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Beyond Yellowstone? Conservation and Indigenous rights in Australia and Sweden

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Abstract

Faced with the paradox of a large global increase in conservation reserves and a simultaneous global decrease in actual effective protection for biodiversity, conservation scientists and others are questioning established conservation theory and practice. Conservation is largely a 'residual' landuse, which often conflicts with another residual landuse, the remaining lands owned or accessed by Indigenous peoples. I argue that the Western conservation model has created this situation, and that engaging with Indigenous ways of relating to 'nature' could lead to improved outcomes. From the basis that environmental problems are fundamentally social problems, and using case studies from Australia and Sweden, I contribute to explorations of new paradigms in environmental and social relationships between Indigenous and non-Indigenous peoples.

Keywords

conservation, national parks, Aboriginal, indigenous, Sweden, Australia

Disciplines

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Beyond Yellowstone? Conservation and Indigenous rights in Australia and Sweden

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Introduction

Rapid social transformations are affecting local communities and national societies throughout the world. These transformations are accompanied by ecological changes at all scales. While the Western approach to the conservation of 'nature' and 'culture' (protected areas¹, sites and regulatory approaches) has been adopted globally, there is growing recognition that it is inadequate. At all levels (global, national and regional), these regulations and protected areas, while increasing in extent in all jurisdictions, are failing to adequately protect biodiversity, and also failing to adequately protect areas, items and processes of cultural significance. These failures are likely to derive from factors embedded in scientific and institutional processes for conservation of 'nature' and 'culture'. Governments have also not adequately examined the role of cultural (social) processes in environmental management and decision-making. Increasing understanding of the artificiality of the separation of 'natural' and 'cultural' values further emphasises the significance of social dimensions in conservation processes. The new global agenda set by the 2003 V World Parks Congress will help frame national and regional initiatives. This agenda argues that conservation is a *social* issue, as much as a biological one, and effective conservation will only be achieved *with* people, particularly Indigenous peoples, rather than in spite of them (Phillips 2004).

My recent and continuing research examines the interplay between two fundamental aspects underlying these processes of transformation: human-nature (ecological) relationships, and Western-Indigenous (social) relationships (Adams 2001, Adams 2004, Adams and English 2005, Head, Trigger and Woodward 2004). These two sets of relationships are linked in a number of ways, and I am interested in both the oppositions and the linkages between them. The long-established human-nature dualism of the West is the foundation for the concept of protected areas: places where 'nature' is protected by keeping humans out; contrasting with the inclusive epistemologies of many Indigenous cultures, which situate people as part of their ancestral estates. In many modern Western societies, Indigenous peoples persist with a marginalized and contested status: their 'authentic' Indigeneity questioned by the dominant society, and a log of unmet claims for territorial and other rights contesting hegemonic claims by the State.

Focus on both local case studies and the larger national and international framework provides insights for development of both theory and policy. Australian policy has variable success in engaging with both of these macro-challenges, with some successes in joint-management arrangements for Aboriginal 'owned' national parks, and some spectacular failures in addressing Indigenous native title and land rights. In Sweden, interaction between the earliest European national park system; the ancestral lands of the only European Indigenous people (the Sámi); and a unique system of access rights (*allmansrätten*, 'everyman's right', explained below), generate significant research findings, and research questions, in these areas. A critical issue is the silencing of Indigenous voices in this debate. The West privileges the written word, and consequently much advocacy by Indigenous people 'disappears' if it is not in published form. In both countries, major court cases concerning the contemporary persistence of ancient Indigenous rights have foundered on the orality, as opposed to literacy, of Indigenous history (Baer nd, Behrendt 2003). In published material, it is Western-framed positive stories about and

¹ Although there are a range of protected area types, the terms 'protected area' and 'national park' are used interchangeably in this paper.

by Indigenous people which are often visible, with Indigenous critiques marginalised by the demands of the publication process.

