

A scenic landscape featuring a wide river in the foreground, with a dense line of trees on the opposite bank. The trees and the sky are reflected in the calm water. The sky is a clear, light blue, and the overall scene is peaceful and natural.

A Cooperation Agreement
between
Murray Lower Darling Rivers Indigenous
Nations
and
Environmental Non-Government
Organisations

23rd February 2007

Front Cover

Dharnya (river red gums) at Barmah - Yorta Yorta Country
Photo: Peter McConchie

Rear Cover

Friends of the Earth supporters at the World Environment Day Rally for Victoria's Forests -
Melbourne, 4th June 2006
Photo: Damian Sullivan

COOPERATION AGREEMENT made on the 23rd of February 2007,

between:

MURRAY LOWER DARLING RIVERS INDIGENOUS NATIONS Inc.
("MLDRIN") which is comprised of the following Indigenous Nations:

Wiradjuri Nation
Yorta Yorta Nation
Taungurung Nation
Barapa Barapa Nation
Wamba Wamba Nation
Wadi Wadi Nation
Mutti Mutti Nation
Latji Latji Nation
Wergaia Nation
Ngarrindjeri Nation

and the following

Environmental Non-Government Organisations (eNGOs):

Australian Conservation Foundation Inc.
Environment Victoria Inc.
Friends of the Earth Australia Inc.
Friends of the Earth Melbourne Inc.
National Parks Association of New South Wales Inc.
Nature Conservation Council of New South Wales Inc.
Victorian National Parks Association Inc.
The Wilderness Society Inc.
The Wilderness Society Victoria Inc.
The Wilderness Society Sydney Inc.
The Wilderness Society (SA Branch) Inc.

Preamble

The Murray Darling Basin is a biogeographical and ancestral domain of global significance. It is home to some 40 autonomous Indigenous Nations who are the original traditional custodians of the land.

The Traditional Owners of the Murray and Lower Darling Rivers have a long and continuing affinity to the land and waters. The interconnection of cultural, social, economic and spiritual life has a direct impact on the health of Country and the health of her Peoples – these are inseparable.

Over the past 200 years unsustainable land use practices and inappropriate management have greatly damaged the country of the Murray and Lower Darling, including the Murrumbidgee, Lachlan and Goulburn tributaries and the many creeks, wetlands and drier country in their catchments.

Today, environment groups recognise the international importance of the area, with vast areas of intact country and the network of rivers and streams supporting wetlands and other conservation values of international significance. It is also a place of historical, cultural and even spiritual significance for non-Indigenous peoples. Urgent and continual action is required to address unsustainable farming, logging and grazing practices, and the legacy of historical degradation. The creation of co-managed conservation reserves including National Parks is a priority.

The importance of looking after Country to both Traditional Owners and environment groups provides a logical and sound foundation for a Cooperation Agreement (hereafter called Agreement).

In forming this Agreement, the parties recognise the Wiradjuri, Yorta Yorta, Taungurung, Barapa Barapa, Wamba Wamba, Wadi Wadi, Mutti Mutti, Latji Latji, Wergaia and the Ngarrindjeri as the Traditional Owners of Country centred on the Murray and Lower Darling River systems and accept that we share a responsibility to ensure that Country is managed and maintained to the highest standard of ecological and cultural integrity for the benefit of future generations.

Our Shared Vision

The Parties share a vision of:

- healthy country, where Traditional Owners can care for Country according to their traditions and customs;
- healthy rivers and streams flowing with natural cycles and cultural flows;
- the restoration of important cultural and ecological connections, providing a secure future for traditional culture, native flora and fauna;
- a prosperous economy reliant on environmentally sensitive industries that conserve natural and cultural values.

Principles of the agreement

The Parties recognise and respect:

- the value of cooperation, and the urgent need for Traditional Owners and eNGOs to work together for the sake of future generations;
- that Indigenous people have unique rights within this country, which they inherit from their ancestors and the country itself;
- that within Indigenous communities the right to speak for Country belongs only to Traditional Owners. This right is briefly described herein:
 - The context for this right is the recognition that Traditional Owners have responsibilities towards their land and waters – the people, the land and water are one – and under traditional law plants, animals and places must be respected and cared for.
 - Within Indigenous communities Traditional Owners hold the right to “speak for country”, a right that is inherited from ancestors and country, involving protocols and decision making structures within clans/nations - which regulate who can speak and what they can speak about. In traditional law, Traditional Owners are associated with particular places, and through ancestors, an extended landscape. Knowledge and authority to speak for particular places or on particular issues is governed by protocols involving kinship, seniority, gender and so on.
 - “Speaking for country” within Indigenous communities is the Traditional Owners’ birth right and responsibility to speak on the care of Country and their inherent rights to land and water. It also refers to the unique right of Traditional Owners to speak for Country in negotiation and consultation processes around land and water. This includes but is not limited to Native Title, Government and NGO policies and programs relevant to land and water, natural resource management, cultural heritage, sites management and protection including cultural sites and artefacts and sources of native food, State and National Park and Reserve management, water management including cultural flows, and engineering and other works that may impact on sites of significance.

