

TNRM Sea Country Workshop Summary: 13 Nov 2018

The Sea Country Management workshop was held from 8:30-4:30pm on Tuesday 13th November at the Territory NRM conference in Darwin. The workshop was facilitated by Jackie Gould (CDU/AIMS) and Ricky Archer (NAILSMA) and built upon the Sea Country Workshop held as part of the 2017 TNRM conference. The 2018 workshop explored the successes of Sea Country IPAs, and discussed what management options and legislative tools might further support Rangers and TOs in the effective management of their sea country.

The tools explored during presentations included:

1. Traditional Use of Marine Resource Agreements (TUMRAS) - Qld
2. Indigenous Protected Areas (IPAs) - NT, Qld, WA
3. Jointly managed marine parks/marine protected areas – NT, Qld, WA
4. Commonwealth Marine Parks - Cth

Below is a summary of the speakers and their presentations.

Bilawara Lee (Larrakia elder)

Aunty B. gave a lovely Welcome to Country.

Jackie Gould (Charles Darwin University/Australian Institute of Marine Science) *IPAs and MPAs - What are they?*

Jackie provided an overview of current Indigenous Protected Areas (IPAs) and Marine Protected Areas (MPAs) in the NT, followed by a discussion about what each can achieve. MPAs have legal weight but government decides how they are managed and sets management priorities. If government is willing to work with Traditional Owners (TOs), there can be good outcomes for both parties. IPAs have no legal weight, so they can't make rules about fishing or mining, but they allow TOs to set the management priorities and control operations. They also allow for partnerships with government and other stakeholders. IPAs are good at making sure cultural values are key management priorities, something which doesn't usually happen with MPAs. The NT doesn't have many MPAs compared to other states. 4% of NT waters are MPAs, whilst 19% are IPAs (and this is likely to jump to 25% in 2019). Traditional Owners and Rangers in the NT (with and without IPAs) are showing real leadership in sea country management and should be proud of their work.

Yumutjin Wunungmurra, Andrew Falk, and Jackie Gould (Yirralka Rangers) *The Foundations for Effective Sea Country Management*

Yirralka spoke about the principles of Indigenous sea country management, the challenges of managing a large and remote sea country IPA, and the achievements of sea country management. First they mentioned the growing success story of sea country IPAs in the NT. 84% of the NT coast is Aboriginal owned, and has many sea ranger groups who have worked hard to

establish and build their capacity as professional and effective land and sea management organisations. Increasingly, sea country is being included within IPAs. The Yirralka IPA was recently expanded to include 5,700 km² of sea country. It covers many diverse but culturally and ecologically rich areas. Over recent years, Yirralka has done a lot of work to develop a permit system for sea country in northern Blue Mud Bay. Lots of time was spent finding out what TOs wanted in terms of looking after sea country and sacred sites, and what areas were ok for non-Indigenous people to visit. From this, Yirralka have developed a governance framework and an administrative structure so that TOs can enact their legal right to control access to the intertidal zone through culturally appropriate decision making structures. This is good to see happening in Blue Mud Bay, where TOs fought for legal recognition of their sea rights. Hopefully, the permit system will be in place in Blue Mud Bay in 2019, just over a decade after the Blue Mud Bay court decision recognised TO ownership of intertidal waters under the Land Rights Act. Once it is up and running in Blue Mud Bay, Yirralka will then start the work to set up permit systems in for other parts of sea country within the IPA.

Dean Mathews (Nyamba Buru Yawuru)
Yawuru IPA and Joint management of MPAs

Dean talked about the Yawuru conservation estate, and the development of the Yawuru Cultural Management Plan, Yawuru-Nagulagun/Roebuck Bay Marine Park (YNRBMP) Plan, and the Yawuru IPA. He also talked about the Marine Science Research programs that have gone on in the Kimberley, and the roles TOs and Rangers played in these. The Kimberley Indigenous Saltwater Science Project (KISSP) helped address some of the gaps. KISSP was one of twenty five research projects in the Kimberley region funded by the Western Australian Marine Science Institute through 2016-2017. It focused on the improved integration of Indigenous knowledge into marine conservation management in the Kimberley by achieving three specific objectives. However through the project's lifetime the working group achieved significantly more. In terms of the joint management of a marine park, Dean noted both challenges and opportunities. Having cultural values as Key Performance Indicators in the management priorities was a success. The MPA adds legal weight to the management plan. Some of the other benefits included employment for TO's and business opportunities from the marine park. But there are also challenges in governance, for example free prior and informed consent to research that happens in their country. Combining Indigenous and non-Indigenous management priorities and knowledges can also be a challenge. Overall though, the creation of the park has been a good thing for Yawuru people.

