

**Special Rapporteur on the rights of Indigenous Peoples on: Indigenous Women and the  
Development, Application, Preservation and Transmission of Scientific Knowledge  
From an Australian Indigenous woman knowledge keeper**

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**SUBMISSION: PROFESSOR ANNE POELINA - LAWFUL BUT AWFUL AND A DECLARATION FOR PEACE**

***Our world has always been about balance, harmony, and peace. In 1697 an Italian map maker described the Kimberley region of Australia and in his language, he wrote, "land of peace".***

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Ngajanoo Nilawal, Professor Anne Poelina, Nyikina Warrwa traditional custodian from the Martuwarra, Fitzroy River, Kimberley region of Australia. This is my story as an Indigenous woman, a multi-disciplinary scientist, framing this story with the support of my family, colleagues, and friends: in this submission, we show the ongoing colonialism, structural violence and systemic racism, which enables the lawful destruction of our sacred sites, stolen lands, resources and living waters.

***Situational Context***

In a colonial system, people from the 'dominant culture' are born into a system of law, economics, politics and culture that rarely questions itself, and so for those in the 'dominant culture' it can be difficult at first to see outside that culture. The pathway forward demands exploring the most appropriate way to support Indigenous peoples. To do this appropriately, Indigenous leaders in this talking circle need to explore how to decolonise our legal system so that Indigenous Peoples and Indigenous First Laws can flourish.

Professor of Race Relations, Yin Paradies, writes that:

*In settler-colonial societies, interest in colonisation is often focused on relatively distant colonial pasts where Indigenous peoples were 'displaced' (and other euphemisms for slavery, rape, torture, murder and genocide), **with relatively scant attention paid to ongoing colonial presence/presents in which systemic, structural, physical, epistemic and ontological violence continue to oppress, assimilate and eradicate Indigenous peoples.** This has resulted in vast over-representation of Indigenous peoples among, for example, the impoverished, unhealthy, imprisoned and homeless, as well as even greater under-representation among politicians, administrators, the wealthy, influential and famous. For Indigenous peoples from around the world, the 'slow violence' of colonisation exists alongside violent assaults and fatal neglect. There is also a growing realisation of the impossibility of justice through the law, of reconciliation, or of any answers at all from within settler-colonial states.<sup>1</sup>*

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<sup>1</sup> Paradies, Y. (2020). Unsettling truths: modernity, (de-)coloniality and Indigenous futures. *Postcolonial Studies*. DOI: [10.1080/13688790.2020.1809069](https://doi.org/10.1080/13688790.2020.1809069).

### **Terms of Reference: Current threats to Indigenous women's knowledge in Australia**

- i) *What are the main obstacles, both external and internal from within their communities, that Indigenous women face in retaining or revitalizing their role as knowledge keepers?*
- ii) *What are the challenges faced by Indigenous women in transmitting their scientific knowledge and are there any mechanisms in place to ensure that Indigenous women remain in control over the manner in which their knowledge is transmitted?*
- iii) *How has Indigenous women's knowledge, notably through the legal concept of intellectual property, been misappropriated and exploited for the financial gain of others?*
- iv) *What can Indigenous peoples, States or international organizations do to support Indigenous women's participation in the market economy as it pertains to their scientific knowledge and genetic resources (for example, through intellectual property rights protections)?*

### **Lawful Awful Laws**

In my home state of Western Australia, we have created a law to allow the lawful destruction of our sacred sites. The government has the lawful power to destroy our sacred sites: our spirituality and cultural identity are sacrificed for the greater good of corporations and multi-national companies who profit and provide revenue for the government for the 'greater good of all' (see my comments in the [article](#) on the Juukan Gorge enquiry)<sup>2</sup>. The law affords the Minister unfettered and unsupervised power to make decisions in respect to cultural heritage. This Minister is neither a cultural heritage holder, nor an Aboriginal 'knowledge holder' under the terms of this law, which contravenes both the objects of the Law and the terms of UNDRIP. The main points I highlight with the failure of the reformed Aboriginal Cultural Heritage Act are:

