

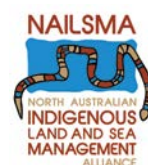


Reimagining Conservation

Working Together for Healthy Country

2-4 November 2022

A collaboration of



Forum partners



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Contents

Acknowledgements	2
Glossary of terms	3
Table of abbreviations	4
Summary	5
Introduction	6
Forum overview	7
Forum outcomes	8
Indigenous Focus Group (day 1)	
What does the term 'conservation' mean for Indigenous communities?	8
What does 'reimagining conservation' look like to Indigenous peoples?	8
What does Indigenous-led whole-of-Country management look like?	9
Key themes and messages (days 2-3)	
Theme 1. A rights-based approach to conservation	10
Theme 2. Valuing culture and recognising Indigenous cultural authority	14
Theme 3. Weaving knowledge systems	17
Theme 4. Equity in managing Country	20
Theme 5. Managing Country together	23
Theme 6. Economic opportunities	26
Next steps	30
Appendices	32
Appendix A: Snapshot of the 3-day program	32
Appendix B. Forum participants	33

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The terms 'Aboriginal and/or Torres Strait Islander', 'Aboriginal', 'Indigenous' and 'First Nations' are used interchangeably throughout this document. Through the use of these terms, we seek to acknowledge and honour diversity, shared knowledge and experiences.

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Disclaimer

The views and opinions expressed in this document are a synthesis of the inputs of many participants and do not necessarily reflect those of the three organisations (NAILSMA, PAC, ACIUCN), other organisations involved, editors, workshop partners, nor individuals who attended the forum. While reasonable efforts have been made to ensure that the contents of this publication are factually correct, the organisations do not accept responsibility for the accuracy or completeness of the contents and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this publication.

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Glossary of terms

Biocultural diversity – Biocultural diversity is considered as biological and cultural diversity and the links between them¹.

Biocultural knowledge – Cultural priorities and traditional ecological knowledge.

Biological diversity – The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems².

Conservation – Defined through a 'western science' lens as the maintenance and recovery of ecosystems and natural habitats and viable populations of species in their natural surroundings, as well as components of biological diversity outside their natural habitats³. Norms enshrined by conservation include that biodiversity and ecological complexity are good and should be fostered.

Country – Country refers to more than the physical land, waterways and seas; it includes all living things on the land and in the seas, and it also includes the connected language, knowledge, cultural practice and responsibilities⁴.

Cultural capability and competence

– The ability to work respectfully and effectively in or with another culture, in this case Australia's Indigenous culture. Competence includes demonstrated ability to follow cultural protocols and apply internationally agreed principles such as Free Prior and Informed Consent (FPIC) and Indigenous Cultural Intellectual Property (ICIP). Cultural capability may include self-awareness, knowledge and understanding of relevant Indigenous culture, laws and protocols, and an ability to engage and communicate respectfully and effectively.⁵

Indigenous peoples – Aboriginal and Torres Strait Islander people are the first peoples of Australia – they are not one group but comprise hundreds of groups that have their own distinct set of languages, histories and cultural traditions. Various terms are used interchangeably in this report, namely Indigenous, Aboriginal and Torres Strait Islander, Aboriginal, and First Nations.

Free, Prior and Informed Consent (FPIC) – FPIC is a specific right in the *United Nations Declaration on the Rights of Indigenous Peoples*⁶ to consent, on a free and informed basis, to developments that affect them and their Country. The consent must be given voluntarily without coercion, intimidation or manipulation. It is defined further in this report under Theme 1.

Indigenous Cultural and Intellectual Protocols (ICIP)

– Based on the right to self-determination, ICIP are Indigenous people's rights to their heritage and culture. Heritage includes all aspects of cultural practices, traditional knowledge, and resources and knowledge systems developed by Indigenous people as part of their Indigenous identity. ICIP rights are based in customary laws which are not currently recognised by the Australian legal system.⁷

Indigenous culture – That which is woven together from customs, ceremony, learning, testing, adapting, and respect for the environment.

Indigenous data sovereignty – The right of Indigenous peoples to govern the collection, ownership and application of data about Indigenous communities, peoples, lands, and resources⁸.

Indigenous or traditional knowledge – The beliefs and understandings acquired through long-term association with a place. It is knowledge based on the social, physical and spiritual understandings which have informed survival and contributed to a sense of being in the world.

Indigenous science – Can be defined as a systematically organised body of holistic knowledge embedded in culture and Country. Indigenous science is the process by which Indigenous peoples build their empirical knowledge of their natural environment.

1 [Glossary of relevant key terms and concepts within the context of article 8\(J\) and related provisions \(UNEP Convention on Biological Diversity, 2018\) \[PDF\]](#)

2 [Article 2. Use of terms \(Convention on Biological Diversity\) \[webpage\]](#)

3 [Article 2. Use of terms \(Convention on Biological Diversity\) \[webpage\]](#)

4 [Australia State of the Environment 2021 'Indigenous' chapter \(Australian Government 2021\) \[PDF\]](#)

5 [AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research \(AIATSIS 2020\) \[PDF\]](#)

6 [UN Declaration on the Rights of Indigenous Peoples \(adopted in 2007\) \[webpage\]](#)

7 [Rights to Culture: Indigenous Cultural and Intellectual Property \(ICIP\) Copyright and Protocols \(Kerry Janke and Company\) \[webpage\]](#)

8 [Delivering Indigenous Data Sovereignty \(AIATSIS\) \[webpage\]](#)

Prescribed Body Corporate –

The *Native Title Act 1993 (Cth)* states that when a native title determination is made, native title holders must establish a corporation called a Prescribed Bodies Corporate (PBC) to manage and protect their native title rights and interests. These corporations are called 'prescribed bodies' because they have certain prescribed obligations under the Native Title Act.

Right-way science – The Traditional Owner (TO) right-way approach is based on listening, reciprocity, respect and learning. 'Right-way science' describes the process of western scientists working together with Aboriginal partners. This is preferred over the term 'two-way science' which suggests there are only two ways or that there must always be two ways. An alternative term used is 'cross-cultural' science.⁹

Self-determination –

The fundamental right of people to shape, and make decisions about, their own lives, including political arrangements, and cultural, social and economic development.

Traditional Owner (TO) and Traditional Custodian –

People of Aboriginal and Torres Strait Islander descent who have spiritual or cultural affiliations with a site or area, or are holders of native title with that site or area, and are entitled to undertake activities under custom or tradition. 'Custodian' better reflects the responsibility and process of looking after the land.

Western science – Can be defined as the pursuit and application of knowledge and understanding of the natural and social world following a systematic methodology based on evidence. That is, the system of knowledge that relies on certain laws established through the scientific method, that begins with an observation followed by a prediction or hypothesis which is then tested.

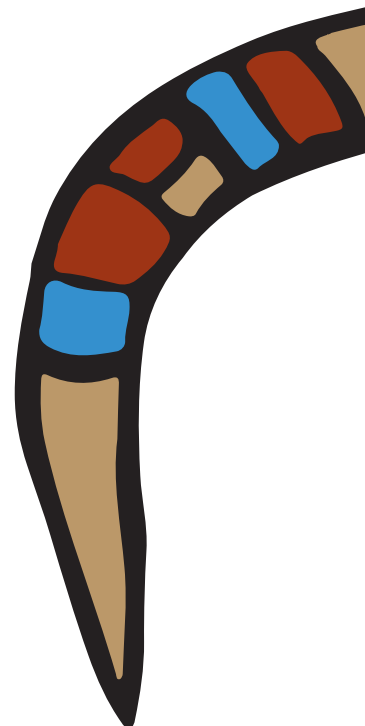


Table of abbreviations

Abbreviation	Meaning
ACIUCN	Australian Committee of International Union for Conservation of Nature
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
FPIC	Free Prior and Informed Consent
ICIP	Indigenous Cultural and Intellectual Property
IUCN	International Union for Conservation of Nature
NAILSMA	North Australian Indigenous Land and Sea Management Alliance
NPWS	NSW National Parks and Wildlife Service
PAC	Protected Areas Collaboration for Learning and Research
TO	Traditional Owner

⁹ What is 'right-way' science? (Bush Heritage Australia) [webpage]



Summary

The first Reimagining Conservation Forum – Working Together for Healthy Country was held in Meanjin / Brisbane on Yuggerah and Turrbal Country in 2022. This forum was jointly convened by the North Australian Indigenous Land and Sea Management Alliance Ltd (NAILSMA), Australian Committee of International Union for Conservation of Nature (ACIUCN) and Protected Areas Collaboration (PAC).

Over 100 people from across Australia came together to reimagine how we manage our land and sea Country. People shared generously from the heart and delved into what's working and what's not. The forum was designed to ensure that Indigenous voices were emphasised, providing an opportunity for everyone to listen and learn about where change is needed.

An Indigenous-only workshop on the first day gave the opportunity for open and safe discussion about aspirations, common themes and challenges for reimagining conservation; and to ensure that the main forum agenda for the following days (days 2 and 3) captured these discussions. Feedback from Indigenous participants was that they welcomed the opportunity to meet together before all participants joined on Day 2, and agreed that this enhanced Indigenous voices and participation throughout the forum, including the strength and stance of Indigenous youth. We plan to incorporate this format into future forums.

Three over-riding questions were addressed during the forum: What needs to change? What have we learnt about what's working and what's not working in terms of co-management? What do we need to do differently? Six key themes emerged:

- A rights-based approach to conservation
- Valuing culture and recognising Indigenous cultural authority
- Weaving knowledge systems
- Equity in managing Country
- Managing Country together
- Economic opportunities.

Across these themes were several clear priorities for reimagining conservation in Australia:

- Non-Indigenous Australians need to build **cultural competence** to work respectfully and effectively with Indigenous peoples.
- There is a need to **look after people** who look after Country, that is, land management programs should address socio-economic and cultural needs as well as conservation outcomes.
- All partners must recognise that **relationships are built on trust** – and this means recognising and respecting cultural authority and protocols.
- **Language** is critical – both in terms of reviving and caring for Indigenous languages but also avoiding language that perpetuates attitudes and practices of colonisation.
- **Inequities** in funding, capacity and support for land management are barriers to Indigenous peoples managing their own Country.
- **Self-determination** for Indigenous peoples is key.

