

Any donation large or small will bring us closer to these goals.

**Cape York Indigenous Environment Foundation**  
**Telephone: 1800 623 548 freecall within Qld**  
**070 51 9077 Australia 61 70 51 9077 International**

☐ I have enclosed a cheque or money order for

☐ \$500      ☐ \$250      ☐ \$100      ☐ \$50

☐ Other \$ .....payable to the  
Cape York Indigenous Environment Foundation

☐ I would like more information please

Signature:.....

*"Cape York Peninsula remains one of the last great wild places and cultural landscapes on Earth."*

*It is critical that both protection of the environment and justice for Aboriginal people, the land's custodians, become our priority.*

*Before us is the opportunity to plan an indigenous wilderness domain ..... to commit Cape York Peninsula to development which is sustainable, with an over-riding principle: the preservation, management and enhancement of a vital indigenous wilderness for the benefit and wonder of future generations".*

**Noel Pearson, Executive Director  
Cape York Land Council**



Artwork by Joseph McIvor

# CAPE YORK INDIGENOUS ENVIRONMENT FOUNDATION



*The land needs it's people.*



## THE CAPE YORK INDIGENOUS ENVIRONMENT FOUNDATION



The Cape York Indigenous Environment Foundation has been established as a direct result of increasing pressures of over-development, both on the environment and on Aboriginal people of Cape York Peninsula.

The netting of a river mouth by poachers, unfenced cattle damaging ancient rock paintings or traditional stories not passed down because Aboriginal elders have been dispossessed from their homelands, are all examples of pressures which contribute to the destruction of a unique cultural and environmental system that needs support from all Australians to survive.

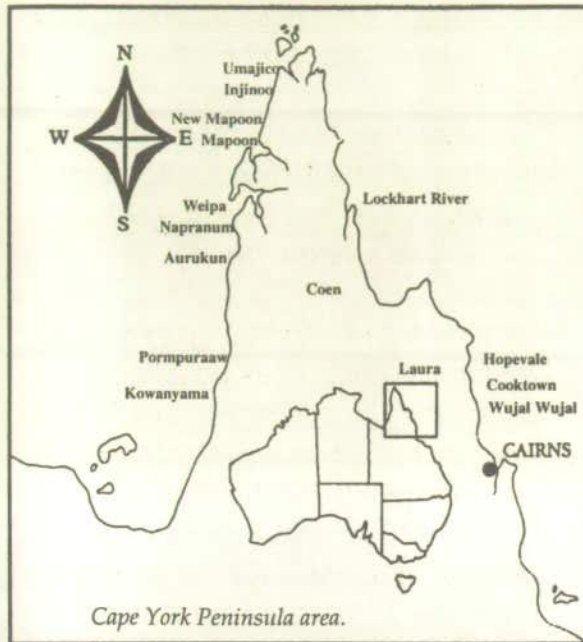
The Foundation offers Australia a chance to get things right - to achieve Aboriginal land justice, environmental protection and reconciliation on Cape York Peninsula.

The Foundation aims to raise money to buy culturally and ecologically important areas, and ensure their ongoing protection by returning them to the management of the traditional Aboriginal custodians.

The first Australian Aboriginal led environment initiative of its kind, the Foundation is an alliance of Aboriginal traditional owners with the Cape York Land Council, The Wilderness Society and Australian Conservation Foundation.

The Foundation depends on donations from the public to achieve its aims.

## CAPE YORK PENINSULA



Its 140,000 square kilometres represent Australia's most extensive and intact mosaic of ecosystems, interwoven with a rich and vibrant Aboriginal culture.

Recent government studies have rated more than 60% of Cape York Peninsula as land of "high wilderness quality", with over 80% identified as having natural conservation significance.

The biodiversity of Cape York Peninsula is extraordinarily high, with more than one-half of Australian bird species, one-third of Australian mammals species, and one-quarter of Australian reptile species found there.

***The land and the people depend on each other for care and survival. The land needs its people and the people need their land.***

## ENVIRONMENTAL HIGHLIGHTS

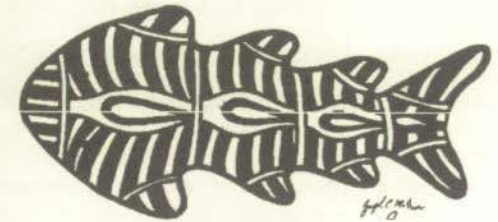
Diverse landscapes include:

The Wuthathi peoples' magnificent white sand dune country, dotted with freshwater lakes and swamps at Shelburne Bay

The rich wetland and mangrove systems and extensive tall forests of the Wik lands of the West Coast

The extensive mountain rainforests of McIlwraith Range, famous for its exotic flora and fauna - predominantly Kaanju domain

Rare tropical savannah woodlands and pristine water catchments of the central peninsula region



## CULTURAL HIGHLIGHTS

Strong cultures survive and thrive on Cape York Peninsula.

The Peninsula's indigenous population of about 13,000 speak over 50 languages, create internationally recognised traditional art and craft, practise traditional food and medicine knowledge, and keep their culture alive through stories and dance which teach the younger generations.

Access to and management of traditional land is essential as Aboriginal people rely significantly on their natural environment for these activities.



The Wilderness Society



Cape York Land Council



Australian Conservation Foundation

# BACKGROUND

## CAPE YORK HEADS OF AGREEMENT

### SOME ISSUES

1. The Heads of Agreement is only the first step towards a Regional Agreement under Section 21 of the Nunavut Native Title Act.

to register such an agreement in the particular circumstances with respect to Cape York, native title holders must submit a package of documents.

Individual native title holders themselves are required to establish if native title and a government must be parties to the agreement.

2. The sequence of events envisaged by the parties is:

- (i) Initial Heads of Agreement between the organizations - CYLC, NTS, and ATSIC.

The Heads of Agreement is not binding on individuals as none of the organizations possess a legal instrument appointing them to represent individual entities. The boundary is the administrative area of the Peninsula ATSIC, West and Central.

- (ii) The Heads of Agreement then is put to the Qajaqs and elders for consideration. As there now is only a caretaker Council, the Heads of Agreement will be put to the Ad P and the Council for consideration.

- (iii) Pursue agreements with the mining and tourism industries and other businesses with interests on Cape York Peninsula.

- (iv) The CYLC, CYLC and ATSIC approach their core needs to become individual parties to the agreement. At this stage, an agreement may be submitted to the National Native Title Tribunal for registration.

3. Other regions can benefit from the questions through a similar process to Cape York. Given the potential, there needs to be a defined process to facilitate negotiations with Aboriginal businesses without having to lodge a native title claim with the Native Title Tribunal. The Tribunal's resources only become available when a native title claim is accepted by it.







