czasopismo geograficzne
POLSKIE TOWARZYSTWO GEOGRAFICZNE • POLISH GEOGRAPHICAL SOCIETY
geographical journal since 1923

THE PRESSURES WITHIN A CHANGING LANDSCAPE: HOW INDIGENOUS JOINT MANAGEMENT IS CHANGING CONSERVATION MANAGEMENT PRACTICES IN WESTERN AUSTRALIA

KRAJOBRAZ „POD PRESJĄ": WPŁYW RDZENNYCH SPOŁECZNOŚCI NA PRAKTYKI ZARZĄDZANIA I OCHRONY PRZYRODY W AUSTRALII ZACHODNIEJ

Roy Jones[1], Tod Jones[1], Warrick Fort[1], Xavier Leenders[2]

[1] Curtin University, School of Design and the Built Environment, Perth, WA, Australia,
RJ https://orcid.org/0000-0001-5336-7330, e-mail: r.jones@curtin.edu.au (corresponding author),
TJ https://orcid.org/0000-0003-3188-8359, e-mail: t.jones@curtin.edu.au,
WF https://orcid.org/0000-0003-0312-3068, e-mail: w.fort@curtin.edu.au,
[2] Curtin University, School of Media, Creative Arts and Social Inquiry, Perth, WA, Australia,
https://orcid.org/0000-0002-9229-0046, e-mail: xavier.leenders@postgrad.curtin.edu.au

Abstract

In 2011, Western Australia introduced the requirement of "protecting and conserving the value of the land to the culture and heritage of Aboriginal persons" into the state's Conservation and Land Management Act. While bringing little change to the Indigenous Traditional Owners' perspectives on land management, this became a powerful driver of change within the Western Australian government since it mandates ongoing collaboration between the staff of a government department and diverse groups of Aboriginal people who have different priorities, understandings of land management and decision-making structures to those of the state. These differences between Traditional Owners and conservation managers have both demanded changes to conservation management practices and procedures and generated a source of tension that portends further changes in the state's conservation management practices. Based on 17 interviews with Tradition-

Jones R., Jones T., Fort W., Leenders X. (2024). The pressures within a changing landscape: How indigenous joint management is changing conservation management practices in Western Australia. *Czasopismo Geograficzne*, 95(3): 351–368. https://doi.org/10.12657/czageo-95-15

Otrzymano/Received: 31.01.2024
Zaakceptowano/Accepted: 29.04.2024

al Owners, state-employed conservation managers and non-Indigenous land managers working in Aboriginal organisations, we consider how joint management practices are changing the nature of official conservation management. We document the progress and achievements of joint management to date, notably in the mutual appreciation of cultural and ontological differences and identify the lack of congruence between Indigenous and non-Indigenous boundaries and timeframes as sources of tension and issues requiring ongoing improvements in joint management collaborations.

Keywords: conservation estate, Indigenous land management, joint management, native title, natural resource management, Western Australia.

Streszczenie

W 2011 r. Australia Zachodnia wprowadziła zapis o „ochronie i zachowaniu wartości przestrzennych istotnych dla kultury i dziedzictwa Aborygenów" do stanowej ustawy o ochronie i zarządzaniu gruntami. Choć nie przyniosło to większych zmian w działaniach podejmowanych wcześniej przez rdzenne społeczności zarządzające konkretnymi terenami, stało się istotnym czynnikiem dla funkcjonowania władz Australii Zachodniej. Nowe zapisy ustawy nakazują bowiem nawiązanie stałej współpracy administracji rządowej z różnymi grupami Aborygenów, którzy mają inne priorytety, rozumienie zarządzania gruntami i struktury decyzyjne niż te funkcjonujące na poziomie państwa. Te różnice między rdzenną ludnością a pracownikami administracji odpowiedzialnymi dotychczas za kwestie ochrony przyrody wymusiły zarówno zmiany w procedurach i praktykach zarządzania krajobrazem, jak i wygenerowały źródło napięć, co prowadzi do podejmowania kolejnych decyzji i działań w tym zakresie. Na podstawie 17 wywiadów przeprowadzonych z przedstawicielami rdzennej ludności, administracji rządowej oraz zarządcami gruntów pracujących w organizacjach aborygeńskich podjęto próbę wyjaśnienia, w jaki sposób praktyki współzarządzania przestrzenią i ochrony jej zasobów zmieniają charakter oficjalnego podejścia do tych kwestii przez administrację państwową.

Słowa kluczowe: ochrona zasobów, współzarządzanie krajobrazem, zarządzanie zasobami naturalnymi, zarządzanie gruntami rdzennych społeczności, Australia Zachodnia.

INTRODUCTION

In settler societies, the history of conservation management is complex. Characteristically, Indigenous populations practiced subsistence economies which were, to a large extent, dependent on the maintenance of ecosystems of which they perceived themselves to be a part (McDonald, 2020). European settlers, who arrived in these areas during the so-called 'Age of Discovery', often displacing and, on occasion, enslaving the Indigenous inhabitants, initially held a very different view of the new locations in which they found themselves. They viewed white Christian human beings such as themselves (though not the 'heathen' original inhabitants) as being separate from the natural world and as being

divinely entitled to dominate and exploit the territories that they 'discovered' and claimed as their own (Tawney, 1964).

