

Facilitating Indigenous Decision and Agreement Making and Managing Disputes in Land Issues

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Introduction

Over the last twelve months, AIATSIS has been holding discussions with a range of key stakeholders concerning the need for developing culturally appropriate procedural expertise in native title. There has been general agreement that disputes and decision making processes within and between stakeholder groups (and not just among Indigenous people) are major blockages. Integrated dispute management and decision making design systems are a priority. Of major concern is the lack of shared understanding of what constitutes good mediation and facilitation practice and the need for an emphasis on long term relationship building and sustainable outcomes.

Whilst it is recognised that all stakeholders need to develop skills in this area, the initial focus of the AIATSIS project rests upon developing capacity amongst Indigenous people in agreement and decision making and managing disputes through the NTRBs. This focus is timely, as ATSIC has been examining capacity building needs in NTRBs which have statutory responsibilities for managing Indigenous disputes.

AIATSIS has entered into partnerships with ATSIC and the NNTT for Stage One of the research project outlined below. There are opportunities for a range of other partnerships over the life of the project with industry groups such as the Mining Industry Council, with farmers, pastoralists, members of the fishing industry, local government, environmentalists and land managers among others.

NTRBs will be asked to partner AIATSIS in the research through providing direction for and participating in a number of workshops, in the first instance, through a facilitated workshop of the CEOs of NTRBs.

The Research Project

Stage One:

AIATSIS will establish a research team within the Native Title Research Unit to carry out the project.

The Project team will include:

- a Visiting Research Fellow over three years – Toni Bauman;
- a Consultant Research Fellow (mediation specialist) – Rhian Williams; and
- a Research Assistant (to be appointed).

The Visiting Research Fellow and the Consultant Research Fellow will carry out the substantial part of the research and coordination. Where appropriate, research and consultations will also be shared amongst other Fellows in the NTRU.

The Project team will:

- continue and expand the existing research;
- carry out case studies;
- create a research network and establish dialogue groups with a range of stakeholders;
- facilitate and record a number of focus group workshops particularly with NTRBs; and
- publish results of research and consultations in issues or discussion papers and on the NTRU web site.

Stages Two and Three:

Stage Two will involve the development of training modules, and Stage Three, the rolling out of the training program. Details of Stages Two and Three will depend upon the research outcomes of Stage One.

For further information, contact Toni Bauman 02 6246 1195 or email Toni.Bauman@aiatsis.gov.au.

Native Title Indigenous Youth Forum

Alice Springs Convention Centre, Tuesday 3 June 2003, 9am until 5pm.

The Native Title Conference has grown into an annual event. This year the Native Title Conference 2003 is being co-hosted by the Central Land Council, and will be held at the Alice Springs Convention Centre. The Lhere Artepe Aboriginal Corporation which represents the Arrernte native title holders from the Mparntwe, Antulye and Lrlpme estate groups in Alice Springs will be speaking about what native title has meant for them and discussing the challenges of native title in an urban context. Presenters from across Australia will talk about the avenues available for Indigenous people to address native title concerns, hopes and aspirations.

The national network of NTRBs is very much aware that native title issues, in many parts of the country, have become an increasing part of the experience of Aboriginal people and their communities. With this comes the need for more people to participate in native title claims, negotiations and concerns. Often they have had to move very quickly to overcome the gaps in their understanding and knowledge of native title laws. Many Indigenous leaders now believe that their young people will also be required to develop an understanding of native title and its importance to their future.

The CLC already has an active policy of encouraging young people to develop their skills and understanding of traditional Aboriginal land issues in Central Australia. This policy of mutual responsibility can help to assist communities to prepare young people to pursue an active and positive future roles as traditional land owners and leaders of their communities.

For these reasons the CLC will host a Native Title Indigenous Youth Forum on the first day of this year's Native Title Conference. The Indigenous Youth Forum will be a one-day event of talks, discussions and workshops. It will create an important occasion to engage young people in discussions about the meaning of native title and of the native title concerns within their communities.

Significantly, senior traditional landowners will be present at this forum to explain why young people have to start learning about native title, land and culture. Young people will have the chance to ask their elders what they want to know about native title and to talk about their concerns for the future.

Representatives from the current national Indigenous leadership attending the Native Title Conference will also address the Indigenous Youth Forum. It will be a unique opportunity for Indigenous leaders from different regions across Australia to discuss their understanding of native title with young people; to be able to say what has been gained and to speak about their concerns for the future. They will be able to describe the skills and knowledge that the future Indigenous leaders will require in order to respond to native title issues in their traditional homelands. The forum also provides an opportunity for Indigenous leaders to hear what young people have to offer and their preferred directions.

Some of the questions that young people are asking include:

- what are the outcomes of native title claims and how do young people benefit from these claims?
- why should a young person be interested in native title?
- how do you participate?
- who do you go to for help?
- what is leadership?
- how do you plan to lead and survive the stress of being an Indigenous leader?
- how do you overcome the gaps of inequality? and,