Australia’s agreements with the international community
and its performance with regard to the rights of
Indigenous peoples

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Abstract

By ratifying Agenda 21, the Convention on Biological Diversity and the Millennium Development Goals, Australia made binding agreements with the global community with regard to the rights of Indigenous peoples. Despite this commitment, Australia’s governmental and governance structures continue to deny many Indigenous people the principles of equitable natural resource management and its benefits, as defined in the international conventions. Highlighting a trepang survey in Arnhem Land, a rural Indigenous community in Eidsvold and proposals from the Waitangi Tribunal, this essay discusses Australia’s obligations to the international community and analyses its performance in relation to Indigenous equity and well-being.

Key words: Indigenous Rights; Equitable Natural Resource Management; Accountability; Identity Politics; Well-being; Economic Development.

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Introduction

In an attempt to secure global sustainable development and social justice in the twenty-first century, international forums recognised the link between human well-being and their ecosystems, and defined statements and legal frameworks that place the needs of all people and their environment in line with economic principles. Agenda 21, the Convention on Biological Diversity and the Millennium Development Goals aim to create a more sensitive egalitarian global community that values local knowledge and equitable engagement of Indigenous people in natural resource decision making to assist in rapid losses of biodiversity and natural resources and redress social injustices. Despite ratifying these documents, Australia’s policies continue to limit the engagement of many Indigenous people, who are instead being marginalised from their ‘country’. Highlighting the principles of Agenda 21, the Convention on Biological Diversity and the Millennium Development Goals, this paper will discuss Australia’s obligations and performance with regards to the rights of Indigenous peoples. Analysing a trepang survey in Arnhem Land, Northern Territory, it will look at how power differentials between stakeholders of Indigenous owned and co-owned land impedes the incorporation of traditional ecological knowledge, leading to the failure of equitable resource management decision making as outlined by the international community. It will also discuss proposals from the Waitangi Tribunal, and compare New Zealand’s approaches to Indigenous equity and resource management with those of Australia and its dealings with
Indigenous worldviews, identities and relations to place. In addition, citing an Indigenous community in Eidsvold, Queensland, the paper will discuss how the Australian state is using identity politics to maintain Indigenous exclusion, and how this continued marginalisation prevents the social well-being of Indigenous individuals and communities in Australia. The paper will also argue that governmental procedures in Australia maintain a western episteme that perpetuates colonial binaries between Indigenous peoples and the state, neoliberal ideologies of economic gain, and scientific methodologies of sustainability, that together restrict social justice and sustainable development. A transformation of policies and practices could prevent the continued marginalisation of Indigenous peoples in Australia and ensure that the main principles of Agenda 21, the Convention on Biological Diversity and the Millennium Development Goals are effectively implemented.

The Global Architecture
Following a global context of new social movements, the United Nations Conference on the Human Environment (UNCHE) was held in Stockholm in 1972, and was the first international gathering of nations to address human environmental challenges. This conference acknowledged that science and technology has given humans the power to transform the environment on an unprecedented scale, and that through “fuller knowledge and wiser action” a life more in keeping with “human needs and hopes” could be achieved (Stockholm Declaration 1972, p. 1). Although it defined principles for the enhancement and preservation of the natural environment and addressed the role that industrialised nations had in assisting to close the gap between developed and underdeveloped nations, UNCHE failed to consider the reliance that poor and underdeveloped communities and countries have on their immediate environment (Stockholm Declaration 1972, UNEP 2001). It was not until 1987 that the importance of resource equity was established, when the Brundtland Commission was initiated by the United Nations and addressed the growing deterioration of natural resources and the human environment (Brundtland 1987). This led the way for subsequent forums to incorporate all aspects of social, environmental and economic inequalities into sustainable development initiatives, one of which was the United Nations Conference on Environment and Development, or UNCED (UNEP 2001).

