

Reef 2050

Long Term Sustainability Plan Indigenous Targets

Project report from the Indigenous Sea Country Policy Group and the Cape York Turtle and Dugong Taskforce Steering Committee

11/27/2014

Reef 2050 – Long Term Sustainability Plan: Indigenous Targets Project

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Acknowledgements

The Project Team thanks the Department of Environment for sponsoring the LTSP Indigenous Targets Project and the Great Barrier Reef Marine Park Authority – Indigenous Partnerships team for such great participation and input.

The project steering committee recognises the efforts and commitment of the TOs in this project. Whilst the support of numerous people was enlisted in the development, implementation and completion of this project, there is a small number of people who regularly participated in meetings and discussions via other mediums such as email. The Project steering committee does not intend to single them out further by naming them in this report. However, their contribution is acknowledged and recognised.

Finally, we thank members of the Indigenous Sea Country Policy Group and the Cape York Turtle and Dugong Taskforce Steering Committee for their dedication to the development of these Indigenous Objectives.

Preamble

As Indigenous people (Aboriginal and Torres Strait Islanders, Traditional Owners, First Nations Peoples of coastal Queensland we are inextricably linked to the Great Barrier Reef and adjacent coastal areas. It is commonly known as traditional sea country but in truth the distinction between sea and land is a recent development. It is the result of the propensity of governments, policy makers and the like to compartmentalise ... based on perceived differences and commonalities ... so that phenomena might more easily be observed, and hopefully understood.

However the truth of the matter is that first nations peoples would rarely, if ever, distinguish land from sea when exercising our rights and fulfilling our responsibilities in our traditional country. There was no reason to do so. In addition to this, it is also likely that our coastline has actually slowly receded in the tens of thousands of years of indigenous occupation. So that what was once dry land is now part of the traditional sea country estate. This further illustrates the somewhat illusory effect of identifying sea country business as a discreet set of issues to be addressed within a framework that is often just as narrow and constrained.

That narrow view of sea country business can be seen in the disproportionate focus on traditional hunting practices. Whilst the cultural significance of this practice is generally acknowledged, the entire social and cultural context is not as universally understood. The ability to connect with these traditions and practice them, wherever possible, has a beneficial impact on community and personal well-being. This more holistic view is more appropriate and consistent with our ideas about what constitutes our country as first nations peoples.

Discussions about traditional country or traditional sea country should therefore not be limited to the physical environment and the geographically identifiable. As first nations peoples we are our country and as such we are not simply stakeholders. We are not even primary interest holders. None of these terms are adequate. This is because there is simply more at stake for first nations peoples when it comes to assessing the impacts of threats or potential threats to the overall health of sea country. The potential consequences reach beyond the immediate and impact on

overall well-being. It is the therefore the hope of the authors of this report that these factors are taken into consideration when determining the final form of indigenous targets in the LTSP.

Introduction

Indigenous people (Aboriginal and Torres Strait Islanders, Traditional Owners, First Nations Peoples) are the first peoples of the GBRWHA and continue to be a key element of the ecosystems of the area through their strong connection with land and sea country. This connection has sustained Traditional Owners for millennia both spiritually, culturally, socially and economically. Whilst this connection has not been broken it has been severely strained as a result of colonisation and successive government policies. Indigenous people today recognise the importance of the GBRWHA and the need to protect the inherent values within, but TO's assert it should not be at the expense of any weakening of our connection through poorly developed policy and implementation.

Indigenous people seek full recognition as the 'first peoples' of the GBRWHA and as such to have a strong voice in its governance especially in relation to conservation, management and use. It is important to emphasise that the GBRWHA continues to provide the basis for TO's sustainable livelihoods and that this should not be seen to be in conflict with the protection of the heritage values. Similarly supporting cultural practices associated with livelihoods ensures that Indigenous Knowledge Systems (TEK etc.) are maintained and can play a role in the management and use of biological resources within the GBRWHA.

The LTSP process provides Traditional Owners with yet another opportunity to help governments and policy makers understand their key aspirations through providing clear objectives and targets that build on previous policy and action successes whilst correcting those that have been ineffective in supporting the maintenance of Traditional Owners connection to the GBRWHA.

In considering the objectives, actions and timelines provided by GBRWHA T.O.s, we would like to respectfully draw attention to existence of relevant international best practice guidelines and overarching agreements in the area of Indigenous environmental rights including the United Nations Declaration on the Rights Indigenous Peoples, the United Nations Convention on Biodiversity Articles 8(j) and 10(c) and the following CBD guidelines;

- 1. Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities*
- 2. Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities*
- 3. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.*
- 4. Aichi Biodiversity Targets*
 - Target 14 - By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and*

safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.

