

MLDRIN

ECHUCA DECLARATION

Preamble

RECOGNISING and **REAFFIRMING** that each of the Indigenous Nations represented within Murray and Lower Darling Rivers Indigenous Nations is and has been since time immemorial sovereign over its own lands and waters and that the people of each Indigenous Nation obtain and maintain their spiritual and cultural identity, life and livelihood from their lands and waters; and

We, the Indigenous Nations of the Murray and Lower Darling River have never given up our sovereignty over our Country and it is our Country that has always given us everything.

Further **RECOGNISING** and **AFFIRMING** that water has a right to be recognised as ecological entity, a being and a spirit and must treated accordingly. For the Indigenous Nations water is essential to creation and many of Dreaming and other ancestral beings are created by and dwell within water.

Water is living being and should be treated accordingly. Many of our ancestral beings are created by and live in water.

WHEREAS the Commonwealth of Australia and the States of Queensland, New South Wales, Victoria and South Australia assert competing sovereignty over the lands and waters; and

We understand that the Federal and State Governments of Australia say that they have lawfully acquired sovereignty over our lands but we deny and reject that statement.

WHEREAS the Commonwealth and States of Australia have introduced and enforced unlawful and unjust mechanisms affecting an alienation of the legal entitlements of the Indigenous Nations to the ownership, use and benefit of the lands and the waters, without compensation; and

The Federal and State Government of Australia have used their laws to take away our lands and without our permission and without compensation.

WHEREAS in little over 200 years the Crown, Colonies, Commonwealth and States of Australia have been negligent in the management of the lands and waters of the Indigenous Nations causing ecosystem collapse, severe water quality degradation, extreme stress upon river ecologies and species extinction at a scale and rate which is unprecedented; and

In the 230 years that the Federal and State Governments of Australia have been on our Country they have not taken proper care of the Country and made all of the lands and waters so sick and unhealthy that many of the plants and animals have died out and will never return.

WHEREAS the effect of 200 years of negligent and improper management of the lands and waters and denial of access to country has brought gross and widespread detriment to the cultural economy of the Indigenous Nations and degradation of significant landscapes and sites of spiritual and cultural importance; and

Because the Federal and State Governments have failed to properly care for the Country and not allowed us onto our lands and waters we have been denied our basic human rights and our sacred places have been damaged and destroyed.

WHEREAS the Indigenous Nations each have responsibilities and obligations under their Indigenous Law/Lore and Custom to protect, conserve and maintain the environment and the ecosystems in their natural state to ensure the sustainability of the whole environment;

We have obligations under our Law/Lore and Custom to care for Country and to respect our neighbours both down and up stream.

The Murray and Lower Darling Rivers Indigenous Nations DECLARE that it adopts the following definition of “Cultural Flows” and processes for engagement and inclusion of the Indigenous Nations in the management of their rivers and waterways

We DECLARE that this document says CULTURAL FLOWS means:

Part I - Defining Cultural Flows and Cultural Flow Outcomes

Article 1 – Defining Cultural Flows

“Cultural Flows” are water entitlements that are legally and beneficially owned by the Indigenous Nations of a sufficient and adequate quantity and quality to improve the spiritual, cultural, environmental, social and economic conditions of those Indigenous Nations. This is our inherent right.

Cultural Flows are water rights that we hold in our own name and are not held in trust by Government AND provide us with enough clean water to improve all parts of our lives.

Article 2 – Defining Cultural Flow Outcomes

The environmental, social and economic conditions of the Indigenous nations will be improved by the achievement of the *cultural flow outcomes* namely

Our lives will be improved by cultural flows if

- i. Survival and sustainable health of the rivers and waterways through the restoration of natural flow regimes;

The rivers and creeks get a proper amount of water at the right times.

- ii. Improved and strengthened spiritual, physical and mental health of the Indigenous people whose beliefs, cultures, identities, prosperity and physical wellbeing are inseparable from the environment and whose lifeblood is the waterways;

The health of our spirit, body and mind is improved and strengthened. The land, water and people are one.

- iii. To protect and restore ecosystems such that native plants and animals and their habitats are able to be used and managed in accordance with the cultural practices of the Indigenous Nations including but not limited to:

Our Country is healthy enough that we can look after and use our Country according to our culture, including

- a. Propagation and harvesting of plant species for medicine, timber, food sources, and material for manufacture of tools, clothing and housing;

Growing and gathering plants for all our cultural uses.

