

Sea Country Partnerships



Artwork by Henry Epong Jr., Patricia Galvin and Shenoa Sultana.

Sea Country Stewards: A review of Traditional Owner aspirations for the Great Barrier Reef



Australian Government
Great Barrier Reef
Marine Park Authority

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Aboriginal and Torres Strait Islander readers are advised that this publication may contain names and images of deceased persons.

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The sea, its natural resources and our identity as Traditional Owners, are inseparable... Our ancestors have hunted and fished in this sea country since time immemorial... Our concerns about the health of our people are directly connected to the ability of our people to access our traditional country. Being healthy means looking after our spiritual health and our physical health...

Girringun Aboriginal Corporation, 2005



1. Introduction

This literature review has been written to give readers an appreciation of the deep connection that Traditional Owners have with the Great Barrier Reef.

This connection is accompanied by deeply rooted aspirations for their country. This report summarises the main sources of publicly available information about Aboriginal and Torres Strait Islander peoples' aspirations for, responsibilities to and management of marine environments in the Great Barrier Reef Marine Park. Some unpublished material has also been referenced with permission from the relevant source. No culturally sensitive or restricted information has been used or referred to in this report.

1.1 The Great Barrier Reef

The Great Barrier Reef is one of the world's great natural wonders. As the largest coral reef ecosystem in the world, it stretches more than 2300 km from the northern tip of Queensland to just north of Bundaberg. Covering approximately 346,000 km², the Great Barrier Reef supports one of the most complex and biologically diverse ecosystems in the world and contains about 2900 reefs, 600 continental islands and 300 coral cays. There are also large areas of seagrass, mangroves, sand, algal and sponge gardens, inter-reefal communities and other habitats. The Great Barrier Reef was inscribed on the World Heritage list in 1981 based on its outstanding natural value and its ecological integrity.

1.2 Management of the Great Barrier Reef

The Great Barrier Reef was declared a Marine Park under legislation called the Great Barrier Reef Marine Park Act 1975. The Marine Park is a multiple use park, and is an important resource to Aboriginal and Torres Strait Islander peoples, fishers, scientists and industries such as shipping and tourism. The Great Barrier Reef Marine Park Authority (GBRMPA) was established under the Great Barrier Reef Marine Park Act 1975 as a Commonwealth Statutory Authority. The GBRMPA is the principal advisor to the Australian Government on the control, care and development of the Marine Park.

1.3 Traditional Owners of the Great Barrier Reef

Aboriginal and Torres Strait Islander peoples have a strong and enduring connection to the Great Barrier Reef. Having lived alongside the Reef for thousands of generations, they are the Traditional Owners of the region. There are more than 70 recognised Traditional Owner groups affiliated with the Marine Park. These groups hold the customary rights of ownership and decision making over their country. Indigenous Australians from these groups live in cities, towns and communities adjacent to the Marine Park and they continue to maintain connections with their traditional sea country today. These connections include activities such as traditional hunting and fishing, stories, ceremonies and management of country. Undertaking activities as part of Traditional Owner custom and tradition to satisfy personal domestic or communal needs is known as traditional use of marine resources (Great Barrier Reef Marine Park Authority 2004a). Traditional Owners also have strong connections to the many places that are of cultural significance to them within the Marine Park. These include sacred sites, story places, fish traps and rock art sites.

1.4 Historical Residents of the Great Barrier Reef

It is important to note the distinction between Traditional Owners and so called historical residents. Historical residents are the large number of Indigenous people who were re-located from their own country to other areas in Queensland during turbulent post colonisation past. These historical residents now live on other Traditional Owners land, and whilst they lack customary rights, their subsistence activities affect marine resources.

1.5 Appreciating Country

For Aboriginal people the word country means place of origin – literally, culturally or spiritually. The term, however, is far more than a reference to a geographical area. It includes all living things, beliefs, values, creation spirits and cultural obligations associated with that area. Reference to country is not only a place of belonging but also a way of believing. For coastal

Aboriginal people and Torres Strait Islanders, country includes land and sea estates, which are inseparable from each other (Smyth 2000).

2. Sea Country Connections: Traditional Owners and Their Relationship with the Sea

Aboriginal and Torres Strait Islander peoples consider the sea as much part of their country as land estates.

For them, 'the law of the land is also the law of the sea, and sea, like land, is country that is known, named, sung, danced, painted, loved, harvested and cared for' (Rose 1996). For coastal people, the sea, like the land, is a key component of their identity. Clan members have a kin relationship with their important marine animals, plants, tides and currents. This special relationship has largely endured colonisation, and has been passed down through the generations through song, dance, story-telling and other customs. Today, Traditional Owners still feel that they belong to their country, are identified with their country and are stewards of their country (Smyth 1997).

Traditional Owners have expressed their contemporary relationship with the sea through many forums. The following extracts illustrate the breadth of this relationship between Aboriginal and Torres Strait Islander peoples and the marine environment.