'Reimagining conservation' is a big topic. The forum revealed fundamental differences in language and understanding, as highlighted in this report. To Indigenous people, looking after Country is holistic and ultimately means that they are in control of managing their Country. Participants shared that this includes, but is not limited to, health of Country and people, connection, livelihoods, cultural obligations, traditional knowledge, songlines and stories, partnerships, and joint management arrangements. Collaborative partnerships must ensure that Indigenous people have the power to make decisions and set the direction for management strategies and implementation for their Country. An important role for non-Indigenous partners is to ensure appropriate governance mechanisms are in place to support Indigenous leadership and direction. As such, the lack of cultural competency of non-Indigenous people was identified throughout the forum as working against Indigenous aspirations for managing Country and is captured throughout this report.

In opening a space to reimagine conservation, we hope to provide a framework for continuous cross-cultural discourse, supporting dialogues across differing world views and belief systems.

It is recognised that there are challenges and contradictions between conservation and Indigenous peoples' views and practices. 'Cultural' and 'conservation' objectives will not always align. Navigating a shared approach towards managing Country will need to be based on mutual respect, shared decision-making, and the inclusion of both Indigenous and 'western' science.

Introduction

The Reimagining Conservation – Working Together for Healthy Country forum was held over three days in November 2022, on Yuggerah and Turrbal Country in Meanjin / Brisbane, Australia. The forum was organised by the following organisations:

- North Australian Land and Sea Management Alliance (NAILSMA)
- Australian Committee of International Union for Conservation of Nature (ACIUCN)
- Protected Areas Collaboration for Learning and Research (PAC).

NAILSMA is currently the only Australian Indigenous Peoples Organisation member of the International Union for Conservation of Nature (IUCN) and the ACIUCN, and plays a leading role in supporting Indigenous leadership across the land and sea management and conservation sector.

It is widely recognised that transformative change is needed to counter climate change, injustice, and loss of the planet's species and ecosystems. There is also increasing recognition that Indigenous knowledge and leadership are essential to meet the environmental challenges we face. While Indigenous peoples make up 5% of the world's population, they steward, manage, and protect over 80% of Earth's biodiversity, meaning Indigenous leadership is no longer negotiable. A recommendation from the 2019 ACIUCN Healthy People in a Healthy Environment forum¹⁰ was that Indigenous knowledge and understanding should be embedded in conservation policy and practice. That recommendation has been taken forward in this 2022 forum, which provided an opportunity for Indigenous people to come together with non-Indigenous

conservationists, scientists, and protected area managers to talk about the 'right' way to manage land and sea Country.

The forum welcomed 110 people from across Australia, with equal numbers of Indigenous and non-Indigenous people. Indigenous voices were amplified, enabling those present to listen and learn from people who shared generously from the heart. Participants came from a diverse range of organisations, including Traditional Owner (TO) corporations; Indigenous organisations; federal, state and regional government; non-government; not-for-profit; private and philanthropy.

In the opening address the Honourable Linda Burney MP, Minister for Indigenous Australians, noted how 'we are so lucky to live in a country with the world's oldest living culture, with over 60,000 years of knowledge. The work being done in Aboriginal land management is just one example of how our nation can be made so much better when we wholeheartedly embrace Indigenous culture and work together to build a better future.'

NAILSMA CEO Ricky Archer made the point that 'Indigenous people can expect more from conservationists' and that 'this forum puts people on notice that we want change and to work in partnership with many in the room. Reconciliation is more than words, it takes actions. We need to be brave to make change. Everyone in the forum is invited to get up, stand up and show up, as part of the reconciliation journey. The time is right to move forward together.'

Cissy Gore-Birch (Balanggarra Aboriginal Corporation and Forum Facilitator) noted the importance of the forum: 'There are challenging conversations to be had and Aboriginal people are interested in engaging more deeply – but there are frustrations about not having enough Aboriginal people in the room when these conservation issues are discussed. Indigenous people make up less than 4% of Australia's population but have formally recognised rights and interests across more than 50% of Australia's land mass and need allies who value Indigenous people. That is why we have organised this forum. We need an ongoing national forum like this one that brings Indigenous and non-Indigenous people together to discuss land management and build allies for the small percentage of Indigenous people in Australia.'

10 [Healthy People in a Healthy Environment: Executive summary \(ACIUCN 2019\) \[PDF\]](#).

Forum overview

The forum had three main aims:

1. Discuss what 'reimagining conservation' means to Indigenous and non-Indigenous Australians.
2. Hear and amplify the voices of Indigenous people about where management of cultural landscapes is working well, and what needs to change, based on cultural values and 'western' science.
3. Reflect on current policy and program settings to understand what is working and where change is needed.

The three-day forum was designed to encourage honest conversation about what's working and what's not working in managing Country together for environmental and cultural outcomes. Panels addressed current policy and programs, including the Indigenous Ranger Program, reimagining environmental governance and institutions, opportunities, and obstacles, and what needs to change (see Appendix A for program snapshot).

The first day was dedicated to an Indigenous-only focus group of 40 participants. This day was about sharing concerns and ensuring voices were heard. Feedback indicated that this focus group gave people more confidence to speak up in the

sessions on the following days. The outcomes of the Indigenous focus group (detailed below) provided the foundation for the following two days.

On days 2 and 3, all 110 participants (see Appendix B) came together for panels and small group discussions. The key themes and messages that emerged from the panels are described below.



Forum outcomes

Indigenous focus group

'We are here to speak truthfully, to have hard honest conversations',

Cissy Gore-Birch, Forum Facilitator.

The approach to having a dedicated Indigenous-only focus group on Day 1 of the forum was welcomed by participants. It enabled people to share concerns, ensure their voices were heard, and build confidence in speaking up in sessions on following days. The three key questions that the Indigenous focus group participants were asked to reflect on, and their responses are outlined here.

What does the term 'conservation' mean for Indigenous communities?

- Bureaucracy managing Indigenous cultural landscape and assets.
- It's our culture and spirituality, not 'conservation'. Aspiring for the same outcomes.
- We are being locked out. There is a perception that conservation is about locking up protected areas from the use and participation of TOs.
- Colonisation occurs now in bureaucracy.

- Government for the past 50 years has been trying to emulate how to care for Country and now they (government and non-Indigenous conservationists) want our knowledge to fix what they have ruined (Country). Government needs to allow us to lead 'conservation' and land management with more than 40,000 years of knowledge of Country.

What does 'reimagining conservation' look like to Indigenous peoples?

- Redefining 'conservation' is a simple equation:
 - Natural and Cultural Values = One Cultural Landscape.
- Managing our Country as a cultural landscape, not siloed into water, land, sea, animals and impacts.
- More control over our waterways and say on water management.
- Re-establishing lore within Country.
- Using cultural knowledge and practices holistically, to adapt and repair Country based on community, family and kinship obligations for cultural and ecological wellness.
- Blending of cultural knowledge and western conservation science (utilising 40,000 years' worth of Country knowledges).
- Cultural indicators form the basis of management outcomes. They may not differ from other indicators that define management of Country.
- Conservation supports the intangible, languages, reconnection to songlines, cultural health indicators, cultural land management practices.
- Napatji Napatji – I GIVE, YOU GIVE (Country owns us, we don't own Country).
- Land Rights Not Native Title Rights.
- Giving Country a spell from productivity, from being a commodity.
- Using cultural experience as a business, a form of income generation.
- Strong Connection to Country, Access to Country.
- Using projects and programs to reconnect extended mob to culture and Country (not just rangers and identified positions).
- Opportunities for Elders and youth and incarcerated mob to access, and heal, on Country.
- Indigenous communities benefiting – renegotiating cultural assets, returning to community.
- Participation in recruitment processes, agreements, and financial delegation.
- Housing – better living conditions, involvement in designing houses to better suit environment, mob, Country.

What does Indigenous-led whole-of-Country management look like?

- Flexible, not rigid
- Responsive
- Connectedness
- 'Holistic' nature of Country
- Relationship of reciprocity
- One living universe
- People (Great Grandmother – Mother – Me)
- We utilise for a purpose, for example, medicine
- Sustainable economic model – reverse economic model – means to an end
- Enhance, reinvent, restorative
- For the next (future) generation
- Sustainability
- Intergenerational equity
- Eco-centric not ego-centric
- Observe and interact
- Exchange knowledge, culture, and kin; for example, we have mala, we exchange your bilby and it does your Country good in moving soil, telling story, passing on knowledge.
- Rangers are not the only roles, we need other specific and defined skills. Managers, researchers, and other relevant positions.

Reimagining Conservation – key themes and messages

Six key themes emerged from the forum panels, discussions, and workshops throughout days 2 and 3 of the forum:



For each theme, the following section addresses context, what success looks like, what the challenges are, and what needs to change.

Reimagining conservation in Australia begins with a rights-based approach to conservation.

Theme 1.

A rights-based approach to conservation

'A human rights-based approach to conservation and sustainable use of biodiversity is regarded, both in legal instruments and best practices, as a necessary condition for stopping biodiversity loss and degradation in an equitable and sustained manner. It is an essential enabling condition for the resilience of systems of life, good health, and the use, management, restoration, and conservation of natural resources.'¹¹

Current context

In Australia, some rights of Indigenous people were extinguished by the false narrative of *terra nullius* during colonisation from 1788. Colonisation significantly diminished Indigenous culture and the health of people and Country, through massacres, dispossession, subjugation, disease, development, pollution and introduced species.

Aboriginal and Torres Strait Islander peoples were not recognised as citizens of Australia until 1967. While Aboriginal land rights legislation

was first introduced in the Northern Territory in 1976, native title rights were not recognised until 1992 when *terra nullius* was overturned by the High Court's Mabo decision.