- *Target 18 - By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.*

5. Addis Ababa Principles and Guidelines for the Sustainable use of Biodiversity

- *Practical principle 12 The needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources.*

Background

The Reef 2050 Plan is an initiative of the Commonwealth Department of the Environment. It has two parts. The Reef Trust is one, and the Long Term Sustainability Plan (LTSP) is the other. In order to define the parameters of the LTSP, the Commonwealth initiated and facilitated a multi-party partnership comprised of Commonwealth and State agencies and other community stakeholder interests. This partnership was tasked with the responsibility of developing the content of the LTSP in terms of measures or targets.

Traditional Owners (TOs) with a responsibility for sea country sought and were provided with an opportunity to contribute specific targets and actions to ensure that TO aspirations for the future well-being of the Great Barrier Reef (GBR) and adjacent coastal areas are articulated in the LTSP. This will thereby help to safeguard the traditional inheritance of TOs with sea country management responsibilities.

In July 2014 the Commonwealth Department of the Environment engaged Giringun Aboriginal Corporation to develop Indigenous targets for inclusion in the LTSP. Giringun then engaged Melissa George and Gary Lui to develop and manage the project. With the addition of Liz Wren from the GBRMPA, a project steering committee was established.

Within government a multi-agency partnership group, had been established to facilitate the development and implementation of the Reef 2050 LTSP. Melissa George, in her capacity as chair of the Reef Indigenous Advisory Committee, was invited to participate in the partnership group as an Indigenous representative.

Reef 2050 LTSP

Traditional Owners within the Great Barrier Reef appreciate the need for a strategic, consistent and effective management framework for the Great Barrier Reef Marine Park. Such a significant change in policy direction comes at a time where governments are beginning to fully appreciate

and value the contribution that Indigenous Australians can make to environmental and heritage conservation. The capacity of the LTSP to document key governance structures and principles ... as well as determine future investment priorities for the sustainable future management of the Reef, means that integration and engagement of Indigenous peoples in all aspects and at every level is essential. This process is viewed as a significant opportunity for Indigenous sea country managers. To have the LTSP implemented without an appropriate level of focus on Indigenous aspirations is considered to be unacceptable.

There is a requirement for the Long Term Sustainability Plan to recognise the legislative role of Traditional Owners, as prescribed in the Environment Protection Biodiversity Conservation Act (EPBC), Great Barrier Reef Marine Park Act (GBR) and Native Title Act (NT), and their associated regulations. This ensures due consideration of the rights and interests of TOs in the management of the GBR and provides opportunities to utilise existing land and sea management capability. It also fosters the development of a process to increase participation levels for existing, new and emerging Traditional Owner interests.

In terms of advancing Traditional Owner interests in discussions concerning the LTSP, the Queensland Government should note a critical link to the Australian Government's new Indigenous Advancement Strategy. In particular, there is a direct link between the following programs that should be noted in the LTSP planning and design;

- *Programme 2.1 Land, Jobs and Economy*, (administered by the Department of the Prime Minister and Cabinet); and
- the Department of the Environment's *Programme 1.1 Sustainable Use of Natural Resources and the Environment*, which includes Reef 2050;

The new Indigenous Advancement Strategy identifies Land and Sea Management as one of its key objectives and therefore presents opportunities for strategic and innovative delivery mechanisms under Reef 2050. In particular the offsets associated with the 'one stop shop' approach and Reef Trust.

The LTSP process presents an excellent opportunity for key decision makers to look beyond the borders of single agencies in an effort to attain genuine, strategic and innovative measures that connect multiple programs together, such as Reef Trust, NERP and the Indigenous Advancement Strategy. This will maximize benefits and opportunities for TOs in Queensland.

Purpose of this report

This report captures the key outcomes of the project established to develop LTSP Indigenous targets. The project capitalised on the work done by TOs, over a significant time period, in sea country planning and management. As such, the project has a responsibility to those people to ensure that they are informed about the way in which the product of the effort has been utilised. Furthermore, they should also have easy access to that information, provided in a format that is unambiguous in its documentation of the project, the processes and approaches used in its management, and the deliverables produced. This is the primary purpose of this report.

Methodology

Project team

The project steering committee comprised; Melissa George, (Chair Indigenous Reef Advisory Committee), Gary Lui, (Coordinator/Policy Officer Indigenous Sea Country Policy Group), Liz Wren, (Director Indigenous Partnerships, GBRMPA), A/Prof. Stephan Schnierer (Southern Cross University, Lismore, NSW) and Duane Fraser (Project Coordinator –from 13/11/14).