This forum, known as the ‘Earth Summit’, was a collaboration of the United Nations Environment Program and the United Nations Development Program that took place in Rio de Janeiro, Brazil, in 1992 (UNEP 2001). The main message from UNCED was that a transformation of attitudes and behaviours was needed to rethink the socially and environmentally destructive tendencies of economic development (UN.ORG 2011). This led to the adoption of Agenda 21, a blueprint of global actions to be taken in all areas where humans affect the environment, which was divided into three sections: ‘Social and economic dimensions’, ‘Conservation and management of resources for development’ and ‘Strengthening the role of major groups’ (Agenda 21 1992). Subsection 26.1 of the Agenda defines a program area for recognising and strengthening the role of Indigenous people. It states that “Indigenous people and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination”, and that despite the limitations of historical, social and economic factors, Indigenous people, including women, need to “participate fully in sustainable development on their lands” (Agenda 21 1992, s. 26.1).

Native Title and Indigenous Rights to Land and Land Management
Australia’s ratification of Agenda 21 occurred in the same year as the High Court of Australia’s decision regarding Mabo vs. Queensland, which overthrew the myth of terra
nullius, giving Indigenous people native title land rights. In the following year, Australia also became a signatory to the ‘Convention on Biological Diversity’ (CBD), another document resulting from UNCED, which like Agenda 21 adopted the principle of Indigenous intellectual property (Bennett 1996). The CBD commences by stating that human activity has brought a decline in biodiversity and is threatening human development, hence there is an urgency to integrate sustainable strategies from the “widest possible participation” (Agenda 21 1992, s. 15.4a). Section 8(j) of the CBD states that national legislation should not simply respect Indigenous knowledge and practices that are relevant to the protection of biodiversity, but also encourage equitable benefits to society from such knowledge (Krueger 2009). Hence, by 1993 Indigenous Australians had gained native title land rights, which in section 211 of the Native Title Act 1993 included the right to cultural and spiritual activities of fishing, gathering and hunting, as well as international recognition of their intellectual property rights in equitable resource management decision making and its benefits (Bennett 1996). However, complexities surrounding land tenure systems, colonial dispossession and multiple accountability frameworks in Australia make it difficult for Indigenous people to effectively participate in, and equally benefit from, these principles (Bennett 1996).

Australia translated the CBD into national policy by implementing the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) into State, regional and local regulations. Community-based projects were initiated in Australia to link people with natural resources in an attempt to sustain the environment and biodiversity, and reduce the costs to centralised agencies (Carter and Hill 2007). According to Altman and Kerins (2008), whilst the EPBC Act does acknowledge native title rights, it only allows for passive Indigenous engagement and fails to recognise their right of ‘active management’ over natural resources, such as land and marine governance structures. Hemmingsen and Marshall (2008) argue that Indigenous engagement with marine structures are particularly problematic due to the dominant western episteme of coastal areas mostly being regarded as public ‘commons’, which heightens the dilemmas faced by Aboriginal people aspiring to sustain coastal territories and marine resources through the use of traditional ecological knowledge (TEK). In addition, many cross-cultural collaborative research frameworks are produced by agency staff, as opposed to community representatives, resulting in procedures that fail to sufficiently address the complex social, cultural and geographical components of participatory research (Carter 2008). An example of this was evident on Aboriginal and co-managed land in the Maningrida region and the Coburg peninsula, where a participatory trepang survey was undertaken. This project was established to quantify, map and collect data about an edible sea cucumber (trepang) on clan estates in Arnhem Land, and determine whether the resource would be sustainable in order to establish a licence for harvesting trepang stocks (Carter 2008). However, the project critiqued extant formal structures for their perpetration of dominant colonialist frameworks of engagement.

