

Having a yarn: The importance of appropriate engagement and participation in the development of Indigenous driven environmental policy, Queensland, Australia.

By Melissa Nursey-Bray¹, Arnold Wallis², Phillip Rist³

Abstract

Across Australia, Indigenous peoples have responsibility for managing country⁴. Increasingly, policy partnerships between management agencies, mining companies, conservation groups and the pastoral industry are being brokered with traditional owners of land and sea. The successful outcome of these policies necessitates the implementation of participative and culturally appropriate and professional processes of engagement with Indigenous communities. This includes addressing local modes of governance and community relations. This paper compares two Indigenous resource management initiatives with a view to promoting an understanding of the concept of engagement and participative practices in Indigenous communities. It argues that engagement processes in policy need to go beyond 'having a yarn' and address deeper issues of social justice and equity in order to achieve conservation outcomes. It concludes with a framework for policy engagement based on the principles of social justice and biodiversity protection.

Key words: Co-management, Indigenous, Social Justice, Conservation, Australia

Introduction

Across Australia Indigenous peoples have responsibility for managing country. Increasingly, policy partnerships between management agencies, mining companies, conservation groups and the pastoral industry are being brokered with traditional owners of land and sea. The successful outcome of these policies necessitates the implementation of participative and culturally appropriate and professional processes of engagement with Indigenous communities. This paper considers this challenge in the context of two case studies along the Great Barrier Reef in north Queensland, Australia; (i) a sea country co-management initiative developed by Giringun, a traditional owner representative body⁵, and (ii) a Land and Sea Management Framework developed by the Wuthathi people, traditional owners

¹ The corresponding author is currently a Lecturer at the National Centre for Marine Conservation and Resource Sustainability, Australian Maritime College, (a specialist institute of the University of Tasmania, Australia) and has been a consultant to both the Wuthathi and Giringun peoples in the last five years. Her contacts are m.nursey-bray@amc.edu.au or (Mob) +61 (0) 437 738 635

² Wuthathi Land Trust

³ Giringun Aboriginal Corporation

⁴ 'Country' is a term used by Australian Indigenous peoples for their traditional land and sea regions and denotes spiritual, physical, cultural, environmental and familial values. For more information see Bird-Rose's (1996) excellent book 'Nourishing Terrains'

⁵ Please note that this paper is based on an understanding of co-management being a type of policy amongst a wide range of policy frameworks being applied in Australia.

of Shelburne Bay, Cape York Peninsula⁶. Both programs necessitated the implementation of participative and culturally appropriate and professional processes of engagement with indigenous communities. This included addressing local modes of governance and community relations. In exploring these challenges through the forums of engagement each group used, this paper argues that the lessons learned are not only crucial to ensuring effective community engagement with Indigenous peoples but have relevance to ensuring effective policy outcomes overall. It concludes with the presentation of a socially just conservation framework which incorporates some of these challenges and suggests a way forward that will secure not only effective processes of community engagement but socially just conservation outcomes.

Setting the Scene: Indigenous Resource Management in Australia

The Indigenous peoples of Australia are culturally diverse and have inhabited Australia for between 50,000 – 100,000 years (Flood 1983). Long prior to European settlement, Indigenous Australians developed sophisticated and diverse cultural frameworks, with each group maintaining specific cultural mores and traditions for managing their land and seas, or country. Despite the impact of colonisation, including disease, violence at the hands of colonists, dispossession from their country and removal of their children, Indigenous Australians have actively lobbied for the right to return to, control, receive title over and manage their land and sea estates (Cordell 1992; Smyth 2001; Davies et al. 1999; and Smyth and Muir 2001).

Moreover, Indigenous peoples now also own large areas of Australia. For example, under the *Aboriginal Land Rights (Northern Territory) Act 1976* and land purchase schemes, Indigenous peoples now hold approximately 42 per cent of the Northern Territory in the form of inalienable freehold title. A number of legal decisions, many at High Court level have also built an institutional framework that means environmental managers are now legally obliged to incorporate Indigenous interests. Table 1 below summarises the key decisions in this regards.

Table 1: Summary of Native Title High Court decisions determining Traditional rights of use and access in marine areas 1992 – 2005

Decision	Region	Rights acknowledged
<i>Mabo and Others v. Queensland</i> (No. 2) 1992175 CLR 1 F.C. 92/014 (known as the 'Mabo Decision')	Torres Strait	High Court of Australia recognised a form of Native Title that reflected 'the entitlement of Indigenous inhabitants, in accordance with their laws and customs, to their traditional lands.' (<i>Mabo and Others v. Queensland</i> (No. 2) 1992175 CLR 1 F.C. 92/014). Resulted in passig of <i>Native Title Act 1993</i>
<i>Yanner v Eaton</i> [1999] HCA 53 (7 October 1999)	Gulf of Carpentaria,	Yanner, an Indigenous man from the Gaangalida Tribe in the Gulf of Carpentaria, Queensland, appealed to the High Court

⁶ The author has used these two examples because as the consultant employed on behalf of these two groups to develop these initiatives she has been able to reflect upon and summarise the lessons learned as she tried different forms of engagement and communication in order to achieve an effective community based and representative outcome.