Australia is now a signatory to many international agreements, declarations and programs that recognise and promote the rights of Indigenous peoples. These include:

- The *United Nations Declaration on the Rights of Indigenous People*¹², which addresses both individual and collective rights; cultural rights and identity; and rights to education, health, employment, and language.
- The *Convention on Biological Diversity*¹³, which is dedicated to conservation of biodiversity, sustainable use of resources, and the fair and equitable sharing of the benefits arising from the use of genetic resources. While Australia is not yet a party to the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation*¹⁴ (called the Nagoya Protocol), legislation at federal and state levels aligns with these obligations.

Indigenous peoples in Australia are joining global calls for these protocols to be applied to conservation¹⁵. A human rights-based approach to conservation should ensure fundamental services such as housing, culturally safe education, health, and employment, are

delivered to Indigenous peoples and that they are respected and included in decision-making processes. Indigenous peoples have the right to be fully engaged in any processes, projects and activities that may impact them.

The Nagoya Protocol is not fully implemented in Australia and there is a need to improve fair and equitable sharing of conservation benefits with Indigenous peoples. A particularly stark example of this is seen at Uluru where natural sites are marketed for their cultural values, with benefits flowing to many businesses and government agencies while local Aboriginal people continue to live in poverty.

The *Kunming-Montreal Global Biodiversity Framework*, agreed in December 2022 through the *Convention on Biological Diversity*, and signed by 192 countries including Australia, sets the global agenda for conservation to 2030 with four goals and 23 targets, many of which include strong elements of recognising and respecting Indigenous rights, knowledge and customary use¹⁶.

In August 2023, the IUCN partnered with IUCN Indigenous Peoples Organisations and the International Indigenous Forum on Biodiversity to develop a new Indigenous-led initiative, the Podong Initiative, to recognise and support Indigenous peoples and ensure their full and effective leadership in the conservation of biodiversity.

11 [Implementing a human-rights based approach \(Human Rights in Biodiversity Working Group\) \[PDF\]](#).

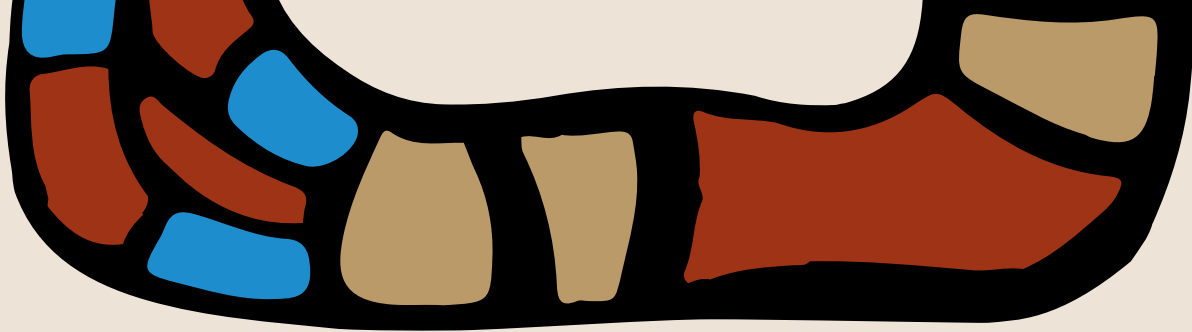
12 [UN Declaration on the Rights of Indigenous Peoples \(adopted in 2007\) \[webpage\]](#).

13 [The Convention on Biological Diversity \[webpage\]](#).

14 [Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation \(Convention on Biological Diversity\) \[webpage\]](#).

15 [Implementing a human-rights based approach \(Human Rights in Biodiversity Working Group\) \[PDF\]](#).

16 [Kunming-Montreal Global Biodiversity Framework \(Convention on Biological Diversity\) \[webpage\]](#).



The Australian Government has begun implementing changes in environmental legislation, policy and reporting to support Indigenous rights. This includes:

- Commitment to implement the recommendations from the recent review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)¹⁷.
- Introducing Indigenous Cultural and Intellectual Property (ICIP) legislation to protect the cultural knowledge of Indigenous peoples.
- Ensuring the *Australia State of the Environment 2021* report¹⁸ was co-authored by Indigenous experts. The inclusion of Indigenous knowledge was based on ICIP principles for putting self-determination into practice.

Some Australian states are incorporating Indigenous knowledge and perspectives in their state of the environment reports, for example, in New South Wales¹⁹.

What is success?

- For Indigenous peoples, success is:
 - being recognised and respected as the rightful custodians of Country and able to access Country and care for Country how they choose. Indigenous people are able to meet cultural obligations and responsibilities and keep culture alive within their community
 - being respected in decisions about Country and culture

and having choices about their social, cultural and economic needs

- holding executive and decision-making roles
- sharing in the benefits that come from healthy Country and culture, including significantly better health outcomes for individuals and communities spending more time on Country.
- Another sign of success is that biodiversity policies, governance and management amplify and reinforce the rights and interests of Indigenous peoples, and at an absolute minimum do not violate the rights of Indigenous peoples. Further, the rights of Country and Indigenous peoples form the basis of conservation policy and practice.

What are the challenges?

'Can't talk about conservation without first talking about housing, poverty and lack of self-determination.'

- Cultural, social, and economic outcomes are not prioritised in conservation programs.
- Achieving a rights-based approach for conservation requires changes in many other fields such as justice, financing, and leadership.

- Even where Indigenous rights are recognised, for example native title, this has not yet resulted in economic equality, economic justice, or rights-based approaches for caring for Country.
- Changes to systems or application of existing rights-based approaches depends on cultural awareness and competency of non-Indigenous practitioners and decision-makers. However, the current level of cultural competency in non-Indigenous people in these roles is generally low. This presents a real challenge to success and leads to the current situation where governments and conservation organisations centralise biodiversity in planning and continue to separate nature and culture.
 - The 2022 *Kunming-Montreal Global Biodiversity Framework* has the potential to reset the way culture and Indigenous peoples are recognised in conservation. However, the framework will largely be implemented by and spoken about by non-Indigenous people. The IUCN is a key organisation driving these policies and programs, yet only 30 of its more than 1,400 members are Indigenous Peoples Organisations, with only one from Australia (i.e. NAILSMA).

17 Samuel (2020) *Independent Review of the EPBC Act – Final Report* [PDF], Department of Agriculture, Water and the Environment, Canberra, October.

18 Cresswell ID, Janke T and Johnston EL (2021) *Australia State of the Environment 2021: overview* [PDF], independent report to the Australian Government Minister for the Environment, Commonwealth of Australia, Canberra.

19 NSW Environmental Protection Authority (2021) *NSW State of the Environment 2021* [PDF], Sydney.

What needs to change?

'How do we get to have Indigenous people making key decisions? There will be changes to facilitate this, including a rights-based approach. Things need to ramp up. The UN Declaration of Indigenous Rights, treaty rights, Voice to Parliament²⁰, truth-telling – all of these four things are part of the process.'

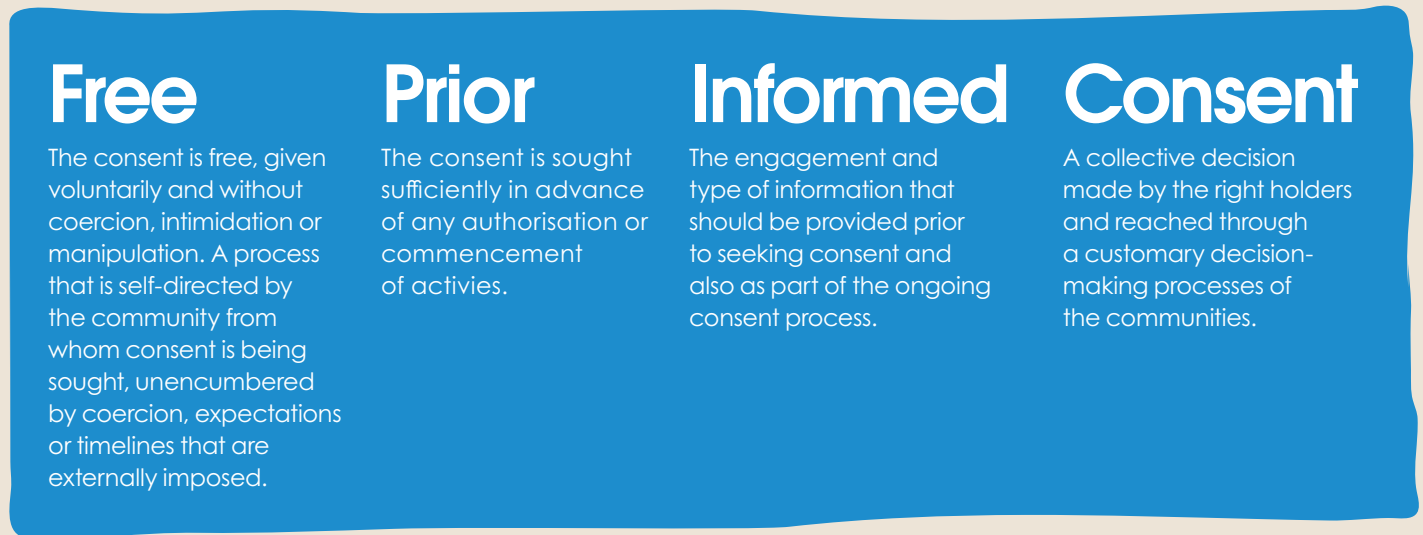
- NAILSMA would like to see more Indigenous Peoples Organisations across Australia and Oceania join up as IUCN members to leverage the benefits and outcomes that global initiatives may bring.

