

# **A Structure for the Strategic Development of the North Australian Indigenous Land and Sea Management Alliance**

## **Discussion Paper**

Prepared by Rachel Armstrong in consultation with Peter Yu, The Lingiari Foundation and Joe Morrison for consideration at the 2004 NAILSMA forum - Menngen Aboriginal Land Trust (Innesvale Station) Northern Territory.

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Please note that the paper is aimed at engaging further discussion on NAILSMA's role and opportunities for the future development of the Indigenous estate across northern Australia

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## **Introduction**

The North Australian Indigenous Land and Sea Management Alliance (NAILSMA) held a scene setting workshop in Darwin in May 2004. This workshop aimed to determine the scope of NAILSMA as an organisation and the governance that was appropriate to it. A potential structure for NAILSMA was presented at this meeting and is represented in Figure 1. This paper aims to articulate the benefits of this structure, as agreed at the workshop, and provide input into further discussion on the future development of NAILSMA. The paper begins by summarising the current structure and aims of NAILSMA. This is followed, by a discussion of key factors relevant to Indigenous land and sea management in the North. The third section of this paper briefly describes the model structure presented at the scene setting workshop. The paper is concluded by articulating the benefits of the model structure for the future development of NAILSMA with reference to the discussion provided.

# 1. Current structure and roles of NAILSMA

NAILSMA is a bioregional forum for Indigenous land and sea managers across North Australia. It aims to support Indigenous land and sea management with research and resources, to care for country with an emphasis on management issues and projects that are relevant across the whole of the North. It is a core partner of the Cooperative Research Centre for Tropical Savannas Management (CRC–TSM) and represents the interests of Indigenous land and sea managers across the North to this board. Research and natural resource management projects are funded via NAILSMA’s member organizations, the Land Councils. It has two broad but interrelated functions.

In the first instance, NAILSMA is involved in coordinating Indigenous land and sea management projects that are relevant across the whole of the North. These currently include:

- A Dugong and Turtle Management Project
- A North Australian Fire Project
- An Indigenous Knowledge Strategy Project;
- Several Ethno–ecology projects; and
- A project focusing on leadership and communication skills

Secondly, NAILSMA is a movement that is driven by a developing network or alliance of groups, organisations and communities who are involved in Indigenous land and sea management.

Through this alliance, there are opportunities to:

- Support capacity building among, and increase communications between, Indigenous land and sea managers
- Advocate for the rights and interests of Indigenous land and sea managers across the North of Australia;
- Support economic development opportunities that are based on land and sea management; and
- Support the transfer of customary knowledge and practices across generations

To further these aims, it seeks to invite more Indigenous land management agencies and relevant non-government agencies to participate as core members. A full list of the objectives of NAILSMA, as set out in the Heads of Agreement document, is included in Appendix 1.

At the scene setting workshop in May it was agreed that “All work undertaken by NAILSMA should be cross-jurisdictional and have a North Australian focus (and that) regional projects should be undertaken by regional organisations or local groups”<sup>1</sup>. This workshop provided a basis to determining the governance structure of NAILSMA. Here it was agreed that membership to NAILSMA would be broad and inclusive. Regional members should be those involved in NAILSMA projects. Regional representation would need to be based on expertise, flexible, regionally appropriate and to have “courage and trust as underlying principles”<sup>2</sup>. NAILSMA should include a large forum or body that discusses strategic directions, but be managed by a

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<sup>1</sup> Bessen Consulting Services 2004 *North Australian Indigenous Land and Sea Management Alliance Scene Setting Workshop Outcomes Report 25 – 26 May 2004*. Pg 26

<sup>2</sup> *ibid*

steering or guiding body that is “small enough to make (well informed) decisions” and that instructs NAILSMA staff.<sup>3</sup>

Governance structure agreed upon included two levels, the NAILSMA Board and the NAILSMA Steering Committee. The NAILSMA Board is to consist of an independent chair<sup>4</sup>, the 3-5 Chief Executive Officers of the core partners<sup>5</sup> and 3-5 community positions representing each jurisdiction and nominated by the project steering committee. The Board’s function is to set the broad strategic direction and focus for NAILSMA, as informed by yearly rotating northern forums. The Project Coordinating group, the Steering Committee consists of a representative from each of the 3 land councils, the Northern Territory Department of Infrastructure, Planning and Environment, the Indigenous Land Corporation, the Tropical Savannas Cooperative Research Centre for (TS–CRC) and the NAILSMA coordinator<sup>6</sup>. It is chaired by the CEO of the TS–CRC and the NAILSMA coordinator is the Executive Officer. Its function is to coordinate NAILSMA projects.

The development of a structure for the strategic development of NAILSMA was also considered at the scene setting workshop. Key features of this discussion, as summarised from the Outcomes Report<sup>7</sup> include that the structure needs to:

- be regionally appropriate
- enable (and not obstruct) the getting on with it
- be flexible and dynamic to harness new opportunities, reliant on trust but with clear transparency of decision making
- be based around the NAILSMA projects, and to utilise them as a vehicle to develop communications and actions on country.

Providing background to further discussion on the development of a structure for NAILSMA, based on the model structure presented at the workshop is the focus of this paper.

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<sup>3</sup> Bessen Consulting Services 2004 ibid

<sup>4</sup> This is currently Peter Yu

<sup>5</sup> In the Heads of Agreement document, the initial core partners are the Kimberley Land Council, the Northern Land Council, and Balkanu Cape York Development Corporation

<sup>6</sup> This is currently Joe Morrison

<sup>7</sup> Bessen Consulting Services 2004 ibid

## 2. Key factors relevant to Indigenous land and sea management in north Australia

NAILSMA represents an opportunity to support strategic management of Indigenous lands across the North of Australia and to seek improvement of the socioeconomic status of Indigenous landholders through innovative development opportunities that are based on customary management. Indigenous peoples are owners and/or managers of a substantial proportion of land across the North of Australia. As land claims processes are concluded, there is a growing focus on strategic management of the Indigenous lands base, and the resources and capacity that will be required to do this<sup>8</sup>. In addition to their cultural and socioeconomic benefits, the wildlife harvesting and land management activities of people living on country are increasingly recognised as supporting biodiversity, conservation and offering new economic development opportunities<sup>9</sup>. Given the long time frames and litigation based process associated with native title determinations, Indigenous Land Use Agreements and, potentially, Regional Agreements are a mechanism towards practical assertion of Indigenous rights on traditional lands, and the resources contained on them. Indigenous land assets, and land management practices are a basis for the future socioeconomic well being of Indigenous landholders across the north.

Sustainability can be defined in a relevant way at the local and the regional level by Indigenous peoples, as well as connecting to wider national and global agendas that may be supportive of Indigenous land managers. As such, the concept of sustainability is useful to Indigenous land and sea management, and is taken as a background to this paper. Principles of social justice, ecological sustainability, economic equity and cultural diversity are equally important to achieving sustainable improvement<sup>10</sup>. Self Determination, social justice and inherent Indigenous rights to land and country are fundamental to Indigenous sustainability<sup>11</sup>. These broad concepts within the idea of sustainability reflect a requirement to develop grassroots improvement in the socio-economic status, move towards improved long term economic sustainability and to assert and support the rights and traditional practices of people on their country.

Currently, Indigenous land and sea management is primarily supported by the Commonwealth government through a range of programs that include:

- CDEP and the Community Ranger Program;
- The Indigenous Land Management Facilitator Program through the Natural Heritage Trust that provides support for indigenous groups to access funds in the specific areas of nurseries and revegetation, feral animal and weed control, stock fencing in ecologically sensitive areas and interpretation for the wider public on Indigenous culture and land management<sup>12</sup>.
- Various models of joint management of national parks that support collaboration between Indigenous and non Indigenous land management practices;

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<sup>8</sup> Altman, J 2003a "People on Country, Healthy Landscapes and Sustainable Indigenous Economic Futures: The Arnhem Land Case" *The Drawing Board: An Australian Review of Public Affairs*, School of Economics and Political Science, University of Sydney

<sup>9</sup> Altman, J Whitehead, P 2003 *Caring for Country and Sustainable Indigenous Economic Development: Opportunities, Constraints and Innovation* CAEPR working paper 20/2003 Available Online URL: <http://www.anu.edu.au/caepr/>; accessed 08/04

<sup>10</sup> Howitt, R. 2001 *Rethinking Resource Management Justice, Sustainability and Indigenous Peoples* Routledge, London

<sup>11</sup> Kinnane, S. 2002 *Beyond the Boundaries – Exploring Indigenous Sustainability Issues within a Regional Focus Through the State Sustainability Strategy*, A Sustainability Research Group Discussion Paper, Department of the Premier and Cabinet, Western Australia

<sup>12</sup> Department of Environment and Heritage 2004 *Indigenous Land Management Facilitator Program*, National Heritage Trust. Available online <http://www.deh.gov.au/indigenous/ilmf/> accessed 08/04

- The Indigenous Protected Areas program where Indigenous lands can be incorporated into the National reserves system in return for government funds and management assistance for conservation<sup>13</sup>.
- The Indigenous Land Corporation purchases land on behalf of Indigenous groups and provides some support for its management.
- Land Councils across the North also provide support for land management.

