The Future of Indigenous Protected Areas in Australia

Decolonising protected areas and putting country back together



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Abstract

An Indigenous Protected Areas (IPA) is an area of land and/or water that an Aboriginal or Torres Strait Islander group has decided to voluntarily declare and manage through a mixture of legal and other effective mean in line with the International Union for the Conservation of Nature's (IUCN) protected area (PA) guidelines. The Australian Government's IPA program supports the declaration and management of IPAs. Currently, there are 72 IPAs covering over 65 million hectares, making up more than 44 per cent of the national PA network. IPAs represent the first time a PA has been established with the informed consent of Aboriginal and Torres Strait Islander peoples. The IPA concept and program have been in effect for 20 years; however, despite national and international recognition as an approach that surpasses the constraints of collaborative forms of conservation, the Government have not made a commitment to continue funding IPAs post-2018.

To date, there is limited critical analysis of the IPA concept and program. This thesis aims to fill this gap in the literature by utilising an original analytical framework – addressing the role of Indigenous recognition, the role of language, bureaucracy, territoriality, accounting and accountability, and asymmetrical relations of power – to investigate the form and function of the IPA concept and program, against principles of the established 'fortress' (Brockington et al., 2008a) and emerging rights-based paradigms for conservation. The analysis highlights that the concept and program reinforce a number of the principles of both paradigms. Nonetheless, the concept and program have in some respect evolved beyond the principles by further grounding the IPA concept and program in Aboriginal and Torres Strait Islanders peoples' conception of their relationship to country. The future of IPAs is not only in the guarantee of long-term funding but also in how they continue to evolve and adapt.

Key Words: ***Australia, co-management, conservation, fortress paradigm, Indigenous peoples, Indigenous Protected Area (IPA), rights-based paradigm***

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To my family past and present, words cannot express the depth of my love for you all. Thank you for continuing to believe in me.

To borrow the words of a friend and advisor, a lot of us are good at convincing ourselves that we do things by design but often it is just a series of coincidences and chance encounters of meeting particular people that lead to the kind of trajectories of whatever become our careers or our lives….I guess it is fairly coincidental how I came to end up where I am.

Preface

In the context of this thesis the term ‘Indigenous peoples’ is used to represent all peoples who identify as Indigenous around the world. The term Aboriginal and Torres Strait Islander is only representative of Indigenous peoples from the Australian continent. Individually, Aboriginal relates to Indigenous peoples from mainland Australia (including the island State of Tasmania). Torres Strait Islander relates to Indigenous peoples of the Torres Strait Islands off the coast of Queensland.

TABLE OF CONTENTS

ACRONYMS ..... **I**

LIST OF BOXES AND FIGURES ..... **II**

CHAPTER 1 INTRODUCTION **1**

1.1 RESEARCH QUESTIONS 3

1.2 DISSERTATION STRUCTURE 3

CHAPTER 2 LITERATURE REVIEW **5**

2.1 THE PROBLEM AND THE SOLUTION: FROM GENOCIDE TO DECOLONISATION AND RESTORATIVE JUSTICE 5

2.1.1 Indigenous Peoples and Land Claims *8*

2.1.2 Indigenous Peoples and Regimes of Conservation *12*

2.2 THE PROBLEMS WITH THE SOLUTION 17

2.2.1 Theoretical Context *17*

2.2.2 The Politics of Recognition - Ideas of Indigeneity and Authenticity *18*

2.2.3 The Role of Language *20*

2.2.4 Bureaucracy and the Institutionalisation of Rationality *22*

2.2.5 Territoriality of Space *25*

2.2.6 Accounting and Accountability as a Technology of Government *29*

2.2.7 Asymmetrical Relations of Power *31*

2.3 RE-IMAGINING INDIGENOUS PEOPLES AND REGIMES OF CONSERVATION 34

2.4 CONCLUSION 35

2.5 INDIGENOUS PROTECTED AREAS AND THE PROGRAM 37

2.5.1 Historical Background and Policy Context *37*

2.5.2 What is an Indigenous Protected Area? *39*

2.5.3 Structure of the Program and Process of Declaring an IPA *41*

2.5.4 Current Status of the Program *42*

CHAPTER 3 METHODOLOGY **44**

3.1 RESEARCH STRATEGY - GROUNDED THEORY AND CASE STUDY 44

3.1.1 Grounded Theory *44*

3.1.2 Case Study *46*

3.2 RESEARCH DESIGN AND PROCESS 47

3.2.1 The Field *47*

3.2.2 Yamatji Region *48*

3.2.3 Kimberley Region *49*

3.2.4 Research Participants and Sample Size *51*

3.3 POSITIONALITY, LIMITATIONS AND ETHICS 52

3.3.1 Researcher Positionality *52*

3.3.2 Ethics *53*

3.4 DATA ANALYSIS 53

RESULTS **55**

CHAPTER 4 KNOWLEDGE, LANGUAGE, CAPACITY AND CO-BENEFITS **55**

4.1 THE FUNCTION OF KNOWLEDGE AND LANGUAGE IN SHAPING CAPACITY 55

4.1.1 Cultural and Institutional Competency, and Organisational Structure *55*

4.1.2 Language of IPAs and the IPA program *58*

4.2 BENEFITS OF IPAS AND THE IPA PROGRAM 59
4.2.1 Strengthening and Reinvigorating Connection to Country and Community ... 60
4.2.2 Identity, Pride, and Confidence 62
4.2.3 Recognition and Application of Rights, Authority and Autonomy 62
4.2.4 IPAs and the IPA Program Provides Structure and Stability 64
4.2.5 Expanding Opportunities and Making 'Other' Things Thinkable 65
4.2.6 Benefits to the Nation 66
4.3 CONCLUSION 66

CHAPTER 5 DETERMINING THE FUTURE AND CHALLENGING THE STATUS QUO 68
5.1 BARRIERS TO ACCESS 68
5.1.1 Are You Authentic Enough? 68
5.1.2 Does Your Country Have Enough Wilderness? 69
5.1.3 Effects of Native Title and Land Tenure 70
5.1.4 Criteria for Participation 72
5.2 BUILDING CAPACITY, LONGEVITY AND SUSTAINABILITY 74
5.2.1 Breaking the Model – From 'Project' to 'Livelihood' 74
5.2.2 IPAs and the IPA Program as Separate Entities 75
5.2.3 Increasing Capacity and Support Through Advocacy and Education 76
5.2.4 The Role of Government and Non-Government Actors 77
5.3 ENHANCING CONTROL AND AUTONOMY 79
5.3.1 From Bounded Project to Generational Livelihood System 79
5.3.2 Tailoring Plans of Management and Reporting Frameworks 80
5.3.3 Legislative Backing and Veto Powers 81
5.4 CONCLUSION 82

CHAPTER 6 DISCUSSION 84
6.1 RESEARCH QUESTION 1 84
6.2 RESEARCH QUESTION 2 89
6.3 RESEARCH QUESTION 3 92
6.4 REIMAGINING ORGANISATIONAL STRUCTURE AND CREATING A SOCIO-ECOLOGICAL ECONOMY 95
6.5 KEY INSIGHTS 99
6.5.1 The Importance of Engaging the Wider Community 99
6.5.2 An Integrated Framework for Analysing Indigenous Peoples' Engagement in Conservation 100

CHAPTER 7 CONCLUSION 101
7.1 IMPLICATIONS FOR FUTURE RESEARCH 103

REFERENCES 104

APPENDICES 129
APPENDIX 1: BIOGEOGRAPHICAL REGIONS OF AUSTRALIA 130
APPENDIX 2: SEMI-STRUCTURED INTERVIEW EXAMPLE QUESTIONS 131
APPENDIX 3: BIOGEOGRAPHICAL REGIONS WITHIN THE YAMATJI REGION 133
APPENDIX 4: BIOGEOGRAPHICAL REGIONS WITHIN THE KIMBERLEY REGION 134
APPENDIX 5: DETAILS OF ABORIGINAL PARTICIPANTS INTERVIEWED 135
APPENDIX 6: DETAILS OF NON-INDIGENOUS PARTICIPANTS INTERVIEWED. 137
APPENDIX 7: SUMMARY OF STEVENS' RIGHTS-BASED PARADIGM AND THE PRINCIPLES THE IPA CONCEPT AND/OR PROGRAM MEETS, FAILS TO MEET, OR EXCEEDS 139

Acronyms

BoD	Board of Directors
CBD	Community-based natural resource management
CBNRM	Community-based natural resource management
CUREC	Central University Research Ethics Committee
DoEE	Department of the Environment and Energy
DPaW	Department of Parks and Wildlife, WA
DPMC	Department for the Prime Minister and Cabinet
HREOC	Human Rights and Equal Opportunity Commission
ICCA	Indigenous and Community Conserved Area
ICDP	Integrated conservation-development project
IPA	Indigenous Protected Area
IUCN	International Union for the Conservation of Nature
KLC	Kimberley Land Council
NGO	Non-government organisation
NP	National Park
NRS	National Reserve System
NT	Northern Territory
PA	Protected Area
PBC	Prescribed Body Corporate
PoM	Plan of Management
SCC	Supreme Court of Canada
SMT	Senior Management Team
TO	Traditional Owner
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WA	Western Australia
WoC	Working on Country
WPC	World Parks Congress
YMAC	Yamatji Marlpa Aboriginal Corporation

List of Boxes and Figures

Box 1: Definitions of co-management 15

Figure 1: Location of Indigenous Protected Areas and other Protected Areas in Australia. 37
Figure 2: Yamatji and Kimberley region in relation to the whole of Australia 45
Figure 4: Yamatji region, Aboriginal native title groups, and IPAs 49
Figure 5: Kimberley region, Aboriginal native title groups with IPAs 51
Figure 6: Organisational Structure guiding the implementation and management of IPAs in the Kimberley region. 58
Figure 7: A reimagined organisational structure for the management of IPAs 97

CHAPTER 1 Introduction

Here on this continent, there is no place where the feet of Aboriginal humanity have not preceded those of the settler. Nor is there any place where country was not once fashioned and kept productive by Aboriginal people's land management practices. There is no place without a history; there is no place that has not been imaginatively grasped through song, dance, design, no place where traditional owners cannot see the imprint of sacred creation (Rose, 1996, 18)

As the above quotation suggests, the relations between many Indigenous peoples and their traditional lands and waters are intimate, entangled, and enduring. It dismisses the supposed dualism between people and nature, and the existence of pristine untouched 'wilderness'. Rather, it brings together people and nature describing a socio-ecological system grounded in culture. Over the past few decades, similar arguments have emerged out of the fields of anthropology and environmental conservation in response to a number of key developments: acknowledgement of the atrocities and impact of colonialism on Indigenous peoples, a rise in Indigenous-led activism, and a growing interest in Indigenous peoples' knowledge and practices for the purpose of conservation. Central to these developments is the constant call by Indigenous and some non-Indigenous peoples, for settler-nations to restructure their relations with Indigenous peoples in order to redress the impact of historical and modern-day injustices (Chatty and Colchester, 2002; Nadasdy, 2003; Brockington et al., 2008a; Dowie, 2009; Langton et al., 2014).

These developments have lead to the emergence of a multitude of research and program initiatives targeting the facilitation of Indigenous peoples' participation in collaborative forms of conservation. Concurrently, critical debate has arisen regarding the form and function of collaborative forms of conservation (i.e. joint management) in regards to their ability to achieve conservation objectives, and Indigenous peoples' aspirations. In response, new and innovative approaches to conservation have been developed which are centered on Indigenous peoples' cultural values, knowledge and practices. Originating in Australia, the Indigenous Protected Area (IPA) concept and the Federal Government-funded program is such an approach. The IPA concept radically reformulates the age-old

approach of government-managed protected areas (PA), in that, Aboriginal or Torres Strait Islander peoples voluntarily establish a PA over their territory, and manage it for biodiversity and cultural values. Under the IPA concept, Aboriginal and Torres Strait Islander peoples retain complete control over decision-making and resource allocation, and the role of government is determined at the group's discretion. While Indigenous peoples around the world have for generations protected sacred areas of their territories, IPAs mark the first time a PA has been declared with the informed consent of Aboriginal and Torres Strait peoples in Australia, and formally recognised by the Federal Government and included in the national PA network.

The IPA concept and program have gained national and international recognition as an approach that goes beyond the constraints of collaborative forms of conservation. Yet current funding for the IPA program is scheduled to end in 2018 and the Government have made no commitment to continue funding existing IPAs. This fact alone highlights the considerable relevance and timeliness of this research. Moreover, for a concept and program that have been widely celebrated, they have received limited critical analysis in comparison to the plethora of literature on collaborative forms of conservation. This thesis seeks to fill this gap in the literature by undertaking a critical analysis of the IPA concept and program by assessing their form and function against the principles of already established and emerging paradigms for conservation. Given that IPAs are a form of PA, the old 'fortress' paradigm which has guided the establishment of most of the worlds PAs, and Stan Steven's new rights-based paradigm for Indigenous peoples' participation in conservation are the most applicable. Rather then simply focusing on Aboriginal and Torres Strait Islander peoples' engagement in IPAs at the institutional level, I investigate the processes that underlie and shape their participation, that is, the foundational assumptions, the cultural, social, and political contexts in which they are grounded, and the consequences for Aboriginal and Torres Strait Islander peoples engaging in IPAs.

In order to undertake this research I bring together the concepts readily employed in the analysis of collaborative forms of conservation and Indigenous land claim processes to

develop an original analytical framework. Drawn from a wide array of discourse the concepts include; the politics of Indigenous recognition and the ideas informing dominant perceptions of indigeneity and authenticity, the role and function of language in legitimising particular forms of speaking and discourse, and bureaucracy and the rationalisation of how Indigenous peoples interact and understand the environment. Moreover, the territoriality of space and how it comes to inform the way people conceive and interact with nature, and the way methods of accounting and accountability come to encourage pre-determined actions and outcomes from a distance are considered. The thread that unites these individual concepts is 'power', specifically the inequalities and barriers resulting from the asymmetrical power relations that are embedded in most forms of collaborative management.

1.1 Research Questions

In this thesis I investigate the tension between the purported objectives and benefits of this new approach to conservation, and the lived realities in which the IPA concept and program are negotiated and given effect. This research addresses the following questions. Can the IPA concept and program;

1) Be implicated in adhering to the principles of the old 'fortress' conservation paradigm, and be seen as just another "phases in the ongoing process of state formation" (Nadasdy, 2003, 269) and territorialisation of country in Australia?
2) Be perceived as reflecting principles for a new rights-based paradigm for conservation (cf. Stan Stevens, 2014a)?
3) Be regarded as extending beyond rights-based principles for a new paradigm of livelihood conservation?

1.2 Dissertation Structure

This thesis is arranged into seven chapters, as follows: Chapter 2 presents a historical overview of the mechanisms used by the settler-nation to address their relations with Indigenous peoples, an review of concepts forming the analytical framework, and an overview of the IPA concept and program; Chapter 3 specifies the methodologies used to

carry out the study; Chapter 4 and Chapter 5 detail the results of a number of semi-structured interviews; Chapter 6 discusses the results in light of the research questions and relevant theory, and details some broader insights rendered from these case studies; finally Chapter 7 completes the thesis with a discussion on the future of the IPA concept and program, and recommendations for future research.

CHAPTER 2 Literature Review

2.1 The Problem and the Solution: From Genocide to Decolonisation and Restorative Justice

...for that ridge-top and mountain that great body-monolith that one that holds lessons casting shadows as it takes first slice of the sun and that stone that smooth piece of old-riverbed that one that gifts strength eroding pathways to fit in the palm of your hand and that grain of sand rippled clean cleansed that journeys the earth washed-up from ocean floors to stick to your skin and that tree that family-tree that one that shelters shades anchors you deep to the core of the earth then rises up to the sun…all this beyond what the eye can see this beautiful strong blood-memory-land always was always will be something else and so much more than what is carved-consumed-wasted for just now… (Harkin, 2015, 17)

This extract from Narungga Aboriginal woman Natalie Harkin's poem *Land Rights* begins by referencing lyrics from Aboriginal musician Archie Roach's 1997 song *A Child Was Born Here*;

> Be careful when you walk through this land
> Because a child was born here

Both Harkin and Roach speak to the concept of 'country', and Aboriginal and Torres Strait Islander peoples' relationship with country. Country is a widely used term to describe the land and/or water to which Aboriginal and Torres Strait Islander peoples belong and/or have connection to, however, it extends beyond descriptions of territory and the matching of people to place. According to Rose (1996), country can be conceived of as a "nourishing terrain", "country is a place that gives and receives life. Not just imagined or represented, it is lived in and lived with" (1996, 7). People speak to, interact with, and feel for country in a way similar to a close human relation (Rose, 1996). Country is multi-layered, it is where the rules guiding the nature and structure of relations between people, and between people and other non-human beings were established and continue to be maintained (Rose, 1996, 2000; Weir, 2012). Country, knowledge, people and non-human beings are all interrelated and co-produced; "in country humans and nature, nature and culture, are not regarded as separate, but are entangled together in all types of relationships" (Weir, 2012, 3). Aboriginal and Torres Strait Islander peoples

maintain an obligation to care for country, knowing that their own physical, emotional, mental, and spiritual wellbeing is tied to ensuring country's health (Garnett et al., 2009). As Aboriginal woman April Bright explains, "it is part of our responsibility [to be] looking after out country. If you don't look after country, country won't look after you" (Bright, 1994, 59).

For many Indigenous peoples in settler nation-states colonisation has sought to destroy this relationship. Although Indigenous peoples in the settler nations of Canada, New Zealand and Australia have experienced colonisation differently, they do share some commonalities, both in the approaches employed and the resulting impact. It is important to note that many scholars have critiqued the use of the term 'settler' in colonial discourse arguing that it has attracted multiple meanings and therefore requires clarification when employed in academic literature (Schwarz and Ray, 2000; Coombes, 2006). As such 'settler' and the notion of 'settler nation' refers to "the presence of long-term, majority white racial communities, where Indigenous peoples have been outnumbered" and/or displaced (Johnston and Lawson, 2000, 361), through violent encounters that produce and perpetuate "consistently discriminatory and genocidal" and/or ethnocidal regimes against Indigenous societies (Coombes, 2006, 2).

In the aforementioned nations Indigenous peoples were deemed to be under the control of the Crown authority, and were forcibly and often violently dispossessed of their lands and/or waters. In Canada and Australia, acts of dispossession involved forced displacement and relocation of Indigenous peoples from their lands to church-run missions and reserves. This was employed as a way to contain and separate Indigenous peoples from mainstream society (Shannon, 2002). Paradoxical to the desire for death there was also the desire for continuity and similarity, and when Indigenous people refused to fade away into the shadows of history policies of assimilation were introduced in order to reduce difference. Such policies involved the systematic forced removal and relocation of children from their parents and into residential institutions in Canada, and foster homes and missions in Australia for the specific purpose of annihilating Indigenous identity and integrating children into the dominant western culture (Krieken, 1999). This

process required children to unlearn their traditional languages, forget their culture and kin (Armitage, 1995).

In Australia, the practice of removing children occurred most frequently between 1910 and 1970. It served to enforce the 'White Australia' policy and is now known as the 'Stolen Generations'. Over two decades passed before the Human Rights and Equal Opportunity Commission's (HREOC) 1997 *Bringing Them Home* (HREOC, 1997) report highlighted that the treatment of Aboriginal and Torres Strait Islander peoples during the Stolen Generations "clearly falls within the terms of the UN's definition of genocide" (Krieken, 1999, 298). This act of social engineering resulted in the approximate removal of 100,000 children in Australia (Manne, 2001), and 90,000 children in Canada (Corntassel and Holder, 2008). According to Rose, the practices of extermination and assimilation carried out against Indigenous peoples by settler nations speaks to the very core ideals underpinning the project of colonisation: "Aboriginal people are to the nation a social body which must continue to bleed because that blood in its various forms signifies settler conquest" (2001, 149).

The impact of settler practices on Indigenous peoples has been widely reported and described in numerous ways ranging from territorial and socio-cultural dislocation and marginalisation, physical, psychological and emotional abuse, and disenchantment and disempowerment (Tuhiwai Smith, 1999; Rose, 2001; Coombes, 2006; Tehan et al., 2006; Wolfe, 2006). Moreover, the effects of traumatic colonial practices transcend both time and space and continue to haunt successive generations of Indigenous peoples (Atkinson, 2002). The generational impacts of colonial practices are evident in the recorded disparities between Indigenous and non-Indigenous peoples in many settler nations. Commonly reported statistics include the rate of life expectancy, literacy and numeracy levels, and the disproportionately high number of Indigenous peoples in the justice system (Battiste, 1998; Cunneen, 2001). For example, between the period of 2010 and 2012 the estimated life expectancy of Aboriginal and Torres Strait Islander peoples was "around 10 years less than non-Indigenous Australians" (AIHW, 2014, vi). In Australia, Aboriginal and Torres Strait Islander peoples represent "only 3% of the total population"

yet represent over 27 per cent of the prison population, meaning Aboriginal or Torres Strait Islander people are "13 times more likely to be incarcerated than non-Indigenous people" (Wallis and Chrzanowski, 2015, 37). It is widely accepted by both researchers and policymakers that Aboriginal and Torres Strait Islander peoples are the most disadvantaged members of society according to the major socioeconomic indicators (Australian Government, 2015, 2016).

Due to the increased politicisation of Indigenous peoples around the globe many settler nations are trying to restructure their relationship with Indigenous peoples. These efforts include the implementation of Indigenous-specific programs in areas such as health, employment, and education (Dockery and Milsom, 2007; Altman, 2009, 2016; Clifford et al., 2013; Marsh, 2015). Over recent decades, two areas that have gained increased attention have been the process of Indigenous peoples reclaiming their country (land claims), and collaborative forms of environmental conservation. The aim of these approaches are to advance the standing of Indigenous peoples by providing them an important "role in their own governance and the management" of their country (Nadasdy, 2003, 9). The following sub-sections discuss the ways in which Indigenous peoples have participated in land claim processes and regimes of conservation.

2.1.1 Indigenous Peoples and Land Claims

For many Indigenous peoples, disputes over territory and gaining legal recognition of their rights over their country lie at the very heart of reframing relations with nation-states – towards sovereignty and decolonisation. Most literature on the topic of Indigenous land claims has tended to focus on Canada, New Zealand and Australia mainly due to the fact that land claims are more frequently contested in a court of law within these nations than is the case elsewhere. In each of these nations, over the last few decades the recognition of Indigenous peoples' land claims has resulted in the development of a body of law and doctrine "labelled as 'Aboriginal' (Canada) or 'native' (Australia) title" (Gilbert, 2007, 585). Native title can be understood as a "bundle of rights and interests" associated with a particular area (Glaskin, 2003, 68). This legal

doctrine recognises the existence of Indigenous land tenure systems and rights prior to the establishment of common law. The recognition of Aboriginal and Torres Strait Islander peoples' rights via the "doctrine relies on the idea that the colonisation of Indigenous territories has not completely 'extinguished' Indigenous peoples' land rights, as such rights have 'survived' the colonial conquest" (Gilbert, 2007, 585). Indigenous peoples' land claims seek to address issues of "historical dispossession and continuing land ownership and use" through the recognition of rights and return of territories (Scholtz, 2006, 2).

Whilst each nation shares the same basic approach to Indigenous land claims there are some key differences in the basis for early relations between Indigenous peoples and settlers. In Canada and New Zealand the establishment of a treaty or treaties has determined the status of relationships between Indigenous peoples and settler nations. Prior to the British colonies uniting to form Canada in 1867, approximately 40 treaties were discussed and negotiated by the Crown (Tehan et al., 2006). Subsequently, from 1973 the negotiations of contemporary treaties have been negotiated through Federal Government policy. In 1997 an influential case, *Delgamuukw v British Columbia (1997)*, addressed the definition, matter, and extent of Aboriginal title. The Supreme Court of Canada (SCC) found that "British sovereignty was limited by Aboriginal title, and that this title was in a special class and vested in the community" (Knafla, 2010, 7). In New Zealand in 1840 various Māori chiefs and representatives of the Crown signed the *Treaty of Waitangi*. The "Treaty established the right of the Crown to govern New Zealand and the terms of a peaceable settlement" (Tehan et al., 2006, 4). In return for signing the treaty, Māori peoples' "rights to their lands, resources and *taonga* (cultural treasures) were affirmed and Māori were granted the rights and privileges of British citizenship" (Tehan et al., 2006, 4). Since its inception the meaning and content of the Treaty has long been contested (Dorsett and Godden, 1998). The Treaty was incorporated into legislation in 1970 and the New Zealand Government has since clarified a range of Treaty principles, including the belief that Māori sovereignty was transferred and swapped for the protection and security of *rangatiratanga* (tribal authority) (Scholtz, 2006; Tehan et al., 2006).

Unlike New Zealand and Canada, in Australia the Crown never entered into treaty negotiations with Aboriginal and Torres Strait Islander peoples. In its place the principle of *terra nullius* (nobody's land) dominated. It alleged that Aboriginal and Torres Strait Island peoples lived a nomadic lifestyle, and therefore held no land title and no legitimate governance authority or structure with which to negotiate a treaty (Poirier and Ostergren, 2002). This belief prevailed in Australian law until the landmark decision in 1992 by the High Court of Australia in *Mabo* (No. 2) (1992) which repudiated the concept of absolute beneficial title being vested in the Crown. That is, the scope of ownership and control over the land that makes up Australia by the Federal Government was subject to limitations by the preexisting rights of Aboriginal and Torres Strait Islander peoples. This was understood as the Court rejecting the notion of *terra nullius*. However, the High Court, drawing on land claim litigations undertaken in the United States (Poirier and Ostergren, 2002), upheld the notion of *terra nullius* in regards to the concept of sovereignty as a Crown entitlement confirming that the colonisation of Australia was legal under the "doctrine of discovery" (Behrendt, 2012, 186).

The repudiation of *terra nullius* in relation to Aboriginal and Torres Strait Islander peoples' rights has led to the continued contestation over areas where rights remain exclusive, and areas where Crown interests result in non-exclusive rights, or extinguishment. Exclusive possession includes "the right to possess and occupy an area to the exclusion of all others" (NNTT, 2009, 2), this includes "the right to control access to, and use of, that area" (Tanner, 2008, 152). However, exclusive possession does not impart rights to veto any mining or commercial activities, or for self-government. Non-exclusive possession recognises that some rights held by Aboriginal and Torres Strait Islander peoples can coexist alongside non-Indigenous property rights, but this does not allow for ownership or control over access or use of the area. Extinguishment refers to all rights being lost or unrecognised under Australian law. If native title rights are awarded the group establishes a Prescribed Body Corporate (PBC), an incorporated organisation tasked with administering and managing the rights of the group. Knafla (2010, 4)

contends, in contrast to Canada and New Zealand, Indigenous peoples' traditions in Australia were in part made obsolete due to the growth in "public commercial rights".

