best practice in the recognition and prioritising of Indigenous customary use of biodiversity resources and the support of sustainable commercial use of biodiversity resources by Indigenous peoples.

Recommendation 11: Objective 5.4.3 of the Consultation Draft should include sustainable commercial utilisation of indigenous and invasive species as alternative funding approaches.

4.4 FACILITATING INDIGENOUS INVOLVEMENT IN COMPREHENSIVE BIODIVERSITY CONSERVATION PLANNING

Appendix 8 of the Consultation Draft lists a range of practices that may form part of Indigenous management of country (see NBSRTG 2009: 76). However, as Altman and Kerins (2008) have recently noted, existing legal rights of traditional owners over biodiversity resources are mainly rights of 'passive use' rather than of 'active management'. This situation severely limits traditional owners' ability to maintain institutions and enforce these practices and, in turn, to effectively manage biodiversity and maintain essential ecological services on their country in a culturally appropriate manner. We are strongly supportive of the Consultation Draft's commitment to supporting and resourcing Indigenous engagement in preparing and implementing plans for biodiversity conservation under Objective 5.1.1 (see NBSRTG 2009: 39). However, this engagement needs to extend beyond ensuring that 'their unique aspirations are acknowledged'.

Recommendation 12: The New Strategy should include an objective supporting the development of comprehensive Indigenous land and sea management plans that incorporate and give legitimacy to local Indigenous cultural and natural resource management practices.

Recommendation 13: The New Strategy should provide support for the development and operation of local-level Indigenous organisations for the governance of land and sea country.

4.5 THE APPROPRIATE USE OF INDIGENOUS KNOWLEDGE

The Consultation Draft gives insufficient attention to the rights of the traditional owners of Indigenous environmental knowledge. In this respect the Consultation Draft falls well short of the Current Strategy, as well as Article 8(j) of the Convention on Biological Diversity.

Recommendation 14: Under Objective 5.3, the New Strategy should retain Objective 1.8.1 of the Current Strategy ensuring that 'the use of [Indigenous] knowledge in the scientific, commercial and public domains proceeds only with the cooperation and control of the traditional owners of that knowledge and ensure that the use and collection of such knowledge results in social and economic benefits to the traditional owners' (ANZECC 1996: 14).

5. OTHER RELEVANT CAEPR SUBMISSIONS AND RESEARCH

A number of submissions have been made by one or more of us to closely related inquiries and discussion papers in recent times. These include submissions to:

- The Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (see <<http://www.environment.gov.au/epbc/review/submissions/pubs/130-centre-for-aboriginal-economic-policy-research-anu.pdf>>)
- The Northern Territory Government Outstation Policy Discussion Paper (see <<http://www.anu.edu.au/caepr/topical.php#0872>>)
- The Senate Standing Committee on Environment, Communications and the Arts Inquiry into the Operation of the Environment Protection and Biodiversity Conservation Act 1999 (see <<http://www.anu.edu.au/caepr/topical.php#0868>>)
- The Senate Rural and Regional Affairs and Transport Committee Inquiry into Natural Resource Management and Conservation Challenges (see <<http://www.anu.edu.au/caepr/topical.php#0870>>)
- The Senate Environment, Communications, Information Technology and the Arts Committee Inquiry into Australia's National Parks, Conservation Reserves and Marine Protected Areas (see <<http://www.anu.edu.au/caepr/topical.php#0607>>)
- The Indigenous Protected Areas Programme Review (see <<http://www.anu.edu.au/caepr/topical.php#0607>>)

In addition to these submissions, CAEPR Discussion Paper No. 286 also deals with issues that are of particular relevance to the Review of the National Biodiversity Strategy in terms of the involvement of Indigenous peoples:

- The environmental significance of the Indigenous estate: natural resource management as economic development in remote Australia, *CAEPR Discussion Paper No. 286*, available at <<http://www.anu.edu.au/caepr/discussion.php#286>>

Finally, CAEPR is currently undertaking the People on Country, Healthy Landscapes and Indigenous Economic Futures Project. The authors of this submission are all researchers on this project which involves collaborative research with a number of Indigenous land and sea management organisations in northern Australia. Its primary aim is to build an evidence base on the contribution that Indigenous land and sea management makes to Indigenous well-being, the conservation of biodiversity and the resilience of essential ecological processes and systems. Further details about the project and participating Indigenous land and sea management groups can be found at:

< <http://www.anu.edu.au/caepr/country/index.php>>.

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