Known as the 'Yanner decision'	Northern Territory	after he had been charged under the <i>Fauna Conservation Act 1974</i> (Qld), s 54, for hunting and eating two juvenile crocodile without a permit or some kind of authority. the magistrate agreed with Yanner that hunting was permissible so long as Native Title connection to the area could be shown. If Native Title can be proved, there is now a precedent that allows Indigenous peoples to hunt native wildlife.
<i>The Commonwealth v Yarmirr; Yarmirr v Northern Territory</i> [2001] HCA 56, 11 October 2001	Croker Island, Northern Territory	The High Court ruled that Native Title rights to be recognised in this region included the: the rights: (a) to fish, hunt and gather within the claimed area for the purpose of satisfying their personal, domestic or non-commercial communal needs, including observing traditional, cultural, ritual and spiritual laws and customs; and (b) to have access to the sea and sea-bed within the claimed area - (i) to exercise the above rights to travel through, or within, the claimed area; and (ii) to visit and protect places within the claimed area which were of cultural or spiritual importance However, also ruled that the Yarmirr did not have any exclusive rights to possess, occupy, use and enjoy the subject waters.
Lardil, Yangkaal, Kaiadilt and Gangalidda peoples: the claimants held non-exclusive rights in line with their traditional law and customs over areas of sea and part of the Albert River on the mainland.	Southern Gulf of Carpentaria region of Queensland	(i) the rights to fish, hunt and gather living and plant resources; (ii) the right to hunt or take turtle and dugong in the inter-tidal zone and surrounding waters for personal, domestic or non commercial community consumption; (iii) the right to take and consume fresh drinking water from fresh tidal springs in the inter-tidal zone; (iv) the right to access the land and waters seaward of the high water line for religious or spiritual purposes; and (v) the right to access sites of spiritual or religious significance.
<i>Bardi Jawi</i> decision (<i>Sampi v State of Western Australia</i> [2005] FCA 777),	Dampier Peninsula, north – west Western Australia	That the Bardi and Jawi claim group held Native Title to land and waters covering the Dampier Peninsula
The Yolngu people, Arnhem Land	Blue Mud Bay region, 50km north-west of Groote Eylandt	The claim for 510 square kilometres of sea, including the foreshore fishing zone, has been recognised in the form of non-exclusive rights, in a similar manner to the Croker Island case and that achieved by the Lardil people in Queensland's Gulf of Carpentaria. These include the rights to hunt, fish, gather and use resources within the area (including the right to hunt and take turtle and dugong) for personal, domestic or non-commercial exchange or communal consumption for the purposes allowed by and under their traditional laws and customs.

Indigenous peoples have also become increasingly active in contemporary management of other country; 'Caring for Country' programs have been established nation wide and provide the forum through which Indigenous people are able to combine both traditional and contemporary methods of management, providing for, amongst other things, the training of Indigenous community rangers and the establishment of a national Indigenous Land and Sea Management Facilitator Network.

Some Indigenous peoples have participated in protected area management schemes through the Indigenous Protected Areas Program (IPAs), a non-statutory option that enables Indigenous people to retain control over and obtain funding for the management of their country, in return for which, parts or all of their traditional country is registered on the National Estate and declared a protected area within the IUCN Categories 1-6 (Bridgewater 1999; Hardy 2001).

Indigenous peoples are actively involved in threatened species management. In northern Australia, a partnership between the Kimberly Land Council, Northern Land Council, Balkanu Economic Development Corporation (Cape York) and the Cooperative Research Centre for Tropical Savanna Management led to the formation in 2002 of the Northern Australian Indigenous Land and Sea Management Alliance (NAISMA). This alliance is currently coordinating a \$3.8 million project on addressing Green turtle and dugong hunting issues and management aspirations at a community level across the north of the continent. It won a national Banksia Environmental Award for this work in 2008. In the Great Barrier Reef, under the terms of the Great Barrier Reef Marine Park Act 2003, Indigenous groups can be part of a Traditional Use Marine Resources Agreement (TUMRA) where in return for monies for management and agreements over harvesting activities, Indigenous groups enter into partnership with the Great Barrier Reef Marine Park Authority to manage species such as turtle and dugong in common (Havemann *et al* 2005).

This short history highlights how dynamic and present the relationship between Indigenous peoples and environmental management is manifest in Australia and provides some insight into the political environment within which this paper is situated.

The Wuthathi Land and Sea Management Framework

In 2004, the Wuthathi people, traditional owners of Shelburne Bay in the Cape York Peninsula, Australia, launched the *Wuthathi Land and Sea Management Framework; Integrating Culture and Conservation*. This area of the Cape York Peninsula has high conservation and cultural significance; it is internationally recognised as one of the most biologically diverse regions in Australia, including wetlands, systems of perched lakes, and outstandingly beautiful sand dunes that are internationally recognised significant value and rare (Stanton 2001). It lies adjacent to the Great Barrier Reef Marine Park World Heritage area, a region of exceptional marine floristic diversity. Eight species of sea grass are found in the Shelburne Bay and Margaret Bay regions and are essential habitat for juvenile prawns and commercial fish species, as well as food for resident populations of dugong (*Dugon dugon*) and Green Turtle (*Chelonia midas*).

Despite ongoing native title claim processes, management of the Shelburne region overall has been bedeviled by a 30 year history of political wrangling for management and control of the region. In Australia, *native title*, is the term used for areas of land and sea, which are recognised under the High

Court decision known as ‘Mabo’, as belonging to the Indigenous peoples of that area (see Table 1). Since 1992, formal native title claims have been lodged by groups of Indigenous peoples. Successful claims depend on the ability of the respective people/s to prove they have had ongoing occupation and use of that area since white settlement. In areas of high environmental value, the ability of Indigenous peoples to look after those values upon winning native title is ‘proved’ by the development of frameworks such as this one.