3. The parties acknowledge that there exist in Cape York areas of significant conservation and heritage value encompassing environmental, historical and cultural features, the protection of which is the responsibility of State and Federal Governments in conjunction with the parties.
4. The parties maintain their respective positions on the East Coast Wilderness Zone but shall encourage negotiations between pastoralists in the Zone and the State Government on its creation. If the negotiations prove unsuccessful, the parties undertake to meet again to discuss the matter.
5. All parties are committed to work together to develop a management regime for ecologically, economically, socially and culturally sustainable land use on Cape York Peninsula, and to develop harmonious relationships amongst all interests in the area.
6. Subject to clause 5, all parties are committed to the development of a sustainable cattle industry on Cape York Peninsula.
7. The parties are committed to jointly approach the State Government to secure upgraded lease tenures for pastoral properties and restructure lease boundaries under the existing provisions of the Queensland Land Act. As a necessary prerequisite for this process, a property management plan shall be developed for each property consistent with clause 5, in consultation with existing landholders. The parties agree to encourage leaseholders to make necessary applications to the State Government for these purposes.
8. The CU and CYLC agree to make joint approaches to secure investment for development of the cattle industry through the Indigenous Land Corporation, the Rural Adjustment Scheme, and other sources.

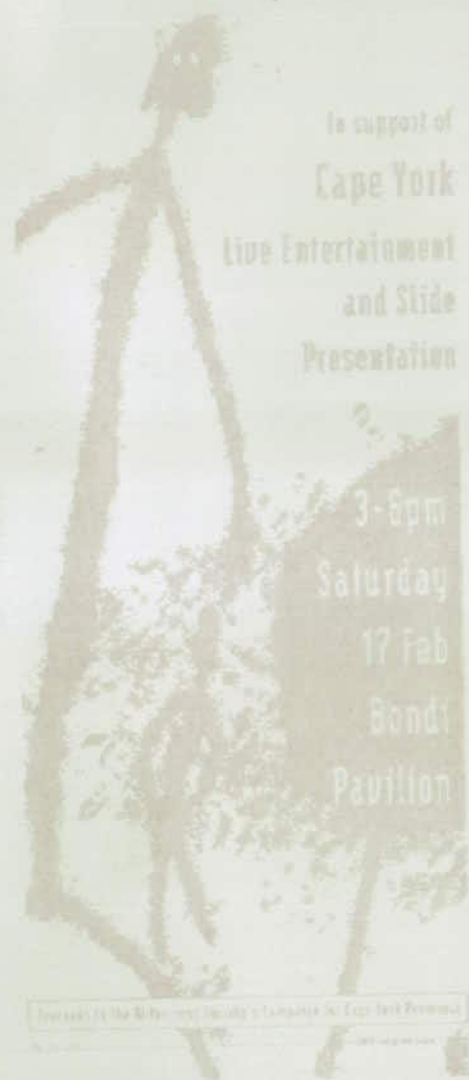
9. The Aboriginal people agree to exercise any native title rights in a way that will not interfere with the rights of pastoralists.
10. Pastoralists agree to continuing rights of access for traditional owners to pastoral properties for traditional purposes. These rights are:
- right to hunt, fish and camp;
  - access to sites of significance;
  - access for ceremonies under traditional law;
  - protection and conservation of cultural heritage.
11. These rights shall be attached to the lease title and shall be consistent with a detailed code of conduct to be developed between pastoralists and traditional owners. The code of conduct shall ensure leaseholders are protected from public liability claims arising from the exercise of access rights.
12. The code of conduct for access shall be a minimum to apply to the region, but there shall also be provision for additional features to be negotiated between traditional owners and individual landholders.
13. The parties agree that areas of high conservation and cultural value shall be identified by a regional assessment process according to objective national and international criteria. There shall be an independent review acceptable to all parties in the case of dispute as to whether the values are consistent with the criteria. Where such areas are identified, the landholder shall enter into appropriate agreements to protect the area under State or Commonwealth provisions which may include World Heritage listing. As part of such agreements, funds shall be provided for management of the area, monitoring of agreements and equitable economic and social adjustment.







# Keeping the CAPE

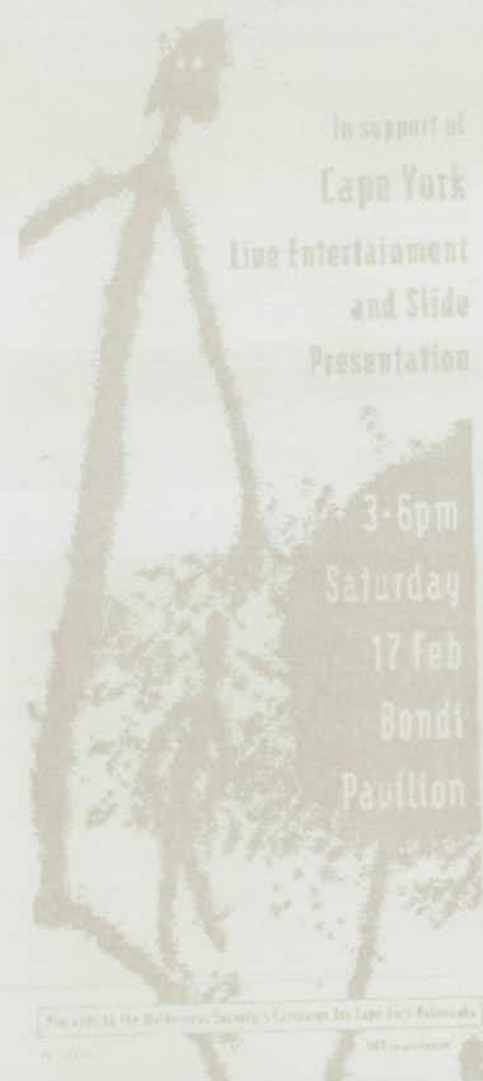


In support of  
Cape York  
Live Entertainment  
and Slide  
Presentation

3-8pm  
Saturday  
17 Feb  
Bondi  
Pavilion

Proceeds to the Wilderness Society's Campaign for Cape York Peninsula

# Keeping the CAPE



In support of  
Cape York  
Live Entertainment  
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3-6pm  
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Proceeds to the Wilderness Society's Campaign for Cape York Peninsula

