

Indigenous engagement in a WA marine parks planning process

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Introduction

The Department of Environment and Conservation (DEC) has the lead role in conserving WA's marine environment. A key element of this role is planning, establishing and managing a statewide system of marine conservation reserves. Planning new marine parks and reserves is primarily the role of DEC's Marine Policy and Planning Branch (MPPB). The *Conservation and Land Management Act 1984* (CALM Act) provides the State legislation to create marine conservation reserves.

Efforts have been made by previous governments and DEC to increase indigenous participation in management of the conservation estate but most of these have not been satisfactorily concluded and absorbed into practice. This is in part due to the current lack of provision for joint management in the CALM Act. Recent management plans of WA's marine conservation reserves reflect DEC's intention to involve indigenous people in planning and management, although formal joint management arrangements have only been reached to some extent at one or two locations.

The purpose of this paper is not to critique the performance of previous governments and DEC or analyse why joint management commitments have not been met. Instead, drawing on engagement efforts with a specific indigenous group, this paper seeks to describe part of a recent DEC marine parks planning process and identify some of the lessons learned. In turn, this should inform fellow protected area planners and managers that may be pursuing their own joint management programs.

Background

On 12 December 2006, the then Government announced an initiative to expand the marine conservation reserve system in the Pilbara and Eighty Mile Beach (PEMB) regions. This initiative was part of the environmental mitigation and offset measures associated with the proposed Gorgon Gas development on Barrow Island Nature Reserve and surrounding marine management area. It also aimed to expand the system of representative marine parks and reserves along the PEMB coast.

Indigenous people are key stakeholders throughout the PEMB regions and obligations under the *Native Title Act 1993* mean that substantial intertidal areas cannot be included in the marine conservation reserve system without the registration of Indigenous Land Agreements (ILUAs). As a result, the planning process in the PEMB regions has been undertaken in a context where indigenous custodianship and native title is substantial (see Figure 1). From the outset, it was agreed that developing appropriate, inclusive and transparent engagement with indigenous people was

essential for the marine parks and reserves to succeed. It was also agreed that joint management was a concept to work towards as part of this initiative.

