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Looking after Country: Institutional Arrangements for Indigenous Lands Management in Australia

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**LOOKING AFTER COUNTRY:
INSTITUTIONAL ARRANGEMENTS FOR
INDIGENOUS LANDS MANAGEMENT
IN AUSTRALIA**

by

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I. INTRODUCTION

This paper reports on research conducted for the Indigenous Land Corporation (ILC),¹ an Australian government agency concerned with the acquisition and management of lands for indigenous peoples.² The paper seeks to identify and analyze the kinds of institutional arrangements that might be deployed to support indigenous communities in the management of indigenous-owned land. It is concerned, therefore, with a particular planning context in which the role of state agencies is focused on supporting and facilitating the work of indigenous landowners.³

As Friedmann (1973; see also Rabinovitz 1969) observed, the character of institutional arrangements and the distribution of power in a planning context is a crucial determinant of the style of planning and the possible implementation strategies that may be employed. In those contexts in which power and control are strongly centralized, he argues that institutional

¹ The ILC is an independent Commonwealth statutory authority, established in 1995. The ILC receives its funding from the Aboriginal and Torres Strait Islander Land Fund. The ILC's two main functions are to assist indigenous peoples in Australia to acquire land and to manage indigenous-held land in a sustainable way to provide cultural, social, economic or environmental benefits for themselves and for future generations.

² This research project was part of a wider research program being conducted by the ILC as part of the National Land Management Research Project. The National Land Management Research Project is concerned with supporting and informing the development of an ILC policy and program concerned with the effective management of indigenous-owned lands. The central aim of the study upon which this paper was based was to advise the ILC about the development and implementation of an indigenous land management program (see Lane 1999a).

³ As in other parts of the "new world," colonial processes of territorial acquisition and state formation had profound consequences for indigenous Australians, including depopulation through frontier violence and the introduction of disease, and widespread territorial dispossession and dislocation (see Howitt, Connell, and Hirsch 1996). Indigenous Australians can now be said to represent a "fourth world," i.e., an indigenous cultural minority in a nation-state over which they exert little political control (see Dyck 1992). In recent decades, the so-called post-colonial period, indigenous peoples residing in the post-settler societies of Australia, Canada, the United States, New Zealand and others have made consistently powerful claims of self-determination and resource sovereignty. These claims have posed considerable legal and political challenges for post-settler states that assume sovereign status and a mandate to represent the totality of its citizens (Perry 1996).

arrangements that support regulatory forms of *command* planning are plausible. By contrast, in those planning environments in which land use control is shared among differing institutional and community actors, centralized, regulatory approaches to planning for the use and management of land are not viable. In these situations, institutional arrangements need to provide for a facilitative, collaborative approach to planning (see also Healey 1997).

This paper considers how best to arrange the institutional systems and processes of the nation state to support the management of indigenous lands management by their indigenous owners. To this end, the paper interrogates the utility of three models of planning: (1) institutional-regulatory, (2) community-based planning, and (3) reticulist⁴ or *facilitated process* approaches. The paper identifies the advantages and disadvantages of each of these approaches and argues for the development of a hybrid approach that integrates the positive features of all three models. The paper concludes that this hybrid model offers a set of institutional arrangements that enable collaborative planning between indigenous peoples and institutions of the state.

The term “natural resource management” is used here to refer to efforts made in the public domain to manage the natural resources of both public and private lands. Defined in this way, natural resource management is taken to involve the development of public policy in relation to the allocation, use, and management of natural resources, and the *translation* of that policy in to plans of management and other forms of action. In scholastic terms, this is highly contested terrain, involving the disciplines of political science, the environmental and bio-physical sciences, sociology, geography, etc. This paper, following the work of the eminent scholar of planning and public policy, John Friedmann (1973; 1987), uses *planning* as a theoretical and conceptual lens to consider institutional arrangements in a natural resource context.⁵ Friedmann (1987) defines planning as the transfer of *knowledge* to *action* in the *public domain*. Thus defined, planning provides an appropriate lens for pursuit of the questions at the heart of this essay.

⁴ Hall (1992) argues that an important response to the profound critiques made of rational policymaking has been the move towards a mode of policy, planning, and management that emphasizes the facilitation of relevant views and the creation of processes for the mediation and resolution of disputes. I use the term *facilitated process* model to refer to this approach to planning and policymaking.

⁵ There is, obviously, a range of disciplinary lenses that might be applied to this problem. Planning is applied here, deliberately, for two important reasons. First, as Friedmann’s definition reveals, planning encompasses the development of policy and its translation into management action, in the public domain. This definition perfectly encompasses the problem being pursued in this essay: how best to arrange *public* institutions so as to enable the effective management of indigenous-owned lands. Second, this discipline of planning, commonly referred to as urban and regional planning, has, for good historical reasons, been overwhelmingly concerned with questions of urban governance and management (see Hall 1992). As a result, the contributions of the discipline in terms of questions such as institutional arrangements and effective and inclusive processes have not been sufficiently explored in non-urban settings.

