

People: 'Just-Us for All' – Indigenous wisdom for human and planetary well-being

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Yi-Martuwarra marnin



Professor Anne Poelina with Martuwarra on Nyikina Country.

Lachie Carracher

My name is Anne Poelina. I am a woman who belongs to the *Martuwarra*, renamed Fitzroy River by the colonizing settlers. I begin this story on 26 January 2023. For our Nations this day is known as 'Australia Day'. Across the globe, many people fail to realize there are Indigenous people – the First Australians – living in these lands.

As a First Australian myself, I use the Indigenous practice of storytelling to convey meaning and memory. I combine the terms First Australians with Aboriginal and Indigenous, but I recognize that these terms may be problematic as they are used by foreign systems of knowledge. Yet I belong to the oldest living culture in the world. Words italicized in this story are from my language and culture.

First Australians traded with world traders from north, south, west and east, sharing diverse resources. We have always seen ourselves as place-based world citizens. First Australians traversed the globe across land bridges and reached many of our scattered continents. My knowledge of old stories and customary practices has been passed down to me throughout life-long, inter-generational learning and practice of First Law.

I admit that some of the words in this story may be found in other stories concerning our collective journey and resistance in the face of invasion and colonialism. This is not an academic paper containing references, and I trust that the voices of others are honoured

and valued. My knowledge includes shared learnings and experiences of friends and colleagues that coalesce, and which are being mobilized by Indigenous and non-Indigenous people around the world to promote water life and water rights. Over time, I have come to realize the Australian Indigenous colonial experience is shared by other Indigenous peoples internationally. We are watching and learning from other Indigenous peoples across the planet who are also fighting within their territories for the protection of their 'Rivers of Life'.

This story is about *Relationships*, *Respect* and *Responsibility*.

Relationships

We are *Martuwarra*, Fitzroy River, a relationship forged over thousands of generations and through time.

In our culture before a child is born, they are given a totem, known as *jadiny* or *rai* in my language. The totem can be animal, bird or plant, and is known to come from a child's birthplace: their *Oongoord*. This totem initiates the child into a deep relationship of reciprocity.

Elders remind us that the totemic creatures can teach us to be proper and decent human beings. What they instil in us is the privilege of being 'human' – we can see with our ears and listen with our eyes. Through this reciprocity we grow an ethics of mutual care and love, not just for our totem but for everything and everyone around us.

Our ancestral home is now called 'Kimberley' in 'Western Australia's' far northern Country, a magnificent ecological and cultural landscape with a deep human history that goes back at least 65,000 years. The *Martuwarra* Fitzroy River catchment is not only a geological feature for us or a resource. It is the basis of our spirituality, our Law, our home, our ancestral estate. The River is a living ancestor serpent and sacred giver of a holistic system of law, leadership and governance, which we were born into and are bound to by a moral contract, a law of obligations to nurture and protect *Martuwarra*.

This unique river system was listed in 2011 as National Heritage for its environmental and cultural values. It is also the largest registered Aboriginal cultural heritage site in Western Australia. Its catchment area is almost 100,000 square kilometres, and its floodplains are up to 15 kilometres wide. Many Indigenous Nations are connected to *Martuwarra* through one or more affiliations: birth, family connections, totemic affiliation, kinship systems, *ray/rai*, our spirit beings, intermarriage, residence, history and displacement. They all have a part in Kimberley people's Indigenous identity.

My ancestral memory and matrilineal relationship to this cultural landscape

begins with the story of the massacre of my great grandmother's people around 1867, which occurred at Kandara, renamed and known to the settlers as St George Range. My great grandmother was known as Danbarri, but her name was stripped from her and she was renamed Maggie Chalmers/Chambers. After surviving the massacre, she was moved to Noonkanbah, a ranch established on a pastoral lease to farm sheep and later cattle.

During her time, she met an amazing white man by the name of John or Jack Edgar. He was among the first party of settlers who brought herds of sheep to a place known as *Yooliwaja*, renamed Yeeda Pastoral Lease. My other great grandmother, Nani, a *Nyikina Warrwa*, belonged to the region near the mouth of the *Martuwarra*, my patrilineal bloodline. I will talk more of my grandfather William Watson later in this story. John Edgar later became a bookkeeper travelling along the *Martuwarra* and keeping the financial accounts of ranch managers in order.

John fell in love with Danbarri, and together they had two children, Emily, my maternal grandmother, and her brother John. What was unusual for the times, was the fact that John Edgar gave his two children his surname. John was, at the time, legally married. He later returned to Broome, leased Thangoo Station and resettled with his wife and family. Many of the Aboriginal people who lived and worked on the station took on the name of Edgar, as was the practice of the time, particularly since Aboriginal people were not recognized as Australian citizens.



