

CHAPTER 4.5

TOWARDS NGARRINDJERI CO-MANAGEMENT OF YARLUWAR-RUWE

(SEA COUNTRY — LANDS, WATERS AND ALL LIVING THINGS)¹

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The land and waters is a living body. We the Ngarrindjeri people are part of its existence. The lands and waters must be healthy for the Ngarrindjeri people to be healthy

(see Trevorrow in Hemming, Trevorrow & Rigney, 2002, p. 3).

We argue that because Ngarrindjeri water, wetlands and floodplains are so intimately tied to Ngarrindjeri wellbeing there must be a holistic, long-term program for Ngarrindjeri to address the impacts of extensive environmental degradation of Ngarrindjeri lands and waters. This means developing research, employment, education/training, planning, cultural and spiritual processes. In this way Ngarrindjeri can hope to achieve wellbeing in a globalising economy, a twenty-first century world and on Yarlular-Ruwe that is affected by global warming and destructive non-Indigenous land and waters practices.

(Birckhead et al. 2011, p. 42).

INTRODUCTION

For Indigenous peoples living within settler democracies such as Australia, Canada, the United States and New Zealand, securing rights to Country and gaining recognition of Indigenous values and knowledges have taken various pathways, usually through some form of treaty process (Langton et al. 2004). In Australia, land rights, native title and cultural heritage protection have produced the key legislative frameworks through which rights, responsibilities and values associated with Country have been negotiated. In South Australia, new approaches to Ngarrindjeri engagement in Natural Resource Management (NRM) and Cultural Heritage Management (CHM) have emerged from a particular set of environmental, historical, cultural and political circumstances (DEWNR & NRA 2012b; Hemming & Rigney 2008; Hemming & Rigney 2012; Hemming et al. 2007; NRA & DEWNR 2012; Rigney et al. 2015). Since colonisation, Ngarrindjeri have struggled for recognition as the true custodians of their lands and waters (Ngarrindjeri Nation 2007). Over a century of non-Indigenous NRM and land use

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policy in Australia has effectively excluded Indigenous interests, creating a significant obstacle for the Ngarrindjeri Nation to meet their customary obligations to Care for/as Country. In recent years, the Coorong Lower Lakes and Murray Mouth (CLLMM) region, as part of the Australia's Murray-Darling Basin, has been at the centre of extensive environmental management programs emerging from government policies seeking to address ecological degradation caused by the Millennium Drought, induced by climate change, and the over-allocation of water (see DEH 2009). The intensification of government intervention on Ngarrindjeri lands and waters amplified the need for negotiations to occur between Ngarrindjeri and the State of South Australia regarding possible solutions that begin a process of non-Indigenous recognition of the importance of Ngarrindjeri *Ruwe/Ruwar* (the connectivity between lands, waters, people and all living things) to Ngarrindjeri wellbeing (Hemming et al. 2002).

Foundational to a new approach to engagement was the development of the contract law *Kungun Ngarrindjeri Yunnan Agreement* (listen to what Ngarrindjeri have to say — KNYA) (see Hemming et al. 2010, 2011; KNYA 2009). This strategy developed from a long history of Ngarrindjeri political organisation and resistance against colonisation and it has been central to the development of the Ngarrindjeri Regional Authority (NRA), the Ngarrindjeri Nation's peak body (Hemming & Rigney 2008; Rigney et al. 2015). The landmark 2009 KNYA created a mechanism for building Ngarrindjeri Nation capacity to become a critical contributor to regional NRM through partnership projects with the Department of Environment, Water and Natural Resources (DEWNR) and framed Ngarrindjeri engagement in the State Government's *Murray Futures* CLLMM Recovery and Riverine Recovery Projects. This chapter provides an overview of the development of the innovative Ngarrindjeri-led Indigenous engagement strategies in NRM that emerged from this context with a focus on the *Murray Futures* Ngarrindjeri Partnerships Project, a key management action under the CLLMM Recovery Project (see Hemming & Rigney 2012). We argue that the shift towards Indigenous 'inclusion' in NRM and recognition of Ngarrindjeri leadership in 'co-management' of Country are fundamental to healing damaged ecological systems such as the Coorong, Lower Lakes and Murray Mouth region. They are also crucial factors in healing the Ngarrindjeri, who are a part of *Yarluwar-Ruwe* (Sea Country), and the ongoing legacy of colonialism and racism in Australian society. Importantly, this chapter is written from the perspective of a theorised Indigenous engagement with Western NRM — from the First Nation context looking outward. The shifts in NRM policy and practice outlined in this chapter are in line with Australia's obligations as a signatory to the *United Nations Declaration on the Rights of Indigenous Peoples* (UN 2007).

THE HISTORICAL CONTEXT TO NGARRINDJERI ENGAGEMENT WITH NATURAL RESOURCE MANAGEMENT (NRM) IN THE CLLMM REGION

Since South Australia's establishment as a British colony in 1836, Ngarrindjeri and other Indigenous people have struggled to protect their cultures, communities, lands and waters — in short, to 'Speak as Country' (see Berg 2010; Mattingley & Hampton 1988). As a result of the colonial history of dispossession and oppression, Indigenous Nations across Australia have very limited 'rights' to water and other natural resources except indirectly through a weakened native title regime and even more indirectly through state legislation such as the *Aboriginal Heritage Act 1988* (SA) (see Hattam et al. 2007; Jackson 2012; Jackson et al. 2012; McFarlane

2004; Turner & Neale 2015; Tan & Jackson 2013; Weir 2009, 2012). This situation differs significantly from the experiences of Indigenous peoples in comparable settler democracies such as Canada, the USA and New Zealand. In all these examples there exists significantly stronger recognition of Indigenous rights to lands and waters (see Hemming et al. 2007; Langton et al. 2004; Strelein 2006; Veeder 1964).