Diniz (2019, p. 24–25) summarised this colonising shift as follows:

> *As an environmental process, frontier expansion has led to profound transformation of natural systems and the conversion of pristine ecosystems into resource-based units. As a geopolitical process, frontier expansion has promoted the de facto occupation of contested areas thereby providing a rationale for the extension of political sovereignty and hegemonic power over vast regions.*

Subsequently, beginning in the late nineteenth century in America and spreading more widely as the twentieth century progressed, a conservation movement gradually developed, seeking to preserve at least some of these apparently pristine ecosystems and even characterising the actions of some frontier settlers and Indigenous peoples as "Crimes against Nature" (Jacoby, 2014). The hegemonic power of settler governments turned (selectively) from land development to the establishment of conservation estates through the creation of systems of parks and reserves (Fox, 1985; Taylor, 2016). Holmes (2006) saw this shift as being part of a twentieth century 'multifunctional rural transition' whereby, in the developed world at least, non-urban land came to be seen as having value not only for production but also for consumption (i.e. recreation and aesthetic enjoyment) and for the conservation of biodiversity. However, this expansion in awareness of what the environment could provide for humanity did not, at least initially, alter the western scientific view that 'nature' existed separately from 'culture' (or human society) (Descola, 2013; Latour, 2013). Therefore, "(w)ith their emphasis on the need for expert oversight of the environment, conservationists endeavored to concentrate the decision-making power of the state in the hands of a corps of highly trained technocrats" (Jacoby, 2014, p. 6). This dichotomous way of thinking led to the exclusion of Indigenous as well as settler populations from at least parts of the conservation estate (Poirier, Ostergren, 2002).

More recently, both the hegemony and the universality of this Western scientific or Enlightenment view of a humanity-nature binary has been called into question. As early as the mid-twentieth century, Sauer (1963, p. 362) urged geographers "to see the land with the eyes of its former occupants". Hoefle (2023, p. 35–36) refers to "the hundred-year green war between Western colonial science and Indigenous peoples throughout the world". Rather than a 'green war':

> *Radical Ecologists and Environmental Historians of the late 20th century (have) developed a holistic view of science and conservation which mobilized disciplinary knowledge across scales… In (this) holistic view, culture and nature are seen to be*

> *entangled entities and conservation needs to be decolonized of scientific naturalism. (Hoefle, 2023, p. 39).*

This 'holistic view' has been widely accepted worldwide. Tran et al. (2019) identify examples of the co-management of Indigenous Protected Areas in over 20 countries. Australia as a whole, provides clear examples of this sequence of environmental perceptions and the conservation management shifts that resulted therefrom (Bolton, 1992; Broome et al., 2020; Jones, 2023). The Aboriginal Land Rights (Northern Territory) Act 1976 led to the first co-management arrangement for Kakadu National Park and similar processes and policies have subsequently been adopted in all the Australian states (Ross et al., 2009).

Indigenous occupation of Western Australia, over a period of more than 60, 000 years (Dortch et al., 2019), was based on localised and subsistence 'modes of existence' (Latour, 2013). In generally harsh and often changing environments, the Aboriginal population saw their role in relation to their 'country' as being that of "the carers or everything" (Nannup, 2006). British settlers, from the time of their arrival in the early nineteenth century, sought to exploit the resources of their new possession. The 'tyranny of distance' (Blainey, 1966) within a colony of 2.5 million square kilometres, far from the more established settlements in Australia's east and, still further from the mother country, together with the settlers' unfamiliarity with local environmental conditions (Cameron, 1981) meant that this enterprise remained a precarious one. However, the decision to receive British convicts in the mid nineteenth century, when the rest of Australia ceased to do so, and the discovery of gold in the late nineteenth century ensured Western Australia's ongoing viability as an economic and administrative part of the British Empire.

By the turn of the twentieth century, and in line with global trends, a conservation movement emerged and the colony (an Australian state following independence and federation in 1901) established its first conservation reserves (Rundle, 1996). The most important stages in the development of conservation initiatives in Western Australia and the involvement of the Aboriginal community in them are presented in table 1. The earliest parks and reserves reflected the multifunctionality identified by Holmes (2006) and were created with recreation rather than protection in mind, but a growing appreciation the unique nature of Western Australia's flora, fauna and landscapes has led to the designation of a steadily increasing proportion of the state's land area for conservation purposes. A systematic approach to a state-wide reserve system began in the 1970s with the creation of the Environmental Protection Authority (EPA) in 1971 and the passing of the *Conservation and Land Management Act* in 1984.