- Progress towards a rights-based approach for conservation in Australia should be supported by treaty rights, Voice to Parliament and truth-telling.
- National and international policies can provide accountability and direction, for example, all resources and investment in land- and sea-based activity (conservation, climate action, research, economic interest) must adhere to the international law including Nagoya Protocol, Free Prior and Informed Consent (FPIC; see Figure 1) and self-determination.
- Without further legal standing, implementation of these policies depends on:
 - Indigenous people understanding their rights and government policy processes and being at the table in decision-making roles when management of their Country is discussed
 - conservationists asking whether they are really acting in the best interests of Country and Indigenous peoples, for example, counting species and keeping people off Country does not result in the best outcome for Country and Indigenous peoples. Conservationists need to reflect on whether the rights of TOs are being integrated into conservation and ask whether they are competing with Indigenous peoples for funding and resources.
- Cultural capability and competence across the conservation sector are key so that non-Indigenous people understand Indigenous culture and expand their understanding of what it can offer beyond practices such as cultural burning. Non-Indigenous people working in conservation need to ensure they have the cultural competence to follow the protocols of the community they are working with, and this includes being aware of, and applying, principles of FPIC and ICIP.



²⁰ The Voice to Parliament was not supported in the 2023 referendum. A mechanism for Indigenous voices to be heard by the Australian parliament is part of the change needed to reimagine conservation.

Figure 1 Free Prior and Informed Consent (FPIC)²¹



²¹ [Indigenous Peoples Free, Prior and Informed Consent \(Food and Agricultural Organization of the United Nations\) \[webpage\]](#). (Adapted from Food and Agricultural Organization of the United Nations)



Theme 2.

Valuing culture and recognising Indigenous cultural authority

'The way you think about your family is the best way to think about Country.'

Current context

For Indigenous peoples, culture is inseparable from Country. The majority of conservation programs in Australia are led by non-Indigenous people, agencies and organisations using western land management approaches and priorities. Indigenous peoples want to manage their Country their way but recognise the need to work in partnership. However, the systems that provide for joint or 'sole' management and the (western) laws and policies designed to empower Indigenous peoples in caring for Country, often fail Indigenous peoples. The 2020 independent review of the EPBC Act²² recognised that the Act was failing to fully recognise and respect cultural priorities, cultural protocols, TO authority in managing their Country, or to value Indigenous knowledge. The review noted deficiencies regarding the rights of Indigenous peoples in decision-making and protection of cultural heritage due in part to a culture of tokenism and symbolism.

Cultural competence of non-Indigenous partners is important for respectful and effective partnerships. Cultural competence also means recognising that cultural governance mechanisms may differ in different places and can only be determined by local Indigenous people.

What is success?

'If people are working for culture, how can they do wrong by conservation?'

For Indigenous peoples, a return to first principles where culture is valued and cultural authority is recognised, would mean that conservation programs and approaches need to:

- Define success through an Indigenous lens.
- Recognise cultural landscapes and redefine 'conservation' whereby biocultural knowledge and values are the basis for managing Country.
- Be based on:
 - re-establishing cultural protocols, including respect for cultural authority
 - Traditional Custodians reclaiming cultural governance and lore, allowing for relearning of cultural practices, and taking it back to Elders and applying it to Country.
- Bring language back to Country to describe connection to and knowledge of Country.
- Ensure partnerships between Indigenous and non-Indigenous people:
 - are built on listening, respect, equity and honesty
 - recognise shared knowledge as a gift
- support Indigenous peoples to undertake their cultural obligations to care for Country
- are properly resourced to fund Indigenous needs and priorities, their full participation in partnership arrangements, and to fund cultural and ecological outcomes equally
- result in tangible benefits to the community.
- See non-Indigenous peoples, agencies, and organisations:
 - being resilient and committed to long-term relationships, and invited back to work with communities
 - having respect for and trusting in self-determination, for example, trusting that cultural burning won't cause harm.
- Enable Indigenous peoples to realise the opportunity to contribute to improved environmental and cultural outcomes on lands and waters at regional scales, not just looking on lands and waters they own or manage directly.
- See native title determinations recognise TO rights to access, use and protect public land in accordance with traditional law and custom.

22 Samuel (2020) *Independent Review of the EPBC Act – Final Report* [PDF], Department of Agriculture, Water and the Environment, Canberra, October.

What are the challenges?

Due to fundamental differences in perspectives and priorities between 'white-fella western systems' and Indigenous cultural governance and ways of caring for Country, it is difficult to bring the two systems together. For example:

- Business or government funding and delivery cycles often don't suit Indigenous communities or Country.
- Tension is caused by a sense of urgency to be 'first' to claim relevancy in western conservation projects, while also honouring the time it takes for authentic participation and leadership.
- Western systems of conservation:
 - prioritise abundance and distribution of species, especially threatened species, rather than conserving at the landscape-scale and recognising totemic species
 - don't recognise that practising culture is part of caring for Country and therefore central to conservation outcomes.

What needs to change

'You have to feel it in the heart not the head. White people need to understand with their hearts to feel Country.'

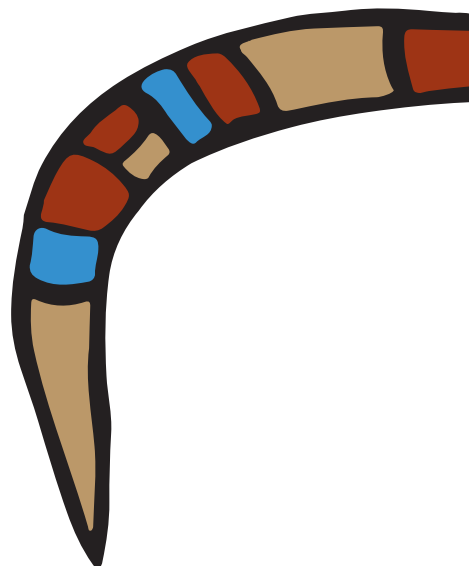
To ensure cross-cultural partnerships or programs are effective and achieve both conservation and cultural goals, conservation programs must:

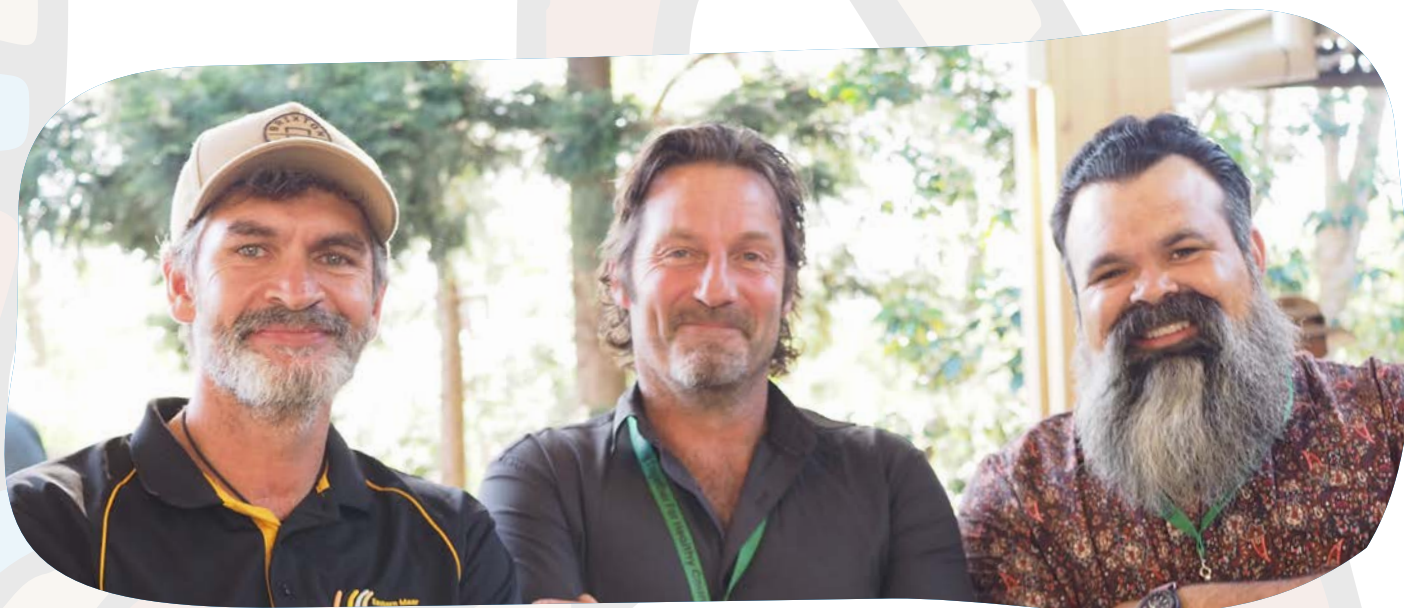
- Understand and acknowledge existing community executive structures and community decision-making processes.
- Ensure the timing of conservation programs suits Indigenous partners, not just government or business cycles.
- Prioritise cultural and ecological outcomes, including language revival.

The forum identified specific recommendations for non-Indigenous people, agencies and organisations, namely to:

- Listen, respect and ask Indigenous people before they act to ensure their actions are in the best interests of Country and benefit Indigenous people and communities.
- Commit to an Indigenous voice in everything and not speak for Indigenous people ('nothing about us without us'). Aboriginal people need to be present when conservation issues are discussed.

- Look inward and review their constitutions, culture, board and staff composition, strategies and policies to ensure they have strong foundations to work respectfully with Indigenous peoples.
- Get out on Country with Indigenous people, while being honest, transparent and clear who you are and what your role is before going out on Country.





Case study: Conservation covenants and Indigenous partnerships

A conservation covenant is a voluntary, permanent, legally binding agreement that a private landowner can enter into with a covenanting body to create a privately protected area that can form part of the National Reserve System. Each state and territory has its own conservation covenanting regime.

What is the role of a conservation covenanting body in ensuring it is working in the best interests of Indigenous communities?

This is an evolving role for conservation covenanting bodies that operate mainly on private land. Examples from Trust for Nature (Victoria) include facilitating a land management course for Aboriginal Victorians, and a recent announcement to transfer two conservation reserves to registered Aboriginal parties, which will continue to be part of the National Reserve System. Covenanting bodies are also well-placed to broker access to private land for TOs to practice caring for Country.

How could conservation covenants be adapted to accommodate dual outcomes of conservation (protected areas) and Indigenous-led management of Country?