Nonetheless, Ngarrindjeri have maintained a strong connection to Country through a cultural tradition of *Ruwe/Ruwar*. Ngarrindjeri have continued to draw attention to the damaging changes being made to Ngarrindjeri Country through ongoing colonisation (see Bell 2008; Ngarrindjeri Nation 2007). Ngarrindjeri argue that the draining of South Australia's Southeast has had damaging effects on the flow of water into the Coorong and into the Lower Murray region more generally. The draining of wetlands/nurseries along the Murray and the building of levee banks and barrages to facilitate industries such as dairy farming and fruit growing have had devastating impacts on the health of the South Australian Murray-Darling Basin (MDB) and the lives of Ngarrindjeri people. With changing freedoms after the famous 1967 Referendum, Ngarrindjeri began a new strategy of building better 'race' relations with the non-Indigenous community. The Ngarrindjeri (re)conciliation strategy has continued to the present and became a focus in the 1980s with the establishment of Camp Coorong: Race Relations and Cultural Education Centre (see Hemming & Rigney 2008; Rigney & Hemming 2014). Always at the centre of this Indigenous communication and educational program have been Ngarrindjeri stories, histories and lessons with a message for non-Indigenous people to develop a respectful, health-giving relationship with Ngarrindjeri lands and waters. Ngarrindjeri have continued to exercise responsibility to 'Speak as Country' to preserve the reproductive health of Ngarrindjeri *Yarluwar-Ruwe*.

In the early 1990s, using new Aboriginal heritage legislation, Ngarrindjeri men and women argued that the waters around *Kumarangk* (Hindmarsh Island) are spiritual waters and crucial for the life of the Ngarrindjeri Nation. They argued that building a bridge between the mainland at Goolwa and Kumarangk would do irreparable damage to the spiritual context of the region and therefore the health of the River, the Lakes and the Coorong and all connected living things (see Bell 1998, 2008; Saunders 2003; Stevens 1995; Trevorrow & Hemming 2005). They attempted to communicate the core Ngarrindjeri cultural principles associated with *Ruwe/Ruwar*. The litigation around the Hindmarsh Island bridge issue was fought in multiple courts and in both state and federal jurisdictions. In 1995 a Royal Commission was established to investigate these traditions, and its findings rejected the Ngarrindjeri traditions (see Simons 2003; Stevens 1995). In 2001 a decision by Justice von Doussa in the Federal Court of Australia supported the Ngarrindjeri claims to the cultural and spiritual significance of the 'Meeting of the Waters' and the *Kumarangk* area (von Doussa 2001). This was after the bridge had already been erected and the desecration of *Ruwe/Ruwar* had occurred. As a consequence of difficult and extended negotiations and agreement making, the Meeting of the Waters 'site' has been registered under the *Aboriginal Heritage Act 1988* (SA) and has been recently recognised as significant to NRM and water planning in South Australia and the broader MDB (Hemming 2009; MDBA 2014).

At the start of the new millennium south-eastern Australia was plunged into a serious climate-induced drought, and over-extraction of water in the MDB severely restricted the flow

of water through Ngarrindjeri *Ruwe*, impacting the health of the lower River Murray, Lakes Alexandrina and Albert, and the Coorong. The region supports a fragile ecology where the ‘Meeting of the Waters’ takes place, as fresh water combines with ocean salt water in the tidal flows of the river mouth (see Bell 1998, 2014; Hemming et al. 2002; Kampf & Bell 2014). This area is a vital cultural and creation place for the Ngarrindjeri, and a habitat and breeding ground for many Ngarrindjeri *ngartji* (totems — friends). In 1998 the Ngarrindjeri Ramsar Working Group produced a Nation-endorsed position paper that lamented the degradation of waters in the region:

Too much water has been diverted from the river system and not enough water now reaches the Lakes and Coorong. The quality of the water has also fallen. The water is cloudy, polluted and not fit for drinking. The Murray, the Lakes and the Coorong are no longer environmentally healthy and this is partly why the Ngarrindjeri people are not healthy. The Ngarrindjeri know that the Coorong, Lakes and River are dying.

(NRWG 1998, p. 5)

The Ngarrindjeri position paper was referred to, but not included, in the final Ramsar Management Plan as a key discussion paper, after promises were made by the South Australian Government (DEH 2000). The disrespectful approach to Ngarrindjeri values, aspirations and knowledges was compounded by the degraded health of the river system. The unhealthy state of the system was a direct counterpoint to the Ngarrindjeri ‘Vision for Country’, which encapsulates the Ngarrindjeri philosophy of being (Ruwe/Ruwar) at the centre of Ngarrindjeri Caring for their lands and waters:

Our Lands, Our Waters, Our People, All Living Things are connected. We implore people to respect our Ruwe (Country) as it was created in the Kaldowinyeri (the Creation). We long for sparkling, clean waters, healthy land and people and all living things. We long for the Yarlumar-Ruwe (Sea Country) of our ancestors. Our vision is all people Caring, Sharing, Knowing and Respecting the lands, the waters and all living things.

(Ngarrindjeri Nation 2007 in MDBA 2014, p. 25).

In a continuing attempt to change the character of contact between themselves and Australian government agencies, Ngarrindjeri leaders and elders decided to develop their own management plan — the Ngarrindjeri Nation *Yarlumar-Ruwe Plan* (2007) (henceforth, ‘the plan’). The plan’s vision makes clear the essential link between the wellbeing of individuals, families, communities, their unique worldview and their right and responsibility to Care for Ngarrindjeri lands and waters. It articulates a broad vision and a set of strategic directions for Caring for Ngarrindjeri Country, emphasising that ‘the river, lakes, wetlands/nurseries, Coorong estuary and sea have sustained us culturally and economically for tens of thousands of years’ (Ngarrindjeri Nation 2007, p. 6). It is important to appreciate that the Ngarrindjeri Nation *Yarlumar-Ruwe Plan* is both a policy document and a constitutional statement by the Ngarrindjeri Nation (Hemming et al. 2016). Importantly, the plan provided Ngarrindjeri with a vital negotiating tool used to challenge the South Australian Government to provide Ngarrindjeri with the capacity to take a leading role in Caring for/as Country under South Australia’s Murray Futures initiative (see Hemming & Rigney 2010; Maclean & The Bana Yarralji Bubu Inc. 2015). The *Yarlumar-Ruwe Plan* has been crucial in the process of critiquing and rewriting discriminatory elements of what

we refer to as the contemporary ‘contact zone’, such as fundamentally racist archival sources; out-of-date management plans; and government policies (see Hemming & Rigney 2010; Maclean & The Bana Yarralji Bubu Inc. 2015).

