

Why Indigenous Land Use Agreements need collaboration not regulation to manage wet tropics country

Rainforest Aboriginal peoples have native title rights that co-exist with many others involved in managing the rainforests, wildlife and streams of wet tropics country. A three and a half year co-research project involving Traditional Owners, social scientists, spatial analysts, government and non-government organizations investigated the health of arrangements to support co-existence and enable Indigenous knowledge, values and cultural practices to be brought into management.

“Native title works on an adversarial process... appalling, it gets used to pull each other apart.”

Partner

Key findings

The co-research identified that Native Title determinations and ILUAs:

- have rapidly **increased in extent** across wet tropics country since 2008 (Figure 1):
 - 15 tribal groups now have Native Title Determinations.
 - 11 ILUAs with the Queensland Government over Protected Areas.
 - 37 ILUAs with Local Government, including 2 about co-management.
- allow Traditional Owners and others to establish arrangements for sharing responsibility for managing country.
- provide the fundamental basis for **rights recognition**, and establish agreed ways to exercise those rights.
- have limited outcomes for bringing Indigenous knowledge and cultural practices into management in the wet tropics because they:
 - are negotiated through **adversarial processes** that often increase tensions among groups.
 - usually **lack resources** for implementation.
- include Protected Area ILUAs in the wet tropics that:
 - focus on the State **regulating** how native title rights will be exercised on the parks, especially hunting, firearms, taking of species, camping, lighting fires and disposing of rubbish.
 - are currently the only way to bring Indigenous knowledge into management where there are no Indigenous Protected Areas i.e. particularly the **central third of wet tropics country**.
- that are focused on collaboration, rather than regulation, deliver better results for example:
 - in Cape York, Indigenous Management Agreements (IMAs) form a schedule to ILUAs over protected areas, providing for collaboration, and some tenure transfers.
 - in the Northern Territory and NSW, ILUAs also establish joint management over parks.



Yalanji celebrating their ILUAs and renewing cultural practices.
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adaptive collaborative process leading to joint management arrangements, similar to arrangements in Cape York and other states.

- support **country-based Indigenous planning** as the first step in ILUA negotiation to enable Traditional Owners to establish their strategic vision, governance, and partnerships arrangements.
- ensure that ILUAs include financial resources for both parties for implementation.
- include responsibility for protection of international and national heritage values in ILUAs, together with appropriate government funding support.
- support similar joint management and Indigenous planning approaches for Local Government ILUAs.

“At the end of the day the agreement will come when both parties sit down and say, **rightyo**, the goal is set there. If we move to meet halfway, agree on that one, we’ve achieved something.”

Traditional Owner

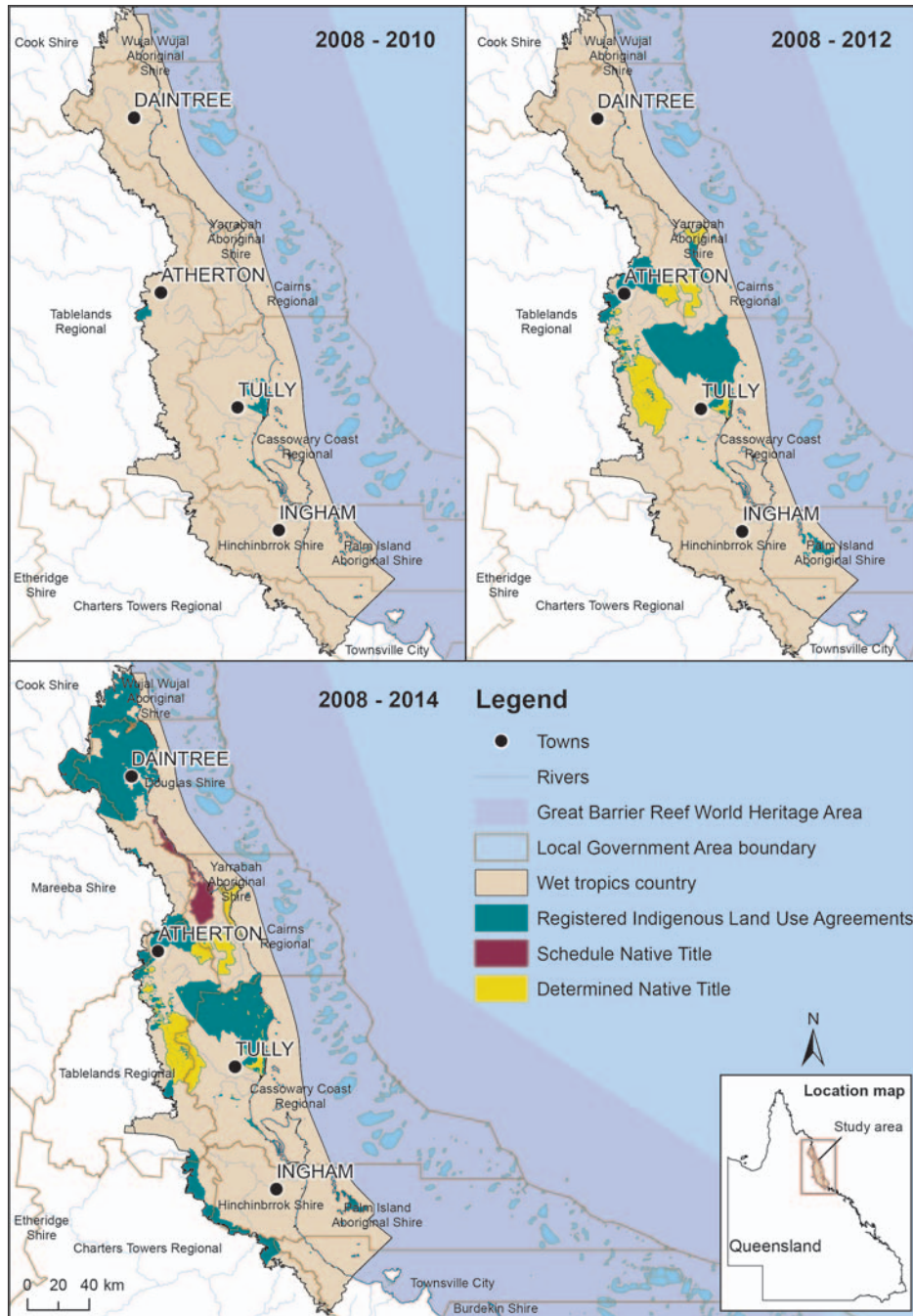
Key opportunities

ILUAs could be moved from regulation to collaboration:

- adopt a template for a Protected Area ILUA that provides for an

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Figure 1 The growth of Native Title Determinations and Indigenous Land Use Agreement between 2008 and 2014.



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Co-research team



Further reading

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