Both the *Mabo* (No. 2) and *Delgamuukw* cases have established the framework for contesting land claims in all three nations (Knafla, 2010). As a result of the *Mabo* (No. 2) decision, and the underlying tension over scope and degree of possession and access, the Federal Government endorsed the *Native Title Act 1993 (Cth)*. The Act sets out the process for applying for a native title determination, and the standards to be met as per the principles outlined in the *Mabo* decision. These principles include assessing the continuing existence of traditional connection to and occupation of land, with the ultimate determination of exclusive or nonexclusive possession being dependent on the nature and content of that connection and actions taken by the Federal Government.

The enactment of the *Native Title Act 1993 (Cth)* by the Commonwealth put statutory law in conflict with common law, and further amendments to the Act bestowed legislative rationale and justification to the dispossession of Aboriginal and Torres Strait Islander peoples, serving to restrict the definition and significance of their title (Knafla, 2010). In Australia and Canada, the onus of proof is placed on Indigenous peoples to prove continued connection (post-colonisation) to land and use of customary practices (Knafla, 2010). However, there do exist some differences between Australia and Canada in relation to this requirement. McNeil (2010) argues that the Australian process guided by the *Native Title Act 1993 (Cth)*, which demands evidence of a continuous and unbroken connection, inflicts an excessively burdensome onus of proof on Aboriginal and Torres Strait Islander peoples. Conversely, he argues that the process of exclusive occupation employed in Canada, though lacking in some regards, is more advantageous because it is slightly more flexible, ameliorates the requirement of First Nation peoples to prove title as an exclusive right, and does not restrict its matter to 'traditional' uses (McNeil, 2010).

2.1.2 Indigenous Peoples and Regimes of Conservation

In many ways, Indigenous peoples' participation in conservation mirrors their involvement in approaches directed at addressing dispossession and gaining control over their land and/or water. Historically, regimes of conservation implemented in many settler nations have varied according to ideology, and the level of participation afforded Indigenous peoples. Ostrom (1990) specifies three differing models for the management of natural resources. Natural resources could be controlled and governed by a centralised government, traded through a privatised system, and/or governed and managed via collaborative forms of action (Ostrom, 1990). A number of stakeholders hold different perspectives regarding how conservation issues should be addressed and who should be involved (cf. Redford, 1992; Brandon et al., 1998; Redford and Sanderson, 2000; Adams, 2004; Schwartzman and Zimmerman, 2005; Berkes, 2007; Dowie, 2009; Terborgh, 2012; Ghimire and Pimbert, 2013; Kothari et al., 2013).

As Brockington et al., (2008a) explain, in the context of colonisation, dominant forms of conservation tend to align with the perspectives of a small collection of western elites than those peoples inhabiting the areas targeted for conservation. As Redford and Sanderson (2000, 1364) argue "they [forest people] may speak for *their* version of a forest but they do not speak for the forest *we* want to conserve". The interaction many Indigenous peoples have with western regimes of conservation begins with Ostrom's (1990) first model and inevitably leads to forced exclusion, dispossession, and displacement. Accompanying this forced displacement is the view that Indigenous peoples are 'backwards' and responsible for the destruction of nature (Chatty and Colchester, 2002). This has primarily been driven by the use of exclusionary forms of management, commonly known as 'fortress' conservation. This paradigm functions according to a number of key principles: 1) nation-states should retain absolute responsibility and control over the establishment and governance of PAs, 2) the sole purpose of PAs is to conserve nature and wilderness, 3) all PAs should be uninhibited by people, and 4) the removal of people through coercive force is morally and legally justified in order to conserve nature. The principles of fortress conservation echo ideas of *terra nullius* that legitimised colonisation.

However, Roe et al., (2000) reveal the late 19th century belief underpinning the notion of PAs, that humans and nature are in a constant state of opposition and that wilderness areas should be excised and reserved for only non-consumptive activities, was a historic abnormality. So is the belief, Berkes (2007) claims, made by nation-states regarding their apparent ownership of all natural resources, an assumption that has come to underpin much conservation policy globally. Consequently, Indigenous peoples globally have consistently challenged both claims in the same way they challenge a nation-state's claim to sovereignty over their territories (Stevens, 2014b)

Advocacy for the development and implementation of more collaborative community-based 'bottom-up' approaches to conservation is to a degree in reaction to the perceived failure of exclusionary 'top-down' conservation approaches, particularly when social, economic and political factors are progressively viewed as crucial to achieving successful conservation outcomes (Ghimire and Pimbert, 2013). It is also in response to the perceived privileging of western scientific knowledge over other knowledge systems. A plethora of literature suggests that ideologically, regimes of conservation have progressed from nation-state administered and managed exclusionary top-down modes of conservation towards, bottom-up community-based and controlled forms of conservation. Collaborative forms of management involve the sharing and equal distribution of rights, power and authority in relation to decision-making, management and responsibility in the form of partnerships with government and non-government organisations (NGO) (Plummer and FitzGibbon, 2004; Brockington et al., 2008a). As Brockington et al., (2008a) note, the effective devolution of power and authority to Indigenous peoples is viewed as the 'Holy Grail' of successful collaborative conservation. Pomeroy and Berkes (1997, 469) describe decentralisation as "the systematic and rational dispersal of power, authority and responsibility from the central government to lower or local level institutions". Attention is drawn to the reversal of top-down, centralised conservation "by focusing on the people who bear the costs of conservation" (Western and Wright, 1994, 7). Consequently, a number of terms now exist to describe the types of collaborative conservation occurring, this includes joint or co-management, community-based natural

resource management (CBRNM), and integrated conservation-development projects (ICDPs).

ICDPs form part of the original approach to integrating community and conservation objectives and were most prevalent in the 1990s. In this case development predominantly relates to livelihoods, that is, generating a living, meeting socio-economic needs, dealing with uncertainties, and reacting to opportunities (Du et al., 2015). The formative description of community-based conservation, offered by Western and Wright (1994, 6) contends that, at one end of the spectrum it includes "buffer-zone protection of parks and reserves and, at the other, natural resources use and biodiversity conservation". They argue that it does not matter whose knowledge or practices are used to carry out conservation activities so long as the outcomes benefit the community. Moreover, "[i]n the broadest sense, then, community-based conservation includes natural resources or biodiversity protection by, for, and with the local community" (Western and Wright, 1994, 7). The "coexistence of people and nature, as distinct from protectionism and the segregation of people and nature, is its central precept" (1994, 8).

The underlying argument is that society cannot afford to view humans as separate from nature (Berkes, 2004; Gunderson and Holling, 2012). Berkes and others employ the term 'social-ecological system' to describe the unified idea of humans as part of nature (Berkes and Folke, 2000; Berkes et al., 2003; Berkes, 2004). The practical engagement, co-production of knowledge and socio-ecological relations, are the foundation for resituating humans in nature. Ingold (2000, 25) suggests it comprises the "skills, sensitivities and orientations that have developed through long experience of conducting one's life in a particular environment". The utilisation of Indigenous peoples' knowledge and understanding about nature has been reported by many as offering an opportunity for the construction of a more comprehensive information network than is obtainable from western scientific findings alone (Berkes, 2004).

Over recent decades, in many settler nations the integration of Indigenous peoples' knowledge has been attempted through the implementation of co-management regimes.

Unlike other forms of collaborative management, co-management has evolved as a more formalised conservation strategy within which to build relations between Indigenous peoples and government. In some cases these arrangements have been formalised through legislation and enacted in law (Armitage et al., 2007a). Similar to community-based conservation there is no single accepted definition of co-management (cf. *Box 1*). According to Hill (2011), the available definitions draw attention to three components; sharing and devolution of power, participation, and process. Borrini-Feyerabend et al., (2004) claim that, no specific definition is accepted because there is a range of potential co-management configurations depending on the amount of power-sharing. The reported benefits of co-management comprise more equal, appropriate, and inclusive decision-making and governance structures, improved conflict resolution, and increased stakeholder participation (Armitage et al., 2007b).

Box 1: Definitions of co-management

- "A political claim by local people to the right to share management power and responsibility with the state" (McCay and Acheson, 1987, 32)
- "The sharing of power and responsibility between government and local resource users" (Berkes et al., 1991, 12)
- "[…] formal State-Indigenous agreement specifying the parties' respective rights, powers and obligations regarding the management and allocation of resources in a specific territory" (Macklem and Morgan, 2000, 592)
- "Joint decision-making by the government and communities" (Castro and Nielsen, 2001, 230)

Collaborative arrangements have also gained support from some policy and decision makers who recognise that "systematic learning and innovation under conditions of uncertainty are more likely to emerge through meaningful interaction of multiple stakeholders" (Armitage et al., 2007a, 4). Under these conditions Indigenous peoples' knowledge and practices attain a level of legitimacy equal to scientific knowledge. It has been argued that policy and on-ground management decisions are no longer the exclusive domain of scientific experts, instead decisions are increasingly co-produced through

negotiation among multiple stakeholders (Brunner and Steelman, 2005; Armitage et al., 2007a). According to Borrini-Feyerabend et al., (2004) and Stevens (2014a) an ideological and policy paradigm shift has occurred. PAs are no longer perceived as isolated islands, managed for narrowly defined conservation outcomes by centralised governments, and with no input from local and/or Indigenous peoples. Rather, they are seen as part of a broader network and approach to conservation, governed with a greater emphasis on cultural and socioeconomic outcomes, and established and managed through partnerships. Collaborative forms of conservation are now a central precept of both the Convention on Biological Diversity (CBD) and the IUCN. In 1994, the IUCN adopted a new definition of PAs, and ratified an amended list of PA classifications which endorsed both Indigenous peoples' and local communities' rights to establish and manage PAs (IUCN, 1994). In promoting such a paradigm shift many scholars have drawn on examples of joint management arrangements in Australia between Indigenous peoples and government, specifically the Kakadu (State-managed) and Uluru-Kata Tjuta (Federal-managed) National Park (NP) in the Northern Territory (NT), as prime examples of collaboratively managed areas, where decision-making authority is said to be shared equally, and governance structures are culturally appropriate (Hill, 2006).

The reported outcomes of collaborative conservation initiatives have varied considerably, and the functioning of many has been lower than expected (Kellert et al., 2000; Barnett et al., 2001; Berkes, 2004). Consequently, this has provoked numerous discussions in relation to the value of collaborative conservation (Agrawal and Gibson, 1999), and has led to the publishing of a number of critical evaluations (cf. Redford and Sanderson, 2000; Brosius and Russell, 2003). However, Berkes (2004) warns against asking superficial questions relating to 'whether or not' collaborative initiatives work. Instead, it is more crucial to understand what conditions enable success or failure to be achieved. Similarly, Nadasdy (2005a) notes that a lot of the current literature examining modern relations between nation-states and Indigenous peoples tends to portray the relations as the result of colonial policies of forced dispossession, mistreatment, and coerced dependency. Such scholars have considered Indigenous peoples and their territories as comprising a 'Fourth World' or 'internal' colony (Manuel and Posluns, 1973;

Nietschmann, 1999; Stevens, 2014c). Nietschmann (1999) argues that nation-state policies in partnership with market forces have slowly altered Indigenous peoples from self-determining into disempowered peoples. Nadasdy (2003) contends that this is a gross oversimplification of the situation, because it does not account for the fact that Indigenous peoples have maintained an identity, and a set of cultural beliefs, and practices, as innately distinct from the majority of non-Indigenous people. He argues that the common story of colonisation and the reported settler domination over Indigenous peoples fails to fully comprehend the complex nature of the nation-state within contemporary socio-political contexts. The underlying processes that have come to shape the interactions and relations between Indigenous peoples and the nation-state are often overlooked.

2.2 The Problems with the Solution

2.2.1 Theoretical Context

The nation-state has often been described as a homogenous entity, however, a number of scholars following the works of Abrams (1988) regard the nation-state as more of a process than an 'object' (Gupta, 1995; Wendt, 1999; Brenner et al., 2003; Jessop, 2007; Babidge, 2016). As such, it would be more productive to view the nation-state as an "ideological project, one that confers legitimacy upon the complex constellation of government institutions and processes that have many different (and often contradictory) agendas and interests" (Nadasdy, 2003, 4). In reality this is how people experience nation-state power, therefore, it would be more realistic to consider nation-state (il)legitimacy as arising from the complex nature of nation-state practices, and people's daily interactions with those practices in preference to a characteristic owned and exercised by a homogeneous entity (Nadasdy, 2003). Therefore, as mentioned earlier, to consider the current relations between Indigenous peoples and the nation-state as simply the consequence of settler policies of assimilation and dispossession is to simplify an incredibly complex situation. In order to counter this trend numerous scholars have sought to concentrate their arguments on the distinct methods in which Indigenous

peoples have been integrated into the institutional constructs of the nation-state (Peterson and Masuyama, 1991; Nadasdy, 2003).

Those scholars concerned with Indigenous peoples and nation-state relations have tended to focus on collaborative forms of management and/or land claims as a primary mechanism of interaction between Indigenous peoples and the nation-state. Accordingly, the following sections focus the critique not so much on the collaborative forms of management or land claims in themselves but on the underlying assumptions and the subsequent effects experienced by Indigenous peoples who engage in these collaborative approaches.

2.2.2 The Politics of Recognition - Ideas of Indigeneity and Authenticity

In Australia, as in many developed settler nations, Indigenous peoples participation in land claims and collaborative forms of conservation are viewed as providing a path towards achieving formal recognition and a way to reaffirm identity. However, many scholars have been critical of what recognition purports to provide and the processes in which Indigenous peoples must participate in, in order to achieve recognition. Elizabeth Povinelli (2002) contends that in postcolonial societies a particular form of power is at work, whereby the settler nation seeks to provoke "subaltern" groups to "identify" with the unattainable concept of an "authentic self-identity"; in regards to Aboriginal and Torres Strait Islander peoples "a domesticated nonconflictual 'traditional' form" of subjectivity (Povinelli, 2002, 6). In turn, pressure is placed on and, in some cases, internalised by, Indigenous peoples to perform an authentic caricature. Povinelli reasons that it facilitates the construction of impossible to achieve "desires: *to be* this impossible object and to transport its ancient prenational meanings and practices to the present *whatever* language and moral framework prevails *at the time of enunciation*" (Povinelli, 2002, 6). Under such conditions recognition is "at once a formal acknowledgement of a subaltern group's *being* and of its *being worthy* of national recognition and, at the same time, a formal moment of being inspected, examined, and investigated" (Povinelli, 2002, 223). Drawing on Povinelli, Ivision (2008) argues that the often unavoidable failure of

Indigenous peoples to live up to the preconceived idea of what comprises authentic 'indigeneity' or acceptable 'traditional' cultural ideals, subsequently justifies the socio-political oppression and dismissal of Indigenous peoples as distinct from mainstream society.

Within the conservation discourse three dominant Indigenous identities exists; the ecological noble savage, intruding wastrel, and the noble savage/fallen angel (Berkes, 2012). The ecological noble savage maintains that Indigenous peoples live in complete accord with the environment (Brockington et al., 2008b). The intruding wastrel is centred on the belief that Indigenous peoples are backwards and irresponsible, with a tendency to destroy unspoiled nature (Brantlinger, 2003; Ross et al., 2011). Finally, the noble savage/fallen angel holds that Indigenous peoples must maintain a primitive 'authentic' lifestyle in order to prevent damaging the environments they occupy (Pretty et al., 2007). However, once the primitive come into contact with the economy and technology of the dominant culture, they are instantaneously contaminated and become inauthentic (Neumann, 1997; Kalland, 2010). These identities are consistently employed as a means of justifying the inclusion and/or exclusion of Indigenous peoples in conservation initiatives.

More often than not Indigenous identity is bound up with other settler-constructed notions, such as the concept of 'wilderness'. Wilderness is unspoiled nature undisturbed by human activity, wilderness provides the counterpoint to the everyday devastation of human life (Brockington et al., 2008a). Historically, areas considered 'wilderness' required the removal of all inhabitants through the establishment of 'fortress' PAs. However, since the 1990s conservationists and anthropologists have been undertaking research linking the long-term inhabitance of Indigenous peoples with areas of high biodiversity (Brockington et al., 2008a). The ecological noble savage will utilise his/her spiritual and ecological insight to save wilderness (Conklin and Graham, 1995). Indigenous peoples who are relegated to the remaining two categories are viewed as betrayers of their own culture and in need of removal from wilderness. Nadasdy (2005a) argues, that this constrains how Indigenous peoples relationship and position in managing

the environment can be discussed. Since the typology of identities is a social construct, any approach that seeks to utilise it remains grounded in settler assumptions about the scope of potential relationships between certain types of people and environments.

Contrary to the belief that formal recognition of Indigenous peoples' distinctiveness will facilitate coexistence, Coulthard (2007) in the context of First Nations peoples in Canada argues that, because Indigenous peoples are compelled to identify with processes and structures that seek to dominate them, the practice of recognition only works to reassert the inequalities already in existence between the settler nation and Indigenous peoples. In the context of Australia, Povinelli (2002) argues that the nation-state will only recognise Indigenous peoples' rights to their territories to the degree that they stay contained within the economic, legal, and political structures that underpin settler-Indigenous relations. In the end, the outcome of *Mabo* (No.2) was not about the capacity of Aboriginal and Torres Strait Islander peoples to prove their continued connection to country; it was about "protecting and advancing Australian common-law principles" (Povinelli, 1999, 636). Povinelli (2002) refers to this as the 'cunning of recognition', which emerges in the relation to Indigenous peoples' involvement in land claims and collaborative forms of conservation insofar as these promise self-determination and meaningful partnerships, but instead only further entrench the structures and processes that perpetuate the oppression and misrecognition of Indigenous peoples.

2.2.3 The Role of Language

Language, like the process of recognition, plays a part in facilitating the inclusion and exclusion of Indigenous peoples. It has long been held that 'language' is not only a form of communication but also a vehicle though which individuals, groups, and institutions legitimise particular forms of 'speaking', in turn advancing particular agendas. The type of language employed has implications for understanding the relations between Indigenous peoples and nation-states. A relevant place to begin is with Pierre Bourdieu's (1991) musings on the relations among language, power and politics. Bourdieu contends that every speech acts should be comprehended as an outcome of the relation among an

individual's linguistic sense of place (linguistic habitus), the context in which linguistic exchanges occur (linguistic marketplace), and who partakes in these exchanges. If an individual or group desire to effectively generate discourse in a particular marketplace, then he/she must abide by the conventions of that field. This prompts the introduction of mechanisms of 'self-censorship', whereby an individual adjusts both the method and content of their speech according to how they foresee their articulations to be received (Nadasdy, 2003).

Bourdieu contends that particular modes of communication are censored whilst others are legitimised as 'authoritative' or 'formal,' on the grounds of their connection to the institutions of nation-state power. Similarly, Bowers (2001) claims that the language an individual chooses to employ performs a particular type of function. It foregrounds the characteristics of an idealised ideological perspective whilst denying the role of other cultural ideologies in informing values and decision-making. The individual whose linguistic habitus is aligned with the valid linguistic field obtains considerable "symbolic capital" – "the form that the various species of capital assume when they are perceived and recognized as legitimate" (Bourdieu, 1989, 17) – because their particular modes of speaking are legitimised by and connected to nation-state power. As a result, those individuals retain the capacity to convert their linguistic aptitude within a particular linguistic marketplace into tangible political authority and action. By comparison, those individuals who are inept in the valid linguistic field find themselves located in a severely handicapped position. As Nadasdy (2005a) explains, not only is the access of these individuals to nation-state power seriously restricted by their virtual ineptness in the valid marketplace but they also aide in promoting, the 'symbolic power' of the prevailing individual or group and so implicitly contribute to their own continued oppression. The sum of Bourdieu's thesis is that all linguistic exchanges both convey and assist in replicating a certain set of socio-political relations (Nadasdy, 2003).

Both Bourdieu's and Nadasdy's assertions are of significance for understanding the new relationship between Aboriginal and Torres Strait Islander peoples, and the nation-state. If Aboriginal and Torres Strait Islander peoples want to enter into collaborative forms of

management and land claims, they must engage in discourse with government agents, scientists, legal counsel, and other officials. Indigenous peoples may choose to speak in whatever way they wish, but as Nadasdy (2003) notes, if they want to be taken seriously, then their modes of communication must comply with the distinct structure and procedures of the valid linguistic fields. For instances, he describes how the Kluane First Nations peoples of Canada were forced to assume the language of wildlife biologists, which involved the conceptualisation of animals as numbers, in order to participate in the co-management of native Dall sheep. The implications he claims are far reaching because the Kluane peoples were forced to go against their own cultural understandings of the reciprocal relationship between people and animals (Nadasdy, 2003, 2005b).

Only by undertaking considerable periods of formal education can Indigenous peoples develop an awareness about the linguistic and social protocols of these formal discourses (Nadasdy, 2003). Indigenous peoples who are either unable to or chose not to gain a better awareness are subsequently prohibited from engaging in these discourses, sentenced, as Bourdieu (1991, 138) describes it, "either to silence or to shocking outspokenness". Numerous examples exist demonstrating Indigenous peoples' ability to harness the language of the formal linguistic field and use it to challenge the assumptions of the dominant discourse (cf. Nadasdy, 2003; Brockington et al., 2008a; Sandlos, 2014; Stevens, 2014d). However, as Nadasdy (2003) argues on the occasions that Indigenous peoples challenge these underlying assumptions no systematic changes occur. In order to address the question of why changes do not occur, the following section draws on the works of Max Weber to analyse the nature of bureaucracy and the institutionalisation of rationality.

2.2.4 Bureaucracy and the Institutionalisation of Rationality

In his essay on the nature of bureaucracy, Max Weber (1946) examines the structure and operation of nation-state bureaucracies. Nadasdy's work with Kluane peoples draws out many of the arguments made by Weber. For example, Nadasdy's substantiates Weber's contention that bureaucracies unavoidably "give rise to 'experts' whose 'objective'

intellectual authority threatens or even displaces the authority of the pre-bureaucratic 'masters' (read: 'elders') of 'older social structures" (Nadasdy, 2003, 7). Of particular interest to this research, however, is Weber's claim that bureaucracy involves the institutionalisation of 'rationality':

> Bureaucratization offers above all the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations. Individual performances are allocated to functionaries who have specialized training and who by constant practice learn more and more. The 'objective' discharge of business primarily means a discharge of business according to *calculable rules* and 'without regard for persons' […] [Bureaucracy's] specific nature, which is welcomed by capitalism, develops the more perfectly the more the bureaucracy is 'dehumanised,' the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation. This is the specific nature of bureaucracy and it is appraised as its special virtue (Weber, 1946, 215–216).

Nadasdy's (2003, 2005b) work with the Kluane peoples demonstrates how their own bureaucratisation involved the establishment of administrative capacities in conjunction with rules for interacting with the environment. Fache (2014) who undertook research with the Yougul Mangi Land and Sea Management Aboriginal Corporation in Australia, similarly found that Aboriginal peoples' participation in 'ranger groups' is essential to the bureaucratic project. Rangers, within the setting of Aboriginal and Torres Strait Islander communities, are considered paid positions "based on 'traditional' or 'cultural' responsibilities" set within the contemporary conservation framework for undertaking "day-to-day duties of management of" country (Fache, 2014, 268).

The 'rationalisation' of ranger positions is justified by a claim that they are underpinned by Aboriginal and Torres Strait Islander cultural values (Lawrence, 2005). Evidence of bureaucratisation is implicit in way in which ranger groups are composed, that is, the presence of distinctive positions; rangers, senior rangers, and ranger coordinator. Each position carries a different status suggesting opportunities for movement between

positions, the requirement for distinct skills, and the presence of a workspace hierarchy. Fache (2014) contends that these three elements can be considered a testament to the rationalisation of bureaucratic procedures and authority concerning how Indigenous peoples deal with the environment. Within this context, Indigenous identities are almost inconsequential; "as long as the fish and wildlife officer, for example, performs his or her job correctly, it does not matter *who* he or she is" (Nadasdy, 2003, 7). From Weber's perspective, this enables Indigenous peoples' bureaucracies to work "without regard for persons" (Weber, 1946, 215). Nadasdy (2003) and Fache (2014) also set out evidence to support the claim that bureaucratisation influences a growth in inequalities amongst Indigenous peoples in particular regions, which closely aligns with Weber's (1946) view that an uneasiness exists between 'bureaucracy' and 'democracy'. For instance, in some cases rangers are viewed as inheriting a level of power over local representation, and decision-making. In turn, this separates them from the other community members and can lead to the legitimacy of the position being contested (Fache, 2014).

The 'rationalisation' of how Indigenous peoples interact and understand the environment is vital for their participation in collaborative forms of conservation and land claim processes, because it enables the nation-state to work with Indigenous peoples in line with the standardised set of rules inside of which they already operate and 'without regard for persons' (Murphy, 1994; Lawrence, 2005; Adams and Hutton, 2007; Lee, 2015). Simply, it makes relations between Indigenous peoples, government agencies, and the nation-state possible. However, an equal number of scholars (cf. Latour, 1987; Cooke, 1991; Agrawal, 1995; Berkes, 2012) argue that regardless of the endorsement of rules, modern-day nation-state bureaucratic structures and science are built upon subjective ideals, and assumptions. Moreover, the "rationalization of bureaucratic and scientific functions serves" to both obscure and legitimise the subjective assumptions underlying the intentions of the nation-state (Nadasdy, 2003, 8). By complying with the nation-state's way of dealing with relations between Indigenous peoples and the nation-state, Indigenous peoples assent to the beliefs about the environment that underpin the rules and operations of that bureaucratic structure (Nadasdy, 2005b; Fache, 2014). As Nadasdy (2003) demonstrates, First Nations peoples do frequently oppose these assumptions, for

example, during negotiations to develop a management protocol for the Dall sheep, some First Nations people were adamant that the intelligent and social nature of the animal should be taken into consideration. However, they were ignored because decisions relating to wildlife management cannot be underpinned by anything other than non-Indigenous assumptions about the environment.