NEW THEORETICAL AND METHODOLOGICAL TRAJECTORIES: TOWARDS NGARRINDJERI CO-MANAGEMENT OF YARLUWAR-RUWE

The Ngarrindjeri approach to NRM prioritises Indigenous Nation building principles and asserts a cultural responsibility to Speak as Country (Yannarumi) (Cornell 2015b; Cosens & Chaffin 2016). This strategy has gathered pace since the 1995 Hindmarsh Island (Kumarangk) Bridge Royal Commission but can be identified as starting in its contemporary form in the mid-1980s with the establishment of organisations such as the Ngarrindjeri Tendi Inc. and the Ngarrindjeri Land and Progress Association Inc. (see Ngarrindjeri Nation 2007; Stevens 1995). A collective of Ngarrindjeri leaders, scholars and non-Indigenous supporters has contributed to its development, using insights from Ngarrindjeri philosophy and experience, along with ideas from cultural studies, Indigenous standpoint theory, postcolonial theory, critical race theory and other contexts (see, for example, Barad 2007; Berg 2010; Braidotti 2009; Bignall 2010; Byrd 2011; Gammage 2011; Haraway 1988; Hemming 2006; Moreton-Robinson 2007, 2013; Nakata 2007; Rose 1996; Rigney et al. 2015; Smith 1999, 2012). This list reflects the complexity of theory and ideas brought together in the South Australian context to address the challenges faced by Indigenous leaders when attempting to develop the best strategies for producing healthy futures for their people, their lands and waters. The results of this work have produced significant changes in relations between Ngarrindjeri and the South Australian Government.

Challenges of sustainability have in recent years prompted an important shift within Western environmentalism towards ‘posthumanism’ — a shift away from a human-centred understanding of being (see Barad 2007; Braidotti 2009; Latour 2004; Weir 2009). For example, Felix Guattari, influential French ‘post-humanist’ philosopher, posed questions to generate thinking about new futures where responsibility for wellbeing brings with it a more ethical and accountable relationship between people, lands, waters and all living things (Guattari 2000). This vision for human and non-human life resonates with Ngarrindjeri strategies for engaging with NRM and other interventions in Ngarrindjeri Country. It can be argued that ‘post-humanist’ objectives such as Guattari’s share common ground with Indigenous ‘decolonising’ projects or, in the Ngarrindjeri context, with Nation (re)building work (see Bignall et al. 2016; Rigney & Hemming 2014; Rigney et al. 2015; Smith 1999, 2012).

Whilst this conceptual framework shares many features in common with Indigenous ontologies, epistemologies, axiologies and ethologies, it typically fails to acknowledge Indigenous knowledges as a prior form of this ‘new’ paradigm. What is otherwise a promising move in environmental theory continues a long colonial tradition of the non-recognition of Indigenous agency and authority. For example, baseline drafts of the Coorong and Lakes Alexandrina and Albert wetland Ramsar site Ecological Character Description (ECD) assumed that in 1836 the Ramsar site was in a ‘natural’ state, untouched by human interaction — obscuring Ngarrindjeri agency. Since British colonisation there is a story of human-induced degradation of the ecological health of the wetlands as a consequence of agriculture, irrigation and other interventions. Ngarrindjeri survival through the most intensive periods of colonisation

is invisible in this account and the only human interactions with the lands and waters are identified as non-Indigenous. Although the developing guidelines and protocols emerging from the Ramsar Convention are incorporating ideas such as biocultural diversity, reflecting an increasing influence of contemporary cultural theory, philosophy and Indigenous perspectives, these shifts are yet to be reflected in Australian Ramsar guidelines (DEWHA 2008; Hemming et al. forthcoming). However, when these conceptual innovations do make an appearance in Australian Ramsar planning and management, they will need to take into account Indigenous critiques of posthumanism and associated calls for a more sophisticated system of valuing of 'ecosystems services' and engaging with Indigenous conceptualisations of Country (see Weir 2009; Birckhead et al. 2011; Byrd 2011; Comberti et al. 2015; Coombes et al. 2014; Ens et al. 2015; Hill et al. 2013; Hoogeveen 2016; Howitt et al. 2013; Jackson & Palmer 2015; Pert et al. 2014; Pröpper & Haupts 2014; Sullivan 2010; Tadaki et al. 2015; Winthrop 2014). It is therefore important to understand limits inherent in the principal framework for conceptualising the relationships between the 'environment' and humans: this is the ecosystem services model which brings capitalist systems of valuing and Caring to bear in a reductionist approach to describing and managing 'Country'.

A recently published Murray-Darling Basin case study, conducted by Rosalind Bark and other high-profile Australia water policy researchers, applies cultural Ecological Services (ES) typologies to the famous Brewarrina fish traps. These researchers make important points about concepts such as connectivity, cultural landscapes and system holism that clearly illustrate the direction that Indigenous and non-Indigenous researchers and leaders are attempting to take in order to shift the current Australian water management and NRM regimes:

Taking the issue of connectivity more broadly, it can be understood in a range of ways in terms of cultural ES — hydrological and ecological connectivity between the Ngemba billabong and the fish traps, between people and the river, between cultural practices and hydrological knowledge of water flows and waterway ecologies, and between Dreamtime (Creation) stories and their encoded rules and current management practices. These aspects of cultural value expand the importance of the fish trap site from one that is significant for its archaeological value to one with multiple social, cultural, ecological and economic values, as well as recognition of the key stewardship role of traditional owners and custodians. System holism is central to indigenous water cultures from the Darling River region (Muir et al. 2010) and elsewhere (Barber 2005; Bradley 2010), yet it is difficult to place within current typologies that demarcate categories of value (economic, cultural, ecological) and/or posit oppositions such as those made by Chan et al. (2012): self-oriented vs. other-oriented, individual vs. group, physical vs. metaphysical, etc. Future research could field test these value dichotomies and address the value of system holism (see Johnston et al. 2011 for an example) or what has become known in heritage circles as a cultural landscape approach (Byrne et al. 2003).

