

more than a military and police problem; it is an enormous political problem, as Mexico finds. It becomes the center of world media attention.

My wife is a parliamentarian, a member of the Australian Senate, and I went with her on an Australian parliamentary delegation to Mexico. We spent a day, the embassy arranged a day's contact with various people involved in indigenous affairs.

They have a new commission, and they have finally come to the conclusion that simply saying that everyone has been a citizen and has been since 1823 is not enough. There has to be an acceptance of diversity and autonomy, which obviously they saw as a big step in Mexican grappling with these problems.

Q: You are referring to the Mexican government?

Reynolds: Yes, these were government officials who now were thinking through the implications of having so many indigenous communities within the nation's borders.

The previous President had just set up a commission for indigenous peoples, and the new commissioner and his staff came and met us and had a long conversation when we dealt with this very problem, exactly the things I am talking to you about: the realization that there had to be change and reform and acceptance of the existence of indigenous peoples, but the worry about the unity of the state.

Q: So this was President Salinas who set up this commission?

Reynolds: Right. The official government commission on indigenous peoples.

Q: And from the Zapatista end, did you get a chance to talk to anyone there?

Reynolds: No. I would have been most intrigued, but we were only there briefly and we were depending on what the embassy could organize; it would have been extremely interesting to talk to those sorts of people.

Q: Peter Jull mentioned that he thought you had a hand in the Mabo case [see article, p. 18].

Reynolds: Yes, that's right.

You see [Eddie Mabo] was a friend of mine, and we spent a lot of time together. I was probably the first one to make him aware that he didn't own his land, that it was Crown land, and then talked to him about the possibility of trying a court case. At that stage, I vaguely knew about the American cases, and I probably told him about the great American cases of the 1820s and the 1830s, which defined the idea of native title.

So, yes, I was certainly very involved in the early days. Once the case began, of course, it was very much in the hands of the experts.

Interview: Donna Craig

Regional agreements a 'bargaining wedge'

Donna Craig is a Sydney-based specialist in environmental law and regional vice-chairman for the Environmental Law Commission of the International Union for the Conservation of Nature. She was the ELC's representative on the IUCN's committee on "indigenous" matters. A collaborator of Nugget Coombs, she is a linchpin in international indigenous networks.

Q: Peter Jull called you the "mother superior of regional agreements" and said I should speak to you. Perhaps you could give me a general overview. I know the Nunavut agreement has been an important precedent.

Craig: I think the part of regional agreements that is not generally understood, is that it is a very powerful political process in terms of the ten years or however long they take to negotiate the agreement: the negotiating skills developed and the coalitions that are formed and then of course the expertise that is gained in running the corporations. If that is seen as an historic and economic and political process, standing back from the years of fighting or whatever in Canada, I think that has been enormously important. It is very painful. But I think the tremendous gain that can be got out of that bargaining wedge is to increase indigenous involvement in a whole range of land use decisions, planning decisions, management decisions, particularly managing fisheries, wildlife, natural resources.

Q: Have you had an opportunity to travel to Canada or New Zealand to see how things have worked there?

Craig: Yes. I've had some close contact with those communities. And I studied in Canada. I did my environmental law masters [there] and I worked with Paul Lehman, and he was involved in the preliminary negotiations for the Yukon agreement. A lot of my work has been in the social impact assessment area with indigenous groups and looking at cross-cultural processes in the environmental law area. That, in Canada, is actually leading to the regional agreements.

In Australia, probably our strongest models are things like joint management of national parks, indigenous peoples' control of river catchments. We have got some *very good*

examples of indigenous involvement in the sort of land use/environment/parks issues. But it is far more at that conservation end of the spectrum.

Q: Is there any likelihood of a constitutional amendment, or should much effort be put in that direction?

Craig: I think we have got to try. There are people who will work very hard on that in Australia. And we may just have a chance, because we are getting the Olympics in the year 2000 and there is a growing international embarrassment over our human rights record with Aboriginal people. And certainly native title recognition was a *huge* consciousness-raising in Australia, so it could be that by the year 2000, that could be tenable, whereas it wasn't a few years ago. . . .