II. INDIGENOUS PARTICIPATION IN NATURAL RESOURCE MANAGEMENT

Developing an understanding of the efficacy of different institutional arrangements for the management of indigenous lands depends, to a significant degree, on an analysis of indigenous participation in natural resource management. The literature on indigenous participation suggests that there are seven key factors that influence indigenous participation. While these deserve detailed consideration because of their implications for the design of institutional arrangements, the underlying determinants on indigenous marginality need to be acknowledged at the outset. These determinants relate, of course, to the history of contact between Europeans and indigenous peoples and, in addition, to the subordinate position the latter occupy in contemporary Australian economic and political life (Howitt, Connell, and Hirsch 1996; Perry 1996). They act as *structural* constraints on the capacity of public policymakers and resource managers to effectively involve indigenous people.

The first issue the literature identifies is the tendency for planners and decision-makers to overlook, ignore, or misinterpret indigenous perspectives (Craig & Ehrlich, et al. 1996). The politics of land and resource development, it is argued, is such that the particular cultural perspectives of indigenous peoples are rendered invisible. Indeed, the “invisibility” of Aboriginal interests is a major theme of the literature in this field. Cases reported in the literature attest to the denial of the legitimacy of indigenous interests (see Chase 1990; Lane and Chase 1996; Jackson 1997).

Second, the literature emphasizes constraints on the *capacity* of indigenous people to participate effectively in resource management, relative to other stakeholders. A range of factors may inhibit the efficacy of indigenous participation, including language and cultural barriers, geographic isolation, lack of resources, and lack of familiarity with European-Australian planning and decision-making processes (Lane 1997). As a result of the barriers to effective Aboriginal participation, a number of commentators have suggested that the participation of indigenous people should be facilitated by explicitly designed strategies. “Empowering” Aboriginal people to participate in land management is a common theme in the literature (Howitt 1989, 1993; Craig 1990).

Third, patterns of landownership act as an important constraint on indigenous participation. European colonization of Australia, motivated largely by colonial processes of land and resource appropriation, dispossessed indigenous Australians of their traditional land estates (Perry 1996). Colonization created a historical geography in which indigenous landholdings were reduced to fragments on the continental margins (“Reserves”). While statutory indigenous land claim processes⁶ and recognition of indigenous native title under Common Law⁷ have widened

⁶ The *Northern Territory Land Rights Act* (1976) and the *Queensland Aboriginal Land Act* (1991) are two important examples of statutory responses to calls for indigenous land justice. While both examples have resulted in the return of lands to indigenous peoples, both also represent flawed political compromises that have met neither indigenous nor wider expectations (see Libby 1989; Brennan 1992).

recognition of indigenous land rights, the widespread dispossession and dislocation of Australian indigenous societies have created a situation in which indigenous people are commonly asserting custodial, cultural, and other interests in lands now designated as publicly- or privately-owned. There is, therefore, an important tenurial constraint on the ability of indigenous peoples to achieve expression of custodial and other rights over lands alienated from indigenous ownership.

Fourth, there is confusion around conceptions of indigenous (particularly Australian Aboriginal) social organization—conceptions that underlie many of the attempts to involve indigenous people in management. Essentially, the problem has to do with misunderstanding the nature of Aboriginal social organisation. In any given resource management activity, differing social entities may be involved. For example, traditional owners, whose rights and interests are *custodial*, may need to be involved along with nearby indigenous residents, whose interests are *locational*. It is apparent that, in some cases, resource managers fail to differentiate between these social entities. One result of this is that sometimes resource management does not consider the full range of indigenous community interests (Craig & Ehrlich, et al. 1996). Furthermore, due to the intensely localised nature of traditional land interests (see Stanner 1965; Peterson 1975), there is much diversity within groups expressing “traditional” interests in land and natural resources. The implication of the highly localised nature of indigenous interests is that resource managers working across a large area may need to work with multiple groups. In short, managers must ensure that “the right people are talking for the right country.” In part, these problems can be attributed to the frequent and ill-considered use of the term “Aboriginal community.” The widespread application of the community concept is problematic because it fails to acknowledge the historical forces that gave rise to concentrated Aboriginal settlements, particularly in Queensland (see, for example, Chase 1990). It also entails the assumption of a unitary Aboriginal interest (Lane 1997). Failure to acknowledge the plurality of Aboriginal interests can render invisible the particular interests of certain groups.

Fifth, this misconception of Aboriginal society is associated with a tendency to confine Aboriginal interests to traditional cultural concerns, such as the protection of sites of cultural significance (Ross 1990). A more realistic understanding of Aboriginal society (i.e., as comprising diverse and, occasionally, competing interests) entails the recognition that Aboriginal interests also include employment, economic benefits, and associated community development interests.