The sea is where we get all our food from; those reefs around the islands of the Torres Strait are our fence. Even the reef along the Queensland coast, that's the fence for our Aboriginal brothers and sisters too! When we fight for our sea rights, we fight for our Aboriginal brothers and sisters... Before you go hunting you've got to talk in language, ask permission. You ask permission from the spirits to guide you... When I go hunting I give something that is with me to the sea – drinking water I give to the sea, some food I give, that's in our culture. That's how you get everything easy for you – because you ask the sea for permission again. If you don't ask, you won't get. You have to treat the sea with respect. (Walter Nona, from McConchie 2003, p80)

...if you don't know how to respect the sea, the sea claims you... the sea holds our life. It has a special spiritual healing. (Yarmirr v Northern Territory, in Sharp 2000 p. 4)

We live here and we fishermen. We collect resources from the sea country. We've been taught, like old people taught, about looking after our sea country and how important it is to us. Sea food, from the mangroves, the shells, from the reef... We just get enough for ourselves. That's important and that's how we use it. (Isaac Hobson, extract from Voices from the Cape, Great Barrier Reef Marine Park Authority 1995)

When we catch fish, we got to share with all our family. You're a bad person if you don't share. (Steven Short, extract from Voices from the Cape, Great Barrier Reef Marine Park Authority 1995)

We've got to keep a close watch on them (the tourists). For fishing and things like that, we don't want them to take anything away from us... We don't want to put too much pressure on the tourists as they are the ones bringing in the money. But we want to just show them that we are the Traditional Owners and we want it to work this way. With our Elders and our rangers we can make this happen. (Ray Wymarra, extract from Voices from the Cape, Great Barrier Reef Marine Park Authority 1995)

Traditionally, we want to look after it (sea country). Most traditionally as we can... I would like to see it looked after the way we used to look after it. (Isaac Hobson, extract from Voices from the Cape, Great Barrier Reef Marine Park Authority 1995)

The land and the sea, the resources we take from it and what we give back to it, how we regulate it, the practice of hunting, the keeping of our laws, the rights of passage over all areas of country, these are customs which have continued over countless generations. It is our obligations and the right of our people to continue living from the land and sea. We have withstood the tests of time, invasion, drought and change, and the tides of time have not washed away our sovereign rights over country, which we lawfully inherit from our forefathers. (Mervyn Jukarn Johnson, in Ross et al. 2004 p.13)

We have a lifelong spiritual and physical connection to the land and sea... (and) a lifelong responsibility to our ancestors to care for land and sea country... Through countless generations, our forbears have passed down traditional knowledge of the islands and their natural resources, the seasons, the tides and ocean movements, the flora and fauna, and also what used to be here. (Woppaburra Peoples 2006)



"...Government officials, professional fishing operators and scientists... don't necessarily know more than we do about the marine environment just because they have spent 10 years at university. We have at least 50,000 years of cumulative knowledge about the oceans. It is time professional groups recognise the value of that knowledge and start relying on it to develop sound marine management policies and practices."

(Dillon 2001, in George et al. 2004 p. 13)

To reiterate these extracts, in addition to a source of food, sea country is to be respected, its harvest is to be shared amongst family and it is an important part of the Dreamtime. Knowledge about using marine resources traditionally has been passed down through countless generations, and for Aboriginal and Torres Strait Islander people is an integral part of having a relationship with their country. In equilibrium with the use of marine resources is an overarching responsibility for Traditional Owners to look after their country. In fulfilling this ongoing responsibility, Traditional Owners protect their identity as stewards of their country.

3. Sea Country Visions: Aspirations for the Great Barrier Reef

The enduring connection that saltwater people have with their sea country is accompanied by deeply rooted aspirations.

Research into a wide variety of documents found varied Traditional Owner aspirations for the Great Barrier Reef. These aspirations highlight a diversity of experiences and responsibilities. Recognising this diversity is important, in order to ensure that cultural, political and geographical intricacies of each area are considered in any planning (Robinson et al. 2006).

However, these statements by individuals, tribes, clans and collective groups express a common vision to be involved in managing their country. They speak of their responsibilities to protect their country by mechanisms such as controlling visitors, establishing protected areas and issuing hunting permits. The groups express a desire to strengthen their economic status through commercial and tourism ventures. Clearly documented, is a real desire to be recognised as the Traditional Owners of their country, to share their intimate knowledge with others and to work with government agencies towards the joint aim of protecting the Great Barrier Reef. However, the vision statements also reflect a need for capacity building and the establishment of

relationships between Government and Traditional Owner groups.

Whilst Aboriginal people want to manage sea country themselves, they understand that non-Aboriginal parties have an interest in the management of their traditional resources. With this in mind, co-management is accepted as being the long-term solution (Sea Forum 1999). To Indigenous people, cultural heritage and natural resource management are a single concept, where cultural practice and responsibilities are intertwined with the management and use of natural resources. In this way, many Indigenous people see co-management as intertwined with their resource and political rights, culture and social and economic arrangements (George et al. 2004).

For a broad view of aspirations expressed by Traditional Owners and their groups, visions have been included from (1) Individuals, (2) Traditional Owner groups, and (3) by collective groups. Whilst these aspirations are often quite similar, they have been included so that the extent of Indigenous voices expressing their aspirations for country can be appreciated.

3.1 The Aspirations of Individual Traditional Owners

The following statements are the aspirations expressed by individuals for their sea country.

We want recognition of our ownership of our sea country... We've got trained people on this site who could do this type job (ranger). We know this country. We know this area like the back of our hand.

(Wayne Butcher, extract from Voices from the Cape, Great Barrier Reef Marine Park Authority 1995)

We would like to see a traditional zone where tourists, fishing guides, commercial fisherman, where they are not allowed any access to that zone. It's strictly for traditional fisherman.