- That Knowledge Holders have no right of veto over the interference, damage or destruction of cultural heritage places, unless there is agreement by the proponent and that proponent is engaged in the making of an Aboriginal Cultural Heritage Management Plan.
- That there is an emphasis on 'consent' for works being given by Aboriginal knowledge holders (and that it is framed as being 'free, prior and informed', but this cannot be the case when there is no right of veto).
- That the Minister has over-riding say on;
  - o Any matters of negotiation where the parties do not agree
  - o Any matters as decided by the Aboriginal Heritage Council
  - o Any matters where the proponent can show they have made 'reasonable' attempts to negotiate and have not obtained the agreement of knowledge holders
  - o Whether a site, or site complex, be referred to the Parliament for 'Protected Area' status
  - o This role of the Minister may particularly affect the rights of women knowledge holders as he is a man deciding on women's matters.
- That there is no right to engage in the making of an Aboriginal Cultural Heritage Management Plan for proposed works which are not deemed to be Tier 2 or 3 works (which may be described as 'ground-disturbing').
- That the proposed Local Aboriginal Cultural Heritage Services will receive no State funding to carry out their required services.
- That the ACH Act affords the proponent, and NOT the Aboriginal Knowledge Holder, the right of review of decisions of the Minister.

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<sup>2</sup> Allam, L. (2021). 'Every day it's happening': Juukan Gorge Enquiry told Aboriginal heritage is commonly destroyed. *The Guardian*. Available at: : <https://www.theguardian.com/australia-news/2021/feb/20/every-day-its-happening-juukan-gorge-inquiry-told-aboriginal-heritage-is-commonly-destroyed>

I maintain that the law provides no legal or practicable protection for cultural heritage in Western Australia in instances where proponents apply to carry out activities of any type. I along with my Indigenous brothers and sisters who have registered a complaint to the UN Committee for the Elimination of Race Discrimination (CERD) maintain the law is designed to, and will have the effect of, enabling proponents to conduct activities of all types and levels, impacting on areas of cultural heritage against the consent of cultural heritage holders. In this way, it further destroys the rights of cultural heritage holders and serves to destroy large portions of cultural heritage and deepen the extent and impacts of cultural loss in First Nations communities.

As an Indigenous woman knowledge holder and multi-disciplinary scientist, I believe it is vital to share stories that highlight the ongoing impacts of the colonial legal system on Indigenous culture. It is important to not focus on the deficits, but the strengths to heal and rebuild new economies and communities. We need to pinpoint what is required to take the necessary steps to ensure we create a legal and ethical pathway to understand, critique and respond to laws which authorise and legitimise the ongoing colonisation in Australia, foreseeable harm and impending ecocide and genocide of ALL peoples, our lands, and living waters.

The United Nations Declaration of the Rights of Indigenous Peoples as it is expressed, UNDRIP, is an aspirational document: it is an illusion of probity, equity, freedom, and justice. It has not been domesticated in Australian law.

**What are the signs that the Australian legal system is *actually plural* but not being implemented?**

***1999 – Review by the United Nations Committee for the Elimination of Racial Discrimination***

The United Nations Committee on the Elimination of Racial Discrimination ('CERD') determined on 18 March 1999 that the *Native Title Amendment Act 1998* (Cth) (*'Native Title Amendment Act'*) [known as the 10 Point Plan introduced by Prime Minister John Howard] discriminates against Indigenous title holders by validating past acts, extinguishing native title, upgrading primary production, and restricting the Right To Negotiate ('RTN').

There is unfinished business in Australia, as identified by CERD in 1999: these above changes were deemed unlawful by CERD, but were never tested in the courts. Since then multiple changes have been made to the Native Title Act (1993), which continue to undermine our property rights and our freedoms. According to Indigenous lawyer and scholar Donna Bagnall, there are numerous signs that show us that Australia's legal system is already one that *should properly be operating in plurality with First Law* (but is not fulfilling this mandate and duly implementing pre-existing customary laws and rights)<sup>3</sup>. Here is her analysis:

