

## **SE 5.1.2**

# **REVIEW OF IMPACTS OF CHANGES IN FOREST USE AND MANAGEMENT ON INDIGENOUS COMMUNITIES**

**FINAL COPY**

**SEQ RFA TECHNICAL REPORT**



**Impact of Changes in Forest Use  
on Indigenous Peoples:  
Final Report**

**Report commissioned by the Department of Primary Industries and Energy for  
the Southeast Queensland Regional Forest Agreement**

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## **1. Introduction and scope**

This is the final report of the project entitled “Literature Review of the Impact of Changes in Forest use on Indigenous Communities.” This project has been commissioned as part of the studies informing the development of the Southeast Queensland Regional Forest Agreement. There were three reporting phases for this project. This final report is provided following consideration of stakeholder comments.

Understanding the social impacts of changes in forest use on indigenous communities requires consideration of:

- the nature of changes in resource use;
- resource management practices and policies associated with different resource uses;
- the measures designed to manage the social impacts of changing resource use; and
- the capability of indigenous communities to respond and adapt to changing circumstances.

Since the current study is occurring *in advance* of the SEQ RFA impact assessment phase, it is appropriate that the research focuses on (i) the types of social impacts associated with changing patterns of resource use and (ii) the suite of management practices and policies associated with different resource uses. These two foci are considered in greater detail below.

First, in terms of the *types* of social impacts indigenous communities it was suggested in an earlier report that this research seek to identify:

- the impacts associated with logging and timber extraction and other, similar resource uses;
- the impacts associated with resource conservation, such as the creation of Reserves and National Parks; and

- issues associated with rapid changes in the dominant patterns of resource use.

Second, social impacts are not only the consequences of changes in tenure or resource use. The management strategies and policies that accompany those changes are also crucial to determining the nature and balance of positive and negative impacts.

In view of the foregoing, this report provides:

- a brief review of the literature on the social impacts on indigenous communities resulting from different forms of resource use and conservation, with particular reference to forests;
- an analysis of four case histories; and
- a summary of major issues for consideration in Stage 2, and issues for consultation and discussion between Aboriginal communities of the region and the Government.

The cases selected for more review in this project were chosen in order to illuminate the following issues:

- the social impacts of resource extraction, particularly forest logging;
- the social impacts of natural resource conservation, particularly the creation of Reserves, National Parks and other protected areas;
- the transition from resource extraction to resource conservation; and
- policies and practices concerned with managing the social impacts of forest use change.

Accordingly, the following case studies are reviewed:

- North Queensland's Tropical Rainforests (the Wet Tropics);
- Kakadu National Park of the Northern Territory;

- Fraser Island;
- The Temagami forest, Ontario, Canada.

A final point should be made about the use of case studies in research. Case studies can help us understand *how* and *why* certain things happened (Yin 1994). They are used for analytic generalisation but *not* statistical generalisation (Yin 1994). It is therefore important to note that the social impacts described in this report, and in the cases studies, cannot be predicted with certainty. Social impacts are the product of the complex interaction of a variety of factors, including management practices and local community capabilities and dynamics. This research can therefore identify problem areas and issues, can identify how and why certain things might happen so that can be addressed in policy development.

Case studies also have a useful role in applied, policy-related research such as this. They can help identify alternate approaches to problems and can help explain why certain approaches worked and others failed. It is particularly in relation to this issue that a Canadian forest conflict was chosen as a case study.

## **2. Social Impacts of resource use on indigenous communities**

### **2.1 Introduction**

What follows is a review of the literature concerned with understanding the social impacts of resource use on indigenous communities. While particular care is taken to focus on forestry, it is appropriate that the broader literature be examined. In broad terms, the social impacts of resource extraction and resource conservation are considered. More specifically, the review examines three questions. These are:

- (i) What are the social impacts of particular resource uses?
- (ii) How can these social impacts be mitigated or managed?
- (iii) What is the capability of indigenous communities and organisations to participate effectively in the resource management?



## **2.2 Social Impacts of resource extraction**

There is a significant Australian literature that deals with the social impacts of resource extraction and development – such as mining and forestry – on indigenous communities. In these cross-cultural contexts, the assumptions that underpin developmentalism - the importance of economic production to the nation, for example - are revealed as being highly problematic. The economic benefits of resource development, for instance, are usually accrued at national and regional levels, with few direct economic benefits for local indigenous populations. In addition, the environmental costs of development are often sharply at odds with the cultural and religious significance of the natural environment to indigenous peoples. It is important to note however, that resource development can entail benefits as well as costs to local indigenous populations. An important consequential consideration is therefore the policies and management practices that effectively manage the positive and negative impacts of development (Craig & Ehrlich *et al.* 1996).

The history of capital intensive project development in Australia shows that the potential impacts of development on indigenous peoples can be severe. Rapid resource development has been associated with the marginalisation of Aboriginal people in the Kimberley (Howitt 1989a), the Alligator Rivers region (von Sturmer 1982), the Pilbara (Howitt 1989b) and in Cape York Peninsula (Chase 1990; Lane 1993). In north America, the literature suggests that despite policies and legislative arrangements (such as impact assessment) designed to provide a measure of protection to indigenous people, resource development has maintained a consistent assault on the cultural integrity of these communities as well as the natural environment in which they are located (see Bodley 1990). Aside from socio-economic marginalisation resulting from regional economic restructuring (Howitt 1989c; Lane and Chase 1996), impacts have included the destruction of sites of cultural significance (Chase 1990), loss of use of traditional lands, as well as disruption and loss of cultural practices (Ross 1990). The negative consequences of resource development have also been linked to contributing to the profound problems associated with substance abuse and poor health in indigenous communities (Ross 1990).

Turning now to the more specific question of the impacts of forestry on indigenous communities, it is necessary to briefly comment on the significance of forest areas for Aboriginal people. In the only national review of “Aboriginal uses and values of forests” Cane (1990) reports that forested areas can be understood as being of religious, economic and cultural importance. Drawing on the work of Anderson (1980) in the northern part of what we now call the Wet Tropics, Cane (1990) describes how Aboriginal systems of land ownership and cultural identity are defined according to forest types. Being subsistence hunter-gatherers, forests were, and remain, important to the economies of Aboriginal groups. Many contemporary Aboriginal communities exhibit an economic strategy that includes subsistence hunting and gathering as well as activities undertaken to earn cash income (Cane 1990; Anderson 1980). Cane further reports that “traditional and contemporary Aboriginal religion centres around the spiritual affiliation between people, the land and its floral and faunal environment” (1990:88). Particular sites, landforms or landscapes are understood by indigenous communities to embody, and to have been formed by, mythic creator figures which created both the natural and social worlds during the dreaming.

The *adverse* social impacts of forestry are analogous to other forms of natural resource extraction, although they appear not to be as severe. As with other forms of resource, it is necessary to be cautious about generalising: the impacts will differ from place to place according to difference in local values and imperatives, and different management practices. Three impacts deserve attention. The process of felling trees and removing them of the forest and the associated development of infrastructure (roads, camps etc.) which usually involves disturbance to the land’s surface can be offensive to Aboriginal people who regard the land and its flora and fauna as religiously and culturally significant. Second, the regulatory and management regime that accompanies logging (although often ephemeral) can marginalise local Aboriginal people from their country. In these circumstances, Aboriginal access and use, if not actively discouraged or impeded, will decline as the area becomes part of what people regard as a “whitefella” domain (Lane 1996). Third, Aboriginal people regret the loss of sense of control of their land and culturally significant landscapes (Cane 1990). This is amplified by the policy conflicts that often surround logging and the use of forested areas.

Cane's (1990) description of the position of Aboriginal groups in the Daintree-Bloomfield region of the Wet Tropics illustrates this last point and is worth quoting at length:

“They [local Aboriginal groups] are surrounded by competing agencies with contrary views on desirable land management options; developers, conservationists, land managers, environmentalists, anthropologists, archaeologists, foresters, shire councils and so on. Some of the land they own is adjacent to and/or amalgamated within National Parks and World Heritage Areas. They own land that they may develop in the interest of Aboriginal people, but have no control over its essential resources; minerals, timber, fossil fuels and stone. They have *diverse* aspirations for forests” (1990:79; emphasis added).

This preliminary review of the negative impacts of forestry needs to be qualified with an important cautionary note. While the great contests over forests in the past 20 years have pitted conservationists against timber companies and communities, other claimants concerns have not figured significantly. Aboriginal interests, in particular, have often not been accorded sufficient attention (Cane 1990; Rangan and Lane 1998) or have been distorted in the fracas (Anderson 1989). While the social and economic impacts of forest use change have often been important points for debate forest disputes, such as the Wet Tropics, the impacts of change on Aboriginal communities have not enjoyed the same attention (Lane 1996). The social impact assessments commissioned following the decision to nominate the Wet Tropics for World Heritage listing (see Gibson *et al.* 1987 and Cameron McNamara 1998), as well as a *post-facto* study of social impacts in the Wet Tropics commissioned by the Resource Assessment Commission in 1991 (SCRU 1991) all largely fail to consider the question of impacts on local Aboriginal people. Had greater attention been given to this issue in the past, we might now have a better understanding of the impacts of forest use change on Aboriginal communities.

Having considered the adverse social consequences of resource extraction generally, and forestry in particular, the potential positive social impacts can now be considered.

The literature on the social impacts of natural resource use on indigenous communities suggests that, given opportunities for *participation* in resource development, indigenous communities may derive economic benefit. Given that many Australian indigenous communities are materially impoverished and suffer very high levels of unemployment, the potential for economic benefits to flow from resource development is a serious policy question. Economic benefits may include direct or indirect employment as well as financial payments - which are usually in the form of royalties for mining and tourist concessions for tourism projects (Altman and Smith 1990).

Since the recognition of native title in Australia, the potential for recognising Aboriginal proprietary interests by negotiating equity partnerships with indigenous communities has achieved some attention (see, for example, Williamson 1997; Mulrennan and Jull 1992). Facilitating this kind of indigenous economic participation in natural resource use has the potential to provide significant benefits to indigenous communities as well as helping to offset the negative consequences of development. These kinds of equity of co-management agreements have been used in Canada and the USA in relation to forest, fisheries and other resources (Wolfe-Keddie 1995). The north American experience (Wolfe-Keddie 1995) as well as the African experience (Murphree 1994) suggests that recognising indigenous rights in land and natural resources is crucial in realising the potentialities of co-management or equity agreements between resource developers and indigenous communities.