Sixth, indigenous participation is impeded by a perception that indigenous conceptions of environment and traditional management practices are not respected or recognised by non-

⁷ In the historic case of *Mabo v Queensland (No. 2)*, the Australian High Court ruled in 1991 that the Crown, at the time of British settlement of Australia in 1778, acquired radical title and therefore sovereignty to the territory. Importantly, the Court ruled that the Crown did not acquire actual title or ownership of all land. This created the precondition for finding that indigenous native title could survive the acquisition of sovereignty by the Crown (Rogers 1995). This judgement, which had profound implications for Australian tenurial and land management systems, was followed by a Federal statute, the *Native Title Act 1993*, which sought to codify the judgement, and create a process for protecting native title while allowing the processes of land development, management, and transaction to continue (Butt and Eagleson 1996).

indigenous Australians and mainstream management agencies (Gillespie, Cooke, and Taylor 1998). An absence of respect (perceived or actual) for indigenous understandings of, and approaches to, land management amounts to an act of exclusion that may make indigenous people reluctant to participate in mainstream programs. This dynamic can also work in reverse. If indigenous people do not understand or appreciate, for example, European-Australian conceptions of conservation (or the need for national parks), then planning and management processes may appear both foreign and unimportant and, thus, not worthy of their attention (Pierson 1982).

Seventh, the nature of Aboriginal social organisation, particularly in relation to land, suggests that participatory strategies must be based on consensus and direct involvement (Howitt 1993; Ross 1992). Western notions of delegation and representation are often inappropriate in Aboriginal domains. In other words, the intensely localised nature of Aboriginal social and territorial organisation renders Western approaches to land management, which are based on representation, inappropriate (Lane 1997). A common Western approach to participation in environmental management, for instance, is to establish a stakeholder advisory committee. Reserving one or two seats at this table for indigenous representatives is unhelpful, as these indigenous participants cannot and will not represent the diversity of indigenous groups and organisations in the region. A common response of indigenous representatives who are placed in this culturally invidious position is simply to boycott committee meetings (see Dale, et al. 2000).

Aboriginal communities are not, of course, passive in the face of change nor are they ineffective political participants. As Davies and Young (1996) and O’Faircheallaigh (1996) have shown, given the forum and adequate organisational and financial resources, Aboriginal groups *are* capable of negotiating outcomes with resource management agencies and with private sector firms. In their research into indigenous participation in biodiversity conservation, however, Gillespie, Cooke, and Taylor (1998) found that insufficient organisational resources was a common impediment to effective indigenous participation.

III. APPROACHES TO INDIGENOUS LAND MANAGEMENT

There has been no systematic, comprehensive approach to indigenous land management in Australia. Interest in how indigenous people use and manage their lands is relatively new. This is partly because the overwhelming focus of indigenous organisations has been on acquiring land and partly because of the historical geography of indigenous landownership in Australia has restricted the indigenous estate to reservations in remote areas and other lands acquired through claims processes since the mid-1970s (Lane, Brown, and Chase 1997). As the range of competing demands on the public land estate grew in the 1970s and 1980s—from indigenous people seeking land justice, from conservationists seeking biodiversity conservation, from urbanites seeking space for recreation, and from the continuing demands of resource industries—there has been an increasing bureaucratic interest in how indigenous lands are being managed (Corbett, Lane, and Clifford 1998). At the same time, indigenous organizations have recognised the importance of land management with regard to achieving the social, cultural, and economic

aspirations of traditional owners once land has been acquired (Lane, Brown, and Chase 1997). Gillespie, Cooke, and Taylor (1998, p. 12) assert that the reasons for these indigenous initiatives:

include frustration with the relationship with official conservation agencies, the assertion of traditional rights, ... a desire to assert real control over resource management ... and the need to promote employment opportunities and develop some economic return.

The development of land management capability in and among indigenous organisations has not been an easy task. It has occurred against the historical backdrop of governments using resource planning to exclude indigenous people, thereby reinforcing their marginality (Davies and Young 1996; Jackson 1997; Chase 1990). Ignorance, paternalism, and a lack of cross-cultural awareness should also be implicated in the failure of planning to address indigenous concerns. It has occurred despite competing demands on the resources, time, and priorities of indigenous organisations. And it has occurred largely without the support of government agencies. The literature also reports that indigenous organisations, given sufficient resources and institutional support, can successfully apply leading-edge approaches to the management of their land and natural resources (see, for example, Davies and Young 1996; O’Faircheallaigh 1996; Gillespie, Cooke, and Taylor 1998). They demonstrate, in other words, considerable agency (Lane 1999b).

There have been, of course, a range of government programs concerned, variously, with indigenous employment and enterprise development, cultural heritage protection, and a host of “mainstream” land management programs to which indigenous people have had access. By way of background, it should be noted that both the Federal Government and state and territory governments are involved in land policy and management.⁸ Some of these government programs are briefly discussed below.