***(i) First Law (native title) rights and interests must be rendered in its own terms***

***Mabo (No.2)***<sup>4</sup> – Brennan J in the High Court judgement (6:1 majority) held:

- “Native title has its origin in and is given its content by the traditional laws acknowledged by and the traditional customs observed by the indigenous inhabitants of a territory. The nature and incidents of native title must be ascertained as a matter of fact by reference to those laws and customs.” [64]

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<sup>3</sup> Bagnall, Donna, (2022), “Healthy Law, Healthy Country: Creating a truly plural Australian legal system”, A Case Study in the report Declaration of Peace for Indigenous Peoples and Nature: A Legal Pluralist Approach to First Laws and Earth Laws at p. 65, (pending publication)

<sup>4</sup> *Mabo v Queensland (No.2)* [1992] HCA 23 (*Mabo (No. 2)*), per Mason CJ, Brennan, Deane, Toohey, Gaudron, and McHugh JJ. Dawson J dissenting.

- “...Australian law can protect the interests of members of an indigenous clan or group, whether communally or individually, only in conformity with the traditional laws and customs of the people to whom the clan or group belongs and only where members of the clan or group acknowledge those laws and observe those customs (so far as it is practicable to do so).” [66]
- “...native title, being recognized by the common law ***may be protected by such legal or equitable remedies as are appropriate*** to the particular rights and interests established by the evidence, whether proprietary or personal and usufructuary in nature and whether possessed by a community, a group or an individual.” [68]
- “The ***incidents of a particular native title*** relating to ...the grouping of persons to possess rights and interests in land are ***matters to be determined by the laws and customs of the indigenous inhabitants***, provided those laws and customs are not so repugnant to natural justice, equity and good conscience that judicial sanctions under the new regime must be withheld.” [68]

**Fortescue Metals**<sup>5</sup> - All five Justices of the Full Federal Court (FFC) unanimously confirmed that:

- “The very foundation of traditional Aboriginal law and customs ...is in the spiritual, and the intermingling of the spiritual with the physical, with people and with land. That is how Aboriginal law works.” [288]
- “The distinctions ... between spiritual belief and real property rights, or personal property rights, are not to be imported into an assessment of the existence and content of aboriginal customary law. ***To do so would be to destroy the fabric of that customary law.***” [emphasis added] [288]
- “...***the spiritual relationship*** of Aboriginal people to their country is ***enmeshed in traditional law and custom***, and that is one of the matters which distinguishes the traditional laws and customs of Aboriginal people from common law proprietary rights.” [361]
- “...one starts with identification, through evidence, of the content of traditional law and custom, and then asks to what rights and interests relating to land that law and custom gives rise. Only then does the Court, having identified those rights and interests, look for how those rights should be ***recognised, or translated***, by reference to Anglo-Australian law.” [363]
- “...if what the Court finds, on the evidence, is traditional laws requiring permission to be granted to strangers to enter or exploit country, with the purposes of those laws being both to protect country and to protect transgressors from harm, then this may be properly characterised as a ***right to control access, which is the essence of exclusive possession.***” [363]
- “...it is to misunderstand the concept of native title rights and interests to require them to fit into non-Aboriginal concepts of property, the exercise of proprietary rights and the enforcement of property rights. ...That is why what occurs is ***recognition*** of native title; not conferral, and ***not transformation*** into non-Aboriginal property rights.” [287-288]

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<sup>5</sup> *Fortescue Metals Group v Warrie on behalf of the Yindjibarndi People* [2019] FCAFC 177; BC201909419 (“*Fortescue Metals*”).

- “...the assessment and determination of the content of the traditional laws and customs of any given claim group, and the rights and interests relating to land to which those laws and customs give rise, is an exercise performed within the universe of traditional law and custom. It is not dependent on proof of exercise against non-Aboriginal people (although such evidence may exist and may be especially relevant to matters such as continuity... nor is it dependent on effectiveness of enforcement against non-Aboriginal people. Indeed, the authorities make clear that ***it is more usual for traditional law to be treated as ineffectual, and this is what the Native Title Act is designed to remedy.***” [286]
- “It would be an intolerable irony if post-sovereignty authorities and non-Aboriginal peoples whose society has been responsible for the dispossession and oppression of Aboriginal peoples were able to use the inability of those peoples to enforce their customary law against those who entered and sought to exploit their land as a basis to continue the disenfranchisement. The objectives of the *Native Title Act* are not served by such an approach and nor do they countenance it.” [290]

