Settling Indigenous Claims to Protected Areas: Weighing Māori Aspirations Against Australian Experiences

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Abstract

Efforts to resolve indigenous peoples' grievances about the negative impacts of protected areas established on their customary estates by governments are driving the development of shared governance and management. The Tūhoe people have sought that the settlement of their grievances against the New Zealand government include unencumbered rights to manage Te Urewera, guided by scientific and traditional knowledge and practices, for conservation and social benefits for the Tūhoe people and the broader public. We led a study tour to allow Tūhoe and other Māori representatives to gain first-hand experience of long-standing jointly managed protected areas in Australia that the New Zealand government had drawn on in proposing mechanisms to resolve the Tūhoe claim. We found that these areas were a poor fit to the study tour participants' aspirations that indigenous world views would underpin governance and that indigenous people would be empowered. Our findings highlight that settlement must be transformational in terms of attitudes and relationships. Collaborative problem-solving processes that build trust can contribute. In areas like Te Urewera, where tenure boundaries fragment a landscape that is a coherent whole in indigenous world views, settlement processes can offer the prospect of landscape-scale outcomes for social justice and conservation.

Keywords: indigenous governance, co-management, joint management, collaborative governance, Tūhoe, Māori, Te Urewera, New Zealand, Australia

INTRODUCTION

Indigenous peoples have a dialectic and evolving relationship with protected areas. On the one hand, protected areas can conflict with indigenous peoples' identity and economy (e.g., Craig et al. 2012), rights recognised in international instruments (United Nations 2008) and to varying degrees in national constitutions, statutes, common law or the terms of treaties made by colonising powers (Colchester 2004; West et al. 2006). On the other hand, indigenous participation in protected areas may facilitate the recognition and realisation of conservation and livelihood aspirations, spiritual and material values that are important to indigenous peoples (Phillips 2003; Borrini-Feyerabend et al. 2004a; Walker Painemilla et al. 2010). In 'new settler' states such as the USA, Canada, Australia, and New Zealand, where indigenous people are culturally-distinctive minorities, power-sharing between governments and indigenous peoples has become increasingly prevalent as a way of accommodating indigenous rights and the conservation goals of governments for protected areas (Taiepa et al. 1997; Beltran 2000; Borrini-Feyerabend et al. 2004b; Dearden et al. 2005; Timko and Satterfield 2008; Berkes 2009a; Ross et al. 2009).

Equitable power-sharing is not necessarily established when formal agreements are made between indigenous peoples and governments (Pinkerton 1992). Rather, the dynamics of collaboration—including the role of informal institutions, social networks, trust, communication, learning, and adaptive processes—are important determinants of the extent to which

power is actually shared (Carlsson and Berkes 2005; Bauman and Smyth 2007; Armitage et al. 2009; Nursey-Bray and Rist 2009; Berkes 2010; Innes and Booher 2010; Zurba et al. 2012). This situation indicates that power-sharing is a potential outcome of a collaborative problem-solving process, rather than the starting point for that process (Carlsson and Berkes 2005). Hence power-sharing structures designed to promote equity between indigenous peoples and governments in relation to protected areas should be seen not as ends in themselves, but as "enabling Aboriginal people to continue negotiating towards participation […] as equal partners" (Woenne-Green et al. 1994: 273).

Our interest in power-sharing in the governance and management of protected areas has been focused by a long-standing claim by the Māori tribe of the Tūhoe people (henceforth 'Tūhoe') for the restoration of their ancestral rights to land and resources within Te Urewera National Park, a protected area declared by the New Zealand government in the mid-1950s. The New Zealand government had drawn on examples and experiences from long-standing jointly managed Australian national parks, particularly Uluru–Kata Tjuta National Park, to propose some mechanisms that could be included in a Deed of Settlement for the Tūhoe claim (Kirsti Luke, Establishment Manager, Te Kotahi a Tūhoe, pers. comm. 2009; Trevett and Tahana 2010). Our research aimed to test the fit between the Tūhoe criteria for settlement of their claim to Te Urewera with selected Australian joint management examples. We particularly sought to explore the Tūhoe representatives' first-hand impressions of long-standing Australian jointly managed parks. The Tūhoe negotiators were interested in establishing what Australian examples "looked, sounded, smelt and felt like on the ground" (M. Te Pou, committee member, Te Kotahi a Tūhoe, pers. comm. 2009), and were keen for the Tūhoe representatives to talk to the Aboriginal owners of these protected areas about their experiences.

Here we first present the contextual background on approaches to power-sharing in protected area governance and management globally and in Australasia, and the background to Tūhoe and their claim to Te Urewera. We then describe our methods and report our findings about the fit between Tūhoe aspirations for Te Urewera and the Australian joint management examples. We discuss indigenous governance

as an alternative to joint management that is consistent with international frameworks for protected areas. Finally, we consider the concept and process of settlement in relation to grievances such as the Tūhoe claim, and the opportunities that settlement might open up for promoting both biodiversity conservation and social justice at the landscape scale.

Power-sharing in protected area governance and management

International frameworks

The International Union for Conservation of Nature (IUCN) defines a protected area as 'a clearly defined geographical space, recognised, dedicated and managed through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values' (Dudley 2008). While governments typically proclaim and manage protected areas through statutory mechanisms, the IUCN's recognition that other means may be effective to achieve conservation and associated outcomes has chartered space for the recognition of a range of protected area governance types (Table 1). Some collaborations between governments and indigenous peoples can be categorised in this schema as 'shared governance' arrangements (Table 1). Governments are also increasingly acknowledging alignments between indigenous stewardship traditions and their own conservation goals, and between indigenous governed and managed territories and IUCN's indigenous and community protected area governance types (Table 1) (Dudley 2008; Berkes 2009a).

The IUCN typology of protected area governance (Table 1) draws a clear distinction between 'joint management' and 'co-management', even though these terms are used interchangeably by some authors (e.g., Lane 2001; Carlsson and Berkes 2005; Ross et al. 2009; Izurieta et al. 2011). Joint management is distinguished by the IUCN from other sub-types of shared governance of protected areas by the vesting of power, authority, and responsibility in a pluralistic governance body. In contrast, collaborative management, often shortened to co-management, is indicated by the IUCN to be a less specific and more flexible construct, characterised by 'various forms of pluralistic influence' (Table 1; and see Borrini-Feyerabend

Table 1
IUCN protected area governance types (Borrini-Feyerabend 2008; Dudley 2008)

IUCN governance type	Sub-type
A. Governance by government	Federal or national ministry or agency in charge
	Local/municipal ministry or agency in charge
	Government-delegated management (e.g., to an NGO)
B. Shared governance	Trans-boundary conservation (involving state agencies and others)
	Collaborative management (various forms of pluralist influence)
	Joint management (pluralist management board)
C. Private governance	Declared and run by individual landowner
	Non-profit organisations (e.g., NGOs, universities)
	For-profit organisations (e.g., individual or corporate landowners)
D. Governance by indigenous peoples and local communities	Indigenous: Decisions are made and enforced by indigenous peoples
	Community: Decisions are made and enforced by local communities

2008; Dudley 2008). This conception of protected area collaborative management matches the broader observation that there is no single universally accepted definition of co-management (Berkes 2010). Co-managed protected areas may be difficult to distinguish in practice from those governed by indigenous people or local communities since both may involve a complex array of actors at the community level and within government agencies and industry (Carlsson and Berkes 2005; Nursey-Bray and Rist 2009; Ross et al. 2009). Indeed, the effectiveness of community-based conservation depends, among other things, on these kinds of partnerships and networks, since they establish cross-scale linkages, i.e., open communication, information-exchange, and trust across different organisational levels from local to regional, national, and often global. These linkages are important in ensuring that an array of threats and opportunities emanating from political, social, and ecological processes at different scales can be addressed (Cash et al. 2006; Berkes 2009b).

Increased definitional clarity is important in understanding how government and indigenous aspirations, authority, and accountabilities interact in protected areas. In particular, we note that 'governance' and 'management' have different, though interrelated, meanings, and yet are often conflated in protected area contexts. Governance concerns the powers, authorities, and responsibilities exercised by organisations and individuals. In contrast, management concerns the resources, plans, and actions generated through the application of governance powers, authorities, and responsibilities (Lockwood 2010: 755; and see Borrini-Feyerabend 2008). However, the distinction

between these terms is clouded by terminology in the IUCN governance typology for protected areas (Table 1), which uses 'collaborative management' and 'joint management' as the names of governance sub-types. When the distinction is applied to the IUCN protected area governance types (Table 1), an array of options, outlined in Table 2, become apparent for recognising the rights and interests, responsibilities and accountabilities of governments and indigenous people in a protected area. While we recognise that any typology is likely to be inadequate at reflecting fine-grained adaptations to local conditions, we use this array as a framework to help compare Tūhoe aspirations for Te Urewera with the Australian protected area examples.

The Australasian situation

Global trends of increased indigenous engagement with protected areas have had a particularly strong impact in Australia. In the decades since the first Australian joint management arrangements were established, between 1979 and 1989 in the Northern Territory (Woenne-Green et al. 1994; Smyth 2001), co-management of some type has come to be seen as the minimum standard expected by Australian conservation managers and indigenous people (Ross et al. 2009). New Zealand protected area institutions have been slower to change (Taiepa et al. 1997). Nevertheless, for the past two decades, mechanisms such the Ngā Whenua Rāhui Fund have provided opportunities for the Māori landowners to dedicate parts of their land for conservation. Recently, the Māori use of customary approaches to manage natural resources has surged (Moller 2007; Dick et al. 2012).

Table 2
Options for governance and management of a protected area between a generic state and an indigenous group

Descriptor	Governance	Management
1. State governed and managed	By National Parks authority, accountable to Minister; Ministerial powers to direct National Parks authority	By National Parks authority
1A. State governed with an indigenous advisory body, state managed	As for (1) plus indigenous membership of body constituted to advise on governance	As for (1)
2. State-governed, devolved management	By National Parks authority, accountable to Minister; Ministerial powers to direct National Parks authority	Contracted to indigenous group
2A. State governed, with indigenous representation on an advisory body; devolved management	As for (2), plus indigenous membership of body constituted to advise on governance	As for (2)
3. Indigenous governed and managed	By indigenous traditional owners, through customary institutions and/or new structures and/or statutory mechanisms	By indigenous group
3A. Indigenous governed, with state representation on an advisory body, Indigenous management	As for (3) plus state membership of body constituted to advise on governance	As for (3)
4. Indigenous governed, devolved management	By indigenous traditional owners, through customary institutions and/or new structures and/or statutory mechanisms	Contracted to government or a third party
4A. Indigenous governed, with state representation on an advisory body, devolved management	As for (4) plus state membership of body constituted to advise on governance	As for (4)
5. Jointly governed, state managed	Governance vested in an authority jointly constituted by government and indigenous group	Contracted to government
6. Jointly governed, indigenous managed	As for (5)	Contracted to indigenous group
7. Jointly governed, jointly managed	As for (5)	By employees of the jointly constituted governing authority
8. Polycentric	Various governing bodies with overlapping spheres of authority and responsibility, with or without a jointly constituted coordination body	Coordinated in ways determined or agreed by the various governing bodies

One early Australian arrangement, negotiated for Uluru-Kata Tjuta National Park, lent its name to the 'Uluru approach', which grants land title to the Aboriginal people conditional on a lease-back to the government (Bauman and Smyth 2007). This approach, considered further below as part of our research results, has been characterised as a "strong" form of joint management (Ross et al. 2009), and a "blueprint" (Woenne-Green et al. 1994) for formally accommodating both Australian indigenous rights and conservation values (De Lacy 1994; Toyne 1994; Smyth 2001). From the mid-1990s, recognition by Australian federal and state governments that indigenous native title had survived British colonisation was one catalyst for many new joint management and co-management arrangements over government-established protected areas (Bauman and Smyth 2007; Smyth and Ward 2008; Hill 2011). A diversity of structural forms emerged reflecting the history and political ecology of state and territory jurisdictions. Recognition of Aboriginal land ownership, as in the Uluru approach, is an important foundation but has not always been achieved (Bauman and Smyth 2007). There has been little critical assessment of how effectively these Australian shared governance arrangements work in practice or meet indigenous aspirations compared with the attention given to describing their structural features and goals.