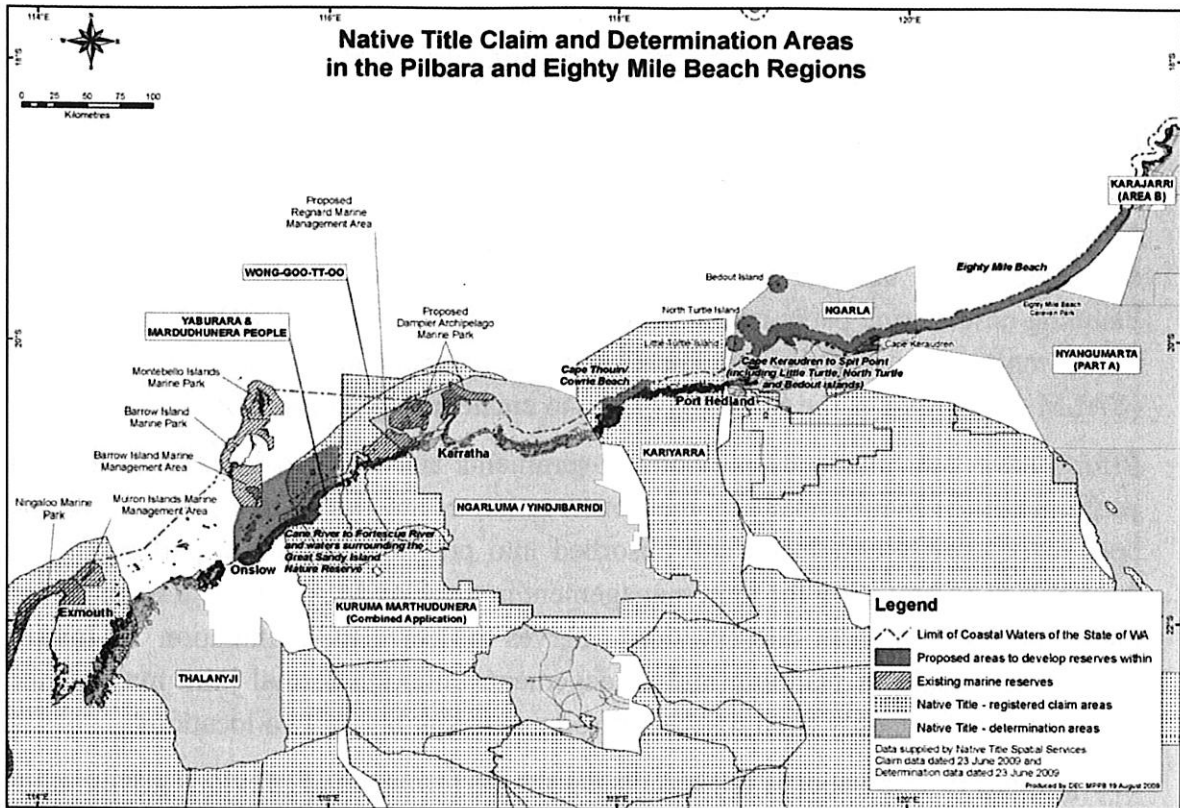


Figure 1 – Map showing native title claim and determination areas and ‘study areas’ for proposed marine parks and reserves in the PEMB regions

The key indigenous representative bodies are Kimberley Land Council (KLC), Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (Yamatji) and Pilbara Native Title Service (PNTS). They provide representation for various native title groups, whilst other groups have independent representation.

To provide opportunities for input to marine parks and reserves planning for this initiative, DEC developed an indigenous engagement program for groups with native title claim or determination areas in the vicinity of ‘study areas’ for proposed marine parks and reserves.

Methodology

DEC’s indigenous engagement program has included several key components, namely the preparation of a draft negotiation protocol; production of an information product for indigenous people (the ‘Big Book’); and meetings and on-country visits with the relevant native title groups.

Early on, meetings were undertaken between staff of MPPB and Yamatji to introduce the reserve planning process and to discuss appropriate messaging for indigenous people. Copies of Memoranda of Understanding (MOUs) previously negotiated with

indigenous groups by DEC were reviewed as possible negotiating frameworks/templates for the PEMB planning process. MPPB worked with DEC graphic designers to develop the 'Big Book' – *Planning marine parks and reserves in the Pilbara and Eighty Mile Beach region*, an A3-size document that provided a background to marine parks and the planning process. Copies of the book were provided at introductory meetings with native title groups.

DEC held introductory meetings with each native title group, country visits with the Nyangumarta and Ngarla groups, and a mapping exercise with the Kariyarra people. Follow-up meetings were held with the Nyangumarta Native Title Working Group where ideas about reserve design and management were explored. DEC's engagement efforts with the Nyangumarta, who have native title determined over a large portion of the intertidal parts of Eighty Mile Beach, will be the focus of this paper.

Engagement with the Nyangumarta

Following an introductory meeting in April 2008, staff from MPPB and DEC's West Kimberley District facilitated a three-day country visit at Eighty Mile Beach in May 2008 with a working group representing the Nyangumarta people. A number of participatory techniques were employed. In separate groups, men and women completed a mapping exercise and recorded sites of resource usage and special features. Members also created a seasonal harvest calendar to clarify information about contemporary resource use. Site visits were made to important cultural areas as a way of building rapport and understanding how the Nyangumarta people are connected with their coastal and sea country. A brainstorming session was also held to explore the future aspirations of the Nyangumarta people for the coastal strip.

A follow-up meeting in Broome was facilitated by MPPB staff with the working group in October 2008, in which staff from PNTS and an anthropologist who had worked extensively with the Nyangumarta people, also participated. Time was taken to review the outputs and information shared from the country visit conducted at Eighty Mile Beach, and selected photographs from the visit were printed as posters and displayed to remind people of the sites visited and promote discussion. In response to a request made by the group on country, a small booklet – *Some ecological values of Eighty Mile Beach*, outlining the main ecological values and threats to the area was prepared and given to members of the group. The booklet contained information and photographs of local fauna and ecosystems. An introduction was also provided about zoning in marine parks, including the main objectives of a zoning plan and the zoning options offered in WA marine parks.

A simple ranking exercise was employed to gauge response from a Nyangumarta perspective on key components of any proposed marine park, such as protection of country and involvement in management. Based on discussions from the country visit, seven components were listed in a table on butcher's paper. Each member was given

three sticky dots and asked to 'vote' on which component(s) they thought were most important in developing a new marine park at Eighty Mile Beach.

Input on reserve design and management options was sought through an exercise whereby members were asked to respond to a series of statements. Members were given three cards to indicate whether they agreed (green), disagreed (red) or were undecided (yellow) in response to statements relating to components from the ranking exercise detailed above. They were told they could also show their yellow card if they felt their response to a statement should be given later in the planning process.

A short presentation was made to the working group to introduce the concept of joint management, including points on the potential benefits and obstacles and examples of partnerships with indigenous people. A DVD featuring Millstream-Chichester National Park – *Miliyana: Vision for the Future*, was shown to illustrate joint management in the context of a protected area in WA.