(Phil Bowie, extract from Voices from the Cape, Great Barrier Reef Marine Park Authority 1995)

3.2 The Aspirations of Traditional Owner Groups

These statements from Gooreng Gooreng, Ma Mu and Ambiilmungu Ngarra are aspirations articulated by Traditional Owner clans or tribes, rather than individuals.



Gooreng Gooreng country is located in the Southern Great Barrier Reef on the Coral Curtis Coast. Gooreng Gooreng Traditional Owners have expressed aspirations to be involved in managing coastal country and sea interests. Explicitly, Gooreng Gooreng people express desire for:

- Greater involvement in the management of the marine and coastal areas
- The development of commercial projects using the resources of the area
- The operation of tourism ventures
- National Park management activities in conjunction with government departments (for example, Indigenous rangers)
- Involvement with commercial fishing and fisheries management (Ross et al. 2004).

Moving north, Ma Mu country extends from Russel River to Cooper Point. The aspirations of the Ma Mu are the collective voice of a community of clans.

A statement from the Ma Mu people of the Innisfail region clearly outlined their aspirations:

- *To acknowledge with pride our enduring Indigenous culture and heritage and to recognise the deep and continuing interrelationships in our culture between land, sea, spirituality, community and environment.*
- *To grow strong as a community, culturally, economically and spiritually.*
- *To value and to hold strongly onto our deep and profound connections to our land, sea and all its resources.*
- *To have the confidence to share with others the unique resources and knowledge of our country*
- *To have the courage to assert our right to make decisions to participate in development and political processes, and to allow or deny access to our culture, heritage and environment...*
- *To build and maintain sustainable and equitable partnerships with others, at local, regional, national and international levels...*
- *To acknowledge our roles and to fulfill our responsibilities as custodians and stewards of the diversity and richness of our country.*

(Ma Mu Peoples 2006)

Further north again, the vision of the Ambiilmungu Ngarra for their country from Bathurst Heads to Lookout Point on Cape York has the same themes.

This is our country, we know our country, we know what we think is bad for our country, we have plans for our country, and we want to look after our country.
(Ross et al. 2004)

When interviewed, the Ambiilmungu Ngarra Traditional Owners recorded their following visions:

- Greater real involvement in the management of land and sea
- Aboriginal (Bama) rangers employed, with these rangers chosen by the Traditional Owners and trained to nationally accredited standards
- Hunting permits controlled by rangers
- Protected areas for dugong and turtle
- Control of visitors and of commercial fishing
- Part of the process to determine how many fishermen should be allowed in a certain place
- Protection and control of sacred sites
- For agencies to know that cooperation is required from both sides to make the above points happen (Ross et al. 2004).

3.3 The Aspirations of Collective Traditional Owner Groups

The third collection of aspiration statements comes from collective groups, Giringun Aboriginal Corporation and the Burdekin Dry Tropics Traditional Owner management group.

Giringun Aboriginal Corporation is made up on nine tribes, including six saltwater tribes. Their collective vision is:

Looking after our people, caring for our traditional country, building and sustaining our people's cultural, social and spiritual well-being, and keeping our culture alive.
(Giringun Aboriginal Corporation – accessed 09/09/09)

The Burdekin Dry Tropics management group is made up of a collection of 16 tribes, both coastal and inland. Their aspiration statement is: ...to be involved in the management of our traditional country, and to protect and recognise our way of life that is based on our cultural, spiritual and economic relationship to country, both land and sea... We have a responsibility to protect our significant sites and knowledge systems for past and future generations. We



encourage and welcome partnerships that increase our opportunities for employment education and training.... We encourage increased public awareness of the role that Traditional Owners play in all business as it relates to country.

(Traditional Custodians of Country in the Burdekin Dry Tropics Region 2005)

4. Co-management: The Way Forward

Co-management is simply about the sharing of management, with different groups contributing in different ways according to their skills and experience.

It offers flexible possibilities to combine Indigenous rights and responsibilities with those of other stakeholders, aiming to construct an agreement of equitable relationships. As stated by George et al. (2004) 'We say equitable rather than equal, to promote the idea that co-management arrangements can be agreed mutually and fairly, yet the allocation of roles between the parties may differ and may or may not easily be described as equal since each is doing what it is best suited to'. Co-management is an ongoing process requiring continual negotiation, clarification of issues and an understanding of the needs of participants over time.

4.1 The Beginnings of Indigenous Involvement in the Management of the Great Barrier Reef

In the early 1990s, Indigenous involvement in marine park management was as follows:

- In 1992, the GBRMPA facilitated, with a range of stakeholders, a 25 year strategic plan that included a commitment 'to establish cooperative management arrangements between Indigenous people and stakeholder agencies in the area' (Great Barrier Reef Marine Park Authority 1994).
- The first Indigenous liaison officer was appointed to the GBRMPA in 1992, with the Indigenous Policy and Liaison Unit commencing at the GBRMPA in 1995 (Great Barrier Reef Marine Park Authority 1997a).
- The development of a marine park training program for Aboriginal Community Rangers (Smyth 1995).
- The establishment of Aboriginal Councils of Elders at several locations along the Queensland coast to assist the Authority

in determining the allocation of dugong and turtle hunting permits (Smyth 1995).