Jarrad Holmes (consultant)
Jointly Managed Marine Parks: an example from the Kimberley

A presentation on the Dambimangari native title holders' journey in creating the joint management arrangements for Horizontal Falls and Camden Sound Marine Parks. Jarrad noted some of the benefits and challenges in developing joint management: for example, legal agreements have an intergenerational impact; having TOs as majority board members doesn't necessarily mean they

have a strong say in all decisions (and which kinds of decisions). In the Dambi area, much of the planning work for the parks was from government without consultation with the broader TO community or rangers. Jarrad noted that once the Park was established, visitor access to the intertidal zone was managed by the park, whereas before some of the areas were managed through permits to access the Aboriginal Land Trust. Now, rangers need permission from the joint management board to do any of their ranger work. On the other hand the park does create legal protections, for example from mining. The outcomes from joint management for TOs can be good or bad depending on each groups' circumstances. Jarrad's advice to TOs/rangers is: decisions require good and early planning; get a team with broad expertise and representation; insist on consistency and transparency (within groups and between groups); be clear on the process and be prepared for it to be a long process; the negotiations should be in an atmosphere of win/win collaborative negotiations and not win/lose adversarial negotiations; and don't underestimate the importance of having operational responsibility.

Joyce Wallis and Whitney Rassip (Girringun Aboriginal Corporation)
Collaborative Frameworks for the Management of Sea Country: Girringun

Joyce and Whitney talked about the development of the Girringun IPA and their TUMRA agreement. Girringun was established in the early 1990s to rename the (then) Lumholtz National Park as the Girringun National Park. Girringun now employ 30 permanent staff, 95% of which are TOs. The TUMRA was the first ever to be signed, and came into effect in 2005. TUMRAs started as a way to manage hunting of turtle and dugong, but have become ways to make agreements with the Great Barrier Reef Marine Park Authority about a wider range of management issues and work. The 1.2 million hectare IPA was dedicated in 2013 and covers land and sea, as well as multiple tenures. It includes part of the Great Barrier Reef Marine Park, national parks, Aboriginal owned land, non-Indigenous privately owned land, World Heritage areas and other areas. There are 9 TO groups whose country is part of the IPA. TOs, through Girringun, provide the leadership for everyone to work together so country can be looked after as a cultural and ecological whole. They use legal means (like native title and TUMRAs), as well as other means (such as Indigenous knowledge and authority, and ranger work) to manage their land and seas. Formal governance mechanisms – such as a Co-management Committee – allow Girringun to bring stakeholders together into a collaborative management framework. The IPA plan guides strategic priorities and is now in its fifth year of operation. The rangers do compliance, cultural heritage, biosecurity, research and monitoring, fire, marine debris, junior ranger and lots of other kinds of work. The power to prosecute offenders is decided by Girringun elders and reported by rangers to relevant authorities.

Dion Cooper and Johan Ryan (Djelk Rangers)
Djelk Land and Sea management

This presentation talked about the work of the Djelk sea country rangers and the challenges of managing a vast IPA. Dion gave some background on the rangers, noting they were established in 1991 and manage over 200km of coastline. They have male and female rangers, and land and sea teams. The IPA covers approximately 14,000km², and overlaps with the Warddeken IPA, the

proposed Crocodile Islands Maringa IPA, and the Arnhem Commonwealth Marine Park. There are three main areas of sea country management work that Dion talked about: sea patrols, biosecurity and sacred sites. Keeping fishers away from closed areas (especially sacred sites). Djelk do 6 sea patrols each month, and work with key partners like NT Fisheries and AAPA. Since starting sea patrols, Djelk have recorded over 2200 sightings of ghost nets, illegal fishing boats, illegal crab pots and boats entering sacred sites. There is a sacred site at the Blyth River which in particular has a long history of intrusions by fishers. Marine debris, ghost nets and biosecurity are other big issues. The rangers collect huge amounts of rubbish from the beaches, and check for pests and diseases. They also check for unusual marine animals and send them in to Darwin for identification. Removing problem crocs is another marine animal management issue! Jonah talked about the Learning on Country Program, and how it is important to pass on knowledge and give young people pathways into ranger positions. He talked about how this made young people strong, confident and proud. Everyone gave Jonah a big round of applause for graduating from the LoC program and into a ranger position, and for the great job he did at speaking at his first conference! Although TOs wanted the IPA to include sea country, this was not possible when the IPA was created in 2009. Djelk are about to finalise the inclusion of sea country into the IPA over the coming months. As a Commonwealth Marine Park has been declared over part of the sea country IPA area, Djelk are talking with Parks Australia about opportunities to work together in managing the Marine Park.