Therefore, in Ms Bagnall’s view, one of the most important reasons why native title is *sui generis* (‘of its own kind’ and unique) is because “[n]ative title has its origin in and is given its content by the traditional laws acknowledged by and the traditional customs observed by the indigenous inhabitants of a territory.” This means that “the ***nature and incidents*** of native title ***must be ascertained as a matter of fact by reference to those laws and customs.***”<sup>6</sup>

Ms Bagnall believes the full potential of this important point has been largely substantively missed in the Australian native title jurisprudence since it was enunciated in *Mabo (No.2)*, despite being often expressed. This is one critical proposition that establishes First Law as substantively *plural* with western law in the Australian legal system. The statements by the FFC in *Fortescue Metals* as set out above also provide emphatic reinforcement of this proposition, which means that native title should be rendered in customary law terms.<sup>7</sup>

If the Lawful Laws which are awful, are enabled as lawful, what chance do Indigenous people and our lands, water, lifeways, and livelihoods stand against destruction? What can our Nation, Australia do, to bring about Indigenous and human rights, alongside of environment, climate and water justice? What chance does Mother Earth have if we ignore the overwhelming Indigenous wisdom from antiquity that is essential to the survival of humanity and multispecies, water, procedural and distributive justice?

### ***Indigenous knowledges, Law, Science, and the Arts***

Indigenous Peoples’ knowledge, language, culture, arts, and science are not just important to our lives and livelihoods – it is also critically important to the long-term health and wellbeing of people in our region, and around the world. As stated by Fernandez-Llamazares:

*Supporting Indigenous Peoples and local communities to secure and strengthen collective systems of tenure, governance, and ways of life is one of the most powerful ways to safeguard ecosystems from intensive and/or unnecessary development and to maintain the biocultural integrity of the territories in which Indigenous and Local Knowledge (ILK) is embedded ...The cumulative, diverse, interacting, and pervasive pressures of the colonial and globalized post-*

<sup>6</sup> *Mabo (No. 2)*, per Brennan J, at [64].

<sup>7</sup> See also Bagnall, Donna, ‘Fortescue Metals Group v Warrie on behalf of the Yindjibarndi People’ (2020) 34(9&10) Australian Environmental Review, pp. 226–31. Fortescue Metals’ application for special leave to appeal to the High Court against the Full Federal Court’s decision was rejected by the High Court on 29 May 2020.

*colonial world continue to drive the loss of ILK systems worldwide, despite their resilience and adaptability. Such threats can only be addressed effectively through urgent and concerted efforts that foster transformative change, tackling deep structural interventions, systemic barriers, and leverage points in the current systems of decision making.*<sup>8</sup>

The First Laws and sciences of Indigenous Peoples in Australia, the oldest living culture in the world, is ancient; we have emerged from the deep relationships that the First Peoples have with the living world, which continue to guide our Indigenous Law, ethics and practice. The First Peoples of the continent now known as Australia have a key role in co-designing and re-imagining our collective futures, to ensure human, multispecies and environmental justice and equity.

- ***Terms of Reference:*** *What role do Indigenous women play in developing, applying, maintaining, and transmitting to future generations both women-specific Indigenous knowledge and Indigenous knowledge more generally, including through political and environmental decision-making inside the community and at the national and international level? How has Indigenous women's scientific and technical knowledge contributed to the implementation of the United Nations Declaration of the Rights of Indigenous Peoples, in particular on the following issues: a) climate change solutions and environmental protection, b) peace and conflict, c) food security, d) development of Indigenous-led business enterprises, e) security of land tenure and resources and f) women's empowerment within their communities?*

We know Indigenous science can humanise the impacts of environmental harm and help in planetary well-being, but only if we all agree that precautionary principles, informed consent decision-making, and a moral and ethical framework needs to be co-designed by all of us through a spirit of good will and good faith to heal people, heal climate, and heal the planet.

