

Caring for Country

Indigenous Nations and water management

By Steven Ross



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Prior to 1788, Indigenous Nations managed the land in a holistic and sustainable way. This form of land management has lasted at least 60,000 years and counting and has survived droughts, at least one ice age and other harsh forms of climate and environmental change.

Indigenous land management regimes or 'Caring for Country' such as fire farming or maintaining fish traps, are about humans adapting to the realities of the natural world. At the core of those practices is the understanding of the limitations of resources and the cyclical nature of Australia's environment. In most parts of the country this has meant an extensive knowledge of water and an understanding that it is a rare and vital resource of the Indigenous economy.

Upon arrival in Australia, Europeans did not destroy some Indigenous mythical or ethereal connection to land—it was a deliberate attempt to extinguish the governance systems and economic structures of the original inhabitants in order to establish their own. The *modus operandi* of the new arrivals was to fragment Aboriginal society by compartmentalising us into small, remnant and controllable groups. This process was an attempt to sever the traditional connection to and understanding of land and water, thereby disrupting our economic structures.

Indigenous economies or as many call it 'cultural economy', is broadly speaking related to bush food, medicinal plants, and animal life.

These material things are all interconnected by familial structures and spirituality based on ritual, oral stories and ancestral beings. It was and is a form of ownership, perhaps not recognisable to European notions of land title, but the land did and does belong to us. Water is an essential part of those Indigenous economies and is not managed separately from the land because it cannot be managed separately.

In contrast, European notions of land management reflect their attempted management of Indigenous peoples—dividing, compartmentalising and controlling. Land and water are often seen as separate resources and are not managed in the same way, by the same policies or even by the same people or agencies. The issue of government mismanagement including over allocation of water licenses and the halting or reversing of natural flows and cycles has been the topic of countless forums, public meetings and last year's crisis water summit between the Commonwealth and state Premiers.

The Murray River and its tributaries and related inflow rivers, like the Darling and Murrumbidgee, are the perfect example of this mode of land and water management and its adverse impacts upon Indigenous peoples, our land management practices and our economies. The result of this mismanagement on the Murray's system is a saline, degraded riverine environment, parched remnant forests, a declining native fish population under siege from pest species, erosion of river banks, algal blooms; in short an eco-system in crisis. The



added burden of global warming is so far not fully understood in the Murray-Darling Basin but given dire predictions of less rain fall and snow the impetus for a new direction in land and water management is urgent.

The Living Murray is a \$1 billion dollar attempt at achieving water efficiency and environmental flows in order to water some of these remnant forests and wetlands. It also seeks to recognise Indigenous rights to water and inclusion in water management processes. *The Living Murray* could, given political good will and proper resources, provide a new model of holistic land management that includes Indigenous knowledge systems about the natural world.

The Murray Darling Basin—Indigenous Nations

The Murray Darling Basin is an ancient geographic and cultural domain. Archaeological evidence indicates an ongoing connection stretching as far back as 60,000 years. Contemporary Indigenous Nations' oral traditions and creation stories tell a similar story of cyclical human experiences stretching back to the dawn of time.

The Basin is home to some 40 autonomous Indigenous Nations each with a responsibility to 'Care for Country' in the traditions passed to them by their ancestors. These diverse groups are also interconnected to one another through the sharing of knowledge and resources, intermarriage, trade and by the labyrinth of rivers, creeks, wetlands, billabongs, and lakes.

Today there are some 75,000 traditional owners in the Murray Darling Basin representing 15% of the National Indigenous population, 3% of the total population of the Basin. This population is also growing at a rate six times faster than the non-Indigenous population. This growth has implications for planning processes and for the recognition of the rights of these peoples. With the migration of people from the interior to coastal areas and the changing demographic of farming communities, in 50 years rural areas will include large Indigenous populations who could play a pivotal role in natural resource management (NRM).

Principles of 'Caring for Country'

In the Indigenous Responses to *The Living Murray* Initiative, Indigenous peoples clearly identified concerns about the lack of respect not only for themselves, but also for the natural resources of the country. The following is an outline of the principles captured in that document.

The land/water and people are interconnected

There is a connection between Indigenous people, land and water that is inseparable. If the River and land are unhealthy then so are the people. The river system must be treated with respect, as it is the lifeblood of the country. If the river is in poor health, it cannot provide spiritual, cultural, economic and social benefits to all those who depend on it.

The full recognition of Indigenous inherent rights and participation in NRM

- *Indigenous peoples' inherent rights as traditional owners:* Indigenous peoples in Australia have distinctive rights and a status based on prior and continuing occupation of land and waters, and their own distinct forms of governance. These rights and governance processes must be acknowledged and respected as legitimate.
- *Recognition as owners and custodians:* The right to use and to take water is an essential part of the historical and contemporary lives of Indigenous Nations. Today, water continues to be central to the survival of Indigenous people in Australia. Indigenous peoples have the right to use and enjoy natural resources and the right to pursue economic life. This also extends to the allocation of water for cultural purposes or Indigenous water allocations, which is outlined later.
- *The right to be engaged in decision making:* Environmental and resource management decisions should be made in active consultation with the informed consent of Indigenous Nations. This consultation should not be limited to informing people of decisions and impacts. Measures should give consideration to whether the Indigenous Nations themselves are able and willing to implement appropriate measures.