The project steering committee met on numerous occasions via teleconference and on a small number of occasions in person.

Planning and management

The project plan was developed in response to the schedule for drafting and public comment that developed by the partnership group (Table 1). Working within these predetermined parameters, a process had to be designed that would facilitate the necessary engagement with TOs, and at the same time adhere to timing constraints imposed by the broader LTSP project partnership group.

Table 1. Project plan indicative dates and milestones

Indicative Dates	Milestones
10 July	Second meeting of the Partnership Group
31 July	Draft Plan circulated to the Partnership Group, incorporating outcomes from the second meeting.
7 August	Third meeting of the Partnership Group
15 August	Draft Plan finalised for public comment
25 August	Draft Plan released for public comment (6 weeks)
6 October	Public comment period closes
27 October	Draft Plan provided to Partnership Group
4 November	Fourth (and final) meeting of the Partnership Group
10 November	Plan finalised
13 November	Agenda papers circulated for the Standing Committee of Officials (SCO) Meeting
20 November	Standing Committee of Officials Meeting
11 December	Plan considered at the GBR Ministerial Forum

The project was however subject to delays caused by external factors. This meant that the vast majority of timeframes set out were not adhered to. However, the project team met and complied with the requirement that the draft Indigenous targets be submitted by the 15th of August to allow the partnership group to finalise the LTSP so that it could be released for public comment.

Project Scope

In planning for this project and developing key strategies for engagement with TOs the project team established some key principles. The key principle communicated to participants in this process was that they were not being asked to start at the beginning. Significant emphasis was placed on the fact that most TOs who contributed to this process had already been involved in, and contributed to some significant work involving the management of sea country. Many had actually had significant involvement in the development of sea country management plans which in turn captured strongly held community aspirations and expectations. This project did not

require them to repeat the exercises that yielded such significant outcomes. Instead, the project sought to capitalise on the work they had already done.

In short, the scope of this project was very well defined. It was confined to the review of the collective product of TO planning and strategy development in the area of sea country management. This approach was the most practical and realistic given the external imposition of extremely tight time and resource constraints.

Data (Proposed Indigenous Targets) Collection:

Face:Face Consultation

The Queensland Indigenous Sea Country Policy Group was proposed as the engagement mechanism to seek consensus or further input on targets and actions proposed for the LTSP. This group is endorsed as a representative mechanism for TOs in Queensland on matters that progress Sea Country Management. With the inclusion of a number of other key representative interests (from missing TUMRA groups and the Turtle and Dugong Taskforce), it the group was identified as best placed to provide strategic coordinated advice to the Partnership Group.

The project proposed that a number of on ground TO consultation meetings be undertaken within the Northern and Southern GBR by members of the Steering Committee, namely:

- Cape York;
- Cairns;
- Cardwell;
- Townsville;
- Rockhampton;
- Mackay; and
- Bundaberg.

It was envisaged that these smaller meetings will give TO the opportunity to be appropriately informed on the development of the LTSP so that they can meaningfully participate in the Indigenous specific content of the LTSP. It was the intention that this, along with the involvement of the Queensland Indigenous Sea Country Policy Group, will facilitate the government's requirement to provide free, prior and informed consent during the process. The appropriate application of this is meant to allow for Indigenous peoples to reach consensus and make decisions according to their customary systems of decision-making.

Results

Development of Initial Draft LTSP Indigenous Targets for Consultation

Working with the original draft LTSP Targets the project team developed a set of draft Indigenous targets which were submitted to the partnership group. These were eventually redrafted as a result of editorial decisions made at the partnership group level. Discussions occurred between members of the project team and the partnership group regarding the final form or words for the draft Indigenous targets. Whilst there was open dialogue in this regard, It should nonetheless be noted that the final form and wording of some draft Indigenous targets does not necessarily reflect an ideal or preferred approach in the collective view of the project team.

Face to Face Consultation

Meeting 1

Meeting 9th August 2014 Mecure Harbour-side Cairns: LTSP Indigenous Targets Project Combined Working Group

The purpose of this meeting was to brief TO representatives with regard to the Reef 2050 LTSP and the current project. An additional outcome sought from the meeting was the endorsement of the combined working group in support of the approach proposed, and the continued participation of Melissa George as the Indigenous representative on the partnership group drafting committee.

