

Ramsar Ecological Character Description Statement of Commitment

Between the

Ngarrindjeri Regional Authority Inc.

And the

Partnerships and Stewardship Group, Department of Environment, Water and Natural Resources

1. Guiding Principle

The land and waters is a living body.
We the Ngarrindjeri people are part of its existence.
The land and waters must be healthy for the Ngarrindjeri to be healthy.
(Tom Trevorrow, Ngarrindjeri Elder, 2002)

Ngarrindjeri have a unique philosophy regarding the connectivity of country / body / spirit (Ruwe/Ruwar - country / body / spirit). Ngarrindjeri Ruwe/Ruwar frames Ngarrindjeri rights and responsibilities as traditional owners and is centred on an understanding that all things are connected. As such, Ngarrindjeri view cultural heritage and natural resource management as inseparable.

Ngarrindjeri have a long-term aspiration to be centrally involved in development, planning and implementation of natural resources management in their traditional lands and waters. These aspirations have been acknowledged by the South Australian Government in the *Kungun Ngarrindjeri Yunnan Agreement* (KNYA), 2009. These aspirations are also aligned with the State's responsibilities under Ramsar Conference of the Parties Resolutions (VIII.19, and IX.21) to take cultural values into account for the effective management of Ramsar sites.

The Parties acknowledge that Ngarrindjeri hold a depth of Cultural Knowledge and understanding of their traditional lands and that Ngarrindjeri custodianship has shaped the regions ecological character over thousands of years. The Parties acknowledge the critical importance of a strong partnership for the effective review of the current Coorong and Lakes Alexandrina and Albert Ramsar site's Ecological Character Description (ECD) and development of the site's associated management plans and their implementation. This Statement of Commitment (SCO) establishes an equitable framework to support engagement with Ngarrindjeri in the review of the ECD.

2. Overview

2.1 Ecological Character Description

Ecological character is the combination of the ecosystem components, processes, benefits and services that characterise a wetland at a given point in time (Ramsar Convention 2005a, Resolution IX.1 Annex A). Changes to the ecological character of the wetland outside natural variations may signal that uses of the site or externally derived impacts on the site are unsustainable and may lead to the degradation of natural processes, and thus the ultimate breakdown of the ecological, biological and hydrological functioning of the wetland (Ramsar Convention 1996, Resolution VI.1).

As part of the Ramsar Convention, contracting parties are expected to manage their Ramsar sites so as to maintain the ecological character of each site, and remain informed of any changes to the ecological character of Ramsar sites. The Ecological Character Description of a wetland provides the baseline description of the wetland at a given point in time and can be used to assess changes in the ecological character of these sites. A National Framework titled '*Describing Ecological Character of Ramsar Wetlands, 2005*' has been developed to establish a standard method for describing ecological character for wetlands in Australia.

Coorong and Lakes Alexandrina and Albert ECD

The current Coorong and Lakes Alexandrina and Albert ECD Report (ECDR) was finalised in 2006 by Phillips and Muller. The Department of Environment, Water and Natural Resources (DEWNR) is currently reviewing the ECD as part of the Coorong and Lower Lakes (CLLMM) Recovery Project. DEWNR is required to submit a draft ECDR to the Department of Sustainability, Environment, Water, Populations and Communities (DSEWPaC) by the end of 2014/15. DSEWPaC is responsible for the finalisation of the ECDR by the end of 2015/16. The current timetable for the review is summarised in the table below.