(Bark et al. 2015, p. 8)

It took Ngarrindjeri over 15 years to convince the South Australian Government that the 'Meeting of the Waters' area at the mouth of the River Murray is a sacred cultural landscape that is vital to the reproduction of life and that encapsulates the Ngarrindjeri philosophy of *Ruwe/Ruwar* — interconnectivity (see Bell 1998, 2008, 2014; Simons 2003; Birckhead et al. 2011; Hemming 2009; Hemming & Rigney 2014). As journalist David Nason reported in

the *Australian* in July 2010, ‘When it was over[,] the Hindmarsh Island affair had become one of the most complex and bitterly litigated racial conflicts in Australian history’ (Nason 2010). The contract law KNYA strategy and a combination of legal, interdisciplinary and multidisciplinary research were required to produce a successful outcome in these negotiations (see Hemming et al. 2011).

The trajectories, strategies and theoretical innovations developed and adapted by Ngarrindjeri to create a ‘decolonial’ shift in NRM put into practice recent calls for a more nuanced approach to engaging with concepts such as ‘ecosystem services’ and ‘cultural ecosystem services’ being deployed in Australian contexts, such as Ramsar ECDs (see Appadurai 1990; Bark et al. 2015; Hemming & Rigney 2008; Jackson & Palmer 2015). Ngarrindjeri have understood the application of these concepts and practices to have potentially detrimental effects to Ngarrindjeri wellbeing and connectivity, and to be part of the continuing colonisation of Ngarrindjeri lands and waters (see Hemming & Rigney 2008; Hemming et al. 2011; Jackson & Palmer 2015; Mignolo 2011; Sullivan 2010). The Ngarrindjeri Regional Authority (NRA) has developed a strategic, theorised form of negotiation and Nation building which uses contract law to reframe the discourse, power relations, ontologies, epistemologies and practices that flow into Ngarrindjeri *Yarluwar-Ruwe* with globalising forms of environmental management and commodification. For Ngarrindjeri, a *Yannarumi* process provides a mechanism for creating and assessing the impacts on Ngarrindjeri wellbeing resulting from interactions with settler-state policies, program and practices.

KUNGUN NGARRINDJERI YUNNAN: INNOVATIONS IN INDIGENOUS ENGAGEMENT IN NRM

Ngarrindjeri Nation (re)building accelerated in 2007 with the official incorporation of a centralised governing body, the NRA, tasked with representing and acting for Ngarrindjeri interests. The establishment of the NRA — the first Indigenous peak body representing an Indigenous Nation in South Australia — emerged from the Ngarrindjeri leadership’s long-term aim of continually improving the wellbeing of Ngarrindjeri *Ruwe/Ruwar* — the inseparable relation between lands, waters, body, spirit and all living things. As stated above, the NRA has developed a strategic, theorised form of negotiation and Nation building which uses contract law to reframe the discourse, power relations, ontologies, epistemologies and practices that flow into Ngarrindjeri *Yarluwar-Ruwe* with globalising forms of environmental management. This way of doing business is formally recognised by government at local, state and federal levels through the signing of KNY agreements and Indigenous Regional Partnership Agreements based around Caring for Country and economic development. Establishing the NRA was a vital first step in the Nation (re)building process, allowing Ngarrindjeri to identify authoritatively as a Nation, and to be identified as such by settler powers. This primary moment of National identification then allowed Ngarrindjeri to organise politically and to act more effectively as a consistent and representative power in the South Australian political landscape (Cornell 2015a). The NRA continues to reinforce the need for a shift in the use of government resources for Indigenous NRM programs to long-term support for the development of the NRA’s capacity to effectively respond to government demands on Ngarrindjeri ‘informed consent’, and Ngarrindjeri ‘participation’ in the state’s environmental programs.

In 2007, following in the footsteps of earlier Ngarrindjeri NRM and cultural heritage programs, the NRA established a Caring for Country Program (later renamed the NRA Yarluwar-Ruwe Program) to implement and further develop the visions of the *Yarluwar-Ruwe Plan* (see Hemming et al. 2007). The *Yarluwar-Ruwe* program was responsible for coordinating and supporting holistic Ngarrindjeri heritage and Caring for/as Country activities. Through the program, the NRA worked with government and local communities to develop new forms of NRM that recognised Ngarrindjeri values and incorporated Ngarrindjeri expertise and capacity. Much of the energy in this process was directed towards improving governance, towards Caring for Country programs with associated economic development opportunities, and towards creating new relationships with government at all levels to achieve these objectives. The NRA was critical in this process, providing a centralised point of contact between non-Indigenous interests and the Ngarrindjeri Nation. The NRA's Research, Policy and Planning Unit, hosted by Flinders University, led the development of the policy and research strategies underpinning the new *Yarluwar-Ruwe* Program.

As a program, it was the conduit for all external and internal projects and programs associated with Ngarrindjeri *Yarluwar-Ruwe*. First contact from outside organisations was made via the NRA Board, and a joint Ngarrindjeri and government taskforce was established under the 2009 KNYA. Once ideas, projects and programs were presented through these channels they were referred to the NRA *Yarluwar-Ruwe* Program for detailed assessment, engagement and consideration. Importantly, the *Yarluwar-Ruwe* Program brings NRM, CHM and other related issues together. This is a unique feature of the Ngarrindjeri approach to Caring for/as Country, putting into practice the Ngarrindjeri philosophy of being, Ngarrindjeri Ruwe/Ruwar. The NRA vision that Ngarrindjeri lands and waters need to be healthy for Ngarrindjeri to be healthy is at the centre of this approach. Key features of the *Yarluwar-Ruwe* Program included

- formal representation of all appropriate Ngarrindjeri bodies such as the Ngarrindjeri Heritage Committee, Ngarrindjeri Native Title Management Committee, Ngarrindjeri Tendi (traditional governance) and others
- devolved decision making — the NRA Board has formally established the program to provide a best-practice model for 'Caring for *Yarluwar-Ruwe*'
- prioritisation of the establishment of a program of Statement of Commitments (formal terms of reference) and associated working groups that frame and direct Ngarrindjeri/government projects and programs
- development and use of cultural knowledge protection clauses in all NRA contracts, KNY agreements (these are contract law agreements) and research projects (with outside bodies)
- decision making that is culturally appropriate to Ngarrindjeri
- empowerment of Ngarrindjeri and a coordinated, long-term capacity building program
- the ability to deal with multiple issues and projects, including direct engagement in conduct and development of research projects
- development of strategies that support cultural change in government policy, programs and practices — abolition of whiteness in government policy