Indigenous Australians traditionally use a holistic approach to land, sea and resource management decisions that views their country as “an interconnected landscape of social history and cultural meaning” (Porter 2007, p. 466) and where accountability and responsibility is embedded in its connection to nature (Rose 1999). Conversely, western scientific knowledge is institutionalised, whereby global research institutes and universities provide information that is largely based on economic productivity, which is analysed and documented in a systemic manner dismissing much or all localised creativity and human agency (Ellen and Harris 2000, Howitt 2001). In the trepang study, Aboriginal representatives from Maningrida and Cobourg were interested in collaborating with regional agencies for the common goal of obtaining a fisheries licence for the trepang stocks, yet
while traditional owners often participated in scientific methodologies of field research, there was little engagement by agencies in understanding traditional viewpoints and Aboriginal peoples’ needs and aspirations (Carter 2008). Moreover, because of the varying perspectives of multiple actors, inadequate resources and colonial work practices of non-Indigenous actors, this community-based project failed to equitably engage traditional knowledge and instead highlighted the bureaucratic dominance and institutional racism of regional scale governance in Australia (Carter and Hill 2007, Hollinsworth 2006). Participation and collaborative environmental governance of the trepang project was impeded by the power differentials between the traditional regimes of Indigenous land tenure and those of the dominant centralised regional institutions (Carter and Hill 2007). Carter and Hill (2007) concluded that rather than successful collaboration between the differing stakeholders, there was an ‘environment of mistrust’.

**Indigenous Exclusion**

Howitt (2001) claims that failures to effectively integrate Indigenous participation on Aboriginal owned and co-managed land is largely due to the dominance of western scientific knowledge that responds to neoliberal ideologies of economic growth, a power-based system that not only renders cultural, traditional and spiritual decision making of natural resources invisible, but also retains racialised colonial binaries. State governments, for example, tend to be more concerned with ensuring that resource development is uninterrupted than with the aspirations and needs of Aboriginal people, which despite the principle statements of Agenda 21, CBD and the Millennium Development Goals (MDG) calling for the need to consider human well-being and the environment when making economic development decisions, are often dismissed and seen as incompatible with a free market economy (O’Farrellelaigh 2006). This “neoliberal intolerance to cultural difference” (Altman 2008, p. 178), and failure to comply with international binding agreements, was evident at the Ranger uranium mine in the Northern Territory, where despite the many protests from Indigenous communities state profits were placed over people, and a combination of law, paternalism, science and racism was used in attempts to justify the release of contaminated water into a river system that was largely used as a food source for local inhabitants (Howitt 2001). In 1998, the first Indigenous Protected Area (IPA) was established by the Nepabunna people and the South Australian Aboriginal Lands Trust (Porter 2007). Although this and other subsequent IPAs have been successful through effective governance, negotiations and respect for TEK, issues surrounding colonial paternalism in government-funded organisations often remain where democratic and developmental objectives of community-based environmental management produce further marginalisation (Lane and Corbett 2005, Muller 2003, Porter 2007).

Indigenous exclusion from effective and equitable decision making is also created by governance structures that stifle holistic approaches to sustainable development of Indigenous land due to a complex accountability regime being placed on Aboriginal community sector organisations by government funders and a multiplicity of non-Indigenous actors (Muller 2008, Sullivan 2009). The introduction of ‘whole of government’ service delivery means that these organisations are not solely responsible to their own members but are also held accountable to a complex variety of external parties (Mantziaris and Martin 2000). Organisations, such as native title representative bodies that are incorporated in the *Aboriginal Corporations and Associations Act 1976* (ACA Act), now compete “between two worlds” (Muller 2008, p. 396), one a traditional holistic worldview where responsibility and accountability is embedded in epistemological, ontological and cosmological ethics, and the other a fragmented neoliberal episteme based on economic instrumental rationale. Despite Australia’s obligations to include TEK in resource management and value the social and
environmental impacts of economic decision making, different framings produced by these accountability regimes often collide in an “intercultural space” (Mantziaris and Martin 2000, p. 317), which, through the power of the state and its continued conviction to economic advancement, largely undermines the ability for Indigenous people to exercise equitable decision making in development strategies (Townsend and Townsend, cited in Muller 2008, Hunt 2008). Carter and Hill (2007) argue that all environmental and resource management stakeholders need to have inclusive and equal recognition in political and legal policies implemented on Aboriginal owned and co-managed land. Furthermore, Altman and Kerins (2008) claim that environmental programs need to invest in a more holistic approach, as proposed in New Zealand, rather than the ‘whole of government’ approach to funding that is currently administered and that serves to restrict the active management of traditional land owners. Governance procedures in Australia focus largely on neoliberal ideologies of economic growth that stifle holistic approaches to sustainable development and serve to exasperate Indigenous exclusion, legally and politically.