You have to have something to bring people to the bargaining table. So if you don't have the constitutional amendment, you have to have some other legal rights base.

The other strategic thing about regional agreements: In Canada they negotiated the two things in parallel, where they negotiated the regional agreements, which is basically land- and resource-based agreements and then the self-government process in parallel or afterwards in the case of the Western Arctic.

But what happened in Australia is that there is a big move for direct funding of Aboriginal services from the federal government, to Aboriginal organizations. And just a *huge* looming international crisis over failure to deliver basic services, particularly health services, to Aboriginal communities. And the only way that will be addressed is through regional self-government processes. So I suspect that Australian regional agreements will incorporate elements of the self-government process that we have seen separately negotiated in Canada. They tried to run the two processes in tandem. I don't think that is going to be possible in Australia.

Q: I know there is a big crisis building around Aboriginal health. So health may well give the impetus to push forward the regional agreements?

Craig: Yes. But regional agreements that will go beyond dealing with the land resources question.

Q: Meaning this question of political self-determination, to some degree?

Craig: Yes. The difference between regional agreements in Australia will be how comprehensive they are in particular regions. And we certainly won't get them in all regions.

For example, the Kimberley regional agreement or the Torres Strait regional agreement could be *very* comprehensive, bringing in many of these self-government issues. You might find some of the urban regional agreements largely deal with issues like health and education. There will be vast differences in the models, so what I have been trying to do is develop flexible options, depending on the particular history

and the aspirations of a particular community, because the model of regional agreements developed in Australia will be quite different.

Q: You worked in the East Kimberleys. What happened there?

Craig: A very famous character in Australia, very like Tom Berger in Canada, a guy called Nugget Coombs—he is the grandfather of all sorts of things in Australia, about 89; if you want to find an icon, you find Nugget. And he is an adopted father of the Yirrkala community in the Northern Territory, and he was approached by the Kimberley Aboriginal community. They were putting in the biggest diamond mine in the world, on traditional land. No land rights, disastrous situation. Major desecration of sites. And they asked, that they basically prepare the research ammunition that they were going to need to deal with developments in the region, and they asked for basically an environment-economic-social impact assessment. Which we did, a great big thing from about '85 through to '91. We did it by stitching together research grants and people doing *pro bono* work all over Australia. It was an organizational nightmare, but it did produce some very, very interesting work. It was the first really strong attempt to develop an SIA methodology, Social Impact Assessment, using very much applied anthropology approaches and using the story-telling in the community. An interesting model of that.

The Kimberley region got the idea of regional agreements in the late '80s, when we were presenting these reports, and actively started organizing the Kimberley Coordinating Council and arguing for regional agreements in Australia. So up until the last two years, it was virtually the only group arguing for regional agreements. What came out of that research was a baseline which they just *didn't have*, and they don't have in most regions. And a community with much more of a political will to take this regional approach.

Q: In other words, all the crucial research that had been done in the mid- to late-1980s, with Coombs, set the basis for their understanding this regional agreement concept?

Craig: Yes. And toward the end of this project, drawing on the Canadian experience, we brought out Tom Berger; Brad Moss was also out here. Brad Moss is a lawyer who acts for the Assembly of First Nations. So Brad and Tom came out and the concept of regional agreements was floated. It was also floated in the report, *Land of Promises*. There wasn't a really strong immediate response. But then a couple of *major* leaders in the Kimberleys—the head of the Kimberley Land Council, quite an extraordinary man called Peter Yu, who is Chinese-Aboriginal from West Kimberley—he took up the idea, and he is quite charismatic. A brilliant man.

Then, in the early 1990s, they formed the Kimberley Coalition, with the explicit idea of trying to develop a region-

al agreement, with the first step being to develop a coalition of organizations in the Kimberleys. They have virtually been the lone voices in arguing that the only way of dealing with these issues is in a coordinated way which delivers to Aboriginal people a true regional agreement. . . .