Table 1. Timeline of Indigenous Joint Management of National Parks in Western Australia

1829	British Colony of Swan River (subsequently Western Australia) established
1900	The first national park in the colony, is designated
1901	The colony of Western Australia becomes a state within an independent Australia
1967	A referendum grants the (federal) government the right to make specific laws concerning Indigenous Australians and to include them in national population counts
1971	The state establishes an Environmental Protection Authority
1976	The Aboriginal Land Rights (Northern Territory) Act passed by the federal parliament
1980	State government inquiry into Aboriginal Land Rights
1984	State parliament passes a Conservation and Land Management Act which does not envisage Indigenous involvement
1985	State parliament fails to pass an Aboriginal Land Bill based on the 1980 inquiry
1987	The state conservation department enters into informal joint management arrangements for some national parks
1990	A meeting between state government representatives and Traditional Owners resolves to pursue joint management initiatives more widely
1992	The Mabo judgement overturns the Australian doctrine of terra nullius and introduces the concept of Native Title over publicly owned and managed land
2002	The Wik judgement clarifies aspects of the national Native Title system
2003	State government issues a policy paper on Indigenous ownership and joint management of conservation lands
2007	The Indigenous Conservation Title Bill (based on the 2003 paper) fails to pass the state parliament – but the conservation department continues its informal joint management arrangements with its current Indigenous partners
2011	The state Conservation and Land Management Act is given the additional objective of "protecting and conserving the value of the land to the culture and heritage of Aboriginal persons", thereby facilitating the more widespread adoption of formal joint management arrangements
2015	Joint vesting arrangements on state land titles are altered to allow Traditional Owners to be formally recognised thereupon
2017	A state Labor government is elected. It gives heightened priority and increased funding to joint management initiatives
2019	The state government's "Plan for our Parks" report envisages the creation of 5 million hectares of jointly managed national and marine parks
2021	The Noongar Settlement establishes a joint management framework for conservation areas in the state's densely populated South West
2022	Joint vesting arrangements are extended to the state's marine parks

Source: own compilation.

While these first moves towards the establishment of a conservation estate were taking place, neither the Australian federal nor the Western Australian state governments recognised Aboriginal law or sovereignty, choosing, in legal terms, to view the land as uninhabited and unclaimed (*terra nullius)* prior to British settlement. Before a referendum in 1967, the Australian Constitution prevented the federal government from making laws about Aboriginal people or even counting them in the census. Up to that point, they had been considered as wards, essentially the property, of the constituent state governments. Following this granting of Aboriginal civic rights, Indigenous land rights legislation began to be enacted in the Australian states and a crucial change occurred in 1992 when the federal Mabo court ruling rejected the fiction of *terra nullius* and consequently recognised the possibility of some forms of Indigenous customary land ownership (Jackson et al., 2018).

In the Mabo case, the High Court of Australia recognised the concept of Native Title and established the bureaucratic means by which this could be achieved. This court ruling raised the possibility that Aboriginal land rights could be granted over pastoral lands leased from state governments, conservation estates, and Crown (government) Land purchased for conservation purposes, but not over privately owned land. Aboriginal groups could become registered for land ownership purposes and could seek Native Title rights over designated land areas from a federal Tribunal. This has proved to be a long and complex process but one which is now firmly in motion. Issues of what land could be claimed and by whom were further clarified in *Western Australia v Ward (2002)* (known as the Wik case) in a ruling that, since then, has driven the growth of Indigenous joint management of parks and reserves and resulted in its growing importance as an issue for state governments across Australia.

This trend developed because the *Wik* case had three important implications for land management. First, state negotiations with Aboriginal groups, particularly if their native title was recognised, often included considerations of conservation. Second, conservation agencies now require agreement from native title holders in order to create new national parks thereby ensuring protection of these areas from activities such as mining. Third, there is a clear risk of compensation liability to Aboriginal groups from the government should native title over an area be extinguished for conservation reasons. State and federal governments had, hitherto, been able to manage their conservation estates using the precepts of Western science with little or no reference to the Aboriginal inhabitants who, nevertheless, still saw themselves as an inherent part of and as the carers of everything on their 'Countries'. But, over a significant and growing number of land areas, overwhelmingly 'whitefella' government bodies and basically 'blackfella' Aboriginal organisations now must cooperate to achieve their environmental (for the government bodies) and much more holistic (for the Aboriginal groups) goals.

These circumstances have driven the engagement by both sides in joint management arrangements over numerous parks and reserves.

Western Australia has large tracts of ecologically significant and frequently protected land which is either claimable under Native Title or where Native Title has already been granted. It is therefore a suitable study area for an investigation of the development of Indigenous Joint Management arrangements over recent decades and for a consideration of the potentials and pitfalls of these initiatives. This study therefore documents the progress of joint management of conservation land in Western Australia over recent decades, and it does so in order to identify both the ways in and the extent to which Western and Indigenous concepts of land and of conservation can be reconciled.

DATA AND RESEARCH METHODS

This research is based on archival and interview information as well as secondary sources. There have been several studies (in particular, Shibish 2015 and Porter and Meyers 2008) of the joint management timeline. The important Department of Biodiversity, Conservation and Attractions (DBCA, previously Department of Conservation and Land Management – CALM) documents are accessible online through the DBCA library. The spatial data on jointly managed parks is available for research purposes through data.wa and we have cross referenced this with public information on joint management.