# BACKGROUND

## CAPE YORK HEADS OF AGREEMENT

### SEQUENCE OF EVENTS

- August 1994 - CU Peninsula Branch meeting at Coen discusses the WIK People's case and resolves, amongst other things, "That wherever possible, pastoral leaseholders and Aboriginal people with traditional interests, resolve issues and conflict through direct negotiations held in good faith".
- June 1995 - Cape York Indigenous Environment Foundation formed between CYLC, TWS and ACP.
- Queensland Premier announces Cape York Conservation Zone during Queensland election.
- August 1995 - Noel Pearson attends CU Convention.
- October 1995 - CYLC details points of principle that could underlie a Cape York Land Use Agreement following instructions from Cape York Land Summit at Igow near Kowanyama.
- November 1995 - Noel Pearson and Rick Farley are invited to attend a meeting of the CU Peninsula Branch at Masgrave.
- The meeting requests the Council for Aboriginal Reconciliation to make Mr Farley available as a facilitator to negotiate a Regional Land Use Agreement for Cape York.
- The CAR agrees to make Mr Farley available as a facilitator on the basis that the process be used as a model for other areas of Australia.
- The Queensland Government agrees to make funds available to meet the direct costs of parties to the Agreement.
- 1 December 1995 - Initial draft of Heads of Agreement circulated.
- 5 December 1995 - Mr Farley meets with CU in Rockhampton.





- 21 December 1995 Mr Farley attends meeting of CU Peninsula Branch in Cairns. The CU agrees it agrees that latest in relation to the Cape York Conservation Zone must be agreed with to secure CU support for the Heads of Agreement.
- 30 January 1996 CU and CWLC meet in Cairns. The meeting then is joined by TWS and WCM (Draft No 4 prepared).
- 10 January 1996 Further meeting of the parties in Cairns.
- 11 January 1996 CU and Mr Farley meet with Queensland Government in Brisbane to discuss a process to resolve Conservation Zone issues and aspects of the draft Heads of Agreement.
- 13 January 1996 Queensland officials for Environment and Heritage confirm a process for negotiations in the Conservation Zone.
- 15 January 1996 Tripartite conference of parties. (New Draft No 5)
- 23 January 1996 CU and Mr Farley meet with Queensland Government officials to discuss draft 5.
- 25 January 1996 CWLC and TWS meet with the Commonwealth Minister for the Environment.
- 31 January 1996 Further meeting of the parties in Cairns. (Drafts 10 and 11).



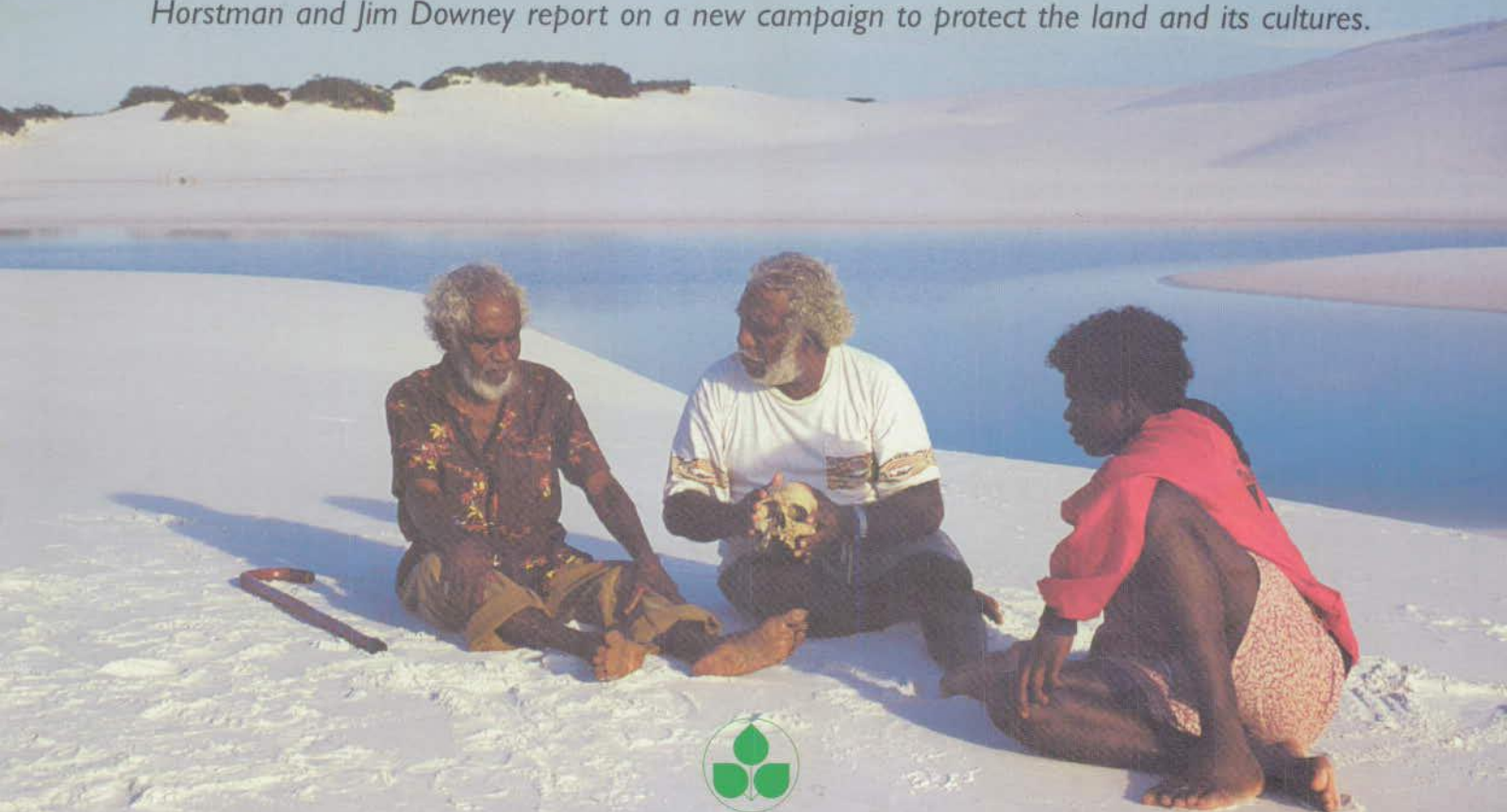
# CAPE YORK PENINSULA

## THE LAND NEEDS ITS PEOPLE

by Mark Horstman and Jim Downey

Photography by Kerry Trapnell

*After two hundred years of white settlement, Cape York Peninsula remains one of the world's outstanding natural and cultural landscapes. Its 140,000 square kilometres represent Australia's most extensive and intact mosaic of ecosystems, with more than sixty per cent rated as land of high wilderness quality. In this special Habitat supplement, Mark Horstman and Jim Downey report on a new campaign to protect the land and its cultures.*



Australian Conservation  
Foundation





PREVIOUS PAGE Three generations of the Pablo family return an ancestor's remains to Wulungun (White Point) in traditional Wuthathi country at Shelburne Bay. From left to right: Alick, Gordon and James Pablo. (AT TOP) Many of Australia's waterbirds gather in the extensive wetlands on the west coast of Cape York Peninsula. The wetlands are important for migratory birds, such as the sharp tailed sandpiper, which fly in from Asia.