⁸ Australia has a federal system of government in which powers are shared between the Commonwealth and the states in accordance with the Australian Constitution. (The Northern Territory is a Commonwealth Territory, although it has considerable autonomy and has sought in recent years to increase the scope of its powers). The constitutional division of responsibilities is generally thought to have accorded the states jurisdictional responsibility over land and natural resource management and planning (Kellow 1996). However, in recent decades the Commonwealth has intervened in a number of state-based environmental issues and state-Commonwealth tension over environmental jurisdiction has become characteristic of the Australian Federation. Importantly, Commonwealth intervention on environmental matters has been upheld by the Australian High Court as constitutionally valid (Economou 1992). As a result, the Australian federation is increasingly seen as involving shared or concurrent responsibilities (particularly in respect of environmental matters) rather than being coordinate or hierarchical (Galligan and Fletcher 1993).

A. Aboriginal and Torres Strait Islander Commission⁹ (ATSIC) Land Management Projects

Funding has been available to indigenous communities under the Land Acquisition and Maintenance Program of ATSIC for land management purposes. In the 1995/96 financial year, a total of 167 land management projects were funded at a total cost of \$15.8 million. Almost half of the spending was concentrated in Queensland and the Northern Territory (Taylor 1998). Land management funding under this program covers a diversity of cost items, including the purchase of capital equipment, training, operating costs, on-ground management activities, and the development of management plans (*ibid.*). The program did not include any systematic approach to monitoring the effectiveness of the program with regard to realizing the land management goals of indigenous people (Lane 1999a).

B. Contract Employment Program for Aboriginals in Natural and Cultural Resource Management (CEPANCRM)

CEPANCRM was administered by Environment Australia—the primary environmental organization in the Australian Federal bureaucracy. Essentially, this program provided funds for the contract employment of Aboriginal people in works associated with land and cultural resource management. The program funded short-term indigenous employment for over a 10-year period in a total of 932 different natural and cultural resource management projects (Davies, et al. 1997). The program was discontinued at the end of the 1996/7 fiscal year.

The program was widely regarded as successful, particularly among indigenous organizations (Davies, et al. 1997), and it was by far the biggest provider of funds to indigenous people for environmental management purposes (see Taylor 1998). Davies and others also report strong support for the program among provincial environmental management agencies. There is little doubt that it succeeded in employing Aboriginal people on natural and cultural resource management projects (Breckwoldt, Boden, and Williams 1997). There is, however, uncertainty about its success as an environmental management program. A recent review of the program (*ibid.*) does not make a convincing argument that it met its land management objectives.

In terms of program design, CEPANCRM had a number of deficiencies. First, there appears to have been little attempt to systematically monitor the environmental (bio-physical) outcomes of the program. While the employment objectives appear to have been met to the satisfaction of indigenous participants (Breckwoldt, Boden, and Williams 1997), there are no authoritative statements about the environmental impact of the program. Second, there were some difficulties in the relationship between indigenous people and state agencies (Davies et al. 1997). Third, the short-term nature of the funding was restrictive, preventing the development and implementation of long-term plans. Finally, the program was not sufficiently integrated with other land

⁹ The Commission is an organizational experiment in indigenous self-determination. In the late 1980s, the Federal indigenous affairs bureaucracy was transformed into a largely self-contained organization governed by an indigenous board elected by indigenous people throughout Australia.

management programs, particularly at the Federal level. This factor was responsible for ensuring that CEPANCRM projects tended to be small in scale and short-term in focus.

C. National Estate Grants Program (NEGP)

NEGP is a Federal program that funds both the government and non-government sector to investigate, manage, protect, and publicize the sites and places that have important cultural or natural heritage value. Indigenous people/organizations can be funded for a range of activities, including to:

- identify places of heritage significance for formal recognition and protection,
- inform people about the importance of these sites of heritage significance,
- conserve and manage significant sites and places, and
- improve training, education, and practices so as to achieve the above. (Taylor 1998)

In 1995/6, a total of \$5.5 million was expended on NGEP projects, 15% of which was concerned with indigenous projects. The following financial year, the program's budget was cut significantly and only 30 projects were funded nationally, seven of which were concerned with indigenous sites (Taylor 1998).

The NGEP tends to be of primary interest to indigenous people when they do not own, or are unable to exercise sufficient control over, culturally significant lands. It therefore has an important role in the overall system of protection and management of lands of significance to indigenous peoples, but it is not a program that has been widely used in managing indigenous-owned land.

D. National Landcare Program (NLP)

The NLP began in the 1980s and was subsumed under the broader replacement program, the Natural Heritage Trust in 1995-96. The program had a broad objective: to stimulate improved natural resource management throughout Australia. The NLP offered a participatory approach to land management, seeking to engender the direct and active participation of local people and groups in localized land management problems (see Curtis and Lockwood 2000; Curtis, Birkhead, and De Lacy 1995; Campbell 1994). At the time of its inception, the NLP was unique in its use of a community-based approach to project assessment. This approach involves the establishment of regional and provincial assessment panels (mostly comprised of community representatives) to adjudicate applications for funding for land management activities. Indigenous "representatives" are included on these panels where appropriate (Taylor 1998).