Our primary research technique was semi-structured, in person, phone or online interviews. Given the (often fraught) history and relationships between the groups, we sought reflexive research methods that would facilitate critical reflection amongst the research team (Dowling, 2010). We used two interviewers for initial meetings and had regular meetings to discuss interview questions and responses. We also consulted with an Aboriginal colleague who had extensive experience with land management research. We were also careful to ensure that Indigenous Cultural Intellectual Property (ICIP) was retained by Aboriginal participants (Janke, 2021). Questions were asked about both DBCA's and the Traditional Owners' experiences of joint management negotiation and administration in order to identify what both groups sought to achieve from the co-management process and the extent to which their aspirations had been or might be realised.

Ethical concerns included the risk of harm to the sensitive relationships between Traditional Owners and DBCA and to relationships between DBCA colleagues. Free prior informed consent was sought at the start of every interview and documented in consent forms. Confidentiality was protected through the use of pseudonyms and the identity of respondents has not been disclosed. The respondents all had experience in negotiations, were senior staff in their jobs and/or community organisations and had excellent English language communication skills.

We recruited respondents through discussions with a senior DBCA colleague who had experience working in joint management, an Aboriginal colleague at Curtin who is well known by Aboriginal land managers, and our personal networks (see Table 2). We spoke with seven staff from Aboriginal organisations who were involved in joint management negotiations or administration. They were familiar with six Prescribed Body Corporates (PBCs) who are the formally registered native title holders. Three respondents are Traditional Owners (i.e. members of the Aboriginal groups registered as part of the Native Title claim process). We interviewed nine DBCA staff, four of whom were based in regional Western Australia (i.e. from outside Perth, the dominant capital city). The interviews were transcribed and thematically coded in NVIVO. A coding framework was developed through a literature review, and we then undertook analytic coding to test the relevance of existing themes and identify new themes.

Table 2. Interview respondents and their affiliations*

Organisation Type	Non-Indigenous	Traditional Owner	Total	Notes	Codes
Prescribed Body Corporate / Aboriginal Corporation	4	3	7	All located in regional areas	PTO1, PTO2, ATO3, PNI1, PNI2, PNI3, PNI4
Conservation Agency	9		9	5 central staff 4 regional staff	CC1, CC2, CC3, CC4, CR5, CR6, CR7, CR8, CR9
Politician	1		1		P1
Other state agencies	1		1		O1
Total	15	3	18		

* There was an overlap in categories so the total number of interviewees is lower than the sum for each organisation type.

Source: authors' interview responses.

RESEARCH RESULTS

The history of joint management in Western Australia

Following Aboriginal land rights protests in 1979–1980, the state government established an inquiry into Aboriginal land rights (Interview CC4). The resulting report included recommendations to acknowledge and protect Aboriginal relationships with and aspirations relating to the use of their lands. However, a subsequent Aboriginal Land Bill was attacked in the local media and failed to pass parliament in 1985 before being abandoned by the Labor state government. Beginning in 1987, senior staff in DBCA (then the Department of Conservation and Land Management – CALM) decided to pursue informal collaborative man-

agement in a small number of high-profile parks (Interview CC1, CC4). A DBCA meeting in the state's remote Pilbara region in 1990 led to a resolution on joint management with Aboriginal people "in the development of management plans for National Parks" (Johnston, 1991) for social justice reasons (Interview CR7) though it was still assumed by the Department that this would be within the context of western scientific conservation processes. These state-based developments preceded what became the national driver of joint management: the establishment of Indigenous land ownership through a native title system from 1992.

In 2003, DBCA released a policy paper on Indigenous ownership and joint management of conservation lands (Department of Conservation and Land Management, 2003) that recommended using a model where inalienable freehold title would be granted to Traditional Owners who then leased their lands to the state for conservation purposes. This model became the basis for the *Indigenous Conservation Title Bill* that went to parliament in 2007. This was an election year and the bill was attacked by the Liberal (a conservative party in Australia) opposition as well as by pastoral and mining bodies (Porter, Meyers, 2008) and failed to pass. However, this left the state without a way to meet their existing commitments to several Aboriginal organisations which had already been granted Native Title rights. Since the incoming Liberal state government required a legislative solution acceptable to those Traditional Owners, leaders of these Aboriginal organisations were able to influence the formation of new legislative arrangements for the state as a whole.

DBCA and the state government made major changes to the Conservation and Land Management Act in 2011. In addition to managing land for the purposes of conservation, research, timber production and recreation, the department was given the additional objective of "protecting and conserving the value of the land to the culture and heritage of Aboriginal persons" (56(2)). This powerful provision now applies to the whole of Western Australia's conservation estate. After the 2011 changes, Aboriginal corporations could enter joint management arrangements in three ways. First, their lands could be reserved by order for the purpose of joint management. This was intended as a temporary solution to deal with existing agreements with Aboriginal bodies that, in some cases, had become permanent. Second, changes to the CALM Act allowed any organisation to enter into joint management agreements with DBCA and for land to be jointly vested without this affecting the underlying title of the land. This section allows land in Native Title ownership to become jointly vested as conservation land that is jointly managed with the state government under the provisions of the Conservation and Land Management Act. While joint vesting and management could be with any party, in practice to date it has involved arrangements between the government and Aboriginal organisations with one exception where a local government is a third partner. Third, there are provisions for Aboriginal body corporates to establish an

agreement to jointly manage land that is jointly or solely vested. Most joint management arrangements after 2011 have used this latter provision.