### ***Indigenous Scientific Knowledge Can Humanise Impacts of Environmental Harm And Help In Recovery***

One area currently at the forefront of the sustainability crisis today is large scale natural resource extraction promoted by capitalist economies attached to these extractive industries, especially where they exist on significant Aboriginal lands or significant natural areas.

In 2021, scientists around the world called for the recognition and support of Indigenous Peoples and local communities and their knowledge systems<sup>9</sup>. The fifteen (15) recommendations are as follows:

- 1. Recognise the historical continuity, ongoing presence and inherent rights of Indigenous Peoples and local communities on their traditional territories*
- 2. Ensure full and effective participation and engagement of Indigenous Peoples and local communities in regional, national and international decision-making about land, ocean spaces, natural resource management and climate change mitigation.*
- 3. Support biocultural approaches to conservation led by Indigenous Peoples and local communities.*
- 4. Make a focus of restoring those areas that are critical for culturally significant landscapes, species and practices.*
- 5. Support community-led monitoring efforts that build on local cultural perspectives*
- 6. Support initiatives that specifically recognize and promote gender-specific contributions to ILK maintenance.*
- 7. Respect the spiritual practices and rituals of Indigenous Peoples and local communities.*

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<sup>8</sup> Fernandez-Llamazares, in Reyes-Garcia et al. (2019). The contributions of Indigenous Peoples and Local Communities to Ecological Restoration. *Restoration Ecology*, 27(1), 8.

<sup>9</sup> Fernandez-Llamazares, A., Lepofsky, D., et al. (2021). Scientists' Warning to Humanity on Threats to Indigenous and Local Knowledge Systems. *Journal of Ethnobiology*, 41(2): 144-169.

8. *Support Indigenous Peoples and local communities to ensure the intergenerational transmission of ILK systems.*
9. *Support culturally appropriate educational curricula that are respectful, relevant and accessible to Indigenous Peoples and local communities.*
10. *Recognise and protect tangible and non-tangible heritage related to ILK.*
11. *Secure intellectual property rights associated with ILK through relevant legal mechanisms and standards, while respecting the cultural protocols, rituals and institutions that regulating ILK transmission.*
12. *Promote and enforce the application of principle of Free, Prior and Informed consent.*
13. *Support Indigenous data sovereignty.*
14. *Foster Indigenous-led, decolonising and participatory research and knowledge co-production, guided by respectful, ethical, and reciprocal relationships between researchers and ILK holders.*
15. *Support ILK holders on the frontlines of conflict.*

Our knowledge contributes to climate science by offering observations and interpretations at a much finer spatial scale with considerable temporal depth and by highlighting elements that may not be considered by climate scientists. It also humanises climate-related issues such as sea level rise, food security and cultural sustainability. It is essentially the driving force of the earth's climate and the storeroom of complex ecosystems and marine biodiversity. It is the lungs of the planet, a diverse space that has acted as a sentinel to the many species that have evolved in relative isolation. Climate change impacts are happening now in the Pacific due to its geographic location and vulnerable environments (i.e. coastlines, islands). It is now more than ever time for that paradigm shift.

From an Indigenous perspective, the climate change space and discussions are currently highly dominated by western science and politics. Unfortunately, the progress in understanding Indigenous culture and cultural needs has not advanced to a point where socio-ecological knowledge and primacy in ontological theory or rationale has been injected into the debate. One prime example is the use of traditional seasonal cycles and cultural calendars. The movement away from the northern hemisphere's four-season calendar and cycle may assist in adaptation. Its replacement with our knowledge and calendars would be better suited to understand the fluctuations and changes in seasonal variations and climatic cycles along with associated changes to plant and animal variations and adaptations in a tropical region. It also is an environmental monitoring device. By acknowledging the seasonal variations of a tropical location, Indigenous interpretations of weather, climate and species observations provide a deeper, multi-layered understanding of seasonal climatic changes and is better suited over the northern hemisphere's four-season variation.