Hozaus and Reace were raised by the River with intimate guidance from strong cultural leaders. Moments after this photo was taken, Reace called out in his language, Bunuba, the native tongue of that Country, and asked for Barramundi (a river fish); almost instantly he had one on the line. Martuwarra Fitzroy River, Bunuba Country.

Lachie Carracher

At around the same time, other prominent settler families started to occupy and lay claim to the property rights all along the *Martuwarra*. The pastoral ranch leases would follow the River Country to ensure settlers had access to the estates my people had managed as the 'first farmers' and to its living waters. Unlike John Edgar, these settler families became very well established in the region and realized the River Country would only suit them as 'veranda managers' due to its two seasons, 'wet and dry'. The wet season from October to March, with its cyclonic rains and high temperatures, made it difficult to live in the region.

To manage their new estates, covering millions of acres of land previously belonging to Aboriginal people, the empire of autocracy was set up. Like many other settlers, they realized that white women were very scarce in the Kimberley frontier, resulting in the birth of 'half caste' children. Half caste children helped the settlers to separate themselves from First Australians. This colonial strategy resulted in the enslavement and the continuing inter-generational violence of Aboriginal families. The new 'half caste' children are exemplified by men like my patrilineal grandfather William. There was a common practice among ranchers, which was to take Aboriginal women down south. When she was returned home, Nani was pregnant.

The other common practice among male members of the settler families, was to disguise their 'half caste' children with someone else's name, to ensure no one seeking to claim their due inheritance could be traced back to them. Despite having an Aboriginal husband, Nani was given to a drover, to ensure his name would be attributed to William and consequently to disguise his true blood line. My grandfather was known all his life as William Watson. William was taught by the ranchers to read and write. He was taught the ways of his people from both Nani and her Aboriginal husband, Balbarra. Watson grew up as one of the first 'half caste' men, which meant that he would survive and thrive in both worlds.

Grandfather Watson soon learned that to survive and thrive he would need to build relationships with both his Aboriginal and white families. The station managers were called 'veranda managers' by the Aboriginal people because they rarely left their homes, giving instructions from their verandas instead. These managers struggled to form a relationship with the land and soon gave up on visiting the River Country during the hot season. Ranch managers preferred to stay in the Kimberley region only in the dry season, when the temperature was cooler. The wet season and rain kept white settlers away from October to March most years. Furthermore, these veranda managers did not know the Country, nor did they know how to manage their own estates, calling the land of our Aboriginal people a 'harsh landscape'. Settlers relied entirely on men like Watson to keep the 'Blacks' in line and ensure the success of their pastoral leases.

When the veranda managers were not in the region, grandfather would spend time learning and speaking several Aboriginal languages, as well as learning from his Aboriginal mother and father how to hunt, capture and sell eagle claws and beaks, and dingo hides too. Dingos were heavily hunted at the time as these native animals were in competition with humans for the grassland and young sheep. The early sketches of pastoral stations where Watson grew up paint a picture of magnificent estates, managed by Aboriginal people through controlled burns and animal husbandry.

My grandfather became a competent reader and writer as well as a successful ranch overseer – a land manager. He soon had the capacity to gain extra income through the bounty hunting of eagles, dingos, kangaroos, emus: considered 'vermin'. Our native animals were seen as competition for the grasslands and living waters, and so were expected to be exterminated from settler colonies. Grandfather soon accumulated extra wealth, and from all accounts purchased and owned a vehicle long before many white settlers in the region. At the same time, my grandfather realized he was a descendant of a settler family and his hidden relationship with his half-brothers brought with it privilege and power, provided he remembered he was a 'Watson'.

As most of the white ranchers were familiar with the colonial protocols of slave management and control, they were also versed in arranging marriages between 'half caste' and their 'full blood' enslaved Aboriginal people. The marriage between my grandfather

and my grandmother, Emily, was arranged. Emily left Noonkanbah and soon began a life with William moving from Yeeda Pastoral Station to the Lower Liveringa Outstation.

Today, First Australians who have maintained their connection to their home lands are granted land, as Native Title. My extended family continues to live on our ancestral lands, which we have renamed *Balginjirr* after our sacred site and ridge. The pastoral lease known as Mt Anderson Station, where my grandfather was once a manager, plus the Aboriginal stockmen and their families, have also come back to our people. This process of reclamation was done in the early 1980s and remains in place today, so that we can cultivate new memories rooted to the land and waters.

I am reminded by a senior *Nyikina* elder named Joe Nangan about the importance of First Law stories, stories of law of the land and the inclusion of animals in our teachings. These are fundamental principles, which are underpinned by values, ethics, virtues and codes of conduct that guide us in our efforts to be good and decent human beings. Importantly, he speaks of the need to respect the world of our *Nyikina* people, which was lost when the settlers came and carved our lands by building kilometres of fence lines. Along with their imposed enclosures came property laws, the fiction of an 'empty land' and a narrative of 'nomadic' inhabitants. This label was applied to distinguish and marginalize Aboriginal people, while giving white settlers legal justifications and a sense of entitlement that impelled them to take over our lands and waters.