The program had two main components: (1) community and (2) commonwealth-state. Indigenous participation in the community component was, as shown in the data presented below, low in all states except the Northern Territory. This is not surprising, given the distribution of Aboriginal-owned land in that territory. Nationally, indigenous projects accounted for only 2.4% of total spending and 4.1% of community component spending (Taylor 1998).

Taylor speculates that the low-levels of spending in relation to indigenous interests may be the result of the program's focus on agricultural lands. However, given the significant Aboriginal holdings in all states in the pastoral rangelands, this does not appear to be a sufficient explanation.

Reviews and evaluations of the NLP movement and NLP policy (Curtis and Lockwood 2000; Curtis, Birkhead, and De Lacy 1995; Campbell 1994) suggest that existing arrangements have not been able to overcome the problem of "selection" that has bedeviled participation in public policy and planning since the 1960s (Nowak, et al. 1982; Beatley, Brower, Lucy 1994; Sandercock 1994). Beneficiaries of funding from the NLP have tended to be young, affluent, and relatively well educated and, therefore, probably not Aboriginal (Campbell 1994). Contrary to popular rhetoric, there is no evidence to suggest that the NLP has resulted in a democratized environmental ethic or in equitable government funding of environmental management.

Table 1 Indigenous participation in the community component of the NLP by state and territory, 1996/7

	Indigenous projects	Funds on indigenous projects \$(000s)	Total projects	Total funds	Indigenous % of projects	Indigenous % of funds
New South Wales	3	239.0	158	5,678.0	1.9	4.2
Queensland	0	0.0	120	3,298.2	0.0	0.0
Victoria	0	0.0	121	2,144.6	0.0	0.0
Tasmania	0	0.0	69	1,650.2	0.0	0.0
South Australia	2	146.4	69	1,870.9	2.9	7.8
Western Australia	3	100.7	110	3,535.7	2.7	2.8
Northern Territory	8	295.1	25	790.9	32.0	37.3
ACT	0	0.0	5	112.8	0.0	0.0
Australia	15	781.2	676	19,076.0	2.4	4.1

Source: Taylor 1998

E. Aboriginal Rural Resources Initiative (ARRI)

ARRI provided Commonwealth government support for the indigenous development of enterprises involving wildlife use and management—especially the commercial harvesting of feral vertebrates. ARRI operated from 1992 to 1995, and some monitoring continues (Davies et al. 1997). It had no specific environmental objectives but was, rather, concerned with promoting indigenous economic development.

The essence of ARRI was to provide seed funding in order to initiate enterprises that had the potential to become commercially viable in the long term. It was concerned with (1) wild animal resources, (2) subsistence hunting and gathering (“bush tucker” in the Australian lexicon), and (3) sustainable rural development. A total of AUD\$1.767 million was provided for 25 projects concerned with wild animal resources, and AUD\$0.797 million was provided for 12 projects concerned with bush tucker. A further five projects with wildlife components were funded within ARRI’s sustainable rural development element (Davies et al. 1997).

Davies and others (1997) report that ARRI broadly met its socio-economic objectives, although many of the projects that it funded are no longer operational. No evaluation of the environmental outcomes of this program was ever undertaken.

F. The Natural Heritage Trust (NHT)

Although community-based land management has been practiced as Landcare for well over a decade, the establishment of the NHT led to the consolidation of existing community-based programs and the extension of the concept into new resource sectors.¹⁰ While CBEP consists of a diverse set of practices, a common conceptual and operational core can be identified. By (1) decentralizing government, (2) devolving responsibility for the development and implementation of environmental policies to local communities and non-state associations, and (3) enabling localized participation in and control of planning, a more effective, context-sensitive mode of planning is said to result (Leach, Mearns, and Scoones 1999; Agrawal and Gibson 1999). Significant areas of environmental policy, in both developed and developing countries have been restructured according to these premises.

An analysis conducted for the ILC (Lane 1999a) brought three issues to the fore. These are examined in turn. First, community-based approaches to land management mean that the process of devolving resources (and other support) is subject to the power relations among diverse stakeholders at local and regional levels. Given that indigenous people already face a series of disadvantages in interacting with European-Australian society and agencies (Lane 1997), this is an important observation. Making resource provision subject to local power relations results in a pervasive problem regarding equity of resource distribution—a problem that has bedeviled these kinds of approaches both in Australia and elsewhere (Leach, Mearns, and Scoones 1999). The literature suggests that the insufficient consideration has been given to overcoming this problem when designing community-based programs (Leach, Mearns, and Scoones 1999; Agrawal and Gibson 1999).

The community-based land management programs occurring in Western Australia are subject to these problems (Lane 1999a). Equity of access has been a concern for all community-based land management activities in Western Australia. Communities and families whose

¹⁰ The NHT is the current government’s most important land and resource management initiative; indeed, it dominates land management in Australia today. It can best be characterized as an example of community-based environmental management whose design has borrowed heavily from the “Landcare” soil conservation movement of the 1980s and early 1990s (see Campbell 1994).

members have relatively high educational backgrounds, knowledge of government systems and processes, and financial resources have a distinct advantage with regard to successfully gaining access to government programs. A recent, remedial response has been to employ a number of “indigenous land management facilitators” to stimulate projects and applications from Aboriginal communities and organizations and to generally improve the quality of applications from indigenous communities. While the number and quality of project applications from indigenous communities have increased, equity of resource distribution and of community participation remains a substantial problem.