Owning land subject to a conservation covenant may not be appropriate or acceptable to all TOs and key considerations may include:

- Respecting the cultural authority of TOs within the covenant's terms.
- Where and how could Indigenous science be incorporated into the covenant terms? Do conservation covenanting bodies need in-house Indigenous scientists?
- Where is the funding coming from for long-term financial support for managing the privately protected areas? What are the types of economies permitted/restricted by the covenant?
- Ensuring these matters are negotiated fairly with external legal advisors and acknowledged within the conservation covenant.

Prepared by forum participant Sarah Brugler, PhD Candidate, Faculty of Law, University of Tasmania.

Theme 3.

Weaving knowledge systems

'We want the opportunity for Indigenous-led research and self-determination ... Our environment will be strong if we care for Country. We will be strong, if we care for Country. Country is our mother; we will never give up on her. It is not too late.'²³

Current context

Conservation of Australian species, habitats, waterways and landscapes still prioritises western scientific methods and conservation models. Indigenous knowledge-holders are generally not regarded as experts, and their knowledge is not used as evidence or in decision-making. Non-Indigenous people think Indigenous knowledge needs to be 'validated' by western science.

Lack of recognition of Indigenous data sovereignty raises concerns about the conduct of research – by and for whom? Indigenous cultural knowledge is often used without permission or proper protocols, and is used and appropriated under western science.

The Australian Institute of Aboriginal and Torres Strait Islander Studies' *AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research*²⁴ sets national standards for the ethical and responsible conduct of all research undertaken by, with and about them. It is for use by those undertaking research, reviewing research or funding research, including individuals, universities, governments, industry and community organisations.

What is success?

'Our culture is the science.'

'All partners contribute a thread that builds a bigger picture – weaving a mat based on cultural heritage management that we can all sit on together.'

- The term 'Indigenous science' being used to recognise cultural ways of observing, testing and producing evidence.

- The evidence produced through cultural knowledge would be respected for its own integrity and principles in how it observes, respects and learns from nature. It would be recognised that Indigenous spirituality, interconnectedness, relatedness to environmental processes, and relationships and practices in nature and culture create a holistic knowledge embedded in culture and Country.
- Indigenous knowledge and science would be recognised as equal status to western science.
- 'Right-way science' principles would be applied where Indigenous knowledge and conservation science are appropriately woven with western science based on FPIC.
- Sovereignty is recognised, with Indigenous knowledge and data protected, respected and cared for through ICIP agreements.
- Co-production of knowledge systems together, such as co-design of collaborative decision-support tools that support biocultural diversity assessments.
- Indigenous-led and Indigenous-controlled – further shared practice is needed to understand what this looks like.

23 [Australia State of the Environment 2021 report, 'Indigenous' chapter \[PDF\], page 10](#)

24 [AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research \(AIATSIS 2020\) \[PDF\]](#)

What are challenges?

'Need to guard against researchers becoming the expert because they have the data.'

- Western scientists need to partner with TOs in scientific data collection, data usage and data translation. This involvement of TOs shifts the power away from western scientists, to be shared.
- Indigenous peoples confront difficulties in protecting their intellectual property while Indigenous knowledge is not recognised as a science equal in status to western science.
- Indigenous knowledge, cultural landscapes and biocultural diversity are not being recognised or respected. For example, the *IUCN Red List of Threatened Species*²⁵ does not include culturally important species.

What needs to change?

'Trusting in 60,000 years of knowledge is a risk that western science needs to take.'

'We need to reimagine conservation science if we are to reimagine conservation.'

- Conservation scientists don't always ask if they can work on Country or if they are welcome on Country, and that must change.
- Scientists need to not only respect Indigenous owners' rights and knowledge and ask permission to conduct research on Country, but also to evolve their approach to the co-design and co-delivery of research. Benefit-sharing is critical – scientists should ask how we get benefit-sharing. Traditional Custodians are not given access to research data when researchers do research on Country. Researchers need to involve TOs in scientific data collection, data usage and data translation – this shifts the power.
- Results of western scientific studies need to be shared with custodians in a timely and understandable way.

- Equity in approaches towards two knowledge systems – how can Indigenous science be recognised as a branch of science on its own and to be of equal status to western science? It is time for a paradigm shift in science, time for another scientific revolution that involves a fundamental change in society's world views and attitudes towards nature, that constitutes a shift in how we relate to the natural world. Re-asserting the legitimacy of the cultural evidence system requires removing misconceptions that there can only be one standard of production of scientific evidence.
- Indigenous people need access to affordable legal advice when negotiating agreements.
- Indigenous people need to be fairly remunerated for their participation in projects and for their knowledge.

²⁵ [The IUCN Red List of Threatened Species \[webpage\]](#).



Knowledge sharing case study: Australia State of the Environment Report 2021²⁶

This report marks a milestone in weaving Indigenous knowledge with conservation science. Indigenous and non-Indigenous people collaborated to create the first holistic assessment of the state of Australia's environment, combining scientific, traditional and local knowledge. 2021 was the first 5-yearly state of the environment report to incorporate Indigenous knowledge – bringing two perspectives and knowledge systems together using a rights-based approach²⁷; and based on respect, protocols, and genuinely working together.

This regular report now provides an important basis and opportunity for ensuring Indigenous values and perspectives are incorporated into and inform our environmental assessments. The 10 steps of the *True Tracks®: a pathway to Indigenous engagement*²⁸ principles were applied for deeper engagement and to ensure knowledge is not appropriated, through recognition of ICIP. Next steps in further development of this process should include:

- Building a reimagined national model of evaluation that includes Indigenous values and knowledge. We need an acceptable national methodology for evaluation across all jurisdictions and programs.
- Going beyond this being a once-every-five-year event, by establishing an ongoing process that works towards preparing the next report, based on a national methodology that can be used across states and territories.
- Funding available for development of Indigenous case studies that are Indigenous-led.

²⁶ [Australia State of the Environment 2021 \[webpage\]](#)

²⁷ [Implementing a human-rights based approach \(Human Rights in Biodiversity Working Group\) \[PDF\]](#)

²⁸ [True Tracks®: a pathway to Indigenous engagement \[webpage\]](#)

Theme 4.

Equity in managing Country

'Pastoral leases are being handed back to Traditional Custodians who are set up to fail with a background of poverty and disadvantage.'

'It's hard to be green when you're in the red.'

Current context

Connection to Country and the rights of Indigenous peoples in Australia to their lands are in the process of being recognised through land rights legislation, the *Native Title Act 1993* (Cth) and partnership agreements. However, inequities remain in systems of governance, funding and resource allocation for land and sea management. These are barriers to Indigenous peoples being successful in managing their own lands.

Indigenous people make up 3.8% of Australia's population²⁹, and own 16% of all land in Australia³⁰. As of April 2020, 1 million km² (14% of Australia) was under exclusive native title possession and 2 million km² (29% of Australia) was under non-exclusive native title that is shared with other land occupiers³¹.

Indigenous protected areas (IPAs) comprise 50% of Australia's National Reserve System³². IPAs are included in Australia's reporting to global agreements including the United Nations Global Biodiversity Framework. However, IPAs receive less funding per hectare than government-gazetted reserves in the National Reserve System.

What is success?

- In successful partnerships, Indigenous peoples have control over decision-making and resources, where all partners recognise they are learning how to work together and where non-Indigenous people understand and respect cultural protocols to enable partnership equity.
- There are now examples of strategic alliances between Aboriginal organisations, private investors, NGOs and government agencies where non-Indigenous people support Indigenous custodial obligations. These partnerships have demonstrated the power of working together.

What are the challenges?

- Indigenous organisations are critically under-resourced for fundraising, land management activities and in developing agreements with governments and NGOs. They also have to compete with well-resourced NGOs for funding and grants to manage Country.
- The lack of equity undermines the ability of political announcements to make a real change for Indigenous communities on the ground. For example, the 2022 announcement to double the number of Indigenous rangers, although laudable, may result in an increase in non-Indigenous people in ranger and coordinator positions because there are not enough Indigenous people with the required skills to fill these positions.
- While the Indigenous Ranger Program was set up to look after the cultural values of Country, the challenges and lack of resources means that rangers are often limited to managing threats, for example, undertaking pest control.

29 Australian Bureau of Statistics (June 2021) *Estimates of Aboriginal and Torres Strait Islander Australians*, ABS website, accessed 11 July 2023.

30 Australian Productivity Commission (2023) *Closing the Gap: Annual data compilation report July 2023* [webpage].

31 Altman J (2022) 'Indigenous Australians and their Lands: Post-capitalist development alternatives', Chapter 13 in S Alexander et al. (eds.), *Post-Capitalist Futures, Alternatives and Futures: Cultures, Practices, Activism and Utopias*, Palgrave Macmillan, Singapore.

32 *Indigenous Protected Areas (IPAs)* (National Indigenous Australians Agency) [webpage].

- There needs to be better alignment across relevant government departments to support Indigenous land and sea management programs. For example, since 2007 the Commonwealth Working on Country program moved from the Department of Environment to the Department of Prime Minister and Cabinet, and then to the National Indigenous Australians Agency.
- Setting up Indigenous organisations such as Prescribed Bodies Corporate is complex under existing systems and rules – applicants need strong legal skills or support to understand the processes and to ensure both parties can negotiate equitably.

What needs to change?

- To be successful, co-management needs equity in funding, skills, capacity, education and self-determination. Indigenous peoples need to be resourced to ensure their voices are strong and heard in existing governance frameworks.
- Changes are needed to ensure:
 - conservation funding is more accessible to Indigenous organisations
 - application processes are not beyond the capacity and resources of applicants
 - there is less competition with NGOs.
- We need to reimagine employment on Country – 'looking after people (rangers) who look after Country'. Indigenous people need access to and capability to do real jobs, receive living wages, and receive training in skills they need to do their job. In some cases this will include literacy and basic computer skills. Indigenous rangers and others need more, sustained and appropriate training opportunities to take up leadership positions, to have more say over their Country and ensure culture is practised on Country. Training needs to be expanded beyond ranger skills to leadership skills, including negotiation skills, conflict resolution, governance, leadership and understanding intellectual property. In addition, Indigenous people need to have access to the full range of jobs that are involved in land and sea management, such as administration and accounting as well as cultural obligations in caring for Country.
- Companies that provide contracted services for land management and conservation should be employing 'local mob' wherever possible.
- IPAs need sustained and adequate funding. To address the inequity between funding of IPAs and of other protected areas, it is proposed that a minimum standard of funding be determined for IPAs before they are included in the area counted towards the 30 by 30 target of the Global Biodiversity Framework (i.e. 30% of Australia in protected areas by 2030)³³.