Year	Outputs
2011/12 (Year 1)	<ul style="list-style-type: none"> • Evaluation of current ECDR with ECD guidelines • Review of existing data for the site and implications for ECD • Development of the Limits of Acceptable Change (LAC) and metrics for the site • Ecosystem Services preliminary method identification • Development of a draft outline of updated ECD Report
2012/13 (Year 2)	<ul style="list-style-type: none"> • Review of existing data for the site, access requirements and implications for ECD • Continued development of LAC and metrics for the site • Preliminary list of potential ecosystem services for ECD
2013/14 (Year 3)	<ul style="list-style-type: none"> • Engagement with DSEWPaC for update requirements of ECD and CLLMM community via the CAP and Ngarrindjeri via this SOC for draft ECD content • Refinement of the ECD outline/contents page • Initiate ECD Report content development • Develop a statement of commitment with NRA for review of ECD Report content and development of cultural character element
2014/15 (Year 4)	<ul style="list-style-type: none"> • Development of final LAC and management triggers for inclusion in draft ECD Report • Draft development of Monitoring Framework (i.e. monitoring needs for ecological character – which is separate to the Monitoring Framework developed for the Monitoring project element) • Draft of updated ECD Report provided to DSEWPaC following internal consultation • Incorporation of cultural character information
2015/16 (Year 5)	<ul style="list-style-type: none"> • Development of the final Monitoring Framework (using LAC and updated ECD) as a recommended framework for the monitoring and management of the site • Draft of updated ECD Report provided to DSEWPaC following internal consultation • Submission of final updated ECD Report

2.2 Ngarrindjeri engagement

Ngarrindjeri engagement in this SOC is underpinned by a series of aligned contractual arrangements that are further informed by Ramsar Guidelines. These are described below.

The KNYA establishes a consultation and negotiation framework between the State and Ngarrindjeri Regional Authority (NRA). DEWNR acts as the lead agency for the State in consulting with Ngarrindjeri in regard to the CLLMM Recovery Project and broader Departmental business.

The KNYA commits DEWNR to support the participation of Ngarrindjeri in CLLMM Recovery Project activities and ensuring cultural values are integral to future planning and management of the CLLMM region. DEWNR and NRA recognised the importance of Ngarrindjeri involvement in the review of the ECD and development of the ECDR and have sought to establish an equitable, appropriate and transparent process to ensure that involvement. The Parties resolved to establish the Ngarrindjeri ECD Working Group (hereafter referred to as the Working Group) to coordinate Ngarrindjeri engagement. The first meeting of the group occurred on the 16th of April 2013 and it was resolved at this meeting to develop this Statement of Commitment to guide the way the two Parties will work together.

In 2012 DEWNR and the NRA entered into the long-term CLLMM Ngarrindjeri Partnerships Project funding and service agreement (the 'Agreement'). NRA's participation in the review of the ECDR is supported by this Agreement. The Agreement contains contractual clauses for the protection and management of Ngarrindjeri Cultural Knowledge that is appropriately shared, used or divulged in respect of the Ngarrindjeri Partnerships Project, this SOC and the ECDR development. DEWNR has developed a procedure for officers engaging Ngarrindjeri as part of the CLLMM Recovery Project in respect of Cultural Knowledge to assist them to comply with the requirements of the Agreement.

Ramsar has official guidelines for establishing and strengthening Indigenous people's participation in the management of wetlands (Ramsar COP Resolutions VIII.19, and IX.21). The guidelines create a framework for Ramsar States to enable Indigenous people to contribute to developing effective management arrangements, that contribute significantly to effective conservation as well as contributing to community well-being and more equitable access to resources.

2.3 Purpose

This SOC between DEWNR and the NRA establishes an agreed process to involve Ngarrindjeri in the review of the ECD and development of the ECDR. The SOC intends to support the integration of Ngarrindjeri values, perspectives, and philosophies into the ECDR as per the relevant Ramsar Resolutions (VIII.19, and IX.21). This approach aims to better acknowledge and value Ngarrindjeri and respect their Traditional Ownership and customary rights and responsibilities to care for country. The SOC also aims to influence the process of ECD and its inherent western scientific approach of removing people from place.

The SOC outlines a range of aspirations, principles, objectives and actions that NRA and DEWNR will utilise to support participation of Ngarrindjeri in the ECD review. The document establishes mutual intentions for the period of the development and review of the ECD. It is not intended to give rise to any enforceable rights or binding obligations on the part of either NRA or DEWNR. The SOC does not commit funding provision. Ngarrindjeri participation in this SOC, Working Group and related planning is to be reported against the Ngarrindjeri Partnerships Project. Ngarrindjeri participation in this SOC has been incorporated into long-term delivery of the CLLMM Ngarrindjeri Partnerships Project.