The establishment of Indigenous governments, and corporations was meant to facilitate the development of culturally appropriate governance frameworks, fostering self-determination. Nevertheless, according to Batty (2005) the development of Aboriginal and Torres Strait Islander corporations as part of a wider policy promoting self-determination, should be considered a product and an apparatus of the Australian Government. He contends that such organisations symbolise a key piece of government technology that is in contradiction to policies of self-determination; the nation-state supports the restoration of Indigenous peoples' self-determination and self-governance by developing Indigenous bureaucracy based on nation-state bureaucracy (Batty, 2005). In other words, the current project aimed at restructuring Indigenous peoples and nation-state relations, whilst seeming to appear to empower Indigenous peoples, could possibly be having the opposite effect. As Batty (2005), Nadasdy (2005b), and Fache (2014) reveal, these processes may instead be operating as inconspicuous extensions of the nation-state, seeking to subordinate Indigenous ways of being to those endorsed by the nation-state.

2.2.5 Territoriality of Space

The rationalisation of how Indigenous peoples and the nation-state conceptualise the environment is not only limited to discourse on bureaucracy but extends to encompass discourse on the territorialisation of space (Raadschelders and Vigoda-Gadot, 2015). Sack (1986), perceives territoriality as a socio-political strategy focused on controlling both people and resources, by controlling and asserting power over space. Control of space is emphasised by the implementation of borders that are employed to govern access

to space (Popescu, 2012). As such, territoriality is predominantly reflected in the form of the contemporary nation-state.

For the purpose of this dissertation it is critical to analyse the political and social effects of territoriality on Indigenous peoples through their engagement in collaborative forms of conservation and land claims processes. According to Nadasdy (2003) this approach has the advantage of centering the analysis on questions of power, while avoiding the theoretical and political difficulties associated with discourse on whether Indigenous peoples have 'property' rights in the same sense that non-Indigenous societies conceptualise property rights. Nonetheless, literature exists which has sought to address questions of Indigenous land tenure systems and conceptualisations of 'ownership'.

The main references for discussions of Aboriginal and Torres Strait Islander land tenure and ownership in Australia are Sutton (2003), and Myers (1982, 1986). In summary, they describe Aboriginal and Torres Strait Islander land tenure systems as a process that bestows ownership of certain areas of country to a collective of people, not an individual. The characteristic of the landholding unit (i.e. estates, country, clans, or bands) differs across regions, and this also applies to the make up of the landholding collective (Sutton, 2003). Terrill (2016) attributes these differences between regions to variations in economic and cultural practices, and also in part due to the uneven impact of colonisation. A key finding of research undertaken in Australia is that no one distinct level or construct of ownership exists under Aboriginal and Torres Strait Islander land tenure. Nonetheless, according to Sutton (2003) and Myers (1982, 1986) there are well-defined tenure systems which are shaped by constant (re)negotiation and contestation through which connection to country is transformed into the application of ownership rights.

It is within this setting that discussion concerning the relationship between rights of 'traditional' ownership and residence has occurred. An outcome of colonisation, permanent residential settlements were almost always established within the boundaries of one country but were inhabited by individuals and families from across the region who

in turn became permanent residents. Traditional ownership is used to delineate ownership of country in line with customary law. The term Traditional Owner (TO) was made popular via its use in the *Aboriginal Land Rights* Act 1976 (NT) and is now commonly employed to define Aboriginal and Torres Strait Islander peoples (Weir, 2009). However, the distinction between who is considered a TO and who a resident is sometimes blurred. Anthropologists have come to categorise an individual's or a group's method of inheriting rights as either 'fluid' or 'rigid'. Generally, in arid environments there are multiple channels through which people can obtain rights in country, whereas in coastal environments descent tends to be the primary means of acquiring rights (Myers, 1982, 1986; Sutton, 1995, 2003). 'Country', however, is a less conflicted and more widely used term to describe the area(s) to which Aboriginal and Torres Strait Islander peoples' belong and/or have connection to.

2.2.5.1 Cutting up Country

> *Sacred place, all over our Aboriginal land was sacred, but we see now they have made a map and cut it up into six states (Myra Watson) (Gale, 1983, 55).*

Despite a continued growth in support for Indigenous ontologies, the nation-state continues to employ two main territorial strategies that seek to alter Indigenous peoples' society and their relationship to country. First is the demarcation of property rights and boundaries, and second is the establishment of political jurisdiction. It is argued that these two processes are essential to Indigenous peoples' participation in collaborative regimes of conservation and land claims processes. Many scholars have argued that all modern nation-states break down their lands and waters into multifaceted economic and political units, reorganise their citizens and resources within these zones, and establish enforceable policies dictating who and in what way these areas can be utilised (Vandergeest and Peluso, 1995; Peluso, 2003; Agnew, 2005). According to Nancy Peluso (2003), a dominant method used to represent territories is cartography. Generated by bureaucratic agencies, maps play a fundamental part in the enactment and legitimation of the nation-state's territorial rule (Winichakul, 1994; Anderson, 2006; Adams and Hutton, 2007). Carolan (2009, 279) asserts that maps have become "an indispensable instrument in

environmental science and policy due to their ability to depict aspects of reality that are otherwise difficult to see", and that "we must not forget that these representations do more than depict reality; they also mask and distort it".

In Australia as in other settler nations, support for the fortress paradigm was engendered via the creation of maps. Moorcroft (2015, 3) states that "the bushwalking movement used the art of cartography to lobby authorities, explicitly redrawing tenure boundaries to open space for the new land management category of 'national parks'". Moreover, methods for managing biodiversity imposed by the nation-state have played a significant part in the process of internal territorialisation. Nadasdy (2012) argues that the internal creation of territories and units has come to (re)structure Indigenous peoples' lived experience on country. Botanist and biologist, for example, restrict the extent of flora and fauna surveys by management sub-unit. As a result, the maps created influence how Indigenous and non-Indigenous peoples come to understand the area (Nadasdy, 2003, 2012). Nadasdy (2003) argues that the internal territories created by the methods of conservation serve to configure the types of management actions and approaches that are at the time even thinkable by various actors and agencies. Furthermore, it has been argued that the creation of formal native title boundaries do not work to disrupt the territorial mandate of nation-state conservation regimes, they merely superimpose another layer of internal territories upon those already existing (Sutton, 2003; Nadasdy, 2012). Maps of native title claims have now come to join those depicting PAs as important tools for demarcating by whom and in what ways country can be used.

Nevertheless, Vandergeest and Peluso argue that regimes of territorialisation exist in a perpetual state of instability, because there is a clear mismatch "between lived space and abstract space" they suggest that a nation-state's territorial regime for governing resources is "often a utopian fiction unachievable in practice because of how it ignores and contradicts peoples' lived" experiences (1995, 389). Whilst it is acknowledged that forms of territoriality act as powerful frameworks for a contemporary system of legal relations, it has not subverted Indigenous peoples' ways of relating to each other and

country. It does, however, destabilise them and presents a obstacle to those Indigenous peoples who wish to maintain their connection to country (Nadasdy, 2003, 2012).

2.2.6 Accounting and Accountability as a Technology of Government

Within the discourse on accounting and accountability there has been an opposition to acknowledging the role(s) performed by the techniques of accounting and accountability in the oppression of Indigenous peoples (Neu, 2000). For example, Solomons (1991, 287) argues that it would be "farfetched" to connect western conceptions of accounting to the historical processes of colonisation. However, over the past decade much research has emerged linking practices of accounting and accountability to processes of colonisation, which in turn led to the disempowerment, and erasure of Indigenous peoples' cultural, political and socio-economic realities (cf. Chew and Greer, 1997; O'Malley, 1998; Gallhofer and Chew, 2000; Gallhofer et al., 2000; Gibson, 2000; Greer and Patel, 2000; Neu, 2000; Muller, 2008, 2014). Graham and Neu (2013, 86), following Miller and Napier (1993), employ the word 'accounting' to denote the "numerical, monetized calculations and techniques that mediate relations among individuals, groups and institutions" in addition to the processes of 'accountability' that arise from these interactions (Neu, 2000). This understanding draws awareness to the ideological and distributive aspects of accounting and accountability practices in that it quantifies and rationalises power relations (Tinker, 1980; Neu, 2000). Through the medium of budget plans, cost allocations and requirements for governance, accounting and accountability transform intangible policy targets into tangible and field distinct practices (Robson, 1992; Edwards et al., 1999; Muller, 2008; Graham and Neu, 2013). Graham and Neu (2013, 86) note, "accounting represents distant knowledges by measuring and inscribing distant activities and transmitting the resulting information to centres of calculation" (Said, 1978; Latour, 1987; Neu, 1999). Moreover, it recognises that it is conceivable to stimulate action via the creation of funding programs (Milder et al., 2010).

According to Ahrens and Chapman (2007), Spence and Rindaldi (2012), and more recently Graham and Neu (2013), these notions of accounting and accountability are

compatible with the conception of governmentality formulated by Foucault (1991). As stated by Foucault (1991, 102), 'government' applies to the "ensemble of institutions, calculations and tactics" implemented to organise both people and objects in an effort to achieve pre-defined outcomes. Accounting, according to Miller and Rose (1990, 3), is one such 'technology of government' "through which authorities of various sorts have sought to shape, normalize and instrumentalize the conduct, thought, decisions and aspirations of others in order to achieve the objectives they consider desirable". Rather than focusing on a lone site or form of control applied by the nation-state, this concept of governance brings attention "to the diversity of forces and groups, that have, in heterogeneous ways, sought to regulate the lives of individuals" (Miller and Rose, 2008, 27). Neu (2000, 267) argues that the key to the conception of governmentality are the techniques through "which technologies of government facilitate action at a distance". These techniques facilitate knowledge of distant locations to be "mobilized [and] brought home to centres of calculation" (Miller and Rose, 1990, 9). Similar to cartography, accounting and accountability create a particular representation of territories, simultaneously problematising particular issues and composing potential interventions (Neu, 2000).

Drawing from research conducted in Australia, Gibson (2000) argues that accounting techniques have privileged parochial western economic values, and have dismissed the more holistic socio-cultural values maintained by Indigenous groups. For Gibson, notions of financial productivity and accountability have in part been responsible for the historical and continued dispossession of Indigenous peoples. Similarly, Greer and Patel (2000) demonstrate how an Aboriginal group's values relating to the notions of work and land do not align with western notions of accounting. The Aboriginal values of maintaining connection to country, sharing of material and immaterial wealth, and fulfilling cultural responsibilities, are incompatible with the values of objectivity, quantification, and financial productivity dictated by accounting and accountability practices (Greer and Patel, 2000). Greer and Patel suggest that these differences have important implications for the development of policies and programs aimed at Aboriginal and Torres Strait Islander peoples. They argue that government efforts to attain socio-

economic equality by enforcing western notions of accountability on Aboriginal and Torres Strait Islander organisations often lead to them being perceived as incompetent (Greer and Patel, 2000).

More recently Muller (2008) extends Greer and Patel's argument by contending, that an 'accountability issue' discourse has emerged in Australia as a way of moving the responsibility for Aboriginal and Torres Strait Islander disadvantage, away from government and on to the backs of Aboriginal and Torres Strait Islander peoples and their organisations. As a result, she argues, that claims of incompetency have driven governments to become more troubled by accounting and scrutinising than with the improvement of self-governing mechanisms (Muller, 2008, 365). In summary, the noted scholars draw attention to the issue that notions of accounting and accountability are in reality socio-cultural constructs that are not assignable across socio-culturally distinct contexts. Accounting and accountability mechanisms codify what is deemed important and what requires reporting. This is innately political in both form and function, rendering visible the values of the dominant culture and its associated discourses, practices and programs, while rendering invisible the Indigenous people's values and practices (O'Malley, 1998; Greer and Patel, 2000; Muller, 2008).

2.2.7 Asymmetrical Relations of Power

One theme that runs through the entire analysis and continues to agitate critical debate of collaborative forms of conservation is 'power'. Attention is drawn to the relational asymmetries of power that regulate the form and function of collaborative forms of conservation. Doubleday (2007) argues that inequalities embedded in cultural differences and relations of power serve as obstacles to effective co-management practices. She suggests that culture and identities born of and embedded in culture have the potential to serve as extra-formal drivers or power-bases, because they are intertwined with socio-cultural and ecological systems, and differ from negotiated formal powers. She contends that the characteristics of culture that fuels dissimilarity are in many cases potential empowering. Conversely, Nadasdy (2003, 2007) claims that inequalities embedded in

power relations and cultural differences are in many cases an almost impassable barrier to co-management.

Many of the collaborative approaches aimed at increasing the involvement of Indigenous peoples in the conservation of country centre on the process of knowledge integration. Knowledge integration is underpinned by the assumption that Indigenous knowledge and scientific knowledge concerning the environment can be successfully combined in order to address management issues. However, Nadasdy (1999, 2003, 2007) argues that, in many instances where integration has been attempted the existing power relations go unrecognised. Consequently, he argues, the inclusion of Indigenous peoples' knowledge and practices into dominant bureaucratic frameworks is commonly attempted without first critiquing the appropriateness of such an act.

The argument made by Nadasdy is based on Foucault's (1980) contention that "knowledge and power are inseparable" (Nadasdy, 2003, 10). Centring discourse on a solitary unit that he describes as 'power/knowledge', Foucault stresses "that institutional power" emerges not only from the application of or danger posed by coercive force but also from the capacity to frame discourse (Nadasdy, 2003, 10). By shaping and limiting what is conceivable to think, all-powerful institutions (i.e. nation-state) frequently have no need to employ forceful tactics to shape the individual or collective behaviour of people. Extending Foucault's thinking, Eric Wolf (1990), differentiated between the existence of two types of power which are pertinent to critical investigation of power/knowledge. Foremost, he labelled "tactical" or "organisational" power as the capacity of an agent to inevitably "circumscribe the actions of others within determinate settings" (Wolf, 1990, 586). The organisational context and setting within which individuals interact creates some types of activity and conduct workable while making others unworkable or unimaginable (Nadasdy, 2003). The other form of power is labelled "structural power" (Wolf, 1990, 587). According to Wolf (1990, 587), this type of power "shapes the social field of action so as to render some kinds of behaviour possible, while making others less possible or impossible". Structural power, like tactical power, functions within a particular setting, however, it also organises and makes those settings

conceivable (Nadasdy, 2003). Consequently, Wolf (1990) contends that structural power frames people's perceptions and understandings of how the world is composed.

According to Nadasdy (2003), the aim of knowledge integration is to force Indigenous peoples and nation-state agents to compartmentalise and distil Indigenous peoples' values and lived experiences according to a set of pre-determined external standards of importance and applicability. Within this context the act of knowledge integration, he argues, does not construct new or more balanced power relations; rather it serves to reinforce existing relations of power between Indigenous peoples and the nation-state. Traditional knowledge is perceived as a novel form of information, integrated into a established bureaucratic frameworks (Nadasdy, 1999, 2003). The process and outcome of decentralising power by the nation-state to Indigenous peoples are other aspects of power that have been critiqued (cf. Kellert et al., 2000; Plummer and FitzGibbon, 2004; Lyver et al., 2014; Moorcroft, 2015). Numerous scholars have questioned the motive behind the decentralisation of power to Indigenous peoples, and whether it results in more equitable distributions of power (Nadasdy, 2003; Stevens, 2014e).

2.2.7.1 The Uluru Approach

Stan Stevens (2014a) suggests that even when Indigenous peoples have been recognised as the TOs of their territory, unequal power relations continue to obstruct their full involvement in decision-making and on-ground management processes. A notable example is the co-management arrangements in place for Uluru-Kata Tjuta NP between the Anangu peoples and the Federal Government. The 'Uluru approach' involves the recognition of Aboriginal land title as long as the land is leased back to the government (Bauman and Smyth, 2007). This approach has been described as a 'blueprint' (Woenne-Green et al., 1994) for legally integrating Indigenous peoples' rights and values with those of the Government's conservation agency (Smyth, 2001). One of the purported strengths of the Uluru approach is that the Anangu peoples comprise the majority of the Board of Management (BoD) (Director of National Parks, 2010). Under such circumstances a majority Aboriginal board should facilitate Anangu control over

decision-making and the management of the NP. However, Ross et al., (2011, 198) contend that Anangu "control does not and cannot occur in practice" because all decisions must made with the Director of National Parks, and any disagreements are to be arbitrated by the appointed Minister (Commonwealth of Australia, 1999). This issue manifests itself most markedly in the failure of the Anangu people to restrict tourists from climbing Uluru on the basis of cultural beliefs and concerns for people's safety (Brockington et al., 2008a). Lyver et al. (2014, 97) suggest that the Uluru approach should not be described as co-managed, instead it should be described as 'state-governed' and 'state-managed' with a BoD "acting as [an] indigenous advisory [body]". In other words, the power relations remains firmly entrenched in western statutory and bureaucratic structures, not in the Anangu peoples' legal and traditional rights care for their country (Brockington et al., 2008a).

2.3 Re-imagining Indigenous Peoples and Regimes of Conservation

As debate over the effectiveness of collaborative forms of conservation continues to generate critical discourse, numerous scholars and Indigenous peoples have called for a new paradigm of conservation to be implemented that goes beyond simply making space for Indigenous peoples in conservation regimes. In the conclusion to his book *Hunters and Bureaucrats*, Nadasdy (2003, 268) notes that what is needed is a "radical rethinking and restructuring of Aboriginal-state relations". Over a decade later and with a focus on PAs, Stan Stevens (2014a) proposes a new paradigm that sets as its foundational principle the requirement for the recognition of Indigenous peoples' rights, and redefines many of the principles underpinning conservation frameworks. The principles of the new paradigm include: 1) Indigenous peoples should give free, prior and informed consent for any PAs created in their territories, and play a central role in developing the design, goals, boundaries, governance structures, and management practices for PAs, 2) PAs should continue to be self-governing homelands. This requires recognition of Indigenous peoples' ownership of their territories and resources, including recognition of collective tenure. Moreover, it requires respect for their self-governance through their own institutions and practices, 3) affirmation of the rights and responsibilities including those

detailed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 4) that PA conservation policies and practices must respect, support and take as their foundation Indigenous peoples' values, institutions and practices, and 5) Indigenous peoples must participate fully and effectively in the governance of PAs, and 6) Indigenous peoples must share equitably in the full range of benefits from PAs.

This contemporary rights-based paradigm involves a new set of assumptions that "distinguishes Indigenous peoples, as 'rights-holders', from other 'stakeholders' and acknowledges their collective rights to their territories, identity, culture, self-governance, and self determination and their responsibility to their territories and peoples" (Stevens, 2014a, 49). Numerous scholars and Indigenous peoples have argued that major changes are required to achieve this new paradigm, this includes (but is not limited to) greater autonomy and flexibility, devolution of decision-making authority, security of tenure, development of culturally appropriate governance and institutional structures, use of a process versus a project approach, and increased respect for traditional knowledge (Pimbert and Pretty, 1997; Agrawal and Gibson, 1999; Nadasdy, 2003; Kothari et al., 2013; Langton et al., 2014; Sandlos, 2014). The development and implementation of the IPA concept and program are viewed as one such approach that is purported to reflect the new paradigm of conservation (Stevens, 2014e).

2.4 Conclusion

The cunning of recognition, the role of language, the impact of bureaucracy and the institutionalisation of rationality, the territoriality and boundaries of space, and the use of accounting and accountability as a technology of government all underpinned by asymmetrical power relations have emerged as central themes in the study of efforts to restructure the relationship between nation-states and Indigenous peoples. Fundamental to this discourse are critiques centering on the form and function of collaborative forms of conservation, and the process of land claims. The function of recognition continues to sustain disproportionate power structures, by demanding that Indigenous peoples assimilate and identify with the beliefs and culture of the dominant society, and

simultaneously maintain an idealised, unrealistic authentic 'traditional' caricature. Indigenous peoples must remain different enough in order to not threaten the identity of the settler, but not so different that settlers feel that their very existence and moral superiority are in danger of being subverted. Indigenous peoples are forced into a position of speaking and acting in atypical ways. By framing discourse concerning territory within the linguistic framework of the settler-nation, Indigenous peoples are put at a disadvantage when interacting with nation-state agents.

By forcing Indigenous peoples to bureaucratise and institutionalise their societies in the image of the nation-state, the inherent relations between Indigenous peoples and their country are subverted, as are the values and practices that Indigenous peoples aim to maintain and/or revitalise through engagement in land claims processes and collaborative forms of management. Concurrently, practices of nation-state territorialisation seek to further destabilise Indigenous peoples relations by (de)constructing, demarcating and representing country in forms that limits the ways in which country can be conceived.

Another form of control is present in the technologies of accounting and accountability forced on Indigenous groups by settler nations. These technologies set out from a distance the pre-determined actions and outcomes expected of Indigenous peoples. The interaction between power/knowledge that is exemplified in all of the themes critiqued in this review cannot be limited to a description of power as the capacity to restrict and effect the construction and legitimation of information and knowledge. Rather, the themes addressed can be described as more entangled coercive forms of power. In order to analyse the IPA concept and program, critiques of these coercive forms of power are bought into conversation with the principles of the 'fortress' and rights-based paradigm for conservation. This analytical framework is used to analyse the participant interviews in light of the research questions outlined in Chapter 1. The following chapter provides an overview of the IPA concept and the IPA program.

2.5 Indigenous Protected Areas and the Program

2.5.1 Historical Background and Policy Context

The concept of IPAs arose in the mid-1990s through a joint effort between the Australian Federal Government and representatives of Aboriginal and Torres Strait Islander peoples to address two emerging issues: the need to establish a nationwide PA network, and the need to facilitate the re-engagement of Aboriginal and Torres Strait Islander peoples in caring for country. The Government on signing the CBD in 1992 made a commitment to develop a nationwide PA network called the National Reserve System (NRS). The NRS has become central to Australia's approach to conservation and aims to create and manage a "comprehensive, adequate and representative national" PA network in order to address the underrepresentation of certain bioregions (a map is provided in Appendix 1) (National Reserve System Task Group, 2009, 10). The extent of the NRS was partly informed by targets set under the CBD, with the current Target 11 obligating Australia to conserve "by 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, […] of particular importance to biodiversity and ecosystem services" (Convention on Biological Diversity, 2010, 9). Concurrently, across Australia Aboriginal and Torres Strait Islander peoples were increasingly voicing their aspiration to care for their country. For those already undertaking management activities it was about establishing a more effective means of delivering on-ground activities, and for others it was about facilitating the re-engagement of Aboriginal and Torres Strait Islander peoples with conservation.

Over time it became apparent that in order to establish a comprehensive and representative NRS it would be necessary to facilitate the inclusion of some Aboriginal and Torres Strait Islander held lands. It was highly unlikely that many Aboriginal and Torres Strait Islander groups would willingly transfer their land back to Government ownership and management (i.e. the Uluru approach). However, changes to the PA definition and its subsequent inclusion in the 1994 IUCN *Guidelines for Protected Area Management Categories* and the subsequent 2008 IUCN guidelines acknowledged

Indigenous peoples' "ownership, use, and management of land" (Smyth, 2015, 74) as aligning with the PA definition, and that it was possible for PAs to be established and managed via a mixture of "legal and other effective means" (Dudley, 2008, 30). Consequently, nationwide consultations with Aboriginal and Torres Strait Islander groups revealed a significant interest in voluntarily establishing and managing PAs on their country as part of the NRS, as long as the Government provided adequate funds and assistance for consultation, planning, and management (Craigie et al., 2015; Smyth, 2015). The IPA program administered by the Federal Government was established in 1996 to provide financial and technical support, and a process to enable formal recognition of IPAs to occur. The task for Aboriginal and Torres Strait Islander groups participating is to plan, declare, and manage IPAs. The first IPA was voluntarily declared in 1998 in Nantawarrina, South Australia by the Adnyamathanha people (Muller, 2003). The declaration marked the first time a PA in Australia had been created with the informed consent of Aboriginal people. Currently, there are 72 IPAs covering over 65 million hectares, and making up more than 44 per cent of the NRS (cf. Figure 1).

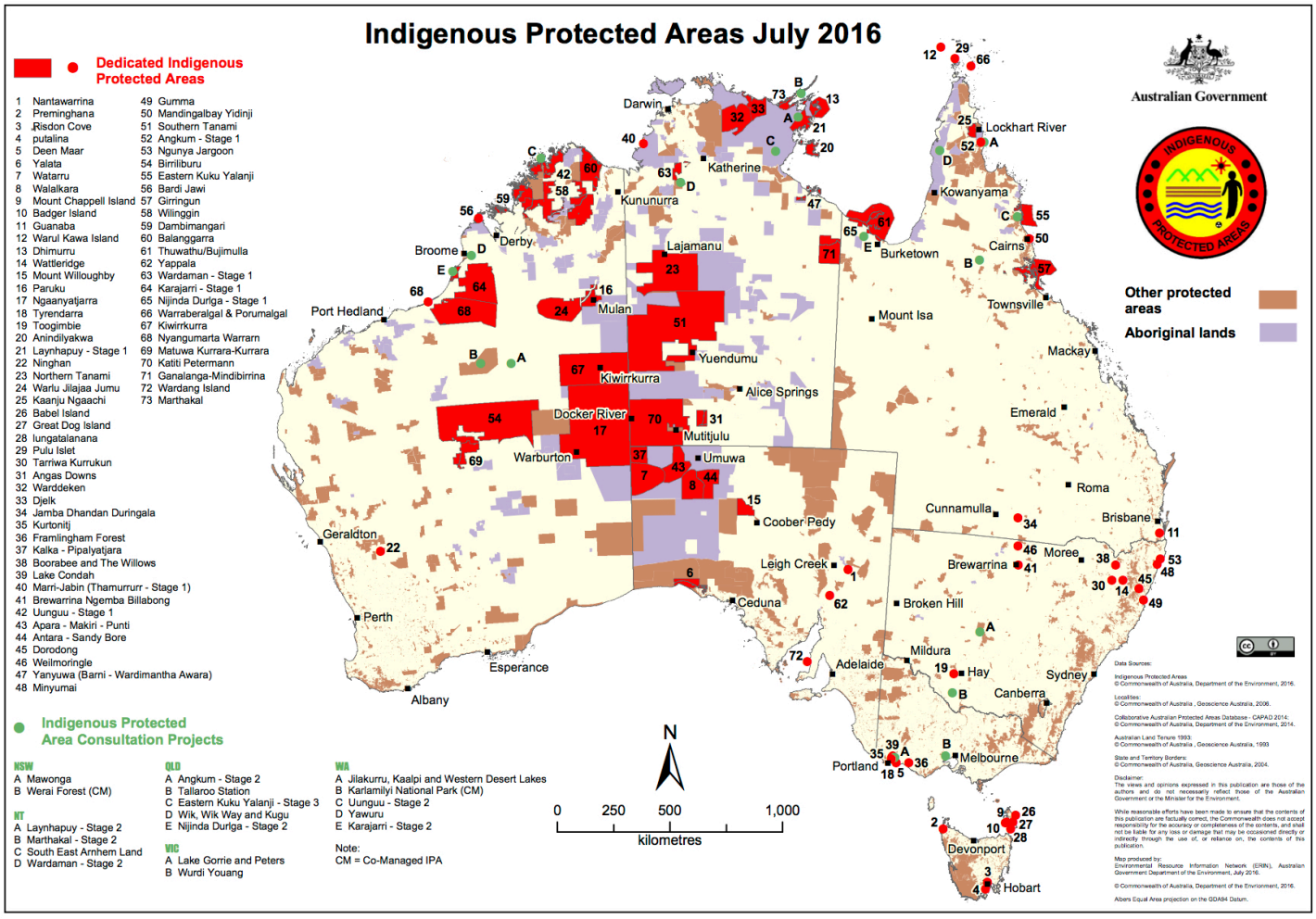


Figure 1 Location of Indigenous Protected Areas and other Protected Areas in Australia.