- stakeholder involvement through presentations and small working groups
- innovative use of technology, with a Ngarrindjeri media team producing award-winning documentaries and reports on film and digital formats
- diverse engagement and partnership building with research, educational and business sectors — partnerships with Flinders University, national and international universities, local businesses, government at all levels, NRM Boards, community groups
- the support and development of Ngarrindjeri Caring for Yarlular-Ruwe with regards to economic development and employment securing of NRM contracts, employment, training and education.

The Ngarrindjeri *Yarlular-Ruwe* Program has resisted and transformed the contemporary ‘contact zone’ in natural resource and cultural heritage management to produce new ‘actor networks’ that carry life-giving flows that sustain Indigenous Nation building. Importantly, the *Yarlular-Ruwe* Program provided a culturally appropriate and strategic Indigenous engagement mechanism to support a number of major regional NRM partnership projects such as the *The Living Murray Program* and the *Murray Futures CLLMM* and Riverine Recovery Programs, and the development and implementation of the Murray-Darling Basin Plan in the South Australian Murray-Darling Basin (NRA 2012). It also facilitated an ongoing and developing partnership between the NRA and the four regional NRM Boards and the NRM programs of the regional local councils. It was a successful mechanism for discussion, analysis and decision making and has been influenced by best practices in leading First Nation contexts internationally (see Hemming et al. 2011).

In 2009, the Ngarrindjeri Nation negotiated a new KNYA with the State of South Australia that established a process for negotiating and supporting rights and responsibilities for Country (see Hemming et al. 2011). This whole-of-government contractual agreement between the Ngarrindjeri Nation and the State was set in place to frame the Ngarrindjeri strategy for negotiating Ngarrindjeri interests in NRM and in particular the South Australian Government’s long-term plan for the Coorong, Lower Lakes and Murray mouth (see DEH 2009; KNYA 2009). The agreement includes a recognition of Ngarrindjeri traditional ownership; recognition of the NRA as the Ngarrindjeri peak body; and an agreement to negotiate on key, long-held Ngarrindjeri objectives, such as the co-management of parks and reserves within the Ngarrindjeri and others’ Native Title Claim and the ‘hand-back’ of the Coorong National Park. The KNYA is a legal, binding agreement entered into between Ngarrindjeri leadership and four Ministers of the Crown in South Australia (the Minister for Sustainability, Environment and Conservation, the Minister for Water and the River Murray, the Minister for Agriculture, Fisheries and Forestry, and the Minister for Aboriginal Affairs and Reconciliation) to articulate specific rights and obligations that provide the beginnings of a new, more just relationship. Recitals D and E provide an indication of the intentions of the agreement:

D. The Ministers have expressed a desire for a new relationship between the State of South Australia and Ngarrindjeri based upon mutual respect and trust acknowledging that Ngarrindjeri consider protection and maintenance of culture and cultural sites upon its land and water central in every respect to Ngarrindjeri community well being and existence.

E. By this Agreement the Ministers wish to provide support and resources to the Ngarrindjeri Regional Authority Inc and enter into negotiations and consultations with the Ngarrindjeri about the maintenance and protection of Ngarrindjeri culture and cultural sites and the natural resources of the Land [lands and waters].

(KNYA 2009, p. 1).

The Ngarrindjeri's first *Kungun Ngarrindjeri Yunnan Agreement* (KNYA) was entered into with Alexandrina Council in the early 2000s, but the 2009 KNYA with the South Australian Government brought all government agencies to the table. The 2009 KNYA established quarterly leader-to-leader meetings between the signatory Ministers and Ngarrindjeri leadership, providing a resourced, formal structure for meetings and negotiations between the Ngarrindjeri Nation, as represented through the Ngarrindjeri Regional Authority, and government, universities and other non-Indigenous organisations (Rigney et al. 2015). It also included the establishment and funding of a joint taskforce that created a formal context for the NRA to negotiate regarding South Australian Government programs on Ngarrindjeri Ruwe/Ruwar. Monthly taskforce meetings were held between the NRA and relevant State agencies and statutory authorities representing environment, natural resources, Water, Aboriginal Affairs and State Development. The KNYA Taskforce, which was established in 2010, met 75 times throughout the CLLMM Project (DEWNR & NRA 2012a, 2012b, 2013, 2015) and was the key driver to implementing the KNYA, providing a forum for the parties to engage on natural and cultural resource management issues, including

- coordination of Ngarrindjeri engagement across departments
- support of early engagement
- provision of an opportunity for government to seek Ngarrindjeri advice and input to its proposals
- development of collaborative initiatives.

Guiding the taskforce was the KNYA Strategic Implementation Plan (SIP), which was developed by NRA and South Australian Government representatives from the KNYA Taskforce in 2011. The SIP had five objectives covering issues such as capacity building, education, economic development, NRM and research, and it was reviewed by the KNYA Taskforce on an annual basis. SIP actions were integrated into the monthly KNYA Taskforce meetings to ensure that a focus on strategic issues was maintained (DEWNR & NRA 2012a). As an example, the KNYA Taskforce pursued its stated objectives through initiatives such as the organisation of a series of workshops focusing on Indigenous people and water issues. This led to the development of a Water Resource Planning Statement of Commitment (SOC) that was entered into by the NRA and South Australian Government for the South Australian Murray-Darling Basin (SAMDB) region (NRA et al. 2015). The SOC was developed in line with the KNYA strategy to support the incorporation of Ngarrindjeri aspirations, values and knowledges in regional water planning. It was a positive step towards both clarifying relationships and activities to implement the MDB Plan and progressing Ngarrindjeri water interests.