LEFT Annie Kalkyoorta (right) and Gladys Thybingoompa cook freshly collected mangrove cockles – the start of a new shell midden! BELOW LEFT The palm cockatoo, or black macaw, is a spectacular example of the fauna shared between Cape York Peninsula and Papua New Guinea.

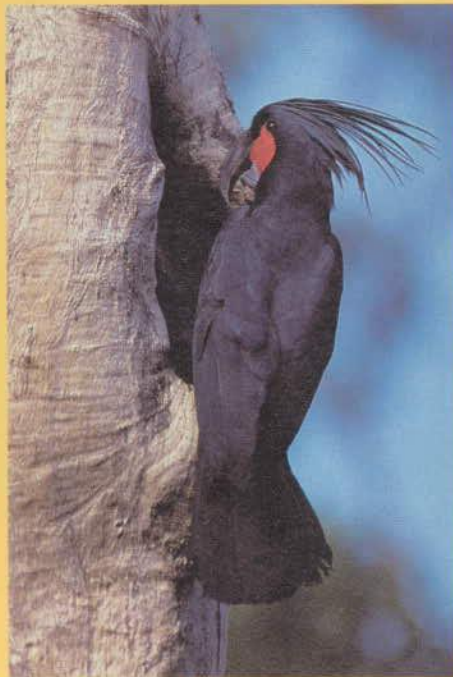
BELOW Buttress roots of *Ficus albipla* in gallery rainforest along the Nesbit River, which flows down from the McIlwraith Range.

It was a powerful moment for the traditional owners of Cape York Peninsula. Gladys Thybingoompa and Norma Chevathun from Aurukun, Sunlight Bassani from Port Stewart, Tony Flinders from Cape Melville, and Gordon Pablo from Shelburne Bay were there to launch the Cape York Indigenous Environment Foundation in June 1995. They stood with Noel Pearson of the Cape York Land Council, Dr Bob Brown, Tricia Caswell of ACF, and Kevin Parker from The Wilderness Society to announce the formation of the first structured organisation of its type in Australia, one that would provide a focus for a cooperative alliance between conservation and Aboriginal groups. This alliance is based on the view that traditional ownership and traditional links with the land must first be re-established and recognised before environmental heritage values can be secured.

'When you commit yourself to your community', explained Gladys Thybingoompa, 'when you live in two different societies – Aboriginal society with your languages and practices every day, and to adopt European society – it's hard. It's like you're in both worlds. Someone pulls you from the other end. It's like a rope with a tug-of-war – you want to win'.

'To survive in this world, you need to know, within both cultures, how we can preserve and protect our land. What it means to us – the real nature and meaning of it – and what does it really mean to you. We cannot struggle alone.'

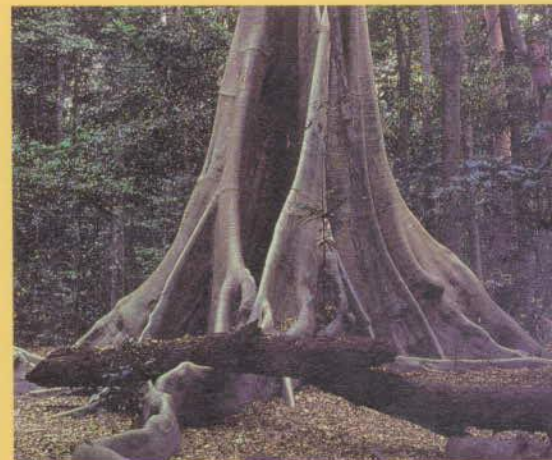
It has taken a long time for the groups to come together, nearly twenty years of informal and formal meetings and cooperative projects. This is not surprising considering Aboriginal peoples' suspi-



CLIFF FRITH

cion and distrust of conservationists as people who desire more national parks, which in turn alienate traditional owners from their homelands. Nor is it of any surprise considering the vehement opposition from sections of the Queensland conservation movement to Aboriginal land rights during the early 1990s. Fear of change and enthusiasm for prejudice about the role of Aboriginal people in wilderness management, and even their rights to their land, continue as an ugly undercurrent to the public debate in north Queensland.

At the centre of this debate lie differing views on the concept of wilderness. The popular notion of wilderness is reflected in the fact that until recently this continent was deemed *terra nullius*, a land without owners. This notion developed at the expense of indigenous peo-



ple and, in many cases, the protection of wilderness has conflicted with the interests of Aboriginal people. Those living on Cape York Peninsula have deep misgivings about any imposed view of wilderness which airbrushes people from the landscape. The Aboriginal concept of country involves the interaction between people, land, environmental health and management, each being integral to the needs of the other.

Conservation groups campaigning for the protection of Cape York Peninsula have rethought their concept of wilderness. And they are now supporting a campaign being run and coordinated by Aboriginal people. Not the other way around. They accept that the traditional owners of this vast region not only have the proprietary right to speak for their own country but further, conservation groups must acknowledge and act in a way that does not undermine that right. This is reflected in the management board of the Cape York Indigenous Environment Foundation, which has traditional owners from Cape York Peninsula, with representatives from



# CAPE YORK PENINSULA

## 20 years of ACF's involvement in Cape York Peninsula

**A**CF's involvement in a campaign for the protection of Cape York Peninsula began in 1976 when it released a conservation plan for the region. This release was followed by the legendary announcement of the Cape York Wilderness Park by the Queensland Premier, Joh Bjelke-Petersen. 'The Cape York wilderness reserve will preserve the largest remaining undeveloped tract of land on Earth apart from the Amazon basin', he said in the *Courier-Mail* in 1977. 'It will be contained in a declaration of the entire Peninsula north from a line between Normanton and Cairns as a protected wilderness and wildlife area.'

The probable motives behind this startling announcement were twofold: it was a means to continue the denial of land justice for Aboriginal people, and a justification to provide compensation to white pastoralists who were finding it impossible to return an income from grazing in the area. The plan was never implemented.

In the 1980s ACF concentrated its efforts on Cape York Peninsula on specific and successful campaigns against the proposed mining of silica sand at Shelburne Bay and several proposals to build a 'spaceport', the world's first commercial rocket-launching facility.