Accountability
The ratification of international agreements requires nations to provide national reporting on the measures taken in accordance with its frameworks and the effectiveness of these strategies (DEWHA 2009). In its fourth report to the United Nations in 2009, Australia claimed that despite an increase in conservation efforts, the decline in biodiversity had not eased and that the vast amount of native species undescribed or undiscovered by western scientific methodologies and literature is a major challenge to the protection of biological diversity (DEWHA 2009). The recommendations of Agenda 21 and the CBD (1992, s. 15.5f) suggest that long-term research should be undertaken, with effective implementation of “new observation and inventory techniques” with the participation of “Indigenous people and their communities”. Howitt (2001, p. 12) argues that the incorporation of Indigenous observations and techniques regarding natural resource management is essential in the twenty-first century, alongside a new language and global architecture that considers the principles of “social justice, ecological sustainability, economic equity and cultural diversity” as its core values, and makes visible the complex processes and relationships associated with resource management. This international framework could not only avoid the rapid depletion of biodiversity in Australia but also the destruction of local communities. The fourth report also stated that biodiversity makes an important contribution to Australia’s economy and is essential to both the culture and identity of Indigenous Australians (DEWHA 2009). However, as previously discussed, scientific resource management systems in Australia focus their expertise within a technical domain where the “professional literacy” (Howitt 2001, p. 6-8) of biodiversity conservation is outside of any social or cultural context (Ellen and Harris 2000). In a globalised world, resources are commodities in competing markets that produce political power, connecting diverse people and places to one consumerist ideology in which cultures become transformed, often at a cost to their traditional knowledge and identity (Howitt 2001).

Howitt et al. (2011) argue that despite international conventions guaranteeing Indigenous rights to retain identity, cultural values and livelihoods, there are few examples where these principles have been effectively implemented. In Australia, native title and land rights are failing to equitably engage community-directed initiatives in natural resource management due to the lengthy time periods of negotiations with government agencies, a lack of funding to assist communities in effective engagement, as well as the bureaucratic dominance and institutional racism of governance structures as previously discussed (Carter and Hill 2007, Hemmingsen and Marshall 2008, Hollinsworth 2006). Although Australia’s land tenure
system and its ongoing colonial epistememe is creating complex legal and political frameworks that jeopardise any meaningful and equitable management ventures between Indigenous and non-Indigenous Australians, Hibbard, Lane and Rasmussen (2008) argue that other colonial settler-societies, such as New Zealand, are making positive advancements toward its Indigenous peoples becoming ‘significant actors’ in sustainable development and resource management decision making. However, Australia violently dispossessed all Aboriginal land and cultural rights during colonisation, and continues its refusal to establish a treaty between Indigenous peoples and the state, or make changes to the Constitution based on fears that it will challenge the politicised national identity and dominant social cohesion (Cornell 2006, Goldberg, cited in Hollinsworth 2006, Howitt 1998). Alternatively, New Zealand formalised an agreement by law over land sovereignty between ‘Maori and the Crown’ with the Treaty of Waitangi which recognised Maori identity and its cultural connection to nature (Waitangi Tribunal 2011).