- b. Protecting, hunting and killing animal species for food, medicine, clothing and all other cultural uses;

Protecting, hunting and killing our animals for all of our cultural uses.

- c. Spiritual, ceremonial, cultural and social activities;

Song, dance, story, art, ceremony and all our other spiritual, cultural and social activities.

- d. Use of earth and minerals for spiritual, cultural and social purposes including economic purposes,

Using our earth and minerals to make our spirit, culture and community stronger and to relieve us from poverty.

- e. tool making and medicinal purposes;

To make tools and medicines.

- f. Use of the water for drinking, hygiene, recreation, spiritual and ceremonial purposes;

Use of our water to drink, wash, for sewerage, to swim, for ceremonies and to make our spirit stronger.

- g. Use of the whole of the environment for educational purposes including the recording and transmission of Indigenous science and knowledge;

To teach our people about our Country including collecting, protecting, respecting and passing on knowledge.

- h. Improved economic opportunities and prosperity;

Better chances for a healthy and wealthy life

- iv. Recognition by the Commonwealth and States of Australia and non-Indigenous Australians of the inherent rights of the Indigenous Nations and the need to give full weight and value to Indigenous Science, Knowledge and Practices.

Recognition by all Australians that this is our Country and that we need to be listened to when we talk about our Country.

- v. The cultural flow outcomes are outcomes that the Indigenous Nations have been able to record or measure and determine whether the outcomes have been achieved.

We are the only ones who can decide if our Country and our lives have improved.

Part II – Mechanisms for Delivering Cultural Flow Outcomes

Article 3

The Commonwealth and the States must identify funding and non-monetary mechanisms for the allocation of the water entitlements to the Indigenous Nations.

The Federal and State Government must give us the money to buy water rights and give us water rights.

Article 4

In the acquisition and allocation of water entitlements to Indigenous Nations as cultural flows the Commonwealth and State Governments must:

When the Federal and State Governments are buying water rights to give to us they must

- i. Adhere to the principle that the free and fully informed prior consent ("consent") of the Indigenous Nations is necessary, desirable and best practice;

Tell us exactly what they want to do and let us make our own decisions, without being pressured, before they do it.

- ii. Seek the consent of the Indigenous Nations in respect of the water acquisition for cultural flows;

Ask our permission

- iii. Seek the consent of the Indigenous Nations in respect of any proposed restriction on cultural flow outcomes;

Ask our permission if they want to stop us from using the our water for anything we choose.

- iv. Transfer water entitlements to such incorporated body as the Indigenous Nations may nominate.

Transfer our water rights to the company we choose.

Article 5

With respect to the management and decision making in respect of releases of cultural flows the Commonwealth and States of Australia, the Murray Darling Basin Commission, the National Water Commission and their successors should ensure that the Indigenous Nations have access to technical and scientific support as and when required and that proposed cultural flow releases are able to be co-ordinated with other releases and events so as to achieve maximum efficiency and effectiveness and implementation of cultural flow outcomes.

All Federal and State Governments and water authorities must make sure we get proper advice so we understand what they want to do and why and that they work with us so that we get the best results from our uses of our cultural flows.

Article 6

Specific mechanisms must be developed for the urgent and immediate acquisition of water entitlements identified for economic outcomes.

The Federal and State Governments must act straight away to get us water rights we can use to make money.

Part III – Determining the Quantity of Cultural Flows

Article 7

The overriding objective in determining the type and location of water entitlements acquired and transferred to the Indigenous Nations for cultural flows must be sufficient to ensure that the Indigenous Nations, through their legal and beneficial ownership of the water entitlements, can achieve substantial and measurable cultural flow outcomes.

When buying or giving us cultural flows everyone, including Federal and State Governments, should remember that the amount of water we need must be enough to get lasting results that we can see.

Article 8

In the first instance water entitlements transferred to Indigenous Nations as cultural flows must be at least the equivalent of water entitlements acquired by the Commonwealth and States of Australia or their agencies in respect of “environmental flows”.

Until we tell Governments how much water we need to get lasting results that we can see, we should be given at least as much water for cultural flows as the government gives for environmental flows.

Article 9

Water entitlements allocated as cultural flows for direct economic outcomes must at least match water entitlements for cultural flows for non-economic outcomes.

The amount of water we get for cultural flows that is not allowed to be used to make money should be the same amount as we can use to make money.

Adopted by MLDRIN Delegates on 14 November 2007

Adopted by NBAN and MLDRIN (with minor edits) at a joint meeting on 19 May 2010