- In 1994, the Great Barrier Reef Marine Park Act 1975 was amended to include a fourth member on the GBRMPA Board, being a 'member appointed to represent the interests of Aboriginal communities adjacent to the Marine Park' (Great Barrier Reef Marine Park Authority 1997b).
- In 1997, the Hopevale Community, north of Cooktown, began working on a Turtle and Dugong Hunting Management Plan (Hopevale Aboriginal Council and Nursey-Bray 1999). The Plan is designed to ensure that the harvest of green turtles and dugongs is maintained at a sustainable and culturally appropriate level.

4.2 The Establishment of Sea Forum

A key milestone in the development of co-management in the Great Barrier Reef was the formation of the Great Barrier Reef Sea Forum (Sea Forum) in 1998. Sea Forum was the first Traditional Owner initiative that sought to resolve how Traditional Owners could have management control over their sea country in the Great Barrier Reef (George et al. 2004). The forum aimed to develop a framework agreement with both the Australian and Queensland Governments in order to achieve co-management of the marine park. The forum represented approximately 40 Traditional Owner groups from Cooktown to Bundaberg.

Sea Forum was highly significant. For the first time Traditional Owners of the Reef communicated their desires for co-management in a way that could not be ignored.

The establishment of Sea Forum occurred due to dissatisfaction with the way that dugong population concerns were managed and the so-called Dugong Communiqués. The Dugong Communiqués were issued by the Great Barrier Reef Ministerial Council to halt the decline in dugong numbers south of Cooktown, by dealing with key threats to the animal. This included issuing a statement with respect to Indigenous peoples and dugong:

...not to permit indigenous hunting in the Southern Great Barrier Reef and to develop arrangements for cooperative management of dugongs with Indigenous people.
(Hill 1997)

The final part of the statement about developing cooperative arrangements for the management of dugong interested Indigenous people. As a result of the Ministerial Council decision, the



GBRMPA organised a meeting in Cardwell in July 1997 to discuss the Dugong Communiqué and pathways forward for the involvement of Traditional Owners. Approximately 30 Traditional Owners attended the meeting as well as representatives from the Aboriginal and Torres Strait Islander Commission (ATSIC). Traditional Owners strongly stated that whilst they appreciated the offer of co-management, for them co-management was an all-or-nothing option. They were concerned about all issues to do with their sea country and not just dugongs.

Sea Forum members overwhelmingly confirmed that for Aboriginal peoples with traditional links to the Southern Great Barrier Reef, developing an Indigenous co-management strategy was a priority. The forum developed an overarching regional framework, through which finer-scale localised agreements could be negotiated to address local issues, interests and circumstances. As stated in the discussion paper (Sea Forum 1999):

While the focus of these strategies was likely to differ from group to group, all groups were looking for management control which fulfilled their cultural, social and economic aspirations over their existing rights. As there are no cooperative management strategies over sea country in the region, the Forum confirmed its interest in moving towards a regional framework agreement with both State and Federal governments and their key management agencies in the context of the evolving concept of Indigenous Land Use Agreements (ILUAs).

Traditional Owners resolved to come up with an agenda to progress co-management, and present this agenda to the Australian and Queensland Governments as a discussion paper (George et al. 2004).

4.3 The Sea Forum Discussion Paper

The discussion paper advocated a process consisting of negotiation of (1) a framework agreement, (2) a regional agreement (3) community capacity building and community planning and (4) specific negotiation of local estate level co-management arrangements. These concepts draw on the positive aspects of earlier attempts to reach co-management agreements between communities and agencies (eg. Cooperative management agreements being reached and implemented by Giringun and the Queensland Government in the Hinchinbrook region).

4.3.1 Framework Agreement

This provides a structure for negotiations by establishing agreed goals, principles and protocols from the outset. Establishing early

agreement between stakeholders ensures that common ground is established, negotiations are focussed and there is a common point of reference if negotiations become stalled. In addition to Traditional Owners, an eventual agreement might include a number of parties, including Australian and Queensland Government Agencies, Local Government(s), industries and various other interests. The development of a framework can assist in managing this complexity through structured negotiation (Sea Forum 1999).

4.3.2 Regional Agreement

As stated in the Sea Forum Discussion paper (Sea Forum 1999) Regional Agreements or Indigenous Land Use Agreements (ILUAs) are processes by which Aboriginal aspirations for the management of country can be formally recognised and built into the existing resource management structure. Regional agreements provide a framework that can set in place whatever mechanisms the people are pursuing. The agreement process is designed to address specific regional considerations, with a region defined by distinguishing political and social features. Therefore, it is not possible to propose a generic model based on successful agreements in other areas, as each agreement is unique to its region. To establish an effective regional agreement, it is recommended that a framework agreement is first established.

4.3.3 Community Capacity Building and Community Planning

When developing a regional and framework agreement, there must be a clear focus on stakeholder capacity building. Developing the capacity of all stakeholders, including government agencies, is critical for enabling them to engage in productive negotiations. To foster successful negotiation and agreement, it is important that:

- Participants are well informed about the interests and issues facing other parties
- All stakeholders have appropriate institutional support
- All stakeholders' legitimate rights and interests are recognised and respected.

Capacity building is an ongoing process and provides a mechanism to respond to different situations involved in negotiation and co-management planning (Sea Forum 1999).