33 Target 3: 30 per cent of areas are effectively conserved (Convention on Biological Diversity) [webpage].



Case study on equity in managing Country together: Gayini - Nari Nari Country

Gayini is a 90,000-hectare property, now owned and managed by Nari Nari Traditional Custodians. Gayini is the Nari Nari word for water and the property encompasses the largest remaining wetlands in the Murrumbidgee Valley in the lower Murray–Darling Basin and restoring water flows is critical.

The story of how this property was first co-managed and then handed back to the Nari Nari People is a model of listening, funding and partnership that could be replicated in other places.

Gayini was purchased by state and federal governments in 2013 under the Murray–Darling Basin Plan water buyback scheme. In 2018 it was co-managed for conservation and cultural values by a consortium including the Nari Nari Tribal Council, The Nature Conservancy, the Murray–Darling Wetlands Working Group and the University of NSW. Gayini was managed according to a shared vision for conservation and sustainable use – maintaining a productive landscape, using traditional knowledge to restore water flows and protect its ecological and cultural values.

The purchase and handing back of Gayini to Nari Nari People in late 2019 was facilitated by The Nature Conservancy and made possible through co-funding from the Indigenous Land and Sea Corporation and philanthropic foundations. The handback of Gayini allows Traditional Custodians to protect the thousands of cultural sites recorded on the property, share and pass on knowledge about caring for Country, and enables development of sustainable sources of income.

Contributed by Rene Woods, Nari Nari Traditional Owner and Conservation Project Manager, The Nature Conservancy. See [Nari Nari Tribal Council projects \[webpage\]](#)

Theme 5.

Managing Country together

'Institutions need to let go of resistance to letting Traditional Custodians take control of Country.'

Current context

'In 2022, NSW Government announced entire transfer of title of NPWS estate to Traditional Owners over 20 years.'

For Indigenous peoples, taking care of Country is a cultural obligation, a way of connecting with Country, and of ensuring the cultural values of a place are cared for. The motivation for Indigenous peoples to enter into joint management agreements and partnerships include getting access to Country and being able to have a say about how Country should be cared for.

The range of western models for Indigenous peoples to manage Country include informal and formal agreements on public lands (for example joint management of national parks and IPAs); voluntary or binding agreements and covenants on private lands; and Indigenous-controlled or -owned lands, sometimes in partnership with government, donor organisations or private business. Agreements and partnership models vary depending on state and federal government legislation and policies, and on the policies and programs of NGOs.

Many Indigenous peoples see joint management as the first step towards sole management of Country, yet moving from joint to sole management is not progressing fast enough for some Indigenous peoples and is a challenging transition for government agencies. In 2022, NSW National Parks and Wildlife Service commenced a consultation process with Indigenous communities across the state to develop a new joint management model for the entire NSW national park estate³⁴.

What is success?

'Traditional Owners at the wheel controlling their own destiny.'

- From an Indigenous perspective, success depends on:
 - building strong foundations for effective and equitable partnerships
 - recognising cultural authority
 - ensuring programs are supported by sufficient, long-term resources
 - seeing cultural and social outcomes along with conservation outcomes.
- Key ingredients to effective and equitable partnerships include:
 - openness and a willingness to listen
 - the community making their own decisions
 - building cultural competence in non-Indigenous partners
 - ensuring a rights-based approach (as outlined in Theme 1).
- Successful partnerships have occurred where strong, authentic relationships have been established and maintained based on respect. This requires all sides to dedicate the time and effort required to build a strong relationship, to spend time together on Country, and to be open to bringing everyone in who needs to be part of the conversation.
- From an Indigenous perspective, successful models are community-controlled, where Indigenous governance and cultural authority are recognised, respected and enabled. This is very important to ensure cultural protocols are followed and negotiations and agreements are set up with the right people.
- Indigenous people have autonomy in decision-making about their obligations to Country.
- Cultural practices are revived, including Elders leading conservation practice with cultural practice such as hunting for feral animal control.
- Indigenous youth are engaged in conservation.
- Aboriginal inclusion principles in governance frameworks are translated into actions.

34 [Aboriginal joint management model consultation \(Department of Planning and Environment, NSW\) \[webpage\]](#)

What are the challenges?

'Innovation in joint governance arrangements can only move at the speed of trust.'

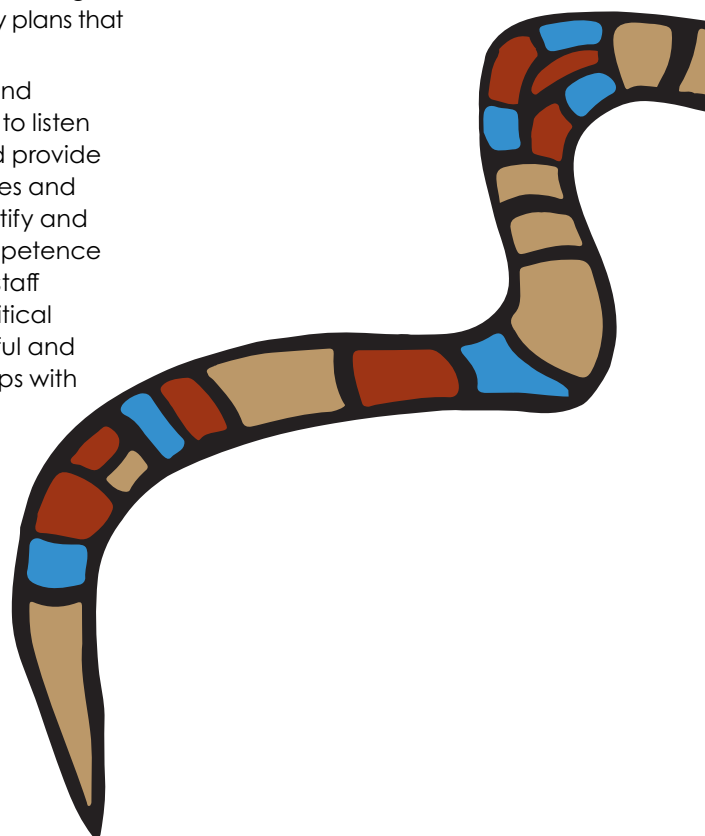
- The cultural obligations of Aboriginal and Torres Strait Islander peoples are more challenging today because of lack of access to Country and the impacts of colonisation on Country, for example, habitat clearing, agriculture and pollution.
- Issues of inequity (see Theme 4), where Indigenous people are not respected as equal partners, hamper the development of effective partnerships.
- Project and business cycles of governments, donors and private business often don't match with timing that suits the community and are too inflexible to take account of changes due to cultural practices and obligations.

What needs to change?

'It should not be a struggle to manage Country – there shouldn't be a struggle for resources.'

- Partners should explore all existing and emerging options for joint or sole management of land with a range of partners to manage Country together. For example, stock routes could be handed back to Indigenous people to better manage Country.
- Successful joint management may require cultural and structural reform in governance, partnerships and land management at every level of government. For example:
 - Indigenous peoples want to create their own strategy or 'prospectus' for managing Country that includes actions, as opposed to commenting on government agency plans that contain 'wish lists'
 - funding agencies and organisations need to listen to communities and provide resources for priorities and programs they identify and ask for cultural competence of non-Indigenous staff and managers is critical to develop respectful and effective partnerships with Indigenous people.

- A unified voice is needed to lead land management conversations, such as an Aboriginal party of Australia which includes a youth and Elder representative from each state and territory.
- Language matters! Indigenous peoples need to control the narrative and use their own language, not colonial words, for working on Country. For example:
 - 'Indigenous Ranger Investments' to better reflect the demonstrated ongoing benefits of Indigenous ranger programs to Indigenous peoples and the broader community.
 - Is 'ranger' the right term for Indigenous people working on Country? For example, in New Zealand they use the term 'River Keepers'.
 - All new land set aside for conservation from now on could be called 'Country' instead of terms such as national park.



Case study: Managing Country together in north Queensland – Olkola Aboriginal Corporation and the Queensland Government

After years of advocacy and government negotiation, Olkola Aboriginal Corporation (OAC) now holds and manages almost 870,000 hectares of its traditional lands, making it one of the largest landholders in the Cape York Peninsula.

This has been achieved through several land hand-backs of parcels of land which has resulted in OAC now managing a substantial area of the Olkola People's Traditional Estate as a single site under a range of tenure arrangements. Freehold land and a pastoral lease are independently managed by OAC. They also partner with Queensland Parks and Wildlife Service to jointly manage Olkola National Park, Alwal National Park and Olkola Regional Park. Olkola National Park is also designated as an IPA.

Management of a large remote area under complex governance arrangements presents challenges including:

- overly complex processes and documentation requirements for the IPA nomination
- the need to work to prevent mining companies gaining access to Olkola lands
- insufficient funding for rangers to undertake the environmental and cultural work that is needed, and finding staff to work in remote areas.

Equally this situation also provides opportunities for OAC. Current caring for Country projects include cultural burning for carbon credits, restoring populations of the totemic and endangered golden-shouldered parrot, reviving Olkola language, and documenting the cultural values and current health of water. Olkola is also creating opportunities for connection to Country, sustainable income and employment through tourism, cattle management and carbon farming. While being under-resourced, Olkola has achieved a level of independence by using carbon farming to self-fund most of the important elements of managing this extensive area of land.

Contributed by Debbie Symonds, CEO, [Olkola Aboriginal Corporation](#)



Theme 6.