The First Law stories collected by Joe Nangan included extensive accounts of the colonial frontier and memory of other Kimberley Aboriginal elders navigating their own journeys in times of colonialism. Nangan's stories have been recreated in film, paintings, dance and song. My daughter, Marlikka Perdrisat, like me, has pursued multiple learning journeys recently, graduating with a Juris Doctorate in law. These qualifications and lived experiences enable us to navigate our path through colonialism. My daughter and I are being reminded by elders like Joe Nangan that our people's lifeways are always underpinned by our sense of relationship, first and foremost, and by values, virtues and ethics of care for our common good.

The combination of learning reinforces the importance of making time to stay connected with the laws of the land, as opposed to the laws of man. Marlikka has produced and directed a series of these films dedicated to Joe Nangan's First Law stories. Her work speaks back to colonialism and the power of our voices, showing the depth of our culture and relationships to the spirit of our River Country and everything around us.

Importantly, her filmmaking shows how relationships grounded in these First Law stories draw on animals to teach us about values, ethics, virtues, our deep relationship with the River Country and our non-human kin. These teachings have deep meanings that ground our moral obligation to care and love, promoting and protecting our culture, and sustaining our lifeways despite the ongoing invasion of unjust

development. Through our relationships with our human and non-human kin we engage in mutually rewarding virtuous behaviours grounded on respect.

Respect

I return to the day I began writing this chapter, 26 January 2023. Australia Day is not only an opportunity for us to reflect on our identity and our purpose both to First Australians but also to other Indigenous Pacific nations across the waters and beyond. Respect must be our highest goal if we are to reconcile ourselves not only inwardly but also outwardly, to contribute to planetary well-being, for humanity and Mother Earth.

‘Australia’ was conceived by the British as ‘their’ new colonial settlement after the empire’s loss of the American colonies in the early 1780s. The First Fleet was thus created as a strategic means to help British rulers settle and capture free labour in Australia. Ten per cent of the British First Fleet was comprised of ‘Free Blacks’ from the Caribbean, who found themselves down on their luck, poor, invisible and soon enchained on the First Fleet ships, en route to new lands, laws and regulations. The colonial states of Australia each had their own constitutional relationship with the British sovereign rulers, established to create wealth for private and foreign interests, principally the British Crown. Australia did not see itself as a nation until the colonial states federated in the early 1900s.

According to the Nationality Act 1920 (Commonwealth), all Aborigines and Torres Strait Islanders born after

1 January 1921, gained the status of British subjects. By 26 January 1938, Indigenous Australians had become organized and were talking back to the colonizers. That was the year when Aboriginal leaders protested through the streets of Sydney. The 1938 protest by First Australians occurred at the same time as white Australians celebrated the landing of the First Fleet in Sydney Cove. The 1938 Aboriginal protest was a call for justice, equity and basic human rights, denied to Aboriginal people across the country.

Eleven years later, First Australians, Aboriginals and Torres Strait Islander people were entitled to automatically become Australian citizens under the Nationality and Citizenship Act 1948 (Commonwealth). In practice, citizenship was an illusion for First Australians. Aboriginal people were counted as part of the ‘flora and fauna’ and given names to enslave them into the rancher industry. This practice continued, but many Indigenous and non-Indigenous people worked together on the east coast of Australia for over a decade to achieve the 1967 Referendum, which led to equity in wages and other benefits. The referendum put the following question to the Australian people:

Do you approve the proposed law for the alteration of the Constitution entitled ‘An Act to alter the Constitution so as to omit certain words relating to the people of the Aboriginal race in any state and so that Aboriginals are to be counted in reckoning the population’?

The proposed law sought to give the parliament of Australia power to make laws with respect to Aboriginal people



Celebrated cultural authority, renowned stockman and Ngarinyin man Patrick Chungal, who grew up on a remote cattle station in the upper catchment of Martuwarra. Patrick's parents worked their entire lives for nothing more than rations of tea, flour and sugar. From the age he could ride a horse, he was put to work: 'the saddle was my school, that's where I learned from the old people, where to find food, medicine, water.' Blue Bird Springs, Ngarinyin Country.

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wherever they lived in Australia. It also sought to make it possible to include Aboriginal people in national censuses. The greatest financial cost was to Western Australian ranchers, who were now required to pay awards and wages to their 'free slaves'. The outcome for Indigenous people was removal from their lands into small settlements, missions and reservations. For many, this created the homelands movement, which ensured First Australians maintained connectivity to their land. Leaders saw the damage this separation was causing to their families and tribal groups, and some were able to move back to their traditional homelands, still under the control of government.