4.3.4 Specific Negotiations of Local Estate Level Co-management Arrangements

The Sea Forum Discussion Paper (Sea Forum 1999) stated that: 'apart from establishing a regional level co-management framework, the



proposed regional agreement process should focus on establishing a sound basis for co-management activities between agencies and communities at the sea country estate level'. The discussion paper went on to state that co-management requires:

- A multi-stakeholder process where all parties with interest in the resource develop an agreed management approach. This process is assisted by building the capacity of stakeholders to effectively address co-management issues
- Intra-governmental and inter-governmental coordination of resource management is needed
- Intra-indigenous agreement must be achieved where interests diverge or conflict, in order to minimise the possibility of local disputes undermining broader gains.

The discussion paper (Sea Forum 1999) expressed that it is necessary to explore avenues which develop mutual recognition of co-management rights. These may include:

- Memoranda of understanding
- Contractual agreements
- Legislation which gives specific support to the agreement, or
- Some statutory instrument, such as management plan or land use agreement, formed through existing legislation.

4.4 Government Response to Sea Forum

The Discussion Paper presented by Sea Forum (1999) moved the GBRMPA and the Queensland Government to address the detailed co-management proposal.

In July 1999 the Ministerial Council for the GBRMPA, issued a directive on co-management, and requested that:

The GBRMPA, Queensland Environment Protection Authority (EPA), Department of Primary Industries (DPI) and Aboriginal and Torres Strait Islander Commission (ATSIC) prepare a multi-agency strategy, with costing, for the development and implementation of cooperative agreements with Indigenous peoples for natural resource management (Ross et al. 2004).

Following this directive, a consultant (Appleton 2000), employed by the GBRMPA explored the implications of moving towards co-management.

This process included examining the current state of awareness and the logistical and financial requirements needed to proceed towards co-management.

Appleton (2000) reported to the Ministerial Council with recommendations for both the Australian and Queensland Governments, outlining a process of working with Indigenous groups to achieve some form of co-management. The report to the Ministerial Council suggested that the cooperative management strategy be based on the Southern Great Barrier Reef Sea Forum process in the southern areas of the Reef. In the northern section of the Reef it was agreed that a process for co-management arrangements needed to be negotiated with Traditional Owners.

4.5 Co-management Developments by Traditional Owner Groups

Operational funding to Sea Forum was withdrawn in 2002, which made it difficult for the Sea Forum initiative to continue. In addition, late in 2002 the Great Barrier Reef Ministerial Council reported that, whilst it supported the pathway to achieving co-management presented by the Sea Forum Discussion Paper, a more on-the-ground type initiative was advocated, such as an Indigenous ranger program.

4.5.1 Girringun Initiative

Despite this falter in the co-management push, enough momentum had developed for co-management initiatives in the Great Barrier Reef to continue. For example, in 2002 in the Hinchinbrook Planning Area of the Great Barrier Reef World Heritage Area, Girringun Aboriginal Corporation developed a co-management arrangement with the GBRMPA and Queensland Environmental Protection Agency (now Department of Environment and Resource Management) (Nurse-Bray and Rist 2002). The aim of the co-management proposal was to establish ongoing and collaborative management approaches to ensure effective and holistic management of the Girringun community of land and sea people. The programs incorporated into the plan included Aboriginal Cultural Heritage, training and development; water quality issues and management, day-to-day management, research and community planning. Girringun members developed a two-way proposal that attempted to encapsulate an understanding of the needs and priorities established by both the Indigenous community and the priorities of management agencies for the Marine Park. Girringun members wanted to ensure Traditional Owner involvement was more than a token. The proposal therefore, outlined a staged co-management process, where capacity and skills were built as the program grew, and building



mutual trust over time. This adaptive management approach is outlined in Figure 1.

4.5.2 Wuthathi Initiatives

In 2004, the Wuthathi people, Traditional Owners of Shelburne Bay in Cape York Peninsula, launched the Wuthathi Land and Sea Management Framework: Integrating culture and conservation. The vision of the Wuthathi people to develop the framework was *to*:

... control our own destiny as our elders before us; in caring for Wuthathi country, culture and community
(Nursey-Bray & Wuthathi Land Trust 2004).

The framework presents a model designed to integrate conservation and culture in ways that reconcile and facilitate the multiple and sometimes conflicting objectives held by both the Wuthathi people and management agencies. For example, the framework aims to provide direction on institutional arrangements as operational directions and provides suggestions and projects to achieve long and short-term goals. The development of partnerships between all key, current and possible managers of this area is built into the Framework.

4.6 Moving Forward with Co-management Arrangements

Concurrently, a number of publications were produced outlining the way forward for co-management in the Great Barrier Reef; George *et al.* (2004) produced a key issues report explaining co-management in the Great Barrier Reef context. This report outlined how co-management can offer flexible possibilities for combining Indigenous common property rights with the interests of other stakeholders and environmental management agencies. This can include co-management of areas (the entire Marine Park or areas within it), and co-management of species such as dugong and turtle, or fisheries. A report by Ross *et al.* (2004) documented Traditional Owner aspirations and the potential for local and regional co-management through three regional case studies which illustrated the depth of interest that Indigenous people have in co-management. The case studies ranged the length of the Reef, with one in the south, one in the central region and one in the far north, and confirmed the degree of interest in co-management already illustrated by the Sea Forum process.