- that environment groups play a positive and crucial role in the creation of an equitable, healthy and sustainable society, and in particular:
 - represent the environmental concerns of our membership,
 - maintain an independent voice on environmental issues which concern our communities,
 - do so in a democratic and accountable way through a variety of decision-making structures.
- that Indigenous science and Western science each have their own value and role in caring for Country;
- that knowledge and management work together – caring for Country creates new knowledge and knowledge helps us better care for Country;
- that there is diversity between and within Indigenous Nations,
- that there is diversity between and within Environment Groups;
- that each group has its own decision-making processes, expertise and perspective; and
- the value of each Group or Nation’s independence and honesty.

Purpose of the agreement

To support the protection of cultural and environmental values by:

- Working together to ensure Country is managed and maintained to the highest standard of ecological and cultural integrity and that there is public and community support for this goal.
- Supporting inherent Traditional Owner land and water rights and aspirations to access and manage Country according to traditions and customs across a range of tenures.
- Supporting fair and adequate resourcing for the management of natural and cultural values by Indigenous Nations, and the use of indigenous knowledge.
- Supporting existing or new industries that are compatible with the maintenance of cultural and environmental values, and will provide a livelihood and socio-economic development for families, and communities, including the self-determination of Indigenous Nations.

Engagement Protocols

Relationship

The Parties:

- will all actively support the sole right of Traditional Owners to speak for Country and cultural matters, and to achieve their aspirations for Country in the spirit of this agreement.
- will respect Traditional Owner governance processes in communications, consultation and decision-making over land and water, recognising in particular:
 - that Traditional Owner processes are an intertwined whole within each Indigenous Nation. Decisions are made through the governance processes of the Nation, and cannot be made by individual Traditional Owners or groups in isolation;
 - that governance processes vary from Nation to Nation, reflecting a diversity of traditional governance arrangements; cultural, spiritual, knowledge and custom protocols; local contexts and historical experience;
 - that MLDRIN has established and will continue to maintain appropriate processes to represent the confederated nations;
 - that negotiation and consultation must occur within a context of informed consent and timeframes appropriate to Traditional Owner processes to allow consultation with all the relevant Nation(s), and the appropriate Traditional Owners;
- will actively support the right of environment groups to speak independently on environmental issues; including the importance of conservation values in the landscape and the protection of ecosystem health.
- have a right to speak to other environment groups that are not a part of this agreement and Traditional Owners that are outside the geographic boundary of the MLDRIN Confederation.

Negotiation

- The Parties will strive for agreement but not shy away from argument in good faith, and know that we do not have to agree on all matters;
- When the Parties agree to statements or decisions, we do so with informed consent of our Nation or our Environment Group;
- The Parties may each speak publicly about agreed statements and decisions, but will refrain from representing agreement on a matter where there is none.

Dispute Resolution

The Parties:

- Will at all times respect the person, Nation or Group, focussing on the issue of disagreement;
- Respect the confidentiality and privacy of our discussions;

- As said above, not be afraid to have different opinions and permanent disagreement on issues;
- Firstly name the issue of disagreement and try to resolve it between each other;
- Next bring in a mutually agreed 3rd independent party to mediate;
- Finally, discuss the issue at a meeting of all the Groups and Nations with independent facilitation paid for by all according to ability to pay.

Resources

All parties to this Cooperative Agreement:

- respect that our organisation's financial resources are often scarce;
- commit to equitably sharing any joint costs where prior agreement has been reached; but
- make no explicit commitments to contribute financial resources by signing this agreement.

Knowledge

- Traditional Owners have intellectual property rights to traditional knowledge and hold the right to control and withhold cultural knowledge;
- All Parties will work together to actively share and explain other useful information such as relevant Western scientific knowledge, legal knowledge and the workings of government.
- This Cooperative Agreement document and all discussions, minutes, statements and documents produced jointly by the groups is shared intellectual property and may be used by each group with appropriate acknowledgement.

The Cooperative Agreement

The parties to this Agreement hereby agree to the following:

- To form an Alliance for the protection of the ecological and cultural integrity of the Murray and Lower Darling Rivers systems
- To uphold the Principles and Purpose outlined in this document and to adhere to the Engagement Protocols when engaging with each other;
- To commit to the development and implementation of an Action Plan through cooperation and informed consent.

Implementing the agreement

This Cooperative Agreement will be implemented in 2 stages.