2.5.2 What is an Indigenous Protected Area?

Currently there are two IPA definitions, the first describes IPAs as areas of Aboriginal or Torres Strait Islander held land where a TO group has entered into a voluntary agreement with the Federal Government for the purpose of conserving biodiversity and cultural resources. This definition is one that is used by both government and NGOs, and focuses on the contractual funding relationship between a TO group and the Government. The second definition is provided by Dermot Smyth (2015) and is deliberately broad and aims to highlight the key features of IPAs outside the bounds of an agreement. IPAs are considered areas of country that a TO group has decided to voluntarily declare and manage through a mixture of "legal and other effective means" (Dudley, 2008, 30) in line

with the IUCN's PA definition and guidelines. IPAs are not enshrined in any form of legislative framework unlike NPs, which are legally established, managed and protected according to legislation. IPAs and the program are built upon Aboriginal and Torres Strait Islander cultural understandings and conceptualisations, which assert the notion of 'healthy country, healthy people'. In many ways IPAs are considered the contemporary physical manifestation of the "ancient and ongoing relationship between Indigenous peoples and their local environment" (Smyth, 2015, 73).

From the time the program was established until 2011, only Aboriginal or Torres Strait Islander peoples who legally held their country were able to participate in the program and establish IPAs. IPAs were typically established on a variety of select tenure such as freehold, leasehold or native title exclusive possession. While the 'tenure-based' system of establishing IPAs benefits TOs who legally hold a portion of their country, it does not benefit groups who do not have legal possession over their country or those whose country has already been declared as NPs or other PAs (Smyth, 2015). Moreover, tenure-based IPAs do not extend to coastal and marine areas largely due to the limited legal recognition of Aboriginal and Torres Strait Islander peoples' ownership of sea country (Butterly, 2014). The concept of an IPA, however, has continued to evolve. In 2011 the Mandingalbay Yidinji people established the first IPA based on the concept of country instead of tenure with the support of government agencies. In 2006, the Mandingalbay Yidnji people were awarded a mixture of exclusive and non-exclusive possession over their country. The IPA located in far north Queensland covers approximately 10,000 hectares of non-exclusive possession land of mixed tenure, and includes NPs, forest reserves, marine parks and other government PAs.

Country-based IPAs do not extinguish the existing tenure; rather, they provide an over-arching framework for recognising Aboriginal and Torres Strait Islander peoples' cultural and conservation values (Rose, 2012). According to Smyth (2015), country-based IPAs are managed similarly to tenure-based IPAs through the use of 'legal and other effective means'. The key difference is that groups who establish a tenure-based IPA retain full control over decision-making and access to country whereas groups who establish

country-based IPAs share decision-making authority with other tenure holders (Smyth, 2015). For country-based IPAs this often leads to the establishment of a governance committee consisting of representatives of the TOs and the appropriate government agencies, who come together and negotiate a set of agreed arrangements that recognise the government and the groups' management aspirations (Rose, 2012; Smyth, 2015). Regardless of whether an IPA is tenure or country based all IPAs come under the IUCN's PA governance sub type 'Indigenous peoples' protected areas and territories – established and run by Indigenous peoples'. According to the 2008 IUCN PA guidelines Indigenous peoples' PAs are:

> Clearly defined geographical spaces, within the lands and waters under traditional occupation and use by a given indigenous people, nation or community, that are voluntarily dedicated and managed, through legal or other effective means including their customary land and institutions, to achieve the long-term conservation of nature with associated ecosystem services, as well as the protection of the inhabiting communities and their culture, livelihoods and cultural creations (Dudley, 2008, 30).

Country-based IPAs also exhibit some characteristics of IUCN governance type B 'Shared Governance', however Smyth (2015, 77) argues that because the "planning, dedication, collaboration and management is led" by the Aboriginal or Torres Strait Islander group, the IUCN definition of Indigenous peoples' PAs correctly represents all IPAs.

2.5.3 Structure of the Program and Process of Declaring an IPA

The IPA program sets out the process of declaring an IPA and involves three key TO-led phases: consultation and planning, declaration/dedication, and management.

2.5.3.1 Phase 1: Consultation and Planning

- The TO group decides to establish an IPA;
- Submits application for funding to the IPA program;

- Consultation and on-ground activities undertaken to determine the location of the IPA; and
- A Plan of Management (PoM) is created which sets out the TOs' social, cultural and environmental aspirations, and the issues and management actions to be addressed over a period of 10 years. The plan also identifies the IUCN PA category under which the IPA will be managed.

2.5.3.2 Phase 2: Declaration/Dedication

- The TO group make a formal announcement concerning their intention to declare an IPA; and
- A letter along with the PoM is provided to the Government and the IPA is formally declared.

2.5.3.3 Phase 3: Management of the IPA

- IPA management is conducted on-ground according to the priorities and actions detailed in the PoM.

2.5.4 Current Status of the Program

Prior to 2013, the IPA program was administered and funded directly through the Government's environment department, currently called the Department of the Environment and Energy (DoEE). A dedicated team within the DoEE managed the program up until former Prime Minister Tony Abbot declared in 2013 that he would assume the role as the first Prime Minister for Indigenous Affairs. As a result all Aboriginal and Torres Strait Islander programs were subsumed into the Department for the Prime Minister and Cabinet (DPMC), and the dedicated IPA program team was dismantled. Currently, the DPMC administer the IPA program, however, funding for the program is provided and managed by the DoEE (SVA Consulting, 2016a). Program funding of approximately AU$73 million was allocated for the period 2013-14 to 2017-

18. Since 2014 there has been no funding available for the establishment of new IPAs, and as of August 2016 there has been no commitment made to fund current IPAs past 2018.

CHAPTER 3 Methodology

This chapter outlines the methods used to generate and analyse the data for this research. The research took place between September 2015 and August 2016. An initial scoping study was conducted over a three-week period during September 2015 in order to determine the exact location of later fieldwork and to seek out potential participants. Subsequently, primary data is drawn from three months of fieldwork undertaken in WA, Australia. A total of 19 in-depth semi-structured interviews were conducted and supplemented with additional observations.

3.1 Research Strategy - Grounded Theory and Case Study

This research is qualitative in nature using a case study method, it employed grounded theory to provide a framework which facilitated an iterative method of gathering and analysing data (Glaser and Strauss, 1967; Bryant and Charmaz, 2010; Charmaz, 2014; Corbin and Strauss, 2015). Developed by Glaser and Strauss (1967, 2) grounded theory can be described as "the discovery of theory from data systematically obtained from social research". Theory or new understandings are inductively extracted via the ongoing systematic and iterative practice of data collection and analysis (Corbin and Strauss, 1990; Charmaz, 2008). The benefit of grounded theory is that it enables the researcher to move beyond speculation and preconceptions, towards uncovering the underlying assumptions and processes of what is actually occurring within the field under examination (Glaser, 1978).

3.1.1 Grounded Theory

Once the first phase of data collection is complete, the data is analysed to identify preliminary codes and categories, in turn informing the subsequent phases of gathering and analysing data. As a result of this method a set of themes and relationships are revealed, developed and substantiated, often leading to the development of theory (Corbin and Strauss, 2015). This process can be assisted by consciously drawing upon

relevant conceptual frameworks. As Glaser and Strauss (1967) and Corbin and Strauss (2015) explain, engagement with existing theories and frameworks can assist the researcher in ascertaining the relevance and significance of themes and relationships as they emerge from the data.

The primary methods of data generation used in this research included in-depth semi-structured interviews, coding and note taking in the form of journal entries. A semi-structured interview approach was employed in order to prompt participants to converse about their lived experiences in the style of a narrative (Willig, 2008). The interview mood was usually informal, relaxed and conversational. As Taylor (2005, 39) notes, this approach emphasises the 'insider perspective' in order to obtain in the participant's own utterances their views, understandings and beliefs. A pre-planned list of questions and topics was used (Appendix 2) to provide some structure to the interview, but ultimately questions remained open-ended and flexible in wording and order. This provided opportunities to diverge from the interview structure in order to pursue certain observations and responses (Newing, 2011). This enabled the discovery and discussion of important topics as identified by the participant in turn limiting my own influence.

The use of an iterative process was sustained over the course of data collection and analysis. Interviews were digitally recorded, then transcribed and initially coded a few days afterwards. Throughout this process I maintained a research journal, which is integral to the grounded theory approach (cf. Charmaz, 2008, 2014; Birks and Mills, 2011; Corbin and Strauss, 2015). My journal operated as an essential apparatus in the formulation, maturation and recording of my ideas over the course of the research. It helped me to reflect and remark on observations and insights, leading to further development and refinement of interview questions and topics, codes and themes, and research questions.

3.1.2 Case Study

The application of grounded theory in this research is positioned within a case study approach to the analysis of the IPA concept and program. As argued in Chapter 2, there is a propensity in the conservation literature for positioning critiques of collaborative forms of conservatives within the frame of settler policies of assimilation and dispossession, despite the incredibly complex nature of relations between Indigenous peoples and the nation-state. In order to counter this trend I drew on a case study approach to develop more comprehensive understandings about the form, function, and underlying assumptions of IPAs and the program on the ground.

From an epistemological perspective, this research is centred on the understanding that knowledge is produced through continuous interaction between the researcher and 'the field', that is, the site(s) where fieldwork is undertaken (Latour, 1999; Whatmore, 2003; Norman, 2015). Numerous scholars have paid critical attention to the issues inherent in the 'traditional' view that requires the researcher maintain a clear separation and sense of detachment from the field under study (Latour, 1999; Hubbard et al., 2001; Massey, 2003; Spencer, 2010). This view discourages acknowledgement of the part played by the researcher's own understandings and subjectivity in the construction of knowledge (Massey, 2003). It is now more commonly accepted, particularly in the social sciences, that 'moments' (Massey, 2003) in the course of undertaking fieldwork are fundamental to the type(s) of knowledge constructed (Whatmore, 2003). As Massey (2003) notes, 'the field' is composed of the intimate entanglements between the people, concepts and experiences under study, and the researcher herself. It is not possible for the researcher to remain detached from the field due to the fact that her presence inevitable effects the generation of data, and because the researcher makes sense of the data in novel ways throughout the various stages of analysis (Latour, 1999). Thus, the 'traditional' idea of 'the field' as a place and space to be 'discovered' is replaced by the understanding of the researcher's role as attempting to reimagine the construction of 'the field' in ways that enable new thoughts and practices to come into being (Massey, 2003). The following subsection describes the 'field' and outlines the justification for the cases selected.

3.2 Research Design and Process

3.2.1 The Field

The 'field' in which data was generated and collected were two regions within WA, Australia. WA is the largest state in Australia covering approximately 250 million hectares and home to just over 2.5 million people (Australian Bureau of Statistics, 2016a). Currently, 14 out of a total of 72 IPAs are located in WA covering an area of over 33 million hectares (Australian Government, n.d.). Moreover, IPAs represent over half the area covered by all PAs in WA (Australian Bureau of Statistics, 2016a). The regions – Midwest, Murchison and Gascoyne (collectively known as the Yamatji region), and the Kimberley region (cf. Figure 2) – were chosen for both practical and academic reasons. At a practical level, I live in the Yamatji region and previously worked with Aboriginal groups in the region on native title and environmental issues. The Kimberley region was selected in part because of previous work I had undertaken managing the consultation phase of a now declared IPA that adjoins the region. More notably, the two regions were selected because eight IPAs have been successfully declared in the Kimberley region, the highest concentration in any region within WA, conversely, only one IPA has been declared in the Yamatji region even though it is hoped that more will be established.

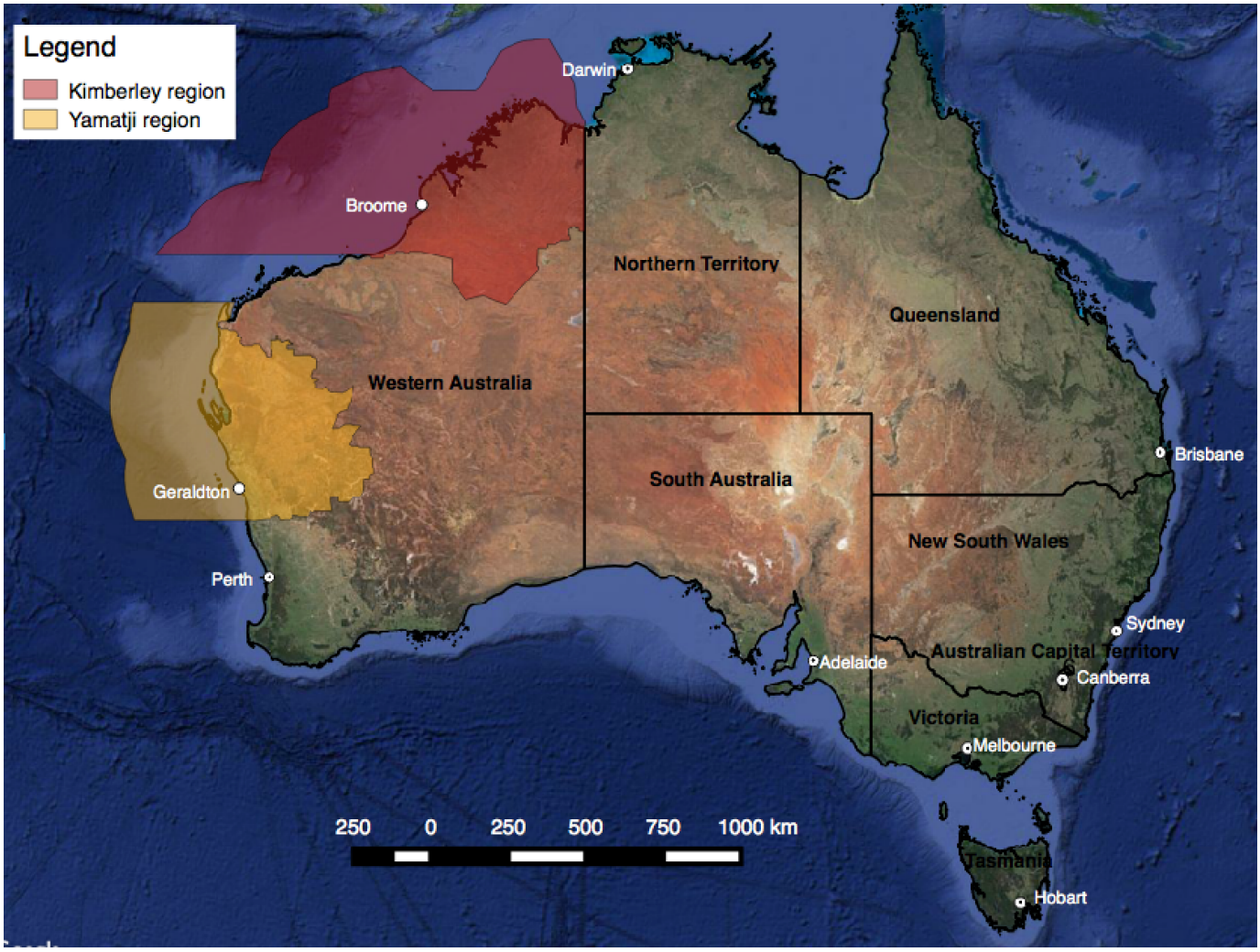


Figure 2 Yamatji and Kimberley region in relation to the whole of Australia

3.2.2 Yamatji Region

The Yamatji region (Figure 3) covers a land area of over 60 million hectares with a population in excess of 68,000 of which Aboriginal and Torres Strait Islander peoples comprise approximately 24.6 per cent (current as of 2011) (Australian Bureau of Statistics, 2016a). A total of six biogeographical regions (Appendix 3) lie within the boundary of the region with two – Murchison and Avon Wheatbelt – currently under-represented in the NRS. Currently, 13 native title claims cover the majority of the region with only two having been determined in the last decade. Only one IPA has been established and declared in the region – Ninghan IPA. The Ninghan IPA was declared in

2006 and is located within the boundary of a large pastoral station, covering an area of approximately 48,000 hectares of which 700 hectares are managed as category III and the remainder as category IV in line with the IUCN's PA management guidelines (Australian Government, 2013). The Yamatji Marlpa Aboriginal Corporation (YMAC) is the peak native title body in the region assisting Aboriginal peoples with native claims and other socio-cultural activities. The region's major centre, Geraldton, is the base from which fieldwork was carried out. Geraldton is a common point of reference for many Aboriginal and Torres Strait Islander peoples across the region mainly due to the wide range of service provision available (Prout, 2009).

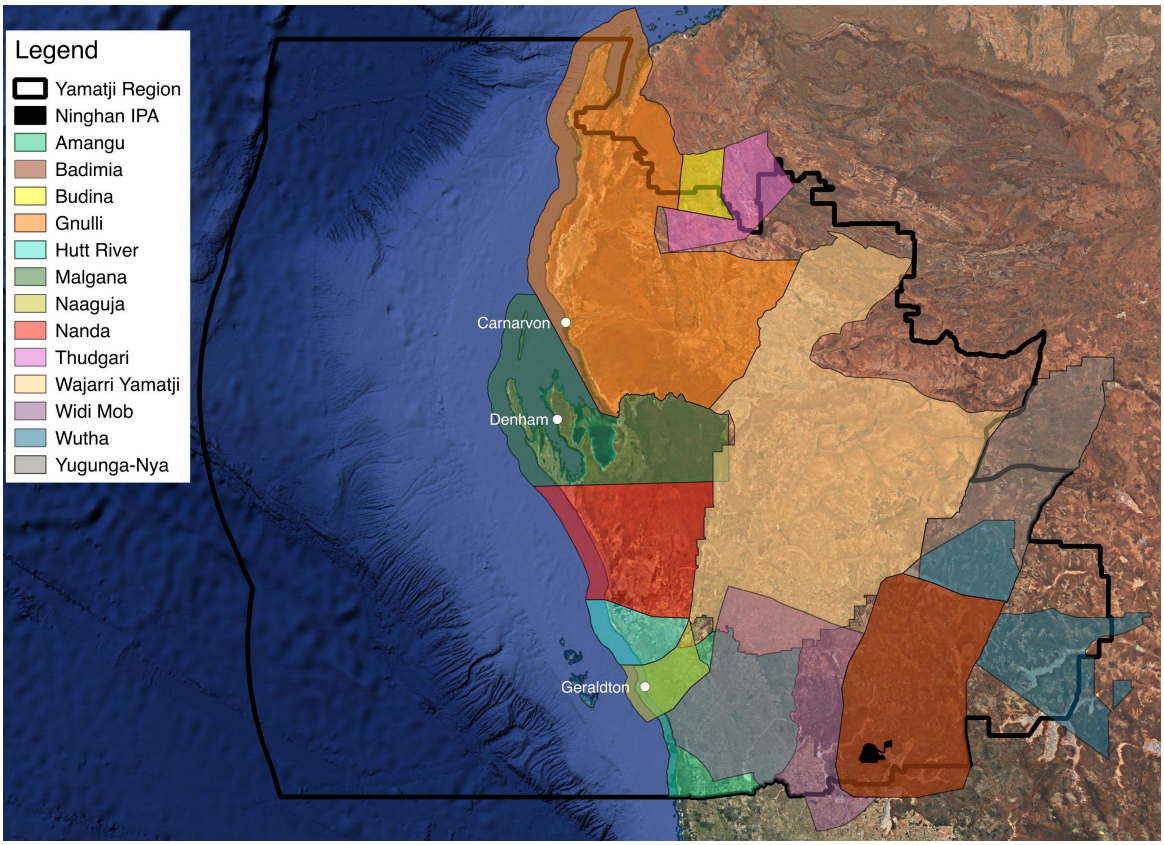


Figure 3 Yamatji region, Aboriginal native title groups, and IPAs

3.2.3 Kimberley Region

The Kimberley region encompasses an area of approximately 42 million hectares with a population in excess of 30,000 of which Aboriginal and Torres Strait Islander people comprise about 40 per cent (current as of 2011) (Australian Bureau of Statistics, 2016b).

A total of six biogeographical regions (Appendix 4) are located within the boundary of the region; all are adequately represented in the NRS. Currently, 31 native title claims cover the majority of the region with 16 determined over the past two decades. Eight IPAs have been established and declared (Figure 4) with the smallest being the Bardi Jawi IPA covering approximately 126,990 hectares to the Karajarri IPA covering around 2.5 million hectares. Currently, the Kimberley Land Council (KLC) administers all the IPAs on behalf of the TO groups. The KLC are the peak Aboriginal organisation in the Kimberley region and assist Aboriginal peoples to process native title claims, facilitate caring for country activities, and develop other economic opportunities. The KLC and YMAC can be considered bridging organisations, which connect TO groups to the Federal Government. The Nyangumarta IPA is currently administered by YMAC which is the representative body for the Pilbara region. One of the region's largest centres, Broome, is the base from which fieldwork was undertaken in the region.

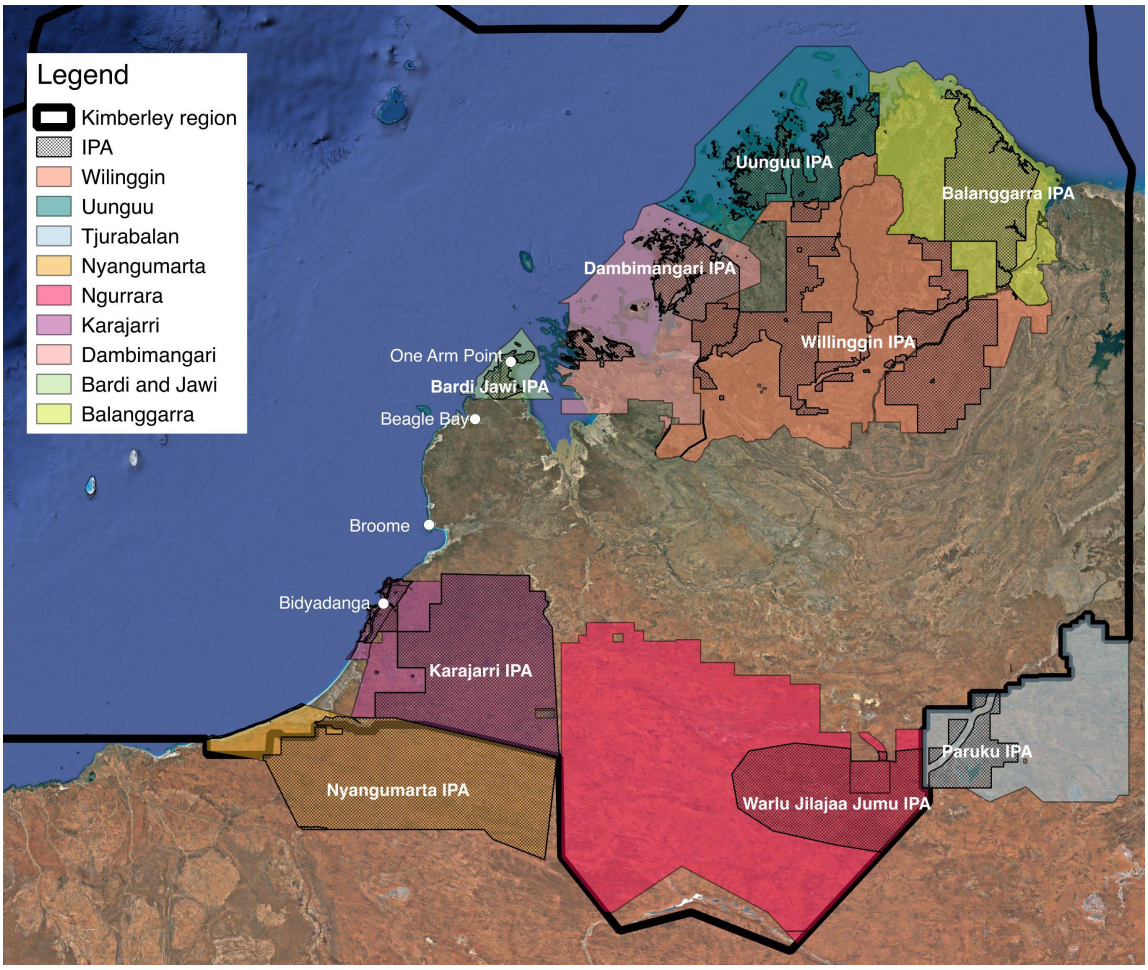


Figure 4 Kimberley region, Aboriginal native title groups with IPAs

3.2.4 Research Participants and Sample Size

In total, 19 interviews (16 individual, 2 consisting of two participants, and 1 consisting of three participants) were carried out with 23 participants identified by employing both purposive and snowball sampling methods. The choice to conduct interviews individually or in a group was decided by the participant, and was respected to ensure the individual was comfortable undertaking the interview. The relatively small sample size facilitated the in-depth exploration and discussion of the participant's lived experiences and opinions in regards to IPAs and the program. Participants are categorised as either Aboriginal or non-Aboriginal key informants. Following a semi-structured approach, interviews lasted between 45 and 160 minutes. The method and criteria employed to identify participants are described below.

3.2.4.1 Aboriginal Key Informants

I undertook interviews with 13 Aboriginal individuals who can be subdivided as follows: individuals not formally involved with an IPA but who have knowledge about IPAs and the program, and a desire to see an IPA established on their country or on the country where they reside; or individuals who are formally involved with an IPA on their own country or on the country where they reside. There were three Aboriginal participants from the Yamatji region with no formal involvement in IPAs, one participant with formal involvement in the Nyangumarta IPA, and nine participants from the Kimberley region were interviewed. Kimberley participants can be subdivided as follows: six from the Karajarri IPA including five with formal involvement, two from the Bardi Jawi IPA both with formal involvement, and one from the Nyul Nyul group with no formal involvement were interviewed. Appendix 5 provides a detailed description of the Aboriginal participants who were interviewed.