The SOC supports DEWNR in implementing a range of DEWNR Corporate Plan 2012-14 Priorities (1a, 1b, 1g, 2b, and 2c) and targets under the South Australian Strategic Plan 2011 (69, 72, 44 and 28). The SOC also supports DEWNR implementing the intent of the KNYA through the integration of Ngarrindjeri cultural values into natural resource management planning in the Ngarrindjeri region.

This SOC does not affect any Native Title rights and interests of the Ngarrindjeri People.

2.4 Definitions and Interpretations

- 2.4.1 **Caring for country** is a phrase used by Aboriginal people including the Ngarrindjeri to describe the critical importance of looking after their relationships with their traditional lands.
- 2.4.2 **CLLMM Recovery Project** means Coorong, Lower Lakes and Murray Mouth Program, funded under the Murray Futures Program.
- 2.4.3 **CLLMM Region** means the land and waters within and surrounding the Coorong, Lower Lakes and Murray Mouth.
- 2.4.4 **Cultural Knowledge** means all and any cultural knowledge, whether such knowledge has been disclosed or remains undisclosed by the Aboriginal people represented by the Ngarrindjeri, including but not limited to:
- a. Traditions, observances, customs and beliefs
 - b. Songs, music, dances, stories, ceremonies, symbols, narratives and designs
 - c. Languages
 - d. Spiritual knowledge
 - e. Traditional economies and resources management
 - f. Scientific, spatial, agricultural, technical, biological and ecological knowledge;

And includes the manifestation of such Cultural Knowledge in documentation and other forms of media arising therefrom including but not limited to archives, films, photographs, videotape or audiotape, subject to any intellectual property rights owned by third parties in any such manifestation.

- 2.4.5 **Cultural Landscape** means the way in which the CLLMM region has been shaped by Ngarrindjeri custodianship and also includes Ngarrindjeri spiritual beliefs on the formation and shaping of the region by Ancestral beings.
- 2.4.6 **DEWNR** means Department of Environment, Water and Natural Resources.
- 2.4.7 **ECD** means Ecological Character Description and is a process of documenting the ecosystem components, processes, benefits and services that characterise a Ramsar wetland at a given point in time.
- 2.4.8 **Ecosystem services** means the wellbeing, life ways and livelihoods humans derive from resources and processes that are supplied by natural environments.
- 2.4.9 **Funding and Service Agreement** means the agreement on funding and service arrangements executed by the Minister for Sustainability, Environment and Conservation and NRA, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title

Management Committee and Ngarrindjeri Tendi Incorporated for and on behalf of the Ngarrindjeri on 2 April 2012.

- 2.4.10 KNYA** means (whole of government) Kungun Ngarrindjeri Yunnan Agreement (listening to Ngarrindjeri people speaking) executed between SA Government and Ngarrindjeri Tendi Inc. Ngarrindjeri Heritage Committee Inc and Ngarrindjeri Native Title Management Committee for and on behalf of the Ngarrindjeri on 5 June 2009.
- 2.4.11 Ngarrindjeri Partnerships Project** means the CLLMM Program funded project to support Ngarrindjeri participation and core capacity development.
- 2.4.12 NRA** means Ngarrindjeri Regional Authority Inc.
- 2.4.13 Parties** means the entities listed at clause 2.5.
- 2.4.14 Ramsar** means The Convention on Wetlands of International Importance (Ramsar Convention) and is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
- 2.4.15 Ruwe/Ruwar** means country, body and spirit.
- 2.4.16 Statement of Commitment (SOC)** means this document.
- 2.4.17 Working Group** means the Ngarrindjeri Vegetation Management Plan Working Group with representatives from Ngarrindjeri and CLLMM Program.
- 2.4.18 Yarlular–Ruwe** means Ngarrindjeri sea country.