The Elders and negotiators from the Aboriginal groups with pre-existing informal joint arrangements with the Department had a substantial impact on this legislation as they sought to maintain their existing entitlements under the new, statewide Act. Aboriginal people were given the right of access to the conservation estate for customary purposes including hunting and gathering in 2012. Joint vesting arrangements were amended in 2015 to recognise Traditional Owners on the title and to recognise the role of the Traditional Owner groups in ways that satisfied Aboriginal Elders and their negotiators. While the early joint management arrangements and the CALM Act amendments were instigated by a conservative Liberal government, the election of a Labor government in 2017 heralded increased investment in and commitment to the expansion of joint management. Large areas of land which had formerly been leased to pastoralists (extensive livestock farmers) were purchased and placed in the conservation estate (Hughes, Jones, 2010). The state Treasurer, a Yamatji (Aboriginal) man, sought to channel community investment through the growing number of native title bodies and required state agencies to pursue Aboriginal initiatives.

In 2019, the State Government introduced Plan for Our Parks, an initiative to create five million hectares of new national and marine parks and conservation reserves across Western Australia through joint management arrangements. This will increase the size of the conservation estate by 20 percent. The possibility of joint vesting, and therefore joint management of marine parks was added in 2022. From a conservation perspective, this progression has been transformative over a short space of time due to its scale and approach. The remainder of this paper looks at the spatial and conservation management changes generated by these legislative and political shifts and the issues that this has raised for Traditional Owners and their collaborators.

Socio-spatial patterns of joint management in Western Australia

Joint management is a slow landscape-level transformation process that will take many decades to implement in full. Thirteen years after the 2011 legislation, it is possible to review the early stages of the adoption of joint management and to assess its future expansion in the short term. Before turning to a consideration of these early joint management agreements, it is worth reviewing why Aboriginal groups choose to enter into joint management agreements. Primarily, this is to meet what they perceive as their communal customary responsibilities for land and to ensure Country is healthy and in the right relationship with its people in accordance with the directions of Elders and ancestors (Interview PTO2) (Muller et al., 2019). A Traditional Owner made this clear to us:

This was our Elders' vision. It is a country of history, culture, uniqueness, vision. We've got our old people on the ground looking after Country. This is fulfilling our Elders' vision. Here we are protecting heritage sites, looking after the Country. (Interview PTO2)

Joint management addresses some of the barriers to Aboriginal land management objectives. It provides liability insurance for their activities on Country and, through Indigenous Land Use Agreements, provides financial resources for land management (Interviews CC1, CC2) although these may not always cover all the costs of providing these services (Interviews PTO3, PNI1, PNI2). Joint management is also the highest form of protection against mining (Interview CC2). This is highly attractive to Aboriginal groups in mineral-rich regions in a state that generally facilitates mining exploration and licensing.

Early joint management agreements were finalised in remote areas where native title had been first recognised, in the northern Kimberley and Pilbara regions of the state. Early agreements in 2003 and 2006 preceded and shaped the current joint management arrangements using various provisions which were later incorporated into the 2011 CALM Act. While the original cases were all terrestrial, the next wave of conservation designations included marine parks as well as further terrestrial reserves in the Kimberley. Up to 2016, these joint management arrangements were still largely located in northern Australia.

An important aspect of the 2011 CALM Act is that joint management agreements can be entered into with Indigenous groups who are not native title holders. This is an important provision for land justice in cases where traditional owners have been denied recognition of their native title (Wolfe, 1999). The joint management framework therefore has the capacity to address both past and present land injustices and to generate resources for achieving community objectives of groups whose native title is determined to have been extinguished.

Following these precedents in the remote and sparsely settled parts of the state, joint management of conservation lands in the southwest of Western Australia is currently being negotiated by the South West Aboriginal Land and Sea Council (SWALSC) and the state government. This region contains large areas of privately owned farmland and many urban settlements, including the capital city of Perth, with a population of over 2 million people. It is therefore largely composed of land ownership categories which are not claimable under Native Title. Nevertheless, a 2006 decision recognised that the local Noongar Aboriginal people did retain native title rights, and SWALSC pursued a negotiated settlement that resulted in six Indigenous Land Use Areas being registered in 2021. In the Noongar Settlement, 'cooperative management agreements' will cover six defined Aboriginal settlement areas and will strategically focus on local joint management arrangements. These agreements must meet the overall terms of the Noongar Settlement which

include cooperative and joint management and specify that 300,000 hectares of reserve or leasehold land and 20,000 hectares of freehold land will constitute the Noongar Land Estate. There is a commitment to the establishment of six joint management agreements in the first five years of the Noongar Settlement and a further six in the following five years. This process will guide the continued expansion of joint management into the more populated southwest of the state. The (brief) experience of joint management to date has largely taken place in remote and sparsely settled areas where the main land uses have been extensive pastoralism, mining, fishing and eco/adventure tourism. This recent initiative therefore also has the potential to generate a new and wider range of problems and conflicts in a more varied, complex and populated environment.