This is an important point in the Australian context where native title has been bitterly contested policy terrain. Despite the continued survival of native title in Forest Reserves, serious consideration and policy debate about how to recognise native title in on-going forestry (or new conservation) activities has not occurred (Dargavel 1998). If there are to be substantial economic benefits to indigenous communities, experience elsewhere suggests that recognition of indigenous proprietary interests can provide the framework for negotiation.

An alternative (although not mutually exclusive) approach can be drawn from the Australian literature concerning environmental impact assessment (EIA) and indigenous communities. This literature (see Craig & Erlich *et al.* 1996) is mostly

concerned with improving consideration of indigenous interests in EIA. It suggests that social and environmental impact assessment, which often precede the project approval, can play an important role in identifying and facilitating positive economic consequences for indigenous communities (O’Faircheallaigh 1996a; Lane and Rickson 1997). O’Faircheallaigh (1996a) in particular has shown how carefully structured social and environmental assessments can provide both the framework and the information necessary for effective negotiations between proponents and indigenous communities.

The key issue here is to consider the means by which indigenous communities can benefit economically from forestry activities. The literature reviewed above suggests that there are two steps in achieving this. First, recognition of indigenous proprietary interests and second, providing a framework for negotiation.

Equity partnerships are crucial in this context because employment of Aboriginal people in forestry does not have the same community-wide impact. While the employment of individual community members is important for those individuals and their families, it does little to address community-wide economic problems. Aboriginal employment in forestry has never been high (Cane 1990) and appears not to have received the same attention as Aboriginal employment in the mining industry. Cane (1990) suggests that Aboriginal employment in forestry in Queensland has historically been significantly lower than in New South Wales and Victoria (although he does not venture an explanation for this).

### **2.3 Social Impacts of conservation**

To understand the nature and level of the social impacts of the creation of protected areas; we first need to examine the concept. National parks and protected areas have a short history. It was not until the late nineteenth century that positive cultural attitudes to wilderness and nature begin to emerge in Western thought. The arguments in favour of the conservation of natural areas were more concerned with the conservation of the scenic qualities of the landscape and the maintenance of recreational opportunities (Runte 1987; Hall 1992). These positive perceptions of nature and wilderness are said to have emerged from the spread of the Romantic

movement which drew artistic inspiration from the natural environment and were spurred on by intense nationalism in north America at this time (Hall 1992; Stevens 1986).

As a result the first national parks gazetted in America were in areas of high scenic quality, but were often, in productive terms, wastelands. Ecological arguments for the conservation of nature and wildlife were absent from early rationales for national parks (Hall 1992). As a result the first national parks were highly scenic, rugged and with little potential for agriculture or resource development. The world's first national park, Yellowstone, which was declared in 1872, is a good example of this (Stevens 1986).

The national park remained a largely American phenomenon until well after World War II. The widespread growth in the establishment of new national parks and other protected areas is largely the result of an international effort, in which bilateral and multilateral aid organisations have played an important role. The United Nations Economic and Social Council (UNESCO) and the IUCN have been particularly important in this regard, as have large American conservation agencies such as the World Wildlife Fund and the Nature Conservancy (Stevens 1986:8). Partly as a result of the influence of these organisations, national parks and protected areas have become the primary conservation tool throughout much of the world.

The world's first national park was established in 1872 following the passage of the *Yellowstone Park Act* (Runte 1987:46). The principles that were central to the management of Yellowstone National Park were to (i) protect the unique natural features of the area; and (ii) guarantee for all time a public right of access to the park (Stevens 1986:4). This approach subsequently became the basis of national park planning and management in the United States and elsewhere, and was been accepted by international agencies concerned with nature conservation and the establishment of national parks. The first principle was equated with the concept of wilderness: uninhabited land where the course of nature progresses without human intervention. This led to the perception that national parks should be areas devoid of human habitation and resource use. National parks became synonymous with "public ownership, tourism development, and above all wilderness, and they have had little

place in them for indigenous people" (Stevens 1986:2). The crucial criteria for the IUCN definition were established in 1969 when the General Assembly of this body accepted a definition of a national park as an area "where one or several ecosystems are not materially altered by human exploitation and occupation" and where the "highest competent authority of the country has taken steps to prevent or eliminate as soon as possible exploitation or occupation of the whole area" (quoted in Lucas 1992:135).

The creation of national parks according to this model has precipitated conflict with peoples who have traditionally occupied areas where national parks have been established. Frequently the establishment has resulted in indigenous people losing their lands, livelihood and autonomy (Stankey 1989; Rao and Geisler 1990; Williams 1989; Smyth 1992). In both Australia and around the world, the creation of national parks was directly responsible for the dispossession of indigenous peoples (see generally West and Brechin 1991). The forced relocation of local peoples in the name of conservation has caused massive social upheaval, impoverishment, and in some cases a considerable number of deaths (Rao and Geisler 1990). Thankfully, conservation policy has progressed to the point where this "exclusionist" is no longer considered appropriate or desirable. It continues to be expressed however, in the reluctance of governments to accord indigenous owners of lands now being managed as national parks a pivotal role in their management (Woenne-Greene *et al.* 1994; Corbett *et al.* 1998).

Thinking about how best to provide for indigenous participation in conservation is, however, in its infancy. Policy discourse in this area has been dominated by joint-management of protected areas. Policy initiatives for other approaches are very recent and, as yet, have received very little institutional support. In general, these approaches are concerned with developing partnerships between indigenous peoples and conservation agencies (Sinnamon 1995), particularly in terms of mechanisms to incorporate, on a voluntary basis, indigenous-owned land into the conservation estate (Smyth and Sutherland 1992). A recent review of initiatives for indigenous participation in biodiversity conservation concluded that a range of structural impediments reduce the potentialities of indigenous participation (Gillespie and Cooke 1998). These include:

- Power imbalances
- Inability to recoccupy and use traditional estates
- Lack of recognition for traditional management principles
- Lack of respect for traditional systems of knowledge and the ownership of information
- Lack of capacity within indigenous organisations; and
- Lack of a co-ordinated approach to funding and action by Governments (Gillespie and Cooke 1998).

Notwithstanding the demise of the 'biocentric', exclusionist approach, the creation of national parks and protected areas do establish new regulations about how land and natural resources can be used and accessed. For indigenous peoples, the regulatory regimes established to ensure the conservation of natural environments can have important social and cultural impacts. Access to custodial lands can be regulated and restricted, hunting and gathering and other important cultural activities can also be constrained. For Aboriginal groups wishing to return to live on their custodial lands and to otherwise exercise their native title rights, protected area regulation, enforced by government bureaucracy, can prove a powerful impediment. For many Aboriginal people, the creation of new parks and reserves still constitutes a form of dispossession because of the potential for regulating access to those areas where they have successfully maintained custodial interest (Toyne and Johnson 1991). Regarding themselves as the owners of land, Aboriginal people can be further alienated by a lack of formal recognition of their relationship to the area in question. When protected area managers "consult" with Aboriginal custodial owners and other "stakeholders" in the development of management plans, these perceptions of marginalisation are reinforced (Corbett *et al.* 1998; Woenne-Greene *et al.* 1994).

The notion of co-management emerged as a means of reconciling the imperatives of ecosystem protection and indigenous rights and cultural heritage. In essence co-management refers to shared decision making between indigenous custodians and formally trained resource managers on the management of protected areas (Rao and Geisler 1990). Co-management has been implemented successfully in a number of



Australian jurisdictions and in Queensland is provided for in the *Aboriginal Land Act 1991*, which enables Aboriginal claim and shared management of national parks.

Co-management is a concept rather than a fixed model to be applied regardless of local circumstances. The concept emphasises (i) the integration of natural and cultural resource conservation; (ii) integrating local social and cultural perspectives with the broader management agenda; and (iii) the development of strategies to ensure the collaboration of park managers and local indigenous groups (Rao and Geisler 1990; Stankey 1989). An implicit feature of the concept, and one which is insufficiently acknowledged (*cf.* Johnston 1987), relates to the recognition of local rights. The development of integrated approaches and effective partnerships between indigenous people and park managers depends, to a significant degree, on the recognition of the rights of local indigenous people (see also Murphree 1994).

Co-management of national parks begins therefore, with a commitment to the recognition of indigenous rights and interests and with a commitment to sharing management responsibilities. The form that it takes in any given area should depend, however, on the circumstances of the region and the priorities of local people.

Co- or joint-management arrangements offer a range of benefits, concrete and symbolic, to local Aboriginal peoples. These are described below.

(i) *Title to land.*

While the co-management concept does not necessarily entail indigenous land ownership, much of the literature dealing with the operation of co-management in Australia emphasises land title (Woenne-Green *et al.* 1994; De Lacey 1994). Some (see Johnston 1987; Woenne-Green *et al.* 1994) argue that the extent of effective indigenous participation depends on the Aboriginal land ownership to empower landowners to participate and negotiate effectively. Woenne-Green and others (1994:375) argue that:

“[a]boriginal participation in management of national parks and similarly reserved terrestrial and marine areas is fundamentally a land rights issue...The negotiating collateral provided by security of tenure

(whether formally established or anticipated) will enable negotiations to be conducted on the basis that Aboriginal people have the right to be properly consulted, the right to an equal role in decision-making, the right to an equal role in development and implementation of management plans, and the right to control and manage Aboriginal cultural heritage.”

(ii) *Effective participation in policy, planning and management.*

Indigenous people want, and demand, a say in the management of their traditional lands. While planning processes in all jurisdictions and contexts usually involve stakeholder consultations, indigenous people do not regard themselves as another stakeholder. They are instead communities with ancient cultural links to land, and who have, since common law recognition of native title, proprietary interests in park management. Co-management arrangements elevate indigenous land owners from the ‘pack’ of stakeholders and, in so doing, accord them rights which enable effective participation in planning and management (Corbett *et al.* 1998).