Following the Wai 262 claim that challenged current laws, policies and practices in New Zealand affecting Maori culture and identity, the Waitangi Tribunal has proposed a positive transformation of cultural politics, and law reforms based on a balanced equitable partnership between Maori and the Crown, which not only aims to create a more “mature national identity” (Waitangi Tribunal Report 2011, p. 1-7) but also assists in positively and effectively incorporating both scientific knowledge and TEK in all negotiations regarding conservation, natural resource management and sustainable development. This document proposes a new ‘whole of government’ approach to partnership equity and has recommended law reforms to resource management, biodiversity conservation, Indigenous intellectual property rights, health, education and science, as well as Maori involvement in New Zealand’s development regarding the international conventions of Indigenous rights (Waitangi Tribunal Media Statement 2011). Claimants of the Wai 262 argue that advancements in technology, science, neoliberal free market ideologies and a western hierarchical epistemology that place humans over nature, produced an economic interest in Indigenous intellectual property that dismissed Maori rights of ‘full authority’ to control key aspects of their identity and culture as specified in the Treaty (Waitangi Report 2011). Without a treaty, constitutional reform or sufficient Indigenous political representation in Australia, control over resources and conservation is reliant on complex land tenure systems and state planning practices that continue “the erasure of Aboriginal philosophies, knowledge and relationships to place” (Porter 2007, p. 466). Arabena (cited in Hunt et al. 2008, p. 41) argues that the Australian government is “ill-equipped to deal with the contemporary political consequences of Indigenous identity and that this incapacity significantly influences how government treats those who are different”.

The Wai 262 claims in New Zealand were the biggest in the history of the Waitangi Treaty, and the ‘whole of government’ report that resulted has comprehensively covered the place of Maori identity, culture and TEK in all areas of law, policy and practice, the resolution of which is a chance for New Zealand to be recognised as “a world leader in the challenging arena of indigenous peoples’ rights” (Waitangi Report 2011, p. 699). Recommendations regarding New Zealand’s obligations to the global architecture include adopting policies that fund independent Maori engagement in international forums, and enacting accountability mechanisms that report state action regarding the development of international agreements to Maori organisations and the Maori Affairs Select Committee. In addition, it recommends that Treaty rights and interests are considered by the National Interest Analysis in parliament when adopting international instruments (Waitangi Tribunal Report 2011). Capacity deficits in both public and private agencies in Australia tend to limit any transition to new
arrangements, which as Howitt et al. (2011) claim, has serious implications for the sustainable future of Indigenous-Australian identity and culture, biodiversity and the sustainable future of the nation’s economy. The transformation of cultural politics is emerging in Australia and continued sentiment regarding a treaty has been demonstrated by delegates to the Australia 2020 summit (Lloyd 2009). However, it is still to a much lesser degree than in New Zealand, and many of Australia’s Indigenous communities remain amongst the poorest people in the world despite being one of the wealthiest nations (Hemmingsen and Marshall 2007). The Wai 262 report concludes that all New Zealanders need to move forward from the ‘grievances’ of breached contracts which allowed for the exploitation, commercialisation and scientific research of Maori intellectual property, and recognise that it is in the nation’s best interest to establish new laws that respect both scientific and traditional epistemologies and make a legal and ethical commitment to equitable partnerships in order to achieve a socially, environmentally and economically sustainable future (Waitangi Tribunal 2011). A similar transformation of cultural politics and law reforms in Australia could allow for inclusivity.

Identity Politics and Well-Being
As previously highlighted, Indigenous marginalisation is a result of conservative fears of national separatism, which was emphasised by the reactions that followed the Mabo and Wik decisions (Howitt 1998). Public outrage was aimed at the High Court as a result of these legislated land agreements, claiming that it was ‘experimenting dangerously’ with Australian common law, not only emphasising the way in which the issue of native title challenges the national sense of self and threatens the ‘imagined community’ of the nation, but also Australia’s intolerance to diversity and its entrenched structural racism (Bradfield 2003, Howitt et al. 2011, Mackey, cited in Hollinsworth 2006). The Australian state is further problematising Indigenous affairs by essentialising Aboriginal culture and identity, situating them only in the ‘remote’. These identity politics limit access and connection to ‘country’ by restricting those from other spatial locations from receiving benefits from resource management equity or engagement in sustainable research methods (Carter and Hollinsworth 2009).