It was explained to members that DEC would like input from the Nyangumarta people in developing a vision for any new marine park at Eighty Mile Beach. Responses from the brainstorming session at Eighty Mile Beach were revisited. People were encouraged to think freely and boldly about what they would like to see in the future for their coastline and sea country.

In May 2009, MPPB staff together with a representative of DEC's Aboriginal Heritage Unit, facilitated another follow-up meeting with the group in Port Hedland. Once again, simple awareness messages on ecological values, and existing and potential pressures to local fauna were displayed on posters and discussed. Responses to the reserve design and management exercise from the last meeting were reviewed and time was taken to discuss statements that members were undecided on previously. Ideas toward a Nyangumarta vision for their coastline and sea country were also revisited and comparisons were drawn with the vision drafted by DEC for the proposed PEMB marine parks. Members were also asked to provide feedback on text to be included in a draft indicative management plan (IMP). An update on the planning process was given to the working group, and a map was used to illustrate the proposed zoning for a new marine park at Eighty Mile Beach.

Part of a DVD featuring indigenous groups taking a lead role in the protection and management of dugong and marine turtles, was shown to illustrate the variety of partnership approaches already in place across Australia. At the end of the meeting, members provided scores on a scale of 1 (very poor) to 5 (excellent) as part of exercise to evaluate DEC's indigenous engagement program.

Since meeting in Port Hedland, MPPB staff have continued to liaise with PNTS and members of the working group to determine the best way of incorporating input from the Nyangumarta people into a draft IMP for the proposed PEMB marine parks.

Results

It is not appropriate to document all the results of DEC's engagement efforts with the Nyangumarta, partly because of confidentiality issues. Further, at the time of writing, the draft IMP is yet to be released for public comment.

The country visit was successful in raising awareness about marine parks and the planning process amongst the Nyangumarta people and in DEC gaining knowledge and insights from the group. From the mapping exercises the working group recognised a number of important cultural areas along Eighty Mile Beach. The creation of seasonal harvest calendars revealed the key marine resources for the Nyangumarta people, although the frequency of harvesting activities and quantities taken are currently low. Despite this, the Nyangumarta have an intricate knowledge of their land and sea country and retain a strong connection through sacred sites and ceremonial activities.

The meeting in Broome improved the knowledge and understanding of the working group about some of the ecological values of Eighty Mile Beach, as well as the options available to manage the area. Results of the ranking are shown in Table 1 below. 'Protecting cultural sites, stories and songlines' was regarded as the most important component of any new marine park from a Nyangumarta perspective. After the exercise however, members revealed that Nyangumarta people viewed 'protecting species and habitats' and 'observing the numbers and health of plants and animals' as being very similar. Both components essentially meant "looking after" plants and animals in their coastal and sea country.

Table 1 – Key components of any new marine park (Nyangumarta perspective)

Components of a new marine park at EMB	Score
Protecting species and habitats	● ● ● ● ●
Protecting cultural sites, stories and songlines	● ● ● ● ● ● ● ● ● ●
Sharing information (learning) about species and habitats	● ● ●
Indigenous employment and revenue-making opportunities	
Observing numbers and health (monitoring) of plants and animals	● ● ● ● ● ● ●
Involvement in designing signage and interpretive materials (e.g. brochures)	
Representation on a park council or management committee	● ● ● ● ●

Members agreed unanimously that important cultural sites and areas featured in

stories and songlines should be protected, although there was a large amount of discussion about whether a new marine park was the best way of achieving this. This issue was revisited later in the meeting and members offered their support for DEC to flag certain sites identified on the country visit, and where exclusive native title claims had been lodged, as “special” areas of significance. Members were happy for these sites, together with excerpts of stories to be documented in a management plan.

After the presentation and DVD about joint management, members agreed that it was essential that Nyangumarta people were represented on a park council or management committee for any new marine park. Through the visioning activity, aspirations for their coastline and sea country are best summed up by the phrase “Ngalpa warran, ngalpa marrngu”, which translates to “Healthy country, healthy people”.

The ecological values posters, developed for discussion at the meeting in Port Hedland, were helpful in continuing to raise the awareness of working group members. In reviewing responses about reserve design and management from the last meeting, it was explained to the group that special purpose zoning may be an appropriate way of protecting culturally significant areas within a marine park.

Discussion ensued about the potential advantages and risks of this approach, and the working group requested that some additional information be provided for their consideration. Breaking down DEC’s draft vision for the proposed PEMB marine parks allowed members to see the similarities or overlap with the Nyangumarta’s aspirations listed by the working group in Broome.

