

NAILSMA Discussion Paper

North Australian Indigenous Land and Sea Management Alliance
(NAILSMA)

This discussion paper has been prepared to support the NAILSMA delegates attending
the 2020 Summit – Canberra, 19-20 April 2008.

Delegates include:

Peter Yu, NAILSMA Chairperson

Joe Morrison, NAILMSA EO

Joe Ross, Indigenous Water Policy Group Chairperson



Executive Summary

This paper has been prepared through discussions with Peter Yu - NAILSMA Chairperson, Joe Ross - Indigenous Water Policy Group Chairperson and Joe Morrison - NAILSMA Executive Officer, to provide input into discussions at the 2020 Summit taking place at Parliament House Canberra 19-20 April 2008. It builds on previous reports developed by NAILSMA, including the findings in draft form of the review into the future structure of NAILSMA.

The paper connects the current and emerging focus areas that NAILSMA is progressing across northern Australia. The paper presents a number of key positions in which NAILSMA will take to the 2020 Summit. These are listed as:

1. Careful consideration of a national dialogue;
2. Indigenous participation in the development of the National Water Reform and Climate Change frameworks through the following means:
 - Resources for planning, employment, training and capacity development;
 - Equity for Indigenous peoples in the allocation of the commercial/consumptive pool through planning mechanisms and as a social justice measure;
 - Appropriate resourcing of Indigenous people and their organizations, to develop adaptation and mitigation measures to be established for marginalised and vulnerable communities;
 - Establishment of an Indigenous Knowledge Institute for northern Indigenous peoples;
3. Recognition of the Caring for Country Program, which provides Indigenous land and sea stewardship to 20% of the national estate and in excess of 40% of northern Australia;
4. Strategic and innovative economic development resources to bring together natural resource management and development – carbon abatement, water trading, eco-tourism and ecosystem services to name a few; and,
5. Development of a leadership, education and training framework relating to natural and cultural resource management.

It is paramount that this Summit be presented with concrete and well informed positions from northern Australia around matters concerning a national dialogue to northern specific issues that will have benefits for the rest of the nation, particularly Indigenous people in southern Australia.

Introduction

As a starting point, it is recognised that current political opportunities have arisen from the change in the national government. This is combined with the reinvigorated attention towards Indigenous Australians regarding a national representative structure, closing the gap and the national apology, as well as, opportunities emerging out of the national emissions trading scheme, water reform, welfare reform and the development of a gas plant in the Kimberley region of Western Australia. This political climate provides an opportune time to inform innovative policy suited to the requirements of the north.

The summit has been communicated as an opportunity to:

... shape a long term strategy for the nation's future – covering the economy, the nation's infrastructure, our environment, our farmers, health care, indigenous Australians, the arts, national security, how we improve our system of government, and how we strengthen our communities and ensure nobody is left out of Australia's future.

And further:

With the complex challenges that Australia is facing, we need to get the best ideas we can from all Australians – business people, experts, community leaders – and just ordinary Australians

Appreciating the context for NAILSMA's existence and the broader development requirements on the Indigenous estate in northern Australia, the summit is an opportune time to ensure that NAILSMA's vision is articulated and part of the development of achieving nationhood whereby Indigenous Australians are truly recognised.

The last decade has seen the need to act strategically, to articulate where development can occur, how, and what benefits will arise from them, and, how Indigenous people will share in these benefits. Additionally, there is the opportunity to further articulate NAILSMA's 'Culture Based Economy', which is discussed by Peter Yu:

...as an economy that supports the cultural business of Indigenous land and sea management, supports the credibility and integrity of cultural transactions locally and across the North, and leads to innovative commercial opportunities (Yu 2005).

The lack of a national dialogue with Indigenous Australians in the past has highlighted the need to urgently address the opportunity presented to NAILSMA around matters that are significant for the north (including central Australia), and to ensure that these approaches are part of the broader issue of moving towards a shared vision whereby Indigenous Australians are rightfully part of the Australian nation state. The current epoch is an opportunity that cannot be let to pass.

Finally, NAILSMA has found itself acting as a national entity that focuses on northern Australia. The lack of a political framework in which it operates has meant that challenges have arisen, which need to and should be bedded down in the constitutional nature of policy, legislation and recompense. The natural and cultural environment field has grown rapidly over the last few years. One such example is the national water reform framework. In this case, Indigenous interests have been at the determination of COAG and furthermore, ill-informed policy makers and bureaucrats. This highlights the need for NAILSMA to work with others, particularly the Lingiari Foundation, in establishing a national dialogue to ensure that the requirements for Indigenous people on their country are clearly articulated in a national framework.