(iii) *Maintaining cultural practices and managing cultural heritage*

Co-management arrangements also provide Aboriginal people with rights to access park lands for cultural practices, including subsistence hunting and gathering and ceremonial or other cultural activities (De Lacey 1994 ). A further benefit of co-management is that it contributes to cultural continuity for resident peoples and enhances the effectiveness of cultural resource management strategies (Craig 1992; Stevens 1986; Smyth 1992). Local indigenous involvement ensures cultural resource management is undertaken by those for whom the resources are most significant. Co-operatively managed parks are therefore important in mitigating the local social and cultural impacts of conservation by enabling Aboriginal people to practice and maintain their custodial responsibilities and associated cultural practices (see Rao and Geisler 1989).

*(iv) Ensuring the application of indigenous land management knowledge and expertise*

A further benefit of co-operative management is that it provides a mechanism for the incorporation of indigenous ecological knowledge (Williams 1989; Smyth 1992). The collaboration of indigenous ecological knowledge, and western scientific approaches to the biosphere has much to offer management planning according to some commentators (Williams 1989; Stankey 1989).

*(v) Enabling Aboriginal people to explain and interpret their culture.*

By involving Aboriginal people in all aspects of park management and planning, Aboriginal people are given an opportunity to explain their culture to non-Aboriginal visitors. Coombs (1992) argues that Aboriginal involvement in heritage management has the added effect of contributing to the transmission and interpretation of Aboriginal culture. While this is important for Aboriginal people it can, in addition, play an important role in improving indigenous-non-indigenous relationships. Others (Smyth 1992; Altman and Smith 1990) note that Aboriginal involvement can also substantially enhance visitor experience in protected areas.

*(vi) Enabling Aboriginal management of tourist visitation at appropriate levels.*

Tourism is invasive. In culturally sensitive areas, or in areas in which Aboriginal people wish to reside or use, the presence of large numbers of tourists can be alienating for people and have adverse consequences for the environment (Furze *et al.* 1996). At Uluru, a traditional owner explains the importance of managing tourism:

Before handback, Minga [tourists, literally ants] walked anywhere, broke the Law. They went into sacred place, men's places and women's places. They took photographs wherever they wanted. They made a mess wherever they wanted. We Anungu were very sad to see this happen (Tony Tjamiwa 1991:5-6).

*(vii) Providing an economic base.*

National parks are expensive to manage, and visitors often spend a great deal of money visiting and recreating in them. National parks can therefore, under certain co-management arrangements, provide employment and important income streams to local communities. Kakadu and Uluru National Parks for instance, employ and train significant numbers of local Aboriginal people. In addition, the Aboriginal owners of these parks receive an annual rent from the Commonwealth for their land being managed as a National Park.<sup>1</sup> Co-management arrangements can therefore provide an economic base to Aboriginal communities that (i) offsets the negative impacts associated with national parks and (ii) enables communities to pursue broader community development objectives autonomously.

*(viii) Symbolic recognition of Indigenous rights*

The experience of Aboriginal people in other parts of Australia suggest that the recognition of Aboriginal interests in land, either in symbolic or in more concrete terms, is of great importance to them. Co-management arrangements can, and should, provide both real and symbolic recognition of Aboriginal culture, rights and participation in the creation and management of protected areas.

The IUCN and the park management literature generally identify a number of benefits associated with co-management approaches. In broad terms, co-management has emerged as an important agenda in the field of protected area management because of the limitations of other, biocentric approaches. The benefits, in terms of effective management, include the following:

*(i) Mitigating the impacts of conservation*

The failure to recognise the relationship between nature and people can precipitate significant local social disruption and impact (Stankey 1989; Rao and Geisler 1990; Stevens 1986). Rao and Geisler (1990:27) call for “co-management as mitigation”, emphasising the importance of co-management strategies to minimise and mitigate the social impact that protected area status can bring. Managing the negative

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<sup>1</sup> It should be noted however, that under the (Qld) *Aboriginal Land Act 1991*, only a peppercorn rental is paid to the Aboriginal owners of national parks.

consequences of conservation in adjacent areas is not merely a matter of altruism. Unless managers seek to account for the wider implications of conservation regimes, they run the risk of precipitating, among adjacent landowners and stakeholders, antagonistic behaviours and practices (Corbett *et al.* 1998).

*(ii) Informing the management of natural resources*

By ensuring local participation in management, co-management informs the management of natural resources. The participation of local groups is important to ensure that their knowledge, interests and values are incorporated in management planning (see Oakley 1991). Developing effective management plans requires both scientific knowledge and the experiential knowledge of local communities and stakeholders (Forester 1989). The participation of these stakeholders informs management planning by ensuring access to the knowledge and understanding of local groups (Smyth 1992; Stankey 1986; Williams 1989). This is one of the key rationales for public involvement in planning: ensuring access to and use of local knowledge and information (see Lake 1993).

*(iii) Developing partnerships in conservation*

By recognising the negative consequences of conservation management, respecting local peoples' knowledge and values and inviting their participation in management planning, park managers can develop collaborative relations with local groups (Smyth and Sutherland 1996; Stankey 1989). The collaboration and support of local stakeholders is often a fundamental aspect of protected areas in the UK, parts of Africa and elsewhere. Indeed, the development of partnerships in conservation has emerged as one of the most important management strategies internationally in recent years (see Endicott 1993; National Research Council 1993). Collaborative planning is, similarly, hailed as a new paradigm in land and resource planning (Healey 1996).

In his insightful and influential analysis of the literature on community-based conservation, Murphree (1994:405) makes a powerful argument that:

What is required to make the concept of participation viable is proprietorship, which means sanctioned use rights, including the right to determine the mode and extent of management and use, rights of access and inclusion, and the right to benefit fully from use and management. Proprietorship provides the necessary tenurial component for an adequate institutional framework.

## **2.4 Indigenous participation in natural resource management**

Ensuring that the social impacts of forest use change are effectively managed will depend on the policies implemented by Government, the implementation of those policies across both the private and public sectors *and* the capacity of indigenous communities to participate effectively in resource management processes affecting their lands. Before considering this issue in detail, we should note that there are some *underlying* factors that influence indigenous participation in resource management. These factors relate, of course, to the history of contact between Europeans and indigenous peoples and, in addition, to the subordinate position Aboriginal people occupy in contemporary Australian economic and political life. Resource managers working with indigenous people need to be cognisant of these underlying issues in their work.

The literature on Aboriginal participation in resource management suggests that there are five key factors that influence indigenous participation.

First, decision-makers can overlook, ignore or misinterpret Aboriginal perspectives (Craig & Erhlich *et al.* 1996). The politics of development, it is argued, is such that the particular cultural perspectives of indigenous people are rendered invisible. Indeed, the "invisibility" of Aboriginal interests is a major theme of the literature in this field. A series of cases reported in the literature report the denial of the legitimacy of indigenous interests (see Chase 1990).

A second critical issue relates to the *capacity* of indigenous people to participate effectively in resource management. A range of factors may inhibit the efficacy of indigenous participation including language and cultural barriers; geographic isolation; a lack of resources and a lack of familiarity with European-Australian planning and decision-making processes (Lane 1997). As a result of the barriers to effective Aboriginal participation, a number of commentators have suggested that the participation of indigenous people should be facilitated by strategies explicitly designed to enhance their capacity to do so. "Empowering" Aboriginal people to participate is a common theme in the literature (Howitt 1989c, 1993; Craig 1990).

A third factor relates to the conceptions of indigenous (particularly Aboriginal) social organisation which premise many of the attempts to involve indigenous people in management. Essentially this problem is one of misunderstanding the nature of Aboriginal social organisation. In any given resource management activity, differing social entities may be involved. Traditional owners, with specific rights and interests may need to be involved as well as nearby indigenous residents, whose interests relate to their residential location, rather than custodial interests. It is apparent that in some cases, resource managers fail to differentiate between these different social entities. One result is that the full range of indigenous community interests are sometimes not considered in resource management (Craig & Erlich *et al.* 1996)

There will also be diversity within groups expressing 'traditional' interests in land and natural resources. This results from the intensely localised nature of traditional interests (see Stanner 1965; Peterson 1975). The implication of the highly localised nature of indigenous interests is that resource managers working across a large area may need to work with multiple groups. In short, managers must ensure that "the right people are talking for the right country."

In part, these problems can be attributed to the frequent and ill-considered use of the term of Aboriginal "community". The widespread application of the community concept is problematic because it fails to acknowledge the historical forces which gave rise to concentrated Aboriginal settlements, particularly in Queensland (see for example, Chase 1990). It also entails assumptions of a unitary Aboriginal interest

(Lane 1997). Failure to acknowledge the plurality of Aboriginal interests can render the particular interests of some groups invisible.

Fourth, this misconception of Aboriginal society is associated with a tendency to confine Aboriginal interests to traditional cultural concerns such as the protection of sites of cultural significance (Ross 1990). A more realistic understanding of Aboriginal society as comprising a series of diverse and, occasionally, competing interests entails recognition that Aboriginal interests also include employment, economic benefits and associated community development interests.

Finally, the nature of Aboriginal social organisation, particularly in relation to land, suggests that participatory strategies must be based on consensus and direct involvement (Howitt 1993; Ross 1992). Western notions of delegation and representation are inappropriate in Aboriginal domains. In other words, the intensely localised nature of Aboriginal social and territorial organisation render western approaches based on representation inappropriate (Lane 1997).

This is not to suggest that Aboriginal communities are passive in the face of change or are ineffective political participants. As Davies and Young (1996) and O'Faircheallaigh (1996b) have shown, given the forum and adequate organisational and financial resources, Aboriginal groups *are* capable at negotiating outcomes with conservation agencies and with private sector firms.

The implication of this brief review is that indigenous participation in critical resource management activities can be problematic. Co-management arrangements for national parks or equity partnerships with private firms involved in commercial forestry will not necessarily emerge. There are substantial barriers facing indigenous communities as they seek to get involved and have their interests recognised. Accordingly, Government needs to play a role in actively facilitating indigenous participation in relevant processes so that effective impact management strategies can be brokered.



## **2.5 Summary**

To summarise, let us return to the questions posed at the beginning of this section.