Changes to knowledge and understanding require participation in practice and observation of transformation, essential components to Indigenous knowledge systems when applied to cultural landscape connection and continuation. The issues of climate change, national adaptations and resource management need to have a space to consider and discuss the impacts to cultural identity and to the integrity of cultural landscapes for Indigenous people. Effective adaptation planning requires access to the best available knowledge, whatever its source. In the face of climate change, where risks and impacts remain uncertain and unpredictable, there is a growing need for an expansion of ideology that supports policies and actions which in turn foster the co-production of new knowledge sets.

- ***Terms of Reference: Best practices led by Indigenous peoples; i) What are Indigenous peoples, States or international organizations doing to support Indigenous women in developing, applying, transmitting, and preserving specialized scientific, cultural and environmental knowledge or to invest in Indigenous women-specific initiatives? Has Indigenous women's knowledge been integrated into any governmental systems and/or policies (e.g., school curricula, healthcare systems, conservation efforts, etc.)? If possible,***

*please share your personal experience with Indigenous women's knowledge being acknowledged, respected, preserved and/or protected? (Personal information and details will not be included in the report.) ii) In what ways are States or international organizations acknowledging Indigenous women's contributions or impairing the ability of women to preserve, develop, apply and transmit Indigenous knowledge? iii) Is Indigenous women's knowledge recognized and protected by Indigenous legal systems, or by local, national or international laws and policies? iv) What are Indigenous peoples and their representative organizations, States and international organizations doing to address impediments to women's participation in political processes, planning and decision-making?*

### **A global model for World's Better Practice**

Martuwarra and her peoples have a gift to share with our fellow Australians into how we, as a Nation, transition from fossil fuels towards equitable wellbeing, culture, science, conservation, for eternity. Martuwarra River of Life and her Indigenous peoples are at the 'Tipping Point' of foreseeable harm from invasive, insensitive exploitation of our inheritance and being. Importantly, we seek new 'forever wellbeing', with creative and proactive processes to strengthen our capacity to govern and manage the 'commons' for the greater common good as we have done from the beginning of time. Please access the film *Martuwarra River of Life*<sup>10</sup> at <https://vimeo.com/533047074/87705efc9e12>.

### **The Place, our River Country**

The Martuwarra (Fitzroy River) is an iconic, heritage listed unregulated river system of global value and significance. For Australia's original peoples of the Martuwarra, the River was formed in the beginning of time by my Nyikina ancestor, Woonyoomboo. Woonyoomboo is the human face of the Martuwarra and in partnership with our sacred ancestral spiritual living being created the Martuwarra valley tracts. Woonyoomboo was an explorer, mapmaker, who named the places, animals, birds, fish, plants and living water systems. These environmental and cultural identities are recognised in both the Western Australian Aboriginal and National Heritage Listings.

### **A Union of Martuwarra Descendants**

In 2016, Martuwarra descendants signed the Fitzroy River Declaration<sup>10</sup> to protect and nurture their Country. In 2018 we established the Martuwarra Fitzroy River Council (MFR Council) as 'stewards to maintain the spiritual, cultural and environmental health of the catchment'. The members of the Council are Bunuba Dawangarri Aboriginal Corporation RNTBC, Gooniyandi Aboriginal Corporation RNTBC, Walalakoo Aboriginal Corporation RNTBC, Yanunijarra Aboriginal Corporation RNTBC, Wilinggin Aboriginal Corporation and the Yurriyangem Taam native title claim group as represented by the Applicant (Parties). As a result, the MFR Council considers the Martuwarra to be a communal life-sustaining resource for descendants, and The River environment requires us to be its guardian to protect its health and services for all present and future generations.

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<sup>10</sup> RiverOfLife, M., Poelina, A., & McDuffie, M. (2021). *Martuwarra, River of Life*. [Online Video]. Available at: <https://vimeo.com/533047074/87705efc9e>.