The taskforce in particular played a significant role in establishing a formal relationship with DEWNR, which underpinned the Ngarrindjeri engagement strategy in the CLLMM

Recovery Project. For Ngarrindjeri, a key strategic purpose of the KNYA was to create a formal mechanism enabling Ngarrindjeri cultural values to become integral to all planning and future management arrangements impacting Ngarrindjeri Yarluwar-Ruwe. As a key commitment under the KNYA, DEWNR (formerly DEH) and the NRA began working closely to co-develop the Ngarrindjeri Partnerships Project (NPP), one of 19 management actions under the CLLMM program and its key Aboriginal engagement strategy, aligned with the overall CLLMM Recovery Project objective 4: ‘The culture of the traditional owners, the Ngarrindjeri, is preserved and promoted through partnerships and involvement in projects’ (NRA & DEWNR 2012, p. 5). The NPP worked across the other CLLMM program management actions and supported the development of core capacity within the NRA to ensure that Ngarrindjeri knowledge, experience and cultural values were appropriately incorporated into regional NRM. A funding and service agreement for the project was entered into between the NRA and DEWNR in 2011, ceasing in June 2016. The NRA identified several long-term Caring for/as Country objectives guiding the CLLMM NPP, developed to align with the objectives of the Ngarrindjeri *Yarluwar-Ruwe Plan* (NRA & DEWNR 2012, p. 5):

1. Protect Ngarrindjeri cultural heritage and unique relationship with, and responsibilities for, the region;
2. Develop and nurture strong and productive partnerships between Ngarrindjeri, industry, government and others;
3. Build professional and culturally appropriate Ngarrindjeri capacity to engage meaningfully with current and future actions to restore the health of the Coorong, Lower Lakes and Murray Mouth;
4. Ensure Ngarrindjeri participation in governance mechanisms and integrate their interests and perspectives into planning, research and policy development;
5. Ensure Ngarrindjeri play a major role in implementing strategies to develop a resilient and healthy future for the lands and waters and all living things;
6. Increase economic and social wellbeing within the Ngarrindjeri community; and
7. Support Ngarrindjeri enterprises within a growing contemporary Ngarrindjeri economy.

These funded long-term objectives clearly outline the Ngarrindjeri program of reassembling, or transforming, the contemporary ‘contact zone’ in NRM and CHM, to shift from ingrained, colonising characteristics towards a respectful set of relationships that reproduce Ngarrindjeri wellbeing. Unfortunately, the NRA was left out of the original business case for the South Australian Government’s second project under *Murray Futures*, the Riverine Recovery Project. The NRA’s engagement in the RRP, which focused on ‘water savings’ and increasing river and wetland health, was only secured under a funding and service agreement in mid-2013 (see Hemming et al. 2017).

The CLLMM NPP agreement also included clauses specifically protecting Ngarrindjeri cultural knowledge as a category separate from intellectual property (see Hemming et al. 2011). The following is an example of a key definitional clause, which relates to the principle of cultural knowledge protection enabling Ngarrindjeri to safely share knowledge:

Cultural Knowledge means all and any cultural knowledge, whether such knowledge has been disclosed or remains undisclosed of the Indigenous group, including but not limited

to: (a) traditions, observances, customs or 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 documentation or other forms of media arising therefrom including but not limited to archives, films, photographs, videotape or audiotape.

(Hemming et al. 2010, p. 100)

Under the NPP, the NRA provided input into six of the CLLMM Management Actions (MAs), including five on-ground project areas: the *Ruppia* Translocation, the Lake Albert Scoping Study, the Meningie Foreshore, Monitoring and Research (MA13) and the Vegetation Program (MAs 1-5). The NRA also provided input into the review process for the Ecological Character Description (MA13). The following list, although not comprehensive, provides some examples of Ngarrindjeri contribution to key MAs:

- *Ruppia translocation*: The NRA provided input into the implementation plan, assisted in the selection of sites, provided support for sample collection and monitoring work, provided cultural heritage assessment and received the commercial contract to bag sediment for translocation and delivery to reseeded locations.
- *Lake Albert Scoping Study (LASS)*: The NRA developed a position paper, participated in a field trip and provided cultural heritage assessment.
- *Meningie Foreshore project*: The NRA provided input into interpretative elements of the project (signage, artwork, pathway design), provided a cultural heritage assessment, selected plant species, received the contract to undertake revegetation works and produced a video production of the project.
- *Ecological character description*: The NRA provided detailed content to include into the ECD.
- *Research and monitoring*: The NRA reviewed the annual program, gave input into the development of a cultural heritage assessment process, provided cultural heritage assessment, participated in monitoring activities with contractors (CSIRO, SARDI), and delivered contractor inductions and a Yarlular-Ruwe protocols workshop.
- *Vegetation program*: The NRA provided input into the development of a cultural heritage assessment process, provided cultural heritage assessment, provided input into site plans and into the regional prioritisation process, participated in joint site visits to identify high-interest restoration sites, provided input into the Marks Point restoration plan, and revegetated key culturally significant sites (through separate funding and service agreements with DEWNR between 2011-2016).

These activities were supported by the 16 NRA employees funded by the CLLMM NPP. This included 10 staff (Coordinator, GIS Officer, Planning Officer, Research Officer, Training Officer, Heritage Manager, Heritage Specialist, two Cultural Rangers, half-time Heritage Trainee) and six nursery/on-ground staff employed through various Vegetation Program grants, supplemented by a pool of casual Ngarrindjeri employees. Through the project, the NRA supported in excess of 20 Ngarrindjeri to complete accredited vocational training to complete Certificate III, Certificate IV and the Associate Diploma in Conservation

and Land Management across the CLLMM NPP, Aboriginal Learning on Country (ALoC) and Working on Country (WoC). The NRA has also facilitated an ongoing heritage training program for over 20 Ngarrindjeri, which has incorporated cultural knowledge transmission with elders, as well as intensive training related to repatriation (developed and delivered by the NRA, Flinders University and the Australian National University). In addition, through a partnership with *Change Media*, Ngarrindjeri have been trained in film and media production, producing various projects focusing on communicating Ngarrindjeri participation in Caring for their lands and waters. This training, delivered by the NRA over the course of the Partnerships MAs, has also contributed a significant skill base for Ngarrindjeri to apply in protected area management, most importantly supporting the transition to co-management of the Coorong National Park. This work created strong relationships and an organisational awareness in the NRA regarding how parks are operated in the region.