Feedback from the evaluation exercise and verbal communication with members suggests the information provided, methods employed, and the way the information provided by the group has been used in the planning process, has been excellent. Overall the working group gave a very positive response to the indigenous engagement program. A selection of comments made are listed below:

“Involved in going out on country and taking notice of what people were saying and having a go at saying language words.”

“The meetings gave me an understanding and a lot of information about the country and it was a free forum you could ask any question or say anything you wanted to.”

“I see all the information is kept and used the correct way and clear to understand.”

Following further consultation with members of the working group since May 2009, the Nyangumarta people are keen for the adoption of special zoning or management arrangements to be applied that recognise and protect important cultural areas. These options are currently being considered by DEC. A statement in the draft IMP notes that one area “has special significance to the Nyangumarta native title holders and may be further considered for special protection”, although all five areas recognised by the working group are shown on the proposed zoning scheme.

Lessons learned

A number of successes, challenges and limitations can be identified from engagement efforts with the Nyangumarta people and DEC's indigenous engagement program for this initiative. Lessons learned are described below.

Recognise indigenous people as more than stakeholders

While protected area planning processes usually involve stakeholder consultations, indigenous people do not regard themselves as another stakeholder. Yamatji further confirmed this by stating that native title groups see themselves as more than just stakeholders. Rather, they regard themselves as the principal landowners in the region and therefore have a particularly strong vested interest in all activities that affect their landholdings. As such, special effort needs to be made to enable their involvement in planning and management.

Need for a framework for consultation

Early in the planning process, DEC and Yamatji developed a draft negotiating protocol/MOU for the relevant native title working groups, although this was not formally endorsed. The draft MOU covered the objectives and parameters of consultations, the timeframes for discussion, identification of the working groups to be consulted, communication and confidentiality protocols, and details on resourcing consultations. On reflection, it would have been better to finalise and endorse a satisfactory framework for consultations before engaging across the regions. Importantly, this would have saved substantial time later in the process in negotiating the costs to be paid by DEC for meetings and workshops.

Provide opportunities for protected area staff and indigenous people to listen to each other

Spending time on country proved an excellent way of sharing ideas, issues and features important to traditional owners on their country. Country visits give people an opportunity to be on their country when often they are unable to access it themselves. With the Nyangumarta and Ngarla working groups, going out on country also provided an atmosphere where people were more comfortable talking, compared with, for example, a conventional meeting room setting. However, organising country visits can take substantial time and the logistics can be difficult to arrange.

Share information to allow open discussion and understanding

Protected area staff should make the effort to provide indigenous people with scientific information on the area's ecological characteristics and values, the factors affecting these, and the relevant policies and legislation. Logically if indigenous people are to be positively engaged, they must be well informed. The information products prepared by MPPB used plain English, short sentences and terms the

Nyangumarta could relate to, and were designed to accommodate people with poor eyesight and low literacy levels. Information should not flow in one direction only and government agencies should not assume they hold all the facts. For example, the Nyangumarta people have a wealth of observational data and have an in-depth knowledge of the habitat preferences of certain species along Eighty Mile Beach.

Agree on the values to be managed and develop a common vision

If pursuing joint management, the area(s) and values to be managed should be identified and agreed upon at an early stage. Indigenous knowledge and input on the regions' values was not sought during the resource gathering phase of the process, although there were opportunities for native title groups to share values information as part of participatory mapping exercises and time spent on country. Results from the engagement program suggest that the Nyangumarta people attach a high level of significance to ecological and cultural values in their coastal and sea country. It is debatable however, whether this has been adequately conveyed in the draft IMP.

It is also recommended to try and develop a shared vision for the area in question. In the PEMB planning process, members of the working group shared their aspirations for the coastal strip and documented ideas toward a vision of their coastal and sea country. While MPPB staff explained that DEC wanted indigenous input to help develop a vision, the Nyangumarta's wording was not directly incorporated into the vision statement in the draft IMP. Instead, at the meeting in Port Hedland, their ideas were compared with the vision drafted by MPPB and the similarities drawn. Despite this, visioning discussions in this case were useful in creating understanding between both parties and in highlighting the overlap between the Nyangumarta people's and DEC's aspirations for Eighty Mile Beach.