Economic opportunities

**'In caring for Country,
we are carbon farmers.'**

Current context

New markets based on carbon, biodiversity and native produce bring new challenges and opportunities for Indigenous peoples (including risks to Indigenous estates and interests presented by some large-scale carbon and biodiversity project developments). Indigenous peoples are realising the benefits of economic markets that value the health of Country and investment in cultural practices. Initially a water market was developed, then a carbon market, and now a nature/biodiversity market. The Nature Repair Market Bill was announced by the Australian Government in early 2023, with the purpose of bringing new investment into the Australian landscape, including the private sector.

Carbon markets are connected to culture through cultural burning, such as savanna burning to reduce carbon emissions and earn cultural fire credits. The Indigenous Carbon Industry Network³⁵ is a new fully Indigenous not-for-profit membership organisation for Indigenous carbon project operators. The network promotes and facilitates an active, innovative and Indigenous-led carbon industry supporting healthy Country and better livelihoods for Indigenous people.

What is success?

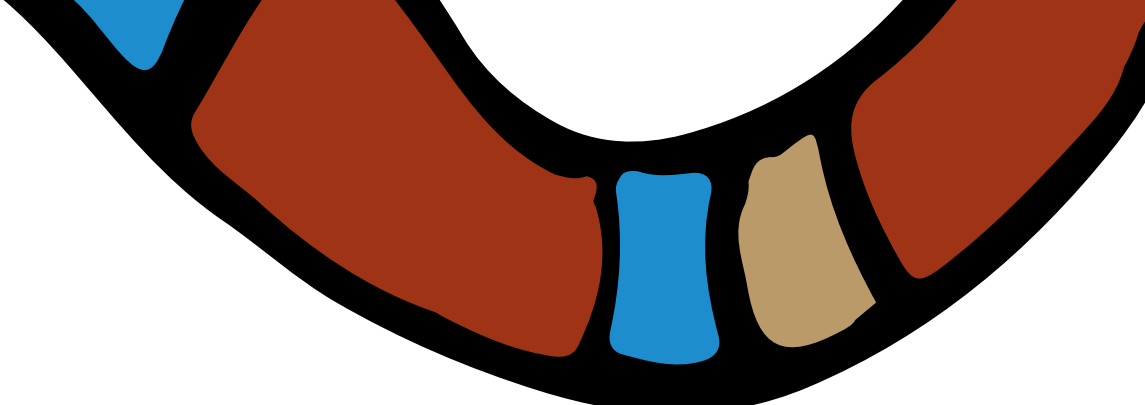
Reimagining economic opportunities is about translating Indigenous rights into practical opportunities while maintaining cultural authority and integrity, and ensuring:

- Economic rights of Indigenous peoples to cultural and environmental assets are asserted, acknowledged and accepted, with legal ownership as a primary condition.
 - 'Consent right' of Prescribed Bodies Corporate for carbon projects on their native title areas³⁶.
 - Underlying rights and interests of Indigenous people (including those existing or co-existing in natural systems) are reflected, respected and protected by emerging market frameworks.
 - Indigenous peoples have a voice in the design of policy reform of environmental markets that enable communities to pursue diverse livelihoods that are independent of mainstream market capitalism.
 - There is economic self-determination for Indigenous peoples through projects on Country where property acquisitions are viable and based on environmental, social, economic and cultural benefits.
- Nature-based solutions are part of Indigenous self-determined futures and showcase the rights of Indigenous peoples.
 - Aboriginal carbon farming is led and managed by Aboriginal ranger groups and TOs, providing core benefits to communities³⁷, resulting in:
 - connection to Country, with benefits to communities including social, cultural, environmental, economic, health and political self-determination
 - 100% of carbon credits returned to Country, for example, financial returns from the partial commodification of savanna burning being repurposed to support Indigenous rangers.
 - Carbon projects helping get young people back on Country.
 - Tourism, or 'guesting on Country', presents an economic opportunity for cultural stories to be understood by tourists as a gift to be shared and respected.

³⁵ [Indigenous Carbon Industry Network \[webpage\]](#)

³⁶ see [Carbon projects: eligible interest holder consent \[PDF\]](#) (Kimberley Land Council)

³⁷ [Core benefits verification framework \(Aboriginal Carbon Foundation\) \[webpage\]](#)



What are the challenges?

'One can't sell what one doesn't own.'

- A risk is these economic opportunities not being under the control of Traditional Custodians, but rather are controlled externally through the capitalist system that was and is behind the destruction of Country.
- A further risk is insufficient recognition and engagement with Indigenous peoples, at an early stage. Recognition and engagement are essential to ensure cultural and legal rights and interests are supported and not negatively impacted by proposed opportunities.
- 'Financialisation of nature' (in all forms) for protection of culture and biodiversity through a capitalist market has rarely been successful, with some exceptions such as components of the carbon market. Challenges include:
 - state and corporate power – governments and corporations not engaging Indigenous peoples in decisions regarding new economies designed to conserve nature
 - 'natural capital' being addressed without addressing 'cultural capital' which is not recognised as an asset class, and 'return on investment' not measuring cultural value

- insufficient recognition of the rights and interests of Indigenous peoples existing in natural systems (which have not been appropriated for market use)
- the need for a transparent legislative framework for the new nature repair market that includes systems, governance, market rules, assurance and transparency, and is Indigenous-led
- getting young people involved in these projects through employment – they need role models and mentoring.

What needs to change?

'Native title did not facilitate economic equality or economic justice.'

- Indigenous peoples need to control the narrative and the language relating to economic opportunities. For example, the terms being used by government foreground nature and not culture: 'nature-positive future', 'nature repair market', 'biodiversity market'. Terms are needed that reflect the fundamental role of culture and its non-duality with nature.
- Indigenous voices need to be central to the development of these markets, with Indigenous peoples leading the investment into the Australian landscape.

- Reforms are needed to the interaction between native title legislation with the emerging environmental market frameworks. For example, the Native Title Act needs to embed consent rights, to remove the need for secondary legislation to provide these consent rights (as the primary legislation would confirm consent).
- Currently there is a 'carrot and stick' approach in relation to carbon farming and related initiatives. The Native Title Act recognises native title so native title-holders have a right to their carbon (the 'carrot'). The 'stick' is that consent right is required before someone else can fully register their carbon project on Indigenous Country and obtain their carbon credits.
- Philanthropy needs reimagining. In Australia, philanthropy is \$13 billion annually (2% of government funding), of which less than 2.5% goes to conservation, and 0.5% to Indigenous-led projects. Philanthropy can be used to leverage other funding and fund what governments don't fund, yet philanthropy is quite secretive, creating further power imbalance. Change is needed so philanthropy partnerships assist in conservation projects on Country with Traditional Custodians.

Case study: Reimagining financing for biocultural outcomes

'From little seeds our Country grows and our people heal always under the watchful eye of our ancestors',
Gail Reynolds-Adamson, Wudjari TO

Through a partnership between Esperance Tjaltjraak Native Title Aboriginal Corporation (ETNTAC) and Odonata Foundation, two farms in south-west Western Australia were returned to the legal title of the Wudjari People, and the Kardutjaanup Rejuvenation Project was created. This enabled self-determination for Wudjari People as well as restoring endemic biodiversity in one of the world's megadiverse locations.

Becoming a major landholder requires a range of skills, capabilities and resources, and new investment models, such as that used in the ETNTAC–Odonata partnership, are a way forward. Securing legal ownership upfront was necessary for the TOs to acquire land when the properties were sold on the open market. Finding alternative revenue models was also necessary since sustainable operation of representative Native Title Bodies (or Prescribed Bodies Corporate) is challenging. Independent reviews have established that these bodies require revenue of at least \$600,000 per annum to fulfil statutory functions of state and federal laws alone. Available government funding is uncertain and falls far short of minimum requirements. Most Prescribed Bodies Corporate are staffed by volunteer boards.

A long-term restoration program and ownership was achieved for TOs with the opportunity for long-term revenue to invest back into community priorities such as housing and health. The project involves a combination of regenerative farming, carbon farming and natural capital.

Contributed by Peter Bednall (ETNTAC) and Nigel Sharp (Odonata Foundation)





Next steps

Promoting the forum and its messages

The forum organisers (NAILSMA, ACIUCN and PAC) are committed to ensuring this forum has a continuing impact on how government, industry and the conservation sector engage with Indigenous peoples. The key messages from the forum provide a basis to start conversations and advocate for real change. Large systemic change is needed. It is important to advance these conversations from dialogues to Indigenous-directed actions and outcomes.

In 2023 the conversation was carried forward through 'reimagining conservation' panels at other conferences and events including:

- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Summit, Perth, June 2023
- ICOMOS General Assembly, Sydney, September 2023.

The next Reimagining Conservation on Country forum will be held in 2024 led by NAILSMA. The goal is for this forum to become a regular event.

From forum messages to real change

The messages from the forum can translate into real improvements in cross-cultural conservation if organisations are committed to change in the following priority areas.

Partnerships

Reimagining conservation with strong partnerships between Indigenous organisations, Indigenous people, conservation organisations, environmental agencies, and funding bodies relies on the development of genuine respectful and reciprocal partnerships.

To ensure effective and reciprocal partnerships, greater respect for Indigenous world views and the contributions to conservation and connection to Country from Indigenous scientists, practitioners and cultural leaders is needed.