(i) *What are the social impacts of particular resource uses?*

The most important negative social impacts of forestry that were identified can be summarised thus:

- concern and offense at the perception of damage to culturally significant sites and landscapes;
- a tendency for the regulatory and management regimes which accompany logging to marginalise local Aboriginal people from their country; and
- Aboriginal custodial owners of land regret the loss of control over their land and culturally significant areas.

In relation to the potential positive impacts of forestry, the following conclusions were drawn:

- Aboriginal people have not generally enjoyed opportunities for economic participation in forestry;
- Aboriginal employment in forestry in Queensland has rarely been significant;
- there is considerable potential for indigenous communities to accrue considerable benefit from forestry projects through the negotiation of equity partnerships with logging companies/contractors; and
- the development of equity partnerships or joint-management of forestry activities requires (1) recognition of indigenous proprietary interests and (2) providing a framework for the negotiation of such arrangements.

The regulatory regimes established to the conservation of natural environments can have important negative social impacts. These can be summarised thus:

- access to custodial lands can be regulated and restricted; thereby restricting hunting and gathering and other important cultural activities;

- protected area regulation can be an impediment to those Aboriginal groups wishing to return to their custodial lands or to otherwise express their native title rights;
- for many Aboriginal people, the creation of new parks and reserves continues to be a form of dispossession because of the potential for regulation; and
- Aboriginal people who regard themselves as the owners of land can be alienated by a lack of formal recognition of their rights and interests when protected areas are created and managed.

The positive social impacts of parks and protected areas are:

- protection of culturally significant landscapes, including flora and fauna; and
- employment of individuals in park management.

(ii) *How can these impacts be managed?*<sup>2</sup>

In relation to forestry, the most important impact management strategy identified was to seek to enhance indigenous economic benefit from forestry by providing for equity partnerships between indigenous communities and forestry firms. These partnerships might include direct financial returns to the traditional owners, employment and training commitments, and/or agreements in relation to natural and cultural resource management. To enable equity partnerships, Government policy would need to (i) encourage the industry to develop a dialogue with indigenous landowners, and (ii) provide a framework for their negotiation.

In relation to conservation, the most important impact management strategy identified was for areas requiring conservation to be jointly managed by indigenous owners and Government. Joint-management arrangements should be the result of negotiation between Government and indigenous owners and involve (i) a shared approach to natural and cultural resource management, (ii) an agreement in relation to indigenous economic benefit, including employment, and (iii) formal recognition of indigenous proprietary rights and other interests in the area.

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<sup>2</sup> Note that I refer to 'impact management' rather than 'mitigation'. This reflects the fact that we need to be concerned with seeking to balance, as far as possible, the costs *and* the benefits of any change in resource use. This means we need to seek to minimise the negatives and maximise the positive consequences of any change.

(iii) *What is the capability of indigenous communities and organisations to participate effectively in resource management?*

The review of the literature on indigenous participation in resource management revealed that there are a number of important obstacles to effective participation. Accordingly, it cannot be assumed that indigenous communities will be able to participate in critical resource management activities or negotiate with resource managers. Co-management arrangements for national parks or equity partnership with private firms involved in commercial forestry are unlikely to emerge without some explicit policy commitment to reconciling the impacts of resource use change. Managing the impacts of changes in forest use will require a policy and programmatic response from Government which (i) formally recognises indigenous rights and interests; (ii) facilitates effective indigenous participation and (iii) provides a framework for negotiation of joint-management of forests (for either conservation or commercial purposes).

### **3. Case Analysis # 1: The Wet Tropics – from forestry to conservation**

#### **3.1 Introduction**

The Wet Tropics World Heritage Area is a 900 000 hectare protected area which encompasses both lowland and mountain rainforest on the northeastern coast of Queensland. The protected area was established by Federal government intervention after a protracted and bitter conflict between conservationists and pro-logging groups. The World Heritage Area (WHA) is managed by the Wet Tropics Management Authority, an independent statutory authority established for this purpose. As an Australian WHA, the area is protected by the *World Heritage Properties Convention Act 1983 (Cth)*, and managed in accordance with the *Wet Tropics of Queensland Management and Conservation Act 1993 (Qld)*.

The first human inhabitants of the region, more than 10 distinct Aboriginal societies, lived mostly on the forest margins, in coastal communities, along river valleys and the tablelands. For these groups, and their descendants, the forests were homelands and central to their social organisation, economy and culture (Bottoms in press). European settlers, arriving in the second half of the 19<sup>th</sup> century, brought different forms of economic development, notably agriculture, logging and urban development, and in so doing changed the area in profound ways. They converted much of the forest to these other uses and less than half of the forest areas existing in 1850 remains today.

This case is relevant to RFA decision-making and policy development for a number of reasons. First, it is a significant region of natural forest that was extensively logged over a long period of time. As a result of the social impacts studies completed in the late 1980s as the future of logging of the region was being disputed, it is a rare case in that there is considerable relevant material to draw upon. Second, it is an area that experienced rapid transition from a resource extraction to a resource conservation regime. Third, the impacts of conservation on Aboriginal communities have been an important on-going issue for the Wet Tropics Management Authority (WTMA) (Dale *et al.* in press). We can therefore use this case to consider the question of managing the social impacts of conservation.

### **3.2 Social Impacts of forestry and logging**

The region we now call the Wet Tropics was not the subject of European settlement on any major scale until the late 1860s. At that time lowland rainforest land was taken up for sugar plantations and, for nearly one hundred years thereafter, closer settlement policies encouraged agricultural settlement to encroach on the forested lands in the lowlands and on the Atherton tablelands (Frawley 1994). European settlement on a large scale, accompanied by high levels of timber exploitation and destruction, was particularly pronounced following World War I. During this period, the newly established Queensland Forest Service argued strongly for the protection and wise-use of substantial areas of northern forests. The stand taken by the Service, and particularly its Director, E.H.F. Swain, is largely responsible for size of the natural forest estate that currently exists in northern Queensland (Frawley in press).

This process of European incursion into the north, followed by settlement, resource extraction and major environmental change had, needless to say, profound impacts on Aboriginal societies of the north. This is a matter of historical record. European settlement, and accompanying violence, was responsible for the dispossession and marginalisation of Aboriginal societies. Although, as was observed in section 2.4 of this report, the impacts of these events remain important to understanding contemporary issues concerning indigenous communities of northern Queensland, the matter of greater relevance to this report concerns the impact of logging as a resource use in contemporary contexts.

As has been observed, the literature suggests that Aboriginal participation in forestry activities has never been high (Cane 1990). In particular, Aboriginal people have not been employed in forestry in any significant numbers, particularly in Queensland (Cane 1990). This is probably because of the widespread economic marginalisation of indigenous communities from mainstream economic sectors and because of an absence of programs designed to improve Aboriginal economic participation in forestry. The forest industry does not collect and hold data on Aboriginal employment. An interview conducted for the purpose of this report suggests that, at the time logging ceased in the Wet Tropics, only three Aboriginal people were employed in logging (Davis *pers. comm.*).

Therefore, although employment in forestry activities offered some benefits, mostly through employment, these benefits were not enjoyed by the majority of Aboriginal people in the region, most of whom were concentrated in mission settlements. In addition, Aboriginal people experienced some negative impacts from logging activities, including active marginalisation from custodial lands and damage to culturally significant landscapes (Lane 1996). As a final point, it should be noted that logging *differentially* impacted on Aboriginal people across the region according to economic, geographic and cultural factors.

### **3.3 Social Impacts of rapid changes in forest use**

Aboriginal marginality to forestry in the north did not mean that the rapid changes in forest use that World Heritage Listing inevitably caused were without impact. The

decision to end logging on public lands in the Wet Tropics had an immediate and significant impact on employment (SCRU 1991). This decision is unlikely to have had major community-level economic impacts on Aboriginal communities in the region, however, because of the small numbers of Aboriginal employees.

There were individual impacts however. For the families of individual Aboriginal employees who lost their jobs, the impacts would have been severe. This statement needs to be qualified however by recognising that the timber industry was already contracting at the time the decision to end logging was made (SCRU 1991). Other impacts have also been identified. Social impact studies indicate a consistent suite of individual-level impacts applied to workers who lost their jobs: financial insecurity, problems with self-esteem, family life and concerns about future employment prospects (SCRU 1991; Gibson *et al.* 1987; Cameron McNamara 1988).

In addition, Aboriginal people in the region felt particularly insecure about their custodial lands being converted, unilaterally and entirely, to conservation status (World Heritage), a status about which they knew very little (Lane 1996). These concerns were inadvertently exacerbated by (i) an absence of consultation with Aboriginal people about the changes, (ii) the paucity of information about the impact of the changes on land tenure and Aboriginal aspirations for land rights and (iii) the extent to which indigenous interests in the wider resource conflict were either distorted or ignored (Lane 1996; see also Anderson 1989).

As we have seen, the social impact assessments commissioned following the decision to nominate the Wet Tropics for World Heritage listing (see Gibson *et al.* 1987 and Cameron McNamara 1998), as well as a *post-facto* study of social impacts in the Wet Tropics commissioned by the Resource Assessment Commission in 1991 (SCRU 1991) all largely failed to consider the question of impacts on local Aboriginal people. In addition, the structural adjustment package developed to mitigate the most severe individual- and community-level socio-economic impacts did not involve any specific or tailored measures targeted at Aboriginal people (see SCRU 199).

There are two implications that readily flow from these observations. First, the Wet Tropics is a case in which the decision-making and policy processes which preceded

and accompanied the transition from an extraction to a conservation regime failed to be cognisant of or sensitive to Aboriginal interests (Lane 1996). This should, secondly, serve as a cautionary note in the RFA context. Social impact assessment studies **and** impact management strategies need to be specifically tailored to suit the particularities of cross-cultural contexts and, in particular, of Australian indigenous communities (Lane and Dale 1995).

### **3.4 Social Impacts of conservation**

Since its inception, the interests and concerns of Aboriginal communities throughout the Wet Tropics have been contentious issues with which the Wet Tropics Management Authority has had to grapple. It has been estimated that 15-20 000 Aboriginal people, from up to 16 distinct language groups, have traditional and/or historical links with lands within the World Heritage Area (Lee Long 1992). It is a complex socio-political environment. There are two designated Aboriginal communities (under the *Community Services (Aborigines) Act 1984 (Qld)*), three Native Title Representative Bodies and a range of indigenous organisations concerned with service provision, advocacy, or promotion of land interests. There also are a host of incorporated descent groups concerned with having their native title and other interests in land formally recognised and respected.