Robinson *et al.* reported in 2006 that whilst comprehensive and formal co-management, as envisaged in the Sea Forum Discussion Paper (Sea Forum 1999), was not currently on the agenda of the Queensland or Australian Governments, there were a variety of

'partnership' initiatives. These partnerships were developed through Queensland Department of Primary Industries and Fisheries, Queensland Parks and Wildlife Service and the Australian Government through the GBRMPA. The core features of these partnerships are to meet their responsibilities through:

- Government policies which specify the role of Indigenous people in achieving agency goals
- Indigenous partnerships which are based on a degree of consultation and consent with Indigenous people
- Indigenous partnerships, which are integrated with other government programs and/or stakeholder interests.

The report explained and demonstrated how adaptive management might facilitate partnerships between Traditional Owners and government agencies should they wish to cooperatively manage the Marine Park. An adaptive management approach is one in which the partnership develops over time, allowing parties to build their capacity and working relationships together. This approach is considered to have many benefits for the Great Barrier Reef (Robinson *et al.* 2006).

5. A New Framework for Partnerships

Ways to better manage traditional use of marine resources was reviewed through the GBRMPA's Representative Areas Program with significant guidance from indigenous representatives on each of the four Reef Advisory Committees.

Further details of this program can be found in Day *et al.* 2002. The traditional use aspect of this process involved detailed discussions with relevant Traditional Owner groups and representative bodies. Feedback from Traditional Owners during this process indicated that collecting, fishing, hunting and gathering activities were all conducted simultaneously and hence should be treated as one activity. As such, the GBRMPA developed a new activity term, traditional use of marine resources. This was incorporated into a new framework for managing traditional use of marine resources for Australian Aboriginal and Torres Strait Islander people.

The new framework complements existing community-based measures developed by some Traditional Owner groups to manage their use of



some of these resources. It also recognises entitlements from the Native Title Act 1993. The most important addition to the management of traditional use was the inclusion of legislation to develop and implement Traditional Use of Marine Resource Agreements (TUMRAs) and supporting cooperative management arrangements.

5.1 Traditional Use of Marine Resources Agreement (TUMRA)

A TUMRA is a formal agreement developed by Traditional Owner groups and accredited by the GBRMPA and the Queensland Government. The agreement describes how Traditional Owner groups work with the government to manage traditional use activities in their sea country (Dobbs 2007). TUMRAs are developed by a Steering Committee elected by the Traditional Owner group. The Steering Committee documents the desired role of their group in managing their sea country and the role that they want the Australian and Queensland Governments to take. All members of the group must agree with the document before it can be accredited. For example, a TUMRA may describe how Traditional Owner groups wish to limit their take of turtle and dugong, their role in monitoring plants and animals, and their involvement in observing human activities in their sea country. The TUMRA implementation plan may also describe ways to educate the public about traditional connections to sea country, and to educate other members of a Traditional Owner group about managing their sea country (Great Barrier Reef Marine Park Authority 2009).

By working together to develop and implement a TUMRA, Traditional Owner groups are able to better achieve their aims for managing their sea country. In addition, whilst the TUMRA approach recognises and addresses a complex array of Indigenous rights and interests, marine management and legislative issues are also addressed in a culturally appropriate and scientifically valid manner (Great Barrier Reef Marine Park Authority 2004b).

There are currently four (4) TUMRA Regions in the Marine Park: Wuthathi, Giringun, Ma Mu and the Woppaburra Section of the Dharumbal Region (refer to Figure 2 below).

Whilst TUMRAs are widely acknowledged as an important stepping stone toward co-management on a regional scale, they have been accused of not going far enough towards co-management. For example, Robinson et al. (2006) reported that:

It is clear that TUMRAs are neither a route towards co-management nor even a partnership,

but are aimed at encouraging Traditional Owners to agree on how to implement sustainable levels of traditional use of marine resources, especially dugong and sea turtle harvesting. Even so, we show that there is potential for Indigenous and the GBRMPA's aspirations for co-operating in environmental management to converge if TUMRAs are approached in an adaptive manner, and if Indigenous cultural values for marine resource use can also be included in the TUMRA agreement.

Despite this comment, TUMRAs have the great advantage that they present an adaptive approach. As the capacity of the Traditional Owners increases, their responsibilities can grow accordingly. In addition, it presents a process where relationships with the GBRMPA and the Queensland Government can be maintained and built upon through time, and difficulties can be negotiated.

5.2 Indigenous Land Use Agreement (ILUA)

An ILUA is an agreement between a native title group and others about the use and management of their land and sea country. These agreements are flexible and can be negotiated to suit the circumstances of different Traditional Owner groups. Indigenous Land Use Agreements were first introduced after amendments to the Native Title Act in 1998 (National Native Title Tribunal 2009). As of August 2008, the Tribunal had more than 340 indigenous land use agreements registered nationally (National Native Title Tribunal 2009). When an ILUA is registered, it binds all native title holders and participating parties to the terms of the agreement.

Whilst ILUAs are predominantly land-based, an important milestone occurred in 2009, when the first ILUA to cover sea country was registered for the Kuuku Ya'u Peoples of Cape York (refer to Figure 2 below). The ILUA was signed by both the Australian and Queensland Governments, and, in essence, it is managed by the GBRMPA in the same way as a TUMRA.