Both these campaigns featured cooperation between Aboriginal people and conservationists. In fact, the proposed spaceport played a crucial role in uniting the numerous Aboriginal communities and clans throughout the Peninsula against the development, leading to the establishment of the Cape York Land Council in 1990.

In response to the pressure from conservation and Aboriginal groups, and the public outcry against the land speculation encouraged by the spaceport proposal, the then Prime Minister Bob Hawke and Premier Wayne Goss committed their respective governments to undertake a comprehensive land use planning strategy for the Peninsula. This became known as the Cape York Peninsula Land Use Strategy (CYPLUS), the first stage of which has assembled a vast array of environmental, social and economic data about the Peninsula.

ACF and TWS as non-voting members.

'We are primarily inviting you to support the decisions we make. And more than that we are saying that we are amenable to advice, influence and assistance. Indeed, we want to work cooperatively with your organisations, so that the decisions we make are better deci-



*ABOVE 'The vastness of Cape York Peninsula should not destroy our perspective. Beyond it there is nothing; it is a residue of the wave of development which has submerged the rest of the east coast of Australia. It is there now because it has been found remote and difficult to develop.' Peter Stanton, author of ACF's 1976 Cape York Peninsula Conservation Plan.*

*CENTRE Apart from Papua New Guinea, the grey cuscus is found only in the monsoon rainforests of the McIlwraith and Iron ranges on the east coast of Cape York Peninsula. BELOW RIGHT Peace Woolla and Susie Yunkaporta collect new growth from a native pandanus near Aurukun. The leaves are sliced and then dyed using extracts from plant tubers, before being expertly woven into baskets and bags.*



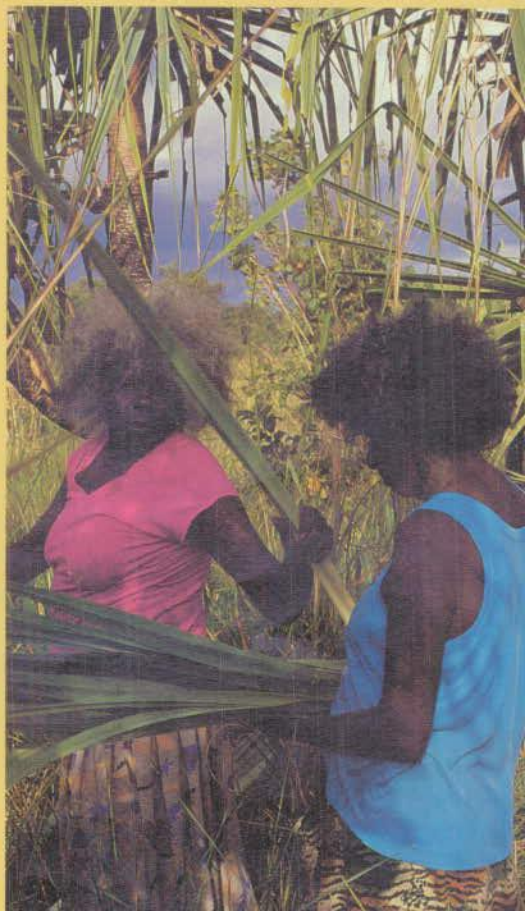
CLIFF PRITH

sions so far as the protection of the cultural and natural wilderness values is concerned', says Noel Pearson, Executive Director of the Cape York Land Council, the body which represents the traditional owners of the Peninsula.

'But the decisions on the detail are for Aboriginal people to make. What groups like ACF do after Aboriginal ownership is secured, and the conservation regime is in place, is a different matter and for you alone to decide.'

### The campaign: stage one

The Cape York Foundation aims to acquire properties of cultural and natural significance on Cape York Peninsula, to return ownership of the land to Aboriginal traditional owners, research and assess the natural and cultural values, and secure funding for the management of land to protect those values. As part of its campaign, the Cape York Foundation intends to negotiate with Queensland and Commonwealth governments about the creation of a bioregional reserve for Cape York Peninsula.



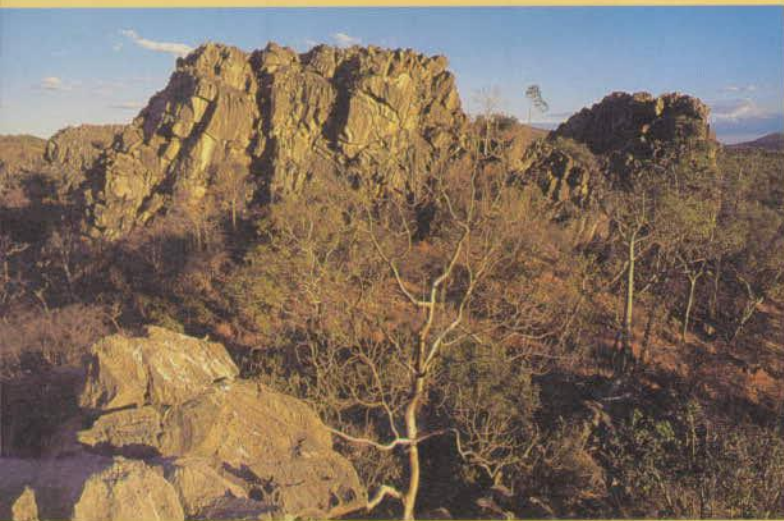




*LEFT* The protection of Guugu Yimidhirr country held under the Starcke pastoral lease has been achieved by a joint campaign between traditional owners and conservationists. The Starcke pastoral lease was bought back by the Queensland and Commonwealth governments and the Aboriginal and Torres Strait Islanders Commission (ATSIC).

*BELOW LEFT* Limestone karst country on the Mitchell River is one of a range of significant landforms that contain unique fauna, Aboriginal art and burial sites.

*BELOW RIGHT* Ted George, a senior ranger who, with the Ang-Gnarra Corporation at Laura, actively manages, protects and presents the most extensive gallery of ancient rock art in the world.



The campaign is based on four inter-linked principles:

- the recognition of the natural and cultural environment of Cape York Peninsula as a unique indigenous domain traditionally owned by the indigenous peoples of the region. The traditional obligations and customary responsibilities for country, expressed as native title in white law, cannot be extinguished by pastoral leases or any other tenure history
- the recognition of the unique importance of the region as Australia's greatest remaining indigenous wilderness area
- the recognition and protection of the internationally significant values of the natural and cultural environment of Cape York Peninsula
- the recognition that proper management of the natural and cultural environment and its World Heritage values by its traditional owners is crucial to maintaining those values.