Thirteen years after the 1967 referendum, my uncle Dickie Cox

stood on my grandmother's Country and told the world: 'I'm standing on Sacred Ground.' His statement was a powerful call for justice in the face of colonial history and the decimation of our people, culture and River Country. These words from the leaders of Noonkanbah echo in my head. Their words and actions to protect our sacred sites resonate today and around the globe. Paddy Moolambin, another senior elder in First Law, stood facing proudly into the future when he proclaimed:

We hope one day that the government might understand that we are human beings, [who] hardly can read and write, but have protection over this land we can see and can hold on to. We don't want anyone to ruin our

sacred places. Those are the things we see. They [government] just can't see the point we are trying to get at, how it hurts our memories.

Another senior leader Jimmy Beindurru echoes: 'All we are saying is that we want land rights and human rights and a treaty to be signed by the Australian government so that Aboriginal people can be recognized as owners [of our lands and waters].' Paddy Moolambin and Jimmy Beindurru sought rights and recognition from government. To this day, these rights have not been effectively recognized.

Thirty-five years later, after the Noonkanbah Strike, on 17 November 2015, the Western Australian Constitution Act of 1889 was amended to recognize Indigenous people of Western Australia. The amendment promoted the view that the parliament of Western Australia should seek reconciliation with Western Australia's Indigenous peoples. The amendment was a gesture of support for Indigenous Western Australia; however, the full extent of our rights and responsibilities has not been recognized nor legitimized.

To this day the plight of our people remains a national disgrace. Despite the wealth generated out of our lands and rivers, we live in fourth world conditions. Australia's highest suicide rates are in my region, where there is overwhelming disadvantage. In 2023, Australia Day remains grounded in a settler-colonial mentality underpinned by foreign laws, regulations and policies. Australia as a country is struggling to reconcile itself not only with First Australians but also with its own history.

It can be difficult for fellow Australians born into a world of privilege to understand the meaning of respect as defined by people of colour. A world of privilege is one that sets the rules, the laws, the regulations and policies, thus determining who is in and who is out. We, the First Australians, continue to have the highest suicide rates in the world. The overwhelming disadvantage of fourth world conditions increases each year, with very little change at the level of public statistics or Indigenous-determined well-being.

Acts of systemic and structural violence continue in Australia today. I am reminded of the wisdom of Yin Paradies, Indigenous Professor of Race Relations, who often reminds us that in settler-colonial societies, interest in colonization is often focused on relatively distant colonial pasts where Indigenous peoples were displaced with relatively scant attention paid to the ongoing colonial presence in which systemic, structural, physical, epistemic and ontological violence continues to oppress, assimilate and eradicate Indigenous peoples. This is done and regulated through lawful, awful laws passed by Australian parliaments.

Senior *Nyikina* Man of High Degree, my uncle, *Kaka* Paddy Roe, told us:

European people can't understand our law, because they've got different law. Our law is from Bookarrakarra, the beginning of time. We fuse the past, present and future into this moment. Now is the moment we must act. We must act if we want to have a climate chance.

I tell my story from the frontline of the climate war. From here I advocate for the importance of listening to the wisdom of the oldest living culture on the planet. It is no longer justice only for our people that we call for. These unjust development projects have a negative impact on the lives of all those who live, love and die in our regions. We need a new Dream.

Kaka Paddy Roe said that he 'tried to explain these things but the authorities don't know what we are talking about'. He added: 'Because our law is from *Bookarrakarra*. Different law from White man law. Different. Different altogether.' What *Kaka* Paddy Roe is explaining is the meaning of why Western laws are no longer fit for purpose for either human beings or nature, particularly in the promotion and protection of our lands, living waters and ancestral beings, our kin. I write about these Western laws as 'lawful, awful laws', as they break and destroy *liyan*, the spirit of place and people.

Today, *Martuwarra* Country and its people face foreseeable harm and destruction as government continues to partner with multinational companies that seek to destroy everything around us. Fence lines and fracking grid lines stretch for miles right across the River Country. The government plan for economic unjust development for the greater good of the corporations, many foreign owned, is to frack the Kimberley region for shale gas.

The scale of destruction would be unimaginable, considering that the fracking basin stretches for more than 600,000 square kilometres, which is considerably bigger than the Canadian Tar Sands. Add to that the prospect of

the largest diamond mine in the world, which is also planned in River Country. It is clear, if government plans to give big business certainty and they are allowed to go ahead, the land of this globally intact savannah system will be stripped of its biodiversity, and the rivers and wetlands will be stripped of their living waters. Water legislation and regulations are being formulated for increased extraction of water from the Fitzroy River flood plains. This water is not required to grow food but for cotton. As Aboriginal people living on our lands, we have seen River Country changing because of climate change. Food and medicine insecurity, rising sea levels and increasing temperature bring mental distress to our people, who are already living in harsh conditions with no relief and no consultation on proposed investment in sight. To make matters worse, our region experienced the worst flooding in living memory during January 2023. The Bureau of Meteorology has predicted we will see more intense cyclonic rains. Despite the recovery phase following the recent Fitzroy River floods, it is impossible to imagine how we can recover without a total reset.