Note on Further Meetings

Efforts to schedule further community meetings were mostly unsuccessful. Several strategies were used to communicate with key persons involved in managing Indigenous sea country business, such as phone calls, regular email updates to identified distribution lists and a small number of small meetings. However, several factors affected the success or otherwise of these efforts. From the outset, TOs expressed a strongly held objection to the tight timeframes provided by the partnership group within which to meet project milestones. Ultimately, the applicable timeframes weren't within the control of the project steering committee. As such there was no opportunity to ensure that requested and proposed meetings with TO groups coincided with other important forums such as TUMRA steering committee meetings. This was an important factor as groups require resources to facilitate attendance at meetings and in many cases, such as TUMRA steering committees, any such funds were likely to have been previously committed to scheduled TUMRA steering committee meetings. In one case, members of the project steering committee were able to meet with one TUMRA steering committee because their previously scheduled meeting coincided with project time considerations. In one other case, the project steering committee was advised that efforts would be made to organise a meeting but that the next scheduled community meeting fell outside the window of opportunity afforded the project steering committee.

To address the need for a sufficient level of engagement and participation from TOs in this project, it was proposed that funds unspent as a result of travelling to meetings with individual groups (as per the original project plan) would be re-invested. The project team changed strategy

and decided to convene a second meeting of TOs in November 2014. In addition to inviting the participants in the first meeting on 9th August 2014, in Cairns, efforts were made to identify TOs actively engaged in sea country business with a view to inviting them to attend the meeting also. The strategy required a larger number of participants at the second meeting.

Meeting 2

Meeting 2 held in Cairns on the 1st of November and was attended by several TO's and proved very productive. However participants preferred to provide ideas on LTSP Indigenous targets rather than only review those draft targets produced by the project team and the partnership group. The ideas presented by the TO's were recorded and then inserted into the thematic areas either as direct text or through melding with existing text. (see Proposed LTSP Indigenous Targets – next page).

It was Identified by those present the need to continue the engagement mechanism of the Indigenous Sea Country working group through a proposed secretariat (see attachment A).

Proposed LTSP Indigenous Targets

Water Quality

Target
Ensure Traditional Owners are engaged in on ground water quality improvement and monitoring
Action
Identify and action opportunities for Traditional Owner engagement in on-ground water quality improvement and monitoring programs

Ecosystem Health

When consider ecosystems health planners need to reflect on the presence of Indigenous communities as key elements of the ecosystems not just by-standers or another stakeholder.

Objective
To respect, preserve and maintain the knowledge, innovations and practices of Traditional Owners relevant for the conservation and cultural use of biocultural diversity
Target – To be developed
Increasing the development of agreements with Traditional Owners as Custodians that are consistent with management of their ecosystems within their traditional estates
Action
Ensuring upfront acknowledgment of Traditional Owners in new and existing policy and plans
Traditional Owners' localised planning should be incorporated and prioritised into existing and future ecosystem policy and programs (procurement processes)
Incorporate the Queensland Sea Country Management Framework to implement and achieve the targets

Biodiversity

Planners need to consider the recognition and protection afforded Indigenous peoples in the UN Convention on Biodiversity *Articles 8(j) and 10(c) and the following CBD guidelines;*

Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities

Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

Aichi Biodiversity Targets

Target 14 - By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.

Target 18 - By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

Addis Ababa Principles and Guidelines for the Sustainable use of Biodiversity

Practical principle 12 The needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources.

Objective
Traditional Owners are engaged/participate/ manage the conservation and sustainable use of cultural keystone species and biocultural resources
Target
Increase/build/develop the capacity for each Traditional Owner group to manage/store/record traditional ecological knowledge
Customary use of biological resources, in accordance with traditional cultural practices that are compatible with conservation or cultural use requirements are formally recognised and adopted in management arrangements
Action

Invest in Traditional Owner land and water plans of management to inform mainstream policy.

Through Traditional Owner engagement frameworks, apply traditional knowledge and customary use of biological diversity, including the use of community protocols for managing protected areas

Work with Traditional Owner groups to identify biocultural resources within their sea country and develop plans of management for conservation and use of those resources

Community Benefits

Objective
The rights of Traditional Owners to derive benefits from the conservation and cultural use of biological resources are recognised
Target
The number of benefit sharing initiatives and agreements with Traditional Owners is increased
Actions
Review current mechanisms and processes to improve benefits to Traditional Owners engaged in sea country management
Establishment of an intra-agency technical advisory committee to map and linking up community benefits.