As well as being involved in the management of many government-established protected areas, indigenous peoples have been substantial contributors to the growth of the Australian national protected area system since 1998 through voluntary declarations of their intent to manage their lands in perpetuity for conservation and associated ecosystem services and livelihood outcomes. More than 50 areas of indigenous-owned land designated as Indigenous Protected Areas now encompass 25% of Australia's national protected area system (Gilligan 2006; ANAO 2011; Davies et al. 2013). Indigenous Protected Areas are indigenous governed and largely indigenous managed (Option 3, Table 2). They match closely the IUCN's indigenous and community governance type (Table 1) in that governance institutions are community-based rather than statutory and may be adapted from customary norms (Berkes 2009a; Davies et al. 2013).

Other novel institutional forms continue to be negotiated between Australian governments and indigenous groups. For example, the Queensland state government de-gazetted part of Oyala-Thumotang National Park in 2010 in order to grant a freehold title to the park's indigenous custodians. The indigenous group has since dedicated half this land as a nature refuge under a statutory mechanism that retains this land in their private ownership and establishes a management partnership with the Queensland government (Langton 2012; QDNPRSR 2012). In another case, an enterprise owned and operated by the Aboriginal owners of the Booderee National Park is contracting to undertake an increasing proportion of the park's management (Bauman and Smyth 2007). These examples show transformations from state governance to indigenous governance and from state management to indigenous management (Table 2). The Mandingalbay Yidinji

people's efforts have extended these transformations to the landscape scale by declaring an IPA over the full extent of their traditional lands and seas including government-established protected areas where their native title was recognised in 2006 (AG SEWPAC 2011). They used 'country-based' planning (Smyth 2008) to consider their vision and goals for their traditional estate, regardless of the boundaries important to non-indigenous stakeholders. They see the IPA as a way of 'putting the country back together' through collaborative management processes that extend across the different tenures, with the prospect of aligned outcomes for conservation of biodiversity and cultural heritage, sustainable indigenous livelihoods, and public use at the landscape scale (MYAC 2009). Here indigenous leadership is catalysing emergence of polycentric governance (Option 8, Table 2).

Te Urewera National Park and the Tūhoe claim

Te Urewera National Park is part of a heavily forested mountainous area that sits in the heart of the Tūhoe tribal lands and covers 212,673 ha (Department of Conservation 2003; Figure 1). The park is the largest remaining area of indigenous vegetation in the North Island of New Zealand and one of the larger national parks in the country. The area has been a
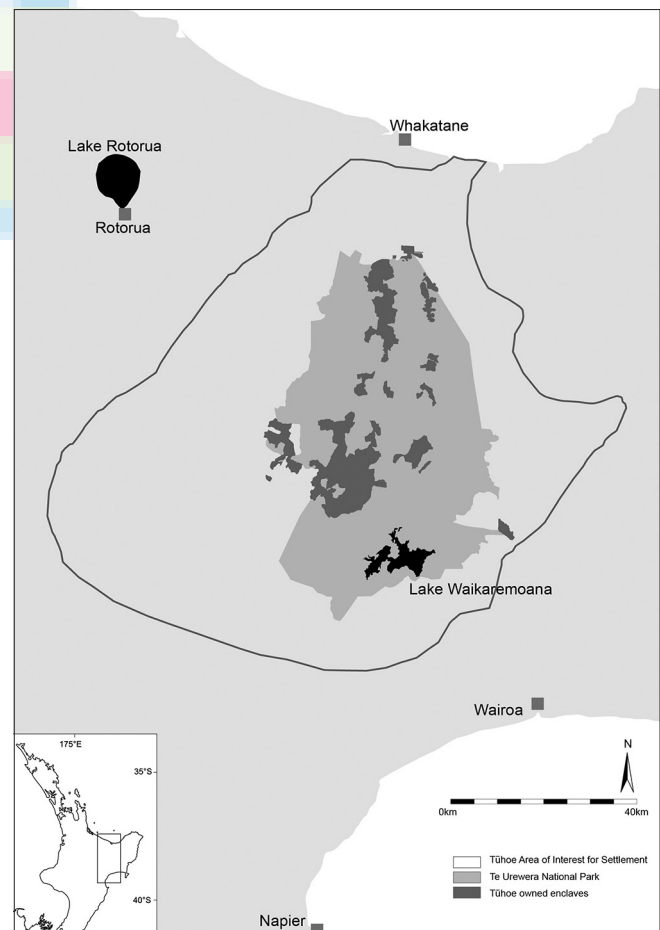

Figure 1
Tūhoe lands and Te Urewera National Park

focus for tourism, recreation (e.g., trout fishing, hunting of introduced mammals, and hiking), and conservation efforts since the 1890s (Coombes 2003; Waitangi Tribunal 2012). Surrounding, and embedded within, the park's boundaries are tracts of land that are held by a number of different Tūhoe land trusts and families (Figure 1). The close proximity of the park to the resident Māori is unique in New Zealand (Waitangi Tribunal 2012: 843).

Of the 35,000 Tūhoe, 15% live within their tribal region or nearby (Finlayson 2012; Kruger 2012). Few other people live within the Tūhoe's tribal area which, relative to most other parts of New Zealand, is remote from political and economic centres. In common with other remote regions globally, infrastructure and services (e.g., roads, housing, electricity reticulation, communications options, healthcare, and education) are poorly developed. The 2006 median annual income of the population of the Tūhoe tribal area was 21% lower than that of the New Zealand population as a whole, and 12.5% lower than that of the Māori population as a whole (Statistics New Zealand 2006). In 2006, while the New Zealand unemployment rate was 7.5% and the proportion of the population without a formal qualification was 25%, within the Tūhoe tribal area 39% of people had each of these characteristics (Statistics New Zealand 2006).

Tūhoe's grievance is that a significant proportion of their traditional lands was unjustly appropriated by the 'Crown'[1] (New Zealand government) to establish Te Urewera National Park (Coombes and Hill 2005; Binney 2009; Waitangi Tribunal 2012). Negotiation processes established in 1975 as a consequence of the statutory recognition of the 1840 Treaty of Waitangi[2] have provided the forum for contemporary settlement of the Tūhoe claim. Active negotiations between Tūhoe and the Crown about Te Urewera National Park were underway during the course of our research as was a long-running inquiry by the Waitangi Tribunal into the basis of the Tūhoe claim. That inquiry concluded, in 2012, that although there had been changes in recent decades that had led to the Tūhoe people being included in the governance and management of the park to a greater degree than they formerly were, Tūhoe's fundamental grievance had not been addressed (Waitangi Tribunal 2012). The Tribunal noted that the Tūhoe representatives had spoken in the 1950s in support of conservation of their high altitude forests, but without envisaging the preservationist regime that the New Zealand government subsequently implemented and its negative impacts on their economy, culture, and well-being. The inquiry concluded that there was no situation more appropriate than Te Urewera for "title return and joint management arrangements [such as] have been carried out successfully for national parks in Australia" (Waitangi Tribunal 2012: 890). Late in 2012, Tūhoe accepted an offer from the Crown to settle their claim (Finlayson 2012), as considered further below in our discussion.

MATERIALS AND METHODS

We applied three methods sequentially to compare Tūhoe aspirations for Te Urewera National Park with the Australian jointly managed protected areas. First we clarified the Tūhoe criteria for settlement of their claim. We then completed a desktop analysis of three long-standing jointly managed Australian parks against the Tūhoe criteria, both to inform the Tūhoe negotiators about these examples and as preparation for our planned study tour. Finally we conducted the study tour with the Tūhoe and other Māori participants to ascertain first-hand impressions of some Australian jointly managed parks. Our methods have allowed us to assess how study tour participants perceived outcomes from these jointly managed parks, but not to more objectively assess conservation or livelihood outcomes or management effectiveness.

Tūhoe criteria for settlement

Three meetings were conducted between September 2009 and March 2010 involving members of the Tūhoe Treaty claim settlement negotiating team (*Te Kotahi a Tūhoe*—TKAT) and our two New Zealand researchers (Lyver and Allen). The objective was to articulate criteria that Tūhoe wished to see entrenched within their Treaty of Waitangi settlement with the Crown.

Of the possible eight TKAT members, five participated at the first meeting, and four each at the second and third meetings. Each of the meetings was about two hours long. Criteria documented in the first meeting were presented back to TKAT at later meetings for review, adjustment, and affirmation, and were later further winnowed to rationalise overlapping elements. Many of the criteria had been formed by the Tūhoe tribal consensus through processes that started long before our research. Nevertheless, the criteria we refer to should in no way be interpreted as a full and final expression of Tūhoe aspirations.

Analysis of Australian joint management examples against Tūhoe criteria

We selected the Uluru-Kata Tjuta, Nitmiluk, and Kakadu national parks in the Northern Territory of Australia for desktop analysis of the joint management structures, processes, and outcomes against the Tūhoe claim settlement criteria and as locations that would be included in the subsequent study tour. One of us (Davies from Australia) closely examined governing legislation[3], leases, management plans, and reports[4], and research relevant to understanding processes and outcomes from the joint management of these parks. Each park was analysed separately against each of the Tūhoe criteria for claim settlement and a detailed report was provided to TKAT.

While we recognised that these parks are a small subset of the diversity of indigenous–government collaborations in Australian protected areas, a number of factors directed us towards their selection. Each of these three parks was established before 1990, so the parties involved had experienced more than 20 years of working together. Documents that set out their formal institutions are readily available in the public domain along with some information about outcomes.