The campaign received a significant boost several weeks after the launch of the Cape York Foundation. Premier Wayne Goss, his election campaign for a third term of office in full swing, was keen to find a landmark environmental and social reform to secure critical preferences from the conservation movement and the Green Party. The Queensland government promised to spend \$25.7 million over five years to acquire and manage the 1,200 kilometres of eastern Peninsula coastline and 3.6 million hectares of hinterland, stretching from the Daintree River to Cape York, as a 'wilderness zone'.

Aiming to protect about one-third of the natural and cultural values identified by CYPLUS, the state government plans to purchase 775,000 hectares of pastoral leases, special leases and freehold land, and extend 'existing national parks to create more than a million hectares of continuous national park from Starcke to Lakefield. Wetland fish

habitats and migratory bird refuges will be protected, state marine parks extended along the coastline north of Starcke River, and legislation changed so marine areas can be jointly managed with indigenous people'.

Also in the Premier's statement, somewhat overshadowed by the hubbub of an election campaign, was a long-awaited commitment: 'The visually spectacular and environmentally significant dune fields of Shelburne Bay, together with unique freshwater lakes perched at the top of the dune systems, will be protected from mining activity'.

These promises offer to consolidate the territory and cultures of the eastern seaboard of Cape York Peninsula. They would enable Aboriginal land justice to be achieved within years rather than decades and Aboriginal elders should be able to see a resolution in their lifetime.

The Goss plan will be effective if it is based on Aboriginal land ownership, and if the process underlying the Aboriginal



# CAPE YORK PENINSULA

## The Future: Aboriginal management of Cape York Peninsula

by Noel Pearson

Cape York Peninsula is an indigenous domain, a remote region where indigenous peoples represent the majority of the population and have an ongoing cultural relationship with the land.

In talking about conservation regimes, Peninsula Aboriginal people will be most resistant to outsiders, particularly governments, unilaterally telling them how they should manage their land. The central statutory agency approach is anathema to people of the Peninsula. Aboriginal communities will be willing to support internationally recognised conservation regimes only if management decision-making and implementation occurs at the community level.

While the Commonwealth government has the power to intervene and prohibit or require certain things, and the Queensland government has some powers under national parks legislation, a system of Aboriginal-dominated planning, decision-making, and implementation at the community level can still operate in this context. It cannot operate where a central government agency plans, decides, and implements in isolation from the traditional owners.

There is presently no regional plan for the management of land, sea and natural resources on Cape York Peninsula. In reality, however, management cannot be organised solely on a regional basis on Cape York Peninsula; it involves decision-making and day-to-day implementation. This can only be done on the ground, not from Canberra, Cairns or Cooktown.

But limited resources and the need to rationalise organisational arrangements mean that management solely by local groups is also impossible. The wider impacts of land management problems and issues need to involve more than one local group.

The narrow approach of managing bounded protected areas needs



*This waterfall in the northern Peninsula does not appear on any maps. Like the Peninsula itself, remoteness and mystery has provided its greatest protection.*

*LEFT Walter Parry is a ranger with the Kowanyama Land and Natural Resource Management Office. Combining traditional and contemporary knowledge creates innovative solutions for old and new management issues.*

to be discarded when considering the Peninsula as a conservation zone. It is artificial to only manage land for conservation when it happens to fall within the boundaries of a gazetted national park.

Land management capacity needs to be organised and developed on a subregional basis. The Gulf community of Kowanyama, with its Aboriginal Land and Natural Resource Management Office (KALNRMO), is an excellent example of sub-regional management. KALNRMO covers a variety of tenures – trust lands, national park and pastoral lease – over lands owned by Kowanyama or with which the people of that community have traditional affiliations.

Subregions need to be geographically, culturally, and politically coherent, based on both catchments and traditional estates. They need to emerge from a viable collective of landowning groups which reflect community, historical and tra-

ditional alliances and imperatives. They need to be ecologically, administratively and organisationally rational. We have identified up to 15 subregions that could form the basis for Aboriginal management of Cape York Peninsula. Collectively, this subregional approach will provide direction and vision for the management of the Peninsula estate.

It is at the subregional level that the delicate relationship between recognising and respecting the right of traditional owners to have ownership, control and 'the say' over their own country, and the imperative for subregional cooperation and coordination to manage heritage values, can be achieved successfully. Kowanyama is a working example where the optimum relationship has been struck between traditional ownership and communal management.

The need for rational 'multi-tribal' cooperation on management, and

the restrictions created by European-imposed tenures over traditional lands, mean that the subregions will not always neatly correspond with traditional interests.

Obviously, management cannot be separated from ownership. The plans we are making on Cape York at regional, subregional and local levels about land management cannot be separated from the planning for outstations. The occupation of land through outstations is integral to land management.

The development of land management capacity at the community level will take time. Careful planning and support is imperative. There are tremendous opportunities for the development of Aboriginal-owned ecotourism and cultural tourism ventures, and for the integrated management of land and sea jointly overseen by traditional owners and other bodies such as the Great Barrier Reef Marine Park Authority.

● **Noel Pearson** is Executive Director of the Cape York Land Council.





In the Archer River wetlands south of Aurukun, Wik people gather and collect the traditional foods that sustain them.

## CAPE YORK PENINSULA

Cape York Peninsula is a key priority for which the conservation movement is seeking proactive commitments from the Commonwealth government. The Goss plan for the eastern Peninsula is a solid springboard for further cooperation with the Commonwealth government to protect and manage the natural and cultural values of the central and western Peninsula currently under leases for grazing cattle.

The Cape York Foundation is seeking a Commonwealth funding package for acquisition of pastoral leases over ecologically or culturally significant land, when the properties become available for sale. As landowners, Aboriginal people could seek support from the conservation movement and governments for a World Heritage nomination on natural and cultural criteria.

'We have before us the opportunity to plan an indigenous wilderness domain which is committed to the conservation and protection of its cultural and natural values', says Noel Pearson, 'to limit industrial development to the existing bauxite mining area, and to commit the entire region to development which is sustainable, with an over-riding principle: the preservation, management and enhancement of a vital indigenous

land and nature conservation agreements reached for the Silver Plains-McIlwraith Range region can become the template for negotiating similar arrangements with language groups all along the eastern Peninsula.

The agreements reached for Silver Plains and the McIlwraith Ranges mean that traditional ownership is recognised over the entire 300,000-hectare region. This is reflected in appropriate tenure arrangements which enable the four language groups of traditional owners (Lamalama, Kaanju, Ayapathu, and Umpila) to negotiate as landowners for an agreement with the Queensland government. The agreement has land of high conservation value and intact native

title, such as the 100,000 hectares of pristine *Araucaria* rainforest in the McIlwraith Range, leased as national park from Aboriginal freehold. The balance of the land is in freehold title vested with the traditional owners and covered by conservation agreements.