These programs do not currently represent a long term, comprehensive and sustainable approach to supporting Indigenous land and sea management. Short timeframes stifle long term planning and development of Indigenous institutional structures and the agendas of different agencies involved do not necessarily correspond with Indigenous priorities and caring for country practices<sup>14</sup>. Altman and Whitehead summarise the difficult institutional framework that traditional land and sea management operates with

*“the caring for country movement remains fragile, being dependent on difficult to manage bundles of often small individual projects, funded from the sale of public assets, responding to apparently arbitrary shifts in priorities, eligibility criteria, and the details of complex, multi-layered assessment processes imposes unnecessary additional costs for administering Indigenous institutions. Uncertainty and difficulties of maintaining continuity are exasperated by ad hoc interventions of State, Territory and Federal Ministers, who sometimes ignore the technical and operational advice offered by regional assessment committees. Maintaining and building capacity under these circumstances creates major challenges”<sup>15</sup>*

NAILSMA represents an opportunity to move beyond reliance on project based government monies for the funding of customary management and towards self sustaining, Indigenous controlled mechanisms that include greater interaction with commercial and philanthropic sectors, and potentially to advocate for a different relationship between Indigenous land and sea managers and government.

Indigenous Australians, as a group, when compared to all other Australians, measure far lower on mainstream socioeconomic indicators. Over the last 30 years, government policy and programs have failed to lead to tangible improvement<sup>16</sup>. Over this same time many Indigenous people and communities have maintained a desire to keep culture and connections to country strong. One way that this has been expressed is in the ‘outstations’ movement, with people returning to live, seasonally or permanently on their country, and continuing customary management practices. This has been aided by the progressive return of land by government grant or legal process to many Indigenous groups in the North. However, many remote communities continue to lack long term, sustainable employment and economic development opportunities. The Indigenous lands base and Indigenous knowledges and practices offer an opportunity to improve the socioeconomic status of Indigenous people living on country both currently and as a long term strategy for the future, whilst maintaining culture.

<sup>13</sup> Smyth, D. 2001 “Joint Management of National Parks” Chapter 5 in R. Baker, J. Davies, E. Young (eds) *Working on Country Contemporary Indigenous Management of Australia’s Lands and Coastal Regions* Oxford University Press, Melbourne

<sup>14</sup> Baker, R., Davies, J. Young, E. 2001 “Working on Country Listening, Sharing and Providing Practical Support” Chapter 23 in R. Baker, J. Davies, E. Young, E (eds) *Working on Country Contemporary Indigenous Management of Australia’s Lands and Coastal Regions* Oxford University Press, Melbourne

<sup>15</sup> Altman and Whitehead 2003 op cit

<sup>16</sup> Altman, J. 2000 *The economic status of Indigenous Australians* CAEPR Discussion Paper 193/2000 Available Online URL: <http://online.anu.edu.au/caepr/> accessed 08/04

## **Indigenous land management, sustainability and its connection to conservation and economic development**

Most Aboriginal land is located in regional and remote Australia which is, as a whole, structurally and locationally disadvantaged in Australian and global economies<sup>17</sup>. In many cases land that has been returned to Aboriginal people is either severely degraded or of marginal commercial value<sup>18</sup>. There is also pressure for development of Indigenous lands, particularly by the resources sector and, increasingly for tourism. “Ongoing management of these lands requires maintenance of links between families, clans, language groups and their land, and the passing on, across generations, of knowledge that is held by elders”<sup>19</sup>. It also requires a strategic and proactive approach to managing development to ensure that indigenous people control, and are the primary beneficiaries of development on their land. Despite substantial land assets, Indigenous Australians living on country have limited income and financial assets, and in many cases community capacity to lever investment. There is, however a strong desire by many to live on country, to maintain it in a culturally sustainable way<sup>20</sup>, and to ensure that it provides a decent livelihood for future generations. The Indigenous lands base, the unique customary management practices of Indigenous peoples in the North and the conservation and commercial opportunities that they present, are an important source of comparative advantage to lever investment for socioeconomic development in Indigenous communities<sup>21</sup>.

## **Customary land management and conservation**

The Indigenous lands estate includes bioregions that are of global conservation significance<sup>22</sup>. Indigenous landholders have a global responsibility to ensure the ongoing maintenance of ecosystem integrity on their lands, and a right to the resources that will be required to do this. The presence of Indigenous people in remote regions of the Tropical Savannas are increasingly being recognised as providing conservation benefits, including through the management of fire, weeds and feral animals and the early detection of notifiable diseases in livestock. Future potential benefits include the possibility of carbon abatement programs through traditional fire management and salinity minimisation<sup>23</sup>.

Preliminary research suggests that while the cost of Indigenous land management is far less than the management of national parks, the conservation outcome is similar<sup>24</sup>. It also demonstrates that customary wildlife harvest does not have a negative affect on biodiversity, despite philosophical aversion to it by some mainstream interests<sup>25</sup>. Customary harvest has, and continues to be, at times, targeted for political reasons. For example, in Moreton Bay, Queensland, a ban was imposed on customary dugong hunting. However, the primary impacts on dugong numbers are

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<sup>17</sup> Gray, I. Lawrence, G. 2001 *A future for Regional Australia – Escaping Global Misfortune* Cambridge University Press, Cambridge

<sup>18</sup> Baker, R., Davies, J. Young, E (eds) 2001 *Working on Country Contemporary Indigenous Management of Australia's Lands and Coastal Regions* Oxford University Press, Melbourne

<sup>19</sup> Morrison, J. 2003 *Caring for Country: Indigenous people managing country with a particular emphasis on North Australia* Paper presented at the National Landcare Conference, Darwin p4 available online URL: [www.nt.gov.au/ipe/landcareconference/abstracts/pdfs/papers/pa\\_morrison.pdf](http://www.nt.gov.au/ipe/landcareconference/abstracts/pdfs/papers/pa_morrison.pdf) accessed 08/04

<sup>20</sup> Altman 2003b Introductory remarks to Indigenous Economic Forum: Economic Development Barriers, Opportunities, Pathways Available online URL: [http://www.indigenousforums.nt.gov.au/dcm/indigenous\\_policy/forums/forum-papers.shtml](http://www.indigenousforums.nt.gov.au/dcm/indigenous_policy/forums/forum-papers.shtml) accessed 08/04

<sup>21</sup> Whitehead 2003 *Indigenous products from Indigenous people: linking enterprise, wildlife use and conservation*. Paper presented to the Seizing our Economic Future Forum, Alice Springs, 6-7 March 2003 Available online URL: [www.indigenousforums.nt.gov.au](http://www.indigenousforums.nt.gov.au) accessed 08/04

<sup>22</sup> Altman 2003b Introductory remarks to Indigenous Economic Forum: Economic Development Barriers, Opportunities, Pathways Available online URL: [http://www.indigenousforums.nt.gov.au/dcm/indigenous\\_policy/forums/forum-papers.shtml](http://www.indigenousforums.nt.gov.au/dcm/indigenous_policy/forums/forum-papers.shtml)

<sup>23</sup> Altman, J. 2003b op cit

<sup>24</sup> Altman, J Whitehead, P 2003 op cit

<sup>25</sup> ibid



sea grass bed degradation, drowning in commercial fishing nets and injury by power boats. Bans on net fishing have also been imposed, however net fishers have been compensated and Indigenous people have not.<sup>26</sup> NAILSMA can provide a source of information, analysis and argument to support Indigenous rights to customary harvest.<sup>27</sup>

Given the changing environmental threats, the impacts of past degradations, and depopulation, western science and Indigenous knowledges and tools need to be combined to manage land effectively<sup>28</sup>. Therefore a collaborative approach to conservation on Indigenous lands is developing "...towards a dynamic, contemporary and essential perspective on resource management goals and practices to stem the tide of species, habitat, and environmental destruction..."<sup>29</sup> However, the role that Indigenous land managers currently play in biodiversity conservation is poorly understood by policy makers. Indigenous peoples are also in a position where they are required to defend their rights to customary harvest of key species such as turtle and dugong. NAILSMA may be able to achieve a strong voice to advocate for Indigenous rights and roles in the conservation and sustainable use of wildlife across the North, including in hunting, where these activities may be frowned upon by some mainstream interests, for philosophical rather than scientific reasons.