Neither Sweden nor Australia has constitutional recognition of the rights of Indigenous peoples (in contrast to, for example, Norway and Canada). While in Sweden, Sámi usufructuary rights may be eroding, they have essentially the same socio-economic status as other Swedes (Hahn 2000, Beach 2001). In Australia Aboriginal people have regained ownership rights to 15-18% of the land area, very unevenly distributed, but have a huge disparity in socio-economic status from other Australians (Pearson 1997, Pollack 2001). Indigenous rights and Indigenous socio-economic status, for both countries, are strongly linked to outcomes relating to land access and conservation issues. While here I approach these issues from the point of view that positive outcomes for conservation can be achieved, my argument is given direction by expressed Indigenous aspirations which argue that the recognition of Indigenous social justice claims can be achieved within innovative conservation scenarios (Langton 1998, Lehtola 2004).

Policy trajectories

The establishment of Yellowstone National Park in 1872 in the United States set the basis for one major component of the conservation movement: 'protected areas' or national parks (Stevens 1997). The other major component, regulatory approaches, has developed steadily since the 1970s. I will focus primarily on the protected area component.

At the V World Parks Congress, the *2003 United Nations List of Protected Areas* was released. This document lists over 100,000 protected area sites, which cover 18.8 million hectares, or over 11% of the Earth's land surface. This is more than that under permanent arable crops. The rate of increase accelerated markedly from the 1970s (Chape et al 2003). Somewhat in contrast to the focus on the increase in conservation tenure, the 2003 Congress had a strong engagement with social issues, including poverty alleviation, social justice and community involvement in conservation, including new forms of conservation governance (Andrade 2005). This shift (from a previously more overtly 'biodiversity' focus) has been perceived, at least by some, as having negative outcomes for conservation science (Terborgh 2005).

Australia has been an active and early creator of national parks, with Royal National Park (near urban Sydney) declared almost simultaneously to Yellowstone, and 8% of the country in protected areas. In Australia, each State and the federal government has specific national park agencies dedicated to providing visitor and conservation management (Figgis 1999). Sweden has been a European leader, with Europe's first national parks in 1909, and around 8% of the land area as protected area (Tilton 1998).

The 'Yellowstone model' for parks applies in both Sweden and Australia: precise boundaries, State owned, and with people present as visitors only. Globally, the last decade has seen significant change in approaches to protected areas and conservation policy, with new models developed to strengthen local peoples' influence, and provide a spectrum of tenures and policy instruments for conservation (Figgis 2003, Phillips 2003). In Australia this has been expressed in joint-managed national parks, including World Heritage Areas (Uluru-Kata Tjuta and Kakadu National Parks). In Sweden there is not yet an explicit expression of changing global agendas.

Approximately parallel to the international policy focus on the creation of protected areas, there was also a major focus on Indigenous peoples' rights. In Australia, the Northern Territory Land Rights Act was gazetted in 1975. The court cases which were to culminate in the High Court 'Mabo' decision and the Native Title Act (1993) began in the late 1970s. These laws and court decisions established at least a partial basis for addressing Aboriginal land claims and social justice issues, stemming from 200 years of colonial dispossession. In Scandinavia, the 1970s saw rapid development of policy concerning Sámi. In Sweden the Reindeer Herding Act (1971), with subsequent revisions, has been the basis for Sámi policy through into the twenty first century (Beach 2000). This Act has been the basis for establishing in law immemorial Sámi

grazing rights. While these legal processes recognized some level of Indigenous land and use rights, they also simultaneously attempted to circumscribe the future extent of those rights (Baer, nd). In both countries, subsequent legislative revisions or amendments have been largely negative for Indigenous aspirations.

Residual Lands

Despite the national and global focus on protected areas, significant research indicates that conservation is largely a 'residual' landuse, which often overlaps and conflicts with another residual landuse, the remaining lands owned or accessed by Indigenous peoples.

Conservation lands are *not* primarily representative of biodiversity distribution or rare species habitats, they are representative of areas that are not required for other purposes. In Australia and many other nations, government conservation and environment agencies are relatively minor players in the politics of government, and other agencies with influence over land management (such as urban planning, natural resources and agriculture) dominate decisions about land use.