3.2.4.2 Non-Aboriginal Key Informants

I interviewed 10 non-Aboriginal people who have knowledge of and/or formal involvement with IPAs and/or the program. Appendix 6 provides details of the non-Aboriginal participants interviewed.

3.3 Positionality, Limitations and Ethics

3.3.1 Researcher Positionality

Over the course of my research I was aware of the fluidity of my position as both an 'insider' and 'outsider' within the two regions, and as an Aboriginal person and academic researcher. In the Yamatji region, participants were already aware of my family connections and could easily situate me within the wider Aboriginal community. This coupled, with the fact that I had had previous positive interactions with all of the Yamatji participants, meant that a level of familiarity and respect already existed which facilitated

the ease with which interviews were undertaken. Conversely, I was unknown to many of the participants in the Kimberley region and therefore spent much more time establishing contacts and determining the most appropriate method of engagement. WA is an extremely large area; however, my familiarity with the geography of both regions meant that I was able to safely travel and interview participants in settings in which they were most comfortable.

3.3.2 Ethics

The ethical appropriateness of this research study and by extension my own behaviour and actions as the primary researcher underpinned the entirety of the research process. Before arriving in Australia, ethical approval for this research was approved by the University of Oxford's Central University research Ethics Committee (CUREC) and was subsequently implemented. As per traditional custom, at the beginning of the interview I introduced myself in terms of familial and country relations, and then proceeded to explain my role as a researcher and the purpose of the study. In order to reduce any potential influence on the participant's responses I refrained from providing too detailed a description of the research.

I asked participants how they would like to be identified, highlighting their right to remain anonymous. All participants agreed to being named. At different moments during the interviews, I was asked by the participant to explain how their responses would be used and distributed. I explained that their responses would inform the generation of a dissertation, but may also inform the production of published research articles.

3.4 Data Analysis

The data that informs this research was produced and recorded in multiple forms: 1) in person face-to-face audio recorded interviews with all Aboriginal and the majority of non-Aboriginal participants, 2) Skype face-to-face video/audio recorded interviews with two non-Aboriginal participants, and 3) a research journal that documented my

observations post-interview and over the course of the research, as well as initial codes and themes, and the development and refining of research questions.

A decision was made to personally transcribe all interviews in order to facilitate full immersion in the data. Post-fieldwork, I initiated the formal process of coding using QRS NVivo software. Using the initial codes recorded in my research journal, further codes were generated by systematically analysing each transcript by identifying and underlining relevant passages and phrases. Following the completion of initial coding, codes were subsequently allocated to an overarching theme (Liamputtong, 2012). At this stage, further consideration was given to the relationships existing between themes, sub-themes, and codes (Braun and Clarke, 2006). The final phase of analysis involved re-analysing all codes and data excerpts to confirm that the themes developed represented a logical pattern. Themes were then considered in relation to the whether they reflected the overall narrative expressed in the participants' responses, and adequately addressed the research questions (Braun and Clarke, 2006)

Results

CHAPTER 4 Knowledge, Language, Capacity and Co-benefits

4.1 The Function of Knowledge and Language in Shaping Capacity

This section sets out the ways in which a sliding scale of knowledge regarding the form and function of IPAs and the IPA program plays a role in shaping the organisational structure employed to administered and manage IPAs. The organisational structure presented is constructed out of participant responses to the internal workings of IPAs within a wider community setting, highlighting a separation between administrative and cultural authority. Subsequent analysis seeks to uncover how particular terminology and phrases have come to shape how IPAs are conceived and understood.

4.1.1 Cultural and Institutional Competency, and Organisational Structure

This theme relates to the participants' knowledge, perceptions and expectations about the form and function of the IPA concept and program – institutional competency – and the extent of their understanding in relation to cultural structures and dynamics – cultural competency. The majority of participants where able to articulate a basic understanding of the IPA concept, and knew that the Federal Government funds the IPA program. Participants involved in the management of an IPA where able to articulate the location of the IPA and activities carried out there. The most basic understanding shared by all participants regardless of whether or not they are involved in the management of an IPA is that it affords Aboriginal people "*[…] an opportunity to be able to start looking after country*" (Kathleen Musulin, 'Kathleen'). Moving beyond that understanding, what emerged was a sliding scale of knowledge that varies in accordance with two main factors; whether the participant is involved in the management of an IPA, and the position of the participant within the organisational structure. It was evident that participants who

are tasked with senior management and coordination roles or who operate at the academic and policy interface have a more complex understanding of the IPA concept and program, and were generally non-Aboriginal. In discussion about the general lack of in-depth knowledge held by Aboriginal people about IPAs and the program, Daniel Oades (Daniel) explained that "*[…] getting one of your rangers to explain that when they're usually working in the field […] they're not necessarily always brought into that circle of knowledge around why it's important, what it is, and they can probably just say it's there, it's our plan, a pretty basic understanding*".

The level of knowledge held by particular people shapes the organisational structure and was legitimised and rationalised in terms of the development of specialist or experts. Kevin George (Kevin) explained that rangers are now becoming experts in a wider range of fields from on-ground conservation practices (e.g. fire management) to digital technology and computer software (e.g. GIS mapping software). He noted that it is the role of the Senior Management Team (SMT), which he is a part of, to understand the more intricate aspects of IPAs and the program, but he expects that over time rangers will develop a more in-depth understanding. Figure 5 depicts the organisational structure guiding the management of the Bardi Jawi and Karajarri IPAs. The KLC via their Land and Sea Management Unit manage the administration and funding aspects of the IPA and any associated conservation activities on behalf of the groups, due to a perceived lack of capacity within their PBCs.

However, the cultural protocols and authority are derived from and managed by the PBC through a combination of Elders and Senior Cultural Advisors who comprise the Healthy Country Advisory Committee. The SMT manages the on-ground implementation of the IPA through the PoM, and includes an IPA Coordinator (renamed Health Country Coordinator by KLC), a Ranger Coordinator, and between one and three senior TOs as Senior Cultural Advisors and/or Head Ranger who have some level of institutional and cultural knowledge. Daniel noted, for Bardi Jawi the Senior Cultural Advisor, Kevin, plays a critical role in engaging the community and the Elders, ensuring cultural protocols are adhered to: "*you've got to have the right person talking to the right people*

and communicating appropriately" (Daniel). It is critical that the correct individuals "*who are the experts for that area [of country and] […] the ones who have the more intimate knowledge*" (Dooli King, 'Dooli') about such things as songs, stories, sacred sites, and resource use are consulted, informed and ultimately provide authorisation before any work occurs on country.

Elders hold positions of cultural authority within the wider community and Daniel attributed the "*cultural strength"* and success of the IPA concept to ensuring that Elders are supportive of the work being carried out. In the case of Bardi Jawi this is critical because it was the Elders who set the conservation and cultural priorities detailed in the PoM. Cultural competency shares some similarities to institutional competency in that the majority of people tend to have a basic understanding of the processes and protocols in place but the more in-depth knowledge and understandings are held by only a select few. The difference between cultural and institutional competency is that knowledge and understanding about the IPA program are bounded within the organisational framework, whereas cultural knowledge exists outside but flows through and permeates the framework.

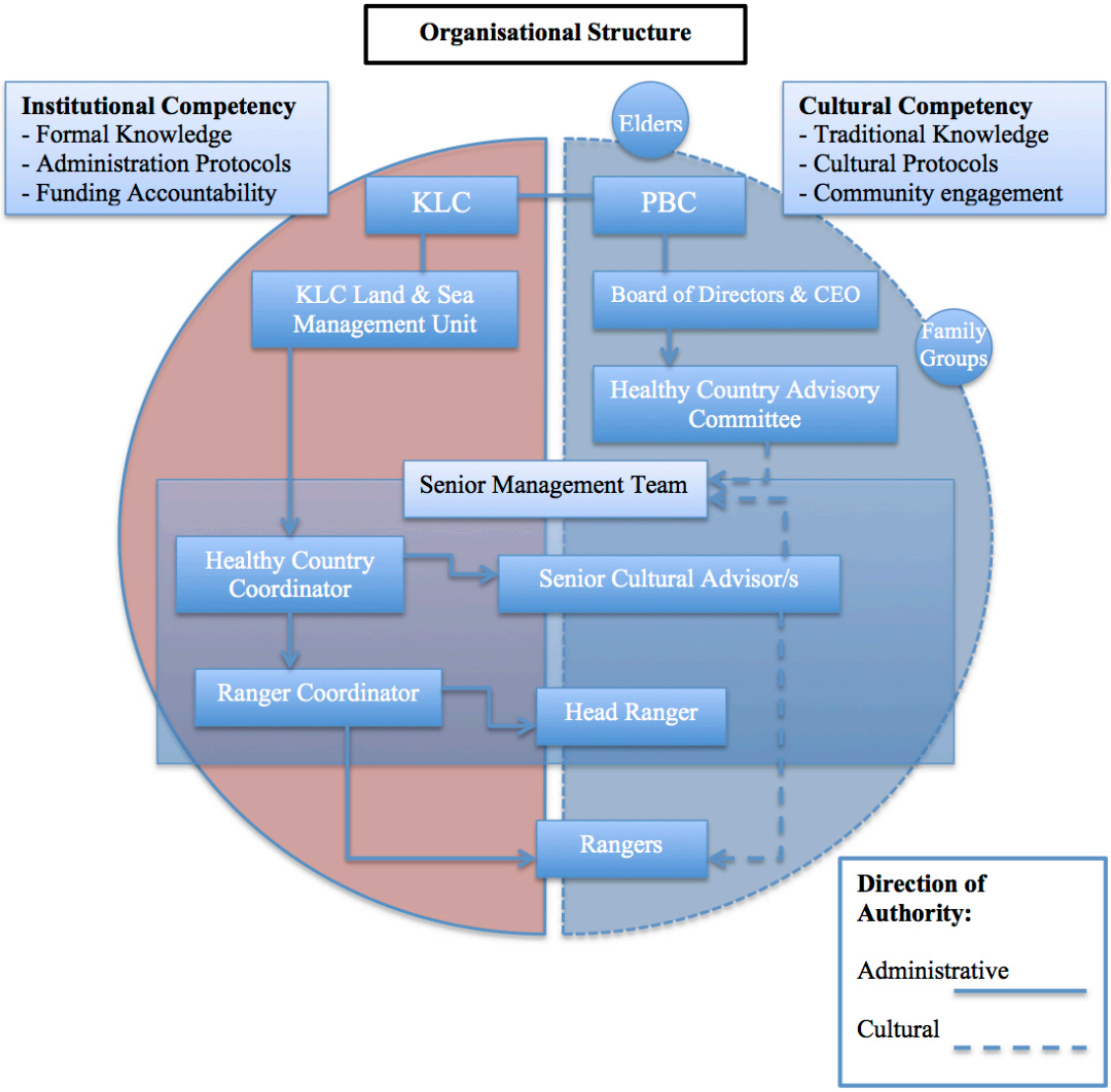


Figure 5 Organisational Structure guiding the implementation and management of IPAs in the Kimberley region.

4.1.2 Language of IPAs and the IPA program

While Aboriginal terms such as '*looking after country*' and '*caring for country*' were employed on numerous occasions to describe the purpose and benefit of IPAs and the program, a number of other more formal terms where also used by Aboriginal participants. The terms '*specialists*', '*best manage*', and '*management plan*' all featured strongly, however, the term '*ranger*' was the most commonly used term to describe the form and function of an IPA. Tom Holyoake (Tom) noted that in comparison with

understanding the complexities of an IPA "*rangers are easy for people to understand*". Further comments highlight that the language used to describe IPAs has not been well developed at ground level, where as 'ranger' is not only understood but also conceived as rendering caring for country possible. José Kalpers (José) noted that for Nyangumarta it was when the ranger positions were formalised that the wider community "*started realising we've got an IPA*".

The development of rangers has not only formalised the practice of caring for country, it has also bought it into circulation with the modern economy. Patrick O'Leary (Patrick) acknowledged that he and his team have strategically employed the term 'ranger' in their campaign to get the Federal Government to extend and expand the IPA program funding because it aligns with current policy on addressing Aboriginal unemployment:

[W]*e're conscious that we've been using rangers as a proxy for IPAs and the reason we've been using them is because to this [Federal] Government ranger spells jobs and at the moment […]they don't necessarily see an IPA that protects the environment as a good thing, but they see jobs as something they say they want*.

The rhetoric of 'ranger' is salient not only with Aboriginal peoples but also with the Government's Aboriginal and Torres Strait Islander policy agenda. In this way the term 'ranger' foregrounds the potential economic and political benefits of engaging Aboriginal and Torres Strait Islander peoples in conservation practices, over the socio-cultural and ecological benefits of engaging them in caring for country practices.

4.2 Benefits of IPAs and the IPA program

The following sub-themes detail some of the perceived benefits that are delivered by participating in the management of an IPA and engagement with the IPA program. The development of self-pride and confidence emerged as a key benefit alongside the reinvigoration and strengthening of identity and connection to country. Moreover, facilitating the intergenerational transfer of knowledge, the development of structure and stability, provisions for building further opportunities, and benefits of IPAs to the wider Australian nation were identified as key benefits. Many of the benefits identified by

Kimberley participants involved with IPAs were also identified by Yamatji participants. This might suggest that benefits are pre-constructed but only manifest as a result of engagement with IPAs and the program; however, it might also suggest the presence of cross-regional communication.

4.2.1 Strengthening and Reinvigorating Connection to Country and Community

The ability to provide a future for the younger generation was the driving force behind Nyaparu Rose's (Nyaparu) decision to pursue an IPA on behalf of the Nyangumarta peoples. Several other participants provided similar reasoning. For Peter Windie (Peter) the program offers a way of addressing some of the social issues affecting young Aboriginal people, such as drug use. An important aspect of providing a future for the younger generation is providing opportunities to re-engage with and learn from Elders, and to also gain skills and certification through non-Indigenous learning pathways. IPAs and the program are seen as providing opportunities to enact those aspirations:

[T]his IPA program is a two way learning; you're learning about your country, what's there, the name of places […] and then you're learning the wadjela [non-Indigenous] way, that's when they're doing that certificate (Nyaparu).

Highlighting that it offers TOs the opportunity to 're-engage' with their Elders is an oversimplification because it is also entwined with the responsibility to fulfil cultural obligations: "*[The Elders] they wanted to keep the country strong and alive, and for future generations, so that's why many of us joined […] to keep the spirits and Pukarrikarras, dreamtime alive and strong*" (Jessica Bangu 'Jessica'). As Mervyn Mulardy (Mervyn) explained, it is not only about being taught by the Elders about "*places on country*" it is also about "*[developing] some of the skills and understanding of […] why they've got an obligation to look after country".* The intergenerational transfer of knowledge that is facilitated through engagement with IPAs was identified as being critical to ensuring that knowledge and connection to country is retained, and country is cared for:

[I]t helps us to look after some of […] our cultural sites and that in turn ensures that we retain a lot of those connections and our cultural values […] and re-instils in people the value of protecting sensitive environmental areas (Dooli).

The majority of participants noted that the ability to get Elders and other community members "*back to country*" (Nyaparu) was another important benefit. As Daniel explained, it is important to take people out on country in order to "*make them feel like they're a part of [something]*". For Karajarri and Bardi Jawi engagement with the wider community through non-conservation related activities has been an important development: "*We get people from the community involved […] the other week we were doing puppets for the kids in school*" (Kayla Dixon 'Kayla'). A number of participants from the Kimberley noted that the flexibility of the program has enabled more culturally appropriate engagement with despondent youth to occur: "*all it takes is an Elder […] or one of our rangers and they're already at ease*" (Daniel). Daniel noted that in many instances programs administered by non-Indigenous people fail because they are not culturally appropriate.

For Bardi Jawi the SMT and rangers "*fill the gap in a lot of places"* because they are one of the best funded, staffed and *"organised organisation in the community*" (Daniel). This was demonstrated through their organisation and facilitation of a cultural repatriation event in 2015 that was attended by over 150 people. Furthermore, a number of the participants spoke of the importance of having a continuous feedback loop that involves Elders identifying areas of country that are of particular significance, which are then managed and monitored by the rangers who in turn provide updates back to the community. According to both Kevin and Daniel, this process is something the IPA and the program has enabled. The process has become critical in assisting the community to make informed decision about proposals for development activities on country: "*we're more or less seen as the eyes and ears for […] our Elders*" (Kevin). All participants identified the critical role that IPAs and the program play in building stronger internal community relations and cohesion.

4.2.2 Identity, Pride, and Confidence

Participants from both the Yamatji and Kimberley regions emphasised the positive impact on an individual's health and wellbeing particularly in relation to strengthening self-identity and self-confidence. Kathleen argued that engagement with IPAs and the program "*is going to give them that identity, they've still got their identity but it's been distorted over time, but it's going to give them that pride back*". Kevin discussed identity in reference to developing a "*sense of belonging […], you're actually working in your country for your people"*. He went on to assert that engagement has a positive impact on the *"wellbeing within your head and in your heart*". According to some participants, identity is also reinforced through an individual's interaction with their Elders and senior leaders. Similarly, Nick Smith (Nick) cited the fact that the IPAs are "*part of a much broader conservation estate*" develops a "*sense of belonging to a much bigger kind of thing*".

Going hand in hand with identity is the building of pride and self-confidence both as an individual and as a community. Nick believes that "*engagement in the IPA program fosters […] pride in their ability, so it's a recognition […] that this is your country and that you know best how to care for your country*". Most participants described moments when pride and self-confidence manifested. For Kevin, seeing rangers' present complex information at a conference rather than having a non-Indigenous person do so on your behalf is testament to that transformation. Kevin explained it is not only a transformative moment for the rangers but also for the Elders, who have only ever seen non-Indigenous people present. Not only is pride and confidence transformed but also what is 'thought' possible. As Nyaparu aptly put it "*they feel proud within themselves that they are working [and] doing things on country especially because it lifts their spirits [because] when you go to country […] you just feel that feeling […] you know it's your country*".

4.2.3 Recognition and Application of Rights, Authority and Autonomy

IPAs can be viewed as the physical manifestation of a groups native title rights, and an avenue through which TOs are able to further "*assert their native title rights*" (Sam

Bayley 'Sam'). It alludes to the idea that native title rights are not necessarily tangible and that country does not miraculously change as soon as rights are gained. Anna Dwyer (Anna) noted, even though Karajarri were successful in gaining native title it "*isn't all that strong […] and that's why we had to fight for that IPA […] because that way it gives us ownership*". An overwhelming number of participants stated that engagement in the IPA program and declaration of an IPA reinforce the recognition of Aboriginal and Torres Strait Islander peoples as TOs and their right to own, control and manage their country. José argued that, more crucially, "*the fact that an IPA is part of the [NRS] is one way to recognise [TO's] rights and interests",* because it provides "*another level of recognition*". It was noted that it is not only the recognition of the rights to manage country but also a recognition that TOs are land "*managers and they're recognised as that around the world […] it just gives you that extra strength to go out and do stuff*".

Alongside the recognition of rights, participants expressed the belief that establishing an IPA provides TOs with more "*authority"* (Anna) and "*autonomy*" (Patrick) to make decision regarding country: *it's all in the court of the [TOs]*" (Daniel). As Kevin suggested, "*the IPA program […] gives us the opportunity as […] traditional people to sing aloud […] what we see as important to us in our country and what we want to protect*". Moreover, several participants noted that TOs are in a "*stronger position*" (Dooli) in comparison to other forms of Aboriginal engagement in conservation such as joint management:

The majority of resources have been to employ Dambi to help DPaW do what DPaW want to do, not invest in Dambi to do what Dambi want to do. It's […] one of the differences which is why […] the IPA program is just fantastic, […] it's people being supported to do what they want to do on their own country by themselves (Jarrod Holmes 'Jarrod').

Sam succinctly summed up the views of many participants: "*IPAs are great because they can be truly independent and that's what the majority of [TOs] want, is independence and authority to make their own decisions without having the Government hold the piggy bank and sort of push them into it*".

4.2.4 IPAs and the IPA Program Provides Structure and Stability

One of the most important benefits that the IPA program is seen to deliver is the provision of a framework and structure through which TOs are able to organise their priorities and on-ground activities. This was expressed through discussion relating to the PoM. Daniel noted, that for Bardi Jawi the IPA program and the PoM *"gives you more of a strategic approach to actually conserving or looking after*" country, because it is important to be "*thinking strategically*" to ensure the work carried out by the rangers on country remains effective and is meeting the targets set by the Elders. From a broader perspective Tom argued that having a structure in place ensures that "*all the other bits of funding [are] strategic and they are directed and they are working in the most efficient way possible*". In some ways the PoM represents the consensus organisational manifestation of an IPA because it is tangible and legitimate for both TOs and external stakeholders including governments. Patrick explained, from a campaigning perspective that:

[T]he IPA plans you can pick them up and you can say, […] this is the set of top priorities, this is what they're delivering […] it creates an interface where you can start to deal with people around things they've already said they think are important.

Another important benefit cited by participants who currently have five-year funding contracts was that the IPA program provides stability in the form of financial security and long-term program presence. Mervyn explained that for many years Karajarri survived off small, often erratic project grants in order to carryout disjointed on-country activities. However, the IPA program enabled them to develop a "*fuller picture of Karajarri country*" and "*ensure you've got funding coming in […] and a longer time*". In regards to long-term program presence Daniel explained that in comparison to the "*50 or 60*" government run programs administered in his community the IPA and rangers have been one of the only programs to maintain a constant presence: "*we're still here, we're celebrating ten years this year […] the IPA has been going seven years […], and people are still here*".

4.2.5 Expanding Opportunities and Making 'Other' Things Thinkable

A number of the participants noted that the IPA program affords TOs the opportunity to shape and direct their own future: "*it means more education, monitoring country, more employment, getting an identity, and a role for young people to feel better about themselves, less crime in the community, less violence*" (Anna). According to Nick, in many Aboriginal communities "*something that is quite endemic is a lack of horizons, a lack of possibilities, a feeling of disenchantment of being […] cast aside from the rest of the Country, not interacting with non-Indigenous people in any kind of meaningful way*". The participants identified three levels on which futures are affected; individual, team, and community. The individual level generally applies to those people who are employed as rangers and in most cases only receive training relevant to undertaking on-ground conservation activities. However, rangers are now choosing to expand their skills base, as Jessica commented: "*This is some advanced study, I chose what I wanted to do, like graphic design and report writing*". According to Daniel the benefit of receiving national accredit training extends beyond the IPA because it provides individuals with the tools and capacity to gain meaningful employment outside their own country. At the team level participants noted that because the program offers both structure and stability it enables them the ability to engage in developing other opportunities and to think more broadly about securing their future, as Daniel noted for Bardi Jawi:

We need to look at income from country so whether it's cultural enterprise, […] whether it's fee for service […] but without the core funding of WoC and IPA we could never spend the time starting to go down this path of trying to get a little bit more independence.

A number of participants noted the need for a more holistic approach to service provision within their community. For example, Daniel spoke of the high failure of government administered programs due to a "*poor sense of community engagement*" and a tendency to keep "*sticking to the same formula*". He described an alternative framework where the community would determine socio-ecological priorities, "*drive*" the allocation of funds, and the IPA and ranger team would deliver the services.

4.2.6 Benefits to the Nation

During discussions about why the IPA program should continue to be funded several participants argued that a major reason is because it provides "*a benefit to the wider nation*" because TOs are "*putting in time looking after country but also protecting natural resources and the environment for a wider population in Australia*" (Olivia Norris 'Olivia'). According to Kevin it is not only about "*looking after what is important to us, but I think it's important to the rest of the people in Australia [and] to the rest of the world that we continue to have what we do have*". From Patrick's perspective, it comes down to the fact that "*if someone's not managing that country we're going to lose it*" because we are only now starting to develop an understanding about why so many species have gone extinct in Australia and it has mostly been since colonisation: "*we've changed land management, […] we've removed people from that daily interaction with land, so just from a scientific and environmental point of view strategically you have to have people out there*".

4.3 Conclusion

This chapter highlights the separation between administrative and cultural authority in the organisational structure employed for the management of IPAs. The distribution of institutional knowledge concerning the form and function of IPAs reflects a closed circuit system, where as, cultural knowledge exists outside the confines of the structure. Concurrently, the terminology used to describe the IPA concept and program strongly influences how IPAs have come to be understood and conceived, such that mutually salient proxies (i.e. ranger) are foregrounding certain priorities and agendas. The remainder of the chapter outlined the perceived benefits of having an IPA. The IPA concept and program are viewed as strengthening internal community relations and facilitating the reconnection of people to country. The concept of IPAs speaks to Aboriginal concepts of nested identities and not simply belonging to one area of country, in effect offering the opportunity to overcome the cunning of recognition and the compartmentalisation and disciplining force of bureaucratic authority. Moreover, IPAs through the creation and implementation of PoM are viewed as facilitating the re-

territorialisation of space as country. In many instances the bureaucratic process delimits the imaginative space to eschew more radical horizons of change and decolonisation, however, IPAs are viewed as bringing into effect Aboriginal peoples' right to allocate land and/or resources. Subsequently, IPAs are viewed as a major aspect of sovereignty, and something very different from simple revenue raising. The following chapter expands the analysis to outline the barriers to accessing the IPA program before drawing attention to the issues that need to be rectified in order for the IPA concept and program to continue to evolve in line with the priorities and goals of Aboriginal and Torres Strait Islander people

CHAPTER 5 Determining the Future and Challenging the Status Quo

5.1 Barriers to Access

This section details the barriers that participants perceived as impending the ability of some Aboriginal and Torres Strait Islander groups to establish IPAs and access the IPA program. The complexities of recognition expressed through the concepts of authenticity and wilderness emerged as two key barriers, alongside the negative effects of territoriality expressed through the impacts of land tenure and native title.

5.1.1 Are You Authentic Enough?

A number of participants, particularly those who work and/or live in the Yamatji region, indicated that notions of authenticity play a role in determining who receives IPA program funding and where it is distributed. Authenticity is determined according to a set of key factors: a group's "*connection to land*" (Peter), whether they continue to "*practice law and culture*" (Darren Capewell 'Darren'), and if they continue to speak traditional "*language*" (Kathleen). However, what is not taken into consideration is "*the historical factor of where people have been dispossessed and where landholdings are*" (Patrick). According to Nick there still exists a dominant construction of 'Aboriginality' and where authentic Aboriginal people live in Australia:

I think that's still fairly prevalent across Australia that somehow real authentic Aboriginal people live in the north and the centre of the Country and so called non-traditional people or […] uncultured Aboriginal people are therefore somehow not authentic, live in other parts of the Country.