### **Customary land management and economic development**

In addition to the conservation benefits of traditional land and sea management, there are some clear examples of economic development opportunities that emerge from these activities. Art production is the largest source of non government income for many communities as well as being important culturally. Tourists are increasingly interested in authentic Indigenous cultural experiences. Being based on culture, these industries can provide support for the maintenance and passing on of traditional practices<sup>30</sup>. However, Indigenous peoples will need to assert control in these projects and be involved at all levels of development. For example, communities could become tourism destinations where all the needs of tourists are provided for, ranging from tours and cultural experiences to accommodation, use of community stores and purchasing of souvenirs, therefore maximising the Indigenous profit from tourism<sup>31</sup>.

There are emerging markets, particularly in the Northern Territory, in harvesting of plants for bush foods, the nursery trade and traditional medicine, wildlife harvesting (native and feral) including for the pets trade and for consumption, and the farming of native animals such as magpie geese and crocodiles for meat and other products. Growing these markets requires the legislative change to protect Indigenous property rights, allow sustainable use and recognise a commercial right of Indigenous land holders in wildlife. Asserting the Native Title rights of landholders will be a key strategy to achieving economic development in remote communities and economic development in the Native Title era will be intrinsically linked to customary activities<sup>32</sup>. If Aboriginal landowners can access commercial rights to fisheries, even for local sale, additional opportunities that are currently being taken up by non-indigenous interests would

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<sup>26</sup> Ross, H. Pickering, K. 2002 "The politics of Reintegrating Australian Aboriginal and American Indian Indigenous knowledge into Resource Management The Dynamics of Resource Appropriation and Cultural Revival" *Human Ecology* 30 (2) June 2002 pp 187-214

<sup>27</sup> Whitehead, P. no date *Sustaining customary rights to use wildlife – international links*. CRC-TSM Unpublished notes

<sup>28</sup> Morrison, J. 2003 op cit, Altman, J Whitehead, P 2003 op cit

<sup>29</sup> Ross, H. Pickering, K. 2002 op cit

<sup>30</sup> Northern Territory Government 2003 *Seizing Our Economic Future Issues Paper* Indigenous Economic Forum, Alice Springs, 6-7 March Available online [www.indigenousforum.nt.gov.au](http://www.indigenousforum.nt.gov.au); Reconciliation and Social Justice Library no date *Valuing Cultures- Cultural Tourism* Available Online 18/8/04 URL: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/car/kip3/12.html> accessed 08/04

<sup>31</sup> Yu, P Personal Communication 08/04.

<sup>32</sup> Altman, J. 2004 *Economic Development and Indigenous Australia: Contestations over Property, Institutions and Ideology* Topical Issues. Centre for Aboriginal Economic Policy Research Available Online URL: <http://www.amu.edu.au/caepr/topical.php> accessed 08/04

be presented. Continued research and advocacy across the north and in partnership with communities will be required to further these options<sup>33</sup>.

### **Indigenous economies and leveraging investment on indigenous lands**

According to the World Business Council for Sustainable Development “Future consumer markets will favour businesses that partner with government and civil society to serve basic needs, enhance human skills, increase economic capacity, help remedy inequities, and conserve the environment”<sup>34</sup> and business will be increasingly accountable to do so. This trend may be reflected in the growing willingness of corporations to negotiate with Indigenous groups to provide payment or compensation for resource access, with Indigenous groups potentially having greater agency in these negotiations than with government<sup>35</sup>. In addition to relationships with corporations over resource access, relationships with the commercial/corporate sector and the philanthropic sector may provide a better option for investment than government given a global trend away from accepting responsibility for maintaining social equity<sup>36</sup>. Large scale resource developments that are instigated by corporations are differentiated from grassroots economic opportunities that emerge on Aboriginal Lands. While this paper focuses on the grassroots opportunities that emerge out of customary practices, benefits from resource companies that have negotiated development on Aboriginal lands may be used to invest, or to lever investment in customary resource management<sup>37</sup>.

Recent research has described Indigenous economies, particularly in the North, as a hybrid of market, state and customary components and linkages. In many cases, the contribution of the state to Indigenous economies is high, but is too strongly focussed on state welfare provision and not active enough in supporting innovative development. The customary economy, including hunting, gathering, fishing and customary land management and its strategic engagement with the market economy are increasingly acknowledged as areas for focusing growth in the future<sup>38</sup>. Where commercial ventures are proposed, it will be important to identify comparative advantage, such as through marketing produce as coming from sustainable, customarily managed Indigenous lands. A whole of the North approach to such marketing would be beneficial with place identification and image increasingly important to commercial success<sup>39</sup>. New markets are emerging based on customary practices and in new area such as carbon abatement. Indigenous groups will need to get in early on so that they can have strong negotiating power and receive maximum benefits from development.

In a presentation to the Seizing Our Economic Future Forum in Alice Springs in 2002, Peter Whitehead summarises five constraints to the development of markets in sustainable use of Natural resources by Indigenous people. These are:

- “Poorly Understood Markets
- Under-Developed Markets
- Local and Structural Disadvantage

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<sup>33</sup> Altman, J. and Whitehead, P. 2003 op cit

<sup>34</sup> World Resources Institute 2002 *Tomorrow's Markets: Global Trends and their Implications for Business* Available Online URL: [http://business.wri.org/pubs\\_pdf.cfm?PubID+3155](http://business.wri.org/pubs_pdf.cfm?PubID+3155) accessed 08/04

<sup>35</sup> Behrendt, L. 2002 *Globalisation and Self Determination: the Challenges for Sovereignty and Governance* Indigenous Governance Conference 3-5 April 2002 Canberra

<sup>36</sup> Schwab, R.G. Sutherland, D. 2002 *Philanthropy, Non Government Organisations and Indigenous Development* CAEPR Discussion Paper 242/2002 <http://online.anu.edu.au/caepr/> accessed 08/04

<sup>37</sup> Whitehead 2003 op cit

<sup>38</sup> Altman, J. 2001 *Sustainable Development Options on Aboriginal land: The Hybrid Economy in the Twenty-first Century* CAEPR Discussion Paper 226/2001 Available Online URL: <http://online.anu.edu.au/caepr/> accessed 08/04

<sup>39</sup> Northern Territory Government 2003 op cit

- Clumsy or Overzealous regulation for sustainability and of access
- Anti-use philosophies<sup>40</sup>

The development of indigenous enterprises based on the customary skills and knowledge of Indigenous people has great potential yet is likely to be a long term and complex undertaking. A whole of the North approach to addressing constraints to development will facilitate both a united voice, and the sharing of knowledge and information between communities. Managing the opportunities for positive development will require coordinated action.

### **Philanthropic investment**

Philanthropic investment through the establishment of partnerships with relevant institutions will be required to ensure there is seeding support for the communities and their projects by the importation of senior management and governance expertise as well as capital from the private sector. Currently they are more likely to invest in innovative ventures, such as Indigenous land and sea management projects, than government or commercial interests. Additionally, philanthropic investment is likely to increase in importance for non-mainstream ventures as governments follow a global trend away from accepting a broad responsibility for social development<sup>41</sup>. These philanthropic investors are developing longer term strategic relationships where they are investing to promote organisational development and capacity building<sup>42</sup>. This fits with research that suggests that capacity building for self governance is fundamental to Indigenous self determination<sup>43</sup>. If philanthropic investors invest in Indigenous land and sea management and their investment is seen to be successful, then there will be increased opportunities to lever funding from other sources. The Lumbu Indigenous Community Foundation's Indigenous Philanthropy Coalition is a new initiative that will facilitate philanthropic investment in Indigenous communities into the future<sup>44</sup>. The US based Christensen Fund has indicated an interest in investigating how it might lend support to NAILSMA and preliminary discussions have taken place.

### **Commercial investment and development**

Opportunities for commercial investments and partnerships currently exist on Indigenous lands within a broader context of a requirement to enhance the tradeable resource rights of Indigenous landholders particularly with regards to Native Title. There are for example, the commercial joint-venture partnerships that Bawinanga Aboriginal Corporation in the Maningrida region of Arnhem Land is involved in—a recreational fishing venture and a buffalo safari venture. Bawinanga has invested in fixed assets and the commercial partner in moveable assets, and this has decreased the risk for the commercial investor.