While Aboriginal peoples have a significant demographic profile in the region, their interests were not paramount in the minds of the architects of the management arrangements for the new WHA. Indeed, Aboriginal people have had to persistently advocate their interests to the WTMA in order to have their agenda accommodated as part of larger agenda for the management of the Wet Tropics. Aboriginal people regard it as being a frustrating experience, littered with deferred or broken promises (Dale *et al.* in press; Lane 1997). In the years since the establishment of the Wet Tropics, Aboriginal people's agenda changed from recognition of their respective land rights to a concern for achieving a formal position in the arrangements for the governance of the Wet Tropics. "Joint-management" through a "regional agreement" has become the central objective of major Aboriginal groups in the region (Dale *et al.* in press).

After a number of years of lobbying by Aboriginal organisations, the Ministerial Council endorsed, in early 1995, the terms of reference for the review of Aboriginal involvement in the management of the Wet Tropics. The review process, which was take two years to complete, was overseen by a five member Aboriginal steering committee made up of representatives of various Aboriginal groups. The purpose of the review was to examine the procedures, policies, laws and agreements which influence the involvement of Aboriginal people in the management of the WHA. As the review progressed, however, the need emerged to try to integrate the findings of the individual terms of reference into one cohesive synthesis of the problems experienced by Aboriginal people. This synthesis was largely achieved through Term of Reference # 12 (TOR 12). TOR 12 required the steering committee to “make an assessment of the potential social, economic and environmental impacts of implementing joint management on different types of land, and affording recognition to the range of Aboriginal interests in the WHA.”

This assessment of the positive and negative social and economic impacts of the implementation of the draft Management Plan on Aboriginal people provides the most recent and comprehensive assessment available. This review argues that the creation of the conservation regime and intended management policies have had four broad areas of impact on Aboriginal people. These are:

1. uncertainty experienced by Aboriginal people in pursuing rights and interests in land;
2. direct regulation of these rights and interests by land management agencies;
3. the deferral of socio-economic opportunities because of uncertainty and regulation; and
4. impacts arising from Aboriginal frustration with the planning process to date (Johnston *et al.* 1997a; see also Lane 1997; Dale *et al.* in press).

The assessment also argues that for rainforest Aboriginal people, impacts of most concern would arise from the continued erosion of their cultural values in land (and its management) over time (Johnston *et al.* 1997a). The report argued that Aboriginal people were deeply concerned that their cultural identity was dying, and that newly



found rights (such as native title) were being regulated before they could take advantage of potential socio-economic benefits (Johnston *et al.* 1997a).

The review emphasised that these impacts on Aboriginal peoples accrue over time and at the local levels, rather than being one-off regional impacts. They resulted from the cumulative, uncoordinated actions of different management agencies across the WHA. Each of the many traditional owner groups in the WHA has experienced frustration with the highly regionalised management structure operating across diverse localities. For this reason, it was recommended that policy responses must occur at a regional scale, while facilitating effective action at the local level (Johnston *et al.* 1997a). Accordingly, the review recommended the negotiation of a region-wide settlement of Aboriginal grievances regarding management of the WHA. Such an agreement might establish a framework for resolving the basis of cumulative impacts without prejudicing the specific rights of Aboriginal groups. Negotiations about a regional agreement are, at the time of writing, on-going.

### **3.5 Summary and lessons learned**

The most significant social impacts of logging were:

- low levels of Aboriginal employment because of general economic marginalisation and because of an absence of programs specifically designed to improve Aboriginal economic participation in forestry;
- active alienation from custodial lands as a result of logging practices and the over-arching management regime; and
- damage to culturally significant sites and landscapes.

The most significant social impacts of the rapid transition from forestry to conservation were:

- relatively minor community-level economic impacts on Aboriginal communities;

- significant individual-level impacts on individuals employed in forestry – including financial insecurity, problems with self-esteem, family life concerns and employment prospectivity; and
- concerns and uncertainty associated with change in status and management of custodial lands; exacerbated by a lack of consultation.

The most significant social impacts of conservation were:

- uncertainty experienced by Aboriginal people in pursuing rights and interests in land;
- direct regulation of these rights and interests by land management agencies;
- the deferral of socio-economic opportunities because of uncertainty and regulation; and
- impacts arising from Aboriginal frustration with planning processes to date.

The key lessons for RFA decision-making and policy development are:

- forestry is only likely to have a significant, positive economic impact if programs are formulated to actively enhance Aboriginal employment in the sector;
- negative impacts associated with forestry, including damage to culturally significant areas and perceptions of being marginalised from custodial lands, might be effectively managed by incorporating these issues in a management plan to guide forestry activity;
- the impacts associated with the rapid change in forest use were exacerbated by a lack of consultation and impact management strategy;
- impact management or “structural adjustment packages” need to be explicitly tailored to suit the specific socio-economic profile and needs of Aboriginal communities; and
- improved institutional arrangements are needed to incorporate Aboriginal interests in conservation planning.

## **4. Case Analysis # 2: Kakadu – operationalising co-management**

### **4.1 Introduction**

Kakadu National Park was proclaimed in three stages between 1979 and 1991. The park was born amid considerable conflict and much of the history of the park revolves around attempts to reconcile the concurrent and competing interests of conservation, mining and Aboriginal land rights (see Press *et al.* 1995). The park is widely regarded as one of the best examples of co-operative management of parks and protected areas (see Alanen 1992). The joint-management arrangements for Kakadu National Park, established in 1978, are now regarded as offering a model for the wider application of the concept.

The essential elements of joint-management at Kakadu are:

- (i) the land is owned by the traditional Aboriginal custodians as inalienable freehold title;
- (ii) the land is leased by the Aboriginal owners to the Commonwealth Government to be managed as a National Park;
- (iii) the lessors receive an annual rent from the Commonwealth; and
- (iv) the Aboriginal owners constitute a majority on the Board of Management, the locus of park management decision-making (see De Lacey 1994).

It is clear that Aboriginal ownership and joint-management has not diminished the conservation value of the Park: it remains a significant property in Australia's World Heritage estate (see Lane *et al.* 1996). Indeed, as it has been revealed in recent months, the most important threat to the World Heritage values of Kakadu National Park is a new Uranium mining proposal. Aboriginal people and park managers at Kakadu have shown, demonstrably, that conservation and recognition of Aboriginal land rights are not incompatible concepts.

Since the park's co-management arrangements are so-often used as a template for reconciling conservation objectives and Aboriginal aspirations, it is a relevant case study for our purposes. Since Kakadu National Park has long-standing joint-management arrangements, and since a management planning process has recently been completed (KBM & ANCA 1996), the emphasis in the case analysis is on *operationalising* co-management over the longer term.

#### **4.2 Co-management at Kakadu**

The joint-management arrangements at Kakadu are the result of the Ranger Uranium Environmental Inquiry which was established, in 1975, in order to examine and reconcile competing interests in land and resource use, including Aboriginal land rights, Uranium mining, conservation, pastoralism and tourism. In 1977 the Commonwealth Government accepted almost all of the recommendations of the Inquiry, including those about granting Aboriginal title and establishing a major National Park. Shortly thereafter an arrangement was struck whereby the traditional owners leased the land granted to them to the government so that it could be managed as a national park (KBM & ANCA 1996). This "joint-management" model has been adopted in all extensions of the park by way of claim of lands in accordance with the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Although this park has been widely regarded, and acts as a model for other jurisdictions, the Kakadu experience has not been without its critics. Some have commented that Aboriginal owners are effectively marginal to decision-making and that they form a minor and peripheral element of the park's workforce (Lawrence 1995). The Kakadu Board of Management hope that the draft management plan will address these problems.

Lawrence (1995) has identified several important issues to which Park Managers have to respond in order to maintain the success of joint-management arrangements. The draft plan details a response to each of these. They are considered below.

1. *The effectiveness and strength of the Board of Management:* The capacity of the Board and its Aboriginal majority to influence decision-making in the Park

could be adversely affected by the extent and capability of the Park bureaucracy. In response, the draft plan seeks to ensure that the Board has sufficient information and resources to operate effectively and independently. It also reaffirms the principle that all practicable steps will be taken to involve Aboriginal people in park management.

2. *Controlling Tourism:* The extent and growth in tourism is such that traditional owners feel that their responsibility to care for country is being challenged. The draft plan proposes to use area plans to control tourism in high-use areas. These plans will have to approved by both the traditional owners of the areas in question and by the Board of Management.
3. *Aboriginal employment:* The draft plan recognises that more must be done to improve the level and nature of Aboriginal employment. In addition, the plan recognises the importance of Aboriginal employment in determining meaningful Aboriginal control in park decision-making. The draft plan therefore proposes an enhanced emphasis on Aboriginal training, a full time training officer, the development of a more flexible work regime to reflect local cultural practices and a commitment to employ local Aboriginal people wherever possible.

#### **4.3 The lessons of Kakadu**

It is useful to reflect on the criticisms and agency responses of joint management of a park that is widely heralded as model for other jurisdictions. The criticisms of Lawrence (1995) show that effective joint management requires an on-going vigilance that the objectives and agreements of any partnership between Aboriginal people and park managers are being met. The nature of these criticisms also emphasises the importance of Aboriginal control of key activities and decision-making processes in relation to park management. Unless Aboriginal owners are able to exercise meaningful control of key decisions, their ownership of the land is reduced to symbolic value; their ability to influence decisions is central to their aspirations and fundamental to an effective partnership. This reinforces what Johnston (1987)

has suggested in another protected area context. He has argued that local Aboriginal control of key decision-making processes is central to effective joint management and to meeting Aboriginal aspirations. Joint management will not satisfy Aboriginal aspirations - to determine the direction of their lives, individually and collectively - unless they have a meaningful say in park decisions.