NAILSMA Background

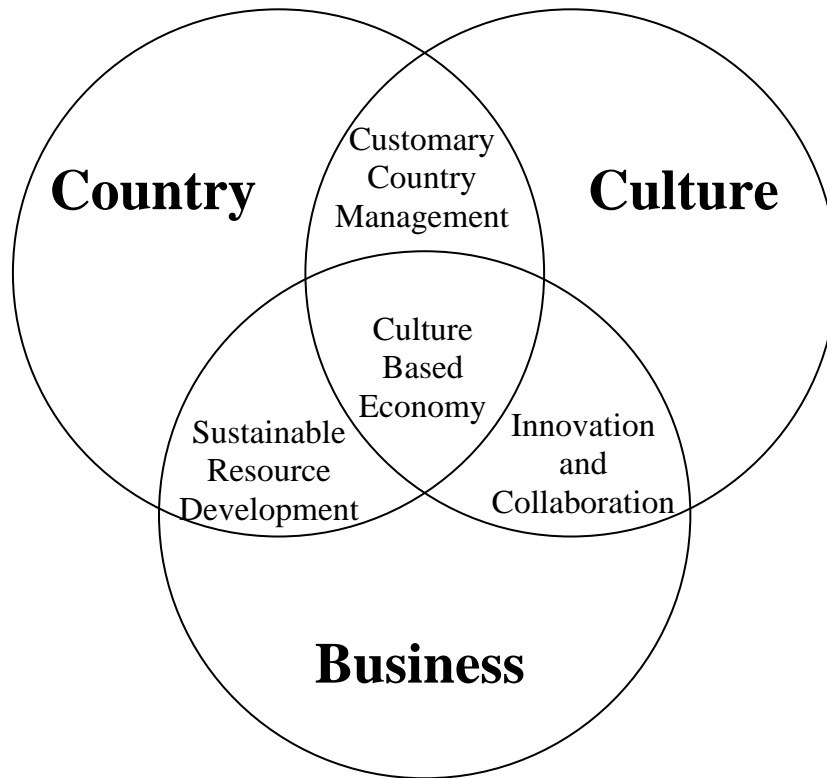
NAILSMA is a bioregional forum that creates networks and builds opportunities in which Indigenous interests and activities are supported across northern Australia.

NAILSMA was conceived around 1997/98 in cross regional discussions between the Aboriginal Land Councils of northern Australia. It was formed in response to the need for integrated Indigenous consideration and action about the management of Aboriginal owned lands and waters within the institutional and political framework of the Australian nation state, and the increasing impact of economic globalisation¹.

NAILSMA now exists primarily to take a proactive and practical approach to the requirements of Indigenous people in the north. NAILSMA accesses resources to match the practical needs to ensure that integrity in managing land and seascapes by Indigenous people in the north are carried out in partnership with many relevant people, institutions and supporters. It operates on the basis of a culture based economy approach, one that is defined by Indigenous people, for Indigenous purposes (Figure 1). It aspires to new ways for engagement in existing industries such as mining, pastoral and tourism, but also to direct the development of emerging new industries such as carbon, water, environmental service provisions and others on the horizon. Fundamentally, however, NAILSMA's philosophy is for sustaining the capacity of Indigenous people in the north to live on and remain on their traditional estates using the intellectual knowledge of tradition and that of the modern and innovative research and technology.

¹ Peter Yu – Address to National Caring for Country Conference – Cardwell.

Figure 1 – A Culture Based Economy



Major Focus Areas

The focus areas of NAILSMA’s projects are spread across a broad array of issues that are responsive to the strategic needs that have arisen in recent times across northern Australia. These issues are inclusive of practical measures on country as well as strategic policy and research activities and actions:

- Marine Turtle and Dugong Management;
- Indigenous Leadership;
- Communication;
- Fire/Carbon Abatement;
- Water Policy;
- Community Water Engagement;
- Indigenous Knowledge Strategy; and
- Small scale enterprise support.

And becoming increasingly active in the following themes:

- Climate Change (adaptation and mitigation strategies); and,
- Development of a Provision of Environmental Services regime.

Further to this, NAILSMA is increasingly finding itself occupying space whereby the nexus between policy and advice to all sectors is provided, linking practical on-country efforts to strategic approaches to developing the north through such initiatives as Carbon, Water, Biodiversity, and research into the same are conducted in a way that brings Indigenous people fully into the research arena as researchers, whilst ensuring the outcomes are real for people on country.