Climate change, or climate chaos and climate wars as I see it, will become the new norm. Our people know we cannot continue to devour the Earth without

paying the costs. Globally, international organizations confirm it is Indigenous people who have contributed the least to climate change, yet we are impacted the most. The history of colonial invasion and destruction that started in the eighteenth century with the arrival of the First Fleet continues today. The Australian government plans further destruction of our lands, sacred sites and ‘unlawful, awful laws’. Considering the impact of the January 2023 floods, not just on people and infrastructure but on habitat and loss of multiple species, it can’t be business as usual!

Unlike the media, who blamed the River for the recent devastation, we know that the living waters are showing signs of changes and that the devastation is caused by humans, not by *Martuwarra*. We are asking the governments and big corporations to slow down. *Martuwarra* is giving us

signs that it cannot be business as usual. It is *Martuwarra* who is asking, ‘What are humans doing?’ *Martuwarra*, our ancient and sacred serpent being, has taught us for generations that it is the geology and the watershed which govern our collective Nations.

As First Australians, our legal and governance systems were always regional and place-based. We have always abided by a law of regional governance acknowledging bottom-up governance, with each Indigenous Nation managing their own lands and waters in a place-based way. This is how we understood our own sovereign way of life. Along with our *mooja*’s or friends of *Martuwarra*, I ask questions and propose solutions for humanity and Mother Earth: ‘What are we doing? Are we fit and proper human beings?’ These are not questions aimed only at those

Reace throws a net for bait fish on Bunuba Country. Martuwarra Fitzroy River, Bunuba Country. Lachie Carracher





Nyikina Man Nelson follows the River to its source on Ngarinyin Country. Manning Creek, Ngarinyin Country. *Lachie Carracher*

who are destroying the planet, but questions I am asking every Australian, every global citizen. If we are to have a climate chance, we need to focus on justice.

I tell my story from the frontline of the climate war. From here I advocate for the importance of listening to the wisdom of the oldest living culture on the planet. It is no longer justice only for our people that we call for. These unjust development projects have a negative impact on the lives of all those who live, love and die in our regions. We need a new Dream.

Respect to dream the future

Respect is a key concept in First Law. The law of the land is not the law

of man. It is the law of land, which includes living waters and our non-human family and kin. Respect is felt, it is *liyan*, our moral compass for feeling when something is right, or something is wrong. Non-Indigenous and Indigenous friends, colleagues, family can learn to feel this *liyan*. We can teach all who are willing to learn about our sense of reciprocity and responsibility. To do so we must sustain our lifeways, our place in the world. That is the only way Mother Earth and humanity can have a climate chance.

Those of us who dream the future believe we must focus on our strengths, individually and collectively. Individually first, and yet connected with a sense of *liyan*. Connection to your *liyan* will enhance your

lifeways and livelihood. A person who can dream will then be able to help themselves, their family and communities. This recognition and practice of personal sovereignty is powerful. The choice is between right and wrong, good and bad, trickery or honesty, all virtues to be a free thinker in words and deeds. As Kaka Paddy Roe said: 'Send the Dream out and walk in it.' To which I add: Share your Dream and act to change injustice.

Respecting *Martuwarra*

According to our cultural protocol and my cultural authority, the words I spoke in my introduction to people and place are *nagyoo yimartuwarra marnin*: I am a woman who belongs to *Martuwarra*. *Martuwarra* is greatly respected and loved as it created my identity, my family and my people and the world we have duly inherited as guardians and custodians. Importantly for me and my people, this respect begins with our ancestral serpent being, *Martuwarra*. Our sacred ancestor who created our lands, living waters, languages, law and custom. We have an inter-generational moral contract to love, protect and promote the well-being of *Martuwarra*, River of Life.

In October 2016, I presented a case to the Tribunal for Nature in Brisbane. This citizens' tribunal heard cases presented by citizens and earth jurisprudence lawyers concerning the destruction of ecosystems, and the wider earth community in Australia. Together with friends of the *Martuwarra*, I brought my case, *Martuwarra* versus State of Western Australia and Federal Governments, to the tribunal. We were asking the

court to recognize *Martuwarra* as a living entity with a right to life, to live and flow, like her sister, the Whanganui River in New Zealand. The Whanganui River has stood strong, and with the help of her Indigenous guardians and the strength and wisdom of their legal and cultural governance, she has now set international legal precedents across the globe. Her rights of nature give me hope in human beings who hold the lives of the other non-human beings, the birds, the trees, the rocks, the insects and the balance of life in their hands.