Aboriginal participation in NHT programs in Queensland, as in some other states, has been low. This has been the cause of some concern for those responsible for the NHT. The NHT Queensland State Bid expounds on this problem and is worth quoting at length:

Following the final appointment of two Indigenous Landcare facilitators in Queensland in late 1998, considerable improvement has been made in Indigenous participation and hence access to NHT. The responsibility on the shoulders of only two Indigenous facilitators, one of whom is allocated to Cape York exclusively, is not sufficient resources for the indigenous communities to receive the level of support needed to develop NHT proposals which will have a high priority of recommendation for funding. (Queensland Government 1999, p. 58)

In Queensland, it seems, the competitive nature of applications for NHT funding, combined with the barriers to indigenous access already described, has impeded indigenous participation. What has been the impact of the appointment of two indigenous facilitators? To again quote from the Queensland State Bid: “Unfortunately, *only one* new NHT proposal with Indigenous outcome has been recommended at a priority to ensure funding [in 1999]” (Queensland Government 1999, p. 58 [emphasis added]).

To put this (official) finding into perspective, 17 new indigenous project applications were processed in time for the 1999 Queensland State Bid. These projects sought a total of \$1,241,000 of NHT funding (Queensland Government 1999). Of these 17 applications, one was recommended. The reason for this, according to the Queensland government, relates to the complexity of the application process and the need for community groups to receive appropriate advice. To yet again refer to the Queensland State Bid:

If the proponents could have been provided with the level of culturally appropriate advice, then more of these proposals would have rated more highly and would be included in the ... projects being recommended for funding this year. (Queensland Government 1999, p. 58)

Second, the bottom-up approach to land management largely negates land management agencies intervening on a strategic basis; rather, it ensures that projects respond only to locally (and parochially) perceived and identified problems. Inevitably, however, there are environmental problems (or problems relating to community need, injustice, etc.) that are only discernible at a wider perspective. To be able discern projects that have strategic importance, or to identify one group’s needs as nationally significant, one needs to have both a regional and a

national perspective. This requires the maintenance of a national gaze and some process for responding to issues of strategic importance.

Third, emerging from the analysis of Australian community-based programs (Lane 1999a) is a concern that measuring the technical success of projects (and assuring quality control over the technical aspects of land management) is very difficult in such programs (see also Western, Wright, and Strum 1994). Given that community-based approaches are about “empowering communities to take control” (to use a phrase from the lexicon of its advocates), it is axiomatic that institutions must surrender control over the technical (as well as other) features of the land management process. This problem is often compounded by a focus on the difficulties of facilitating group formation and action at the expense of careful monitoring of the environmental outcomes. As Agrawal (2000, p. 77) has argued in relation to community-based forest management in India:

Many studies of collective action assume, almost by default, that success in organizing a group (or collective action) and success in meetings the aims for which the group (collective action is organized are one and the same...In the case of the forest councils, successfully forming a group to protect village forest resources is a very difference proposition from succeeding in protecting its forests.

In summary, therefore, a diversity of institutional approaches have been utilized in the Australian context. All can be seen as having both advantages and disadvantages. To move forward, the paper now turns to a comparison of the different conceptual approaches that have been applied with a view to arriving at a new, hopefully improved conceptualization.

IV. CONCEPTUALIZING DIFFERENT APPROACHES TO INDIGENOUS LANDS MANAGEMENT

One of defining ideological movements of the past decade has been advocacy of devolving control from the state to the private, or non-government, sector. This has been strong across many areas of policy, particularly environmental policy (Agrawal and Gibson 1999; Ribot 1999; Ehrenberg 1999; Agrawal 2000). The state and its institutions are out of fashion; devolution and decentralization are in (Rangan 1999; Ribot 1999). Regional and local approaches to planning, emphasizing devolution to more localized actors and applying planning activities to eco-regions or localities (rather than to state jurisdictions), currently enjoy the support of most commentators in environmental planning (Holsten 1998; Friedmann, 1998; Gibson, McKean, and Ostrom 2000).

Decentralization is used here to refer to the devolution of state assets or powers to local decision-making bodies, including non-state associations (Ribot 1999; Agrawal and Ribot 1999). Some (Friedmann 1998; Holsten 1998; Agrawal 2000) suggest that decentralization produces more just and equitable outcomes and that localized control is more functional than state control. Scott’s recent work, *Seeing Like a State* (1998) is one of the most recent chronicling the failure of state policy and agency. Among the dissenters, some point to the anti-democratic behavior of

some elements of civil society (Leach, Mearns, and Scoones 1999) and the potential for innovative and effective state action in contexts of great conflict and controversy (Rangan 1999).