So if regional agreements were going to get off the ground in Australia, I don't think there would be anything like uniform regional agreements throughout Australia; there would be places like the Kimberleys, Pitjantjatjara land, around Kakadu National Park, Arnhem Land, probably Cape York, Torres Strait.

And then you might get regional conservation agreements in places like Jarvis Bay, where there is a major commonwealth national park and a big Aboriginal population down in Sydney. There is a very strong push for that. You may get regional agreements dealing with coastal areas. The Great Barrier Reef Marine Park covers 2,000 kilometers of the Queensland coastline, and you have a very strong commonwealth-state authority, the Great Barrier Reef Marine Park Authority, and a lot of Aboriginal people and a lot of Aboriginal interest. There could very well be a push for a marine regional agreement there.

Q: Would that give the Aboriginal people there co-management over the Great Barrier Reef National Park?

Craig: I think that is quite possible within the next ten years. They already have councils of elders set up, and they have tried to co-opt Aboriginal members to the board of managers, so they can see the writing on the wall.

Q: The Kimberley Project was so extensive over so many years, who did wind up providing a fair bit of the money?

Craig: The Australian National University bankrolled the Secretariat and a number of the studies and they also provided Nugget and Helen [Ross, Coombs's assistant].

Q: Now who in the government is particularly sympathetic to regional agreements?

Craig: Mick's [Mick Dodson, social justice commissioner] report, I am pretty sure, will very strongly support it and will support a trial project on regional agreements. I also think Tim Moore, who is the head of the Aboriginal Reconciliation Council, the director; and Mick's brother, Pat Dodson, is the president of the Aboriginal Reconciliation Council. I think they are genuinely supportive of the idea of regional agreements.

The meeting we held last year was with the various land councils and communities in northern Australia, and out of that, Cape York Land Council, Central Land Council, Northern Land Council, Kimberley Land Council were very interested in regional agreements, and I think will actually move on it.

I think Torres Strait is pushing the self-government at the

moment, but I think that will eventually blend into a regional agreement strategy.

Q: It is moving along very quickly.

Craig: Oh, it is! Things have happened very, very quickly within the last 12 months which, you know, is exciting! We had just about given up hope in Australia. And it has been driven by just a few people.

Q: Are there any anthropologists who have done important work, either in the Kimberleys or elsewhere, whose works are a benchmark in terms of Aboriginal issues?

Craig: Australia has an extraordinary history with anthropologists. Many of my friends from Canada and the United States say they have never come across a nation in the world where anthropologists have exerted so much power, as the gatekeepers.

There has been some very fine work done. Helen's background is very interdisciplinarian. It is psychology and applied anthropology policy studies. And, effectively, her Aboriginal work is applied anthropological work, which is what she was doing in the Kimberleys. So she has quite an unusual background, though she wouldn't be formally identified as a card-carrying anthropologist.

Q: Where was she trained?

Craig: She did her doctorate at the University of London. . . . And there is another woman who has done some very, very good applied work in Central Australia. . . . They did a study on co-management of national parks in Australia. And there's a chapter in there, a legal chapter, which looks at how native title affects co-management. That is probably the best study on co-management that has ever been done. It was coordinated by an Aboriginal woman called Ros Fulton.

Susan Woenne-Green is the name of the anthropologist on that. Ros is now working with the Northern Land Council, and we work very closely. She was also on this IUCN committee. She's great. She works with the Aboriginal Project of the Australian Conservation Foundation.

Q: What has the role of the ACF been?

Craig: It is the premier national conservation organization. It has had a very broad role. Philip Toyne, along with Susan Woenne-Green, was very much involved in setting up the Pitjantjatjara Council and the co-management of Uluru (Ayers Rock), which up until recently was a very, very powerful legal and administrative model of co-management. It was a real icon in the early '80s. And they followed a wonderful process. Philip had a long association with that community; when Philip became president of the ACF, he brought Ros in, and again expanded ACF's role in arid lands and Aboriginal issues.