Since the tribunal I have been pushing the boundaries of legal pluralism, inspired by the story in New Zealand of the Whanganui River. I was so excited that that River had got legal personhood. I went back and spoke with other elders. I told them as we sat on the riverbank, 'Do you realize that there's a river in New Zealand that the law has recognized? The river has been given personhood!' The other elders looked at me as if I was from another planet. And when I spoke of our ancestral River, they said to me: 'The River is not a human being.' They explained to me that we are pushing the boundaries of ancestral personhood. The River is more than human. The right to recognize that these places are sacred means that the rivers, the mountains, the trees, all these things have standing and merit, because they are part of our world, not because they are human or human-like.

The tribunal agreed that Fitzroy River is a living ancestral being and has a right to life and a right to flow. It must be protected for current and future generations and managed jointly

The right to inherit a world is the key to environmental responsibility. It is our First Law.

by the guardians and custodians of the River. Following the Tribunal for Nature, custodians and guardians from the Fitzroy River catchment area met on 2 and 3 November 2016 in Fitzroy Crossing, on the banks of the River. As a result of the meeting Indigenous leaders developed the Fitzroy River Declaration.

The declaration is described by legal scholar and researcher Michelle Lim as a ground-breaking event. This declaration is Australia's first negotiated legal instrument that recognizes an ecosystem as a living being, while incorporating the Law of the River. The challenge is how to engage and reform existing state law to give effect to some of the declaration's key points. Importantly, Michelle Lim believes it is helpful to think about the window of time in which we must act as the Indigenous people of the Kimberley region of Western Australia. We are concerned by the extensive development proposals facing the Fitzroy River and its catchments. The potential for cumulative impacts on *Martuwarra's* unique cultural and environmental values, which are of national and international significance, are also of deep concern.

The custodians and guardians of the *Martuwarra* catchment agreed to work together to action a process for joint decision-making on activities in the Fitzroy River catchment:

- (1) to reach a joint position on fracking in the Fitzroy River catchment;
- (2) to create a buffer zone for no mining, oil, gas, irrigation and dams in the Fitzroy River catchment;

- (3) to develop and agree on a management plan for the entire Fitzroy River catchment, based on traditional and environmental values;
- (4) to develop a Fitzroy River Management Body for the Fitzroy River catchment, founded on cultural governance;
- (5) to complement these with a Joint Indigenous Protected Area over the Fitzroy River;
- (6) importantly, to engage with industry, regional stakeholders, shire/local and state government to communicate our concerns and ensure they follow the agreed joint process;
- (7) at the same time to investigate legal options to support the key strategies, including strengthened protections under the Environmental Protection and Biodiversity Act and the National Heritage Listing to strengthen protections under the Aboriginal Heritage Act; and finally
- (8) to consider legislation to protect the Fitzroy River catchment and its unique cultural and natural values.

Ancestral wisdom in the Kimberley region of Australia has endured for over 60,000 years and continues to be passed by our elders to the younger leaders. We continue to sing, dance, paint, cry and perform ceremony. We continue to publish articles with *Martuwarra, River of Life* as first author. These new forms of sharing our strengths and ancient wisdom are critical to telling the climate change story from an informed basis.

Our Dream is to have a bi-cultural governance framework inclusive of regional Indigenous Nations. We are coming together to inform local government engagement as part of a wider stakeholder group of business, industry and community partners. This is a model for cooperation, informed decision-making that can guarantee water justice through procedural and distributive justice for all. We need to ignite our moral contracts at the personal level if we want to take on the responsibility for what my friend Greg Campbell agrees is required: a total reset! New responsibilities, in other words.

Responsibility

As First Australians our ‘responsibility’ lies in our ethics of care and love. Responsibility is grounded not only on the protection of our River and biosphere, but more importantly, in the need to ensure our young people carry on the responsibility through inter-generational equity. The right to inherit a world is the key to environmental responsibility. It is our First Law.

When I talk about First Laws, I’m talking about moral laws. It is time to put these concepts of customary law on the table. The first point I want to make is that we have not been brave enough in this country when it comes to incorporating First Law. Laws from nature, laws from the land – how do we bring them together with Crown Law? We must find the right people to help navigate the political goodwill towards the fusion of both laws and have a conversation about how we transform our legal practice. We allow inequity and injustice to continue. It cannot be business as usual.