Any contemporary examination of institutional arrangements for the governance of natural resources and the realization of social justice needs to account for this intellectual and ideological milieu. Accordingly, three conceptual models, situated on differing points on a continuum that ranges from centralized to decentralized authority, are used for purposes of this analysis: (1) the centralized, institutional approach (Friedmann 1973); (2) the *reticulist* or *facilitated process* approach concerned with facilitating access and participation (see Hall 1992, Healey 1997); and (3) the community-based approach (Sandercock 1998; Agrawal 2000). These three governance models are interrogated in order that an alternative, effective model for the management of indigenous lands can be discerned.

A. The Institutional Model

The orthodox approach to land planning and management in Australia, and elsewhere, revolved around expert state institutions planning for and managing the use of land and natural resources in the public interest. There has been a loss of faith in the institutional approach to land management. Commentators in the field of indigenous affairs have often been strident critics of a state that has frequently been unresponsive to indigenous interests, and they have been equally quick to embrace the community-based model of land management (Lane and Dale 1995). Others (see, for example, Howitt 1989) have complained that the state has contradictory objectives: concern for social justice and equity on the one hand, and a charter to promote capitalism and industrial development on the other. The state charter to work in “the public interest” has also been criticized for as means to rationalize the unfair treatment of minorities (see Young 1990).¹¹

There are advantages to maintaining a role for a state institution with specific duties in relation to indigenous lands management. Most of these are concerned with ensuring that indigenous peoples continue to have an effective voice in a pluralist, often contested, policy environment. The advantages include: (1) maintaining an indigenous policy perspective within inter- and intra-governmental communication and policy development; (2) providing a *mediating structure* (Couto 1999) to mediate indigenous access to, and participation in, broader systems of land management; (3) provide a mechanism to ensure that state allocation of funds available to indigenous peoples for land management continues; and (4) provide technical support to indigenous landowners in environmental management.

The disadvantages, by contrast, include difficulties associated with: (1) centralized, professional organizations understanding and responding to diverse, locally-derived agenda (Scott 1998); (2) ensuring equity of access to organizational programs and resources—a problem that involves managing the tension between particularist demands from diverse social groups and movements and developing policy in the “public interest” (Young 1990); (3) the slow and

¹¹ I am grateful to an anonymous referee for reminding me of this point.

conservative character of policy change in bureaucratic institutions (Gunderson, Holling, and Light 1995).

B. The Reticulist (or Facilitated Process) Model

In the past two to three decades, three ideas caused a crisis of confidence in the disciplines of environmental planning and management. The attack on the rational-comprehensive model of land management, the demand for citizen participation, and the rise of postmodernism all undermined the foundations, methods, and identity of the profession and the disciplines of planning and management (Hall 1992). If comprehensive rationality was beyond human cognitive capacities, if citizens no longer trusted professional planners and no longer viewed their work as impartial or effective, and if postmodernity had undermined the very basis of planning, then what was left? On what ground could planners/managers stand and how would they work? For some, (such as Hall 1992) the planner became a reticulist—a facilitator whose work was to promote community concerns, aid in the resolution of disputes, and ensure the consideration of all relevant issues.

Environmental management in Australia is crowded with different agencies that have blurred and overlapping jurisdictions as well as diverse programs, ideologies, and methods. A host of commentators on indigenous participation in planning have resorted to the ideas and ideals of equity planning (popular in the 1970s) or, more recently, of the so-called radical planning approach to land management (see Sandercock 1998). The planner's task in this crowded, contested environment is to *advocate* and *facilitate* those least able to have their voice heard in diverse and contested policy environments. This model might be applied by hiring “extension” officers whose task it is to help indigenous communities gain access to mainstream funding programs and other sources of institutional support. Critics of this approach to land management have argued that it fails to adequately grapple with power relations among stakeholders (Healey and Shaw 1994) and that it fails to recognize community agency and strategy in the politics of land and resource use (Lane 1999b).

The major advantages of this model are that (1) it would enable indigenous peoples to access existing, mainstream (rather than indigenous-specific) resources and programs; (2) a focus on facilitation and empowerment might translate into improvements in indigenous capability in the longer term; (3) resources for the management of indigenous lands would be extended by the utilization of mainstream funding sources. The major disadvantage of this model relates to the persistence and significance of barriers to indigenous empowerment and participation (Lane 1997).

C. Community-based Land Management

Contrary to contemporary rhetoric, this is a tried and tested approach. In the early 1970s (and just as participatory approaches were losing favor in urban planning), the community-based model for environmental management developed momentum. The United Nations Conference on Environment and Development, the Brundtland Commission, the 1992 Earth Summit, and

Agenda 21 all gave significant intellectual and political support to this model. It is now evident in the programs of national governments all over the world, and it is advocated by donor agencies and non-government organizations (Leach, Mearns, and Scoones 1999). The community-based model of land management, as we have seen, is important in the Australian context, where the NHT and many of its programs utilize it.