There has also been a long term campaign by Wuthathi and non-government conservation groups against the threat to mine the region for silica by the Shelburne Silica Joint venture, opposition to a proposal by the Cape York Space Agency for a potential space base on their country and ongoing negotiations to achieve clarity in relation to tenure. A multiplicity of regional, state and Commonwealth jurisdictions and institutional arrangements has also meant that the Wuthathi have been involved in all ongoing conservation policy processes in the region. With the potential of resolution of native title, the Wuthathi people became increasingly aware of the need to build a firm basis on which to anchor these negotiations and assert their rights to not only speak *about* and *for* but *manage* their country. With funds from the Natural Heritage Trust (NHT), an Australia wide natural resource management funding initiative, the Wuthathi developed a Land and Sea Management Framework (summarised in Table 1 overleaf).

The Framework is an Integrated Conservation and Culture Program (ICCP) a policy model that is aligned with and built within existing cultural guidelines. For example, while the Framework addresses the environmental concerns of managers, it also incorporates cultural management issues such as who takes responsibility for managing sacred sites, traditional knowledge systems and Indigenous practices such as fire burning, ceremonies and harvesting activities. The Framework also clarifies who within the tribal groups should be leading the different programs. For example, Wuthathi Rangers are identified as being key to doing day to day management, while Elders play a key performative role in the cultural transmission of knowledge.

The framework embraces three core aims: (i) to permanently return to and manage the country within established conservation and cultural guidelines (ii) to build a small and environmentally and economically sustainable community (iii) to protect its biological and cultural values in perpetuity. Moreover, the Wuthathi Framework deliberately embeds and offers many mechanisms for shared stewardship of the region’s exceptional cultural and environmental values. The following table summarises the Framework and the ways in which these goals are translated into action.

Table 2. A synopsis of the Wuthathi Land and Sea Management Framework (Wuthathi Land Trust 2004)

Vision			
To control our own destiny as our elders before us; in caring for Wuthathi country, culture and community			
Biodiversity Aims	Culture and Policy	Day to Day Management	Community Development
<ol style="list-style-type: none"> 1. Clarity in conservation goals and objectives, participation and partnerships) 2. Appropriate incentives for biodiversity valuation and conservation 3. Supportive policies (local, national and international) 4. Sufficient awareness knowledge and capacity to conserve biodiversity 	<ol style="list-style-type: none"> 1. To develop a range of approaches, including consideration of legal options for secure protection of areas and cultural values under traditional owner of native title control 2. Involvement of traditional owners in the process of identifying areas of cultural significance 3. The protection and management of cultural heritage sites 4. The reinforcement of the use of traditional knowledge and management systems in contemporary resource management 5. The establishment of management plans and principles for hunting and subsistence activities 6. The establishment of policy directives and forums on joint and co-management initiatives 7. The development of model conservation areas within Wuthathi country with full TO participation. 8. Establishment of links with regional and international biodiversity programs being run by governments and NGOs 	<ol style="list-style-type: none"> 1. To establish ongoing and collaborative whole of government management approaches⁷ 2. To ensure the protection of the natural and cultural values of the Wuthathi country 3. To work with management agencies to ensure the protection, wise use, and environmental sustainability of the region, including all national parks, marine parks and protected areas 4. To ensure that native title rights and cultural heritage values are maintained and protected and not compromised 5. To ensure the recognition and involvement of indigenous people in protected area and wildlife management 6. Where appropriate, ensure the environmentally sustainable use of wildlife for the long term benefit of the community 	<ol style="list-style-type: none"> 1. Integration of social, cultural and environmental considerations into economic development 2. Development of participatory process involving community in all stages 3. Development of community development plan 4. The promotion of ecotourism and other small business alternatives that are sustainable and do not harm the environment. 5. Sustainable management
Framework Outputs			
<p>A Management Plan for Country</p> <p>Establishment of identified conservation areas within Wuthathi country with full traditional owner participation including consideration of legal options for secure protection of areas under traditional owner of native title control</p> <p>Full involvement of Wuthathi in management of country</p> <p>Establishment and promotion of ecotourism and other small business alternatives that are sustainable and do not harm the environment.</p> <p>The use of traditional knowledge and management systems in contemporary resource management at Shelburne and surrounds</p> <p>Establishment of small community on country</p>			

⁷ In Australia, a ‘whole of government’ approach refers to the involvement of a range of departments, .i.e. from health and education to environment portfolios, to the resolution of a particular problem or issue. All departments will bring a specific contribution to achieve a commonly agreed outcome and is a model being trialled within the State of Queensland.

The Wuthathi then are trying to combine both traditional and contemporary management approaches to achieve both livelihood, cultural and biodiversity outcomes. The Framework is also predicated on the assumption that the Wuthathi *per se* will and must play a leading and active role in the management of country,

Girringun Sea Country Co-Management Initiative

In 2002 Girringun, an Aboriginal Corporation representing the land and sea interests of nine traditional owner groups developed a co-management plan for a saltwater ranger unit to look after sea country (Girringun 2002, Nursey-Bray and Rist 2009). This policy was consistent with the objective within the 25 Year Strategic Plan for the Great Barrier Reef World Heritage Area, (GBRWHA), that recognises the need "to establish cooperative management arrangements between Indigenous people and stakeholder agencies in the area" (GBRMPA 1998)⁸. This area of the Great Barrier Reef (GBR) has high conservation and cultural values, and includes Hinchinbrook Island, one of the prime tourist destinations for overseas visitors to the GBR. Given the high visitation to the area, and as part of progressing aspirations for caring for country Girringun members wanted to participate in resource management for the area.