Eidsvold is a rural area in Queensland where the Wakka Wakka Native Title claim is still undecided. Eidsvold exemplifies how understandings of spatial categories imported from remote areas establish metrics of authenticity or demonstration of ‘the good citizen’ for Indigenous participation in resource management generally. This misrepresentation can give privilege to those viewed as authentic and devalue others seen as inauthentic, particularly those in regional and urbanising spaces (Carter and Hollinsworth 2009). The oversimplification of Aboriginal culture is preventing the Wakka Wakka language group from a comprehensive connection to their ‘country’ and to the participation of natural resource management activities in Eidsvold (Carter and Hollinsworth 2009).

The aspirations of this particular community are for their cultural activities to be included in the water, mining, forestry and cattle industries of the area and to become engaged as a presence that could benefit the rural landscape. However, they are seen instead as non-authentic and are being excluded from negotiations in land management decisions, producing identity politics that are not only marginalising the community from equitable environmental decisions, but also from well-being as defined in the MDG and Agenda 21 (Carter 2008, Carter and Hollinsworth 2009). In a recent study, Garnett and Sithole (cited in Ganesharajah 2009) argued that Aboriginal community members who were able to actively manage natural resources and perform cultural activities on their land had better outcomes for well-being
than those in centralised communities. Rose (cited in Ganesharajah 2009, p. 7) suggests that this is because Indigenous perceptions of individual and community well-being is interconnected and embedded in the well-being of their ‘country’, a holistic worldview in which “those who destroy their country, destroy themselves”. Therefore, as Hibbard et al. (2008, p. 140) claim, “one of the most effective ways of improving the well-being of Indigenous peoples would be to honour their claims to control of land and natural resources” through culturally appropriate development (Martin, cited in Hibbard et al. 2008, p. 140).

The World Health Organisation defines the promotion of health, well-being and life expectancy as “the process of enabling people to increase control over and to improve their health” (Ziglio, cited in Pholi et al. 2009, p. 11). The MDG aims to reduce poverty, gender inequality, child mortality, AIDS, malaria and other diseases as well as promote environmental sustainability, universal primary education and develop a global partnership for development by 2015 (UNDP 2000). The Millennium Ecosystem Assessment report identifies that ecosystems underpin human well-being through their “supporting, provisioning, regulating and cultural services”, and therefore Indigenous control over, or connection to, country could assist in control over health and well-being and the removal of disparities between Indigenous and non-Indigenous Australians (Millennium Ecosystem Assessment 2005). However, as Howitt et al. (2011, p.11) argue, Indigenous vulnerability or underdevelopment is usually related to “state policy and the practices of the dominant culture”. Despite its ratification of the MDG, the 17 year life expectancy gap and other significant disparities faced by Indigenous Australians, including child mortality rates, poverty and disease, these goals are largely treated as a matter of foreign policy, relevant only to international aid programs (Gooda 2010). According to the Indigenous Community Governance Project 2006 Annual Report, there is an urgent need for governments and stakeholders to target resources toward, and further develop an integrated place-based approach to, governance, educational training programs and locally relevant capacity-building to provide opportunities for culturally appropriate activities for Indigenous Australians to assist in ‘closing the gap’, as is continually requested by Indigenous communities and their leaders (ICGP 2006). Howitt et al. (2011) recommend a commitment to immediate and long term funding in order to support the sustainable recovery from colonialism within Indigenous communities throughout Australia as is required with any international emergency relief program, a commitment that could assist in decolonising the governance structures that restrict equitable Indigenous engagement.