The impact of this conception of authenticity is reflected in the distribution of IPAs and program funding: "a *geographic line [has] been drawn on the map in Australia where IPAs have been funded in more remote northern parts of Australia [because] as soon as you go further south there isn't really [any IPAs]*" (Simon Hawkins 'Simon'). Mervyn

argued in support of the bias towards northern Australia and suggested that in regards to the Yamatji region, "*the Government's just brushing them aside and saying you guys aren't good enough for this, you guys don't look like the real deal*". As a result Simon believes that it is "*creating classes of TOs*".

For Kathleen the dominant notion of 'authentic' Aboriginal people came from non-Indigenous people but has infiltrated Aboriginal peoples' own perception of themselves. Through his experience working in native title Nick attributes the internalisation of notions of authenticity to the "*hegemonic dimensions of how colonisation works*". Some Aboriginal people will deny the existence of traditional practices as a result of being dispossessed of their country and culture, while still maintaining traditional "*cultural forms, social values and beliefs*" (Nick) and actively engaging in cultural practices. Recognising the cunning of recognition Nick argued that the discourse surrounding the "*dominant belief in that there's some sort of authentic traditional Aboriginal culture […] [has] constrained the way [Aboriginal people] think about themselves*". Kathleen acknowledged that "*a lot of the colonial practices and policies […] did disconnect a lot of people from land*", however she noted, "*if we've still got that sense of belonging within our heart for that area, that's who we are*".

5.1.2 Does Your Country Have Enough Wilderness?

Entangled with the impact of a dominant idea of authenticity, the perception of a country or region's level of 'wilderness' was identified by several participants as influencing the distribution of IPAs and program funding. According to some participants the Yamatji region has "*always been viewed as being an arid difficult area*" (Simon) and "*more devastated by mining and pastoralism*" (Nick), in contrast to the Kimberley "*as the ultimate remote wilderness area*" (Simon) and the "*last frontier*" (Mervyn). This perspective is influenced by the use of a scientific framework for conceptualising the health of country because "*it will say look these areas are less disturbed and there's more species*" (Patrick). The use of science to define the health of country and attract funding is exemplified in Tom's comment; that the Kimberley receives "*good attention because*

of the high number of small mammals [and] […] relative to the rest of Australia [it's] untouched by invasive species, ferals and weeds […] the environment is still strong and healthy and […] it draws funding and resources into the Kimberley". This understanding of country's health reflects the principles of fortress conservation. These principles extend to the perceived value of investing in conserving larger rural/remote landscapes rather than smaller urban areas. For instance, Jarrod noted that funding assessors would be more inclined to invest in conserving "*thousands of square kilometres of country*" because it would "*sound more attractive then putting the same sought of money into a more urban group which might be planting a riparian area along a creek line of a few kilometres*".

In opposition to the assertion that IPA program funding is only allocated to areas perceived as having more wilderness, both Dermot Smyth (Dermot) and Patrick cited examples of IPAs that were established on heavily degraded farmland and in more developed areas. For Dermot the establishment of the "*very first IPA in South Australia [on a] very heavily over grazed property*" and the establishment of "*the second IPA in Victoria, Deen Maar IPA [on] an old dairy farm"* that was "*almost completely stripped of trees*", which has since been re-vegetated with "*flourishing migratory birds*" returning, highlights the dual purpose of IPAs. He argued that the international definition of a PA under which IPAs reside is "*not just about preserving pristine areas it's about achieving conservation outcome, so that does provide for restoration as well as conservation*".

5.1.3 Effects of Native Title and Land Tenure

A contentious theme to emerge was whether securing a positive native title outcome and being awarded exclusive possession is crucial to facilitating the establishment of an IPA and gaining access to the program in WA. A number of participants from the Kimberley indicated that having native title and exclusive possession "*certainly made it easier*" (Dooli) to establish an IPA. Daniel explained that for Bardi Jawi native title gave them recognition and authority therefore "*people couldn't dispute that where we were working*

was Bardi country". In comparison, for groups without native title he noted, "*where are they going to implement their work program?*".

In all cases securing a positive native title outcome is viewed as a prerequisite to establishing an IPA and securing program funding. Tom indicated that native title influenced the establishment of IPAs in the Kimberley: "*groups that don't have an IPA were the groups that were still in the process of having native title sorted*". He noted that it "*weighed into our (KLC) thinking*" about whether to assist TOs to establish an IPA. This aligns with comments made by Albert Wiggin (Albert) who said that Nyul Nyul were told by KLC "*that we cannot pursue or even ask about [an IPA] until there is at least a determination*". From Simon's perspective it would be incredibly difficult to establish an IPA without native title because the "*various statutory authorities won't give it (IPA) the recognition because they want some sort of bureaucratic statement*". In the eyes of the nation-state the awarding of native title legitimatises Aboriginal or Torres Strait Islander peoples as the TOs of the country under a western bureaucratic framework. The impact of this framework is already affecting Aboriginal groups who have received verdicts of no native title, as Olivia explained, "*certain proponents, mining companies [are] pulling away from agreements*". Collectively, the participants' responses indicate that the assumptions underlying native title have come to influence how and when IPAs can be conceived and enacted. According to Nick, there is a bureaucratic cultural is WA where native title is viewed as the "*ultimate hurdle*" and an Aboriginal group's first objective is to "*get native title […] and then everything will follow*".

Concurrently, complex land tenure patterns are viewed as impacting a group's ability to establish an IPA and secure program funding. According to Simon, in comparison to the Yamatji region the Kimberley has "*vast tracts of land*" where there are *"very little tenement issues*". The reason this occurred is because "*large tracts of northern Australia [were] hard to settle*" (Daniel) and therefore abandoned or declared as an Aboriginal reserves, but ultimately it came down to whether settlers saw economic value in the land: "*the whitefellas didn't think it was economical at the time […] the pastoralist couldn't make a dollar out of it [and] that's why they (Aboriginal people) got it back*" (Patrick).

Conversely, lands in the Yamatji region reminded settlers "*of home*" (Daniel) and held far more economic value. The territoriality of country as represented in the configuration of land tenure in WA reflects the historical values held by settlers at the time of colonisation. A relationship exists between the awarding of native title, the level of land tenure complexity and the ease with which a group can establish an IPA.

Nonetheless, some participants expressed an unwillingness to accept that a lack of native title recognition and complex land tenure issues can stop TOs from establishing an IPA. From Dermot's perspective, IPAs can be established based on the notion of country:
[I]n 2011 we had the first IPA based on country rather than based on […] tenure, [it's] a very significant step because it's trying to set aside this straight jacket of what is legally recognised, and allowing the idea of country, the cultural value of country to re-emerge and be recognised.
He argues that we must go beyond a reliance on western bureaucratic legal frameworks and processes for recognising rights in land and take a more holistic approach. As an example he cited the establishment of the Girringun IPA in north Queensland, where the TO have limited exclusive rights to land and have managed to establish a multi-tenure and multi-stakeholder country-based IPA. In essence the group "*led the governance from a very weak legal position but a very strong [cultural] position*" (Dermot). In this sense, IPAs have evolved beyond both a rights and tenure-based model, and Aboriginal people are subverting the historical principles and frameworks directed at controlling not only what is thought, but made possible. In order to evolve beyond rights and tenure, the roles of TOs must be more fully realised and valorised.

5.1.4 Criteria for Participation

The question of who should benefit from participation in an IPA emerged as a key issue. The right to participate in an IPA was complex and varied from any Aboriginal person who lives within the area of an IPA to only the TOs for that area. For instance, the remote community of Bidyadanga was established on the country of Karajarri but is also home to four other groups. For Anna Dwyer "*Karajarri […] have an obligation […] to look after*

the four other tribes" and an "*obligation to each other that we need to share*". She acknowledged that currently not all the rangers are Karajarri people and believes that with more funding they could offer more positions to non-Karajarri people. Conversely, Dooli argued, "*Karajarri will have 100% Karajarri people working as rangers*". He does not support allowing non-Karajarri people the opportunity to be involved because it would restrict Karajarri's ability to look after country and ensure their knowledge is passed on to the correct people. In the Yamatji region the majority of participants claimed that all Aboriginal people should have equal rights to engage in the IPA program regardless of whether it is your country. According to Peter "*a ranger is a ranger, if it's an Indigenous person […] looking at conserving country, then that should be all that matters*". The participants' reason for maintaining this view can be attributed to past historical government policies that saw many Aboriginal people in the Yamatji region removed from their families and country. As a result many Aboriginal people in the Yamatji region have grown up with strong connections to areas that are not their country, as Kathleen explained:

We have adapted to colonisation as best we can […] so we have to take into account that we are a diverse culture […] we live in areas that are not our traditional areas and we've made those areas our home.

Kathleen argued that it is incredibly important that the cultural authority of the TOs of that particular country is respected: "*it has to start with the TOs involvement first and foremost […] they're the ones that have got that knowledge [so] they have to be involved right from the start*".

In this sense, what is suggested is the continued evolution of IPAs to account for the various types of connections people may have to an area. Hypothetically, a group of Aboriginal people who are long-term residents, with the approval of the TOs, could establish and manage an IPA.

Although the majority of Yamatji participants argued for a more inclusive approach they also raised a number of reasons why this would be difficult to implement. They noted for instance the impact of the native title process on Aboriginal people discussed in the previous section *Effects of Native Title and Land Tenure*. However, the impact of native

title includes acts of possessiveness and exclusion which result in groups being less willing to share opportunities and work together: "*native title sliced and diced everything, people only want to stay in their own little piece of the chess board […] We put our own boundaries up*" (Peter). In effect, the territoriality of country facilitated through the process of native title has been internalised by some Aboriginal people.

5.2 Building Capacity, Longevity and Sustainability

The section draws attention to the changes required to deconstruct the previously identified barriers in order to increase the long-term ability and capacity of Aboriginal and Torres Strait Islander peoples to effectively engage with IPAs and the program. The need to reconceptualise Indigenous specific programs as a process of 'livelihood' building rather than a simple 'project' with pre-defined outcomes emerged as a key concern, alongside a debate as to whether the continuation of the IPA program is necessary to assist the establishment of new IPAs. The development of multi-level educational and advocacy approaches aimed at increasing general understanding of IPAs and the program were described as necessary to foster support for their continuation. In this vein the current and expected role of government and NGO bodies was expressed in relation to the importance of building and maintaining strong relationships and partnerships.

5.2.1 Breaking the Model – From 'Project' to 'Livelihood'

A number of participants highlighted that there exists a history of successful Aboriginal and Torres Strait Islander funding programs being discontinued: "*it seems like when a program is a very excellent program they seem to take it away*" (Nyaparu). The fragmented and unsustainable nature of funding provided to Aboriginal and Torres Strait Islander peoples often leads to a sense of disenchantment and disengagement, as Peter noted:

You can't have it as a three month course just waiting for it to fail […] you know what's going to happen next […] two months, three months, that boss he'll be gone next week. They're so negative about everything because they've seen all these negative things. Disenchantment and disengagement stem not only from the continued retraction of financial support, but also from the continued disregard of the individual and collective investment made by groups into such projects.

For many, IPAs and the program is not just a 'project' it is a 'livelihood'; an opportunity to develop and implement a socio-cultural, and economically appropriate way to care for country "*applied in a modern context*" (Dooli). If IPA funding were discontinued many of the groups "*would essentially be going back to square one*" (Tom). At the core of many participants' comments is the fundamental need to secure long-term project funding to ensure longevity and sustainability: "*every IPA shouldn't be set up to fail*" (Mervyn).

5.2.2 IPAs and the IPA Program as Separate Entities

In light of the fact that funding for current IPAs is set to end in 2018 Dermot argued, that when considering the future it is important not to conflate the IPA concept with the IPA program as if they were one entity. This misconception is one of the major barriers to the establishment of new IPAs: "*TO groups have been discouraged from pursuing the idea of an IPA because they've been told there is no more IPA funding*" (Dermot). He argued that IPAs should be considered as constructed and governed by TOs whereas the IPA program is a Government construct. He suggested that it is possible to establish an IPA without program funding by securing alternative financial support, citing groups who carried out the consultation and planning phase without any IPA program funding. However, he noted that those groups, upon declaring their IPA, received program funding calling into question the viability of establishing and managing an IPA without some core program funding.

The majority of participants agreed with Dermot on the grounds of maximising local autonomy and reducing dependence on nation-state funding. Nevertheless, this approach

was criticised as being more theoretical than practical, particularly in relation to the ease with which external NGO funding can be secured. Patrick suggested it is often "*a myth*" that securing NGO money will be easier and offer more flexibility, because as an investment an NGO will want something in return. Furthermore, as for whether the IPA program is just a funding source, a number of participants noted, "*it's a lot more then a bucket of money*" (Patrick), as demonstrated in the section *IPAs and the IPA Program Provides Structure and Stability*. The IPA program provides and imparts recognition, legitimacy, and the first visible avenue through which TOs can assert their rights regardless of whether they have them or not. In conclusion, many participants noted that without the financial and structural support provided by the IPA program, most IPAs would become "*very superficial*" (Simon).

5.2.3 Increasing Capacity and Support Through Advocacy and Education

In order for IPAs to remain a relevant method of facilitating Aboriginal and Torres Strait Islander peoples' ability to care for country support needs to be generated at the community, regional and national level. As noted in the section *Cultural, Institutional Competency and Organisational Structure*, there is a general lack of capacity and understanding about the form and function of IPAs. A number of participants noted that groups who have IPAs have not succeeded in sustaining a method of continuous engagement with the wider community. A finite process of engagement was described; after the initial consultation process results in the declaration of an IPA the distribution of further information stops and gives way to the implementation of the PoM. Daniel admitted that some of the responsibility lies with the SMT: "*We could probably do better in terms of communicating to our community and rangers*". A number of methods to increase awareness and capacity were identified such as the development of an internal communication "*strategy*" (Daniel) which would include "*newsletters*" (Jessica) and presentations to the relevant local community organisations. At the regional level, information sharing and cross-regional communication were identified as necessary to ensure groups in areas where IPAs are not prevalent are informed about IPAs and opportunities to establish IPAs on their country. The development of regional and

national networks to communicate and exchange knowledge was cited as one method of achieving better awareness.

From Dooli's perspective IPAs are not "*promoted or advertised broadly enough for the broader public to understand and appreciates its value*". In addition to raising awareness, a number of participants noted that IPAs provide a mechanism through which a wider understanding of the relationship between Aboriginal and Torres Strait Islander peoples and country can be generated: "*non-Indigenous people can appreciate that spiritual connection to country and they can be a part of that spiritual connection to country*" (Dooli). Part of this process is concerned with "*building up peoples' attachment to places*" (Patrick) even though the majority of non-Indigenous peoples may never physically visit an IPA you still "*need them to care about it*" (Patrick).

The development of a national independent committee or organisation tasked with lobbying for the continuation of IPAs and the program emerged as a key issue. This suggestion can be viewed as a way of actively seeking to subvert and disrupt the asymmetrical power relations and to promote Aboriginal and Torres Strait Islander voices. As Simon argued, "*unless you've got […] a group that's actually looking at the policy, looking at the data, looking at improvements, arguing internally in Government about funding, it's [all] going to be at the whim of Government*". However, a few participants advised caution when establishing such a committee. Such approaches can end up "*propping up some organisation that may not necessarily represent interests of other mobs*" (Daniel). According to Patrick the question is "*not do we need an organisation but how do you get effective advocacy […] [and get] agreement around what it is that we want*".

5.2.4 The Role of Government and Non-Government Actors

The importance of developing and maintaining long-term partnerships with external stakeholders was identified as being crucial to successfully managing an IPA: "*if you're protecting country […] we need to acknowledge that we have to work in a collaborative*"

manner (Dooli). Dermot noted that in his experience the "*more mature IPAs […] tend to have multiple partnerships, which makes them more robust"*. Robustness is achieved through opportunities to further develop the capacity, knowledge, and skill set of both Aboriginal and non-Aboriginal peoples through reciprocal learning processes. However, Nick noted that one of the major barriers to maintaining stable partnerships is the tendency for external organisations to continuously change the individual/s who engage with the group. Some Aboriginal groups conceive relationships as being 'personal', between the group and the individual representing the external stakeholder, versus 'non-personal' between the group and the organisation. Similarly, José and Nyaparu explained that since the responsibility for the IPA program was shifted from the DoEE to the DPMC there has been a lack of consistency in terms of who they interact with, leading to the creation of distrust and instability. In order to remedy the situation many participants called for the re-establishment of the dedicated IPA program unit that was disbanded after it was subsumed into the DPMC.

Overwhelmingly, participants argued that the Federal Government has a responsibility to continue the IPA program and increase funding to enable the establishment of new IPAs. The reasoning is three-fold. Firstly the Government has a responsibility to continue the on-going process of restructuring relations with Aboriginal and Torres Strait Island peoples; secondly they have a responsibility to the wider Australian community to conserve the environment for future generation; and lastly Government's primary approach to conservation is through the NRS of which IPAs comprise a large portion, therefore, inadvertently helping the Government to meet their responsibility to the Australian nation as well as international environmental targets.

In the case of the WA State Government many participants were hesitant to detail what they believe their role is because of an underlying perception that the State does not support the establishment of IPAs. The State chooses not to support IPAs and Aboriginal peoples' involvement in conservation initiatives more generally because of a perceived threat to their control, the legitimacy of their authority, and status as experts, as well as a history of "*parochialism*" (Patrick). Another reason articulated for a lack of support is

because the State has taken offence at the Federal Government impinging on their rights to control access to financial resources. More generally, the expected role of the State was described as collaborative and supportive but not as a manager or administrator.

Finally, all participants spoke of the role of NGO organisations in reference to native title bodies. The majority of participants suggested that the role of the native title organisation is to provide support, and aid groups in developing their capacity to independently direct and manage their futures. According to Olivia:
YMAC has a role in terms of being support for groups if they want it, […] we don't want to drop them if there's no capacity to pick things up".
For many of the Aboriginal participants the ultimate goal is to achieve total independence and self-determination: "*for the future we're aiming […] to come out of KLC […] [have] Karajarri people manage it, our land and sea unit, everything*" (Mervyn). However it was recognised that "*we have to build our own capacity before […] we're ready to go on our own*" (Dooli). A few participants highlighted the difficultly in achieving separation from native title organisations. Dooli suggested that the relationship between a native title organisation and a group is often paternalistic, and is demonstrated through their reluctance "*to let go of positions or to train people*".

5.3 Enhancing Control and Autonomy

The following section outlines the significant structural changes needed in order to build on and enhance the control and autonomy of Aboriginal and Torres Strait Islander peoples participating in the establishment and management of IPAs and the program. Building on the previous section, some of the innovative ways in which barriers and the status quo are being radically challenged are presented.

5.3.1 From Bounded Project to Generational Livelihood System

As highlighted in the section *Breaking the Model – From 'Project' to 'Livelihood'* a number of participants described the need for IPAs and the program to be re-structured as

a livelihood (or livelisystems) program rather than a conservation project. It was argued that further restructuring is required in relation to the lifespan of the program from a 'bounded' time limited project reflected in the use of short-term contracts to a 'generational' system which would better reflect and align with Aboriginal and Torres Strait Islander cultural values and understandings. The restructuring would better reflect the structure of relations to country, as Mervyn noted: "*for Karajarri it's not working 8-to-5, it's life for country, it's endless time, life to protect country*". In support of a generational systems approach, Tom noted that increased efficiency and consistency of administrative and management actions were achieved as a result of past Government decisions to move from twelve month to five-year contracts. Similarly, Simon suggested that IPAs and the program need to move away from being viewed as a policy approach and should become permanently embedded in Australia's approach to conservation.

5.3.2 Tailoring Plans of Management and Reporting Frameworks

As previously described a PoM sets out the cultural and environmental priorities to be addressed within an IPA. A PoM reflects the territorial nature of IPAs by rendering particular areas important and manageable by virtue of their inclusion in the document. This obviously conflicts with the principles underlying Aboriginal and Torres Strait Islander peoples' relationship to country. The Kimberley IPAs have subverted this form of coercive control by expanding a PoM to cover the group's entire country: "*the plans are for the whole native title area as opposed to just the section that's declared as an IPA*" (Tom). Subsequently, PoM were renamed Healthy Country Plans to better reflect the notion of country, and parallel the evolution of country-based IPAs. However, according to several participants there is still a need for greater formal recognition of the biocultural diversity amongst the different countries within Australia: "*every place is different […] [Government have] to think, all IPAs […] don't have exactly the same information*" (Mervyn). Particular attention was drawn to the need for customisation of accounting and accountability processes. For instance, it was argued that reporting frameworks should reflect the targets and action set out in a group's Healthy Country Plan rather then a standardised Government construct: "*The categories of reporting […]*

where you've got an IPA why aren't you reporting on your PoM? […] Because that's what you're doing on country" (Daniel).

Some participants expressed frustration at having to "*make concessions*" (José) as the result of "*funding and reporting [being] based around a financial year*" (Tom). For many groups the seasonal weather patterns dictate when on-ground activities can be carried out and for groups based in the Kimberley the best time to be out on country is between the months of June and August. Coincidently, this coincides with the due date of activity and financial reports. As Dooli argued, "*it's pretty ignorant of [the Government] not to understand and realise that there's two different climates in [WA]"*. The negative effects of this misalignment often results in groups requesting extensions, however, this involves a time consuming bureaucratic process further reducing time available to carryout on-ground activities: "*it can prevent us from getting on country […] and it can slow the process by waiting around to get a reply that we can spend that money*" (Nyaparu). In order to address this misalignment, participants suggested that it would be more appropriate for reporting cycles to be based on a "*calendar year […] because you'd have a natural ebb and flow of the year*" (Tom) with seasonal patterns. According to Tom the Government has been unreceptive to proposed changes.

5.3.3 Legislative Backing and Veto Powers

A reoccurring debate that has emerged over the duration of the program has been whether IPAs require legislative backing. The views of the participants varied but no one voiced opposition to establishing legislation. Rather, they called into question whether it is necessary. According to Dermot one of the main reasons IPAs have been successful is because "*they haven't had legislation, they haven't frightened TOs in the sense that it didn't feel like a Government takeover*". Similarly, Daniel questioned whether legislative powers were required when the visible presence of rangers on country may be enough to deter wrongdoers, and those with exclusive possession native title already retain the right to control access. Conversely, a lack of legislation is viewed as weakening the status of IPAs as a legitimate conservation approach, in turn they are viewed as "*a toothless tiger*"

(Tom) or "*a fish without a backbone*" (Darren). According to Kevin and Albert, legislation would not only reinforce IPAs as a legitimate conservation approach it would also legitimise the cultural authority of TOs. Sam noted that it would also provide the proper recognition for the role IPAs and TOs play in conserving the environment: " *[...] if the Government is claiming them for their [NRS] that is legislated, then they should give them the power that they deserve*". IPAs were identified as being the most vulnerable of PAs in Australia because TOs do not have the right to veto mining activities, which is what the majority of Aboriginal participants indicated they would like the power to control.

In light of the lack of legislation a few participants suggested alternatives including the possibility of negotiating "*conservation agreements*" (Daniel) under existing legislation. Whilst this is a step in the right direction it was noted that such approaches still fail to adequately ensure TOs retain authority and control over decision-making. A number of participants argued for the need to find a middle-ground which respects the rights and authority of TOs to make decisions: "*it has to be optional; may be there's two sorts of IPAs you could declare, one that comes with additional rules and stipulations and one that stays as it is now*" (Jarrad). Nonetheless, all participants agreed, if a decision is made to pursue the development of IPA legislation it needs to be "*done with eyes wide open*" (Dermot) and in a way that is culturally appropriate.

5.4 Conclusion

This chapter has outlined how the cunning of recognition plays an integral role in determining access to the IPA program. In turn, native title outcomes and their relationship to land tenure are understood as setting the stage for what is thought possible. Differing internal community conceptions of who has the right to participate in the management of an IPA further complicates issues of access. While the cultural authority of TOs should be respected, some participants suggested that long-term residents should be afforded opportunities to partake in the management of IPAs. This is viewed as one way to address the impacts of colonisation. The remainder of the chapter highlighted the

perceived changes that are required to deconstruct the identified barriers, and further build Aboriginal and Torres Strait Islander capacity, autonomy and control. Participants highlighted the need for a greater focus on creating long-term methods for informing and educating both Aboriginal and non-Indigenous people about the form and function of IPAs. This includes the need for developing secure long-term partnerships with a multitude of government and NGO actors. Such partnerships, however, need to account for how a group conceptualises what makes a relationship workable. Moreover, participants argued for the need to move away from frameworks based on simple conservation projects, and towards the creation of generational livelihood systems. In order for this to occur, participants suggested that the IPA program requires secure long-term funding, and needs to account for the diversity between Indigenous groups across Australia. The following chapter discusses the result in relation to the literature reviewed.

CHAPTER 6 Discussion

The results of this study highlight a number of discussion points regarding the complexity of the form and function of the IPA concept and program as it has developed in practice. Bringing together the literature presented in Chapter 2 and the results in Chapter 4 and 5 to answer the research questions posed in Chapter 1, it can be argued that the concept and program reinforces some of the principles governing the 'fortress' paradigm for conservation, whilst simultaneously meeting a number of the principles underpinning more recent rights-based paradigms for conservation, such as Stevens. However, elements of the concept and program also move to extend beyond the principles of the new paradigm further grounding the concept and program in Aboriginal and Torres Strait Islander peoples' understanding of their relationship to country. The chapter concludes by highlighting important issues that need to be addressed to further align IPAs with Aboriginal and Torres Strait Islander peoples' relations with country.

6.1 Research Question 1

Research question 1 – Can the IPA concept and program be implicated in adhering to the principles of the old 'fortress' conservation paradigm, and be seen as just another "phases in the ongoing process of state formation" (Nadasdy, 2003, 269) and territorialisation of country in Australia?

Many of the criticisms of collaborative forms of conservation are evident in the participants' lived experiences that emerged over the course of the research. The IPA concept but more notably the program can be implicated in the continued use of the old paradigm for conservation as a framework for engagement between Aboriginal and Torres Strait Islanders and the Australian State and Federal Governments. A return to Povinelli's (2002) 'cunning of recognition' is warranted as it is apparent that dominant framings surrounding the formal recognition of Aboriginal and Torres Strait Islander peoples are premised on and bound up with the multiple socio-political constructs of Indigenous identity (Busbridge, 2013). Such that recognition via the process of native

title not only acknowledges Aboriginal and Torres Strait Islander peoples' being and being deserving of national recognition, but of being worthy of engaging in the IPA program. The distribution of program funding measured by the presence and absence of IPAs is viewed as reflecting the dominant framings of identity leading to a division between supposed remote/rural 'authentic' and regional/urban 'inauthentic' Aboriginal peoples in WA. Aboriginal scholar Bronwyn Fredericks (2013, 2) argues, "there seems to be a widespread myth that, when Aboriginal people and Torres Strait Islander people enter cities or regional centres we somehow become less Indigenous". In this sense, the IPA program continues to lock Aboriginal and Torres Strait Islander peoples into a cultural archetype that is based on ideas about the state of nature pre-colonisation. The continued obsession with ideas of 'traditional' and 'wilderness' misses the fact that the lands upon which cities and regional centres were built are co-produced by Aboriginal and Torres Strait Islander peoples, who continue to inhabit these areas. In effect, it dismisses and makes invisible their relations with country and the ways in which they conceptualise and engage with country within a contemporary urban context.