Build relationships

Experiences elsewhere illustrate that getting to joint management is part of an ongoing process of developing relationships. The importance of building relations with indigenous people cannot be overemphasised. An easily-overlooked outcome of the country visits undertaken was that a level of trust and rapport was built with native title working groups. In the case of the Nyangumarta, this was crucial in progressing the engagement program. Relations continued to be built at follow-up meetings. In June 2009, the working group invited DEC to attend their native title consent determination – a testament to the strong relationship built. Whilst MPPB has the main responsibility for marine planning, it is recommended that staff from DEC's Regional and District offices be involved in future indigenous engagement activities as they have operational responsibility for implementing management programs and will be involved in working on the ground with indigenous people.

Participatory planning approaches were used to help provide for indigenous input into

the PEMB planning process. With the Nyangumarta, such approaches not only enabled assessment of indigenous knowledge, but also created trust, respect and constructive relationships. Participatory techniques used in Broome helped members of the working group to gain a clearer understanding of concepts associated with marine parks. The ranking exercise had a high visual impact and helped members to participate equally and contribute meaningfully. While the methods used highlight a partnership approach, the level of participation of the Nyangumarta can be regarded as consultative. The working group received information about the planning process, their input and views were sought, and the information provided was considered by MPPB. However, again it is debatable that this has been adequately conveyed in the draft IMP.

Allow adequate time and resources

Getting to joint management requires substantial investments in time and resources. DEC's timeframe for the PEMB planning process was two years. Given that staff did not consult with Yamatji and KLC until five months into the planning process, this left only about 18 months to engage with the relevant native title working groups. This timeframe was inadequate. Life and cultural commitments and development in the region also placed demands on indigenous people's time, meaning there were very few chances to meet with the working groups. Government planning processes often need to be carried out within relatively short timeframes, and this will probably continue to be the case. For indigenous people with a known vested interest in an area, it makes sense to initiate engagement efforts at the earliest possible opportunity.

One of the difficulties recognised early in the PEMB planning process was achieving a balance between paying indigenous people for their involvement while not setting up a precedent that results in unrealistic expectations. The recent commodities boom in WA has resulted in indigenous participants regularly being paid \$500 a day plus substantial on-costs to attend meetings with mining and petroleum companies. DEC did not have the budget to cover these costs as part of the planning process, and, meetings and country visits to date have taken place based on informal agreements between MPPB and indigenous representative bodies. As with short timeframes, adequate financial resources will likely be an issue in future planning processes and if possible, this should be addressed in a consultation framework.

For much of the PEMB planning process, MPPB has been able to have a staff member focussed primarily on indigenous engagement, which has resulted in improved engagement. This has not been the case in the past. For example, in planning the proposed Dampier Archipelago Marine Park, no funds were forthcoming for an Aboriginal liaison person and no single person was given carriage of any indigenous consultation (Stanley, 2009 *pers comm.*). Even if joint management was not an intention of DEC, native title obligations mean that consultation with indigenous

people should be a priority.

Some things are beyond the control of protected area staff and indigenous people

Experiences during the PEMB process highlight that engaging indigenous people and ensuring their participation in planning can be difficult and time consuming. Some factors have been beyond the control of DEC and working groups across the regions.

A number of groups are still pursuing native title claims or are engaged with other government agencies and private companies. Such consultations and negotiations may have a higher priority than discussions about proposed new marine parks and reserves. Sometimes it has been possible to arrange meetings prior to or immediately following other meetings or events attended by the working group. Maintaining communications with indigenous representative bodies is important to help stay abreast of upcoming opportunities to engage.

Aboriginal people usually undertake ceremonial activities (law business) on country during the wet season (November to April) and organising consultation over these months is not advisable. Meetings and visits have been postponed or cancelled because of a death in the group or the community and flooding in the regions. There is no easy way of overcoming factors like this.

As outlined above, the initiative to expand the marine conservation reserve system in the PEMB regions was made by the previous Government. A new Government was elected in September 2008, which has created a level of uncertainty over the initiative. While a draft IMP has been prepared by MPPB, it is yet to be considered by the Government. When undertaking engagement since the election, it has been important to be honest with working groups about the future uncertainty.

Conclusion

As part of a marine planning process, DEC has been undertaking an indigenous engagement program with native title groups in the PEMB regions. While the consultation period is formally over, engagement efforts should carry on, particularly by staff from DEC's Regional and District offices, to ensure that relationships continue to be built and strengthened. Developing partnerships with indigenous people must be a priority if joint management arrangements are to become a reality.

Feedback on the program from one particular native title group has been extremely positive. While some positive steps forward have been made, the indigenous engagement program has fallen short in a number of areas, namely with an inadequate timeframe and in failing to fully consult and engage with all relevant native title groups. Lessons learned from DEC's indigenous engagement program have been documented and should inform fellow protected area planners and managers pursuing their own engagement and joint management programs.