Economic Benefits

Indigenous people have a right to derive economic benefits that may be derived from the conservation and use of the natural heritage of the GBRWHA. This right is expressed more generally in Article 32 of the UNDRIP which states

‘Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

In relation to biological resource exploitation the UN CBD emphasises the need for Indigenous People share equally in the benefits that are derived from the conservation and use of biological resources, for example fisheries.

Objective
Traditional Owners derive economic benefits from conservation and sustainable use of biological resources.
Target
The number of Traditional Owner service providers increase leading to an increase in viable businesses
The number of employment opportunities for GBR Traditional Owner in sea country management and reef based industries is increased.
Action
Develop and implement an Indigenous Business Development Plan including a comprehensive review of baseline data, processes and systems to identify existing and potential economic benefits to Traditional Owners.
Assisting Traditional Owners’ to be business ready (commercial procurement and infrastructure) and build capacity (people) to generate economic benefits from effective use and management of traditional land and sea country estates

Heritage

It is important to remember that Indigenous heritage includes the biological as well as the non-biological world. So the protection and maintenance of all living organisms including key iconic species such as turtle, dugong and other species is important to TO's, not only because they are a source of physical sustenance but because they can also hold spiritual meaning. Indigenous heritage also includes the knowledge held about our environment referred to as TEK or Traditional Knowledge. While documentation of this knowledge is important it can only be properly protected through the maintenance of ongoing cultural practices, for example going fishing keeps Indigenous people in contact with what fish species are out there and what state they are currently in.

Objective
Traditional Owners cultural heritage rights and responsibilities are incorporated in all facets of management
Target
Actions
Resource Traditional Owners to develop country based management plans that identify, assess and manage heritage values.
Identification, documentation, and long term protection of Indigenous and non-Indigenous heritage values are embedded in decision making and planning processes
Update the GBRMPA Heritage Strategy 2005 to more comprehensively address Indigenous and non-Indigenous heritage.
Develop an appropriate engagement procedures for assessment of cultural heritage values in the GBR Region/ to inform assessment/approvals process and decision making. Applies to all stakeholders. Opportunity to cover off on Future Acts Notice (Harris v GBRMPA).
Facilitate robust consideration of heritage values in planning and port development and associated activities (including dredging) – covered off by above
Stewardship and community participation
Build capacity for the involvement of Traditional Owners and community members in cooperative management and port planning. Underpinning of all.
Research and information management
Work with, support and resource Traditional Owners to collect, store and manage their own information, including cultural heritage value assessments
Further identify, map, monitor and report on key Reef heritage values and sites, including comprehensive maritime surveys in priority sections of the Reef.

Consolidate Reef heritage data, and identify priorities for protective action.

Recognition and up-front engagement of GBR Traditional Owners in GBR research/tourism related activities including training, employment, fee for service & partnership opportunities (i.e. through research & Tourism permits)

Ensure the Nagoya Protocol is upheld in the GBR (equal benefit sharing – the use of traditional knowledge/intellectual property for research & profit)

Governance

Indigenous people have a right to be involved in the governance arrangements that have the potential to influence our connection with their natural heritage (biological and non-biological) in the GBRWHA. The mechanisms and structures for involvement in that governance should be determined by Traditional Owners as stated in Article 18 of the UNDRIP which says

‘that Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.’

Any policy changes that have the potential to impact their connection with the GBRWHA should be negotiated with TO’s as per Article 19 of the UNDRIP which says;

‘States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.’

Objective
Engage Indigenous people especially TO’s, in all decision making structures and processes relating to the management and use of the GBR
Refer Qld sea country management framework to inform governance and investment strategy.
Develop an appropriately designed governance structure to secure the long term participation and effort from Traditional Owners.
Target
Two Indigenous representatives on the GBR board of governance (1 male 1 female)
An Indigenous reef advisory committee to advise GBRMPA
Local Traditional Owner Advisory committees for each TO group in the GBR to advise GBRMPA and it’s governance structures.
Indigenous section within the GBR management agency (IPLUA).
Improve the level of government coordination
Adoption of country based management plans
Action
Increase Indigenous representation on the GBR board of governance to 2 members (male and female)
Maintain the Indigenous reef advisory committee

Developed Local Traditional Owner Advisory committees for each TO group in the GBR to advise GBR and its governance structures.

Maintain and strengthen Indigenous section within the GBR management agency (IPLUA).

Regional / catchment based model

Advisory bodies are required to undertake cross-cultural training in order to better understand the points of view being articulated by Traditional Owner representatives.

Resource Traditional Owners to enable equitable participation in all aspects relating to the use, management and benefit sharing of the GBR.