Moorcroft and Adams (2014) highlight that a relationship exists between the geographical interest of environmental NGOs and the presence/absence of Aboriginal held lands in Australia. They note that there is a substantial "geography of overlap" between NGO conservation priorities and Aboriginal held land in northern Australia, including the Kimberley region (Moorcroft and Adams, 2014, 497). Conversely, they found that a "geography of absence" exists over large parts of the Yamatji region where there is little Aboriginal held land, nor NGO conservation interest (Moorcroft and Adams, 2014, 498). They draw attention to the mystery of this dichotomy by highlighting that the areas of land covered by the 'geography of absence' include biogeographical regions that are under-represented, that is, areas specifically targeted for the establishment of PA and inclusion in the NRS. Whilst they do not provide an in-depth explanation, they do suggest that such a dichotomy could "reflect some complacency, inadequacy or cost-shifting by the state in conservation and/or Indigenous rights" (Moorcroft and Adams, 2014, 499).

As part of the ongoing process of nation-state formation, IPAs may certainly, as Abrams (1988, 77) notes, be assisting to "cancel […] the real history and relations of subjection behind an ahistorical mask of legitimating illusion,", rather than redressing the impacts of oppression to create more equitable relations between the Australian nation-state and Aboriginal and Torres Strait Islander peoples. As Smyth (2011) explains in a review of the IPA program, an uneasiness continues to exist between TO priorities for caring for country and those of the Federal Government. At this point it is helpful to re-examine the role of language in regards to how IPAs have come to be conceptualised and understood. As the results indicated, the rhetoric of 'ranger' has come to shape how IPAs are understood and discussed. Fache and Moizo (2015) found that rangers involved in burning practices reproduced much of the language regarding anthropogenic induced climate change that was provided to them by government and NGO agents, often placing them at odds with the ways in which some members of their community understood burning practices. More generally, IPAs were conceptualised as providing employment opportunities and a culturally appropriate way of engaging in the modern capitalist economy. Much of the language derives from the Government's employment policy directed at Aboriginal and Torres Strait Islander peoples, such as the Working on Country (WoC) program. The WoC program can be described as an employment program aimed at creating 'real' jobs that will facilitate a reduction in Aboriginal and Torres Strait Islander disadvantage.

The discourse within this linguistic marketplace pays considerable attention to the potential of Aboriginal and Torres Strait Islanders in terms of employment and economic development policies, which are intrinsically linked to environmental conservation objectives. Consequently, the rationale for caring for country, that is, maintaining and/or re-establishing relations with country in ways that enable cultural responsibilities to be fulfilled are rendered invisible. Rather, the Government's ranger employment policy appropriates and refocuses Aboriginal and Torres Strait Islander peoples' relation to country by normalising particular ways of being and thinking within a narrowly defined employment objective. In other words, Aboriginal and Torres Strait Islander peoples' active investment in the productivity of their country and in the co-production of

ecological systems and ecosystem service values through customary activities are subverted by western market forces, where people are viewed in terms of labour and land is an economic resource. IPAs are created for nature and employment opportunities not necessarily as a reflection of Aboriginal and Torres Strait Islander peoples' relationship with country. It is important, however, to note that even though the rhetoric of ranger has come to dominate IPA discourse, this research is not suggesting that the employment of Aboriginal and Torres Strait Islander people as rangers is not warranted. Rangers are integral to the functioning of IPAs, without a core groups of individuals to carry out on-ground works the vast majority of priorities set out in a PoM would not be achieved.

Returning to the issue of an uneasiness between TO priorities and those of the Government, Yunupingu and Muller (2009, 165) argue, "power in research and decision-making for resource management is often controlled through the provider of financial, institutional and political resources". As previously explained, all of the IPAs included in this study receive funding from the Government via the IPA program, the funding is held and administered by a bridging organisation, who in turn are responsible for completing the mandatory accounting and accountability requirements set by the Government. The resulting organisational structure made evident a divide exists between the location of cultural authority and administrative authority. TOs are made responsible for ensuring that cultural protocols are adhered to, but the bridging organisation controls the financial and institutional resources. Muller (2003, 41) in her study of the Nantawarrina IPA suggests that such a structure indicates "a manifestation of colonialism in the IPA program". The discomfort expressed by some participants with this structure relates predominantly to the perceived paternalistic nature of the involvement of the bridging organisation. The nature of the program and the funding structure has lead to the bureaucratisation of TO groups in ways that serve to extend the boundaries of the nation-state through bridging organisations. However, due to a lack of financial and institutional capacity the organisational structure desired by TO groups is instead fractured, and reflects the reluctance of both Government and bridging organisations to enable Aboriginal and Torres Strait Islander groups to develop and implement a culturally grounded holistic socio-ecological governance system.

An important aspect that needs further elucidation is the structure and impact of the mandatory accounting and accountability requirements. For many of the participants involved with IPAs the demands of accounting and accountability practices, and the relationships they enforce conflicts with local lived realities. The results align with Muller (2008) whose work with the Dhimurru IPA, illustrated that the 'accountability issue' is in effect not about efforts to minimise the mismanagement and misuse of funding, but about incompatible conceptualisations of accountability within differing political, cultural, and socio-ecological contexts. The enforcement of western constructs of accounting and accountability is serving to render invisible Aboriginal and Torres Strait Islander ways of knowing, thinking, and operating in relation to their own systems of accounting and accountability. Complying to the dominant western political and sociocultural constructs of accounting and accountability inherent in the IPA program undermines core principles of the IPA concept, that is, Aboriginal and Torres Strait Islander peoples right to manage country in line with their own sociocultural frameworks. This represents the great paradox of policies aimed at fostering self-determination, in that Aboriginal and Torres Strait Islander peoples must subsume non-Indigenous bureaucratic frameworks in order to gain more control and autonomy over their own way of life.

In seeking to restructure relations with Aboriginal and Torres Strait Islander peoples the Government, from a distance, continues to selectively endorse those components of Aboriginal and Torres Strait Islander governance that are believed to yield preferred behaviours and effects, and attach significance to priorities that are considered valid and comprehensible. Those components that are deemed inconceivable or irreconcilable with extending nation-state control are disregarded, as evidenced by Daniel's comments that efforts to alter program accounting structures to align with peoples lived experiences of seasonal patterns has been ignored by the Government. Nonetheless, this is not to say that Aboriginal and Torres Strait Islander peoples are defenceless before the overwhelming power of the nation-state. Indeed, the process of establishing and managing IPAs is itself, at least to a certain extent, a reaction to the growth of Aboriginal and Torres Strait Islander power in Australia.

6.2 Research Question 2

Research Question 2 – Can the IPA concept and program be perceived as reflecting principles for a new rights-based paradigm for conservation (Stevens, 2014a)?

As indicated above, the majority of issues with IPAs expressed by participants stem from the funding and accountability structure of the IPA program. Conversely, positives and benefits are derived from the IPA concept and to a limited extent the program. Most of the literature on IPAs and the program focus on addressing the purported social, cultural, environmental, and economic benefits to Aboriginal and Torres Strait Islander peoples. This is not surprising considering the persistent calls for the Federal Government to continue funding the IPA program. The benefits as reported in the literature can be summarised as follows:

- Guaranteed security of land tenure;
- Development of sustainable land-based economies;
- Meaningful and secure employment opportunities;
- Implementation of culturally appropriate governance and decision-making structures;
- Intergenerational transfer of knowledge and engagement of young people;
- Fostering of pride and self-esteem;
- Increased health and wellbeing; and
- The maintenance and/or revival of knowledge about country (Muller, 2003; Gilligan, 2006; Smyth, 2006, 2011, 2015; Bauman and Smyth, 2007; Rose, 2012; Davies et al., 2013; Langton et al., 2014; SVA Consulting, 2016b).

As indicated in the results, engagement with IPAs does results, in many of these benefits; however, for the purpose of this research the remainder of this section will focus on those benefits found at the intersection of the participants' comments and the principles of a rights-based paradigm for conservation.

The IPA concept can be said to align with many of the principles underpinning Stevens' rights-based paradigm, most notably the formal recognition of Indigenous peoples' rights to their traditional lands and collective tenure. Langton et al., (2014) reviewed two IPAs (Nantawarrina, and Dhimurru) in 2005 and found that secure land tenure is central to the success of IPAs and the program. The participants' comments reinforce Smyth's (2011) findings that for some Aboriginal and Torres Strait Islander groups, the implementation and management of an IPA represents the physical manifestation of their native title rights. The establishment of the IPA concept in combination with funding provisions and resources, enables collective rights to come into being in ways that reinforce the diverse and innately entangled relations between people and country. Further in line with Smyth (2011) and more recent findings from an independent review of IPAs commissioned by the Federal Government (SVA Consulting, 2016b), is the claim that IPAs do more than just reinforce relationships, they facilitate reconnection with country and culture and people with the wider community. A summary of Stevens' (2014a) rights-based paradigm and which principles the IPA concept and/or program meets, fails to meet, or exceeds is provided in Appendix 7.

The IPA concept reflects Steven's (2014a) call for Indigenous peoples to play a central role in developing the design, goals, and boundaries of PA. By their very nature IPAs only come alive via engagement with people's lived experiences. I learned through my own involvement with the consultation phase of the now declared Nyangumarta IPA that the more useful answers did not emerge when I asked the question 'what area of country should the IPA cover?', or talk of threatened species or important wetlands that defined the boundaries of the IPA. Rather, the IPA came alive when individuals and people as a collective, mostly Elders, shared and demonstrated to the younger generation their knowledge of country through story, song, and dance.

These acts are enhanced when people come into physical contact with country, whether passing and avoiding a restricted sacred site and experiencing the quietness that follows or picking and munching on bush tomatoes or sleeping under a blanket of stars and experiencing the fullness of silence. It is not just the 'traditional' aspect of a person or group that creates an IPA but the 'wholeness' of those lived experiences.

As argued earlier, Nadasdy (2003) is critical of the impacts of formal education on Indigenous peoples' ways of thinking, speaking, and relating to their territories; however, he neglects to a certain extent the power of our agency as Indigenous peoples. As more Aboriginal and Torres Strait Islander peoples seek out formal education we become more aware of the often-fragile line we walk between these multiple ways of thinking and speaking. Because of our self-awareness we consciously work to subvert and restructure the nature of the relationship between the nation-state and our people. The point is that 'nature' and the scientific approaches to categorising and documenting species alone does not define the boundaries of an IPA, and nor does 'traditional' knowledge, it how we engage with the wholeness of people and country that defines an IPA.

Instead of the Federal Government simply making 'space' for Aboriginal and Torres Strait Islander peoples within existing conservation frameworks, IPAs and the program facilitate Aboriginal and Torres Strait Islander control over the process from the beginning (Langton et al., 2014). For instance, Muller (2003) notes that the PoM created for the Nantawarrina IPA was not simply a plan provided to the community as a completed artefact for 'tick-the-box' consultation. The community with advice from the Federal Government and an assisting bridge organisation undertook an in-depth and temporally unbound planning process, enabling the community to take control and ownership of the process and the resulting plan. This account of a planning process parallels many of the participants' experiences with IPAs, in that, the inception and finalisation of the PoM were community-driven and owned, the allocation of financial and physical resources was steered by the plan under the guidance and control of the Aboriginal group. The flexibility and autonomy, espoused in the IPA concept, key principles of the new paradigm, enables TOs to bring into effect their right to define and control management priorities. TOs are then able to exercise their own decision-making processes while simultaneously developing partnerships with government and NGO agencies in order to access and make use of the multiplicity of resources available (e.g. research and project grants, training programs, and a variety of environmental and anthropological specialists).

In comparison to the critiques of collaborative forms of conservation, the IPA concept is unique and innovative because it is the first time a permanent framework for caring for country has been created with the informed consent of Indigenous peoples, and underpinned by their values and practices. According to Muller (2003) IPAs are playing an increasingly important role in facilitating the decolonisation of PAs across Australia. The process of decolonisation should not be misunderstood as reverting to pre-colonial 'traditional' subsistence ways of living, but the deconstruction of the colonial processes and structures that have disenfranchised, disempowered, and separated people from culture, culture from nature, and nature from people. It challenges governments, NGOs, and the public to cast aside the use of coercive forces of power inherent in PAs, in favour of reconciling and restructuring the relationship between Aboriginal and Torres Strait Islander peoples and the wider nation.

6.3 Research Question 3

Research question 3 – Can the IPA concept and program be regarded as extending beyond rights-based principles for a new paradigm of livelihood conservation?

There is no doubt that IPAs work. Since the establishment of the first IPA in 1998 not one has been de-registered, and they are slowly gaining international recognition as demonstrating a real and grounded approach to the implementation of a new paradigm of conservation. It may be correct to suggest that the IPA concept represents the physical manifestation of decades of theorising and advocating for the rights of Indigenous peoples to be actively involved in the management of their territories, and a reactionary approach to the persistent criticisms of collaborative forms of conservation. However, this ignores the agency of Indigenous peoples and their colleagues who continue to extend and push the boundaries of what is perceived as possible in conservation. The IPA concept is flexible but it is also continuing to evolve in new ways, most notably through the use of 'country' and the desire to put country back together as the basis for planning, establishing and managing IPAs. Rather than focusing solely on rights as defined and

legitimised under nation-state common law, some Aboriginal and Torres Strait Islander groups are taking as their starting point the 'wholeness' of their relationship with country. In doing so, they actively breakdown the boundaries between already established PAs, and work towards addressing the impact of territoriality and bureaucratisation on the fragmentation of country. Lee (2015) argues, that from this viewpoint IPAs do not necessarily comply with the IUCN Guideline protocol for cultural values because they do not privilege the concept of nature as mandated by the PA definition. Similarly, Smyth (2015) contends that the IPA concept has evolved beyond the confines of the IUCN's governance type 'Indigenous and Community Conserved Areas' (ICCAs) because ICCAs continue to apply only to local communities' and Indigenous peoples' lands were the main authority of decision-making has been maintained by the relevant local communities or Indigenous peoples. The IPA concept has broken free of the constraints of western tenure systems and formal processes of recognition to better reflect the 'wholeness' of country. In doing so it generates the space and time for the oldest living culture to once again emerge from the shadow of the dominant paradigms to influence modern landscape-scale approaches to conservation.

The establishment of country-based IPA can, in part, be considered a practice in counter-mapping. Peluso (1995) coined the term to describe the process through which Indigenous peoples appropriate the nation-states methods of formal mapping and create their own maps as alternatives to those utilised by the nation-state. Historically maps have been the product of the privileged and dominant knowledge resulting in the dismissal of other incompatible knowledges and ways of knowing. The development of counter-mapping viewed from the perspective of the IPA concept can be situated within the process of restructuring relations between the nation-state and Aboriginal and Torres Strait Islander peoples. Rather than continuing to be rendered invisible and subject to top-down territorialising processes, some Aboriginal and Torres Strait Islander groups through the mapping of country-based IPAs are forcing the "insurrection of subjugated knowledges" to occur (Foucault, 1980, 81). Counter-mapping works to disrupt asymmetrical power relations by exercising power in the form of re-imagining and re-representing areas according to Indigenous peoples' values and practices. In this context,

Brosius et al., (2005) suggest that mapping can be considered part of a broader cognisant effort to re-establish places, and the relationship between people and place.

The first country-based IPA was established in 2011 in far north Queensland, the Mandingalbay Yidinji IPA (Mandingalbay Yidinji Aboriginal Corporation, 2011). The IPA was declared over multiple varying tenures, comprising NP, marine park, and environmental and forest reserves, all located with the traditional territory of the Mandingalbay Yidinji peoples. This momentous achievement was realised subsequent to the "legal recognition of co-existing native title rights over some tenures," in combination with endorsement and assistance from the respective government agencies responsible for the management of the already established PAs (Smyth, 2015, 75). Country-based IPAs are characterised by TO-directed planning and co-governance negotiations, consensual cooperation and collaboration, and multiple partnerships from the outset. There is an increasing need to develop multiple partnerships on varying scales in order to effectively address the plethora of known and unknown threats to culture and country from deep-rooted institutionalism, and national and global scale changes to ecological systems. In the case of country-based IPAs there is a greater focus on the outcomes that can be achieved for people, culture and country regardless of the underlying legal rights and interests. From the perspective of the Mandingalbay Yidinji peoples this processes enabled them to put country back together by implementing an overarching IPA framework that accounts for their cultural authority across various tenures (Rose, 2012).

While none of the IPAs reviewed in this study can be described as country-based IPAs they have all employed country-based planning processes for the creation of their PoM. The participants reasoned that IPAs are not isolated from the rest of country. They felt that to ensure country is appropriately cared for it must be managed in its entirety. Moreover, development of a country-based plan can be considered a form of risk management. By developing a framework for managing all of country groups account for potential instability, such as the discontinuation of IPA program funding or proposals for mining developments. An earlier criticism of the IPA PoM was that plans generally mimicked the structure and content of plans for government-managed PAs (Davies et al.,

2013). This conformity was affected by the IPA programs circumspect outlook during the formative years, and the possible risk that IPAs could be viewed as substandard to other PAs if plans radically diverged from the norm (Davies et al., 2013).

Many of the earlier IPA plans maintained the nature/culture dichotomy entrenched in the old paradigm, and in turn focus remained on addressing biodiversity issues such as invasive and threatened species. By employing country-based planning, groups actively seek to redress the colonial processes that have historically undermined and rendered invisible Indigenous ways of being and knowing. Country-based plans add to efforts to achieve livelihood and conservation outcomes outside the immediate vicinity of the contractual agreements with the Federal Government. Aboriginal and Torres Strait Islander efforts to break free from the epistemological constraints of colonial tenure-systems brings into being the potential role of Aboriginal and Torres Strait Islander peoples' own tenure-systems and governance structures as a unifying socio-cultural framework for conservation approaches nation-wide. Consequently, it is correct to suggest that through the use of 'country' and country-based planning the IPA concept has in fact begun to move beyond some of the principles of Stevens' rights-based paradigm.

6.4 Reimagining Organisational Structure and Creating a Socio-Ecological Economy

Even though the IPA concept can be said to extend beyond the principles of a rights-based paradigm there are still a number of issues that need to be remedied. Langton et al., (2014) claims that the elements of autonomy and flexibility enable Aboriginal and Torres Strait Islander groups to employ their own governance structures. This is true in regards to cultural protocols; however, the results of this study indicate that further capacity and organisational development is required, and a greater commitment from bridging organisations and government are needed to help facilitate such processes before this becomes a general feature of most IPAs. As highlighted in Figure 5, one of the core issues that need to be addressed is the separation between administrative and cultural competency and authority across multiple organisations. Only when issues of capacity,

development, and the nature of the relationship between bridging organisations and Aboriginal or Torres Strait Islander organisations are addressed will Indigenous governance structures come into full effect.

Taking in to account the Aboriginal participants' comments, a re-worked organisation structure is illustrated in Figure 6. The re-worked structure sees the administrative and cultural authority brought under the direct control of the Aboriginal or Torres Strait Islander group's own incorporated organisation, and partnerships are developed with the relevant government agencies, bridging organisations, and NGOs. This structure should not be viewed as a strict or generalised representation of how an Aboriginal or Torres Strait Islander organisation should be structured, rather, it is just one reimagining of a structure for managing an IPA which illustrate the necessity of breaking down bureaucratic and institutional barriers, and building capacity and competency. Organisational and governance structures should reflect the local social, cultural, economic, and political contexts, and should be developed and endorsed by the Aboriginal or Torres Strait Islander group it represents. As Dooli noted, "*part of our vision […] encompasses a long-term independent way of […] managing country independent of all these agencies that are now […] helping us out*". Along the same line, Mervyn noted, "*for the future we're aiming […] to come out of the KLC […] [and have] Karajarri people manage it (IPA), our land and sea unit, everything*". In some cases it may be desirable to have only one central unit, as depicted in Figure 6. In other cases a few units and SMTs may be desirable. These may operate according to varying mandates but actively work together to achieve the objectives and aspirations of the incorporated organisation. The point is there are many forms an organisational structure can take if, like country-based planning, people are willing to think in innovative and unconstrained ways.

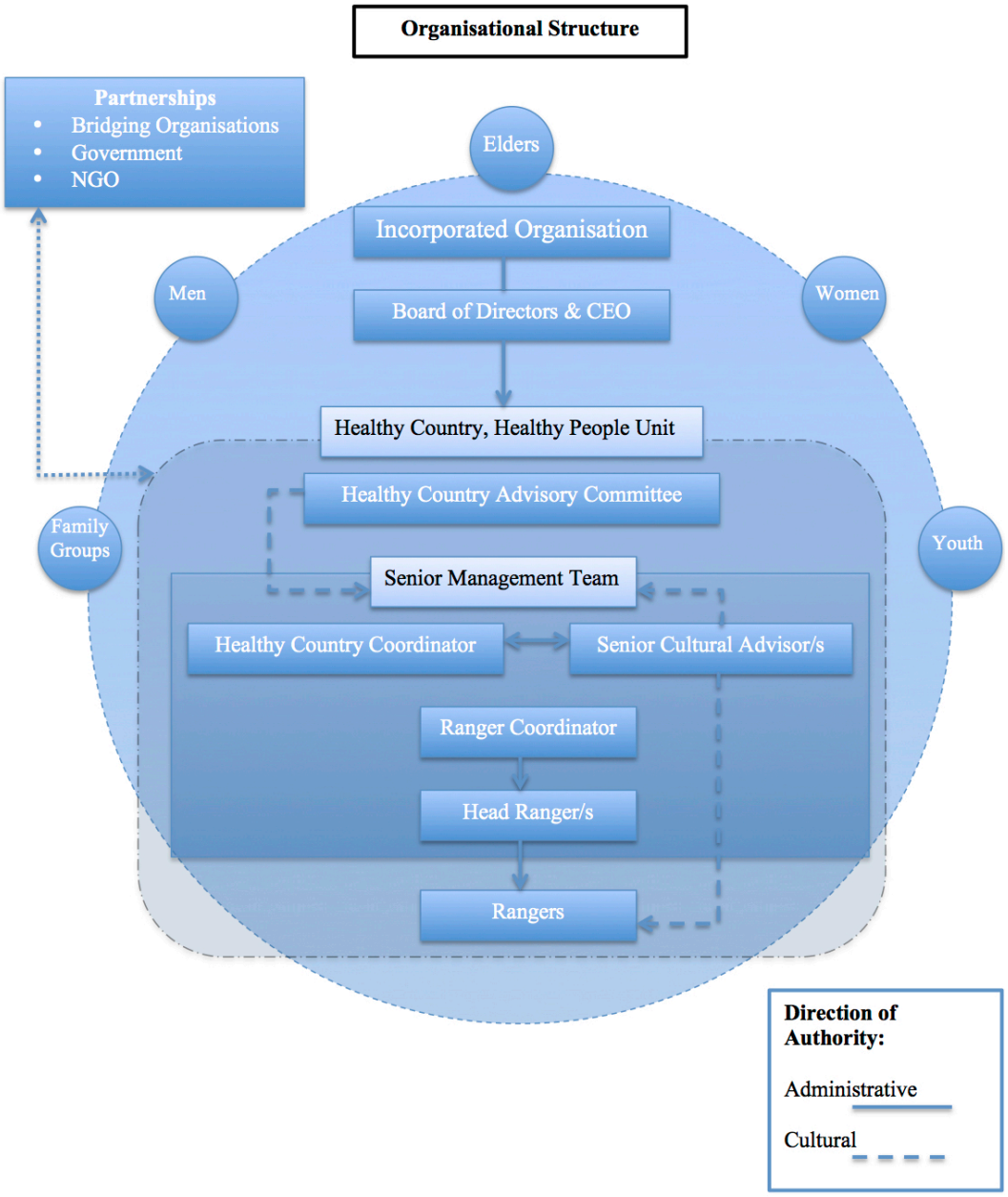


Figure 6 A reimagined organisational structure for the management of IPAs

Another feature that has been widely promoted is the ability of IPAs and the program to build economic stability and sustainability in Aboriginal and Torres Strait Islander communities. Nonetheless, no evidence from this study or the wider literature suggests that this has been achieved. The fact is the IPA program funding that a group receives tends to be directed towards the employment of an IPA coordinator, casual rangers, and some on-ground activities. Additional funding is sought for the employment of full-time

rangers and other required positions. That is not to say that economic stability and sustainability cannot be achieved; however, these would require that IPAs and the associated ranger programs be thought of as part of a broader socio-ecological economy. A socio-ecological economy can be conceptualised as representing the 'wholeness' of Aboriginal and Torres Strait Islander peoples' relationship with country. At present, most Indigenous programs and initiatives operate in isolation because the various government and NGO administrators ignore or fail to recognise the interwoven nature of Aboriginal and Torres Strait Islander ways of being and knowing and there is a general unwillingness for the development of cross-institutional partnerships.

A socio-ecological economic approach does not seek to dis-entangle these relations; instead it seeks to make visible the entanglements in ways that build stability and self-determination. For instance, rather than outside agencies continuing to establish individual programs aimed at increasing the rate of school attendance by Aboriginal children, they could work in partnership with Elders and the Healthy Country, Healthy People unit to develop and deliver a culturally appropriate program. As is the case for most programs, funds could be allocated to cover some administrative costs. The remaining funds could support on-country trips with Elders and rangers who are for many children role models; in turn such trips would facilitate the intergenerational transfer of knowledge, restoration of identity, pride, self-esteem, and respect. In this hypothetical situation the incorporated Aboriginal organisation have the relevant capacity to achieve the agreed targets. The point is not to shift all responsibility from the nation-state to Aboriginal or Torres Strait Islander peoples, but to acknowledge the rights of Indigenous communities to determine their own futures. A more integrated system needs to be developed in order for a sustainable economy to be achieved. IPAs can form part of that economy but they cannot with IPA program funding alone create a sustainable economy.