Challenges for joint management partners

While Aboriginal anger and resentment resulting from the historical actions of governments and settlers remains a barrier to engagement, our interviews indicate broad agreement about the importance of joint management and its potential to contribute to the goals of both Traditional Owners and conservation managers (Interviews PTO1, PTO2, PNI3, CC1, CC5, CR7, CR8). There is evidence of an expanding and diversifying conservation workforce with a much larger number of Aboriginal staff and rangers, working on a broader range of activities, and of a growth in cross-ontological capacities and appreciations among non-Aboriginal staff. However, here we focus on underlying issues that still present major challenges for joint management.

A significant underlying issue is that DBCA and Traditional Owners often operate within and are focussed on different geographical and social scales. There are issues of spatial alignment between Traditional Owners' Countries and national park boundaries. These are most acute in places where, as a result of protracted periods of Aboriginal dispossession and disruption, boundaries between Indigenous nations/groups are unclear and may be disputed. Even after the legal processes of the Native Title Tribunal have determined the boundaries of the various land claimant group territories, different parts of a park or reserve may have been allocated to different Aboriginal groups with whom separate joint management agreements will be required. A further problem is that conservation area boundaries may only cover a small part of the Traditional Owners' Country, so their management aspirations are much broader in spatial terms:

> *I presented in detail, like, this is our landscape management aspirations and they definitely said, yes, we'll look at it. But what the planning team or their negotiation team then has to do is go back to Treasury and government and say, it's bigger than what we think because […] it's not just this national park (Interview PNI4).*

Secondly, Aboriginal groups' aspirations for their communities are interwoven with work on and for Country, which extends far beyond Western scientific concerns for biodiversity. This is creating further functional challenges for a government agency whose primary focus has traditionally been on nature conservation and visitor management:

> *For us, joint management is tied up with social development, community development, or you know, overcoming disadvantage, all those sorts of things. Well, if ever there were problems that present itself that no one knows that the challenge is, it's in relation to Indigenous disadvantage, you know, social disadvantage and disengagement. And also probably management of country, you know. I don't think […] DBCA have all the answers for really to how to manage this estate (Interview PNI3).*

Joint management requires a scalar alignment to demonstrate how park managements can work with and not fracture the coherence of Traditional Owners' approaches to and concerns for their Countries and communities.

Thirdly, and understandably, conventional park management and processes (both statutory and internal) do not necessarily align with Traditional Owners' desire for a degree of control over processes and over priority settings relating to what they perceive as their land and resources (Interview CC1). A Traditional Owner saw the issue of 'control' and who gets 'final say' as a major sticking point:

> *I think yeah, the biggest one coming is that joint management, who's the authority who's the final arbitrator? And it's not all about government (Interview PTO1).*

This was well understood by DBCA senior staff, who view the current statutory arrangement whereby the Minister has final say as a necessary compromise:

> *there's always the tensions around... we want full control, or we want more control. […] we can't enter into an agreement that says actually the Minister for Environment's not responsible, ultimately, and we can agree on a price that's outside of that. […] But then on the flip side of that you have the whole, well if you are ultimately responsible, then you're also ultimately liable and... you've got the insurances, you've got all those costs, that come into things that are there, and then you might not get... the same types of protections for Country (Interview CC2).*

However, there are two reasons why Traditional Owners may not be willing to make these compromises. First, they have other alternatives for collaborative management:

> *The other thing that will come or is coming is there'll be more joint management that is not necessarily led by and with government, there'll be people deciding, "oh I'm going to do this with Bush Heritage or AWC (non-governmental conservation groups), or other people, not government". And in the Pilbara, that, to some extent may be happening with all the mining companies who own pastoral leases (Interview PTO1).*

Second, with the advent of these other options, Aboriginal organisations are increasingly examining the joint management model to see if it will deliver the resources they require (Interview PTO1, PNI1, PNI3, PNI4) and many are concerned that their costs will not be covered in the existing or proposed agreements. There are also the dangers of becoming dependant on temporary program/project funding and of shifts in political cycles. Although the current state government is favourably disposed to both Aboriginal empowerment and joint management of the conservation estate, this may not be the case in the longer term (Interviews CR6, CR7, CR8, CR9, O1). The solutions to these issues require both sides to understand that the priorities of DBCA and Traditional Owners will overlap rather than coincide and that there is a need to develop partnership models that seek to change those parts of the system that inhibit or prevent collaboration.