<sup>10</sup> Traditional Owners from the Fitzroy Catchment Area (2<sup>nd</sup> & 3<sup>rd</sup> November 2016). *Fitzroy River Declaration*. Meeting of the Traditional Owners of the Fitzroy River Catchment Area, Fitzroy Crossing. Available at: <http://www.majala.com.au/news/protecting-the-fitzroy-river-catchment>

<sup>11</sup> Poelina, A. (2021). *Declaration of Peace with Martuwarra Indigenous Peoples, our Lands, and Living Waters*. Search. Available at: [https://www.search.org.au/declaration\\_of\\_peace\\_with\\_martuwarra\\_indigenous\\_peoples\\_our\\_lands\\_and\\_living\\_waters#\\_ftn3](https://www.search.org.au/declaration_of_peace_with_martuwarra_indigenous_peoples_our_lands_and_living_waters#_ftn3)



As Indigenous representatives of the Martuwarra Fitzroy River Council we have declared peace with our fellow Australians and our Nation through the Fitzroy River Declaration<sup>11</sup>. Our people believe after 150 years of invasive colonial intrusion that we cannot have peace while our heritage is being continuously being exploited. Exploitation is disrespectfully and deceptively fast tracked through a failure to consider our mutual interests at every level. Please read the *Martuwarra Country Report* (2020)<sup>13</sup>, which suggests it is time to negotiate our mutual interests. In order to do this we want to share an understanding of the '[Martuwarra River Commons](#)'<sup>14</sup>. As global citizens, we balance the life of our sacred ancestral being, Martuwarra, who embodies the interdependence between all life.

The history and ongoing legacy of this institutional racism and colonisation must be explored, working in partnership with Indigenous advisors and decolonising experts, to understand the mechanics of decolonisation. This can only happen if there is a spirit of goodwill from governments, unfortunately, this is not the case, in Western Australia, where all we can see is foreseeable harm and laws which allow the willful destruction of our sacred sites, lands and living waters.

### ***A Model for Peace and Where to Next?***

We have solutions for planetary well-being. According to the [UN Decade on Ecosystem Restoration](#) (2020)<sup>15</sup>, these solutions include preventing, halting and reversing the degradation of ecosystems worldwide. We believe it is time to redefine science, justice and equity and create peace with Indigenous peoples in the Martuwarra Fitzroy River Catchment. I welcome you to watch our film *Our Commons and Shared Future*<sup>16</sup>, and to listen to my [Intergovernmental Panel on Biodiversity and Ecosystem Services \(IPBES\)](#) podcast<sup>17</sup>.

This requires a focus towards investing in the Martuwarra Fitzroy River 'Commons' so we ensure that, "Always Was, Always Will Be Aboriginal Land!" really is true. This requires an earth-centred governance approach to appreciate and respect life including climate and multi-species justice. Otherwise, we as humans, will not be able to sustain life in co-existence and harmony with our amazing planet Mother Earth! We are working towards a bioregional framework to create a cooperative way of working together, to share information and have informed consent decision-making on matters which impact on our sacred ancestral being's right to live and flow. Importantly we need to work to build the new economies and work together to determine the wellbeing of All people and of the Martuwarra Fitzroy River Catchment Estate (see footnote 13 *Conservation and Management Plan*, RiverOfLife, Poelina, Alexandra, & Samnakay, 2020).

Ecological Knowledge (TEK) must be coupled with Western science and actioned through genuine Free Prior and Informed Consent (FPIC). For treaty and reconciliation, identified issues that will need to be fully explored include: "*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*

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<sup>13</sup> RiverOfLife, M., Poelina A., Alexandra, J., & Samnakay, N. (2020). *A conservation and management plan for the national heritage listed Fitzroy River catchment estate (No. 1)*. Martuwarra Fitzroy River Council, Nulungu Research Institute, The University of Notre Dame, Australia. Available at <https://doi.org/10.32613/nrp/2020.4>

<sup>14</sup> Allam, L. (2021). A journey down WA's mighty Martuwarra, raging river and sacred ancestor. *The Guardian*. Available at: <https://www.theguardian.com/australia-news/2021/jun/05/a-journey-down-was-mighty-martuwarra-raging-river-and-sacred-ancestor>

<sup>15</sup> UN Environment Programme & Food & Agriculture Organization of the United Nations. (2020). *UN Decade on Ecosystem Restoration*. Available at: <https://www.decadeonrestoration.org/>

