



Agreement making an effective path

Native Title and You



By National Native Title Tribunal President **GRAEME NEATE**

Many people would agree that native title negotiations can be time-consuming, frustrating and hindered by setbacks.

In some cases there can be dozens, even hundreds, of parties negotiating about their rights and interests in an area under a native title claim. Reaching agreement that satisfies all parties is a challenge.

But the alternative could be years of expensive and drawn out litigation, where the result cannot be predicted and will not necessarily satisfy the parties.

While the road to settling native title issues is not always smooth, many groups across Australia have chosen the agreement-making path and are experiencing a range of benefits as a result.

Indigenous land use agreements (ILUAs) are becoming an increasingly

popular way to progress native title claims and resolve other land use issues.

Since the publication of the last Native Title and You column, the Tribunal has registered the 300th ILUA negotiated in this country. About 11 per cent of land

and waters in Australia is covered by these agreements. The number of ILUAs has doubled over the last couple of years.

ILUAs can be negotiated over areas where native title has been determined to exist, and over areas where there is not yet a determination that native title exists. They can be part of a determination, a

stepping-stone on the way to a determination, or settled separately from a native title claim.

During negotiations parties reach agreement about how native title rights and interests will be exercised, as well as the rights and interests of other parties.

ILUAs have been made about such things as exploration and mining, land access, the management of national parks and reserves and infrastructure development. The types of benefits that can be negotiated depend on the parties and issues involved.

Native title claimant groups often gain benefits such as employment, training, compensation, economic development opportunities and recognition of their native title rights and co-management rights in national parks.

By resolving native title through agreement, the parties create outcomes that suit them. In many cases they have developed positive working relationships and an understanding of each other's perspectives along the way. ILUAs reached around Australia have shown that the negotiation process can foster good relations between native title groups, commercial proponents and government parties.

These types of agreements have proved to be an effective and rewarding way to address the many challenges that native title claimants and other parties may be facing.



Koori Mail
21/11/2007
Page: 22
General News
Region: National Circulation: 8572
Type: Magazines Lifestyle
Size: 657.23 sq.cms
Fortnightly