DISCUSSION

The growth of joint management of Western Australia's conservation estate is an emerging path in regional planning that responds to both environmental degradation and the rights and needs of Aboriginal people (Tonts, 2020). This paper documents how a combination of Traditional Owners' advocacy through land rights and native title litigation and a commitment within DBCA to pursue collaboration have transformed conservation management in Western Australia over the recent past. While Native Title has been a key driver, social justice and electoral politics have also been relevant factors. Traditional Owners in the Kimberley have been particularly influential. Their early advocacy and engagement were key to framing the 2011 CALM Act in a way that put relationships between Traditional Owners and the state government at the centre of conservation area concerns.

These institutional and relational changes are driving landscape level changes in Western Australia. The practice of joint management is extending southward, and it is becoming the basis for the management of coastal and marine as well as terrestrial areas. This trend mirrors that of the extension of native title where central and northern Traditional Owners won recognition of their rights to land before western and southern groups. The Noongar Settlement is nearing a phase where southern national and marine parks will shift to joint management over the next five years. Joint management also provides a mechanism for Traditional

Owners whose Native Title was judged to be extinguished to once again make decisions about parts of their Country through partnerships with DBCA.

The future challenge for joint management, and, by extension, for the further expansion of the conservation estate, will hinge on the decisions of Traditional Owners whose plans for their Countries have a wider remit than those of DBCA, one that strongly emphasises community development. Joint management processes and planning need to find ways to align Traditional Owners' broader visions and aspirations for their Countries and communities with DBCA's current responsibilities. Traditional Owners have reservations about their 'control' over final decision making and about the western-centric/bureaucratic nature of other administrative processes. They are wary of committing to models that may not provide them with sufficient resources in the longer term, since Australia has historically underfunded both conservation management and the amelioration of Aboriginal disadvantage. The success of joint management will hinge on DBCA's capacity to continue to change the processes and parameters of joint management to address Traditional Owner priorities and approaches. If this can progress as it has in the recent past, the relationship will continue to transform conservation management in Western Australia. Traditional Owners are powerful partners who are likely to insist on getting involved in discussions about funding priorities, particularly when it comes to management of their Countries. This deeper engagement, about the purposes of conservation management and the priority it receives from the Western Australian government, has the potential to ensure that both DBCA and Traditional Owners can find the necessary alignments to become strong and continuing partners. Legal acknowledgement of, and changing opinions about, Indigenous land ownership and Indigenous peoples' advocacy are driving collaborative approaches to conservation land management. However, further reforms and continuing, if not increasing, flexibility are needed if Indigenous peoples' aspirations for their lands and communities are to be achieved through these ongoing processes.

CONCLUSION

In a rural world transitioning towards multifunctionality, it is inevitable that contestations (Cloke, Little (eds), 1997) will occur between groups seeking to privilege some rural functions over others. Hughes and Jones (2010) illustrate how the resumption of some pastoral stations in remote Western Australia for conservation purposes has disrupted the productive activities of the remaining pastoralists on the surrounding properties. Differences can even occur between subgroups with the same functional priority. In the rural-urban fringes of Adelaide, Bardsley et al. (2021) identified conflicts between local inhabitants and government agencies both of whom seek conservation outcomes. The former group seeks to minimise

bushfire risk and the latter seeks to maximise biodiversity. Both Cloke and Little (1997) and Bardsley et al. (2021) raise concerns over the marginalisation of certain groups and viewpoints within such rural contestations.

This issue of marginalisation is particularly relevant in cases where Indigenous groups in settler societies seek input into discussions over environmental conservation. Not only have Indigenous groups characteristically been marginalised in social and political terms, but their world views with relation to both culture and the environment were traditionally dismissed by modernist and positivist Western science. Thanks to a combination of a flexible approach by a state government department and a major legal shift over land ownership at a federal level, Western Australia has made progress towards responding to Indigenous people and Indigenous viewpoints in its conservation practices in recent decades. Whether or not this trajectory can be sustained remains uncertain but, to date, it provides an example of a reflexive (Bardsley et al., 2021) or a relational (Hoefle, 2023) pathway to conservation management that acknowledges that "there is no culture or nature, but rather level relational fields of humans interacting with non-humans" (Hoefle, 2023, p. 63). As such this state-based study contributes to a wider debate on how Indigenous peoples worldwide can "take steps to assert their self-determination and responsibilities to lands and waters, even with colonial legacies" (Tran et al., 2019, p. 12).

BIBLIOGRAPHY

Bardsley D., Bardsley A., Moskwa E., Weber D., Robinson G. (2021). Challenges in the co-managment of biodiversity in a reflexive modernity. *Geographical Research*, 59(3): 362–377.

Blainey G. (1966). *The Tyranny of distance: how distance shaped Australia's history*. Melbourne: Sun Books.

Bolton G. (1992). *Spoils and spoilers: a history of Australians shaping their environment*. Second ed. North Sydney: Allen and Unwin.

Broome R., Fahey C., Gaynor A., Holmes K. (2020). *Mallee country: land, people, history*. Clayton, Victoria: Monash University Publishing.

Cameron J. (1981). *Ambition's fire: the agricultural colonization of Western Australia*. Nedlands: University of Western Australia Press.