<sup>16</sup> Poelina, A., Perdrisat, I., & McDuffie, M. (2021). *Our Commons and Shared Future* [Online Video]. Madjulla Inc. Available at <https://vimeo.com/556591704/eda8f81424>

<sup>17</sup> Offland, B., & Poelina, A. (2020). *Wake Up the Snake* [Podcast]. IPBES. Available at: <https://www.youtube.com/watch?v=swe6fKnYHk>

*‘evidence’ is weighed up in the decision-making process? How and where are decisions made? Whose visions of the future are being pursued?’* (Poelina, Brueckner, & McDuffie, 2020)<sup>18</sup>.

In a time where our Nation has laws, policies, management and regulation collapsing at every level it is time to build a vision which unites ALL Australians. Climate investment funds must be committed and invested into better understanding the sciences, the industry, the political challenges and solutions to adapt and respond to the survival of humanity and the planet. This type of investment must be directed towards the design and situational context in order to support the collaboration of regional governance frameworks, which shifts the balance of power to local people and stakeholders who need to build a vision and a collective and common future together. We need to develop a unity pathway, share information, and have informed decision-making through regional governance approaches. The First Australians are extending their gift of wisdom, knowledge and practice, to assist in nation building, healing and reconciliation. Who knows in the circle of time we may one day achieve a ‘Just Energy Transition’ and be ready for a ‘Just Republic’?

*We can run the country. We know what the rules are. We never forget. Together. Together shoulder to shoulder. We know what's right and what's wrong. Sorry about that, but we still got our culture. We still got our role. We still got a role to play* (Lucy Marshall, in Poelina, Marshall, Warbie & McDuffie, 2015)<sup>19</sup>.

These words and ancient wisdom are coming as a gift from our peoples to humanity: it is time to stop ‘othering’ Indigenous people and our ancient wisdom, which is so necessary to planetary and multispecies wellbeing. It is about strengthening the opportunities for the ‘forever industries’<sup>20</sup>. We are worried about our Rivers, as Rivers are our lifeblood, and sustain our lifeways and our livelihoods and economies on our Country – Living Water Law First:

*If we are to survive, then we have got to listen to Indigenous peoples, and we've got to build those links between non-native and native communities and move forward as partners and in partnership of equals. And coming to the table, doesn't mean 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're at a tipping point. And unless we take action now, unless we are forceful emotionally, and perhaps in written documents and video statements and in relationship building with governmental entities and scientists. Unless we take those steps now, this tipping point means that if it tips too far, we won't be able to go back* (Dr Jonathan Hook, in Poelina, Marshall, Warbie & McDuffie, 2015).

In building our collective consciousness and actions to be creative and adaptive to climate change, we need to ask ourselves individually and collectively, ‘Can we have a common and shared future under climate change?’ Before we answer these questions, we must first challenge our own practice and redefine our thinking and understanding of ‘what is sustainable livelihoods and what is sustainable development’? We share our stories of First Law, Law of the Land so we can better understand how we, as human beings, can once again start to live in harmony with each other and with our non-human families and defend our amazing planet, Mother Earth, from climate chaos and destruction. The greatest challenge before the world, is to create Peace with Indigenous People and with Nature. **Otherwise, Mother Earth will be lonely without the footsteps of human beings!**

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<sup>18</sup> Poelina, A., Bruecker, M., & McDuffie, M. (2020). For the Greater Good: Questioning the social licence of extractive-led development in Western Australia’s Martuwarra Fitzroy River Region. *The Extractive Industries and Society*, 8(3), 19. Available at: <https://doi.org/10.1016/j.exis.2020.10.010>.

<sup>19</sup> Poelina, A., Marshall, L., Warbie, J., & McDuffie, M. (2015). Three Sisters, Women of High Degree [Online Video]. Madjulla Inc. Available at: <https://ictv.com.au/video/item/6499>.

<sup>20</sup> See Australian Conservation Foundation (2021). *Forging the Forever Industries: How ancient wisdom can guide the transition to new economies*. Available at: <https://acf.exposure.co/forging-the-forever-industries>.