5.3 Indigenous Protected Area (IPA)

An IPA is an area that is voluntarily declared as protected by the traditional custodians of the region. The concept was developed in the late-1990s through collaboration between the Australian Government and Indigenous landholders. Indigenous communities managing IPAs achieve conservation and sustainability goals for country, as well as maintaining their culture (Department of the Environment, Water, Heritage and the Arts 2010). Funding and support is provided by the Australian Government and, in some instances, State or Territory agencies (Smyth 2009).



More than 25 IPAs have been established on Australian land, making a significant contribution to terrestrial biodiversity conservation (Department of the Environment, Water, Heritage and the Arts 2010). Despite this, few marine IPAs have been declared. The first IPA to extend over a marine area was the Dhimurru IPA in Arnhem Land (Smyth 2009).

Although land-based IPAs may not continue onto adjacent waters, significant management activities may be carried out in coastal waters. Management techniques such as dugong and turtle monitoring, removal of ghost nets and fisheries surveillance may be undertaken in these areas (Smyth 2009).

Like other protected areas, management tools for IPAs include a range of legislative and non-legislative management techniques, with the greatest effort directed towards non-legislative tools such as education, monitoring, research and interpretation, rather than enforcement. IPAs may incorporate already existing co-management arrangements, such as TUMRAs or ILUAs, as management tools. Giringun is currently in the process of negotiating an IPA, which will incorporate their already existing TUMRA as a management tool (Smyth 2009).

5.4 Sea Country Planning

Today, ILUAs, IPAs and TUMRAs may be just one part of a broader sea country plan. Sea country planning is the process whereby Traditional Owners and/or other local Indigenous people develop their goals and strategies to manage, conserve and use their coastal and marine environments and resources (Smyth 2007). A sea country plan combines the priorities and aspirations of Traditional Owners with others with an interest in their sea country, including government. The sea country planning process encourages people and organisations to work together towards sustainable management of marine environments (Department of the Environment, Water, Heritage and the Arts 2008).

Like ILUAs, IPAs and TUMRAs... Sea country plans can focus on specific areas, rather than being applied universally along a coastline, to capture the aspirations of specific groups. However, the sea country plans do not have any statutory authority, which is different from ILUAs, IPAs and TUMRAs. It is often quick and easy to implement some actions suggested in sea country plans, while other actions may require more lengthy discussion and development. Following the preparation of a sea country plan, the establishment of an IPA, TUMRA or ILUA may form the next step towards a robust sea country framework.

5.5 Sea Country Planning Around Australia

Sea country planning is being recognised by Traditional Owner groups across Australia as a pathway to realising broader sea country aspirations.

The Australian Government's National Oceans Office (NOO) funded sea country planning as part of regional marine planning activities from 2003-06 (Smyth 2007). During this period, five (5) sea country plans were developed:

1. Kooyang Sea Country Plan – developed by members of the Framlingham Aboriginal Trust and Winda Mara Aboriginal Corporation in South-west Victoria
2. Dhimurru Yolngu Wunambur Monuk Gapu Wana Sea Country Plan – prepared by the Dhimurru Land Management Aboriginal Corporation in north-east Arnhem Land in the Northern Territory
3. Thuwathu/Bujimulla Sea Country Plan – prepared by the Carpentaria Land Council Aboriginal Corporation on behalf of Traditional Owners of the Wellesley Islands region of the Gulf of Carpentaria in Queensland
4. Ngarrindjeri Nation Yarluwar-Ruwe Plan – Caring for Ngarrindjeri Sea Country and Culture – prepared by Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title Management Committee, supported by the Ngarrindjeri Land and Progress Association; the Plan covers the Murray River estuary and Coorong region of South Australia
5. Yanyuwa Sea Country Plan – developed by the Mabunji Aboriginal Corporation on behalf of the Traditional Owners of the Sir Edward Pellew Islands region of the Gulf of Carpentaria in the Northern Territory.

These sea country plans are available at <http://www.environment.gov.au/indigenous/programs/scp.html#success>

These sea country plans help Traditional Owners negotiate with other stakeholders to develop policies and arrangements that respect their rights, interests and responsibilities. Sea country plans also help Traditional Owners and other marine managers to work and invest together to achieve shared objectives. For example, Dhimurru Land Management Aboriginal Corporation in the Northern Territory is currently working with their local Indigenous Coordination Centre to implement their sea country plan through a Shared Responsibility Agreement (Department of the Environment, Water, Heritage and the Arts 2008).



6. Conclusion

It is recognised in the report by George *et al.* (2000) that co-management will be complex for the Great Barrier Reef due to the vast area, the large number of socially and linguistically diverse Traditional Owner groups, the complex management interactions between the Queensland and Australian Governments and the fact that the Marine Park is a multiple-use park and a World Heritage Area.

The development of TUMRAs, ILUAs, IPAs and broader sea country planning go a long way to achieving co-management arrangements, with many benefits arising from sharing the management role. We are a step closer to achieving the aspirations of Traditional Owners who have expressed that 'we must combine white man and blackfella knowledge and skills' (Balkanu Cape York Development Corporation, 2004). Whilst there are benefits of sharing the management of the Great Barrier Reef, it is important to remember that Traditional Owners want Australian and state governments to devolve as much responsibility as possible to them.