Increasing articulating and negotiating commercial resource rights, including as tradeable assets for commercial investment is central to future economic development opportunities on remote communities. The Yanner vs Eaton case in Queensland in 1999 confirmed that Native Title rights to harvest wildlife had survived colonisation. These include rights for Indigenous governance and regulation of wildlife use<sup>45</sup>. These rights however are limited to subsistence use. Subsistence

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<sup>40</sup> Whitehead 2003 op cit

<sup>41</sup> Schwab, R.G. Sutherland, D. 2002 op cit

<sup>42</sup> ibid

<sup>43</sup> Dodson, M. Smith, D.E. 2003 *Governance for Sustainable Development: Strategic Issues and Principles for Indigenous Australian Communities* CAEPR Discussion Paper 250/2003  
[www.anu.edu.au-caepr](http://www.anu.edu.au-caepr)

<sup>44</sup> Schwab, R.G. Sutherland, D. 2002 ibid

<sup>45</sup> Langton, M. 2002 *Ancient Jurisdictions, Aboriginal Polities and Sovereignty* Speech at the Indigenous Governance Conference, 3-5 April 2002, Canberra Available online URL:  
[www.reconciliationaustralia.org/graphics/info/publications/governance/speeches.html](http://www.reconciliationaustralia.org/graphics/info/publications/governance/speeches.html) accessed 08/04

rights to wildlife use provide a strong legal base from which to assert ongoing rights to customary harvest of species such as dugong and turtle, where there is mainstream opposition to hunting. Currently, commercial resource rights, such as rights to mineral resources or fisheries are not acknowledged in Native Title, and non Indigenous commercial rights may have higher legal status than Indigenous customary rights. One example of this is where the rights of commercial fishers have higher legal status to the customary fishing rights of Traditional Owners. Altman and Whitehead believe: “In our view, in the native title era, property rights in wildlife will expand in the same way as did land rights, but from a lower base, and quicker”<sup>46</sup>. Advocating for such an expansion in rights will be important where economic development opportunities include sustainable harvest of native flora and fauna.

Three strategies that may be used to increase Indigenous resource rights are:

- Using the remaining right to negotiate provision in the Native Title Act to negotiate rights to commercial resources. There is precedence in the Torres Strait Islands, though not conceived of as a Native Title right, for Indigenous peoples to have commercial interest in fishing.
- Targeting newly emerging markets, such as in carbon trading, for Indigenous ownership of commercial rights
- Negotiating compensation for past extinguishment of Native Title and using this to purchase current or future commercial resource rights.

Legal options as well as political negotiation on grounds of social justice with either federal or state/territory governments may be appropriate to support these strategies.<sup>47</sup>

Where inalienable Aboriginal land title exists, land assets cannot be sold to raise capital for economic development. Although this limits options to raise capital it provides surety to future generations, who will continue to have access to traditional lands. Current options to lever finance for economic development on Indigenous lands that have been utilised or suggested include:

- Long-term leasing of Aboriginal land in exchange for development finance or partnership in enterprise;
- Using future income from CDEP and other reliable government funds as surety for credit. This is likely to require demonstrated organisational capacity and a low risk development opportunity;
- Negotiation of Native title rights in resources;
- Using royalties as surety against investment; and
- Building on corporate citizenship obligations.<sup>48</sup>

Exploration of these options as well as the potential for increased rights in resources across the North is important to facilitate an innovative and proactive approach to increasing economic sustainability for the Northern Indigenous community. This will need to be supported by increased local and regional governance capacity. Altman (2002) states that “Success is invariable predicated on comparative advantage, appropriate institutional design, robust governance, a degree of political stability and shared development aspirations among Indigenous people and, often, commercial leverage of some form”<sup>49</sup> Thus there is a clear link between

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<sup>46</sup> Altman, J. Whitehead, P. 2003 op cit p 11

<sup>47</sup> Altman 2002 “The Political Economy of a Treaty Opportunities and Challenges for Enhancing Economic Development for Indigenous Australians” in *The Drawing Board an Australian Review of Public Affairs* 3 (2) November 2002 pp65-81

<sup>48</sup> Altman 2002 op cit

<sup>49</sup> Ibid pg 8

economic development and strong indigenous governance structures and institutions at local and regional levels.

### **A changing relationship with government**

For a number of reasons; including the relatively high cost of service delivery to remote Aboriginal communities, and the long time frames required in achieving sustainable economic development within the above scenario; Indigenous land and sea managers and their communities are likely to continue to require substantial government funding<sup>50</sup>. There is a need to change the relationship to government funding<sup>51</sup>. There may be too much 'welfare' state but not enough government support for productive and innovative activity, through which market and customary sectors of remote Indigenous economies may grow<sup>52</sup>. This changed relationship could include greater acknowledgement of the inherent rights and active inputs of Indigenous peoples in land management. In the words of Mick Dodson "When we assert out entitlements as we define them, we are reshaping not just specific responses but the power structure which has oppressed us"<sup>53</sup>. In doing so Indigenous Land and Sea Managers may increase their relative power in interactions with governments. Through the dissolving of ATSIC there is some potential for renegotiation of the relationship between Aboriginal people, communities and organisations.

*For the first time, government agencies will be accountable to the higher order of government for their performance, dependent, in part on the way they work with each other and with Aboriginal and Torres Strait Islander communities. We need also to make them accountable to us. In the absence of ATSIC there will be no one else to blame*<sup>54</sup>

There are provisions within the Environmental Protection and Biodiversity Conservation Act that actively acknowledge the core role of Indigenous people in conservation and sustainable use of biodiversity<sup>55</sup>.

Some potential areas to advocate change that are specifically relevant to NAILSMA may include:

- Establishing an equal partnership between land managers and government based on a shared responsibility for conservation that has local, regional, national and international benefits, and includes longer term, secure funding for projects.
- Active integration through landcare and Natural Heritage Trust funding of conservation with sustainable wildlife use.<sup>56</sup>
- Advocating for a supportive policy, legislative, administrative environment for sustainable use, including recognition of Indigenous commercial rights in resources, fisheries, wildlife, carbon credits<sup>57</sup>

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<sup>50</sup> ibid

<sup>51</sup> Jull, P. 2002 *The politics of Sustainable Development: Reconciliation in Indigenous Hinterlands* Paper written for international research project, University of Tromoso: Indigenous Peoples, Power and Sustainable Development in the Global World p 4

<sup>52</sup> Altman 2004 op cit

<sup>53</sup> Dodson, M. 1994 "Towards the Exercise of Indigenous Rights: Policy, Power and Self Determination" p 67 in *Race and Class* 35(4) 65-75

<sup>54</sup> Jeffries, S. *Building Relationships: Keeping and Eye on the Bigger Picture* paper presented at The Native Title Conference Building Relationships Australian Institute for Aboriginal and Torres Strait Islander Studies 3-4 June Canberra Available online URL: <http://www.aiatsis.gov.au/rsrch/ntru/conf2004/papers/papers.html> accessed 08/04

<sup>55</sup> Whitehead no date *A submission to the House or Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry on Capacity Building in Indigenous Communities* Available Online URL: [www.aph.gov.au/house/committee/atsia/indigenouscommunities/subs/sub08.pdf](http://www.aph.gov.au/house/committee/atsia/indigenouscommunities/subs/sub08.pdf) accessed 08/04

<sup>56</sup> Altman, J Whitehead, P. 2003 op cit

<sup>57</sup> Whitehead 2003 op cit, Altman 2002 op cit

- Improved recognition of Native Title rights by states so that state policy on Indigenous economic and social development supports and is supported by Native Title development.<sup>58</sup>
- Transparent acknowledgement of the support which is given to non Indigenous business and industry in remote industries and ensuring Indigenous enterprise has access to the same.<sup>59</sup> This is particularly relevant given the post-ATSIC whole of government approach.
- Ensuring that new rights to resources or access to capital do not result in government withdrawal from provision of services that are a citizenship right of Indigenous peoples<sup>60</sup>.
- Ensuring equitable government support for and recognition of customary elements of Indigenous economies and the potential for customary management to foster economic development in the longer term, and therefore to provide financial support for it<sup>61</sup>

As a regional organisation, NAILSMA may be better equipped to negotiate the complex bureaucratic and legislative environment that land management in Australia is administrated through – to force the multi-agency, cross jurisdictional cooperation that will be required to make genuine space for customary management in the mainstream systems<sup>62</sup>.