The key lessons for RFA decision-making and policy development are:

- co-management arrangements can manage the social impacts of conservation regimes without threatening conservation values;
- making co-management arrangements effective demands the establishment *and* maintenance of an effective partnership between Aboriginal people and Government personnel; and
- effective co-management regimes depend of local Aboriginal involvement in and control of key decision-making processes.

## **5. Case Analysis # 3: Indigenous Interests and Resource Conflicts in Canada**

### **5.1 Introduction**

A series of constitutional changes, rapid and dramatic shifts in government policy, and a series of landmark legal decisions are changing the manner in which land and resources are used, controlled and managed in Canada (Wolf-Keddie 1995).

Realisation of the finite character of natural resources and accompanying social values have played an important role in creating the conditions for these political and legal changes (Dufour 1995). This is particularly important in the case of native forest management where dramatic reductions in yield have occurred in recent years (Dufour 1995).

The rights and interests of indigenous peoples in land and resource management have also been subject to important legal and policy changes in Canada (Wolf-Keddie

1995). These changes in particular have profoundly changed systems of resource management as well as improving recognition of indigenous interests. Land claims processes and settlements, regional agreements, co-management arrangements and dispute resolution processes are just some of the approaches developed in Canada in recent years as a response to rapid legal and political changes in respect of indigenous rights and environmental management (see, generally, Ross and Saunders 1992).

For our purposes, there are two particular issues that deserve inquiry: indigenous co-management of forested areas and institutional responses to protracted conflicts over resource use. The Lake Temagami case (see Bray and Thomson 1990), a protracted conflict over forested lands in northeastern Ontario, provides insight into the evolution of institutional arrangements which provide for co-management and resolve rancorous conflict.

## **5.2 Forest use in the Lake Temagami district**

“Temagami is probably the most contested piece of land in North America. We are now into the 112<sup>th</sup> year of the Teme-Augama Anishnabai struggle to regain their homeland. In the past five years alone Temagami has been the subject of seven court decisions, three road blockades, and at least 124 arrests on the Temagami Wilderness Society’s blockade of Red Squirrel road” (Black 1990, 141).

The forested surrounds of Lake Temagami in northeastern Ontario were subject to intense conflict (including violence) throughout much of the 1980s. The dispute was essentially concerned with land and resource ownership and management (Bray and Thomson 1990). In some ways, the dispute is redolent of many of the environmental conflicts experienced in Australia during the same period. The key actors in the Temagami dispute included the Teme-Augama Anishnabai (the traditional owners of the district), successive provincial governments, large and small logging companies, resource dependent communities and environmentalists.

Throughout the 1970s and 1980s, the entire district was subject to Aboriginal land claim. In 1972, the traditional owners placed a legal caution on all 110 townships in the region, claiming that land titles were in doubt because no treaty had been signed with the Teme-Augama Anishnabai (McNeil 1990). In response, the Attorney General for Ontario commenced legal action against the traditional owners seeking, among other things, a declaration “of the title of the Crown in Right of Ontario” and, thus, a denial of any right of the defendants to the lands (McNeil 1990: 186). In 1984, Justice Steele of the Ontario Supreme Court found that the present Teme-Augama Anishnabai are descendants of the people who occupied the land at the time of European colonisation, but ruled that it was immaterial whether or not Aboriginal peoples were represented at the treaty negotiations because a sovereign power could unilaterally extinguish Aboriginal rights. The Ontario Court of Appeals upheld this decision in 1989 (Wolfe-Keddie 1995; McNeil 1990).

Throughout this period, logging continued across all lands subject to dispute. In the mid-1980s, logging activities commenced on the last stands of old-growth red and white pine. Both environmentalists and recreationists (wilderness canoers) were angered by this and established a road block at the entrance to this area (Black 1990). Their complaint was that current and proposed logging practices were not sustainable and that the biodiversity, aesthetic and other values of the district demanded conservation rather than resource extraction (Black 1990). In 1988, this blockade was taken over by the Teme-Augama Anishnabai as traditional owners of the land.

It is the responses of the provincial government to this protracted, complex and bitter conflict that is of interest to us. The first effort to attempt to work toward reconciliation of the competing claims came in 1987 when a citizens’ committee, the Temagami Area Working Group (TAWG), was created by the Ontario government. TAWG was composed of representatives of the various stakeholders, including environmentalists, tourism operators, hunters, lumber and sawmill workers and the timber industry (Bray and Thomson 1990). The charter of the group was to review the points of view expressed during the conflict, recognising the need to protect environmental values *and* the socio-economic importance of the resources to local communities. The traditional owners boycotted this forum because of their on-going dispute with the provincial government (McNeil 1990). Although most members of



TAWG refused to endorse the final report the group produced in 1988, Bray and Thomson (1990) argue that the process was an important step in resolving the conflict.

Responding to one of the most important recommendations of the TAWG report, the Ontario Minister for natural resources created, in 1989, the Temagami Advisory Council. This body continued to work towards the development of strategies which would accommodate as wide as spectrum of Temagami stakeholders as possible (Bray and Thomson 1990). Subsequently, in 1990, the provincial government and the Teme-Augama Anishnabai signed a Memorandum of Understanding that committed the province to:

1. a treaty of co-existence;
2. establishing a Native/non-Native stewardship council over the district;
3. enabling the Teme-Augama Anishnabai to review timber management plans and make recommendations; and
4. provide funding for the participation of the Teme-Augama Anishnabai (Wolfe-Keddie 1995).

In 1991, the Teme-Augama Anishnabai and the Ontario government formally established the Wendaban Stewardship Authority to manage the land and resources in the Temagami old-growth forest. The Authority constitutes an approach to co-management of the forest. It comprises six representatives of the traditional owners and six persons from the Ontario government representing logging, tourism, labour, local government and environmental interests (Wolfe-Keddie 1995). The Council is bound by four principles: sustained life, sustainable development, co-existence and public participation.

Over the course of the next year, the Authority developed:

- timber management plans,
- cultural heritage plans,
- wetlands guidelines, and
- a forest stewardship plan for all resource uses (Laronde 1993).

In so doing, the Authority developed a management regime where none had existed and significantly reduced conflict over resource use.

While the traditional owners continue to be concerned at what they perceive to be a lack of breadth in the management strategies developed thus far, the Authority has enabled some antagonisms to subside, allowed some consensus to develop and provided indigenous people with an effective say in the management of tribal lands and resources (Laronde 1993). In a short period of time, substantial progress has been made in a conflict that had hitherto suggested none was possible. An innovative, even experimental, institutional response made this possible.

### **5.3 Lessons for RFA decision-making**

The Temagami case demonstrates that:

- seemingly intractable conflicts can be ameliorated, if not overcome, by providing opportunities for dialogue and learning;
- new forums may need to be developed to provide for dialogue and learning;
- in circumstances in which stakeholders have little faith in existing institutions, new arrangements may need to be fashioned to provide for effective resource management;
- effective and fruitful indigenous participation in management can be achieved despite antagonistic relations between indigenous and non-indigenous actors; and
- indigenous participation does not pre-suppose particular land or resource uses.

## **6. Case Analysis # 4: Fraser Island**

### **6.1 Introduction**

The conflict over resource use on Fraser Island began in the 1960s and has simmered ever since. Initially, the conflict was centrally concerned with sandmining on the Island, but by the mid-1980s the debate was concerned primarily with logging and, to a lesser degree, with recreation management (see Sinclair 1994). Sand mining ceased

in the late 1970s following the unilateral intervention of the Federal Fraser Government, a move which has had long-standing repercussions for Federal-State relations and environmental policy (Doyle and Kellow 1995). Our concern is with the later stages of the conflict and, in particular, with the Commission of Inquiry into the Conservation, Management and Use of Fraser Island and the Great Sandy Region (see CICMUFGSR 1991a). This period of the conflict is emphasised because of the centrality of logging and the emergence of indigenous issues as a policy issue.

The election of the Australian Labor Party Government in Queensland in December 1989 signalled a change in direction in relation to resource use generally and Fraser Island in particular. This Government was elected, in part, on an electoral platform which included protection for the environment, an extension of the national park estate, and an inquiry to form the basis the conservation and management of Fraser Island (CICMUFGSR 1991a). The Inquiry compiled existing information, commissioned specific research, solicited public and stakeholder comment and ultimately made recommendations to the Government on matters pertaining to its terms of reference.

This case analysis is concerned with (i) consideration of indigenous interests; (ii) integration of indigenous considerations with recommendations about future land and resource use regimes; and (iii) the outcomes for the traditional owners of the Island.<sup>3</sup>

## **6.2 Consideration of Indigenous interests by the Inquiry**

The initial discussion paper of the Inquiry provided a detailed ethnohistorical and archaeological background to Aboriginal settlement and occupation of Fraser Island (but considerably less for the mainland (CICMUFGSR 1990a). This material draws on published anthropological and archaeological material, historical accounts and submissions from interested persons and stakeholders. The historical accounts of contact and conflict with Europeans are drawn mainly from Evans and Walker (1977). The Commission reviewed this history of contact, noting the massive depletion of Aboriginal societies in the district through violence and disease; the establishment of

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<sup>3</sup> This case study is primarily concerned with Fraser Island and not with the wider area, the Great Sandy Region.

a (small) reserve on the Island in 1897, to which survivors of the Butchulla (Batjala), Dulingbara and Ngulungbara peoples were taken, and the ultimate closure of the reserve (in 1905) due to reports of the appalling conditions there, and the removal of Aboriginal people to Yarrabah in northern Queensland.

The third volume of the Commission's discussion paper detailed the submissions it received from Aboriginal people and from Government agencies concerned with indigenous affairs (CICMUGSR 1990b). Submissions were received from:

- Olga Miller, a Butchulla person;
- Thoorgine Educational and Cultural Centre;
- Members of the Koorawinga Aboriginal Corporation;
- Butchulla people at Yarrabah and in the Cairns region;
- The Queensland Division of Aboriginal and Islander Affairs (DAIA); and
- ATSIC.