Participation in the CLLMM program has significantly increased Ngarrindjeri knowledge and understanding of how NRM works in the region, including knowledge of legislation, policy, management and planning processes, and the role of science in setting policy. Further, participation in the program has developed Ngarrindjeri capacity and skills to conduct on-ground Caring for Country work in nurseries, revegetation projects, pest and weed control and site monitoring. There has also been a significant increase in Ngarrindjeri knowledge in water policy, planning and delivery, leading to Ngarrindjeri engagement in annual and long-term environmental water planning for the state and for the Murray-Darling Basin plan. This knowledge provides Ngarrindjeri with the capacity to develop a long-term future in NRM and the ability to engage in planning, policy, business case development and strategic training to secure this future. The increase in knowledge in NRM has occurred alongside the opportunity for younger people to work with Elders, providing opportunities for teaching cultural traditions, laws and responsibilities.

Fundamental to the KNY strategy has been the program of Statement of Commitments (SOCs) (formal terms of reference) and associated working groups that frame and direct Ngarrindjeri/government projects and programs and protect Ngarrindjeri cultural knowledge. SOCs were developed as crucial 'tools' for articulating the KNYA principles with specific projects and programs. Like a KNY agreement, an SOC can define engagement principles and agreed actions. Of the six MAs, four were identified by the NRA for further partnership throughout the duration of the CLLMM Project. SOCs and working groups were established to frame project activities such as *Ruppia* translocation; CLLMM Research and Monitoring; and Vegetation Management Planning for the CLLMM Project. They were also tasked with updating the Ramsar Ecological Character Description (see, for example, NRA & DEWNR 2014). They ensured clarity of process and provided protection for Ngarrindjeri cultural knowledge. Working groups were also established for other MAs, including the Lake Albert Scoping Study, SE Flows and the Meningie Foreshore project.

The CLLMM project has provided the opportunity for Ngarrindjeri and regional NRM organisations, local councils, and the State Government to develop a long-term mechanism for regionally resourcing Ngarrindjeri to carry out their responsibilities to speak and Care for Ngarrindjeri Country as recognised in the KNY Agreement 2009. This federally funded Partnership project was identified by Ngarrindjeri as an opportunity to create a legacy for the

region which addresses the need to identify mechanisms that change the way Australian NRM supports Indigenous people to take cultural responsibility for their Country. NPP resources supported the development of the Ngarrindjeri Regional Authority, *Yarluwar-Ruwe* program which in turn has provided the model for the newly developed statewide Indigenous Regional Authority program (Department of State Development 2016).

NGARRINDJERI YANNARUMI — NGARRINDJERI SPEAKING AS COUNTRY

Non-Indigenous Natural Resource Management (NRM) tends to focus on maintaining what might be understood as the ecological health of Ngarrindjeri *Yarluwar-Ruwe* without taking into account the Ngarrindjeri philosophy of interconnectedness (*Ruwe/Ruwar*). For the Coorong and Lakes region this means a form of adaptive management designed to stabilise the ‘ecological character’ of the system in order to maintain its capacity to produce ecosystem services largely exclusive of Ngarrindjeri values and interests. The ecological health of Ngarrindjeri *Yarluwar-Ruwe*, using this model, is managed to produce services for non-Indigenous interests such as sustainable fisheries, irrigation-based industries and wetlands suitable for tourism. This can result in managing for artificial ecosystem stability to produce maximum or predictable yields rather than ecosystem resilience and sustainability (see Armitage et al. 2010; Berkes 1999; Shiva 1993). The NRA, however, invests in a holistic approach that understands Ngarrindjeri as part of the living body of the lands and waters and all living things — with a cultural responsibility to ‘Speak as Country’ (*Yannarumi*). Ngarrindjeri livelihoods, culture and wellbeing depend on exercising their cultural responsibility.

In 2014, Ngarrindjeri further embedded Ngarrindjeri cultural principles in the agreement-making process and extended the concept of Speaking as Country (*Yannarumi*), underpinning governing responsibility, into a Ngarrindjeri Speaking as Country deed (NRA & MSEC 2014). This agreement provides recognition in a more explicit way of the deep interconnectedness between Ngarrindjeri agency and responsibility, health of Country and health of people and cultural life. That is, Ngarrindjeri *Ruwe/Ruwar* (lands, waters, body, spirit and all living things) needs to be healthy for Ngarrindjeri to be healthy; and for this reason Ngarrindjeri Care for, speak as and exercise cultural responsibility as Ngarrindjeri *Ruwe/Ruwar*. The deed specifically commits the government to working with Ngarrindjeri to promote an improved understanding of the meaning and significance of the ‘Meeting of the Waters’ site. In signing an agreement, parties commit to listening to Ngarrindjeri ‘Speaking as Country’. This shift in message from simply listening to Ngarrindjeri to a deeper understanding of Ngarrindjeri philosophy signalled a seismic shift in NRM in South Australia (Hemming et al. 2016).

Healing programs — Healthy flows (Restoring Ngarrindjeri Yarluwar-Ruwe)

Considering the continuing impacts of colonisation on Ngarrindjeri *Yarluwar-Ruwe*, the NRA has developed a *Yannarumi* assessment framework which is used to determine the health-giving potential of partnerships, agreements, projects, policies and activities. The framework uses criteria such as the following:

- *Ngiangiampe*: projects/engagements that build respectful relationships between Ngarrindjeri and other parties such as the State Government

- *Yannarumi*: projects/engagements that build Ngarrindjeri capacity to Care for/Speak as Country — lands, waters and all living things
- *Kaldowinyeri*: projects/engagements that respect Ngarrindjeri knowledge, law, tradition and expertise
- *Miwi*: projects/engagements that bring energy, health and wellbeing into Ngarrindjeri lives
- *Ruwe/Ruwar*: projects and programs that increase the health of Yarlular-Ruwe and that understand and respect the principle of interconnection, which is expressed as follows: ‘The lands and waters is a living body and Ngarrindjeri are part of this living body’ (Hemming et al. 2015).