### **Internationalism, governance and sustainable development**

Worldwide, Indigenous people are asserting their rights to have an effective voice in regional decisions made by non Indigenous governments where they effect Indigenous lands, waters, natural resources, environments and wildlife. There is a growing suite of International and Australian law that confirms the right of Indigenous people to equitable civil, political, human and property rights generally and particularly with regards to negotiation and participation in decisions that affect their land and culture<sup>63</sup>. For example, in the Bruntland Report, which emerged out of the World Conference on Sustainable Development in 1987 it was stated:

*The starting point for a just and humane policy for such (Indigenous) groups is the recognition and protection of their traditional rights to land and the other resources that sustain their way of life—rights they may define in terms that do not fit into the standard legal systems<sup>64</sup>*

As part of the global Indigenous community Australian Indigenous people can access global support and alliances with other Indigenous groups and collectively through international forums such as the World Council of Indigenous Peoples. Shared experiences stem from a historical legacy of colonialism, including political economic marginalisation, attempted cultural assimilation and dispossession of land. There are also links to growing activity through Indigenous roles as custodians of endangered environments and cultures. These link Indigenous peoples across the world<sup>65</sup>. The requirement to assert the legitimacy of Indigenous customary management, and customary harvest, against pressure from mainstream resource development

<sup>58</sup> Jonas, B 2004 *Promoting Economic and Social Development through Native Title* paper presented at The Native Title Conference Building Relationships Australian Institute for Aboriginal and Torres Strait Islander Studies 3-4 June Canberra Available online URL: <http://www.aiatsis.gov.au/rsrch/ntru/conf2004/papers/papers.html> accessed 08/04

<sup>59</sup> Altman 2001 op cit

<sup>60</sup> Altman 2002b op cit

<sup>61</sup> ibid

<sup>62</sup> Ross, H, Pickering, K. 2002 op cit

<sup>63</sup> These are discussed in detail by Nettheim, G. Meyers, G. Craig, D 2002a "International Law Standards" chapter 2. pp 9-26 in *Indigenous Peoples and Governance Structures* Aboriginal Studies Press, Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, Australia

<sup>64</sup> Cited in Jull 2002 op cit p 4

<sup>65</sup> Jull. P. 1991 *Outback Internationalism: New Linkages in Northern Development* North Australia Research Unit, Australian National University

and conservation models is also shared by many Indigenous communities across the world. In an era of International networks and linkages, facilitated by ease of travel and communication, the development of alliances between NAILSMA and other similar organisations internationally can strengthen NAILSMA's position as an advocate for the Northern Indigenous Community through engaging international support and sharing strategy<sup>66</sup>.

Good Governance is a fundamental factor in achieving sustainable development. This is broadly recognised in Indigenous and non Indigenous settings, and is often viewed as requiring a regional approach<sup>67</sup>. International research has suggested that the development of capacity and institutions for Indigenous self governance is fundamental to socioeconomic and political development. "Putting in place effective institutions is a crucial first step in any society's effort to establish and sustain economic growth and to assert control over its affairs"<sup>68</sup>. Such institutions will need to firstly match Indigenous cultures, but also to effectively engage with non-indigenous structures<sup>69</sup>. Regional approaches to government and sustainable development are apparent in broader sustainable development literature and practice, where they are seen to:

- Be most effective for natural resource management, particularly at bioregional, catchment and ecoregional scales
- Provide opportunities for consensus at a scale where the linkages between local and regional social and economic systems can be taken into consideration without being lost in a larger scale, national framework.
- Better facilitate active citizenship through devolution of decision making to a geographic area that is more relevant to communities.<sup>70</sup>

Mainstream regional natural resource management bodies have been effective in:

- developing collaborative regional process
- Coordinating grass roots activities into broader regional benefits
- Promoting intra regional networks as well as wider networks for the benefit of natural resource management
- Advocating regional concerns to state and federal governments.<sup>71</sup>

These regional ideals are reflected in Indigenous Land and Sea management in the North, and in the creation of NAILSMA where a bioregional or whole of landscape approach is required as:

- Species ranges link across landscapes;<sup>72</sup>

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<sup>66</sup> Ross, A. Pickering, K. 2002 op cit

<sup>67</sup> Gardiner, R. 2002 *Governance for Sustainable Development: Outcomes from Johannesburg* Presentation to Global Governance 2002: Redefining Global Democracy. Stakeholder Forum for Our Common Future, Montreal, Canada, October 2002 <http://www.earthsummit2002.org.es/issues/Governance/wssdgovernanceoutcomes.rtf>;

Dodson, M. Smith, D.E. 2003 op cit

<sup>68</sup> Cited in Taylor, R. 2003 *Indigenous Community Capacity Building and the Relationship to Sound Governance and Leadership* Paper presented at the AILC National NT Conference, June 2003 pp8-9

<sup>69</sup> Taylor, R. 2003 op cit; Dodson, M. Smith, D. 2003 op cit

<sup>70</sup> Jenkins, B. Annadale, D. et al 2003, *The evolution of a Sustainability Assessment Strategy for Western Australia* Environmental Policy and Law Journal 20(1) pp55-64; Government of Western Australia 2003 *Hope for the Future, The Western Australian State Sustainability Strategy*, Department of the Premier and Cabinet, Perth;

Dore, J. Woodhill, J. *Sustainable Regional Development: Final Report*, Greening Australia, Canberra

<sup>71</sup> Dale, A., Bellamy, J. et al 2000 "Building Better Systems of Regional Planning for Sustainability" in Hale, P. (ed) *Managing for Sustainable Ecosystems*, University of Queensland, Brisbane,

Armstrong, R. 2003 *Regional Sustainability Strategies: A Regional Focus for Opportunities to Improve Sustainability in Western Australia*. Masters Thesis, Institute for Sustainability and Technology Policy, Murdoch University Western Australia

<sup>72</sup> Altman and Whitehead 2003 op cit

- Indigenous dreamings occur across whole landscapes, for example Barramundi dreamings in the Kimberley;<sup>73</sup>
- Sharing of similar plant and animal species and ecologies and similar management issues with regards to fire, weeds and feral animals;<sup>74</sup>
- Similar knowledge about shared species;
- There is a strong need for communication that is suitable for people in the bush to advocate local resource use, circumstances and desires; and
- A desire to present a united and strong voice to advocate for Indigenous management across the North<sup>75</sup>.

Politically, Indigenous organisations that have regional strategies, whilst integrating different spatial understandings (for example local, regional state and national), will have greater opportunities to link with, and influence mainstream regional economies, to become “active agents in the biophysical, cultural and economic landscape”<sup>76</sup>. This has been described as self determination from the bottom up; where Indigenous groups increasingly assert their autonomy within the broader state, for example, through bypassing government in negotiation with corporations<sup>77</sup>. There is a strategic link between regional Indigenous natural resource management strategies, socio-economic development and capacity building for regional self governance that NAILSMA can build upon.

A regional approach, particularly through regional agreements is viewed by many as essential to linking up the range of interests that Indigenous people have in land. This includes native title and land rights, and the interests of Indigenous peoples where Native title has been extinguished or cannot be proven. A comprehensive, regional approach may translate comparatively vague Native Title rights into practical and concrete rights. This can lead to increased capacity for economic development through increased control over resources and self determination through self government.

*“It is naïve to believe that native title settlements and ad hoc local agreements and project agreements will somehow add up to a Regional Agreement. Even if it takes a long time, the essence of a Regional Agreement is that it is a regionally and locally driven coordinated strategy that builds on an Indigenous vision of integrated rights and self governance. Gradualism will not work without this strategic vision developed by Indigenous people and triggers which force engagement by the government and the private sector”<sup>78</sup>*

This will require Indigenous designed regional governance structure that is robust, through which regional decision making can take place, and through which the critical mass required to push for change can be achieved<sup>79</sup>.