The essence of the community-based model of land management is: (1) government decentralization of authority and resources; (2) devolution to local communities of responsibility for natural resources; and (3) community participation. This is sometimes expressed as “co-management”; that is, as the appropriate sharing of responsibilities for natural resource management between national and local governments, civic organizations, and local communities (Leach, Mearns, and Scoones 1999). Both in Australia and elsewhere, community-based land management is achieved by devolving (financial) resources and responsibility to the local community. Many NHT programs, for instance, involve a process of providing financial grants to community groups who are thus, according to the logic of this approach, enabled to respond effectively to land management problems manifest locally.

The concept of community-based land management emerges from two key hypotheses. First, solutions developed and imposed by centralized bureaucracies are often insensitive to local social and ecological circumstances and are, therefore, ineffectual (Scott 1998). Second, local behaviors and patterns of resource use are of crucial importance to the creation of environmental problems, and locally developed and controlled responses are, therefore, those most likely to be successful in solving them. This is often described as the need for “community ownership” of the solution (Leach, Mearns, and Scoones 1999).

While the community-based approach to land management is clearly favored by policymakers around the world, it has been subject to strident criticism, including: (1) it has a tendency to treat the intended beneficiaries (of devolved funding) as passive recipients of project activities (Primbert and Pretty 1995); (2) its projects tend to be too short-term in nature and over-reliant on external professional expertise; (3) it lacks clear criteria by which to measure success or failure (Western, Wright, and Strum 1994; Agrawal 2000); (4) it represents an attempt to devolve difficult, even intractable policy issues from the government domain to community groups, thus shifting blame and responsibility (Curtis and Lockwood 2000); (5) the interests of certain social groups have been consistently marginalized while the interests of others have been favored (Sarin 1995; Ribot 1999); (6) problems with technical expertise at the local level (Dale 1993)

The advantages of the community-based model, by contrast, are that (1) it improves levels of local control over the land management agenda and process; (2) it avoids or reduces some of the sources of failure associated with institutional approaches; and (3) it is consistent with the principle of indigenous self-determination and enabling communities to respond to their own problems and agenda.

V. TOWARDS A NEW APPROACH: MEDIATED COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT

The foregoing analysis suggests that an improved model might be a hybrid of the institutional and community-based approaches. We might refer to this as “Mediated Community-Based Natural Resource Management.” This hybrid seeks to overcome some of the deficiencies of community-based approaches to environmental management by retaining an active, albeit limited role for agencies of the state. In this prescription, the state’s role is to maintain quality control of technical dimensions, maintain a strategic gaze, and to mediate among contestants for resources and political power. In this way, it is hypothesized that the potential pitfalls of the community-based approach in pluralist democracy, including the marginalization of some actors, and the potential for anti-democratic (clientelist or corporatist) outcomes, can be avoided (Healey 1997).

There are at least five compelling reasons to hybridize the community-based model by maintaining a role for institutions in indigenous land management. These are:

1. While decentralization and devolution continue to prove popular among policymakers, institutions of the state remain vitally involved in land management. These institutions are important with regard to mediating access to funding—from a range of sources—among diverse social actors. Devolution and decentralization without reference to the mediating functions of the state is a recipe for ensuring that existing inequalities in resource distribution would remain unaddressed (Rangan 1999).
2. Different social actors rely on different institutions to support their claims to land, natural, and financial resources. Farmers, for instance, have long had a powerful advocate in departments of agriculture. The maintenance of an agency with distinct responsibilities in relation to indigenous peoples could be of strategic importance with regard to the recognition of indigenous interests in (mainstream) land management policy development. Note that this will inevitably impede the integration of indigenous interests into “mainstream” policy.
3. As the foregoing indicates, an important issue in community-based land management is the need to be cognizant of power relations between social actors. An important reason to marry institutional capacity with community-based implementation is that it ensures effective mediation between diverse indigenous applicants and between indigenous and non-indigenous actors. An (unmediated) community-based approach to land management would almost certainly mean inequitable resource distribution and, as a consequence, unequal treatment of environmental problems.
4. One of the greatest sources of failure in, for instance, indigenous agricultural enterprise development is the lack of effective scrutiny and quality control over technical dimensions (e.g., project planning) (see Dale 1993; Lane and Dale 1995). For a range of reasons, institutional capacity is important to help ensure that the technical work commissioned or conducted by indigenous groups is of the highest possible standard. Improved mechanisms for monitoring and evaluation in the community-based mode are urgently required.

5. An institutional capability enables, among other things, the employment of a strategic perspective. A strategic, or national, perspective is important when it comes to making funding and support decisions on the basis of compelling need (from either a social justice or environmental perspective).

There are advantages to a community-based approach to land management that cannot to be dismissed. These include developing an approach that enables local Aboriginal groups to conduct their own affairs and that minimize the extent of institutional intervention in their lives. The key issue is how to operationalize the ethic of community-based planning without repeating the mistakes that are apparent in this approach in Australia and around the world. The argument being developed here is that this might be best achieved by combining a strong institutional capability with an effective operational approach to community-based planning.

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