6.5 Key Insights

A number of key insights can be distilled from this research that apply to the broader study of the form and function of Indigenous peoples' participation in the ongoing process of biodiversity conservation. It is important to involve Indigenous peoples in research (as participants or co-researchers) who have no direct or formal engagement with the project or approach under study (6.5.1). Furthermore, rather then solely focusing on Indigenous peoples' involvement in regimes of conservation at the institutional level, greater attention needs to be paid to the underlying processes; the foundational ideology and assumptions, the social, cultural, political, and economic settings in which they are rooted; and the impacts on Indigenous peoples who participate. The resulting analytical framework brings into conversation the relevant processes, forcing the need for further recognition and analyses of the role of asymmetrical relations of power in reproducing particular behaviours and outcomes.

6.5.1 The Importance of Engaging the Wider Community

In most cases, when qualitative assessments of Indigenous programs are undertaken participant criteria are generally limited to those who have had some type of formal engagement. The reasoning is that only the perspectives and experiences of those who have formally engaged are valid or have value to the research being undertaken. However, such criteria render invisible the perspectives and experiences of Indigenous peoples who for one reason or another may have been prevented from engaging in the program. Rather than simply framing participant criteria based on a set of desired outcomes, it should be viewed as part of a process of forming broader narratives of Indigenous peoples' cross-institutional experiences, taking into account peoples individual histories and socio-cultural contexts. While many studies within the field of conservation are criticised for excluding Indigenous voices, studies that focus on promoting and making visible Indigenous perspectives can often be criticised for ignoring intra-community diversity. As this study demonstrates, by including the voices and perspectives of Aboriginal people not formally involved with IPAs or the program it has

uncovered the need to address the issue that criteria for participation in the IPA program is shaped in part by western concepts of indigeneity.

6.5.2 An Integrated Framework for Analysing Indigenous Peoples' Engagement in Conservation

Many of the studies that take a process-based approach to analysing Indigenous peoples' engagement in collaborative forms of conservation or land claims have tended to focus only on one or two processes (i.e. recognition or territoriality and bureaucracy). Similarly, much of the literature on the IPA concept and program have ignored the underlying processes and simply focused on success or failure, and the consequences for Aboriginal and Torres Strait Islander peoples' engagement. Notable exceptions have been the works produced by Nadasdy (2003, 2005b) and Smyth (2015), who from different perspectives have sought to uncover and critically analyse efforts aimed at restructuring the relationship between Indigenous peoples and the nation-state. In this study, a concerted effort has been made to bring together these seemingly separate processes – recognition, language, bureaucracy, territoriality, and accounting and accountability – to create a comprehensive analytical framework to assess the form and function of the IPA concept and program. This study has demonstrated how such a framework can be employed to analyse the complexities inherent in conservation approaches directed towards engaging Indigenous peoples. This framework could be usefully employed to analyse other approaches and programs aimed at engaging Indigenous peoples.

CHAPTER 7 Conclusion

> *Our identity as human beings remains tied to our lands, to our cultural practices, our systems of authority and social control, our intellectual traditions, our concepts of spirituality, and to our systems of resource ownership and exchange. Destroy this relationship and you damage – sometimes irrevocably – individual human beings and their health* (Anderson, 1996, 15)

As the above quotation suggests, to destroy the relationship between person and country, is to destroy the entangled web that weaves into existence the very essence of 'being' for some Indigenous peoples. The IPA concept and program are viewed as being an approach offering Aboriginal and Torres Strait Islander peoples the opportunity to strengthen and revitalise their relationship to country. Employing an original analytical framework, this research presents evidence indicating that the IPA concept and program continue to reinforce principles of the old 'fortress' paradigm whilst also meeting principles of Stevens' new rights-based paradigm for conservation. However, the emergence of country-based planning has seen IPAs evolve beyond the constraints of the old and the aspirations of the new paradigm. These findings demonstrate the non-linear and complex evolution of the concept, and reflect the contested nature of efforts to restructure relations between Indigenous peoples and the nation-state. The evolution is the result of the sustained efforts of Aboriginal and Torres Strait Islander peoples and their non-Indigenous colleagues to give effect to Indigenous peoples' relationship with country in ways that come to underpin the development and implementation of approaches to conservation. The IPA concept has initiated the ongoing process of transforming the asymmetrical power relations that have come to define many of the collaborative approaches to conservation. These developments render visible Aboriginal and Torres Strait Islander peoples' own agency to effect change even though they continue to endure sub-standard treatment at the hands of government.

This study has found that at the time the IPA concept and program were developed it was meeting two unmet needs: firstly, the Federal Government's requirement to meet its international obligations to establish a comprehensive and representative PA system, and secondly the need for a framework providing support for Aboriginal and Torres Strait Islander peoples to manage their country through the concept of an PA. Nonetheless, further development is needed to address the issues raised by participants in this study. For instance, building on the success of country-based IPAs further efforts need to address the misperception of urban-based Aboriginal and Torres Strait Islander peoples and their country (or the country where they are long-term residents) as being inauthentic or unable to contribute to the aims of conservation. The institutional, accountability and governance issues, experienced by the participants' managing IPAs also requires urgent attention. An innovative and sustained way forward demands the recognition of the shortfalls of the IPA concept and program. It will necessitate investment in a new ecological and socio-cultural language and the reframing of underlying assumptions. Such investments should aim to foster greater awareness and respect for the diversity in country and socio-cultural contexts across Australia.

The status of IPAs as components of the NRS is linked to the current issue of long-term funding for the management of existing IPAs post-2018. The Federal Government has a responsibility to continue funding existing IPAs as long as the Government continues to benefit from the incorporation of IPAs in the NRS. Nevertheless, the issue of funding can and will not be determined in isolation from this and the issues associated with organisational structure, governance, and accountability. Responsibility also lies with Aboriginal or Torres Strait Islander groups and bridging organisations to continue building institutional capacity. Whether the Government chooses to remedy these issues in partnership with Aboriginal and Torres Strait Islander peoples, and fund existing and new IPAs, will depend on the level of their commitment to the on-going restructuring of relations with Aboriginal and Torres Strait Islander peoples in Australia. If a commitment is made, the politics of addressing the generational impacts of colonisation through forms of mere collaboration, employment, and short-term projects could then succumb to a more restorative and process-based approach, which enables Aboriginal and Torres Strait

Islander peoples to once again determine and control their own futures and relationships with country.

7.1 Implications for Future Research

This study has uncovered the need for further research in a number of key areas: sustainable funding models, capacity development, and culturally embedded governance and institutional structures. Of particular importance is the need for research into the on-ground application of country-based IPAs. Limited research has been undertaken to investigate whether in practice the form and function of country-based IPAs deliver similar benefits as tenure-based IPAs, and more specifically, whether they enable a group to retain the same level of control and decision-making authority. Such research is of particular importance both nationally and internationally considering the likelihood that many Aboriginal and Torres Strait Islander groups will not receive favourable native title outcomes. Furthermore, research is required into whether IPAs with multiple partnerships are in fact more robust than IPAs with few partnerships. Research is also needed to explore how IPAs may inform the development of a socio-ecological economy in rural/remote and urban landscapes. The future of IPAs lies not only in the guarantee of secure long-term funding but also in how IPAs continue to evolve and adapt.

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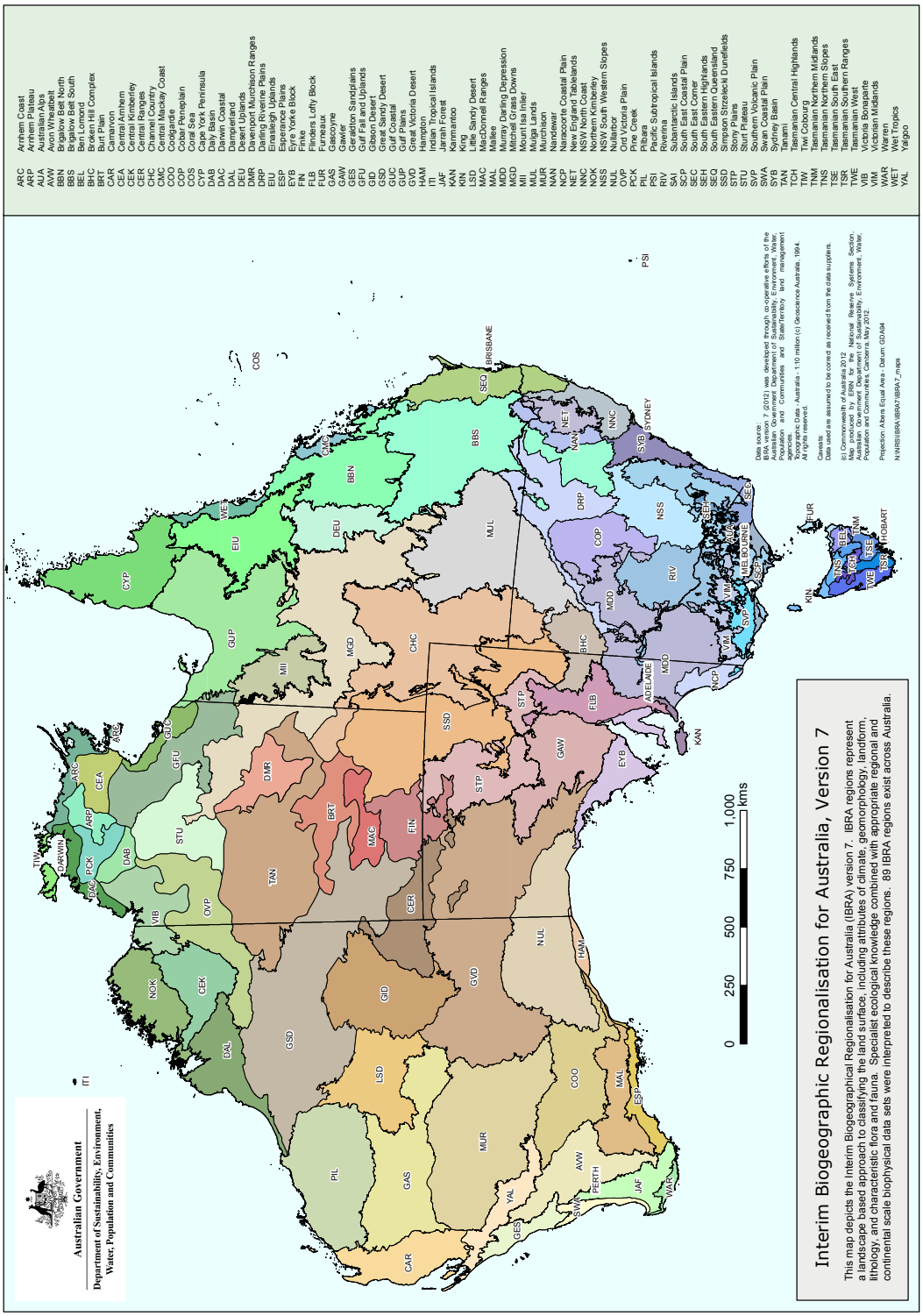
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Appendices

Appendix 1: Biogeographical regions of Australia

Sourced from Department of the Environment and Energy
https://www.environment.gov.au/land/nrs/science/maps-and-data)



Appendix 2: Semi-Structured Interview Example Questions

Interview questions varied according to two key factors: whether the participant was Aboriginal or non-Aboriginal and if they were formally involved with an IPA. The order of the questions also varied according to the direction and flow of the conversation.

Aboriginal participant with formal involvement with an IPA example questions:

Would you like to tell me about yourself and where your country is?

How did you come to be involved with the IPA?

What drives you to participate in conservation activities like the IPA?

What is your understanding of IPAs and the IPA program?

- How are Aboriginal groups able to access IPA funding?
- How is the program governed and manage?
- What is involved in declaring an IPA?
- How does your group manage your IPA?

Do you think having native title already recognised makes it easier to establish an IPA and getting funding?

Do you think IPAs are government protected areas because the IPA program is government funded?

What are the benefits of having an IPA?

What are the barriers to establishing an IPA?

One of the reported strengths of IPAs is that the Aboriginal groups retains all the control and decision-making authority, is this the case with your IPAs?

Do you think IPA objectives tend to focus more on one aspect over another, say conservation versus social or cultural?

Do you think there are enough Aboriginal people managing IPAs?

Do you think there is a reason why there is a lot of IPAs in the Kimberley in comparison to other areas in WA?

Do IPAs and the program differ to any of the other programs you have been involved with?

Do you think a group need the IPA program in order to establish and manage an IPA?

Do you think that after 20 years in operation the IPA program has reached its peak or does it have more to give?

Who is responsible for funding IPAs?

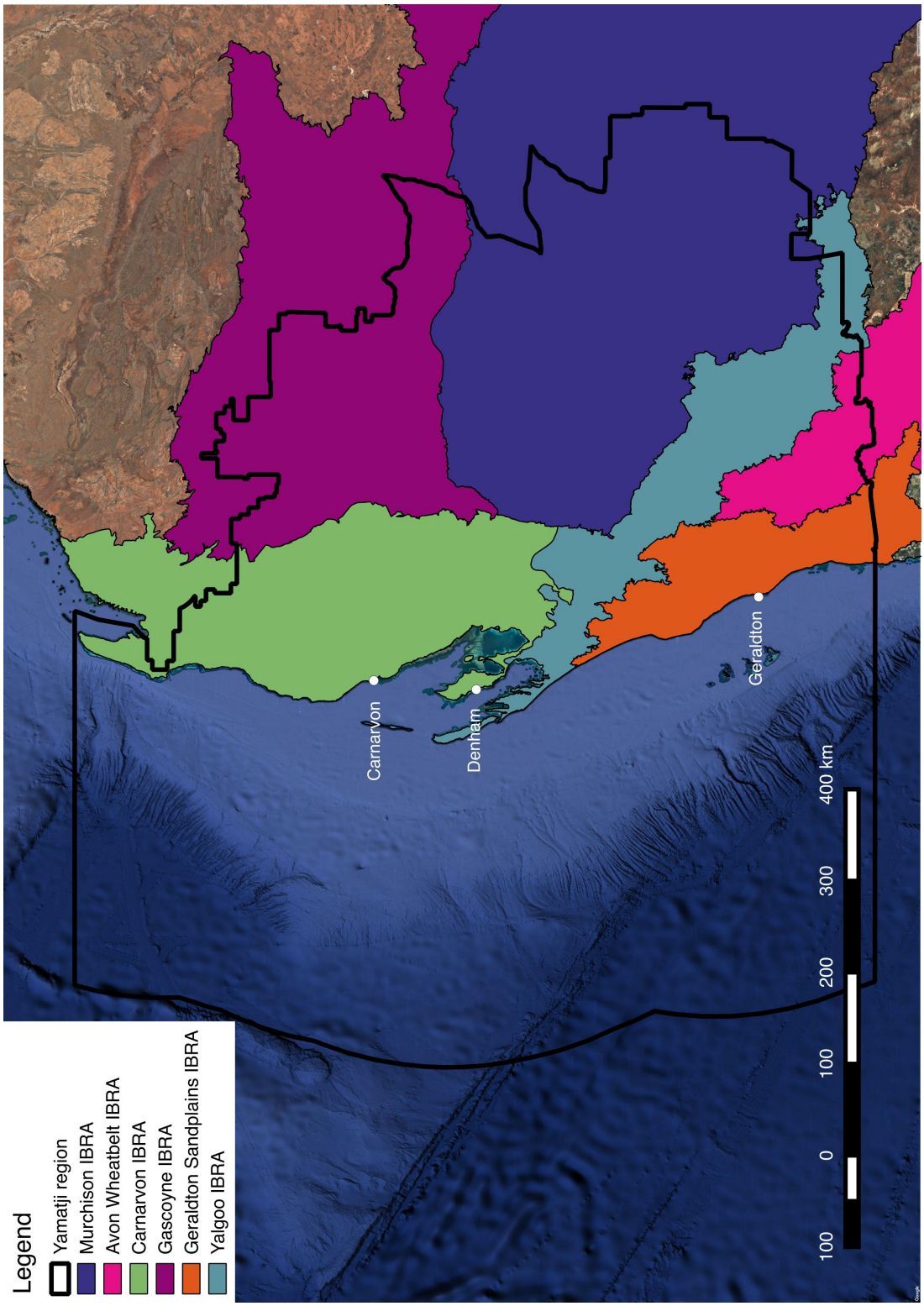
Do you think IPAs and the IPA program should continue?

What do you want to see happen in the future?

Is there anything you would like to see change?

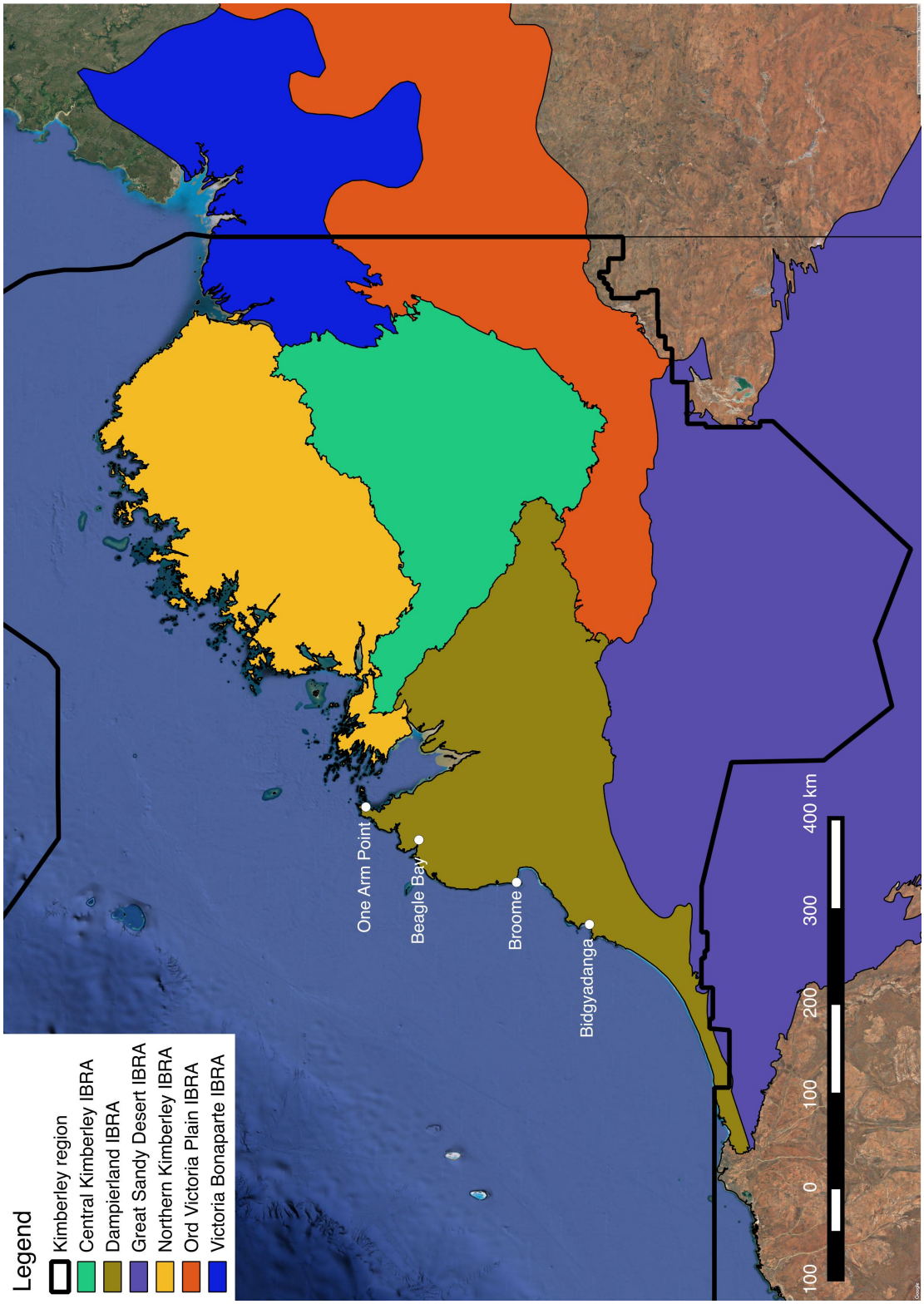
Appendix 3: Biogeographical regions within the Yamatji region

Biogeographical data sourced from the Australian Government, Department of the Environment and Energy (https://www.environment.gov.au/fed/catalog/main/home.page)



Appendix 4: Biogeographical regions within the Kimberley region

Biogeographical data sourced from the Australian Government, Department of the Environment and Energy (https://www.environment.gov.au/fed/catalog/main/home.page)



Appendix 5: Details of Aboriginal Participants interviewed

Participant's Name	Place of Residence	Country	IPA Involvement
Kathleen Musulin (Kathleen)	Carnarvon	Malgana	No formal involvement
Darren Capewell (Darren)	Denham	Malgana and Nanda	No formal involvement
Peter Windie (Peter)	Gascoyne Junction	Thudgari	No formal involvement
Dooli King (Dooli)	Broome	Karajarri	• Formal involvement • Chairperson of the Karajarri Traditional Lands Trust (KTLA) • Former Karajarri Ranger Coordinator
Mervyn Mulardy (Mervyn)	Broome	Karajarri	• Formal Involvement • Karajarri Cultural Boss • BSc in Land, Parks, and Culture
Anna Dwyer (Anna)	Broome	Karajarri	• Researcher at the Nulungu Research Institute • Former KLC employee
Nyaparu Rose (Nyaparu)	Port Hedland	Nyangumarta	• Formal involvement • Director of the Nyangumarta Warran Aboriginal Corporation . • Integral to the declaration and management of the Nyangumarta IPA.
Jessica Bangu (Jessica)	Bidyadanga	Walmajarri	• Formal involvement. • Karajarri Ranger. • Senior Cultural Advisor.
Kayla Dixon (Kayla)	Bidyadanga	Karajarri	• Formal involvement. • Karajarri Administration Officer.
Jacqueline	Bidyadanga	Karajarri	• Formal involvement

Shovellor (Jacqueline)			• Karajarri Ranger.
Daniel Oades (Daniel)	One Arm Point	Bardi Jawi	• Formal involvement • Bardi Jawi IPA Coordinator employed by the KLC. • Former Ranger Coordinator and IPA Consultation Project Officer with Bardi Jawi and Karajarri. • BSc Marine Science •
Kevin George (Kevin)	One Arm Point	Bardi person Bardi Jawi	• Formal involvement • Senior Cultural Advisor Ranger. • Chairperson of the Bardi Jawi Prescribed Body Corporate.
Albert Wiggin (Albert)	Beagle Bay	Bardi	• No formal involvement. • Nyul Nyul Ranger.

Appendix 6: Details of non-Indigenous participants interviewed.

Participant's Name	Place of Residence	IPA Involvement
Dr. Dermot Smyth (Dermot)	Outside of WA	• Co-founder of the IPA concept. • Adjunct Principal Research Fellow, School of Environment Research, Charles Darwin University. • Consultant – works with Aboriginal and Torres Strait Islander groups to develop and declare IPAs.
Patrick O'Leary (Patrick)	Outside of WA	• Pew Charitable Trusts, Partnerships Manager. • Spokesperson of the Country Needs People alliance. • Actively advocates for increased funding for Indigenous specific conservation programs.
Mark Rothery (Mark)	Beagle Bay	• No formal involvement but was present when conducting interview with Albert Wiggin • Nyul Nyul Ranger Coordinator.
Dr. Nicholas (Nick) Smith	Outside of WA	• Anthropologist – assisted Nyangumarta with their native title claim, and the development of their IPA. • Lecturer, La Trobe University
Sam Bayley (Sam)	Broome	• Karajarri Health Country

		Coordinator (KLC) – administers and manages the Karajarri IPA and associated conservation/cultural activities.
Jarrad Holmes (Jarrad)	Broome	• Dambimangari Healthy Country Coordinator (KLC) – administers and manages the Dambimangari IPA and associated conservation/cultural activities.
Tom Holyoake (Tom)	Broome	• Land and Sea Management Unit Manager at KLC
José Kalpers (José)	Geraldton	• Program Manager (Land and Sea Management) at YMAC • Administers and manages the Nyangumarta IPA
Olivia Norris (Olivia)	Perth	• Director of Research and Heritage • Anthropologist – works with Aboriginal groups to process their native title claims • Some involvement with the Nyangumarta IPA
Simon Hawkins (Simon)	Perth	• CEO of YMAC • Some involvement with the Nyangumarta IPA

Appendix 7: Summary of Stevens' rights-based paradigm and the principles the IPA concept and/or program meets, fails to meet, or exceeds

Principles of the rights-based paradigm	IPA concept and program
1) Indigenous peoples' should give free prior and informed consent for any PAs created in their territories; additionally they should play a central role in developing the design, goals, boundaries, governance structures, and management practices for PAs.	For the most part the concept and program meet this principle. IPAs can only be established and declared by Aboriginal and/or Torres Strait Islander groups. Aboriginal and Torres Strait Islander peoples have played a central role in the design of the IPA program.
2) PAs should continue to be self-governing homelands. This requires recognition of Indigenous peoples' ownership or custodianship of their territories and resource, including recognition of collective tenure.	The evolution of the IPA concept from being based solely on tenure and the formal recognition of native title rights to being based on the concept of 'country' means the concept exceeds this principle.
3) Affirmation of the rights and responsibilities including those articulated in the UNDRIP.	The IPA concept and program in part meet this principle, however, it fails to meet the rights of Indigenous people to control the resources (i.e. minerals) within their traditional territories. Aboriginal and Torres Strait Islander peoples do not have the right to veto mining or development projects.
4) PA conservation policies and practices must respect, support	The IPA concept is takes as its foundation Aboriginal and Torres Strait Islander peoples'

and take as their foundation Indigenous peoples' values, institutions and practices.	cultural values and practices. However, the concept and program fail to fully meet this principle because Government accounting and accountability requirements ignore and erase the diversity inherent in Aboriginal and Torres Strait Islander peoples' understandings and interactions with the environments they inhabit. Moreover, Aboriginal and Torres Strait Islander institutional structures are ignored in favour of Western nation-state formal language, and discourse, and bureaucratic structures.
5) Indigenous people must participate fully and effectively in the governance of PAs.	While Aboriginal and Torres Strait Islander peoples are in full control over decision-making in regards to their IPA, their authority is restricted because of their lack of institutional competency, and the imposed organisational structure. In turn, their ability fully and effectively participate in the governance of their IPA is compromised.
6) Indigenous people must share equitably in the full range of benefits from PAs	This principle has been partially achieved, however, in practice the IPA concept has not generated all of the reported benefits (e.g. creation of a sustainable land-based economy). On the other hand, IPAs and the program has enabled the Government to achieve their national and international environmental targets.