If we do get our sea country ownership back... that is my dream, and I'm hoping it come true.

Wayne Butcher, extract from *Voices from the Cape* (Great Barrier Reef Marine Park Authority 1995)



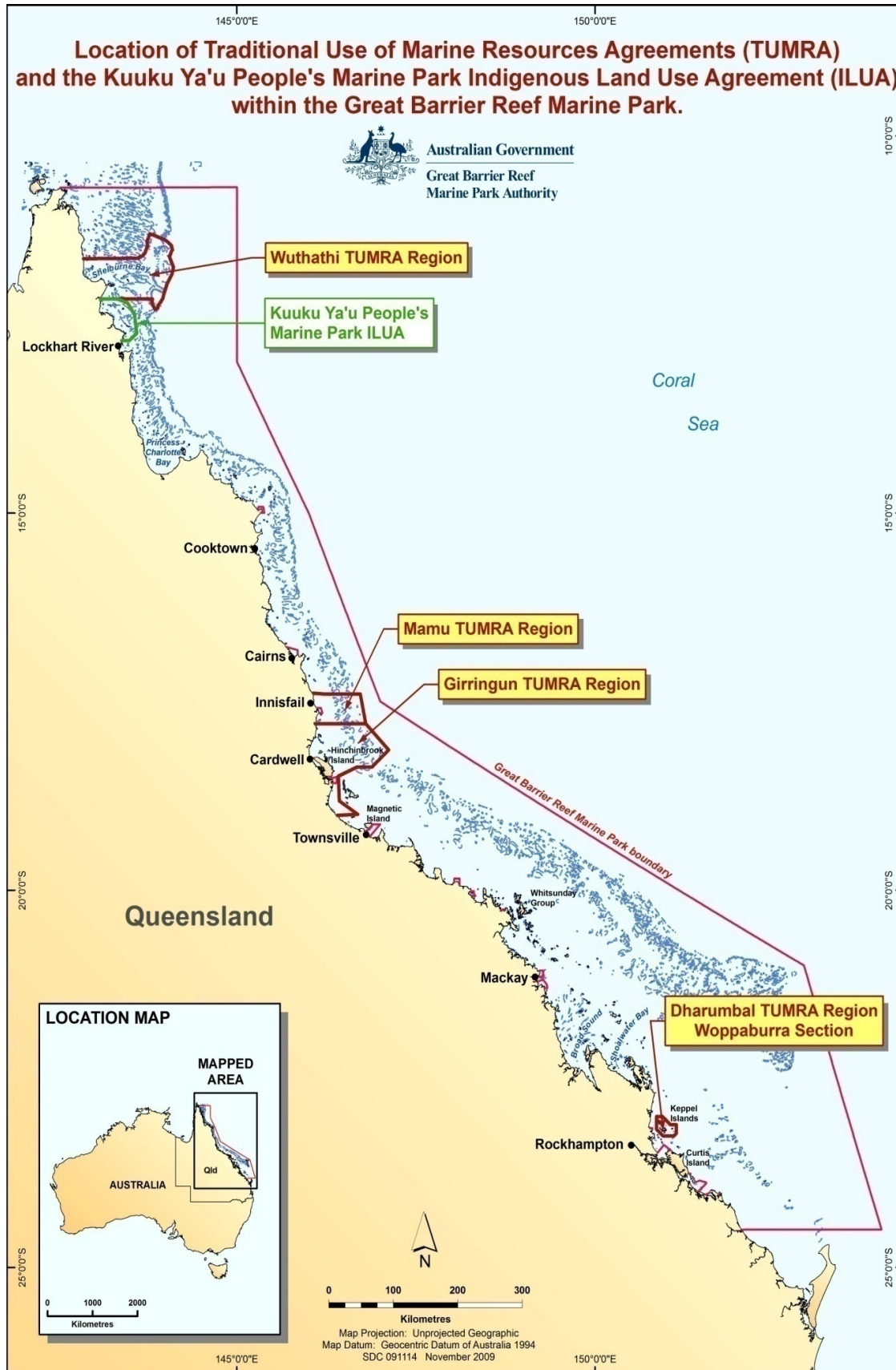
Figure 1: Co-management spectrum and co-management activities, Girringun Saltwater Unit

Stage One Primary co-management (1-3 years)	<ul style="list-style-type: none"> • Training • Establishment of Unit • Identification of collaborative program initiatives • Potential projects identified • Cultural Heritage work • Service Agreements
Stage Two Secondary co-management	<ul style="list-style-type: none"> • On-the-job training • Pilot project implementation • Collaborative Program Initiative trials
Stage Three Tertiary co-management	<ul style="list-style-type: none"> • Trained rangers • Collaborative work program implemented • Ongoing independent and co-managed projects identified and established with GBRMPA, QPWS and other relevant agencies • Cultural heritage function and focus
Management activity	Example
Shared management activity	Patrols, education work, construction work, incident response, monitoring, surveys
Independent activity	Cultural heritage, project activities, research
Assistant function	Fire management, compliance
Shared function, separately allocated geographic area	Feral weed and animal programs

(Nursey-Bray and Rist 2002)



Figure 2: Location of TUMRAs and the Kuuku Ya'u ILUA within the Great Barrier Reef Marine Park



Artwork by Patricia Galvin and Shenoa Sultana, Mamu Traditional Owners



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