### The campaign: stage two

The next Federal election is a crucial opportunity for the Cape York Foundation to promote its aims of restoring the ownership of Cape York Peninsula to the traditional owners, and for the protection of the natural and cultural values of the entire region. Along with protection of the Tarkine and an end to wood-chipping in Australian native forests,

## Cape York Peninsula: the environmental highlights

**T**he Australian Heritage Commission's wilderness inventory of the continent paints a sorry picture. The inventory's maps of wilderness quality show Cape York Peninsula in stark contrast to a band of industrial impact stretching from Adelaide through Victoria, New South Wales and Queensland. Cape York Peninsula is now eastern Australia's last large and intact mosaic of ecosystems, with an extensive list of environmental highlights.

- It is one of Australia's few large biogeographic regions where the majority is of high or very high wilderness quality.
- It is the single largest area of high quality wilderness in eastern Australia.
- More than 80 percent is identified as having natural conservation significance for at least one natural heritage attribute.
- The Peninsula is unique, at least

in Australia, in containing continuous areas of high and very high wilderness quality that encapsulates large areas of open woodland, tall open forest, closed forest (rainforest), heaths, riparian vegetation, coastal wetlands and freshwater wetlands.' (From AHC conservation assessment for CYPLUS)

- The wetlands are the largest, richest, and most diverse in Australia.
- The mangrove and seagrass communities are floristically among the richest in the world.
- Only the Wet Tropics and the south-west Western Australian region contain comparable numbers of rare and threatened plant species. There are 379 species of plants classified as rare or threatened.
- It has about one-fifth of Australia's rainforests, including the country's

largest tract of lowland tropical forest.

- Eighty-five vertebrate species are listed as rare or threatened.
- It is one of Australia's richest biogeographical areas in restricted endemic plant species (264 species). It is species-rich for invertebrates, freshwater fish, mangroves, seagrasses, and orchids.
- It is home to more than one-half of Australian bird species, one-third of Australian mammal species and one-quarter of Australian reptile species.
- It was a Gondwanan land bridge with Papua New Guinea, enabling contact between Australian and Indo-Malaysian biota.
- At least eighteen sites of nationally or internationally significant landforms, including the largest parabolic sand dune systems in Australia.

- It contains whole river systems of high wilderness quality, something unusual these days. There are 21 major river systems.
- About 60 per cent of the 130 freshwater fish species in Australia live in its watercourses.
- More species of freshwater fish live in the Wenlock River than any other river system in Australia.
- It has the largest area of intact savanna woodlands in Australia.
- It has a major proportion of Australia's heathland communities, which are regarded as nationally uncommon.
- It has sixty per cent of all Australian butterfly species.
- One pastoral lease, Shelburne Bay, contains one-quarter of Australia's frog species.

**Source:** The Australian Heritage Commission conservation assessment of the natural values of the region for the Cape York Peninsula Land Use Strategy (CYPLUS) 1995.



## Cape York Peninsula: a cultural landscape *by Ray Wood*

**C**ape York Peninsula constitutes an indigenous cultural landscape of not only Australian but international significance. One of the most distinctive features is the continuing active social and cultural role of the landscape in the life of living Aboriginal people and their communities.

Aboriginal society on Cape York Peninsula is a collection of related but diverse cultural groups. Among these are the semi-maritime or 'sandbeach' peoples of the north-east coast (Kuku-Ya'u, Umpila, Utaalnganu and others), the riverine and floodplain culture of the big western rivers (the 'Wik' peoples), the Wuthathi 'white sand people' of the Shelburne Bay dunefield, the Lama Lama and related groups of the wetlands, grasslands and rocky

offshore islands of the Princess Charlotte Bay area, and the Kuku-Yalanji rainforest people of the Peninsula's south-east. These represent local cultural responses to the specific Cape York landscape in which each has arisen.

Cape York's lands and seas are a mythologised landscape, criss-crossed with the tracks and sites of ancestral powers held to have founded the current natural and social order, and to have established current territorial arrangements. The East Cape initiation ceremonies represent the last active ceremonial tradition on the east coast of Australia.

Australia and Melanesia meet in north-east Cape York, making it highly significant as a convergence between two major cultural

worlds of the Pacific. This convergence was especially intensified by trade between Cape York people and those of Torres Strait and southern Papua. Today it is reflected in music, dress and technology, such as the skin drums and carved masks of East Cape ceremonial performance.

Although Cape Yorkers do not make as mystical a construction of nature as is sometimes imagined, their indigenous economy is reliant on the productivity of natural systems like forests, reefs, and wetlands rather than of modified ones like farms. This generates a strong interest in keeping these natural systems intact. Related to this is a dense and intimate knowledge of local ecological dynamics, and land use practices aimed at sustainable yield and main-

tenance of vegetation and resource diversity. Thus Cape York is at once high in wilderness values, yet partly modified by human use.

In addition, Cape York is a storehouse of indigenous Australian languages. It is one of the few parts of the continent where:

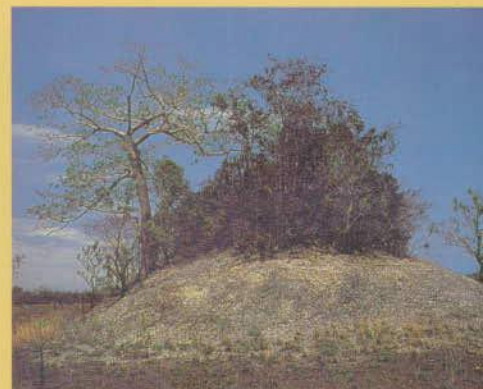
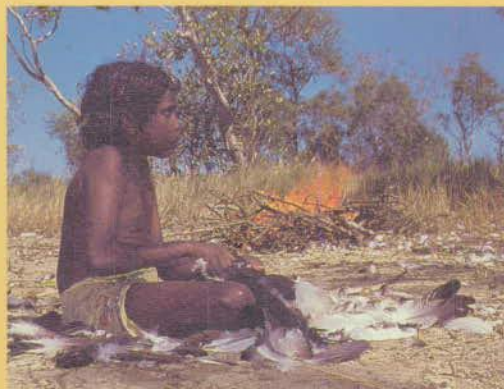
- indigenous languages are still spoken on a daily basis
- a lively indigenous dance tradition continues to thrive
- hunting and other Aboriginal forms of primary production remain major sources of economic support for large numbers of people
- the pre-colonial vegetation pattern is maintained.