If we as human beings seek to pursue the concept of ‘Just Development’ we must ground our philosophy and practice around Indigenous First Law. First Law offers a pathway to justice, equity and peace as it incorporates Indigenous lifeways and livelihoods. First Law and Traditional Ecological Knowledge, as well as Indigenous science, must be coupled with ‘western’ science and brought into action through genuine free, prior and informed consent. We as a Nation and across the world will need to be fully involved in addressing key questions, including:

- Who and what counts and is counted?
- How are values assigned?
- How do relationships between people and the natural world work to produce value?
- How are existing values of the riverine system understood and measured?
- Whose laws and values matter?
- What impacts and risks are accurately predicted and deemed acceptable?
- Who gets to decide? And what kind of evidence is weighed up in the decision-making process?
- How and where are decisions made?
- Whose visions of the future are being pursued?

At a time when laws, policies, management and regulations continue to collapse at every level, it is time to build a vision which unites Australians and all fellow human beings. Climate investment funds must be committed and well invested to help us adapt

and respond to climate change. This type of investment must be directed towards the design and situational context to support the collaboration of regional governance frameworks, which shifts the balance of power to local people. We need to develop a unity pathway, share information and have informed decision-making through regional governance approaches.

Today, Indigenous leaders in the Kimberley region of Australia are looking for ways to govern the *Martuwarra* Fitzroy River Watershed. We believe that if we are to have a climate chance, we need cooperation, unity, organization and multiple syntheses. Climate change is complex, so we need collective wisdoms across a pluriverse of ideas, investments and actions, all geared towards an earth-centred, decolonizing approach.

António Guterres, the UN Secretary-General, recently commented: 'We are on a highway to climate hell with our foot still on the accelerator.' Yet the solutions are right before our eyes. As my friend the Cherokee leader Jonathan Hook reminds us, if we're to survive, everyone must listen to Indigenous peoples, building links between communities and partners in genuine partnership, as equals. When Indigenous people come to the table it doesn't mean that we are simply sharing ideas, which is a very important part. It means being part of the decision-making process, not simply being informed after the fact, but being part of determining the steps that are taken forward and being true equals in that process. We are at a tipping point. Unless we act now, there will be no going back.

At the national level we have a policy in place until 2030 known as the National Reserve System, a bioregional framework where every watershed in Australia has been mapped out. Our watershed is known as Dampierlands – I do not agree with the name – in honour of William Dampier, a British explorer who came to our shores in 1688 and described our people as the most miserable and wretched people on the earth.

We need to go back to our ancient wisdom and watershed perspective. The River is the central life force providing food, medicine, sites for recreational and ceremonial activities that promote and support the health and well-being of our people. In turn, the people reciprocate as guardians of *Martuwarra*, the Fitzroy River. The focus must be to take responsibility for the well-being of Fitzroy River, and through the River, ALL people.

In response to increasing development pressure, *Martuwarra* custodians and guardians have pledged to work together to protect and manage *Martuwarra* as one of the most iconic watersheds in Western Australia. The 2016 Fitzroy River Declaration aims to protect the traditional and environmental values that underpin the River's National Heritage Listing. It is because of *Martuwarra*'s exceptional natural and cultural value to the nation that the entire Fitzroy River catchment was added to the National Heritage Listing in 2011. The Fitzroy River is also listed as an Aboriginal Heritage Site under the Western Australian Aboriginal Heritage Act 1972. The Fitzroy River Declaration sets out a national standard for native land title as well as enshrining



Hozaus and Reace carefully selecting bait for the prized Barramundi fish that flourish in Martuwarra Fitzroy River.
Lachie Carracher

the principle of self-determination expressed by UN Declaration on the Rights of Indigenous Peoples.

I believe there are mechanisms there that we need to get right and do right, right now. We need to look at our River Country as we have done from the beginning of time, through a bioregional *Wunan* and *Warloongarri* Law, our First Laws. First Law governs the responsible management of *Martuwarra* Watershed through *Warloongarri*, the Law of the River, and the *Wunan*, the Law of regional governance. The *Wunan* Law is a Kimberley-wide network of reciprocal, place-based sharing

and ceremonial exchange, based on cultural leadership, which reinforces kinship ties and extends people's social world through an ongoing circulation of goods and ceremonies.

The *Warloongarri* ceremony re-enacts the *Woonyoomboo* story, when the ancestor being *Woonyoomboo* speared the serpent *Yoongoorookoo*. It was *Yoongoorookoo* who created the *Martuwarra* River in the *Bookarrarra*, a primordial time that is at once past, present and future. Since *Bookarrarra*, *Warloongarri* and the *Wunan* Law have provided a framework for understanding the central role of water



Martuwarra winds its way through the Wunaamin Miliwundi Ranges. *Mark Coles Smith*

in all things, and its relationships to everything else. What is required is the total watershed perspective from the top of the catchment to the mouth of *Martuwarra*, Fitzroy River and to stop breaking everything up into little parts. We need to ensure that the voices of Indigenous leaders who are at the front line of unjust development are amplified and not crucified.