Dodson and Smith assert that “good governance is the key ingredient—the foundation stone—for building sustainable development in communities and regions”<sup>80</sup> To support this, they propose a

<sup>73</sup> Kinnane, S. 2004 Personal Communication

<sup>74</sup> Morrison 2003 op cit

<sup>75</sup> Bessen Consulting Services 2004 op cit

<sup>76</sup> Howitt, R. 2001 op cit, Jonas 2004 op cit

<sup>77</sup> Behrendt, L 2002 op cit

<sup>78</sup> Nettheim, G. Meyers, G. Craig, D. 2002b “Negotiated Agreements and Regional Governance Agreements” chapter 15. pp 431-480 in *Indigenous Peoples and Governance Structures* Aboriginal Studies Press Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, Australia p476

<sup>79</sup> Jonas, B. 2004 op cit, Altman 2002a op cit

<sup>80</sup> Dodson, M. Smith, D.E. 2003 op cit



set of principles for good governance in Indigenous communities and organisations that are based on a collaboration of research undertaken in Australia, and Northern America. They are:

- Stable and broadly representative organisational structures
- Capable and effective institutions
- Sound corporate governance
- The limitation and separation of powers.
- Fair and reliable dispute resolution and appeal process
- Effective financial management and administrative systems
- Simple and locally relevant information management systems
- Effective development policies and realistic strategies
- Cultural match or fit<sup>81</sup>.

At a local level, capacity building for self governance is a requirement for economic development. It is necessary to developing the skills and institutional capacity to engage in commercial activities, as well as to attract investment capital. Indigenous communities can exert a higher degree of control over their governing structures, processes and institutions, their development strategies, and their culture and customary economy than they can over other factors such as human capital and natural resources and the external political, and economic environment. Focussing on these aspects of development where Indigenous communities have a higher degree of control is the key to sustainable economic development. These are important at a local level as well as a regional level. Even though there are many shared circumstances across the north, development opportunities will be strongly connected to local circumstances and capacity.<sup>82</sup>

The ideal of regionalism that NAILSMA presents, and the Indigenous framework that its structure and organisation is based on has potential to be a strong positive force in the political, cultural and economic development of the North. NAILSMA is essentially an alliance based on supporting customary land and sea management. However, customary Indigenous resource management, sustainable economic development, self governance and self determination are all inextricably linked. Supporting customary land and sea management will require ongoing development and maintenance of strong Indigenous governance arrangements.

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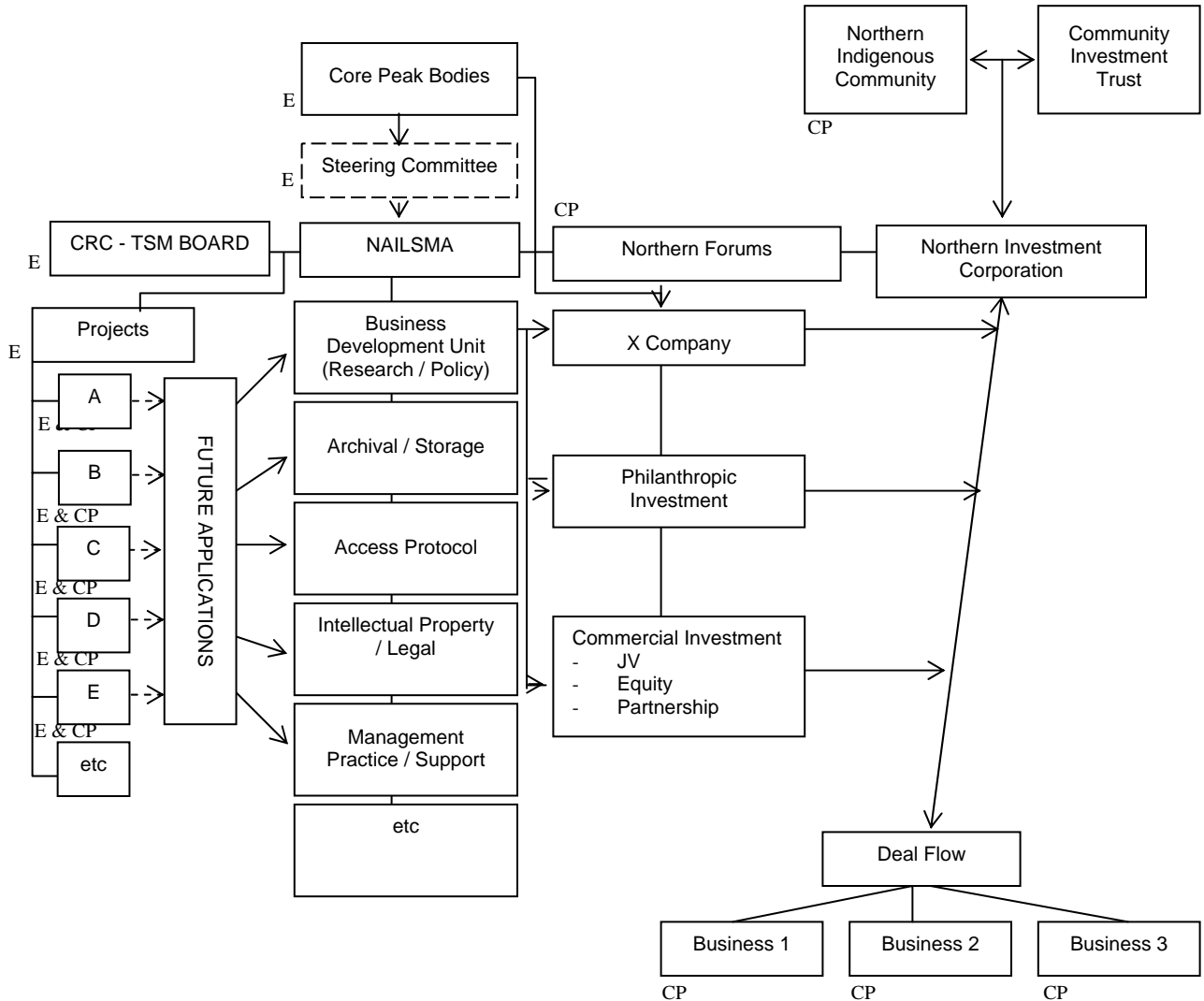
<sup>81</sup> ibid

<sup>82</sup> Altman 2002 op cit

### 3. Model structure for NAILSMA

An outcome from the May workshop was a proposed model for the future development of NAILSMA and its projects. The model provides for the protection and strategic growth of Indigenous assets, including land and knowledge and links to a long term goal for improving the socioeconomic status of Indigenous Australians through Indigenous controlled development on Indigenous lands. This model is represented in Figure 1

**Figure 1: The model advanced for the structure of NAILSMA**



E = Existing  
 CP = Community Participation

To further articulate the benefits of this model, four key elements are described.

1. Concrete elements of NAILSMA including projects, governance and community participation mechanisms.

2. The existing and potential roles for NAILSMA particularly with regards to supporting and growing the NAILSMA projects
3. The mechanisms through which NAILSMA may link NAILSMA projects to future investment opportunities and feed these back into the Northern Indigenous Community.
4. Northern investment fund.

### **Projects, governance and community participation mechanisms**

Land and Sea management projects are the fundamental basis of NAILSMA. It is on these that the model structure bases the future development of NAILSMA. The two part governance structure agreed at the scene setting workshop and discussed in section one is represented by the core peak bodies which, along with the 3-5 community positions, make up the NAILSMA board and the steering committee which directs the NAILSMA operational staff and coordinates projects. Community participation is represented through the NAILSMA projects, the Northern Forums and on the NAILSMA board. Through the model it is also envisaged that there will be feedback to the Northern Indigenous Community through future investments that are generated.

### **The existing and potential roles for NAILSMA particularly with regards to supporting and growing the NAILSMA projects**

In order to support the future development of NAILSMA projects, and the future application of the information and knowledge that emerges through them, several roles for NAILSMA are identified in the model structure. These include a Business Development Unit, Archival/storage function, a role in managing access to and protecting intellectual property, and in providing management support. Through these functions, NAILSMA can:

- assist in communication and information sharing between communities;
- ensure the protection of Indigenous intellectual property;
- support the ongoing development of projects; and
- facilitate the connection of projects with beneficial business and investment opportunities.

These functions of NAILSMA are closely linked to the context described in Section 2.

### **Linking NAILSMA projects to future investment opportunities**

The link between Indigenous land and sea management and economic development opportunities on Indigenous lands has been clearly established. The model structure sets out potential links from NAILSMA projects, through NAILSMA to philanthropic investment, commercial investment and to the development of Indigenous enterprises. This is a key to the strategic development of NAILSMA projects beyond the relative insecurity of project based grant funds towards sustainable economic enterprise.

### **A northern investment fund**

Through the model structure, it is envisaged that NAILSMA will lead to the creation of a Northern Investment Fund to invest in Indigenous Land and Sea Management, therefore moving towards ongoing sustainability of business that emerges from NAILSMA projects and providing a longer term feedback to the Northern Indigenous community. Given the constraints to accessing mainstream finance that were discussed in section 2, an Indigenous designed and operated investment fund provides a future opportunity for Indigenous economic values to have greater

influence over investment outcomes. Also, there is the future potential for social returns, such as investment in aged care facilities on communities<sup>83</sup>.