Girringun members made a conscious effort to develop a two way proposal that attempted to encapsulate an understanding of the needs and priorities established by both the Indigenous community and an understanding of the priorities identified by the agencies for their day to day management for the Great Barrier Reef as documented within the annual work program, 2002 – 3 for GBRMPA and Day to Day Management (DDM). The content within the Girringun Sea Country proposal reflects this collaborative approach as highlighted in Box 1 below (Nursey-Bray and Rist 2009).

Table 3. Girringun Saltwater Unit Co-Management Country Proposal (Girringun 2002)

<p>Vision <i>To establish ongoing and collaborative whole of government management approaches to ensure effective and holistic management of the Girringun community of land, sea and people.</i></p>			
<p>Objectives</p> <ul style="list-style-type: none"> ▪ To develop an ongoing and effective land and sea management regime, through the establishment of partnerships and collaborative programs between Girringun and relevant management agencies. ▪ To build local capacity and initiatives in the Girringun/ Cardwell/Hinchinbrook region, to address specific land/sea management needs and aspirations of traditional owners. ▪ To facilitate mechanisms and programs that will ensure the ongoing protection and management of the cultural and environmental heritage and values of the area. ▪ To have indigenous management rights and interests recognised by government ▪ To be integrally involved in the management of Girringun country and be a core part of the on the ground management presence in the Cardwell/Hinchinbrook marine area. 			
<p>Programs</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Aboriginal Values and Cultural Heritage ▪ Day to Day Management ▪ Training and Development ▪ Community Planning ▪ Fishing </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ▪ Research, Planning and Special Projects ▪ Weed and Feral Animal Control ▪ Water Quality Issues and Management in the Region ▪ Incidental Response ▪ Fire Management </td> </tr> </table>		<ul style="list-style-type: none"> ▪ Aboriginal Values and Cultural Heritage ▪ Day to Day Management ▪ Training and Development ▪ Community Planning ▪ Fishing 	<ul style="list-style-type: none"> ▪ Research, Planning and Special Projects ▪ Weed and Feral Animal Control ▪ Water Quality Issues and Management in the Region ▪ Incidental Response ▪ Fire Management
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⁸ Girringun was advancing co-management at a time when reef policy initiatives were positively reflecting on this issue as highlighted in reports and discussions on co-management by Smyth (1993), Bergin (1993) Appleton (2000), George et al (2002) and Ross (2004).

To proactively defend this policy from being a ‘token’ gesture on behalf of management, the proposal embeds an iterative and staged co-management process designed to build capacity, skills, joint expertise and mutual trust over time; and one in which a suite of co-management activities could be undertaken (see Table 2). The approach taken by Giringun was received very positively by the Great Barrier Reef Marine Park Authority, the Day to Day Management unit, and state agencies such as the Queensland Environment Protection Authority resulting in a suite of agreements and negotiations over Giringun’s involvement in management of sea country, that are currently being implemented.

Table 4. Co-Management Spectrum and Co-management activities, Giringun Saltwater Unit (Giringun 2002)

Stage One Primary Co- management (1-3 Years)	<ul style="list-style-type: none"> ▪ Training ▪ Establishment of Unit ▪ Identification of collaborative program initiatives ▪ Potential projects identified ▪ Cultural Heritage work ▪ "Service Agreements"
Stage Two Secondary Co- Management	<ul style="list-style-type: none"> ▪ On - the job training ▪ Pilot project implementation ▪ Collaborative Program Initiative trials
Stage Three Tertiary Co- Management	<ul style="list-style-type: none"> ▪ Trained rangers ▪ Collaborative work program implemented ▪ Ongoing independent and co-managed projects identified and established with GBRMPA, QPWS and other relevant agencies ▪ Cultural heritage function and focus
Management Activity	Example
Shared Management Activity	Patrols, Education work, Construction work, Incident response, Monitoring, Surveys
Independent Activity	Cultural Heritage, Project activities, Research
Assistant Function	Fire Management, Compliance
Shared function, separately allocated geographic area	Feral Weed and Animal Programs

Again, as with the Wuthathi Land Trust, the co-management program that Giringun developed aims to ensure that the Indigenous owners of the sea country there have an active and leading role in its management. Again, there is a dual emphasis on maintaining livelihoods, in this case constructed as employment as sea rangers, and environmental management.

Processes of Engagement

The production and implementation of the Wuthathi and Giringun co-management initiatives necessitated the implementation of community engagement strategies at multiple levels. First, an equitable internal consultation process amongst the traditional owners needed to be negotiated. As the Wuthathi people live in three different areas: Injinoo, Lockhart River and Cairns this presented some logistical and fiscal challenges; for Giringun it was important to ensure that the nine traditional groups were involved and represented fairly. Given the overall high profile of the GBR region and their

specific areas both the Wuthathi and Giringun also had to implement processes for external engagement with the *communities of interest* vested in their country. This necessitated the adroit employment of strategies that both involved and managed multiple political agendas. In both cases, the internal and external processes were conducted simultaneously, but each group tailored an approach appropriate to their needs.