Close relationships between the New Zealand Department of Conservation and Parks Australia, the national Australian protected areas authority, which manages Uluru and Kakadu (DONP 2010), had undoubtedly raised the New Zealand Crown's awareness of the joint management arrangements in these parks. We were aware of recent visits to some of the parks by prominent Māori statesmen. Further, in negotiations, the Crown had offered Tūhoe joint management of Te Urewera using Uluru and Kakadu as templates for the engagement and participation of Tūhoe, but with a key difference in that the Crown had not included transfer of the ownership of the park to Tūhoe in its offer (Kirsti Luke, Secretary Te Kotahi a Tūhoe, pers. comm. 2009; Trevett and Tahana 2010). For these reasons, Tūhoe had a particular interest in promoting their own representatives' understanding of the joint management in these parks. Inclusion of Nitmiluk in our selection provided an example of a different joint management structure involving a different Australian protected area agency, the Parks and Wildlife Commission of the Northern Territory, while Nitmiluk's proximity to Kakadu made it a feasible destination to encompass in the logistics and budget for the study tour.

Study tour of Australian protected areas

The study tour, conducted over 12 days in mid-2010, was designed to provide Māori participants an opportunity to learn about joint management in the Australian national parks. The group comprised three representatives from Tūhoe, three from two other Māori tribes, and six researchers. All Māori tribal representatives held positions of authority within their own tribal organisations. They had a range of different expertise and interests encompassing tradition and history, governance of Māori-owned lands, financial management, entrepreneurialism, human health, and wildlife management. While our research focus was on the Tūhoe claim, the other Māori representatives were also invited to participate in the study tour because these joint management experiences were relevant to their own claim settlement processes as well.

Permission for the study tour was sought, and granted, from the boards of management of the jointly managed national parks and the park management authorities. We also contacted organisations representing Aboriginal owners of the parks, sought their permission, and arranged to meet them during the study tour. None of the Māori participants had a well-developed understanding of the governance and management arrangements for the Australian jointly managed parks before the study tour. Researchers briefed participants before each park visit and the group discussed questions they wanted to ask Aboriginal owners and others.

During the study tour, meetings and gatherings of between 2 and 5 hours' duration were held with the Aboriginal owners of the parks; staff and executive members of the Aboriginal landowner organisations and regional representative bodies (land councils); park managers and rangers; and members of the park boards of management. Study tour participants learnt about the Australian joint management structures and experiences through discussion, question-and-answer sessions, and explanations by our hosts, with translation to and from English in some cases, and through shared observations during short field trips. As well as the three jointly managed parks, the study tour visited the Northern Tanami Indigenous Protected Area where learning was more experiential, involving cultural sharing during an overnight camp, with very little opportunity for formal inquiry into governance structures.

After the study tour, each participant was asked to identify three important lessons they learnt. We consider these answers are important indicators of the extent to which participants considered that joint management is effective. We grouped the lessons (n=31) against the Tūhoe criteria that we consider they relate to most directly, although this was somewhat arbitrary for lessons that did not clearly relate to a single criterion. To add context and detail to our presentation of these lessons, we draw on the notes we took during the study tour.

RESULTS

Tūhoe criteria for settlement

The Tūhoe criteria (Table 3) present a vision for constitutional-level recognition of a Tūhoe Nation, that has its foundation at the highest levels of authority of both the Tūhoe Nation and the Crown, not necessarily or solely through the New Zealand Constitution. The criteria are also relevant beyond the boundaries of Te Urewera National Park. Tūhoe desire governance authority over themselves and their customary territory to be recognised as an inherent right (Criterion [C] 1, C4 and C5, Table 3). However, in articulating their expectations of governance, TKAT members acknowledged they do not seek 'independence' from the Crown but rather 'interdependence' that would allow the Tūhoe Nation to become the "master of its own destiny while at the same time remaining mutually economically, ecologically and morally responsible to the Crown and public of New Zealand" (T. Kruger, Tūhoe Chief Negotiator, pers. comm. 2009). The first paramount step for the settlement of the Tūhoe claim was seen as reinstatement to the tribe of the unencumbered customary title or inalienable freehold title over Te Urewera National Park (C3, Table 3). It was very important to the Tūhoe people that the Crown acknowledge that Tūhoe had never relinquished absolute governance authority over their customary territory (C4, Table 3). Tūhoe saw an enduring constitutional and political relationship with the Crown (C2, Table 3) as crucial, as a platform to begin healing grievances, to deliver on promises in a post-settlement environment, and to improve the relationship between the Crown and Tūhoe for future generations.

The Tūhoe negotiators identified that the settlement of their claim would involve restoration of Tūhoe *kaitiakitanga* (guardianship) over natural resources and the realisation of a management system centred on a Tūhoe worldview (C7, Table 3). They also identified that a settlement agreement would need to provide safeguards so that existing or future legislation does not impact on or impede the development and

Table 3
Tūhoe criteria for the settlement of their Treaty of Waitangi claim with relevance to Te Urewera National Park

	Criteria expressed using Te Reo Māori (Māori language) concepts	Explanation of criteria	Relevance to Te Urewera National Park
C1	The settlement is characterised by the full realisation of *Te mana motuhake o Tūhoe*.	The **inherent right of** Tūhoe to self-government, **autonomy**, and 'nationhood' are delivered through the settlement.	Full governance over Te Urewera National Park is provided through settlement to Tūhoe.
C2	The concept of *whanaungatanga* (relationship development and maintenance) between Tūhoe and the Crown is central to the settlement.	Settlement is characterised by the desire of the Crown and Tūhoe to renew and declare **an enduring constitutional relationship.**	Tūhoe and the Crown developed a political relationship that works to deliver strong governance and management of the Te Urewera National Park.
C3	The return of Tūhoe *rohe pōtae* or *turangawaewae* (traditional homelands) is paramount under the settlement.	A Tūhoe **homeland or territory** is re-established in part by the return of Te Urewera National Park and recognition of historical governance boundaries.	Unencumbered customary title or inalienable freehold title over Te Urewera National Park is returned to Tūhoe in recognition of native title or traditional land ownership.
C4	Acknowledgement that *tino rangātiratanga* (absolute authority), *ahi kaa roa* (maintenance of home fires), and *mana whenua* (people from that local area) status was **never relinquished.**	Recognition from the Crown that Tūhoe **absolute governance authority** over their tribal lands was never relinquished, although Tūhoe desire an interdependent relationship with the Crown.	Chieftainship and governance over lands, waterways, forests and resources in Te Urewera National Park remains vested with Tūhoe.
C5	Settlement allows for *Kia mau te mana motuhake a Tūhoe* (Tūhoe political development) where new or adjustments to existing *kawanatanga* (government system of law) accounts for Tūhoe interests and aspirations.	Current or new legislation or regional management plans are adjusted or **harmonised** to accommodate the Tūhoe settlement. The 'Honour of the Crown' must be observed in all the Crown's dealings with Tūhoe.	Existing or future improvement of legislation must account for the Tūhoe aspirations within Te Urewera National Park.
C6	Appropriate level of *utu* (reciprocity) and *putea* (funding compensation) is delivered to Tūhoe.	**Financial compensation** (quantum) and redress is delivered over a defined and appropriate time frame to Tūhoe. Compensation from the Crown of NZD 170 million payable over 10 years.	The Crown remains responsible for the funding of governance and management of Te Urewera National Park for the public good of New Zealand.
C7	*Te Ao Māori* (Māori world view) pertaining to *mana* (prestige), *mauri* (life-force), *tapu* (sacredness) are expressed in *mātauranga* (traditional ecological knowledge), *ture* (customs and regulations), *māramatanga* (wisdom) and *kaitiakitanga* (guardianship practices).	Settlement results in an **indigenous governance framework** by which Tūhoe have the right to manage and use the settlement area in the manner of their ancestors, which was guaranteed to them under the Urewera District Reserves Act and Treaty of Waitangi.	Tūhoe maintain the unencumbered right to manage the land and natural resources within Te Urewera National Park guided by traditional practices and knowledge and belief systems.
C8	Concept of *whanau ora* (family health and well-being) is emergent from the settlement.	Delivery of **social benefits** to Tūhoe is important (e.g., establishment of a Tūhoe training trust, housing, health and educational programmes, Māori language emphasised).	Tūhoe maintain the unencumbered right to use Te Urewera National Park to support the housing, health, food, and education of their people.
C9	The concept of *manaaki te katoa* (economic development) is realised from the settlement.	Delivery of **economic and commercial benefits** and well-being to Tūhoe. Settlement will increase local employment opportunities.	Tūhoe have the proprietary right to establish business and economic opportunities within Te Urewera National Park.
C10	The concept of *Kia mau te mana ki taonga ki waahi tapu ki ahurea o Tūhoe* (development and protection of Tūhoe culture, treasures and sacred sites) is realised from the settlement.	Delivery of biodiversity and conservation outcomes will accrue to the Tūhoe and the public of New Zealand. The settlement will establish and implement a training programme for Tūhoe in administration, management, and control of biodiversity in the region.	Tūhoe guarantee that biodiversity will be protected and enhanced within Te Urewera National Park. Ecological and cultural systems will operate together within the national park.
C11	Concept of *manaakitanga* (caring for people) will be implemented by Tūhoe.	**Public access will be under guidance and care of Tūhoe.** Related national values and interests (e.g., commercial operations) will be sustained and developed. Compensation for public access will be part of any settlement.	Public access to Te Urewera National Park for the purpose of hiking, camping, hunting, fishing, and enjoyment of the forest and waterways will be guaranteed, maintained, and nurtured.

implementation of a Tūhoe governance authority (C5, Table 3). It was considered that no amount of financial compensation (C6, Table 3) could provide 'redress' to Tūhoe for wrongs of the past. Rather, Tūhoe sought compensation for 'address'—as a basis for remedying the socio-economic issues facing tribal members now and improving the livelihoods of the Tūhoe people (C8 and C9; T. Kruger, Tūhoe Chief Negotiator, pers. comm. 2009).

The Tūhoe negotiators envisaged integrated outcomes for conservation and livelihoods from the settlement that they are seeking, addressing values and interests of the New Zealand nation as a whole, and of visitors to the area (C10 and C11, Table 3) as well as themselves. However, they considered that Te Urewera's national park status, with its attendant governing preservation-based legislation and regulations, conflicts with

Tūhoe's perspective that the area is their 'homeland' and with their environmental ethic of 'conservation for future use', and limits options for how Tūhoe might conserve, use, and relate to the land and its resources. Tūhoe also sensed that the term 'park' has connotations that could make the Tūhoe people 'tourist attractions' on their own lands.