For Australia overall (Sattler et al 2002, and earlier qualitative assessment by Hall 1992), national park lands are inverse to 'land use potential'. Earlier work in the USA also identified this phenomenon (Runte 1979), using the expression 'the worthless lands thesis'. While for both countries there is also a historic trend to conserving areas of high scenic value, which often correspond to ruggedness or low potential for other land uses, it is the prioritisation of other land uses which has been the primary determining factor.

For Sweden, four national parks (Sarek, Stora Sjöfallet, Muddus and Padjelanta) constituted 83% of the total national park area of Sweden in 2003 – these are all in the mountains (high scenic value and low landuse potential), and north of the Arctic Circle (Tilton 1998, Dahlström 2003). These parks comprise the Laponia World Heritage Area, declared in 1996. Research for other countries, both western and non-Western, indicates similar patterns (for example Aiken 1994, Barnard et al 1998, Ranta et al 1998, Knight 1999, Pressey et al 2000). Conservation has generally been residual to other competing land uses, and this broad process is continuing.

In Australia, a key factor in this situation is the particular Western construction of 'conservation'. Once parks are declared, they are generally accepted as representing 'nature', meaning that the land outside them (both State and private) is available to be used in ways which do not have to consider the sustainability of their natural values, because those are already 'looked after' in the national parks (Adams 2001). Private property rights in Australia are strongly defended: 'trespassers will be prosecuted' is a common sign. Similarly, the difficulty of creating legislation to control large scale tree clearing on private farms indicates the strength of landowners, who have successfully argued for decades for their right to clear land, largely irrespective of the environmental impact.

This contrasts with Sweden, where the concept of *allmansrätt* has enshrined the right of public access across private property, as well as ensuring wild harvest rights for certain plants are available to all Swedes, irrespective of tenure and indigeneity. *Allmansrätten* derives from an ancient medieval right of travel, and allows anyone in Sweden to walk across any land tenure, camp, light fires and harvest berries and mushrooms, as long as broad obligations to respect privacy and not cause environmental damage are respected. A potential consequence of *allmansrätten* is a reduction in visitor pressure in national parks: when the population has the right to roam freely across the whole countryside, there is less need to make national parks the focus of nature tourism (Tilton 1998). The other significant consequence is the responsibilities that are linked to the rights: there is a strong Swedish environmental ethic, in part a product of *allmansrätten*: taking care of the country to which you have access. This may be a partial explanation for the lack of a specific national park agency in Sweden: a strong environmental

ethic, a distribution of impacts across more terrain, and the involvement of other organizations in providing visitor facilities, means there is perhaps less need for a management agency.

Residual Rights

The areas where national parks are concentrated, in Australia and in Sweden, are coincident with the areas where Indigenous peoples continue to have rights. In Sweden, protected areas situated within Sámi reindeer herding territories are 94% of the total national park area of the country (Dahlström 2003). While many Sámi people in Sweden now live in urban areas, only Sámi in reindeer herding communities have legally acknowledged cultural rights in relation to land and resource use. In Australia, Aboriginal native title rights survive in very many national parks, and a number of parks have been successfully claimed under land rights legislation (Adams 2004, 2001). National parks also coincide with many aspects of Aboriginal cultural heritage, including archaeological sites, artefacts, and sacred and ceremonial places. This coincidence of values has had uneven outcomes for Aboriginal aspirations, with an increase in Aboriginal control in some places, and a loss of control in others where the State has decided other values will take precedence.

In both countries, many of the remaining areas of State-owned land ('Kronomark' in Sweden, 'Crown land' in Australia) are disputed between the State and Indigenous peoples. In Sweden, Sámi assert that the State has no documentation of any process to gain title to Sámi lands (Hahn 2000). To date, however, there has been no acknowledgements from the Swedish government of the legitimacy of Sámi claims, and Sámi perception is clearly of a continuing erosion of rights. In Australia, Crown lands are explicitly available for claim by land rights and native title legislation (Pearson 1997). In both countries these remaining State lands are also typically where new national parks are designated, because there is no cost to their acquisition, an important factor when budgets are severely limited.