Internal Engagement Processes

To achieve an equitable consultation, the Wuthathi Land Trust hosted a series of meetings where the key cultural groupings from the different regions were brought together to identify the key issues that should be addressed within the Framework prior to its initial drafting. The Wuthathi Land Trust also funded a number of community visits where, the consultant, spoke directly and independently to Wuthathi people on the ground in order to clarify what the community wanted in the Framework and later on, what changes were required. The Framework was then developed and presented in turn to the different groupings within the Wuthathi, and then amended again. A final workshop brought all key Wuthathi together in the same room to finalise agreements and text prior to public dissemination or negotiations with government. This was important as it enabled both key men and women to attend and make a contribution. The fact that the consultant was female also helped ensure female Wuthathi input into the Framework. The issue of representation was also resolved through these fora – it was agreed that a number of Wuthathi from across the different regions should take their place as negotiators. This ensured that internal issues were ironed out before discussions with government.

Similarly, Giringun adopted an iterative engagement process, but given the co-location of the traditional owner groups, it was a more streamlined process. In this case, the consultant was directed to work primarily with the CEO of Giringun, who in turn conducted an iterative feedback process on the document between the traditional owner groups and the consultant. When the product was nearly complete, the consultant was asked to present it formally to the full Giringun membership at a public meeting on country. At this meeting, the broader community was informed about the detail and direction of the co-management proposal and then had the opportunity to give input. From this broader group, a smaller select group volunteered to work collectively on finalising the document consistent with Giringun aspirations.

These internal processes were characterised by some similarities. Firstly, it was crucial all knew who the consultant was working with and responsible to, and to agree on a process of engagement at the outset. In each case it was also important to clarify the role of the consultant/planner and the respective traditional owner group/individuals. This was particularly relevant in the cases where, outside parties such as a management agency or conservation group had to be engaged with in order to obtain information; the consultant had to be very clear she was negotiating *content* not a political *outcome*, even in the face of the temptation and invitation to do otherwise. In each case, the use of cultural mentors was invaluable; the consultant was able to be informed and directed in cultural matters when necessary.

These processes also enabled the consultant to determine what principles were held in common across all traditional owner sub-groupings and what specific aspirations characterised each sub-group. This

process also demarcated different management domains for the different groupings. For example, negotiations with the Wuthathi revealed that one group was particularly interested in developing on ground, day to day management programs, the second group focused on cultural protection and survival activities, the third on the development of political mechanisms for advancing Wuthathi goals, particularly economic ones within Western management fora. Finally, the internal engagement process adopted also embedded community ownership of the product, in the body of the planning documents through the use of images, art work and quotes about country *by* the Wuthathi and Giringun. In this way the Wuthathi and Giringun members were *seen by* and *spoke to* external readers. The final product was also published in the name of the community groups, as a community based product, hence it became *their* plan in the public domain, which ensured greater uptake and identification with it.

External Engagement

Simultaneously, representatives from both Giringun and Wuthathi were pro-actively involved in negotiating external political processes that would help maximise the impact of each initiative respectively. For the Wuthathi this was but another stage in a very long term and ongoing plethora of negotiations about their country with native title representative bodies, conservation groups and Queensland State and Federal environmental management agencies. The Framework in this instance provided an effective focus to anchor these discussions and was seen by Wuthathi as challenging the rhetoric of external interests that had previously articulated support for Wuthathi aspirations with respect to country. Wuthathi used the Framework as a tool to argue for community based involvement in the management regimes for their lands and seas. These ideas were presented in public fora at which Wuthathi invited key external parties to contribute their viewpoint and ideas for the Framework. This process was designed to build trust in the Wuthathi process, and through ensuring ongoing communication and information dissemination, build towards future management partnerships.

Giringun took a slightly different approach. As theirs was a co-management initiative, Giringun concentrated on developing a program consistent *with* rather than *contra-distinct* or *separate to* existing programs. Giringun members also concentrated more fully on negotiating the technical aspects of management; such as ranger employment and training, infrastructure support and support-in-kind that could be within reason immediately or potentially expedited. Moreover, negotiations with external parties were restricted primarily to marine management agencies at State and Federal levels, rather than the wider and more diverse communities of interest the Wuthathi were engaged with. This was underpinned by the fact that Wuthathi were negotiating over land and sea country, whereas the Giringun proposal focused only on sea country.

A key issue for both was the delicate negotiation both internally and externally – with government representatives and ENGOS, of how to include traditional knowledge, how to identify cultural roles and responsibilities, (often gender and age prescribed) and how to demarcate cultural or tribal boundaries on a map. The legacy of colonization is such that distrust warred with good will in these negotiations, with Indigenous parties fearful that the documentation of and then public release of

traditional information, places and practices would be used against them in the implementation of management regimes.

External parties however, were concerned that without at least some indication of this knowledge or boundaries, that their ability to negotiate mutually beneficial outcomes would be compromised. In both cases, some broad cultural information was shared and documented in the texts, but individuals in both government and ENGOS were also offered site visits to country, to help them understand the nature of and experiential nature of this knowledge in country. Once on country, discussions would be held between key negotiators for both sides, about how it would be managed into the future, once the basic plans had been approved. Essentially both Wuthathi and Giringun held firm in asserting their rights to share traditional knowledge in return for rights to manage it in the contemporary realm. This process helped build trust and good will over time, and expresses the inherently iterative and ongoing nature of political negotiation that was a core feature of both processes.