Analysis of Australian joint management arrangements against Tūhoe criteria

The three Australian jointly managed parks have some common joint management features that reflect the 'Uluru approach':
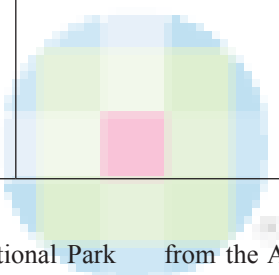
1) inalienable fee-simple (freehold) title to the land is held by a trust of Aboriginal landowners; 2) the Aboriginal landowners have leased their land to a government entity for national park purposes for 99 years; 3) the government entity undertakes the management of the park; and 4) a board of management, with members appointed by the minister who has carriage of the legislation, has a majority of traditional owner representatives. These and other governance and joint management features for the three Australian jointly managed parks are summarised and aligned with the Tūhoe criteria they relate to most directly in Table 4. Overall, our desktop analysis indicated that none of the structures of the three Australian jointly managed

Table 4
Structural characteristics and some outcomes from three Australian jointly managed national parks
against the Tūhoe criteria (in Table 3) from documentary analysis

	Keywords for Tūhoe criteria (see table 2 for details)	All three parks: Common elements	Jointly managed with Northern Territory government	Jointly managed with Australian government	
			Nitmiluk NP	**Uluru-Kata Tjuta NP**	**Kakadu NP**
1	**Inherent right of autonomy**	Not recognised. Precluded by scope of Aboriginal claims, which were constrained by Australian constitutional & political context.	Establishment of joint management contributed to Jawoyn clans establishing a corporate identity as a Nation.	Constrained by scale mismatch: the park is a small part of the Aboriginal landowner group's customary territory.	Over time, the various different clan groups of Aboriginal landowners have asserted their rights of autonomy more strongly, as the earlier diaspora was reversed.
2	**An enduring constitutional and political relationship**	Leases from Aboriginal landowners to government reflect the intention of a long-term *contractual* relationship.	Existence of specific governing legislation suggests intent for an enduring constitutional-level relationship, to the extent that this can be accommodated within the Australian legal framework.	Provisions of governing legislation suggest no intent for a constitutional-level relationship.	
3	**Homeland or territory with unencumbered customary title or inalienable freehold title**	Aboriginal groups have inalienable freehold title but this is encumbered by 99-year leases to government. Leases reserve Aboriginal rights to traditional use. Rights to live in park are conditional.	Accessibility of area to landowners has increased but rugged terrain is a reason why there are no Jawoyn living in the park. Jawoyn Nation has a strong presence in park through their commercial tourism operations.	The number of Aboriginal people (landowners and others) that live in the park has increased.	Many dispersed landowners have reconnected with their country and established living areas in the park. Uranium mining on enclaves in park compromises integrity of customary territory.
4	**Absolute governance authority not relinquished**	No recognition of Aboriginal owners' absolute governance powers and no explicit acknowledgement that authority has not been relinquished.	Governance vested in statutory Board with Aboriginal landowner majority. Board subject to direction by Chief Minister except on specified matters relating to plan of management, protection and enforcement of Aboriginal use rights and protection of sites important to Aboriginal tradition. Board prepares management plans and makes decisions that are not inconsistent with them.	Governance vested in statutory Board with Aboriginal landowner majority. Board must act in conjunction with Director NPs and is subject to authority of Minister. Board prepares the management plan in consultation with the Director; makes decisions relating to management of park that are consistent with management plan; monitors the park and provides advice to Minister on future development, in each case in conjunction with the Director.	
5	**Legislation harmonised**	No specific provision, but legislation that is inconsistent or detrimental to Aboriginal landowners constitutes a breach by Government of the lease.			
6	**Financial compensation**	No compensation for past acts and impacts. Rental and a share of other park revenues including visitor access fees is paid to Aboriginal landowners, under terms of the lease, comprising.			
			c. AUD 650,000 p.a.	c. AUD 1.8m p.a.	c. AUD 1.6m p.a.

Contd...

Table 4
Continued

	Keywords for Tūhoe criteria (see table 2 for details)	All three parks: Common elements	Jointly managed with Northern Territory government	Jointly managed with Australian government	
			Nitmiluk NP	Uluru-Kata Tjuta NP	Kakadu NP
7	**Indigenous governance framework to manage the land & natural resources**	Some provision for an indigenous framework is made through statutory sacred-sites protection, covenants in lease and provisions of management plans. Western bureaucratic structures and science knowledge dominate in practice but some infrastructural decisions and management programmes show influence of indigenous world view. These include protection of key sacred places by mechanisms such as fencing, signage and design of visitor access routes; interpretation of the parks to visitors as Aboriginal cultural landscapes; tour guide education; design of park buildings; and overt markers of respect for the wisdom and moral authority of senior Aboriginal owners, such as through widespread use of quotations and portraits in visitor interpretive material.			
8	**Social benefits**	Some park rental monies are invested by Aboriginal owners in community development; land is more accessible for landowners (e.g. due to removal of legal barriers and associated discouragement); sense of pride and increased political profile.			
9	**Economic and commercial benefits**	Aboriginal owners have preferential access to commercial opportunities in the parks. Employment and training programmes have not achieved significant Aboriginal employment.	Jawoyn has achieved full ownership of substantial commercial tourism operations in park; and has other joint ventures.	There is Aboriginal ownership of small commercial operations within the park and region.	There is Aboriginal ownership of several commercial tourism operations within park. Statutory royalty equivalents are paid to Aboriginal landowners from uranium mining on enclaves in the park.
10	**Ecological and cultural systems operating together**	Some examples, no strong evidence of consistent integration.			
11	**Public access maintained and national values and interests sustained and developed**	Public access and management of visitor use is a strong focus. Traditional owners feel responsible for people on their lands and saddened when harm comes to them.		Park is occasionally closed to visitors at traditional owners' instigation for ceremonial or cultural reasons.	

parks fully met the Tūhoe criteria. Nitmiluk National Park came closest to meeting those criteria in that the Nitmiluk Board of Management has power to act independently of the government entity whereas the Uluru and Kakadu boards of management do not. Indeed, our analysis indicated that only Nitmuluk unambiguously meets the IUCN description of joint management (Table 1). Nitmiluk could be characterised as jointly governed and state managed (Option 5, Table 2). Uluru and Kakadu are better characterised as state governed—with their Boards of Management acting as indigenous advisory bodies, albeit bodies that have strong advisory functions—and state managed (Option 1A, Table 2).

Differences in context between Australia and New Zealand needed to be recognised in our analysis. Joint management was established in these three Australian protected areas as part of the negotiated settlement of the Aboriginal claims that related only to land title. Subsequent legal recognition that indigenous native title has survived in some circumstances in Australia is similarly limited even though this recognition has facilitated negotiations on broader issues (Strelein 2004). Nevertheless, the Australian polity has not established a pathway similar to the New Zealand Treaty of Waitangi claim settlement process that could recognise a constitutional relationship with the Aboriginal groups such as Tūhoe are seeking (C1, C2, C4, Table 3; C4, Table 4). Even within these constraints, the leases

from the Aboriginal owners to the government parties that were negotiated as an integral part of the joint management arrangements mean that none of the Australian parks meet the Tūhoe criterion of unencumbered title (C3, Tables 3 and 4).

The leases do include strong disincentives against governments introducing legislation that is detrimental to the parks' Aboriginal owners (C2, Table 3). This provision also goes some way to addressing the Tūhoe's criterion that existing legislation be harmonised with any settlement of their claims, and that new legislation must account for their aspirations (C5, Tables 3 and 4). While the leases provide for management to be undertaken by the government party, various lease clauses, as well as legislation and management plans, reflect an intention that the world view of the Aboriginal owners is expressed in management such as Tūhoe are seeking for Te Urewera (C7, Table 3). However, in spite of strong examples from each of the Australian parks of Aboriginal owners' world views informing management (e.g., Baker and Mutitjulu Community 1992), documentary analysis offered no strong evidence for consistent integration of ecological and cultural systems such as Tūhoe are seeking (C10, Table 3).

No Australian jointly-managed-parks arrangements have provided for financial redress for past government acts that impacted the Aboriginal owners, such as that sought by Tūhoe (C6, Table 3). Park rentals which include a proportion of

visitor entry fees to Kakadu and Uluru-Kata Tjuta (but not to Nitmiluk as no entry fee applies there), represent payments by governments for the environmental services that the Aboriginal owners deliver to the public by allowing their lands to be used as protected areas (C6, Table 4) (Willis 1992; Woenne-Green et al. 1994). To assist with the management of Te Urewera, which includes public access, Tūhoe are seeking financial support from the government (C11, Table 3) as well as 'quantum' (financial compensation) for past transgressions by the Crown.

Assurances from Tūhoe that public access to Te Urewera would be enduring (C11, Table 3) have been important in mitigating initial public opposition to Tūhoe's aspirations for settlement of their claim. While the agreements that established joint management in the Australian parks do not specifically provide for maintenance of public access, this issue was an important political consideration in Australia when the joint management arrangements were negotiated (e.g., Toyne 1994) and has since been provided for in management planning. Social benefits achieved in the jointly managed parks include increased accessibility of the land and resources to their Aboriginal owners for hunting, family gatherings, and ceremonies, through the removal of legal barriers and other disincentives (C8, Table 4).

All the jointly managed parks provide, through their leases, for the Aboriginal owners to have preferential rights to develop new commercial opportunities, but only in Nitmiluk does this appear to have generated substantial economic benefits for the Aboriginal owners (C9, Table 4; Bauman 2007). The Australian parks have each performed quite poorly in the employment of the Aboriginal owners (C9, Table 4). The Aboriginal people, not necessarily from the relevant Aboriginal owner group, have at various times comprised 20% of park management employees at Uluru (UKTNP POM 2010: 47) and Kakadu (Haynes 2009) and 35% at Nitmuluk (Bauman 2007), which compares poorly with Te Urewera itself where, at some times in recent years, 40% of employees have been Māori (Waitangi Tribunal 2012). However, in all cases, the indigenous people have mostly been employed in lower-graded positions with relatively little influence on management decisions.

Appraisal of Australian jointly managed parks by study tour participants

More than half the lessons provided by the Māori participants after the study tour (summarised in Table 5) addressed relationships between the Aboriginal owners and the government parties (C1, C2, Tables 3 and 5) or the social and economic benefits to the Aboriginal owners (C8, C9, Table 3 and Table 5). The Māori participants alluded to the government parties' domination of the joint management partnerships. They reflected on joint management as a transition or a journey that starts with an agreement, such as had been concluded more than two decades ago in each of these parks, and that needs ongoing commitment to a transparent and inclusive relationship. They noted that in these parks the journey seemed to be very slow (C1 and C2, Table 5).

The park management system was perceived by the Māori participants to be complex and rigid. They felt more could have been done to work within an Aboriginal-based ideology and framework (C2, C4–6, Table 5). As one Tūhoe participant commented during the study tour, "It seemed like the Aboriginal landowners were being made to fit into a Pākehā [i.e., a Western societal] system of management, rather than the Pākehā system fitting with the Aboriginal owner way of looking after the land and resources" (J. Doherty, Committee member Te Kotahi a Tūhoe, pers. comm. 2010). It appeared to Māori participants that the Aboriginal owners were disempowered, undervalued, and marginalised with respect to the day-to-day management processes (C7–10, Table 5). The Tūhoe participants talked about the time that would likely be required to realise fully their aspiration for the return of Te Urewera to Tūhoe governance and management. They speculated that if a goal of transitioning to indigenous governance and management over two or three decades had been adopted in the Australian parks, both the government and the indigenous owners would have strived to achieve a much higher degree of transformation in park governance and management than was apparent.

Researcher participants noted that two of the joint management boards were advisory bodies (C4, Table 5), a perspective which had also been volunteered by a senior park manager and was apparent from documentary analysis (C4, Table 4). Strong Aboriginal leadership was noted as important by research participants, in order to challenge and change standard park management approaches to give greater emphasis to an indigenous world view (C4, Table 5). Both researchers and Māori participants considered that government decision makers need to be accessible to the traditional owners, a challenge in the Australian parks given that agency headquarters are distant (C2, Table 5).