● **Ray Wood** is an anthropologist currently working with the Cape York Land Council.

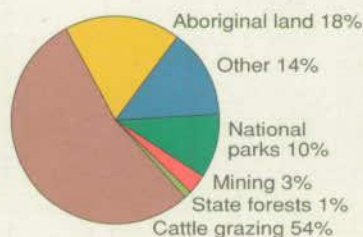
wilderness for the benefit and wonder of future generations'.

Commercial interests on the Cape York Peninsula are limited in their extent and financial returns. Reports by the Queensland Department of Minerals and Energy to CYPLUS demonstrate that there are only two mineral areas of major economic significance on Cape York Peninsula. These are the bauxite and kaolin reserves currently mined by Comalco and Alcan centred around Weipa, and the silica sand of the Cape Bedford-Cape Flattery dunefields currently mined by Mitsubishi. The economic assessment report completed for CYPLUS concludes: 'Mining, while the major industry in this region, does not appear to have a great potential for expansion'.

The pastoral industry on Cape York Peninsula occupies approximately 75,000 square kilometres but produces a gross return of only \$6.5 million. This extensive land use covering 54 per cent of the Peninsula's area generates an economic return of less than four per cent



**Major land uses on Cape York Peninsula, 1995**



TOP LEFT Bella Ngallametta plucking an ibis.

TOP RIGHT Giant shell middens on the river systems around Weipa are up to 15 metres in length. Some are known to be 2,000 years old.

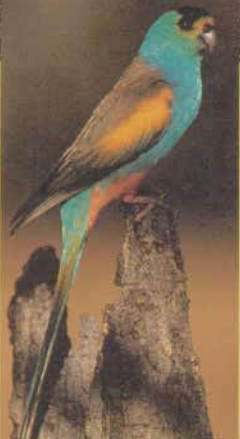
ABOVE The 400 square kilometres of perched freshwater lakes and towering silica sand dunes of Shelburne Bay provide an outstanding visual setting for one of Australia's most diverse and intact heaths. The dunes have been eyed by mining companies for more than 20 years as a mineral resource.





ABOVE LEFT Termite mounds provide habitat for many animals, including the endangered golden-shouldered parrot.

INSET Graziers in the southern Peninsula are working with bird researchers to study the effects of fire on the parrot.



CLIFF FRITH



Bulbs of water lilies are roasted or eaten raw.

of the Cape's gross regional product, and contributes less than 0.002 per cent of Australian livestock sales.

Another land use study for CYPLUS shows that the Peninsula's indigenous population of about 13,000 continues to rely significantly on the natural environment for fuel, food, medicine, implements and art. In at least one area, subsistence foods provide 80 per cent of dietary protein, and food alone accounts

for a subsistence economy with a conservative market value of \$6 million – about the same as the pastoral industry.

Clearly the potential outcomes of the Cape York Foundation's campaign are of greater value in the long term – socially, economically, and environmentally – than a continued reliance on mining and grazing. It would achieve the first regional agreement for bioregional reserve planning and reconciliation in Australia, and may result in one of the first Australian World Heritage listing nominations based on both natural and cultural criteria. It is a regional vision for a shift from broad-scale extractive uses by marginal industries, to sustainable and productive conservation management by Aboriginal families and their communities.

● **Mark Horstman** is Assistant to the Director of the Cape York Land Council. **Jim Downey** is the Cape York Peninsula Campaign Coordinator for the Cairns and Far North Environment Centre. Both Mark and Jim are also ACF Councillors for Queensland.

## CAPE YORK PENINSULA

For more information about the Cape York Indigenous Environment Foundation, or to make donations to it, write to P.O. Box 2496, Cairns Queensland 4870 or call (070) 519077. This Habitat supplement has been prepared by ACF in conjunction with the Cairns and Far North Environment Centre. Copies are available for \$1.00 each from the Habitat office at ACF in Melbourne. Special prices apply to bulk purchases.



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## Indigenous wilderness by Noel Pearson

When I see Australian environmentalists battling for the rights of the Penan in Malaysia or the Yananamo in Brazil, but talking about wilderness in Australia, where the Wuthathi or the Waanyi still struggle for the recognition of their relationship to their homelands, I wonder how much *terra nullius* lingers in contemporary ideas about people and land. Has the *terra nullius* of the old country colonist become the *homo nullius* of the new age conservationist?

The invisibility of Aboriginal people to defenders of wilderness is more understandable when you consider the extent of dispossession in areas where the conservation movement has been galvanised into action. In many cases, indigenous peoples had been simply eradicated.

*Terra nullius* has been achieved by dispossession, by the warfare, murder, massacres, disease and kidnappings during the early frontier periods; the forced removal of people to missions in more recent times, mixing up disparate clan and language groups. The myth of an unpopulated land was deliberately fostered by the prohibition of

languages, the banning of ceremonies, the denial of access to sacred sites and hunting grounds.

It is very important that the concept of wilderness, which was born in an Australia still ruled by *terra nullius*, is seen for what it is. It must not be a new licence for old dispossession. In our enthusiasm for wilderness, we must be sure we do not lose sight of the people who come from it. It is no coincidence that areas of 'high wilderness quality', such as Cape York Peninsula and the Kimberley, remain Aboriginal domains, with living people connected with all of the land in the region. It is the legacy of a long and tenacious resistance by generations of traditional owners against denial.

The ancient history of the Aboriginal landscape is still carried down from generation to generation through stories and song and art. The land has been shaped by ancestors and their actions, is managed and modified by people living now, and looked after for the succeeding generations. The landscape is imbued with culture; the land and the people depend on each other for care and survival. The land needs

its people, and the people need their land.

Over tens of thousands of years, the maintenance of the Australian environment has been dependent upon the understanding and actions of its custodians. The arrival of a new people, with no understanding of the ecology of their new homeland, proved the undoing of forty thousand or more years of Aboriginal stewardship of the land. Aboriginal people on Cape York Peninsula now have to deal with a new array of contemporary hazards, such as changed fire regimes, soil erosion, feral animals and weeds, pollution of waterways and a decline in marine resources.

The future of wilderness protection on Cape York Peninsula is one where Aboriginal people are the frontline of conservation management. It is inspiring that ACF is a non-Aboriginal group at the forefront of this change in Australia's perception of the environment and the people who come from it. The abandonment of *terra nullius* in Australia now makes this imperative.

● **Noel Pearson** is Executive Director of the Cape York Land Council.



# Cape York

## Generous Contributions



## Public meeting

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Council is the largest  
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