Key Challenges

Both the Wuthathi and Giringun groups applied a suite of community engagement processes that enabled both effective internal consultation on content and outputs and involved external communities of interest in their programs⁹. At the point of policy implementation however the good faith and rhetoric that typically accompanies the launch of these documents was put to the test. All parties now had to reconcile in practice the dialectical choices and questions about management embedded in the documents: choices between statutory vs. non statutory management, traditional or contemporary management regimes and economy, culture or environment. These dialectical choices also cast shadows on the potential for productive dialogue between traditional owners and other parties by revealing the actual inability on the part of external (and often all) the parties to action their rhetoric; this would necessitate a 'letting go' or sharing of essential power and knowledge domains. The ways in which societal relations were constituted mean that inequities prejudicing Indigenous rights and responsibilities were embedded within any power/knowledge interface, and reflected in the Wuthathi and Giringun initiatives.

For example the Wuthathi made an early decision to develop a Framework that would exist independently of existing statutory options, as current statutory frameworks did not meet their needs. In meeting to negotiate fora for Wuthathi involvement in management of country, management agencies and conservation groups exposed their preference for statutory regimes. Neither the Wuthathi people nor external parties working on their own could achieve their objectives for protection for Shelburne Bay. Thus there was a clear imperative to negotiate these issues together to achieve mutually agreed outcomes.

⁹ By communities of interest we mean the bringing together of external parties, who may or may not be from the same department or agency, but who are united in a common cause. In this case there tended to be three communities of interest that vied for input into the planning processes for Giringun and Wuthathi; (i) those whose priority was biodiversity outcomes, (ii) those whose interest was protection of Indigenous rights and (iii) those who wished to find ways of securing biodiversity and cultural management outcomes.

The issues of self determination linked to equity, employment and economic livelihoods were also key foci in all discussions about country. For example, both Wuthathi and Giringun wanted to incorporate and build in mechanisms enabling traditional and contemporary methods of managing country. Thus the importance of Wuthathi and Giringun rangers being able to have equal access, funding support for and entry into courses that would give them equal status under the law as department personnel to implement patrol enforcement, surveillance and monitoring programs was reiterated constantly. The right to be employed and *paid* to manage country was seen as an important motivator for traditional owners to be involved in management programs. Within the Wuthathi Framework, while *all* Wuthathi were committed to the protection of the natural and cultural values of their country, some equally wanted the right to develop economically sustainable businesses on country, and to establish a small community there. Giringun members had aspirations to develop cultural tourism enterprises as a means of developing some economic self sufficiency while looking after cultural sites within their sea country (Nurse-Bray 2005). Management agencies however find supporting these aspirations *in reality* politically challenging and often legislatively impractical. This position is often overlain with a general view that economic development in regions of high environmental or protected area value is inappropriate and unviable. These dilemmas reflect the lived reality of Indigenous peoples today - who still experience lower socio-economic conditions in relation to health, education, employment, housing (and all other indices) than any other group of Australians. The expression of the need to develop economic self sufficiency is the legacy of this tragic reality. The Wuthathi and Giringun experiences show that it is not enough simply to negotiate best practice processes of engagement in conservation endeavors; engagement processes must also address and incorporate the deeper issues of equity, economy, history, politics, power and knowledge that are embedded within the dialogue about caring for country.

Engaging Communities: Social Justice and Conservation

Brechin's view (Brechin et al 2003, p. 251) that 'we have yet to fully articulate the procedural and distributional aspects of social justice as they relate to the goal of nature protection' is very useful here. He conceives conservation processes as the process of seeking an answer to a series of moral questions yet notes that currently, core approaches addressing biodiversity conservation still focus on objectives, i.e. 'the what', but do not comprehensively consider the social and political processes by which conservation initiatives are undertaken: the 'how' (Brechin 2003, p. 251). He proposes instead socially just conservation enterprises that fulfill the three criteria of being ecologically sound, politically feasible and socially just (Brechin 2003).

In this context we argue that if Indigenous/conservation policy collaborations are to work, that models need to evolve that are not only appropriate for ensuring effective community engagement processes within Indigenous resource management initiatives, but address these deeper issues. In this context the following framework is suggested as a possible way forward.

Components of a Socially Just Conservation Framework

Management Problem

This framework takes a problem based approach, where the first step lies in the definition of the problem that needs addressing. This might be an actual problematic, such as how to achieve both biodiversity protection and address social/economic issues, or it might be the exploration of how to achieve certain outputs in management. Each party must then determine how they each individually define the problem to arrive at a common understanding of what issues need managing and what mechanisms are available to do so. Determining a common operational base is crucial, for as other studies have shown, when initiatives are built on different understandings, planning programs can fail (Nurse-Bray 2008). Following on from setting the context of management, context three management commitments then need to be made.

Management Commitment 1: Ecological Sustainability

Firstly, each party to the negotiation needs to define the needs or components of the management endeavor that will ensure that ecological sustainability will happen and be incorporated within the program. These needs at the minimum must include (i) identification of resources needed; (ii) awareness of the existing scientific and knowledge basis of the problem; (iii) evaluation of the education needs to heighten skills and understandings; (iv) knowledge of existing management solutions for the problem and (v) evaluation of research needs to further build knowledge about the problem.

This management component addresses the *what* in management. It is the component that management agencies conventionally focus on and instituting this component is brokered by the production of documents that present a program of how to achieve ecological sustainability. The Wuthathi Framework is a good example of this approach, for in its aims, vision and objectives it attempted to reconcile both culture and environmental protection to achieve ecological and cultural sustainability overall. However, while the Wuthathi did outline a number of projects and outputs that other agencies could collaboratively invest in, the Framework did not include an assessment of what resources would be needed to achieve these outputs nor any suggestion about who could resource them.