1. An Alliance between the Murray Lower Darling Rivers Indigenous Nations and Environmental Non-Government Organisations

The first stage of the Agreement is to establish an alliance for the protection, revitalisation and maintenance of the Murray and Lower Darling Rivers systems. The alliance includes agreeing to and implementing the Vision, Principles, Purposes and Engagement Protocols outlined in this document.

2. An Action Plan that includes a detailed Protocol on Engagement

An action plan will be developed, based on the principles, purpose and intentions of this agreement that will identify areas of cooperation, discuss relevant activities and campaigns undertaken by all parties and identify pathways forward. Detailed engagement processes and protocols are to be developed between relevant parties to the agreement in relation to specific campaigns and areas of cooperation

Signed as a Cooperation Agreement

SIGNED for and on behalf of **MURRAY DARLING RIVERS INDIGENOUS NATIONS** by the Chairperson and by authorised representatives of the Indigenous Nations, as follows:

Murray Lower Darling Rivers Indigenous Nations

signature: 

name: MATTHEW RIGNEY

Wiradjuri Nation

signature: 

name: RAMSAY FREEMAN

signature: 

name: TONY PEACHEY

Yorta Yorta Nation


signature: 

name: Walda Blane

signature:

name:

Taungurung Nation

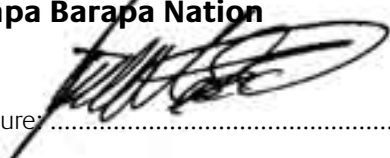
signature: 

name: ERNEST C. INNES

signature:

name:

Barapa Barapa Nation

signature: 

name: Russell Smith

signature:

name:

Wamba Wamba Nation

signature: THa

signature:

name: Tracy Hamilton

name:

Wadi Wadi Nation

signature: Doug Nicholls

signature:

name: DOUG NICHOLLS

name:

Mutti Mutti Nation

signature: Mary Pappin

signature: [Handwritten Signature]

name: MARY PAPPIN

name: EMILY J PAPPIN

Latji Latji Nation

signature:

signature:

name:

name:

Wergaia Nation

signature: [Handwritten Signature]

signature:

name: TOMAS J. MURTIKOS

name:

Ngarrindjeri Nation

signature: [Handwritten Signature]


signature: [Handwritten Signature]

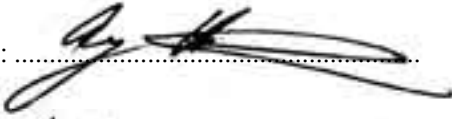
name: MATTHEW RIGNEY

name: PETER E. RIGNEY

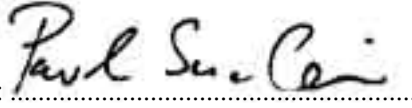
SIGNED for and on behalf of **Environmental Non-Government Organisations** by authorised representatives of each eNGO, as follows:

Australian Conservation Foundation Inc.

signature: 
name: A. BUCHANAN

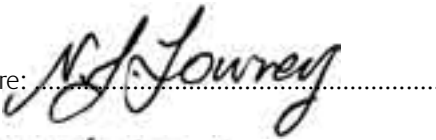
signature: 
name: A HANKINSON


Environment Victoria Inc.

signature: 
name: Paul Sinclair

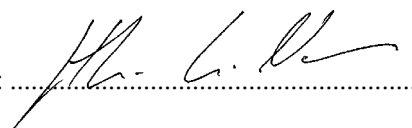
signature:
name:

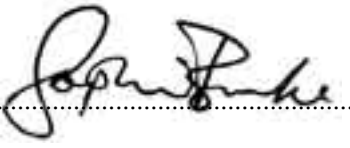
Friends of the Earth Australia Inc.

signature: 
name: Natalie Lowrey

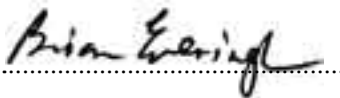
signature: 
name: MICHAELA STUBBS

Friends of the Earth Melbourne Inc.

signature: 
name: Jonathan LaNauze

signature: 
name: SOPHIE BURKE

National Parks Association of New South Wales Inc.

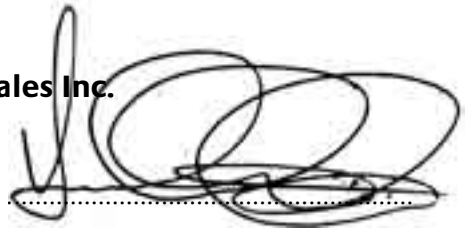
signature: 
name: Brian Everingham

signature:
name:

Nature Conservation Council of New South Wales Inc.

signature: Judy Messer

name: DR JUDY MESSER

signature: 

name: PROF DONALD A. CRITCH

Victorian National Parks Association Inc.