Cultural competency training and courses are a starting point in developing an understanding of working in cross-cultural projects and partnerships. However, this must be built on, and that comes from continual effort and commitment to developing meaningful relationships and partnerships over time. Cultural

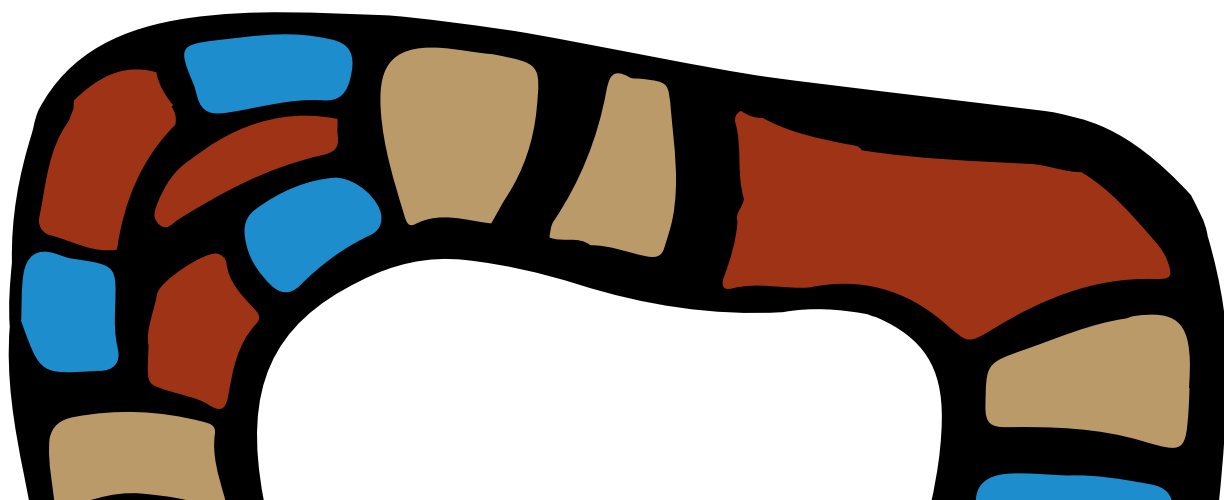
immersion, and spending time on Country with custodians and TOs is key to building relationship, respect and understanding of Indigenous world views and approaches to looking after and caring for Country.

Reciprocal and respectful partnerships also include shared decision-making and identified outcomes that benefit and value all partner aspirations for looking after Country. Strong and valued partnerships will enhance conservation efforts and outcomes.

Forum participants also called for more Indigenous representatives to be included in boards and/or executive and leadership roles.

Key areas identified to support strong partnerships include:

- Partnerships with the right people who can speak for Country.
- Inclusion and respect for cultural aspirations in environmental programs.
- Respectful communication and language.
- Long-term relationships.
- Indigenous leadership and decision-making roles.





Looking after people

Forum participants want to see land and sea management programs address socio-economic and cultural needs of Indigenous communities as well as conservation outcomes. Reimagining conservation and the management of Country through an Indigenous lens requires further discussion among Indigenous communities, conservation organisations, and environmental agencies. This provides an opportunity for new partnerships, modes of funding (for example social/green bonds) or other multiagency collaborations. As a first step, it is important to ensure benefits from conservation also benefit Indigenous people and their communities.

Language

Forum participants said that language is critical from two perspectives. Firstly, it is critically important that Indigenous languages are reawakened, cared for and spoken to re-establish the links between language, culture and wellbeing of Indigenous peoples and Country. Language is a critical part of self-determination. Indigenous people working or partnering on conservation programs should be supported to undertake language training as part of their employment/project or build in time and resources for knowledge-holders to participate in language revival. Language revival should be a part of conservation and environmental management and a valid aspect of conservation action.

Secondly, we must be aware of how conservation language is used when working in collaborative cross-cultural settings. In some cases, use of conservation language can be unintentionally offensive to Indigenous people. It is important to avoid language that perpetuates attitudes and practices of colonisation and to use English in a way that demonstrates respect and understanding. Organisations and agencies can follow improved practices and ensure staff work with Indigenous people to capture Indigenous voices when communicating Indigenous views, or collaborative project outcomes.

Inequities

Government needs to urgently address the inequities in funding, capacity and support that are a barrier to Indigenous peoples managing their own Country. As a first step IPAs should be funded to the same level as other government-led protected areas.

Leadership and decision-making

In the IPA and the Indigenous Ranger Program, more Indigenous people are needed in decision-making roles that guide development and implementation programs. While the ranger programs enable Indigenous people to access and care for Country, capacity building is needed to ensure rangers have the skills to progress to decision-making and leadership roles. There needs to be a focus on getting Indigenous youth involved in natural resource management by creating opportunities and pathways.

Indigenous science

An Indigenous Science expert panel may be established to discuss, develop, design and scope the approach and intent of the framing of Indigenous science. Part of this effort will be working to address the unconscious bias towards western positivist knowledge.

A secretariat

Consideration is being given to creating a 'secretariat' (an 'engine room') to carry the banner of Indigenous peoples working with non-Indigenous conservationists to reimagine conservation in Australia, for example an Australian Indigenous Conservation Alliance (AICA). This could serve to enable and amplify leadership voices and knowledge, advocacy support, and partner in the delivery of a forum every two years. This secretariat could also:

- Guide conservation organisations to become culturally competent.
- Build relationships between TOs and conservationists, and build conservationists as Indigenous allies.
- Promote protocols and principles.
- Support TO organisations in preparing applications or whatever they need support with, for example, Prescribed Bodies Corporate, skills-matching.

Appendices

Appendix A: Snapshot of the three-day program

Indigenous focus group Day 1 (40 Indigenous participants)

What does 'reimagining conservation' mean for Indigenous peoples?

What is Indigenous-led whole-of-Country (land & seascapes) management?

What does success look like and where do we want to be in 5–10 years?

What messages do we want to take to the wider forum tomorrow as a foundation?

Reimagining Conservation Days 2 & 3 (110 Indigenous & non-Indigenous participants)

Introduction to the forum

- Opening address - Honourable Linda Burney MP, Minister for Indigenous Australians
- Introduction - Ricky Archer, Cissy Gore-Birch, Peter Cochrane

Panel topics (days 2 & 3)

Weaving knowledge	Whole-of-Country management	Current policy and programs	What works, what needs to change?
<p>National and international context - What are the opportunities and obstacles?</p> <ul style="list-style-type: none"> • Terri Janke • Chrissy Grant • Emily Gerrard • Kristen Walker Painemilla • James Watson 	<p>Managing Country together for environmental and cultural outcomes</p> <ul style="list-style-type: none"> • Jody Swirepik • Damien Jackson • Owen Whyman • Jody Gunn • Bruce Hammond • Debbie Symonds 	<p>What works, what needs to change? Government commitments</p> <ul style="list-style-type: none"> • Danielle Flakelar • Jodie Sizer • Jennifer Hulme 	<p>Respect for Country – case studies</p> <ul style="list-style-type: none"> • John Clarke • Jack Pascoe • Rene Woods • Cissy Gore-Birch
<p>Weaving knowledge systems</p> <ul style="list-style-type: none"> • Chelsea Marshall • Jamie Tarrant • Cathy Robinson • Liz Wren • Toni Hay 	<p>Indigenous ranger programs</p> <ul style="list-style-type: none"> • Dion Creek • Ryan Baruwei • Joe Markham 	<p>Emerging economies</p> <ul style="list-style-type: none"> • Suzanne Thompson • Craig North • Paige Perry • Emily Gerrard • Jonathan Green • Bo Carne 	<p>Reimagining finance for environmental and cultural outcomes</p> <ul style="list-style-type: none"> • Gail Reynolds-Adamson • Nigel Sharp • Peter Bednall • Hayleigh Graham • Sarah Brugler • Ione McLean
			<p>Reimagining governance and institutions</p> <ul style="list-style-type: none"> • David Major • Andrew Picone • Patrick Cooke

Appendix B. Forum participants

One or more representatives from the following organisations attended the forum:

2%ers Advisory Service	Esperance Tjaltjraak Native Title Aboriginal Corporation (RNTBC)	Odonata Foundation
Aboriginal Sea Company	First People of the Millewa-Mallee Aboriginal Corporation	Olkola Aboriginal Corporation
Australian Committee IUCN (ACIUCN)	Great Barrier Reef Foundation	Parks Australia, (DCCEEW, Cth)
Australian Earth Laws Alliance; and Future Dreaming Australia	Great Barrier Reef Marine Park Authority (GBRMPA)	Parks Victoria
Australian Environmental Grantmakers Network	Great Ocean Road Coast and Parks Authority	Blue Mountains World Heritage Institute
Australian Land Conservation Alliance	Indigenous Carbon Industry Network	Protected Areas Collaboration
Australian Marine Conservation Society	Indigenous Climate Change	Queensland Conservation Council
Badimia Bandi Barna Aboriginal Corporation	Indigenous Knowledges Lab, Deakin University	SA Aboriginal Action Advisory Group
Balanggarra Aboriginal Corporation	Indigenous Land & Sea Corporation	Taronga Western Plains Zoo
Booderee National Park, Parks Australia, Department of Climate Change, Energy, Environment and Water (DCCEEW, Cth)	International Fund for Animal Welfare	Terri Janke and Company
Bush Heritage Australia	IUCN Commission on Environment, Economics and Social Policy (CEESP)	The Nature Conservancy
Canines for Wildlife	Kakadu National Park, (Parks Australia, DCCEEW)	The Pew Charitable Trusts
Cape York Grassroots Corporation	Landcare Australia	The University of Melbourne
Comhar Group	Live and Learn International	Thirriwirri
Country Needs People	Mona Aboriginal Corporation	Trust for Nature
Commonwealth Scientific and Industrial Research Organisation (CSIRO)	Mutitjulu, Central Australia	Uluru-Kata Tjuta National Park (Parks Australia, DCCEEW, Cth)
Department of Climate Change, Energy, Environment and Water (DCCEEW, Cth)	National Indigenous Australians Agency (NIAA)	University of Tasmania
Department of Environment & Science (QLD)	National Parks and Wildlife Service SA	Wadawurrung Traditional Owners Aboriginal Corporation
Queensland Parks and Wildlife Service (QPWS)	Noongar Land Enterprise	WWF-Australia
Earthwatch Australia	North Australia Indigenous Land & Sea Management Alliance (NAILSMA)	YACHATDAC
Eastern Maar Aboriginal Corporation	NSW Biodiversity Conservation Trust	Zoo and Aquarium Association Australasia
	NSW National Parks & Wildlife Service (NPWS)	Zoos Victoria