A fundamental expectation of the Māori participants was that the Aboriginal owners would be receiving social, economic, and commercial returns from the parks. Study tour participants were struck by the low Aboriginal employment in the parks and sensed that many of the Aboriginal owners were marginalised and undervalued (C8–9, Table 5), and that the socio-economic conditions of the Aboriginal owners' lives remained poor (C9, Table 5). The Aboriginal owners had reported that while employment in the parks had tangible financial outcomes for their communities (e.g., boosting cash flows), most of all it made their people feel valued, useful, and good about themselves (C8, Table 5). Nevertheless, some park managers had reported that the Aboriginal employees often left their jobs because they were subjected to more requests from their community members for alcohol and money or felt isolated when living away from home and immediate family. In Uluru and Kakadu, Aboriginal board members expressed their disappointment that so few of their own people are now in park management jobs, even compared with earlier decades.

In Nitmiluk National Park, however, it was readily apparent to the study tour participants that the Jawoyn were drawing on their preferential rights to establish commercial operations

Table 5
Key lessons identified by individual Māori participants and Australian and New Zealand researcher participants in a study tour of Uluru-Kata Tjuta, Nitmiluk, and Kakadu national parks, related to the Tūhoe criteria for the settlement of their Treaty of Waitangi claims

	Tūhoe criteria	Participant feedback	
		Māori participants	**Australian and New Zealand researcher participants**
1	Inherent right of autonomy	• The Crown dominates the joint management partnerships	• Centre of power still remains with the Crown, represented by Director of National Parks • Boards of Management are advisory structures rather than decision-making bodies
2	An enduring constitutional and political relationship	• Government and traditional owners need shared and transparent decision-making responsibilities • Park staff need to be accountable and accessible • Unusual (to us New Zealanders) that a third party (Land Council, a statutory regional indigenous representative body) is representing traditional owners in negotiations • Settlement is only the beginning; the Crown commitment needs to be ongoing • The transition from exclusive government control to joint management is a slow process	• Distance and limited communication (between the park and other levels in government decision-making structure) restrict understanding. Large distances constrain face-to-face interactions (between some parties). This would lead to misrepresentation of situations and views-decisions are made at distant places • Aboriginal people involved in jointly managed parks have tremendous generosity of spirit and contribute greatly with their knowledge. They have a sophisticated understanding of the situations they are involved in with joint management, their benefits and limitations
3	Unencumbered customary title		• Co-management systems are a government construct to manage Aboriginal lands
4	Absolute governance authority		• The critical importance of (indigenous) leadership was clear. It needs to be at a level that can influence change, and that challenges norms of protected area management
5	Legislation harmonised	• Management structures are complex • Management plans: 'one size fits all' is a problem	
6	Financial compensation	• Need to have simple funding flow and timely delivery	
7	Indigenous governance framework to manage the land and natural resources	• Joint management approach provided false hope for traditional owners. They seemed powerless and bewildered	• On the surface, a range of values appear to be supported through joint management of national parks. But there seems to be a disjoint between intention and implementation • Conservation on indigenous land needs to be focused on so much more than the preservation of species or ecosystems
8	Social benefits	• Indigenous people's lives disrupted by fences, roads, and towns • Feeling of being undervalued and marginalised	• Traditional owners are putting energy into priorities and activities outside the jointly managed parks, e.g., on their own land or their own projects
9	Economic and commercial benefits	• Poor socio-economic profile of indigenous groups • Lack of indigenous people on national park staff • High attrition rate of national park indigenous staff • Huge potential exists to explore feral animal resources for commercial gain	• All the traditional owner groups have frustrations about the difficulties of their own people getting work in the parks
10	Ecological and cultural systems operating together	• Traditional knowledge may not have the same ranking with formal park qualifications; two training systems operate on two levels • Exchange of knowledge, skills and information to achieve positive outcomes	• Aboriginal owners suffered national park systems on their lands because of the protection this provided from mining • Fire is the dominant activity and driver of the woodland ecosystems across tenure boundaries. Fire control could unite the efforts of all landowners because of the potential risks it carries for any owner over large areas
11	Public access maintained, and national values and interests sustained and developed		• Cultural gap is large. Traditional owner aspirations can be massively different from governmental, business, or public interests

Note: These represent the views and understandings of participants from a brief exposure to the case studies and actors involved

and develop an economic base for their people. This inference was supported by the enthusiasm and growing capacity of

members of the Jawoyn community-based ranger group who were managing Jawoyn lands outside the park and,

building on a good working relationship they had with the government parks agency. One Jawoyn community-based ranger commented, "We prefer working for our own people rather than the government, because we can look after our own country and the sites used by the old people" (Jawoyn Ranger, pers. comm. 2010). Indeed, researchers noted that in each park, the Aboriginal owners spoke most eagerly about projects that were under their direct control (C8, Table 5).

Overall perceptions and explanatory factors

Overall the Tūhoe participants in the study tour felt that the joint management arrangements in the three national parks they visited in Australia were a poor fit to their tribe's criteria for the governance and management of Te Urewera National Park. Our Māori participants felt there were many commonalities between their own people's values and socio-economic circumstances, and those of the parks' Aboriginal owners. However, they felt that their own tribes were in a stronger position than the Aboriginal owners in terms of skilled capacity to engage with the Crown and other actors. They also recognised that, unlike the Aboriginal owners, their own tribes have the security of treaty guarantees of tribal rights, which puts them in a stronger position for negotiation.

Also the different constitutional situations of Australia and New Zealand, scale mismatches between the boundaries of the Australian parks and the cultural geographies of their various Aboriginal owner groups influenced the perceptions of the Māori participants. Much greater coherence exists between the area encompassed by Te Urewera National Park and the Tūhoe tribal territory than was the case for any of the Australian parks. Only in Nitmiluk (Bauman 2007) did the Aboriginal leaders adopt the strategy that is familiar to many of the Māori groups engaged in claim negotiations (Katschner 2005; O'Sullivan and Dana 2008), of building unity and common identity across clan groups.

Many critiques that Māori participants had of perceived outcomes from the Australian parks that we examined might be addressed if the local Aboriginal employment rates were substantially higher, especially in more senior positions. Low levels of Aboriginal employment were explained during the study tour by the emphasis on desk-based and computer-based tasks in contemporary park management that require higher literacy skills than are common amongst the Aboriginal owners (see Haynes 2009). Early in Uluru's joint management history it was also noted that older generations of the Aboriginal owners had most interest in how the park is run, but not in full-time work, while younger traditional owners were shy in the face of the large numbers of park visitors (Willis 1992). A scale mismatch is also indicated between public sector employment, where conditions and career paths are established for whole jurisdictions bringing opportunities for employees to gain a wide experience of tasks and regions, and the place-based strategies that are important to the effective recruitment and retention of the local Aboriginal people (e.g., see Walsh and Davies 2011).

Non-Aboriginal park staff need to be recruited for their suitability to work with the Aboriginal owners (Haynes 2009). The arrangements of the Australian parks have provisions for the Aboriginal owners to be involved in recruitment, though we learnt that these were not always realised in practice. The composition of work teams is also important since it is through working together on tasks that people develop shared experiences and ways of complementing each other's strengths. Haynes (2009), whose ethnographic account of Kakadu joint management draws on extensive interviews as well as personal management experience, concludes that the 'joint-ness' of joint management comes through only in rare situations, e.g., in a specialist weed-control team where Aboriginal and non-Aboriginal staff worked together in equitable and uncontested ways on tasks that were critical to maintaining both Aboriginal and non-Aboriginal landscape values. Markham (2009) draws attention to the importance of unstructured relationship building through the Aboriginal owners and the park staff travelling and camping together or sharing a 'cuppa tea' (see also Horstman and Wightman 2001). Markham (2009) also notes that such activities are not recognised as productive in government assessment frameworks.

The low Aboriginal employment levels and poor socio-economic status perceived by our study tour participants are not an outcome of joint management per se, since they are characteristic of Australia as a whole (SGRGSP 2009) due to factors such as disparate cultural norms, capital endowments, and social networks. For example, a wide cultural gap exists between Aboriginal social norms with their accountabilities to their families, and the modernist construct of an employee bound to follow workplace rules and accountabilities. This contributes to low Aboriginal employment rates even when jobs at suitable skill levels are available (McRae-Williams and Gerritsen 2010; Maru and Davies 2011). The persistence and prevalence of these characteristics is explained by the inequitable power relationships and the rigidity of the bureaucracies that interact closely with many Aboriginal people's lives (Maru et al. 2012). While joint management of the parks that we examined has not caused this situation, neither has it been transformational by offering solutions to the issue. The preference that some Aboriginal owners of the jointly managed parks expressed to work for their own organisations rather than the government undoubtedly indicates that institutions to span the cultural divide between home life and work life are better developed in the indigenous organisations than they are in the government.

DISCUSSION

In the Australian parks, the Aboriginal owners have needed to work within structures such as land title, leases, and boards of management that are familiar to the government and many non-indigenous people, and that have no counterparts within their own ontologies. This has undoubtedly limited the capacity of the Aboriginal owners to fully engage with the joint management of parks in Australia. It raises the question

of what governance and management arrangements might be more effective at accommodating an indigenous world view in Te Urewera National Park. We approach this question by first exploring the meaning of 'settlement', which highlights the issues of temporal scale and process. We then relate this to key elements that were agreed between the New Zealand Crown and Tūhoe in late 2012 as a framework for their claim settlement. Drawing on the characteristics of some indigenous-led engagements with protected areas in Australia, we outline processes that will be important for this agreement to actually settle Tūhoe grievances. Finally we highlight potential opportunities from claim settlement for the development of adaptive co-management approaches to biodiversity conservation and social and economic development at the landscape scale.

Concept of 'settlement'

Contemporary treaty claim settlements are peace-making processes. They seek to resolve grievances among the indigenous peoples and other parties whose relationships are characterised by conflict, whether active or latent, and to provide a basis for ongoing cooperative relationships. Peace in such circumstances should become apparent from changes that enhance social justice through the presence of 'crucial instrumental freedoms'—economic and social opportunities, alleviation of poverty, political freedoms, transparency and equity guarantees—that allow people to live lives that they have reason to value, recognising that people's values are diverse (Sen 1999; Barnett 2008).

Disparate power structures that result in unequal life chances and stop people realising their potential, disenfranchise cultures and communities (Galtung 1969, 1990; Barnett 2008; Christie et al. 2008). Such structures, which are a legacy of colonialism in settler states, manifest in fundamental and rarely stated culturally-based norms and beliefs that make the dominance of some social groups and the marginalisation of others appear as 'normal'. This is exemplified by beliefs such as 'national parks belong to everyone' used, for example, by some visitors to Uluru-Kata Tjuta National Park to justify their decision to climb Uluru in contravention of requests made by the park's Aboriginal owners (Hueneke and Baker 2009). In Te Urewera National Park, it manifested in a cultural blind spot in the Crown's conception of national parks that allowed the parks ecosystems to be used and modified for recreational and commercial purposes, and insisted that such use and modification must be done on exactly the same basis for all users, including Tūhoe (Waitangi Tribunal 2012: 886). Achieving social justice requires that significant institutional reform is accompanied by processes that make such fundamental beliefs explicit and allow them to be challenged (Bretherton and Mellor 2006; Hoglund and Kovacs 2010).