2.5 Parties

The Parties to this SOC are the:

- Ngarrindjeri Regional Authority Incorporated ('NRA')
- Major Projects Branch, Department of Environment, Water and Natural Resources (DEWNR)

2.5.1 Parties Representatives

- NRA is represented by Clyde Rigney and Barry Lincoln and Co-Directors of the NRA Research Policy and Planning Unit (RPPU) based at Flinders University, Daryle Rigney and Steve Hemming.
- Major Projects Branch is represented by Jason Higham, Lachlan Sutherland and nominated DEWNR representatives.

2.6 Geographic Scope

- 2.6.1** The geographic extent of the SOC will cover the area identified and known as the Ngarrindjeri and Others Native Title Claim area.
- 2.6.2** The geographic extent of the ECD is the boundary of the Ramsar site.

3. Ngarrindjeri and SA Government Strategic Platform

A number of strategies and agreements underpin the SOC including:

- 1998, Ngarrindjeri perspectives on Ramsar Issues: Ngarrindjeri / Ramsar Working Group report.
- 2002, The Murray Mouth – Exploring the implications of closure or restricted flow.
- 2006, Ngarrindjeri Yarluwar-Ruwe Plan.
- 2006, Coorong and Lakes Albert and Alexandrina Ecological Character Description Report.
- 2006-2007, The Lower Lakes, Coorong and Murray Mouth Icon Site Environmental Management Plan.
- 2008, Ngarrindjeri Regional Partnership Agreement ('NRPA').
- 2009, (Whole of Government) Kungun Ngarrindjeri Yunnan Agreement (KNYA) (NRA and South Australian Government).
- 2009, CLLMM Long Term Plan Business Case: Ngarrindjeri Partnerships component.
- 2012, CLLMM Ngarrindjeri Partnerships Funding and Service Agreement.

4. Principles

The Ngarrindjeri people have occupied, enjoyed, managed and used their inherited lands and waters within the area of the River Murray, Lower Lakes, Coorong and adjacent areas since creation. Creation stories and oral traditions have been passed down from generation to generation and with them a detailed knowledge of *Yarluwar-Ruwe* (sea country).

Ngarrindjeri have a unique philosophy regarding the connectivity of country / body / spirit. Ngarrindjeri Ruwe/Ruwar (country / body / spirit) concerns Ngarrindjeri rights and responsibilities as traditional owners and consideration that all things are connected. Ngarrindjeri also see their homelands as a cultural landscape, shaped during the creation by Ancestral beings and by the management of Ngarrindjeri as custodians of the land. Ngarrindjeri oral histories document changes in the ecological character of the region over millennia and their traditional ecological knowledge of the Ramsar site, including connectivity with the surrounding lands is deep.

Ngarrindjeri had limited participation in the listing of the Coorong and Lakes Albert and Alexandrina Ramsar site, and the ensuing review of the site's ecological character, development of ECDR's, and development of associated management planning. This has partly been due to inappropriate engagement and consultation methodologies. Ngarrindjeri desire to establish new ways of working in partnership with the South Australian Government to ensure their cultural values and perspectives are respectfully, equitably and appropriately integrated into the management of the Ramsar site.

The Parties acknowledge that Ngarrindjeri have interests that extend beyond the Ramsar boundary and that Ngarrindjeri participation in the ECD process is being undertaken as part of a holistic Ngarrindjeri approach as described in the Ngarrindjeri Yarluwar-Ruwe Plan, 2006.

Ngarrindjeri philosophies give rise to the following principles that will guide this SOC:

1. Respectful processes, time and support to Ngarrindjeri to care for country (that means caring for people, past, present and future).
2. The ECD review and development of the ECDR accommodates Ngarrindjeri Ruwe / Ruwar – (country/body/spirit).
3. Cultural Knowledge and intellectual property is protected across Ngarrindjeri engagements with government and research organisations.
4. Ngarrindjeri cultural values integral to all planning and future management arrangements.
5. Active Ngarrindjeri participation in planning and future management arrangements through employment, education and training opportunities.