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- *The right to protect cultural heritage and identity:* The right to control access to and use of knowledge, including language, practices and innovations is an important right of the Indigenous Nations. The right to protect cultural knowledge extends beyond knowledge about specific places, and protecting those places. The Indigenous Nations are entitled to maintain the ownership of intellectual and cultural property. This right may extend to words, or their relationship with particular species, and to any commercial advantage that may be derived from their use. This rights framework also includes the protection of flora, fauna and sites of significance, and preserving cultural economy.

Holistic approaches to NRM

The basis of management of the river system must be a whole landscape approach, including all tributaries of the River Murray. The objective for management of the river's resources must be sustainable use with the core values of the river system preserved as a legacy for future generations.

Therefore, policies for land and water management must include a human dimension including our knowledge systems and forms of governance. They should also:

- not separate land and water management and compartmentalise the rivers. Western science must acknowledge the connection between water quality and land management; and
- include Indigenous traditional knowledge and sciences with Western modes of NRM.

Government responses

So far, Government support for traditional owners has been deficient and inconsistent without proper legislative power and poorly resourced. The following is an outline of Government responses that could appropriately shape the recognition of our rights and implementation of Indigenous knowledge into management of Country.

Recognition of traditional owner inherent rights

Consistent approaches to traditional owner issues in policy and legislation are needed. Current legislation, such as the *Aboriginal Land Rights Act 1983* (NSW), should be reviewed to properly address traditional owner issues. These issues might include boundary issues, traditional owner protocols, Indigenous knowledge of land and water management and Indigenous Nation governance.

There must be agreement-based negotiations and full informed consent. An example of such negotiations is the process that resulted in the Memorandum of Understanding between the confederation of traditional owners called the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and the Murray Darling Basin Commission (MDBC).

Indigenous programs to protect the eco-cultural landscape—including monitoring and evaluation of the environment and the building of engineering works, such as regulators or weirs—must be appropriately resourced. This work should be carried out by traditional owners.

Indigenous Land and Water Management Plans

The development and implementation of Indigenous Land and Water Management Plans developed by traditional owners must be incorporated into existing Water Planning processes, with the cultural intellectual property remaining with traditional owners. The plans would discuss Indigenous management of Country including our sites of significance. The plans would also relate to the whole of Country, not just remnant forests or waterways and would protect cultural economy.

Indigenous Water Allocations

Traditional owners have particular relationships connected to the health of the river ecosystems; as stated, the health of the rivers directly affect the health of the peoples. Government water law, policy and management related to river health must be cognisant of these relationships. Government policies to return water to the river country, and restore river health, have



the potential to address this contemporary dispossession today and into the future.

In order to enjoy rights such as fishing or hunting, or more general cultural and economic rights central to the maintenance of Indigenous Nations' cultural traditions, it is crucial to have a healthy river system with proper flooding and drying regimes. The degradation of the river system has threatened these inherent rights.

The Indigenous Nations of the Murray have identified the connectivity between these elements as the need to preserve the Indigenous economies through the identification of Indigenous water allocations or 'cultural flows'. That is, sufficient environmental, social and economic water flows and volumes must be allocated to the river and to Indigenous Nations to sustain the cultural economy of each Nation in the river system.

The allocation of water directly to Indigenous Nations and/or local communities serves a number of purposes:

- preservation of current domestic, cultural, and economic use;
- redressing lost water use and dispossession;
- establishing 'eco-cultural services' operated by traditional owners;
- reinforcing self-determination and joint management arrangements;
- protecting future cultural development;
- facilitating economic development; and
- providing for community growth capacity building.

Conclusion

The recognition of the inherent rights of traditional owners and the full inclusion of our knowledge in NRM provide a unique opportunity in Australian history. Not only can we provide real and practical social justice for traditional owners, we can contribute a sustainable form of environmental management to western notions of NRM.

The Living Murray is attempting to engage with traditional owners and to harness

our knowledge of holistic land and water management. This process can, given political will, good faith and appropriate recognition and resourcing of Indigenous peoples, achieve a sustainable mode of interacting with the natural world.

Indigenous knowledge of 'Caring for Country' is held in trust by traditional owners and that knowledge could go a long way in the conservation of our natural environment for peoples now and into the future. However, if current NRM continues we are in danger of not only losing that unique Indigenous world view but also the precious thing it is designed to protect.

Notes

The views expressed in this article are the author's and not necessarily those of the Murray Lower Darling Indigenous Nations or the Murray Darling Basin Commission. The information in this article is based on a number of recent publications:

Report to the Murray-Darling Basin Commission, *Indigenous Responses to The Living Murray Initiative*.

M Morgan, L Stelein and J Weir, *Indigenous Water Rights in the Murray Darling Basin*, Discussion Paper 14 (AIATSIS, 2004).

The Memorandum of Understanding between MLDRIN and MDBC.

Copies of these documents can be found on the Murray-Darling Basin Commission website <www.mdbc.gov.au> or by contacting the author. Steven Ross: Phone: 03 5898 3907; Email: steven.ross@mdbc.gov.au



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