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<sup>83</sup> Yu, P. 2004 Personal Communication

## **4. Benefits of proposed model for strategic development of NAILSMA**

The key benefit of the proposed structure is that it presents a long term, holistic model for supporting the strategic development of Indigenous lands across the north that fits the broad context in which Northern Indigenous land and sea managers operate. With reference to the discussion on structure at the scene setting workshop, this proposed structure is particularly relevant to:

- *ensuring that NAILSMA is flexible, and dynamic to harness new opportunities.* Through the active links that are sought with commercial and philanthropic sectors, the key functions that NAILSMA will perform, and through an emphasis on capacity building for governance and economic development the ability of NAILSMA to be flexible, dynamic and harness new opportunities will continue to increase.
- *being based around the NAILSMA projects.* It is from here that the future development of NAILSMA is mapped. The proposed structure moves towards utilising these projects and the networks and capacity that develop from them as a vehicle for sustainable social and economic development.

Other aspects of a structure that were discussed, such as trust and transparency in decision making, regional appropriateness and representation are fundamental to good governance of NAILSMA, and consistent with the proposed structure. The remainder of this section highlights the proposed structure's potential to:

- Support existing NAILSMA projects and Indigenous Land and Sea management across the North generally
- Facilitate a proactive approach to determining and gaining access to new economic opportunities
- Develop capacity for regional coordination and strategic planning
- Invest in the future
- Link to broader political outcomes, such as advocacy for North Australian Indigenous people in National and State policy dialogue and a Northern Alliance.

### **Supporting existing NAILSMA projects, and Indigenous land and sea management in general**

Supporting existing NAILSMA projects and Indigenous Land and Sea management generally is at the core of NAILSMA. As stated in the heads of agreements document, NAILSMA is “a bioregional forum for Indigenous Land Managers, focussed on research and resourcing the needs for effective and sustainable management of the Indigenous estate in the wet-dry tropics of northern Australia”. Key roles identified for NAILSMA in the model structure support this objective, including providing land and sea management support, managing legal protection of intellectual property, storing and archiving information from projects, and developing access protocols for the information that NAILSMA is responsible for as reflected in the structure. Through seeking ongoing investment in Land and Sea Management, and through facilitation of business development, the structure represents a movement towards ongoing and independent economic sustainability of NAILSMA and its projects, and an increased capacity for NAILSMA to access resources outside of government frameworks.

### **Facilitating a proactive approach to determining and gaining access to new economic opportunities**

It is important that Indigenous interests enter at the beginning of new projects and new markets for economic development to have the greatest benefit for Indigenous people. This is particularly important with regards to asserting new or emerging native title rights, and other markets such as carbon abatement that are linked to customary management practices. The Business Development Unit proposed in the model structure of NAILSMA can have a key function here, both in researching economic opportunities and in providing support to enterprise development. Additionally, NAILSMA as a hybrid institution<sup>84</sup> that is able to respond to the requirements of people working on country in a culturally appropriate way, as well as linking to government philanthropic and commercial sectors, will be able to facilitate linkages between on the ground projects and wider economic development opportunities. The long term goal of a Northern Investment Corporation represents a vision of a future where there is Indigenous control over investment and economic development opportunities for Indigenous peoples in the North, and there is feedback into the Northern Indigenous Community through a Community Investment Trust.

### **Developing capacity for regional coordination and strategic planning**

Increasing the governance capacity of Indigenous communities and institutions at local and regional levels has been identified as a key component of sustainable development for Indigenous peoples<sup>85</sup>. Capacity building consists of three elements: infrastructure requirements, partnerships and organisational environments, and problem solving capability in communities and systems<sup>86</sup>. Through the model structure, NAILSMA can facilitate capacity building in these areas in at least three ways:

1. Working with communities to support land and sea management and to assist in the development of connections to broader economic development. This may require facilitating development of appropriate governance structures at a community level.
2. Facilitating networks and partnerships between land and sea managers across the North. Such networks will increase the problem solving capabilities of land managers through shared knowledge.
3. Developing networks and partnerships with government, non government and commercial organisations that can assist NAILSMA. These will facilitate the development of strong organisational environments and partnerships. This will increase the capacity of NAILSMA to fulfil its objectives with the Northern Indigenous community.

Community participation is reflected at all levels of the proposed structure: through the NAILSMA projects and board, through the Northern Forums and through the community investment trust that is envisaged for the future. Accountability to the Northern Indigenous community is maintained whilst increasing the capacity of NAILSMA and the Northern Indigenous Community to:

- Influence broader decision making,
- Access economic development opportunities; and
- Coordinate decision making for mutual benefits – for example in a potential future regional carbon abatement scheme.

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<sup>84</sup> These are described in more detail by Altman 2001 op cit

<sup>85</sup> Dodson, M., Smith, D. 2003 op cit

<sup>86</sup> Taylor, R. 2003 op cit

Earlier in this paper the current ad hoc nature of funding and support for management of country was described as preventing a strategic and coordinated approach. Increased capacity can be translated into increased coordination and strategic planning at a regional level, to support customary management in the longer term. It is at this wider level where the critical mass required to achieve a strong voice to influence decision making will be realised. Currently, one area where a strong regional voice may be required is in protecting the Indigenous right to customarily harvest marine turtles and dugong.

### **Investing in the future**

At a conceptual level, the key opportunity for investing in the future that is reflected in the model structure is the linking up of land, culture and economic development. This is supported by the concrete development of networks to commercial and philanthropic sectors for investment, thus decreasing the reliance on the state to fund customary management, and in the development of sustainable Indigenous commercial enterprises, and through the future development of a Northern Investment Fund. Another central part of investing in the future is the passing on of culture and customary practices between generations. The support that NAILSMA provides to customary land managers, and, through the proposed structure the linking of customary management to economic development can strengthen the passing on of culture. Together, these represent a movement towards an ongoing and sustainable future for the next generations of Indigenous peoples living on country. As identified in section two, the ongoing development of sound community and regional governance structures, and the articulation of and advocacy for Indigenous property rights in resources are key components of investing in the future.

### **Links to broader political outcomes, such as advocacy for North Australian Indigenous people in national and state policy dialogue and a Northern Alliance**

The increased regional coordination that NAILSMA can lead to is a key step towards increasing the voice of Northern Indigenous Communities in National and State Policy Dialogue. Again there is a link here to Dodson and Smith's work on Indigenous Governance. Through building on the areas where Indigenous Communities can exert the most control – their governance and organisational structures, their local development strategies, and to a certain degree their culture and customary management activities, NAILSMA can help to facilitate the strengthening of the Northern Indigenous community and its ability to advocate successfully in National and State Policy dialogues. In this way, it is a strategic step towards the development of a Northern Indigenous Alliance.

# Appendix 1

## Objectives of the North Australian Land and Sea Management Alliance, as stated in the Heads of Agreement Document

The Alliance will:

- Create opportunities for indigenous land owners and managers to share experience and knowledge and to facilitate collective action in support of shared objectives;
- Facilitate development of appropriate collaborative working arrangements between Aboriginal and non-Aboriginal land management agencies and research bodies;
- Promote wider understanding of the land management needs of Aboriginal landowners;
- Support indigenous land managers in utilizing both indigenous and non-indigenous knowledge in development and implementation of land management programs;
- Recognize the many levels of leadership and knowledge in indigenous communities and to support and promote that leadership;
- Assist indigenous leaders to create opportunities for the transfer of knowledge and development of leadership across generations (for example family based “back to country” camps);
- Identify the requirements for the sustainable management of indigenous natural and cultural resources in the wet-dry tropics and promote broad understanding in government and private sectors of those requirements;
- Seek resources to address Alliance objectives, ensuring that these are additional resources and do not divert funds from on-ground land and sea managers;
- Improve communication and information exchange between indigenous owners and managers of land and sea;
- Advocate the issues, needs and concerns of indigenous owners and managers of land and sea and to investigate culturally and commercially appropriate ways to protect indigenous knowledge;
- Represent indigenous interests at all levels in institutions to further the aims of the alliance (in the first instance on the board of the CRC for Tropical Savannas Management);
- Explore innovative ways to address the broad spread of indigenous interests in plants and animals across the wet-dry tropics and their relationship with commercial interests;
- Forge mutually beneficial partnerships with organizations that support the aims of the Alliance;
- Ensure that Indigenous people who have completed, are undertaking, or are about to commence training in environmental management at TAFE and tertiary institutions are included in the NAILMSA network.