The big question at the end of the day is how we come together to promote the idea that 'It's the people that matter, Indigenous or not.' All of us need to be at the table. Thus, the guardians of the *Martuwarra*, Fitzroy River have invited industry, government and other stakeholders to work together to

achieve the principles set out in the Fitzroy River Declaration. To achieve these aspirations, three important questions must be answered.

- First, will the government invest in a water stewardship model to develop an integrated and adaptive Water Resource Management Plan for *Martuwarra*, Fitzroy River?
- Second, can we establish a conversation with decision-makers whereby First Australians are respected in their right to self-determination and management of the *Martuwarra*, with Indigenous laws for the *Martuwarra* at the heart of decision-making processes?

I conclude my story with the belief that, as my elders have sung and danced for thousands of years as part of our ‘Wake Up the Snake’ ritual performance, we can wake up the consciousness of all people. We can listen and act upon Indigenous wisdom across the planet to ensure human and planetary well-being.

- The final and third question is directed to the world and any potential partner investors: can we develop a transformational cultural governance model, combining geo-heritage and Indigenous heritage to showcase the *Martuwarra* as a new economy, transitioning from fossil fuels and large-scale agriculture to protect and ensure the survival of the *Martuwarra* as an integral component of Mother Earth and humanity?

We send this Dream out, and we continue to work hard with those who share our love and ethics of care through a coalition of hope. We uphold our law of obligations to ensure future generations can celebrate, share their due inheritance and reach

their full potential to continue to live in peace and harmony. A world of balance and full of potential is what we seek: Just-us for All.

I conclude my story with the belief that, as my elders have sung and danced for thousands of years as part of our ‘Wake Up the Snake’ ritual performance, we can wake up the consciousness of all people. We can listen and act upon Indigenous wisdom across the planet to ensure human and planetary well-being. To ensure Mother Earth will not be lonely without the vibrations of human beings, we must dance, walk upon her girth, connect to and through her, dreaming a new justice of Indigenous wisdom for human and planetary well-being. ■

Process: From kin to thing – The environmental and human death zones of European waters

Amber Abrams, Joshua Cohen, Charlie Dannreuther
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A migrant takes a shower, on his sixth day waiting for a safe port to disembark, on board the NGO rescue boat Proactiva Open Arms Uno in the central Mediterranean Sea.

Reuters/Juan Medina

The different meanings of the European water crisis

In the past, humans revered rivers and other water bodies as symbols of abundance, creation, fertility and, ultimately, life. Nowadays, water frequently conjures up images of death and human and environmental devastation. Be it in the context of the global climate crisis, when world regions across the globe are facing an unprecedented collapse of river systems. Or be it in the context of the global refugee crisis, when hundreds of refugees drown every week in the sea in search of hope and a better future – often as a consequence of the global climate crisis.

The planet is facing an unprecedented collapse of river systems and other water bodies.

Over the past 30 years, water pollution has further worsened in almost all rivers across the world due to wastewater, industrial and agricultural run-off, increased economic activity and population growth. Furthermore, the global river crisis is inextricable from wetland and ocean pollution, with approximately eight million metric tonnes of plastic entering the world's oceans per year including via rivers, estuaries and wetlands – the equivalent of one garbage truck of plastic every single minute. The collapse of freshwater systems is also a compounding factor in global warming, given the impact of water systems on the cooling capacity and climate dynamics of our interconnected planet.

But the global water crisis is more than just an environmental crisis. Like

a prism, it refracts human disasters all around us. As highlighted by the UN Refugee Agency, the UNHCR: 'The climate crisis is a human crisis. It is driving displacement and makes life harder for those already forced to flee.' Focusing on Europe, consider recent refugee tragedies in the Mediterranean Sea, where water, as a vital life force and a fluid with the potential to deliver a person from war, famine or climate-related disasters, becomes the source of drowning and death. Thinking of water through the lens of the climate and refugee crises sheds light on water access concerns and scarcity issues, for example in refugee camps. It forces thought about water as an instrument of border control, bringing watery considerations to the lived reality of border crossings, as well as a number of intersectional forms of discrimination implemented in and through water.

These human challenges are magnified by climatic shifts that have brought on more and longer drought periods (drying out some of Europe's most emblematic rivers, such as the Rhine in Germany, the Po in Italy, the Loire in France, and the Danube in Central and south-eastern Europe), devastating floods (which are only magnified by drought contexts) and persistent (forever) chemicals increasingly prevalent and concentrated in our environments.

This chapter argues that the water crisis is the result of the commercialization of water (water as a thing), an idea that originally emerged in Europe. It is fitting that our study of water governance should focus on Europe, even if Eurocentric governance systems have been spread across the globe by European empires and a state-centric international system. Simultaneously,