5. Outcomes and Activities

The key outcomes of this SOC include:

1. NRA, and its Research, Policy and Planning Unit (NRA RPPU), develop a long-term Ngarrindjeri strategy for engagement with the Ramsar site that incorporates the deep cultural knowledge associated with the 'Meeting of the Waters' into an Ngarrindjeri character description.
2. Ngarrindjeri character description to accompany the ECDR.
3. Integration of Ngarrindjeri Ruwe/Ruwar philosophy into the ECDR – this includes the integration of Ngarrindjeri Creation stories and 'cultural landscape' perspectives into the ECDR where appropriate.
4. Collaborative case study regarding the character of the registered 'Meeting of the Waters' site that brings together both Ngarrindjeri and western science perspectives and observations.
5. A description of the services the Ramsar site provides to Ngarrindjeri for inclusion in the ECDR (likely to be covered by other points above).
6. Inclusion of Ngarrindjeri perspectives of changes to the character of their lands and waters since Ramsar listing that also incorporates changes since colonisation.
7. Recognition of Ngarrindjeri language and naming where appropriate.

The Outcomes listed above will be achieved through the implementation of the Activities provided below. (See Attachment 1 for tasks under each activity).

Activities:

1. Development of a stand alone Ngarrindjeri report to accompany the ECDR – the content, methodology and style of this report will be developed by the NRA and its Research, Policy and Planning Unit (NRA RPPU).
2. NRA report on identifying Ramsar Resolutions, guidelines, and other relevant strategies or reports aimed at representing / maintaining Ngarrindjeri cultural values
3. Meetings between NRA, DEWNR and DSEWPaC to discuss the integration of Ramsar Resolutions related to cultural values and Ngarrindjeri perspectives in the ECD review and development of the draft ECDR
4. NRA and DEWNR review of the draft ECDR layout to clarify where Ngarrindjeri related input will be best placed.
5. NRA determine appropriate creation stories and co-naming protocols for DEWNR's inclusion in the draft ECDR.

6. Series of workshops between NRA, and its RPPU and relevant western scientists to develop a collaborative statement regarding the cultural and ecological character of the registered 'Meeting of the Waters' site.
7. NRA provision of content to the draft ECDR as agreed in the review process at 5, as well as considering additional inputs in agreement with DEWNR.
8. Promoting NRA and DEWNR engagement in the ECD review process and this SOC, to relevant State and Commonwealth organisations.

6. Working Relationship

The Parties to this SOC have formed the Working Group including representatives from the Ngarrindjeri Regional Authority, NRA Research, Policy and Planning Unit (NRA RPPU) and Major Projects Branch, DEWNR. The role of the Working Group is to oversee the implementation of this SOC and to ensure the intended outcomes and activities are mutually achieved.

The Working Group does not have the authority to amend the National Framework '*Describing Ecological Character of Ramsar Wetlands, 2005*' but will facilitate discussions between NRA and DSEWPaC regarding how this framework can better accommodate Aboriginal interests and perspectives. The Working Group will contribute to the review of ECD and the development of the draft ECDR but acknowledge that DSEWPaC holds the authority to approve the final ECDR.

The Working Group will give consideration to matters of Ramsar site management, but the Parties acknowledge that at present, the ECDR is a separate process to the development of the Ramsar Site Management Plan. The Working Group's primary focus is the ECD review and the ECDR.

The Working Group will:

- Jointly develop and commit on baseline principles, actions and outcomes that can be reported against for the duration of this SOC;
- Meet monthly (or otherwise agreed) to assist in the implementation, management and monitoring of activities under this SOC;
- Be responsible for the implementation of the activities specified in this SOC;
- Agree on any additional activities required for partnership in planning;
- Monitor and evaluate progress against the activities specified in this SOC and any new activities developed; and,
- Table Working Group reports to KNYA Taskforce meetings.

The DEWNR Aboriginal Partnerships Coordinator will facilitate the Working Group meetings and provide support to the DEWNR Restoration program team in preparations for meetings. DEWNR and the NRA will rotate minute taking responsibilities.