For many indigenous groups, including Tūhoe, the transformation necessary for social justice must encompass mainstream institutions that govern land and natural resources. Territorial conflict is the root cause of their contemporary grievances and simply cannot be left unaddressed if any settlement is to be durable (Bretherton and Mellor 2006; Hoglund and Kovacs 2010). This is highlighted by the emphasis in the Tūhoe criteria for settlement (Table 3) on recognition by the Crown that Tūhoe never relinquished their governance authority. Recognition that historical wrongs were done, together with institutional reform that rectifies those wrongs, is a critical foundation for new relationships based on respect.

However, the content of an agreement is not in itself a robust measure of whether grievances will actually be settled. Many peace settlements do not last, due to ongoing mistrust between signatories or due to high level agreements not addressing mistrust among local people (MacGinty et al. 2007). Settlement requires that relationships between individuals and groups at various levels transform from destructive to constructive modalities (Lederach 1997; Bretherton and Mellor 2006; Agius et al. 2007; Hoglund and Kovacs 2010). Since this necessarily encompasses substantial changes in attitudes by all parties, it involves tensions that, if embraced and used to foster change, can stimulate new energy and innovation (Castro and Mouro 2011). Such transformations are important for enabling resilience within societies (Folke et al. 2010). For agreements to achieve durable peace, they need to provide for such transformational processes to take place over time (Lederach 1997; O'Faircheallaigh 2002; Bretherton and Mellor 2006; Hoglund and Kovacs 2010).

Transforming institutions for governance and management in Te Urewera

In September 2012, Tūhoe and the Crown agreed that the land within Te Urewera National Park would have its own legislation and be governed by a Board of Crown and Tūhoe nominees acting on behalf of Te Urewera, with no party signified as the owner of the land (Finlayson 2012). This conceptualisation appears to fit more closely to an indigenous stewardship ethic than does the non-indigenous construct of a title deed to land. The proposed Te Urewera legislation is intended to fully recognise the Tūhoe connections to the land, and to provide a framework to ensure the land is managed to internationally-accepted standards for conservation with public access and input to management maintained. Tūhoe's role will increase over time and the Crown will retain its role. Other elements of the settlement include redress to Tūhoe valued at NZD 170 million (Finlayson 2012). The Tūhoe Chief Negotiator, Tamati Kruger, has described this as a home-grown settlement with no precedent—that brings social justice and biodiversity conservation together (Kruger 2012).

Indigenous governance and management (Table 2) was an option that was hypothetically available to Tūhoe and the Crown to negotiate and that could have fitted closely to the Tūhoe criteria for claim settlement. The Australian experience with Indigenous Protected Areas demonstrates that there are no inherent barriers to indigenous governed and managed protected areas being recognised as part of national protected

area systems (ANAO 2011). Assessments of governance and management processes and outcomes from Indigenous Protected Areas, while generally lacking depth, consistently report empowerment of the Aboriginal owners, increased economic participation and opportunity, and improvements in local capacity for biodiversity conservation (Gilligan 2006; Bauman and Smyth 2007; Ross et al. 2009; Smyth 2011; Hill et al. 2012). Indigenous Protected Areas and other indigenous-governed collaborations can provide the best prospects of integrating Western science and indigenous or traditional ecological knowledge (Hill et al. 2012).

Indigenous Protected Areas and other indigenous-led approaches to protected area governance and management can raise political and public concerns that the lack of government involvement will lead to benefits for indigenous people at the expense of national and global interests in outcomes for conservation and ecosystem services. In the case of Indigenous Protected Areas, however, indigenous governance often provides for the government and other parties to have influence through a diverse array of mechanisms. Most Indigenous Protected Areas have advisory committees where the government and other stakeholders are represented. Some have seconded government staff embedded with indigenous managers, mentoring and working alongside indigenous community-based rangers (Hoffmann et al. 2012); most have agreements with the government for funding and other support (ANAO 2011), albeit at lower levels than for government-managed protected areas (Gilligan 2006); and many are developing a wide range of partnerships (Davies et al. 2013).

Capacity considerations, as well as political barriers, influence the feasibility of establishing indigenous governance and management for Te Urewera as part of a deed of settlement of the Tūhoe claim. Most of the Aboriginal owners of Australian Indigenous Protected Areas are developing conservation programmes—and in some cases opportunities for public recreational access—progressively, at the same time as they are strengthening governance institutions and developing new skills, partnerships, and knowledge networks. Restoring indigenous governance and management to Te Urewera is more challenging because the area has established public use and conservation programmes that need to be maintained or transformed.

Tūhoe will also have many other pressing responsibilities after their settlement agreement is concluded. Notably, Tūhoe leaders will need to engage closely with their people to consolidate governance and provide for a benefit stream. Within the Te Urewera region alone this will need to include a plurality of *hapū* (tribal sub-group) and *whānau* (family) land trusts. The challenges of doing so at the same time as restoring Tūhoe governance and management to Te Urewera could overwhelm Tūhoe capacity. Indeed, capacity limitations result in community-based conservation struggling to deliver on its promise of conservation and livelihood outcomes in many other settings (Berkes 2004; Fabricius and Collins 2007).

The settlement framework that has been agreed for Te Urewera indicates that Tūhoe governance could be re-established progressively, in conjunction with the transformation of relationships and attitudes within the government and New Zealand society that is required to build a full sense of 'settlement'. Tūhoe management could also be progressively established, as Tūhoe capacity develops. These transformations will require investments by both Tūhoe and the government in developing leadership, a shared vision and norms, targets, and ways of working and learning together that build trust and cooperation. Deliberative and reflexive approaches that encourage learning and adaptation will be important, and should be guided by participatory monitoring that includes governance and other social dimensions (Izurieta 2007; Timko and Satterfield 2008; Cundill and Fabricius 2009, 2010; Izurieta et al. 2011). Conservation and livelihood outcomes from such a schema are likely to be enhanced if such a transition takes into account the context and opportunities for enhancing sustainability in the broader social-ecological system (Plummer and Hashimoto 2011), beyond the boundaries of what is now Te Urewera National Park.

Landscape-scale opportunities

The limited capacity of protected areas to effectively conserve biodiversity and cultural connections at the landscape scale is a global issue (Folke et al. 2007; Plummer and Hashimoto 2011). In the Australian parks we examined, governance and management institutions relate only to the lands within the park boundary, with little correspondence to cultural or ecological regions and no formal institutions to coordinate the governance and management of the parks with that of the surrounding lands. Much of that land is, unlike the jointly managed parks, both governed and managed by the Aboriginal people along with a few coordinating institutions across the parks' boundaries. This lack of fit limits the capacity of the joint management of the parks to contribute to conservation and livelihood outcomes at the landscape scale.

In contrast, the settlement of the Tūhoe claim presents a significant opportunity to transform the social-ecological system in the broader bio-cultural region that includes the land inside Te Urewera National Park, adjacent and enclosed lands held by Māori Land Trusts, regional infrastructure, and nearby towns through a widely shared vision and coordination of institutions and actions. Tūhoe have a world view and vision of this landscape as a coherent social-ecological system, which is masked for many others by tenure and other institutional boundaries. Tūhoe leadership and 'polycentric' governance (Ostrom 1999; Option 8, Table 2) will be important in realising this vision through landscape-scale approaches to conservation and development in the region. Polycentric structures that involve multiple groups or organisations at local to national levels are predicted to be more effective than a hierarchical design where decisions are channelled down from a peak organisation such as a regional governance board. At each level there should be defined governance power and responsibility, networking to facilitate information exchange, and involvement in deliberative decision-making processes,

joint problem solving, and co-production of new knowledge (Armitage et al. 2007, 2009, 2011; Berkes 2009b; Schultz et al. 2011).

Development of landscape-scale opportunities for enhanced conservation and livelihood outcomes will depend on trust and cooperative relations between Tūhoe, the government, and other stakeholders. These changes can only emerge symbiotically in conjunction with a sense among Tūhoe members that their historical grievances have been addressed. An accompanying sense of Tūhoe authority and achievement could be expected to influence Tūhoe organisations, individuals, and families to make long-term investments of time, knowledge, and money into conservation and livelihoods within Te Urewera. Participatory country-based planning (Smyth 2008; MYAC 2009), such as used in recent innovative indigenous-led approaches to protected area governance and management in Australia (Davies et al. 2013), offers Tūhoe a methodology to consider and galvanise such investment. Engagements with other stakeholders that build from indigenous world views and knowledge offer prospects for restoring and extending cultural connections of care and mutual responsibility towards the land (Berkes et al. 2009). Conversely, if the settlement turns out to be achieved only on paper, Tūhoe might well pursue alternative corporate and business-related opportunities in urban centres such as Auckland where the majority of Tūhoe members now live.

CONCLUSION

The global trend of increased stakeholder participation and flexible modes of collaboration in protected areas does not in itself provide an adequate basis for addressing distinctive issues of indigenous peoples, their rights to customary territories, and historical grievances about the establishment of protected areas on those territories. Joint management arrangements have been widely regarded as innovative power-sharing arrangements that reconcile indigenous rights and conservation. Yet they have attracted relatively little critical attention in terms of their effectiveness over time in progressing indigenous people's goals.

The Māori representatives introduced during a study tour to three long-standing Australian protected areas that have been regarded as innovative power-sharing arrangements considered that much more could have been done in these parks to realise an indigenous framework for contemporary governance and management. While recognising that a range of complex factors affect any comparison between the aspirations of one indigenous group and the lived experience of others, we found no strong evidence that governance and management systems in these parks had been transformed to reflect an indigenous world view, and returned an unequivocal stream of benefits to the indigenous owners.

Settlement of long-standing indigenous grievances requires substantial institutional transformation. It cannot be achieved only by the terms of a formal agreement but requires processes that transform relationships to new positive modalities by building trust and new norms of behaviour. Settlement processes that deliver these components increase the prospects of the

indigenous peoples participating in a lead role in protected area governance and management with outcomes for both social justice and biodiversity conservation. In some cases, such as Te Urewera, where the indigenous people form the majority of residents and landowners in the vicinity of protected areas, these processes also present landmark opportunities for these outcomes to be extended to the landscape scale.