Cloke P., Little J. (eds) (1997). *Contested countryside cultures: rurality and socio-cultural marginalisation*. London and New York: Routledge.

Department of Conservation and Land Management (CALM) (2003). *Indigenous ownership and joint management of conservation lands in Western Australia Consultation Paper*. Government of Western Australia.

Descola P. (2013). *Beyond nature and culture*. Chicago: Chicago University Press.

Diniz A. (2019). Conceptualizing the frontier. In: R. Jones, A. Diniz (eds), *Twentieth century land settlement schemes*. London and New York: Routledge, p. 11–27.

Dortch J., Balme J., McDonald J., Morse K., O'Connor S., Veth P. (2019). Settling the west: 50 000 years in a changing land. *Journal of the Royal Society of Western Australia*, 102: 30–44.

Dowling R. (2010). Power, subjectivity and ethics in qualitative research. In: I. Hay (ed.), *Qualitative Research Methods in Human Geography*. 3rd ed. Oxford: Oxford University Press, p. 26–39.

Fox S. (1985). *The American conservation movement: John Muir and his legacy*. Madison, Wisconsin: University of Wisconsin Press.

Hoefle S. (2023). Spirits in the wood: a relational socio-ecology of the Brazilian 'wilds'. *Treballs de la Societat Catalana de Geografia*, 96: 33–66. https://doi.org/10.2436/20.3002.01.241

Holmes J. (2006). Impulses towards a multifunctional transition in rural Australia: gaps in the research agenda. *Journal of Rural Studies*, 22: 140–160. https://doi.org/10.1016/j.jrurstud.2005.08.006

Hughes M., Jones R. (2010). From productivism to multifunctionality in the Gascoyne-Murchison Rangelands of Western Australia. *The Rangeland Journal*, 32(2): 175–185.

Jackson S., Porter L., Johnson L. (2018). *Planning in Indigenous Australia: from imperial foundations to postcolonial futures*. London and New York: Routledge.

Jacoby K. (2014). *Crimes against nature: squatters, poachers, thieves and the hidden history of American conservation with a new afterword*. Berkeley and Los Angeles: University of California Press.

Janke T. (2021). *True tracks: respecting Indigenous knowledge and culture*. Sydney: New South Publishing.

Johnston E. (1991). *Final report of the Royal Commission into Aboriginal Deaths in Custody*. Canberra: Australian Government Publishing Service.

Jones R. (2023). Changing ideals and realities: a longitudinal view of rural Western Australia. *Journal of the Royal Society of Western Australia*, 106: 1–8.

Latour B. (2013). *An inquiry into modes of existence*. Cambridge, Mass.: Harvard University Press.

McDonald J. (2020). Serpent's Glen: new histories for deep time attachment to Country in Australia's Western Desert. *Bulletin of the History of Archaeology*, 30, 5. http://doi.org/10.5334/ba-624

Muller S., Hemming S., Rigney D. (2019). Indigenous sovereignties: relational ontologies and environmental management. *Geographical Research*, 57(4): 399–410. https://doi.org/10.1111/1745-5871.12362

Nannup N. (2006). *Moondang-ak kaaradjiny: the carers of everything*. Batchelor, Northern Territory: Batchelor Press.

Poirier R., Ostergren D. (2002). *Evicting people from nature: Indigenous land rights and national parks in Australia, Russia and the United States*. Natural Resources Journal, 42: 331–351.

Porter M., Meyers G. (2008). Indigenous joint management of national parks in Western Australia. *eLaw Journal*, 15(2): 262–274.

Ross H., Grant C., Robinson C., Izurieta A., Smyth D., Rist P. (2009). Co-management and Indigenous protected areas in Australia: achievements and ways forward. *Australasian Journal of Environmental Management*, 16: 242–252.

Rundle G. (1996). History of conservation reserves in the south-west of Western Australia. *Journal of the Royal Society of Western Australia*, 79(4): 225–240.

Sauer C. (1963). Forward to historical geography. In: J. Leighly (ed.), *Land and Life*. Berkeley: University of California Press, p. 350–379.

Shibish L.-A. (2015). *The evolution of joint management in Western Australia parks and the indigenous tourism nexus*. Masters thesis. Edith Cowan University, Perth.

Tawney R. (1964). *Religion and the rise of capitalism*. Harmondsworth: Penguin.

Taylor D. (2016). *The rise of the American conservation movement: power, privilege and environmental protection*. Durham, North Carolina: Duke University Press.

Tonts M. (2020). Developmentalism, path dependence and multifunctionality: reflections on Australian rural planning cultures. *Planning Theory and Practice*, 21(5): 776–782. https://doi.org/10.1080/14649357.2020.1853438

Tran T., Ban N., Bhattacharyya J. (2019). A review of successes, challenges and lessons from Indigenous protected and conserved areas. *Biological Conservation*, 241: 108271. https://doi.org/10.1016/j.biocon2019.108271

Wolfe P. (1999). *Settler colonialism and the transformation of anthropology: the politics and poetics of an ethnographic event*. London: Cassell.