Key performance indicators (KPI) are used by the CBD and MDG in development reports to monitor the well-being of a nation’s population (UNEP 2010). Given that Indigenous Australians represent only 2.5 per cent of the nation’s population, it statistically renders the state of Indigenous well-being almost invisible to the international community (Gooda 2010). Although Agenda 21 states that Indigenous rights should be free from discrimination or hindrance, the rural community in Eidsvold was marginalised from potential well-being because it failed to demonstrate an “authentic remote” identity (Carter and Hollinsworth 2009, p. 417). Therefore Australia’s structural power imbalances need to be visible in the KPIs measured by the international community, which would allow for both national and international recognition of the failures to effectively engage in capacity building and partnerships with Indigenous Australians, as well as the lack of positive strategies to incorporate culturally appropriate engagement of Indigenous resource management (Pholi et al. 2009).
Ratifying conventions ensures a nation’s involvement in the negotiation process of an international conference; hence, the ratification of certain treaties can often serve to advance national interests. This was evident in the Uruguay round of negotiations for the ‘General Agreement on Tariffs and Trade’, where Australia gained a $5 billion increase in agricultural exports, boosting its GDP by $4.4 billion in 2002 (Dept of Foreign Affairs and Trade). In the same year, approximately 75 per cent of Indigenous males and 65 per cent of Indigenous females died before the age of 65 years, compared to the proportions in the non-Indigenous population of 26 per cent for males and 16 per cent for females (ABS 2008). In addition, many Indigenous communities were unable to meet the four indicators of a quality diet in one in five children, and many households had leach drains on septic tanks which can be hazardous if leaking into groundwater, rivers and reservoirs (HREOC 2005). The benefits of economic development in Australia are uneven, and as such the Eidsvold region is likely to provide profits for the state but exclude the local Wakka Wakka language group from participation and equal benefits, continuing Australia’s colonial approaches to Indigenous affairs and its failure to comply with binding international agreements by placing the priorities of economic development over the values of social justice, sustainable development and equal participation of Aboriginal people.

Western scientific knowledge systems based on short run data statistics, hierarchical capitalism and global free market economies serve to produce rapid unsustainable development that is reducing biological diversity and natural habitats at dangerous levels on the planet (Ellen and Harris 2002, Wilson 2002). Despite the aggressive control of the colonial state and its ongoing marginalisation of Indigenous peoples, Aboriginal cultural identity in Australia has survived and is witnessing a growing respect and value by western scientists in the face of global warming, rapid losses of biodiversity and concerns over the future security of food and water. However, rather than maintaining the “opportunistic pursuit of integration or subversion of Indigenous rights” (Howitt et al. 2011, p. 11), Australia needs to establish a more effective commitment toward the full engagement of equitable resource management and well-being in order to perform its legal and ethical obligations to international forums.

Conclusion
This paper analysed the power differentials between Indigenous and non-Indigenous stakeholders, and how these structural imbalances allows for passive Indigenous engagement while rejecting Indigenous rights to active resource management and contravening agreements with the international community. This paper also looked at how the Australian state is using identity politics to maintain Indigenous exclusion and their comprehensive connection to ‘country’. This exclusion jeopardises the social well-being of Indigenous communities and individuals in Australia and highlights the failure of the state to perform effectively with regard to Indigenous rights. Discussing the proposals of the Waitangi Tribunal, this paper also compared New Zealand’s approach to Indigenous equity with those of Australia, and suggested that similar proposals in Australia to those of the Wai 262 claimants could allow for inclusivity. Despite binding agreements with Agenda 21, the Convention of Biodiversity and the Millennium Development Goals to engage Indigenous people in sustainable development and incorporate natural resource equity, human well-being and ecosystems in its economic policy decisions, Australia’s structural powers continue to limit the active participation of many Indigenous peoples. Structural imbalances, institutional racism, procedures that enforce identity politics and a conviction to economic advancement perpetuate the exclusion of Indigenous Australians in natural resource decision making despite national and international recognition of intellectual property rights. These
actions not only prevent Indigenous rights to equitable environmental participation, sustainable conservation and development management, but also equitable well-being and social justice.

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Notes
1. There are currently over forty IPAs in which traditional owners have entered into an agreement with the Australian government to protect and promote biodiversity in Indigenous owned land or sea.

References