Limits to the Western paradigm, and learning from Indigenous peoples

The Western national park paradigm, the 'Yellowstone model' is not delivering effective conservation in Australia – Australia has the worst recent record of mammalian extinctions in the world, and massive species declines continue (Sattler and Creighton 2002). Species decline may not be a major issue in Sweden, but conventional national parks will not be effective in conserving and expanding the range of large carnivores and other species, partly because of the uneven distribution of protected areas across the landscape.

It is important to note that the conservation lands referred to so far are, in both Sweden and Australia, quite clearly *cultural* landscapes. They have cultural significance for their Indigenous peoples, but they are also created, shaped, by cultural forces, human activities. Eight thousand years of reindeer grazing, and more recently, centuries of organized herding with 250,000 reindeer, have unquestionably shaped the ecological characteristics of the mountain and forest landscapes of northern Sweden² (Moen and Danell 2003). The Sámi researcher Veli-Pekka Lehtola suggests '[m]any Sámi believe that the balance between people and Nature can be restored only by respecting the knowledge gleaned by Sámi living close to nature through the ages' (Lehtola 2004, p 88). Tens of thousands of years of Aboriginal burning practices has created the Australian landscape (Langton 1998). Western conservation models have essentially ignored this, but there is now increasing evidence of the need to engage with Indigenous issues and Indigenous ways of interrelating and influencing the environment. Langton, an Aboriginal academic, argues that:

...Aboriginal people and their land management traditions have also been rendered invisible in Australian landscapes, not only by legal but also by 'science fictions' that arise from the

² The whole Swedish landscape obviously has a long history of human interaction with other cultural groups as well as Sámi, and there are contemporary debates about what is a 'natural' landscape.

assumption of superiority of Western knowledge over indigenous knowledge systems, the result of which is, often, a failure to recognize the critical relevance of these latter to sustainable environmental management' (1998, p 9).

In Australia, changes to 'natural' landscapes which have developed in the two centuries since colonization have made obvious the significance of Aboriginal practices of landscape manipulation. In Aboriginal-owned national parks, insistence by Aboriginal owners has led to Indigenous practices sometimes being reinstated, often using new technology but adhering to ancient objectives (Whitehead *et al* 2003, Baker and Davies 2001). Some endangered species are dependent on such practices for survival. State conservation objectives become linked to Indigenous knowledge, and Indigenous rights.

Reindeer have been in Lapponia since the last glaciation (9,000 years), and have been semi-domesticated by Sámi for centuries. Vegetation complexity is influenced by reindeer grazing, and large carnivores are dependent on reindeer for prey. Conservation objectives, such as the government's stated intent to increase the numbers of large carnivores, become linked to Sámi reindeer herding rights, as all reindeer in Lapponia are owned by Sámi. To date however, there is little acknowledgement of the complexities of these links beyond a disputed compensation payment for predator-killed reindeer (Beach 2000, Dahlström 2003).

Complementarity

Indigenous relationships to land are typically on the ground, situated and engaged. The Western, State controlled, conservation relationship to land is separated, abstract and remotely-sensed. This paper is about the relationships between these two sets of people, and their various relationships to land, and about rethinking these relationships.

In both countries, settler-Indigenous relationships are characterized by conflict, and nature-human relationships are characterized by 'command and control' processes of resource management. Western forms of knowledge have been dominant and exclusive. The outcomes are serious environmental problems and serious problems of social conflict and exclusion. In Sweden in the mid-twentieth century, perceived issues of Indigenous reindeer-herders socio-economic disadvantage were addressed by the State coercively 'modernising' reindeer herding. Sámi economic status has been improved by technological change, which is, paradoxically but predictably, now used as an argument by many in the Swedish population to suggest that Sámi are no different to other Swedes, and that their herding technology causes environmental damage in the mountains. In Australia, Aboriginal socio-economic disadvantage is persistent. In at least the north of Australia (equivalent in many ways to northern Sweden), there is strong evidence that Aboriginal well-being could be addressed by supporting Aboriginal aspirations in accessing and managing their own 'traditional' country. This could improve Indigenous health and economic status, as well as ensuring healthy conservation landscapes by supporting the continuation of Aboriginal land management practices (Altman 2003).