According to the summaries of the submissions included in the discussion paper, all submissions asserted that Butchulla people were the original owners of Fraser Island, that their on-going interests in the area deserved respect and recognition, and that the traditional owners deserved an entrenched voice in land and resource management (see CICMUGSR 1990b, 1-15). All submissions, particularly the two from government agencies, firmly establish a land rights agenda in the work of the Commission of Inquiry. The submissions also cause the Commission of Inquiry to consider the various means by which Aboriginal people might be accorded a voice in land and resource management. Co-management at Kakadu, Uluru and Nitmiluk national parks are canvassed, community environmental management at Kowanyama is considered, and a inter-disciplinary cultural and natural resource project on Cape York Peninsula is examined management (CICMUGSR 1990b, 12-15). In addition, the economic and community development initiatives and aspirations of Fraser Island Aboriginal groups are also examined (CICMUGSR 1990b, 13-15). The DAIA advocated its policy development work in relation to land rights legislation, while ATSIC argued that land rights was appropriately considered at the state level.

All submissions urged the return of lands to the traditional owners of Fraser Island and the Commission of Inquiry duly (although briefly) speculated on the legislative changes required to achieve this.

In relation to logging, all submissions from indigenous communities advocated either the cessation of logging or, in the case of Thoorgine, granting the traditional owners a veto over future logging proposals (CICMUGSR 1990b, 39).

In summary, the Commission of Inquiry gave extensive consideration to the aspirations of the Aboriginal owners of Fraser Island. Submissions from Aboriginal organisations were supported by submissions from government agencies. Commission staff undertook considerable research into the nature of Aboriginal attachments to the area as well as on possible models for re-enfranchising Aboriginal people with their lands and with systems of management. For this, the Commission attracted sharp criticism from sections of the press and industry (see, for example CICMUGSR 1991b).

### **6.3 Integration of indigenous interests with other recommendations about land and resource management**

Four contextual factors need to be considered before reviewing the recommendations of the Commission of Inquiry in terms of the accommodation of indigenous aspirations and interests. First, the Chair of the Commission, Fitzgerald, enjoyed bipartisan and widespread respect across Queensland as the corruption-fighting chairman of an earlier Commission of Inquiry. He was a man of considerable influence. Second, during the work of the Commission, Premier Goss, to the surprise of most observers, announced the commitment of his Government to the development of land rights legislation. During the term of the Commission, a taskforce was established in the Premiers Department which ultimately drafted the *Aboriginal Land Act 1991 (Qld)* which provides for, among other things, Aboriginal claim and co-management of national parks. Third, the third term of reference of the Commission, required it to examine means by which disputes over public lands and resources might be avoided. Recommending new approaches to land and resource management was therefore a necessary part of the work of the Commission. It was intended that the

Commission be reformist. Fourth, although debates about Fraser Island had centrally concerned logging, mining and conservation, as we have seen, indigenous issues emerged as a significant aspect of the work of the Commission.

In terms of land and resource use, the key recommendations of the Commission can be summarised as follows:

- phasing out of native timber logging;
- preservation (to the greatest possible extent of the Island) through the creation of a national park;
- creation of new institutional arrangements to manage the ‘park’; and
- World Heritage Listing of the Island ” (CICMUGSR 1991a, 95-104).

In relation to Aboriginal interests, the Commission reported that: “historical and cultural connections between Aboriginal people and the area have been clearly demonstrated” (CICMUGSR 1991a, 24) and “there is an overwhelming case for recognition of Aboriginal interests” (1991a, 82). The Commission also concluded that, in Queensland, “there are few mechanisms by which Aboriginal people can directly participate in decisions relating to land which affects their interests” (CICMUGSR 1991a, 83).

Accordingly, the Commission recommended that:

- the plan of management designate and otherwise provide for a substantial area of land on Fraser Island to be managed by Aboriginal people (1991a, 95);
- the area of land to be managed by Aboriginal people be managed ... in accordance with an Aboriginal management trust (1991a, 96);
- Aboriginal representation on the Board of Management of the park (1991a, 98);
- Aboriginal hunting, fishing and gathering rights be respected (1991a, 98); and
- programs be implemented to:
  - a) identify Aboriginal people with traditional links to the area,
  - b) provide opportunities for Aboriginal employment and training,
  - c) provide employment opportunities to Aboriginal people in the region,
  - d) develop facilities for Aboriginal cultural and educational facilities, and

- e) encourage knowledge and understanding of Aboriginal culture and traditions in the region within the general community (1991a, 99).

The Commission did not, therefore, recommend Aboriginal ownership of land. It did however, seek to integrally involve Aboriginal people in the management of the Island and improve social and economic opportunities in accordance with their expressed aspirations. The possibilities of the information it received about co-management appear not subject to be the subject of further consideration by the Commission. The notion of an Aboriginal Management Trust is an unusual one in that it implies a *separate and distinct* management regime in a designated “Aboriginal area” quite unlike the integrated approach to reconciling indigenous and conservation interests envisaged in co-management arrangements both in Australia and around the world.

#### **6.4 Outcomes for the traditional owners of Fraser Island**

The Queensland Government ended timber extraction on the Island, created new institutional arrangements to manage the region and World Heritage Listed Fraser Island. Thus these recommendations of the Inquiry were implemented.

As the Commission predicted (CICMUFGRS 1991a), and as a later social impact assessment described (SRCU 1993) the socio-economic impacts of the cessation of logging were severe. The Queensland Government responded to concerns in the region by developing the Fraser Coast Co-ordinating Committee FCCC. The FCCC was to provide a link between the affected community and the Queensland Government. The FCCC is said to have had representatives from all levels of Government, loggers, timber mills, tourism *and* indigenous people (SRCU 1993). The FCCC had an important role in calling for a comprehensive social impact assessment of the changes in resource use and in shaping the structural adjustment program designed to mitigate impacts, known as the Growth and Development Package (see SCRU 1993).

Two observations about the work concerned with social and economic issues emanating from the Fraser Island Commission of Inquiry can be made. First, in

keeping with experiences elsewhere, the social impact assessment almost completely ignored the question of socio-economic impacts on indigenous people (SCRU 1993). Second, the Growth and Development Package (incorporating the Workers' Special Adjustment Package) which was designed to manage the social impacts of forest use change, and which received a total of \$37.7 million, was focused on redundant workers and businesses (SCRU 1993). It therefore did not deal in a comprehensive way with indigenous issues.

Turning now to the implementation of the Commission's recommendations regarding Aboriginal involvement in management, it is instructive to examine the current plan of management for Fraser Island and the Great Sandy Region (GQ 1997). The first point to note is that there is no land within the region is recognised as being owned by Aboriginal people (GQ 1997, 18). Second, the institutional arrangements for management of the area provide no formal or official role for indigenous people, other than one indigenous representative on an advisory committee (GQ 1997). The Commission's recommendations for an Aboriginal Land Management Trust and for indigenous representation on the Board of Management of the new park (see CICMUFGRS 1991a, 99) were not implemented and are not recognised in the management plan. Legislative change mooted in the current management plan, does not include providing a role for indigenous people (GQ 1997, 23). The plan does however seek to ensure "meaningful involvement of Aboriginal people in management" and promises that "involvement in management of the Region will be negotiated with Aboriginal groups who have traditional affiliation or historical association with the region" (GQ 1997, 43). No detail as to how or when this is to proceed, and what role indigenous people will be provided with institutionally, is provided.

Third, the management plan commits the Government to Aboriginal employment, Aboriginal involvement in cultural heritage management and to encouraging Aboriginal involvement in tourism (GQ 1997). These are all recommendations that the Inquiry made in 1991 (see CICMUFGRS 1991a, 99) and the plan merely (re-) states these as commitments, provides no detail and, indeed, cannot report on any progress toward these objectives established nearly a decade ago (see GQ1997, 43-44).



To summarise, important post-Inquiry decision-making, relating to the social impacts of resource use change, largely failed to ensure adequate consideration of indigenous interests. In addition, many of the recommendations of the Inquiry in relation to Aboriginal involvement in land and resource management have not been implemented. While some of the recommendations relating to employment and other economic opportunities are acknowledged in the plan, no details are provided and no progress is reported.

After promising much in the way of recognition of indigenous interests, the failure of successive Queensland Governments to implement key recommendations of the Inquiry, means that little has changed for the traditional owners of the Island.

## **7. Conclusion and Recommendations**

### **7.1 Questions to be answered**

To conclude, let us return to the questions that were central to the conception of this project and that are most relevant to the finalisation of a Regional Forest Agreement.

These questions are:

- (i) What are the social impacts of particular resource uses?
- (ii) How can these social impacts be mitigated or managed?
- (iii) What is the capability of indigenous communities and organisations to participate effectively in the resource management?

Using the literature review together with case analyses; we can provide more definitive answers to each of these questions.

## **7.2 Social impacts of changes in forest use**

The most important negative social impacts of forestry can be summarised thus:

- concern and offense at the perception of damage to culturally significant sites and landscapes;
- a tendency for the regulatory and management regimes which accompany logging to marginalise local Aboriginal people from their country; and
- Aboriginal custodial owners of land regret the loss of control over their land and culturally significant areas.

In relation to the potential positive impacts of forestry, the following conclusions were drawn:

- Aboriginal people have not generally enjoyed significant opportunities for economic participation in forestry;
- Aboriginal employment in forestry in Queensland has rarely been significant;
- there is considerable potential for indigenous communities to accrue considerable benefit from forestry projects through the negotiation of equity partnerships with logging companies/contractors; and
- the development of equity partnerships or joint-management of forestry activities requires (1) recognition of indigenous proprietary interests and (2) providing a framework for the negotiation of such arrangements.

The Wet Tropics and Fraser Island are two cases in which logging activities ceased with minimal social impacts on indigenous peoples in the region. In both cases this was because there was no significant indigenous participation in the industry.

The regulatory regimes established to the conservation of natural environments can have important negative social impacts. These can be summarised thus:

- access to custodial lands can be regulated and restricted; thereby restricting hunting and gathering and other important cultural activities;

- protected area regulation can be an impediment to those Aboriginal groups wishing to return to their custodial lands or to otherwise express their native title rights;
- for many Aboriginal people, the creation of new parks and reserves continues to be a form of dispossession because of the potential for regulation; and
- Aboriginal people who regard themselves as the owners of land can be alienated by a lack of formal recognition of their rights and interests when protected areas are created and managed.