ACKNOWLEDGEMENTS

NOTES

1. 'The Crown' refers historically to Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland whose representatives signed the Treaty of Waitangi in 1840. The term is widely used in contemporary literature and legislation to signify the New Zealand Parliament or government.
2. The Treaty of Waitangi, the founding constitutional document for New Zealand, was signed in 1840 between agents of the Queen of the United Kingdom and chiefs from the majority of tribes (512 signatories). It was created to protect the rights and property of Māori, but at the same time to allow the Crown to establish a civil government to govern British subjects already settled and planning to settle in New Zealand. Up until the mid-1970s little consideration was given to the Treaty of Waitangi by successive New Zealand governments. However, a growing Māori political movement lobbied for the recognition of Māori rights. This led to the Treaty of Waitangi Act 1975, and the establishment of the Waitangi Tribunal mandated to assess Māori claims and grievances and make non-binding recommendations to the Crown on the strength of each claim and the form of redress (O'Regan et al. 2006). Tūhoe did not sign the Treaty of Waitangi (or any other treaty with the Crown) and remained in full control of their customary lands until the Crown confiscations started in 1865. However, the processes established by the Treaty of Waitangi Act 1975 have been the only option readily available to Tūhoe to express and settle their historical grievances.
3. Environment Protection and Biodiversity Conservation Act 1999 [Commonwealth], Aboriginal Land Rights (Northern Territory) Act 1975 [Commonwealth]; Nitmiluk National Park Act 1989 [NT].
4. Leases from Aboriginal owners to the government entity are published as part of management plans for Uluru-Kata Tjuta and Kakadu and in the Nitmiluk National Park Act 1989 [NT]; the management plans and reports examined were current NNP POM (2002), KPOM (2007), (DONP) 2009, and UKTNP POM (2010).

REFERENCES

AG SEWPAC. (Australian Government. Department of Sustainability Environment Water Population and Communities). 2011. Mandingalbay Yidinji Indigenous Protected Area. AG SEWPAC. http://www.environment.gov.au/indigenous/ipa/declared/mandingalbay.html. Accessed on December 18, 2012.

Agius, P., T. Jenkin, S. Jarvis, R. Howitt, and R. Williams. 2007. (Re) asserting indigenous rights and jurisdictions within a politics of place: Transformative nature of native title negotiations in South Australia. *Geographical Research* 45(2): 194–202.

ANAO (Australian National Audit Office). 2011. The Auditor-General Audit Report No. 14 2011/12 Performance Audit: Indigenous Protected Areas, Department of Sustainability, Environment, Water, Population and Communities. Canberra: Commonwealth of Australia. http://www.anao.gov.au/Publications/Audit-Reports/2011-2012/Indigenous-Protected-Areas. Accessed on April 12, 2012.

Armitage, D., F. Berkes, A. Dale, E. Kocho-Schellenberg, and E. Patton. 2011. Co-management and the co-production of knowledge: learning to adapt in Canada's Arctic. *Global Environmental Change* 21(3): 995–1004.

Armitage, D., F. Berkes, and N.C. Doubleday. eds. 2007. *Adaptive co-management: collaboration, learning and multi-level governance*. Vancouver: UBC Press.

Armitage, D.R., R. Plummer, F. Berkes, R.I. Arthur, A.T. Charles, I.J. Davidson-Hunt, A.P. Diduck, et al. 2009. Adaptive co-management for social-ecological complexity. *Frontiers in Ecology and the Environment* 7(2): 95–102.

Baker, L.M. and Mutitjulu Community. 1992. Comparing two views of the landscape: Aboriginal traditional ecological knowledge and modern scientific knowledge. *The Rangeland Journal* 14(2): 174–189.

Barnett, J. 2008. Peace and development: towards a new synthesis. *Journal of Peace Research* 45(1): 75–89.

Bauman, T. 2007. Nitmiluk National Park: joint management as process and balancing interests. In: *Indigenous partnerships in protected area management in Australia: three case studies* (eds. Bauman T. and D. Smyth). Pp. 17–70. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies.

Bauman, T. and D.M. Smyth. 2007. *Indigenous partnerships in protected area management in Australia: three case studies*. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies.

Beltran, J. ed. 2000. *Indigenous and traditional peoples and protected areas: principles, guidelines and case studies*. Gland and Cambridge: IUCN and WWF International.

Berkes, F. 2004. Rethinking community-based conservation. *Conservation Biology* 18(3): 621–630.

Berkes, F. 2009a. Community conserved areas: policy issues in historic and contemporary context. *Conservation Letters* 2: 19–24.

Berkes, F. 2009b. Evolution of co-management: role of knowledge generation, bridging organizations and social learning. *Journal of Environmental Management* 90(5): 1692–1702.

Berkes, F. 2010. Devolution of environment and resources governance: trends and future. *Environmental Conservation* 37(4): 489–500.

Berkes, F., G.P. Kofinas, and F.S. Chapin III. 2009. Conservation, community and livelihoods: Sustaining, renewing and adapting cultural connections to the land. In: *Principles of ecosystem stewardship: resilience based natural resource management in a changing world* (eds. Folke, C., G.P. Kofinas, and S.F. Chapin). Springer Science+Business Media, LLC.

Binney, J. 2009. *Encircled lands: Te Urewera 1820–1921*. Wellington: Bridget Williams Books.

Borrini-Feyerabend, G. 2008. *Implementing the CBD Program of Work on Protected Areas: governance as key for effective and equitable protected area systems*. Geneva: IUCN Commission on Environmental, Economic and Social Policy.

Borrini-Feyerabend, G., A. Kothari, and G. Oviedo. 2004a. *Indigenous and local communities and protected areas: towards equity and enhanced conservation*. Cardiff: World Commission on Protected Areas (WCPA), IUCN – The World Conservation Union, Cardiff University.

Borrini-Feyerabend, G., M. Pimbert, T.M. Farvar, A. Kothari, and Y. Renard. 2004b. *Sharing power: learning by doing in co-management throughout the world*. Cenesta, Tehran: IIED and IUCN.

Bretherton, D. and D. Mellor. 2006. Reconciliation between Aboriginal and other Australians: The "stolen generations". *Journal of Social Issues* 62(1): 81–98.

Carlsson, L. and F. Berkes. 2005. Co-management: concepts and methodological implications. *Journal of Environmental Management* 75(1): 65–76.

Cash, D.W., W.N. Adger, F. Berkes, P. Garden, L. Lebel, P. Olsson, L. Pritchard, et al. 2006. Scale and cross-scale dynamics: Governance and information in a multilevel world. *Ecology and Society* 11(2): 8.

Castro, P. and C. Mouro. 2011. Psycho-social processes in dealing with legal innovation in the community: insights from biodiversity conservation. *American Journal of Community Psychology* 47(3–4): 362–373.

Christie, D.J., B.S. Tint, R.V. Wagner, and D.D. Winter. 2008. Peace psychology for a peaceful world. *American Psychologist* 63(6): 540–552.

Colchester, M. 2004. Conservation policy and indigenous peoples. *Environmental Science & Policy* 7(3): 145–153.

Coombes, B. 2003. *Making scenes of nature and sport – resource and wildlife management in Te Urewera, 1895–1954*. A report prepared for the Crown Forestry Rental Trust. Auckland: Auckland UniServices.

Coombes, B.L. and S. Hill. 2005. "Na whenua, naTūhoe. ko D.o.C. te partner": Prospects for comanagement of Te Urewera National Park. *Society & Natural Resources* 18(2): 135–152.

Craig, D., L. Yung, and W. Borrie. 2012. Blackfeet belong to the mountains: hope, loss, and Blackfeet claims to Glacier National Park, Montana. *Conservation and Society* 10(3): 232–242.

Cundill, G. and C. Fabricius. 2009. Monitoring in adaptive co-management: toward a learning based approach. *Journal of Environmental Management* 90(11): 3205–3211.

Cundill, G. and C. Fabricius. 2010. Monitoring the governance dimension of natural resource co-management. *Ecology and Society* 15(1): 15.

Davies, J., R. Hill, M. Sandford, F. Walsh, D. Smyth, and M. Holmes. 2013. Innovation in management plans for Community Conserved Areas: experiences from Australian Indigenous Protected Areas. *Ecology and Society* 18(2): 14.

De Lacy, T. 1994. The Uluru/Kakadu Model – Anangu Tjukurrpa. 50,000 years of Aboriginal law and land management changing the concept of national parks in Australia. *Society and Natural Resources* 7: 479–498.

Dearden, P., M. Bennett, and J. Johnston. 2005. Trends in global protected area governance, 1992-2002. *Environmental Management* 36(1): 89–100.

Department of Conservation. 2003. *Te Urewera National Park plan*. Wellington: Department of Conservation.

Dick, J., J. Stephenson, R. Kirikiri, H. Moller, and R. Turner R. 2012. Listening to the Tangata Kaitiaki: consequences of the loss of abundance and biodiversity in coastal ecosystems in Aotearoa New Zealand. *MAI Journal* 1: 117–130.

DONP (Director of National Parks). 2009. *State of the parks report: Director of National Parks annual report 2008–09. Supplementary information*. Canberra: Australian Government, Department of the Environment, Water, Heritage and The Arts.

DONP (Director of National Parks). 2010. Director's review In: *Annual report 2010–2011*. Pp. 2–7. Canberra: Australian Government. Director of National Parks.

Dudley, N. 2008. *Guidelines for applying protected area management categories*. Gland: IUCN.

Fabricius, C. and S. Collins. 2007. Community-based natural resource management: governing the commons. *Water Policy* 9(Suppl. 2): 83–97.

Finlayson, C. 2012. Crown offer accepted by Ngai Tuhoe settlement negotiators. The official website of the New Zealand Government. http://www.beehive.govt.nz/release/crown-offer-accepted-ngai-tuhoe-settlement-negotiators. Accessed on December 12, 2012.

Folke, C., L. Pritchard, F. Berkes, J. Colding, and U. Svedin. 2007. The problem of fit between ecosystems and institutions: ten years later. *Ecology and Society* 12(1): 30.

Folke, C., S.R. Carpenter, B. Walker, M. Scheffer, T. Chapin, and J. Rockstrom. 2010. Resilience thinking: integrating resilience, adaptability and transformability. *Ecology and Society* 15(4): 20.

Galtung, J. 1969. Violence, peace and peace research. *Journal of Peace Research* 6(3): 167–191.

Galtung, J. 1990. Cultural violence. *Journal of Peace Research* 27(3): 291–305.

Gilligan, B. 2006. *The Indigenous Protected Areas program: 2006 evaluation*. Canberra: Australian Government, Department of the Environment and Heritage.

Haynes, C. 2009. Defined by contradiction: the social construction of joint management in Kakadu National Park. Ph.D. thesis. Charles Darwin University, Darwin, Australia.

Hill, R. 2011. Towards equity in Indigenous co-management of protected areas: cultural planning by Miriuwung-Gajerrong people in the Kimberley, Western Australia. *Geographical Research* 49(1): 72–85.

Hill, R., C. Grant, M. George, C.J. Robinson, S. Jackson, and N. Abel. 2012. A typology of Indigenous engagement in Australian environmental management: implications for knowledge integration and social-ecological system sustainability. *Ecology and Society* 17(1): 23.

Hoffmann, B.D., S. Roeger, P. Wise, J. Dermer, B. Yunupingu, D. Lacey, and B. Panton. 2012. Achieving highly successful multiple agency collaborations in a cross-cultural environment: experiences and lessons from Dhimurru Aboriginal Corporation and partners. *Ecological Management and Restoration* 13(1): 42–50.