It is also vital to determine what comprises the suite of management options available to each party in order to implement and achieve this component. In some cases the management options available may necessitate investment in new technologies, which may or may not be feasible. In other cases, some of the management mechanisms may only be available to one or the other party; e.g. traditional hunting management practice or Western law enforcement programs, and there will be a need to negotiate mutually in these areas. In other cases, conventional Western management practice may be culturally inappropriate, an area that must be navigated sensitively. Working through all these processes will then enable each party to determine what they can offer and within what parameters they will be working.

Management Commitment 2: Knowledge Integration

Respecting Indigenous people's knowledge and contributions to management is a crucial component to any conservation policy. A socially just engagement process must include an equitable process of re-embedding local knowledge systems into management and integrate where possible, different knowledge systems for the common goal. This component relates to developing the *how* in management and, as illustrated above, it is the least acknowledged in contemporary management.

When working in an Indigenous context, the integration of Indigenous knowledge into management has particular relevance as this integration maximises the benefits of both knowledge frames, and addresses the more intangible dimension of how to achieve an equitable negotiating forum. This respect for traditional knowledge is especially important within biodiversity protection initiatives such as the Giringun co-management agreement which relied on various forms of collaborative decision making.

Moreover, mechanisms must be embedded within management commitments that recognise gender as a crucial aspect of the knowledge sphere in management. The influence and role of different genders must be consistent between participatory parties. This perspective partly entails trying to understand, without generalising, the different ways in which women may view the world and to recognise added cross-cultural dimensions. In this 'gender' context Wohling (2001) argues for the need for reciprocity in engaging with Indigenous peoples so that management outcomes are maximised and involvement and ownership by and for Indigenous peoples in the project is secure. Davis (1999) argues that many Indigenous women today actually claim the dominant role in management and this must be incorporated within management programs. Finally, it is important to recognise and construct fora from which Indigenous people can manage the land and enact their roles as stewards of knowledge and therefore management. Bird-Rose (1996) shows how Indigenous people construct themselves as guardians and stewards of nature. Or as Bradley (2001) notes the Indigenous landscape is a 'sentient' land spiritualised landscape. Sillitoe (2002) takes this further with his reflection on Indigenous sacred knowledge within notions of connectedness.

Management Commitment 3: Power Sharing

The final component that needs to be negotiated as part of a socially just engagement policy process is the determination of how power is going to be shared as part of the management initiative. This component is one of the most influential in the success or failure of any management initiative and unsurprisingly addresses the *who* in management. In any management partnership there is usually an uneven balance of power between parties, which must be acknowledged at the beginning. The marginal party, however, may also possess a set of small but important discrete contributions that it could make in this area. In turn the entire management domain may be overlaid with a discourse of collaboration or sharing and it may be implicitly suggested that collaboration would embed a suite of power sharing mechanisms. This again is where a common understanding is invaluable. If each party at the management table is clear on the dimensions of power it has, the actual willingness to share power in a management context, and the capacity of each party to use effectively what power resources it has will render the entire process of management more equitable and transparent. These recognitions will enable a clearer answer to the moral questions within management such as *who* benefits from conservation. There are many aspects to consider when determining commitments to this component. They include (i) establishing what capacity is available and needed to implement the management program; and (ii) how to build trust and respect as part of the process and how to resolve conflict. In this context, the development of cross-cultural literacy will address these issues and enable the commitment to and implementation of power sharing mechanisms. To facilitate power sharing there is a need to develop multicultural literacy (Nurse-Bray 2003) to avoid the trap of reducing traditional

value systems and perspectives into fragmented ‘facts’ of utilitarian value for ‘appropriation’ and exploitation as seen fit by respective participative parties. Howitt (2001) notes that this approach will need to include an acknowledgment and practice of each parties ‘ways of seeing’, ‘ways of thinking’, and ‘ways of knowing’. The need to develop flexible mechanisms that take into account differences in cultural perspective is thus crucial. This includes engagement with and incorporation of the *entire cultural perspective* of each party. In future for instance, management agencies must come to accept and understand practices that are culturally uncomfortable to them, such as community development in world heritage areas, while Indigenous peoples, in turn, must recognise that undertaking this development will have some impact and take appropriate actions, although these actions may be similarly culturally challenging. Power sharing will also need to include a shift in management understanding of what ‘local’ and ‘cultural’ knowledge is and the role knowledge plays in fuelling decision making processes. This shift will entail a restructuring and re-negotiation of the different layers engrained within ‘knowledge,’ such as sacred/secret knowledge, male/female knowledge, traditional ecological knowledge, song, stories, experience, laws (tribal or otherwise), cultural mores and social traditions and ideological orientation (Johannes 1989).

Power sharing also needs to embed a commitment to conflict resolution mechanisms. Conflicts are rife in the field of natural resource management, arising from injustices and inequities, unequal power structures, environmental or social pressures or ideological differences. The reality is that collaborative resource management is difficult and challenging. Power sharing management commitments must recognise conflict as part of the social and political environment and build in mechanisms to address it. These mechanisms might include revealing and working on sources of underlying tensions or addressing and recognising conflict at different scales. However, as Buckles (1999) notes, we must also recognise the value of conflict as ‘a catalyst for positive social change’ and ‘an intense experience in communication and interaction with transformative potential’ (Buckles 1999, p. 4).