Deborah Rose, paraphrasing Aboriginal elder David Burramarra, asserts that 'human and ecological rights are most properly embedded each within the other' (Rose 1996, p 86). While combining complementary Western ways of knowing with Indigenous ways of knowing can create innovative solutions, there are problems in taking aspects of knowledge out of the context in which they are contextualized.

It is possible that this can be addressed geographically. Supporting conditions where there are localized opportunities for the expression of Indigenous knowledge, with access to information derived from Western sources (for example, remote sensing, large scale species surveys), may create effective solutions to environmental and social issues. Indigenous people apply adaptive, ancient responses to local situations affected by modern problems, but in landscapes shaped by millennia of cultural continuity.

Conservation landscapes are excellent potential sites for rethinking the relationship between settler/Indigenous, and nature/society (Kendrick 2003). Successful meetings between dominant and Indigenous societies require casting off a relationship based on a hierarchy of difference. Instead, these sites create an opportunity to explore a *complementarity* between world views. Complementarity is expressed through beliefs, in knowledge, in geographic scale, and in capacity.

Negotiations about the meanings and control of conservation landscapes can proceed past hegemonic assumptions and policy inadequacies. Agreed on-ground outcomes can respond to both sets of worldviews: values and beliefs can be different but respected. Valuing place, and people's relationship to place, is a key component.

Processes for ensuring Indigenous peoples have the right to make decisions about their lands and cultural processes are an essential element. If the State wants a particular outcome from Indigenous territories, then there needs to be some fair exchange, and a cooperative system for implementing decisions and supporting the cultural processes involved. In Lapland, a conservation goal of increasing the numbers of large carnivores means agreed, appropriate compensation; cooperative assessment of reindeer losses to Sámi; and a clear picture of how this will be managed over time. In Australia, a conservation goal which includes the creation of national parks on Aboriginal territories may mean negotiating compensation for a restrictive use of the land while maintaining appropriate wild harvest rights, underpinned by collaborative research on appropriate harvest regimes for different species. Both countries demonstrate considerable barriers to the acceptance of these complementarities. Australia has been more successful, but the impetus has clearly been from Indigenous people, usually having to use court processes to gain acknowledgement of rights. Almost all cases of joint-managed national parks have been driven by Indigenous-initiated legal processes. In Sweden, the State continues to ignore Sámi claims to land. A series of court losses by Sámi concerning reindeer grazing rights, and the refusal by the State to incorporate joint-management in the national parks of the Lapland World Heritage Area in the nine years since declaration, are strong statements of the government position.

Conclusions

I am interested in the possibilities of institutional learning, and in situations that require respect for different cultural approaches. In cross-cultural conservation situations, the concept of complementarity may create tools to use in the changed and changing social and ecological environments of the twenty first century. Recent global changes in conservation paradigms are unevenly implemented in different countries, and international comparative research may present opportunities for new processes of innovative governance, supported by global agendas.

Co-operative conservation approaches between Indigenous peoples and the State create sites for institutional transformation for both parties. Moving past the rigidity and passivity of State institutions and engaging with the responsiveness of Indigenous social structures may lead to effective responses to pressing conservation problems. Moving beyond the intensely local knowledge base of Indigenous societies and engaging with larger scale data and issues may lead to effective responses to urgent social challenges. In Sweden and Australia, conservation policy processes have created a particular tenure overlay on otherwise un-alienated Indigenous lands. There is perhaps an emerging match between Indigenous aspirations to look after their country (and their cultures), and State conservation objectives, which could be met by collaborative Indigenous-State approaches to these lands.

In the context of this volume's themes, it is the possibility of increasing opportunities for both people and country. Innovative, rights-based approaches in Indigenous landscapes can address conservation *and* Indigenous issues, linking social change (attitudes/paradigms) to innovative governance. Local Indigenous inclusion (and control) in governance can be achieved.

Acknowledgement of other forms of knowledge can lead to ways to develop useful relationships between different forms of knowledge, leading to new on-ground outcomes.

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