Zoe Cozens (Parks Australia)

Beyond the Horizon - Sea Country in Australian Marine Parks

Zoe's presentation covered details of the Australian Marine Parks (AMPs) in the North Network which became operational in July 2018. AMPs are in Commonwealth waters, which start about 5.5km from the shoreline. They are created under the EPBC Act. There are AMPs all around Australia, split into 6 'networks'. The North Network goes from the tip of Cape York through to the NT-WA border and has 8 marine parks. Each park has one or more 'zones' which determine what activities are allowed to occur. In the NT, AMPs overlap with the Dhimurru and Djelk IPAs. Zoe discussed the management arrangements of the parks, and the Australian Government's commitment to working with Traditional Owners and Rangers and recognising Indigenous cultural values. The parks do not affect native title rights. She said that the future involvement of sea country rangers in on-ground management will be essential. Roles for sea country rangers might include biosecurity monitoring, marine debris removal, fisheries monitoring and biodiversity surveys. As the parks are still relatively new, Parks Australia is focused on building relationships with key partners in each region. This includes interested Traditional Owner and ranger groups to support the protection of cultural values in AMPs and facilitate marine science collaborations.

Andrew Denzin and John Tapim (GBRMPA)

Traditional Use of Marine Resources Agreement Program (Great Barrier Reef Marine Park)

Andrew and John talked about the TUMRA program and its expansion and involvement with Great Barrier Reef Traditional Owner groups. TUMRAs are formal agreements between Traditional Owner groups, the Great Barrier Reef Marine Park Authority (GBRMPA) and the

Department of Environment and Science. TUMRAs initial focus was on managing the hunting of turtles and dugong, but they are now are more comprehensive sea country management tool for Traditional Owners to manage a wide range of traditional use activities. For example, some of the reasons why Traditional Owners want TUMRAs are because they: support Traditional Customs and Lore for managing sea country; recognition of Traditional Owners and their connection to their sea country; Traditional Owner leadership and governance; natural and cultural heritage protection; research and monitoring; education; career pathway and Junior Ranger programs; employment of TUMRA coordinators; economic development opportunities; training and support with the use of drone technology; and Traditional Owner training and involvement in compliance. Giringun was the first group to sign a TUMRA in 2005. There are now 9 TUMRAs along the Queensland east coast, with 18 tribal/clan groups covering approximately 25% of the Great Barrier Reef coastline.

Ricky Archer (NAILSMA)
Group break out session

Break out discussion in small groups, of the future of Indigenous-led sea country management in the NT. Thoughts were written on butchers paper to inform the Workshop Statement – see below.

Alan Rowe (TNRM)
TNRM closing address

Thanked all for attending and highlighted the importance of effective sea country management.

Principles for Traditional Owner-led management of Sea Country: reflections by the participants of the Sea Country Workshop

After hearing the presentations, which explored different frameworks and models for Traditional Owner participation in the governance of marine protected areas, participants were asked to provide feedback on what they saw as the key messages and priorities to ensure Indigenous leadership in this management space.

Participants were a mixture of Indigenous Rangers, Traditional Owners, and non-Indigenous members of the NT's natural resource management, government, and research sectors, and the general public. Everyone expressed an interest in further exploring what models would work best across the NT. From the presentations, the management tools of interest to participants included:

- TUMRAs, which were identified as a potential good model
- IPAs where they don't currently exist
- Jointly managed marine parks
- Limmen Bight Marine Park participatory planning model

Although there were some tensions identified between sectors, there was overall a sense of genuine good-will, and an interest in working together to achieve equitable and sustainable

frameworks for marine management. This included interest in hearing more about NT legislation and policy frameworks, to think about how these can be adapted to support best practice joint-management. The presentations highlighted the challenges faced by Traditional Owners who enter joint management arrangements, in terms of negotiating governance structures which ensure the realisation of TOs rights and authority. Participants reiterated the need for Traditional Owners to have real authority in terms of planning and implementing marine protected area management.

The following is a summary of what the participants identified as key principles for Traditional Owner-led sea country management and protection following the presentations and discussion.

Governance:

1. Sea Country management planning and implementation needs to be led by us as Traditional Owners (TOs) and Rangers.
2. We need to be involved in all decision-making, across remote and urban settings.
3. This role should be formally recognised in legal, policy and agreement-making structures.
4. Strong internal governance allows us to stand strong in negotiations with government and others, and navigate legislative frameworks.
5. Research requires TO consent and researchers should follow local research protocols.
6. Good governance means strong relationships between generations, between clans/family groups, and between Ranger groups. We are stronger when we share our knowledge and experiences with each other.
7. Succession planning is fundamental: it is really important to support young people, provide training and career pathways for rangers, and to let people grow into leadership roles.
8. People on country is at the heart of what we do and stand for.

Partnerships:

1. Partnerships and working together are the key to success and to mutual benefits being realised.
2. Traditional Owners and Rangers seek to partner with all levels of government, with NGOS, research organisations and community sectors.
3. Good communication supports strong partnerships.

Recognition:

1. Rangers have a key role to play in terms of compliance issues on Sea Country. This work needs to continue to be supported and grow into the future, through long term government commitment of legal and funding support.
2. It should be recognised that Rangers often do more than what they are funded for.

Resourcing:

1. Sustainable and consistent government resourcing is critical.
2. Fee for service activities also play a key role in sustainable resourcing.
3. Rangers want sustainable resources so they can realise the Sea Country management goals set by TOs, and increase their capacity (i.e. training, jobs and infrastructure).