7. Ngarrindjeri research and consultation processes

NRA representatives on the Working Group will undertake consultation and research into matters relevant to this SOC with the Ngarrindjeri Yarluwar-Ruwe (NY-R) Program and if relevant, broader Ngarrindjeri community. The NY-R Program will be responsible for endorsing Ngarrindjeri input to the ECDR before it comes to the Working Group.

This research and consultations will occur as required and may require flexibility in timing given cultural protocols and the availability of the right people. It is understood that Cultural Knowledge and the reasons behind specific Ngarrindjeri decisions may not be divulged but the outcomes will be incorporated into the planning process.

8. Duration of Statement of Commitment

This SOC commences on the date of signing by all Parties and will continue for the duration of the ECD review (June 2016) or until the Parties agree to terminate the SOC or prepare another document that replaces this SOC.

This Statement of Commitment was made on Thursday the 1st of May 2014

Signed for and on behalf of the PARTIES



Mr Tim Hartman
Chairperson
Ngarrindjeri Regional Authority Inc.



John Schutz
Group Executive Director
Partnerships and Stewardship
Department of Environment, Water and Natural Resources

Ramsar ECD Statement of Commitment Activity Plan

Activity	Sub-Activities	Due date
1. NRA report identifying Ramsar Resolutions, guidelines, and other relevant strategies or reports aimed at representing / maintaining Ngarrindjeri cultural values.	1.1 Literature review of resolutions, guidelines and other relevant strategies	October 2013
	1.2 Draft report outlining relevant resolutions, guidelines and other relevant strategies.	November 2013
	1.3 Finalise report	31 Dec 2013
2. Meetings between NRA, DEWNR and DSEWPaC to discuss the integration of Ramsar Resolutions related to cultural values and Ngarrindjeri perspectives in the ECD review and development of the draft ECDR.	2.1 Prepare background and specific questions for DSEWPaC consideration and comment and obtain NY-R endorsement (to include scope relating to current Ngarrindjeri engagement and proposed ARC partnership).	31 Dec 2013
	2.2 Confirm agreement on the terms of meeting and undertake meeting in Canberra	Jan to Mar 2014
3. NRA and DEWNR review of the draft ECDR layout to clarify where Ngarrindjeri related input will be best placed.	3.1 DEWNR provision of draft ECDR layout to the NRA through ECD Working Group.	30 May 2014
	3.2 Joint review of layout at following ECD Working Group meeting and identify where related Ngarrindjeri input will be placed.	30 Jun 2014
4. NRA advice to DEWNR on appropriate creation stories and co-naming protocols for inclusion in the draft ECDR.	4.1 Ngarrindjeri Yarluwar-Ruwe Program group discuss appropriate creation stories and co-naming protocols for the draft ECDR.	31 Mar 2014

		4.2 NRA clarify creation stories and co-naming protocols to DEVNR in writing.	30 Jun 2014
5. Series of workshops between Ngarrindjeri and relevant western scientists to develop a collaborative statement regarding the cultural and ecological character of the registered 'Meeting of the Waters' site.		5.1 Ngarrindjeri endorsement of concept in writing to DEVNR.	31 Dec 2013
		5.2 Initiation meeting to scope how the statement will be developed, personnel, timing.	30 Jun 2014
		5.3 Engagement of relevant personnel.	2014/15
		5.4 Two workshops.	2014/15
		5.5 Collaborative statement drafted.	30 Jun 2015
6. Development of a standalone Ngarrindjeri report to accompany the ECDR.		Scope content and direction with NYR and agree on methodologies to develop.	30 Jun 2014
		Draft content for report	31 Dec 2014
		Endorsement process and finalise report	30 Jun 2015
7. NRA provision of content to the draft ECDR as agreed in the review process at 3, as well considering additional inputs in agreement with DEVNR.		Scope content with NYR and agree on methodologies to develop.	30 Jun 2014
		Draft content and insert into draft ECDR	31 Dec 2014
		DEVNR review and endorsement process and finalise input.	30 Jun 2015