Hoglund, K. and M.S. Kovacs. 2010. Beyond the absence of war: the diversity of peace in post-settlement societies. *Review of International Studies* 36(2): 367–390.

Horstman, M. and G. Wightman. 2001. Karparti ecology: Recognition of Aboriginal ecological knowledge and its application to management in north-western Australia. *Ecological Management & Restoration* 2(2): 99–109.

Hueneke, H. and R. Baker. 2009. Tourist behaviour, local values, and interpretation at Uluru: 'The sacred deed at Australia's mighty heart'. *GeoJournal* 74(5): 477–490.

Innes, J.E. and D.E. Booher. 2010. *Planning with complexity: an introduction to collaborative rationality for public policy*. Abingdon, and New York, NY: Routledge.

Izurieta, A. 2007. Evaluation framework for collaborative management of protected areas: a cross-cultural case study in Queensland, Australia. Ph.D. thesis. The University of Queensland, Brisbane, Australia. http://espace.library.uq.edu.au/view/UQ:131157.

Izurieta, A., B. Sithole, N. Stacey, H. Hunter-Xenie, B. Campbell, P. Donohoe, J. Brown, et al. 2011. Developing indicators for monitoring and evaluating joint management effectiveness in protected areas in the Northern Territory, Australia. *Ecology and Society* 16(3): 9.

Katschner, I. 2005. The role of Treaty of Waitangi claim settlements on Māori economic development. *International Journal of Entrepreneurship & Small Business* 2(2): 163–177.

KPOM (Kakadu National Park plan of management). 2007. *Kakadu National Park management plan 2007*. Canberra: Australian Government. Director of National Parks.

Kruger, T. 2012. Interview. Radio New Zealand National Nine to Noon. 17 December 2012. Feature Guest: Tamati Kruger, Ngai Tuhoe chief negotiator. http://www.ngaituhoe.iwi.nz/News/TuhoeNewsandEvents/id/487/title/feature-guest-tamati-kruger.aspx. Accessed on December 17, 2012.

Lane, M.B. 2001. Affirming new directions in planning theory: comanagement of protected areas. *Society & Natural Resources* 14(8): 657–671.

Langton, M. 2012. Boyer Lectures. Lecture 4: The conceit of wilderness ideology. ABC Radio National. http://www.abc.net.au/radionational/programs/boyerlectures/2012-boyer-lectures-234/4409022. Accessed on December 18, 2012.

Lederach, J.P. 1997. *Building peace: sustainable reconciliation in divided societies*. Washington, DC: USIP Press.

Lockwood, M. 2010. Good governance for terrestrial protected areas: a framework, principles and performance outcomes. *Journal of Environmental Management* 91(3): 754–766.

MacGinty, R., O.T. Muldoon, and N. Ferguson. 2007. No war, no peace: Northern Ireland after the agreement. *Political Psychology* 28(1): 1–11.

Markham, A. 2009. *Competing interests: co-management, Aborigines and national parks in Australia's Northern Territory*. Canberra: The Australian National University.

Maru, Y. and J. Davies. 2011. Supporting cross-cultural brokers is essential for employment among Aboriginal people in remote Australia. *The Rangeland Journal* 33(4): 327–338.

Maru, Y., C. Fletcher, and V. Chewings. 2012. A synthesis of current approaches to traps is useful but needs rethinking for indigenous disadvantage and poverty research. *Ecology and Society* 17(2): 7.

McRae-Williams, E. and R. Gerritsen. 2010. Mutual incomprehension: the cross-cultural domain of work in a remote Australian Aboriginal community. *The International Indigenous Policy Journal* 1(2): 2.

Moller, H. 2007. Getting kaitiakitanga onto the map: Mataitai and Taiapure will soon lead the way. *Kai Korero* 6.

MYAC. (Mandingalbay Yidinji Aboriginal Corporation). 2009. Strategic plan for Mandingalbay Yidinji Country. Cairns: MYAC. http://www.djunbunji.com.au/files/8713/2219/6853/Mandingalbay_Plan.pdf. Accessed on December 18, 2012.

NNP POM (Nitmiluk National Park Plan of Management). 2002. *Nitmiluk (Katherine Gorge) National Park plan of management*. Darwin: Parks and Wildlife Commission of the Northern Territory.

Nursey-Bray, M. and P. Rist. 2009. Co-management and protected area management: achieving effective management of a contested site, lessons from the Great Barrier Reef World Heritage Area (GBRWHA). *Marine Policy* 33(1): 118–127.

O'Faircheallaigh, C. 2002. Implementation: the forgotten dimension of agreement making in Australia and Canada. *Indigenous Law Bulletin* 5(20): 14–17.

O'Regan, T., L. Palmer, and M. Langton. 2006. Keeping the fires burning: grievance and aspiration in the Ngai Tahu Settlement. In: *Settling with indigenous people: modern treaty and agreement-making* (eds. Langton, M., M. Tehan, L. Palmer, K. Shain, and O. Mazel). Pp. 44–65. Sydney: The Federation Press.

O'Sullivan, J. and T. Dana. 2008. Redefining Māori economic development. *International Journal of Social Economics* 35(5): 364–379.

Ostrom, E. 1999. Coping with tragedies of the commons. *Annual Review of Political Science* 2: 493–535.

Phillips, A. 2003. Turning ideas on their head: the new paradigm for protected areas. *George Wright Forum* 20(2): 11–32.

Pinkerton, E.W. 1992. Translating legal rights into management practice: Overcoming barriers to the exercise of comanagement. *Human Organization* 51(4): 330–341.

Plummer, R. and A. Hashimoto. 2011. Adaptive co-management and the need for situated thinking in collaborative conservation. *Human Dimensions of Wildlife* 16(4): 222–235.

QDNPRSR. (Queensland Department of National Parks Recreation Sport and Racing). 2012. Oyala Thumotang National Park: Nature, culture and history. http://www.nprsr.qld.gov.au/parks/oyala-thumotang/culture.html. Accessed on December 18, 2012.

Ross, H., C. Grant, C.J. Robinson, A. Izurieta, D. Smyth, and P. Rist. 2009. Co-management and Indigenous Protected Areas in Australia: achievements and ways forward. *Australasian Journal of Environmental Management* 16(4): 242–252.

Schultz, L., A. Duit, and C. Folke. 2011. Participation, adaptive co-management, and management performance in the world network of Biosphere Reserves. *World Development* 39(4): 662–671.

Sen, A. 1999. *Development as freedom*. New York, NY: Anchor.

SGRGSP. (Steering Committee for the Review of Government Service Provision). 2009. Overcoming indigenous disadvantage: key indicators 2011. Canberra: Productivity Commission. http://www.pc.gov.au/__data/assets/pdf_file/0018/111609/key-indicators-2011-report.pdf. Accessed on December 10, 2012.

Smyth, D. 2001. Joint management of national parks. In: *Working on country: contemporary indigenous management of Australia's lands and coastal regions* (eds. Baker, R., J. Davies and E. Young). Pp. 75–91. South Melbourne: Oxford University Press.

Smyth, D. 2008. Just add water? Taking Indigenous Protected Areas into sea country. In: *Protecting country: indigenous governance and management of protected areas* (eds. Smyth, D. and G. Ward). Canberra: AIATSIS.

Smyth, D. 2011. *Review of working on country and Indigenous Protected Area programs through telephone interviews. Final report*. Atherton, Australia: Smyth and Bahrdt Consultants.

Smyth, D. and G.K. Ward. 2008. Introduction: indigenous governance and management of protected areas. In: *Protecting country: indigenous governance and management of protected areas* (eds. Smyth, D. and G. Ward). Canberra: AIATSIS.

Statistics New Zealand. 2006. Iwi profiles: Tuhoe. 2006 Census Iwi Profiles, Wellington, Statistics New Zealand. 12 pp.

Strelein, L. 2004. Symbolism and function: from native title to Aboriginal and Torres Strait Islander self-government. In: *Honour among nations? Treaties and agreements with Indigenous people* (eds. Langton, M., M. Tehan, L. Palmer, and K. Shain). Pp. 189–202. Melbourne: Melbourne University Press.

Taiepa, T., P. Lyver, P. Horsley, J. Davis, M. Bragg, and H. Moller. 1997. Co-management of New Zealand's conservation estate by Maori and Pakeha: a review. *Environmental Conservation* 24: 236–250.

Timko, J. and T. Satterfield. 2008. Criteria and indicators for evaluating social equity and ecological integrity in national parks and protected areas. *Natural Areas Journal* 28(3): 307–319.

Toyne, P. 1994. The Rock belongs to all Australians: Uluru National Park. In: *The reluctant nation: environmental law and politics in Australia*. Pp. 48–64. Sydney: ABC Books.

Trevett, C. and Y. Tahana. 2010. Plan reveals control option for Te Urewera Park. *NZ Herald*, 19 May 2010, Auckland, New Zealand.

UKTNP POM (Uluru-Kata Tjuta National Park plan of management). 2010. *Uluru-Kata Tjuta National Park management plan 2010–2020*. Canberra: Australian Government, Director of National Parks.

United Nations. 2008. *United Nations Declaration on the Rights of Indigenous Peoples*. New York, NY: United Nations.

Waitangi Tribunal. 2012. From self-governing native reserve to national park. Te Urewera report: Pre-publication, Part 3. Wellington: Waitangi Tribunal. http://www.waitangi-tribunal.govt.nz. Accessed on December 11, 2012.

Walker Painemilla, K., A B. Rylands, A. Woofter, and C. Hughes (eds.). 2010. *Indigenous peoples and conservation: from rights to resource management*. Arlington, VA: Conservation International.

Walsh, F. and J. Davies. 2011. Our work is about learning, colleagues, culture and place: Aboriginal employment at the Alice Springs Desert Park. Alice Springs: Ninti One Ltd. http://www.nintione.com.au/resource/NintiOneResearchReport_72_AboriginalemploymentatAliceSpringsDesertParkLR.pdf. Accessed on October 3, 2011.

West, P., J. Igoe, and D. Brockington. 2006. Parks and peoples: the social impact of protected areas. *Annual Review of Anthropology* 35: 251–277.

Willis, J. 1992. Two laws, one lease: accounting for traditional Aboriginal Law in the lease for Uluru National Park. In: *Aboriginal involvement in parks and protected areas: Papers presented to a conference organised by the Johnston Centre of Parks, Recreation and Heritage at Charles Sturt University, Albury, New South Wales 22–24 July 1991.* (eds. Birckhead, J., T. De Lacy, and L. Smith). Pp. 159–166. Canberra: Aboriginal Studies Press.

Woenne-Green, S., R. Johnston, R. Sultan, and A. Wallis. 1994. *Competing interests: Aboriginal participation in national parks and conservation reserves in Australia. A review*. Melbourne: Australian Conservation Foundation.

Zurba, M., H. Ross, A. Izurieta, P. Rist, E. Bock, and F. Berkes. 2012. Building co-management as a process: problem solving through partnerships in Aboriginal country, Australia. *Environmental Management* 49(6): 1130–1142.

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