The NRA’s KNYA engagement strategy is an innovative response to ‘colonial governmentality’, which subverts and seeks to correct the structural conditions underlying the continuing dominance of colonising social forms and their associated epistemologies. Resulting interactions on projects such as the Ramsar ECD then reinforce Ngarrindjeri Nationhood and agency in protecting Ngarrindjeri lands and waters, by sharing in knowledge production that respects rights to cultural knowledge as a form of intellectual property. Through this method of relationship building, including in the domain of scientific research conducted on Ngarrindjeri *Ruwe* (Country), the NRA has been able to take an active and progressive role in the development of environmental policy and in decision making around water and Natural Resource Management in the Murray-Darling Basin region.

CONCLUSION

For many Indigenous Nations, interactions with the Natural Resource Management (NRM) institutions of the settler-state can be characterised as a contemporary ‘contact zone’ where deep knowledge of ‘Country’ is becoming understood to be a form of Indigenous cultural property — sometimes carrying labels such as Traditional Ecological Knowledge (TEK); Indigenous Cultural and Intellectual Property (ICIP); and Indigenous Biocultural Knowledge (IBCK) (see Barker 2005; Battiste 2008; Hemming et al. 2010; Ens et al. 2015; Fourmile 1999; Janke 1998; Mignolo 2011; Nakata 2007; Smith 1999, 2012; Stewart-Harawira 2005). For some Western scientists and environmental managers, Indigenous knowledge is understood as a valuable ‘data-set’ that needs to be ‘captured’ and added to the stock of information to be utilised by the settler-state to improve environmental management. This kind of thinking, and the discourse and the practices that it produces, are still present in key non-Indigenous agencies identified as responsible for NRM in southern South Australia. Subsequently, a regional move towards Ngarrindjeri co-management is requiring a fundamental structural shift and recognition of Ngarrindjeri as valuable leaders in the management of their lands and waters — Speaking as *Yarlular-Ruwe*. Resources secured through major programs such as the CLLMM Ngarrindjeri Partnerships Project have provided Ngarrindjeri with the capacity to lead these structural transformations (Hemming & Rigney 2012).

Emerging from this context, and driven by the devastating impacts and challenges presented by the Millennium Drought, Ngarrindjeri have developed an integrated river management framework which locates at its centre the fundamental relationship between

people, lands, waters and all living things (*Ruwe/Ruwar*) with a focus on First Nation capacity building. From this framework, Ngarrindjeri have emerged as critical partners with the South Australian Government in managing the Lower River Murray — shifting towards a form of joint river management. In 2009, a new relationship was formed between the State Government and Ngarrindjeri which paved the way for Ngarrindjeri involvement in the implementation of the *Murray Futures* CLLMM Recovery Project. Underpinning this strategy were the vision, principles and objectives articulated in the *Ngarrindjeri Nation Yarluwar-Ruwe Plan* (Ngarrindjeri Nation 2007). The CLLMM Recovery Ngarrindjeri Partnerships Project created strong working relationships with the NRA, through frequent and detailed working group arrangements, site meetings and negotiation of engagement approaches.

This chapter describes the complex work required by a regional Indigenous Nation to bring traditions, values, knowledges and philosophies into the future. This work is being conducted in partnership with universities, non-Indigenous governments, other Indigenous Nations and local non-Indigenous people. These transformations have emerged from a reconfiguration of relations between the Ngarrindjeri Nation and the settler-state in south-eastern Australia. These engagements can be mutually enriching, as Indigenous philosophies come to inform new non-Indigenous understandings that better respond to the health needs of both people and environment, and so translate to more effective policy solutions.

In southern South Australia, natural resource management has been transformed through a sustained Indigenous-led strategy focused on Indigenous Nation building. The Ngarrindjeri KNYA process has produced a unique working relationship between an Indigenous Nation and non-Indigenous interests represented by the government at all levels, universities and other groups. Key to the Ngarrindjeri strategy has been good governance; increased research, policy and planning capacity; and strong local, regional and international partnerships (see Hemming & Rigney 2012; Lui et al. 2016). As a marker of the success of this strategy, the Ngarrindjeri Yarluwar-Ruwe Program, in partnership with DEWNR, recently won the Australian Riverprize 2015 for delivering excellence in Australian river management. The success of the NRA model has also inspired a radical and unique policy shift in Indigenous affairs in South Australia, with the official introduction in 2016 of Aboriginal Regional Authorities (see Department of State Development 2016). This new policy direction should help support the further development of Ngarrindjeri capacity to meaningfully contribute to regional NRM. The centrality of the unique Indigenous relationship with ‘Country’ remains critical to the Ngarrindjeri vision for a healthy Indigenous Nation, and engaging with this vision through the NRA programs is now a proven pathway for non-Indigenous projects and programs similarly aimed at fostering the health of communities and their environments. The NRA stresses the need for governments to understand and respect Ngarrindjeri responsibilities to Speak as Country (Yannarumi) and to act as an Indigenous Nation.

Such acknowledgement of Indigenous political and cultural authority in key State policy and planning processes and resources is evidence that an Indigenous-led, highly innovative model for engagement between Indigenous people and the State is developing in the MDB region. We have described how the Ngarrindjeri *Yarluwar-Ruwe* Program treats ‘Caring as Country’ as a holistic Nation-building project designed to create a healthy Ngarrindjeri future. This unique Indigenous governance model, combined with the high-level KNYA engagement

strategy, provides this part of the MDB with structures and practices designed to support just and effective Indigenous engagement in water research, policy development and management. It has achieved this because the political and legal technologies introduced by the NRA have been instrumental in starting the transformation of the colonial nature of NRM in South Australia. By providing new conditions of interaction, the NRA has created a new political disposition in South Australia, characterised by increased willingness to listen for culturally diverse expressions of interest, and to respond to such expressions in ways that mutually enhance governing agencies. Importantly, this reshaping of the contemporary ‘contact zone’ has produced vital opportunities for increased Ngarrindjeri agency in water research, policy and planning (Hemming & Rigney 2012; Kirby et al. 2013).

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