It is apparent that the relationship with researchers, as through the CRC Tropical Savannas Management, has presented a mixed bag in terms of the positives and the negatives of research in the north. Dominating discourses regarding existing land uses have stifled, to some extent, the opportunities for new models of engagement with Indigenous people, or further, have reduced the uptake of new and emerging economic opportunities, such as carbon abatement and water trading.

What this effort and our current partnerships with government, philanthropic, environmental and the private sectors tells us, is that broadly speaking, NAILSMA has to address the public policy framework in which the initiatives listed above can flourish and support Indigenous people who are currently vulnerable to many policy shifts, as witnessed in the last decade.

There are a number of major issues and learning's to consider when taking a position to the 2020 Summit including:

1. Past policies on land tenure;
2. The NT intervention;
3. Welfare reform, broadly;
4. Removal of the national body, ATSIC;
5. The role and support for Native Title Representative Bodies';
6. Under-investment from the NRM arena – Natural Heritage Trust and now, potentially, the Caring for Our Country Program;
7. Indigenous land holdings (approx 40% in the north) and demographics (upwards of 50% of total northern and central populations by 2020);
8. A booming young population;
9. Inadequate education systems, health and housing services and lower than average life expectancy;
10. The Kimberley Coronial Inquest; and
11. Minerals boom (including the gas development in the Kimberley)

This brings us to the question of: How do we respond?

It is necessary to set our sights in the respective sessions of the 2020 summit for a two-pronged approach. The first is the notion for a formal national dialogue whereby the Indigenous position in the Australian nation state is the basis for advancement, given our inherent rights as Australia's first peoples. This will also include defining our space in the emerging climate change discussions (incl. carbon abatement), water reforms, economic development, management of the terrestrial and marine environments and ensuring that

appropriate infrastructure and investment is brought to bear to Indigenous communities that are considered the most vulnerable in northern Australia.

The second approach is for the need to maintain a pragmatic development of policies, whilst working amongst our member organizations to deliver the projects that will ensure changes at the local level will inform the policy process, as well as, the policy process informing the advancement of projects.

A national dialogue

As articulated by Patrick Dodson on views about a national dialogue, fundamental principles could include:

- Mutual respect for our different views and political positions;
- Search for common ground in pursuit of a nation that is seen as upholding the highest standards of international human rights;
- Desire to enhance and sustain cultural and social values as important components of Australian nation building; and
- Open to the need for change where change will contribute to a better sense of Australian nationhood.

NAILSMA has previously discussed where ground could be gained in addressing both the need for a national dialogue and for measures suited specifically to the north. A strong correlation exists between the principles listed above and the objectives of NAILSMA through the practical work being delivered across the north. NAILSMA could in fact be the practical manifestation of these principles.

The Sustainability and Climate Change Forum will require careful articulation of the need to ensure that Indigenous people are not further marginalised through ill-conceived policy formulation. Indigenous people, therefore, must be part of, for example, the development for commercial allocations of water in the current regional planning processes across the north.

Positions for the 2020 Summit:

In summary, the positions NAILSMA will be taking to the 2020 Summit are listed below:

1. Careful consideration of a national dialogue.
2. Indigenous participation in the development of the National Water Reform and Climate Change frameworks through the following means:
 - Resources for planning, employment, training and capacity development;
 - Equity for Indigenous peoples in the allocation of the commercial/consumptive pool through planning mechanisms and as a social justice measure;
 - Appropriate resourcing of Indigenous people and their organizations, to develop adaptation and mitigation measures to be established for marginalised and vulnerable communities;

- Establishment of a Indigenous Knowledge Institute for northern Indigenous peoples.
- 3. Recognition of the Caring for Country Program, which provides Indigenous land and sea stewardship to 20% of the national estate and in excess of 40% of northern Australia.
- 4. Strategic and innovative economic development resources to bring together NRM and development – carbon abatement, water trading, eco-tourism and ecosystem services, to name a few.
- 5. Development of a broader leadership, education and training framework relating to natural and cultural resource management.

The need for a media strategy will also require careful consideration.

Key events post 2020 Summit

There are a number of key upcoming events in which NAILSMA could further advance discussions amongst Indigenous people, interested parties and landowners. These include:

- NAILSMA Indigenous Water Policy Group Meeting - June
- NAILSMA Board Meeting – June
- Garma Key Forum - August
- NAILSMA and United Nations University - IAS Water Forum – August
- National Coast to Coast Conference - August

NAILSMA will also use the summit as a mechanism in which to gauge the possible uptake of the key positions listed in this document and build upon them at the events just mentioned above.