An appreciation of the historical context within which many power sharing processes are being framed is crucial. This appreciation will include a commitment to ‘decolonised’ approaches to management, which are built to genuinely incorporate other perspectives within decision making, and not to fall back on tokenistic gestures of reconciliation. In Australia, for example, any cross-cultural engagement in management cannot help but be informed by an awareness of the history of racial division and the current social and economic conditions prevailing in Indigenous communities which significantly influence environmental management regimes. Drawing a curtain over the past does not make it disappear, and serious engagement and power sharing processes enacted by management need to accept the history and politics from which these initiatives have burgeoned.

Finally, a fundamental aspect of the commitment of parties to this component will lie in achieving and working on the provision and sharing of resources, and building capacity to ensure that power sharing can occur. This may necessitate developing cross culturally appropriate ways of building capacity or adopting culturally different modes of decision making. As with the Giringun initiative, this might mean lending the weight of one party’s resources at the request of the other, who lacks them. Power sharing can be developed in many ways: through developing fora for decision making; by developing processes of information transfer, communication and development and by sharing resources and

capacity. Achieving parity, however that is conceived by each participant in the management exercise, is the key challenge and commitment in this context.

Evaluation

Given that parity has been achieved the entire management program can then be evaluated against the following three criteria (aka Brechin): (i) Ecological Soundness; (ii) Social Justice and (iii) Political Feasibility. These criteria encompass the core dimensions with which, in a real world, contemporary managers need to engage. These criteria work by measuring the what, how and who of management to see whether management commitments have been met and to determine where the stumbling blocks lie. The entire policy process can then be re-run with the incorporation of lessons learned. Having worked through this management framework, the parties involved, will be able to establish and be engaged in the production of socially just conservation processes and outcomes.

Implications of the management framework

Interestingly, a number of these principles and processes described in this framework for socially just conservation were inherently present within both the Giringun and Wuthathi initiatives. For example, Giringun members in suggesting a three stage co-management spectrum were acknowledging that this was the most politically feasible option; the development of trust over time would also serve to prove their commitment to ecological soundness. However, at the core of the co-management agreement was the investment in social justice – in training and paying Giringun people to be rangers and help manage the natural and cultural values of the World Heritage region, also their sea country.

The Wuthathi Framework is perhaps even stronger in its embodiment of these principles, as the Wuthathi advanced it in the absence of any statutory ability to do so, and in light of the reality that the Wuthathi people did not, at that time, permanently live on country but in other settlements and towns across Australia. The core principle in the Wuthathi Framework – that of combining both cultural and environmental management embodies a dual commitment to social justice for the Wuthathi, and ecological soundness for the region. Given the exceptional value of the Wuthathi region, this willingness by the Wuthathi to engage with biodiversity priorities was vital to the successful receipt of the Framework by government and environmental managers.

There are a number of advantages to implementing this suggested socially just conservation process. First it ensures that, prior to any management process getting underway each party has a clear understanding of each other's perspective, their differences and similarities. Ensuring that everyone is 'singing from the same song book' and is on common discourse ground is vital to ongoing engagement. Secondly, this framework does not define a required scale for the management outputs. They may be large or small in scale depending on the iteration of each of the steps along the way. Implementing this process will also ensure that it will be culturally appropriate, and within the ambit of each party to deliver on their mutually agreed responsibilities. Another advantage is that there is no defined timeline for implementation of this process, rather it depends on how parties commit to work with each other at any given time, and the commitments they are prepared - or not - to make to the process and outcome. The socially just framework for engagement also has the advantage that it embodies both *structure* and *process* and can be applied to any management problem or system. Most importantly it enables the

development and implementation of all kinds of conservation management programs, whether a land and sea management framework, traditional hunting plan, co-management agreement, enforcement program or simply the generation of environmental information about a problem.

Summary

Both the Wuthathi and Giringun have adopted innovative and practical policy approaches to achieving multiple objectives in the domain of natural resource management. As shown above, there are many obstacles present that will impede their effective implementation.

Nonetheless, such programs have interesting outcomes and lessons for environmental managers and other Indigenous or Native communities worldwide. They highlight the need to incorporate social justice and livelihood priorities within management programs. They demonstrate that Indigenous peoples are able and willing to participate in contemporary as well as traditional management practices but need to be resourced to do so. It is not enough to cherry pick those dimensions of Indigenous society that are culturally palatable, (such as ‘dreamtime’ stories in Australia), but to engage with the entire cultural domain throughout negotiations. These case studies also highlight that despite intense dislocation resulting from colonisation, and vast differences within and between Indigenous peoples and other, that great strides can be made in developing environmental management partnerships over regions of exceptionally natural and cultural value and beauty. If nothing else, the building of these programs plays a performative role in educating the public that Indigenous cultures are alive and well. In the case of both the Wuthathi and Giringun, the development of these programs bore fruit – both groups have not only gone on to build their relationships with other agencies in productive ways, but have developed other partnerships, such as the TUMRA discussed earlier.

The incorporation and reconciliation of the moral, social and political imperatives that so often underpin conservation endeavors, is the ultimate challenge in effective implementations of conservation policy regimes in Indigenous contexts.

For those interested in the development of community engagement strategies that lead to socially just conservation of values and realistic implementation of cultural and natural protection regimes, we have presented a socially just conservation framework that facilitates community engagement and attempts to go beyond conventional decision making processes to address the core issues of biodiversity, culture and economy concurrently.

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