## References

- Altman, J. 2001 *Sustainable development options on Aboriginal land: The hybrid economy in the twenty-first Century* CAEPR Discussion Paper 226/2001 Available Online URL: <http://online.anu.edu.au/caepr/> accessed 08/04
- Altman 2002 “The Political Economy of a Treaty Opportunities and Challenges for Enhancing Economic Development for Indigenous Australians” in *The Drawing Board an Australian Review of Public Affairs* 3 (2) November 2002 pp65-81
- Altman, J 2003a “People on country, healthy landscapes and sustainable Indigenous economic futures: The Arnhem Land case” *The Drawing Board: An Australian Review of Public Affairs, School of Economics and Political Science, University of Sydney*
- Altman, J. 2003b *Introductory remarks to Indigenous Economic Forum: Economic Development Barriers, Opportunities, Pathways* Available online URL: [http://www.indigenousforums.nt.gov.au/dcm/indigenous\\_policy/forums/forum-papers.shtml](http://www.indigenousforums.nt.gov.au/dcm/indigenous_policy/forums/forum-papers.shtml)
- Altman, J Whitehead, P 2003 *Caring for Country and sustainable Indigenous Economic Development: Opportunities, constraints and innovation* CAEPR working paper 20/2003 Available Online URL: <http://www.anu.edu.au/caepr/> accessed 08/04
- Altman 2004 *Economic Development and Indigenous Australia: Contestations over Property, Institutions and Ideology* Topical Issues. Centre for Aboriginal Economic Policy Research Available Online URL: <http://www.amu.edu.au/caepr/topical.php> accessed 08/04
- Armstrong, R. 2003 *Regional Sustainability Strategies: A Regional Focus for Opportunities to improve sustainability in Western Australia*. Masters Thesis, Institute for Sustainability and Technology Policy, Murdoch University Western Australia
- Baker, R., Davies, J. Young, E (eds) 2001 *Working on Country Contemporary Indigenous Management of Australia’s Lands and Coastal Regions* Oxford University Press Melbourne
- Behrendt, L. 2002 *Globalisation and Self Determination: the Challenges for Sovereignty and Governance*. Paper presented to the Indigenous Governance Conference 3-5 April 2002 Canberra
- Bessen Consulting Services 2004 *North Australian Indigenous Land and Sea Management Alliance Scene Setting Workshop Outcomes Report 25 – 26 May 2004, Darwin*.
- Department of Environment and Heritage 2004 *Indigenous Land Management Facilitator Program National Heritage Trust* online URL: <http://www.deh.gov.au/indigenous/ilmf/>
- Dodson, M. 1994 “Towards the exercise of indigenous rights: policy, power and self determination” in *Race and Class* 35(4) 65-75
- Dodson, M. Smith, D.E. 2003 *Governance for Sustainable Development: Strategic issues and principles for Indigenous Australian Communities* CAEPR Discussion Paper 250/2003 <http://online.anu.edu.au/caepr/>
- Dore, J. Woodhill, J. 2001 *Sustainable Regional Development: Final Report*, Greening Australia, Canberra
- Gardiner, R. 2002 *Governance for Sustainable Development: Outcomes from Johannesburg* Presentation to Global Governance 2002: Redefining Global Democracy. Stakeholder Forum for Our Common Future, Montreal, Canada, October 2002 <http://www.earthsummit2002.org/issues/Governance/wssdgovernanceoutcomes.rtf>
- Government of Western Australia 2003 *Hope for the Future, The Western Australian State Sustainability Strategy*, Department of the Premier and Cabinet, Perth
- Gray, I Lawrence, G. 2001 *A future for Regional Australia – Escaping Global Misfortune* Cambridge University Press, Cambridge
- Howitt, R. 2001 *Rethinking Resource Management Justice, Sustainability and Indigenous Peoples* Routledge, London
- Jeffries, S. 2004 *Building Relationships: Keeping an Eye on the Bigger Picture* paper presented at The Native Title Conference Building Relationships Australian Institute for Aboriginal and Torres Strait Islander Studies 3-4 June Canberra Available online URL: <http://www.aiatsis.gov.au/rsrch/ntru/conf2004/papers/papers.html>
- Jenkins, B. Annadale, D. et al 2003, “The evolution of a Sustainability Assessment Strategy for Western Australia” *Environmental Policy and Law Journal* 20(1)

Jonas, B 2004 *Promoting Economic and Social Development through Native Title* paper presented at The Native Title Conference Building Relationships Australian Institute for Aboriginal and Torres Strait Islander Studies 3-4 June Canberra Available online URL: <http://www.aiatsis.gov.au/rsrch/ntru/conf2004/papers/papers.html>

Jull, P. 2002 *The Politics of Sustainable Development: Reconciliation in Indigenous Hinterlands* Paper written for international research project, University of Tromso: Indigenous Peoples, Power and Sustainable Development in the Global World p 4

Kinnane, S. 2002 *Beyond the Boundaries – Exploring Indigenous sustainability Issues within a Regional Focus through the State Sustainability Strategy*. A Sustainability Research Group Discussion Paper Department of the Premier and Cabinet

Kinnane, S. Personal Communication. Informal discussion on NAILSMA, 08/04

Langton, M. *Ancient Jurisdictions, Aboriginal Polities and Sovereignty* Speech at the Indigenous Governance conference, 3-5 April 2002, Canberra Available online URL: [www.reconciliationaustralia.org/graphics/info/publications/governance/speeches.html](http://www.reconciliationaustralia.org/graphics/info/publications/governance/speeches.html) accessed 08/04

Morrison, J. 2003 *Caring for Country: Indigenous people managing country with a particular emphasis on North Australia* paper presented at the National Landcare Conference, Darwin 2003 available online URL: [www.nt.gov.au/ipe/landcareconference/abstracts/pdfs/papers/pa\\_morrison.pdf](http://www.nt.gov.au/ipe/landcareconference/abstracts/pdfs/papers/pa_morrison.pdf) accessed 08/04

Nettheim, G. Meyers, G. Craig, D 2002a “International Law Standards” chapter 2. pp9-26 in *Indigenous Peoples and Governance Structures* Aboriginal Studies Press Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, Australia

Nettheim, G. Meyers, G. Craig, D. 2002b “Negotiated Agreements and Regional Governance Agreements” chapter 15. pp 431-480 in *Indigenous Peoples and Governance Structures* Aboriginal Studies Press Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, Australia p. 476

Northern Territory Government 2003 *Seizing Our Economic Future Issues Paper* Indigenous Economic Forum, Alice Springs, 6-7 March Available online <http://www.indigenousforum.nt.gov.au>

Reconciliation and Social Justice Library *Valuing Cultures - Cultural Tourism* Available Online URL: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/car/kip3/12.html> accessed 08/04

Ross, A. Pickering, K. 2002 “The Politics of Reintegrating Australian Aboriginal and American Indian Indigenous knowledge into Resource Management: The Dynamics of Resource Appropriation and Cultural Revival” *Human Ecology* 30 (2) June 2002 pp 187-214

Schwab, R.G. Sutherland, D. 2002 *Philanthropy, Non Government Organisations and Indigenous Development* CAEPR Discussion Paper 242/2002 available online <http://online.anu.edu.au/caepr/> accessed 08/04

Taylor, R. 2003 Indigenous Community Capacity Building and the Relationship to Sound Governance and Leadership Paper presented at the AILC National NT Conference, June 2003

Whitehead 2003 *Indigenous Products from Indigenous people: Linking Enterprise, Wildlife use and Conservation* Paper presented to the Seizing our Economic Future Forum, Alice Springs, 6-7 March 2003 Available online URL: [www.indigenousforums.nt.gov.au](http://www.indigenousforums.nt.gov.au) accessed 08/04

Whitehead, P. no date *Sustaining customary rights to use wildlife – international links*. CRC Tropical Savanna Management Unpublished notes

Whitehead no date A submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry on Capacity Building in Indigenous Communities Available Online URL: <http://www.aph.gov.au/house/committee/atsia/indigenouscommunities/subs/sub08.pdf> accessed 20/8/04

World Resources Institute 2002 Tomorrow’s Markets: Global Trends and their implications for business Available Online URL: [http://business.wri.org/pubs\\_pdf.cfm?PubID+3155](http://business.wri.org/pubs_pdf.cfm?PubID+3155)

Yu, P. Personal Communication. Refers to information taken directly from discussions with Peter Yu regarding this paper.