All of these impacts were apparent when the creation of the Wet Tropics WHA was established. Since that time, Aboriginal people have waged a long and frustrating campaign to have their interests recognised and respected in the management of the Wet Tropics WHA. In the Fraser Island case, the Commission of Inquiry that recommended major changes to resource use and management also recommended significant changes to recognition of Aboriginal interests. As we have seen, most of these recommendations have not been implemented. Aboriginal people remain largely peripheral to the management of Fraser Island as a protected area.

The positive social impacts of parks and protected areas are:

- protection of culturally significant landscapes, including flora and fauna; and
- employment of individuals in park management.

Kakadu National Park is recognised internationally as an approach to conservation management that effectively manages the impacts on indigenous communities. The institutional and management arrangements in this park are concerned with minimising the potential negative consequences of conservation and with maximising the positive benefits of the creation of a conservation regime. Park managers at Fraser Island, by contrast, are committed to achieving effective cultural heritage management and employment, but are not able to provide any detail on how these are to be achieved. This is a troubling finding given that the Commission of Inquiry reported to the Government in early 1991 and so many of the other recommendations of the Commission have been implemented.

### **7.3 Managing the impacts on indigenous communities**

In relation to forestry, the most important impact management strategy identified was to seek to enhance indigenous economic benefit from forestry by providing for equity partnerships between indigenous communities and forestry firms. These partnerships might include direct financial returns to the traditional owners, employment and training commitments, and/or agreements in relation to natural and cultural resource management. To enable equity partnerships, Government policy needs to (i) encourage the industry to develop a dialogue with indigenous landowners, and (ii) provide a framework for their negotiation.

In relation to conservation, the most important impact management strategy identified was for areas requiring conservation to be jointly managed by indigenous owners and Government. Joint-management arrangements should be the result of negotiation between Government and indigenous owners and involve (i) a shared approach to natural and cultural resource management, (ii) an agreement in relation to indigenous economic benefit, including employment, and (iii) formal recognition of indigenous proprietary rights and other interests in the area. Kakadu National Park provides one model for achieving this; the Wet Tropics and Fraser Island are two recent Queensland cases in which decision-makers failed to address the issue.

These are, of course, models or prospective strategies that can be used to manage the positive and negative consequences of resource use change. They depend on Government providing an institutional response to the problem of (i) indigenous marginality and (ii) conflict over resource use. While the third question posed relates to effective indigenous participation in resource management, a more pertinent question is 'do institutional responses accord indigenous people a role in resource management?' This is the question to which I now turn.

## **7.4 Indigenous participation in resource management**

The review of the literature on indigenous participation in resource management revealed that there are a number of important obstacles to effective indigenous participation in process of land and resource management. Accordingly, it cannot be assumed that indigenous communities will be able to participate in critical resource management activities or negotiate with resource managers. Co-management arrangements for national parks or equity partnership with private firms involved in commercial forestry are unlikely to emerge without some explicit policy commitment to reconciling the impacts of resource use change. Managing the impacts of changes in forest use will require a policy and programmatic response from Government which (i) formally recognises indigenous rights and interests; (ii) facilitates effective indigenous participation and (iii) provides a framework for negotiation of joint-management of forests (for either conservation or commercial purposes). *There is a need therefore to provide indigenous peoples with an institutional role in land and resource management.*

The Temagami case is particularly relevant here. This case, as we have seen, involved significant conflict between indigenous peoples and a range of stakeholders over a long period of time. The institutional arrangements that were developed to overcome these conflicts *directly involved* indigenous peoples. Instead of a 'commitment to involve' indigenous people, the Ontario Government provided indigenous representatives with an *institutional* role in planning and management of the area. This proved pivotal in (i) addressing indigenous concerns and (ii) resolving the conflict between indigenous peoples and other stakeholders. By contrast, in the Wet Tropics and Fraser Island cases, indigenous peoples have *not* been accorded any institutional role or voice. In the Wet Tropics, a consistent pattern of overlooking Aboriginal interests led to a system that excluded Aboriginal institutional participation. As a consequence, the negative impacts on Aboriginal people were enhanced and the management agency has been embroiled in controversy over recognition of Aboriginal rights since it was established. The Fraser Island case, by contrast, revealed a systematic and concerted concern for understanding indigenous interests during the Inquiry leading to recommendations for recognising

(institutionally) indigenous interests in planning and management. In this case however, these recommendations were not implemented.

In conclusion, managing the social impacts of resource use requires the establishment of an institutional forum or framework for resource management that provides a formal role for indigenous people and which develops *and* implements the programs, policies and strategies for resource management in a manner which is socially equitable. An absence of change to relevant institutional frameworks is unlikely to result in effective impact management or conflict resolution and will not address Aboriginal marginality.

### **7.5 Managing the impacts of changes in forest use on indigenous peoples: the critical path**

Let us review. The range of potential impacts of forest use change on indigenous people are well known and are discernible through research and consultation with Aboriginal people in the region. We also understand best practice responses to these impacts. In addition, we have observed that institutional responses which seek to (i) resolve conflict in the longer term, (ii) provide a role for indigenous people and other stakeholders, and (iii) manage land and resources in this context, is a crucial consideration.

In view of the foregoing, we can identify a critical path for decision-making and policy development that will manage the impacts of changes in forest use on indigenous peoples. Understanding this critical path in its entirety is critical to RFA processes because of the complexity and multiplicity of voices and concerns involved in forest conflicts.

The critical path for managing impacts involves:

- ensuring adequate understanding of indigenous interests through consultation and research (the CRA phase of the RFA);
- ensuring adequate understanding of the implications of various resource management options (the impact assessment phase of the RFA);

- ensuring representation of indigenous interests in the decision-making phase (ESFM and the negotiation of the RFA);
- providing indigenous peoples with an institutional role in management and planning; and
- ensuring that reviews and monitoring of the new regime are concerned with understanding indigenous issues as well as others.

In the three Australian cases described above, concern for indigenous interests failed at one or more of these steps in the path. At Fraser Island, the lapse occurred at the implementation phase, while in the Wet Tropics, the lapse occurred prior to the establishment of the new institutional arrangements. At Kakadu, the problem was more subtle. Here, there was a lapse during implementation that was identified and responded because the institutional system involved monitoring and review.

In the RFA context, concern about the treatment of indigenous interests has been variously expressed by Aboriginal groups and Land Councils. A systemic response to these concerns and the issue more generally would be to review of consideration of indigenous interests up to the decision-making step of the critical path and an unambiguous commitment to an institutional response that provides Aboriginal people with a formal role in management and planning.

## **7.6 Potential mechanisms for managing social impacts**

Research into any area of social policy seeks to answer many of the questions that other areas of social science research addresses. It is concerned with *how* certain events occur, *why* they occur, and with delineating the factors that cause or at least influence these events. Social policy research, such as this, differs from other areas of social inquiry in that it inevitably deals with the question of what might constitute an effective (policy) response. It is therefore concerned with linking certain analyses *to action* (following Friedmann 1987). In so doing, it (just as) inevitably touches on issues of policy and values. This should not make such research biased or uncritical. It merely means that there is an explicit policy question being addressed. To make the reader the intentions of this author absolutely clear, the analyses above and the

suggestions provided below are *explicitly concerned with understanding the impacts of forest change on indigenous people and on how these may be most effectively managed.*

The recommendations are neutral on the question of whether logging should continue in southeast Queensland.

The recommendations are framed in terms of the two most plausible outcomes of the SEQ RFA:

- (i) continuation of logging with minor to modest increases to areas under conservation management; and
- (ii) phasing out of public forest logging and transfer of state forests to conservation tenure or management regime.

### **Scenario # 1 Continuation of forestry with minor additions to conservation estate and gradual increase in logging on private lands**

Possible mechanisms are:

- review and improvement, in active consultation with Aboriginal people, of cultural heritage management and planning practices as a component of forest management (for both public and private lands);
- review and improvement of forest management regimes for public lands to provide for Aboriginal access for cultural and custodial purposes;
- review and improvement, in consultation with Aboriginal people, of cultural heritage planning practices;
- programs to promote Aboriginal training and employment in forestry activities;
- Indigenous Land Use Agreements for all public forests to provide for (i) recognition of Aboriginal rights and interests; (ii) agreements in respect of natural and cultural resource management; and (iii) agreements in relation employment and training and equity partnerships in forest resources. ILUAs should be seen as a mechanism to provide for recognition of indigenous interests; resolution of competing claims and concomitant uncertainty and the provision of a framework



for negotiating arrangements which address the social, cultural economic needs and interests of indigenous communities;

- the forest industry, through the Queensland Timber Board, (i) appoint an indigenous liaison officer; (ii) establish a dialogue with Native Title Representative Bodies (with a view to) (iii) establishing industry standards on Aboriginal employment and training and cultural heritage management;
- social impact assessments be conducted to identify the impacts on indigenous communities of changing the tenure/management status of state forests to conservation areas;
- cultural heritage assessment of privately forested areas to be undertaken as a matter of priority; and
- policies be developed to provide for indigenous access to culturally important places in private forests.

**Scenario # 2 Cessation of forestry on public lands; change to conservation tenure/management of State Forests; accompanied by an increase in logging on private lands**

Possible mechanisms are:

- social impact assessments for all lands to undergo conversion of tenure/management status;
- Indigenous Land Use Agreements for all protected areas providing for (i) recognition of Aboriginal rights and interests; (ii) agreements in respect of natural and cultural resource management; (iii) agreements in relation employment and training and equity partnerships in forest resources; and (iv) formal rights and roles for traditional owners in management and planning;
- cultural heritage assessment of privately forested areas;
- cultural heritage management plans be developed as part of the management cycle associated with private lands logging. These plans should ensure cultural heritage protection and indigenous access to important places; and
- cultural heritage planning practices as an aspect of protected area planning be reviewed in consultation with Aboriginal people.

The subsequent project concerned with the social impacts of forest use changes on indigenous peoples should:

- seek to confirm that the range of possible impacts discerned in this report are likely to apply in the region as a result of re-allocating forest resources and/or identify other impacts;
- consult indigenous people in the region about the character of their concerns; and
- consult indigenous communities about the applicability and support for the range of mechanisms identified in this report as means of managing social impacts.

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