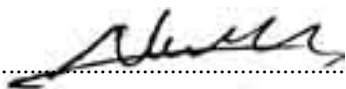
signature: 

name: ALENE BUCHAN

signature:

name:

The Wilderness Society Inc.

signature: 

name: ALEC MORAN

signature: 

name: ANTONIO TESTA

The Wilderness Society Victoria Inc.

signature: 

name: RICHARD HUGHES

signature: 

name: ANTONIO TESTA

The Wilderness Society Sydney Inc.

signature: 

name: REECE TURNER

signature: 

name: ANTONIO TESTA

The Wilderness Society (SA Branch) Inc.

signature: 

name: Peter Owen

signature: 

name: ANTONIO TESTA

Appendix: Information on the Parties to the Agreement

The Australian Conservation Foundation

The Australian Conservation Foundation (“ACF”) is committed to inspiring people to achieve a healthy environment for all Australians. For 40 years it has been a strong voice for the environment, promoting solutions through research, consultation, education and partnerships. It works with the community, business and government to protect, restore and sustain our environment.

ACF strives to raise awareness about the problems of the Murray-Darling Basin and to gather support for solutions that will protect and restore the rivers and wetlands, and so secure the future for the wildlife and people that rely on them. Indigenous engagement, support, partnerships and leadership are crucial if we are to find a long-term solution to the problems of the Murray-Darling Basin and the Agreement is an important component in this.

Environment Victoria

Environment Victoria is the state’s leading non-government environment organization, with over 150 member groups and 1,000 individual members. EV has decided to concentrate its efforts on global warming, preserving waterways and reducing waste. While these issues may form the core of our campaigning agenda, we have other important goals. As an environment group with a statewide focus we are dedicated to assisting local and regional environment groups working on issues of local or regional importance.

As the Peak Environmental NGO in Victoria, EV provides a strong voice for a number of regional, local and statewide environmental groups, and provides support, advice and encouragement for local environmental campaigns around the state

Healthy rivers are vital to support healthy communities. They supply clean water for us to drink, to grow our food and to run our industries. Healthy rivers also provide many important ecological, social and cultural values. Yet 75% of Victoria’s rivers are seriously degraded. We take too much water from our rivers and put too much pollution back in. EV’s Healthy Rivers Campaign is dedicated to engaging a broad range of Victorians to be informed and active in support of river health. Over the last eight years, the Campaign has seen much success in lobbying government to protect and restore our state’s waterways and to raise the profile of river and water management issues in the media. We also support a network of grassroots river advocates across Victoria.

Friends of the Earth

including:

Friends of the Earth Melbourne Inc.

Friends of the Earth Australia Inc.

Friends of the Earth (FoE) believes that social and environmental issues cannot be separated from each other. As a result, FoE is a social and environmental justice organisation.

FoE campaigns from the local to global level: FoE Melbourne is one of 12 local groups who federate to make FoE Australia, which is one of 72 national groups countries who make up FoE International. Collectively, the FoE network is the largest environmental federation in the world, with around 5,000 local branches. Member groups at the national level are autonomous, leading to a great diversity within the network.

FoE Australia and its member local groups are bound by our Indigenous Land and Rights Policy, which recognises “that Australia was forcibly occupied by European colonisers and that pre-existing sovereignty of Indigenous people has not been relinquished by Indigenous people. Correspondingly, the organisation continues to recognise this sovereignty regardless of whether Australian common law accepts that this is the case.”

The policy also states our belief that “there are 3 key issues to consider in FoE’s work with Indigenous people and that they operate in a hierarchy of importance: 1) human rights/ social justice considerations 2) recognition of Indigenous communities’ connection to their lands and seas; and 3) Indigenous expertise in land and sea management.... Understanding that human rights are the primary consideration means that FoE seeks to develop alliances with Indigenous people not simply to gain environmental outcomes from that alliance. Fundamental to this is the commitment not to undermine Indigenous peoples decision making structures or ventures simply to gain environmental outcomes.”

The Murray Lower Darling Rivers Indigenous Nations

Murray Lower Darling Indigenous Nations (MLDRIN) is a confederacy of Indigenous Nations or traditional custodians in the Lower Murray Darling Basin who have responsibilities for the care of country within traditional boundaries. MLDRIN come together to make collective decisions on our rivers and land in a respectful and holistic manner.

Our core principle is that only Traditional Owners can speak for Country.

Current MLDRIN Member Nations include:

Wiradjuri, Yorta Yorta, Taungurung, Barapa Barapa, Wamba Wamba, Wadi Wadi, Mutti Mutti, Latji Latji, Wergaia, Ngarrindjeri.

National Parks Association of NSW

National Parks Association of NSW seeks to protect and conserve the complete range and diversity of species, natural habitats, features and landscapes of New South Wales.

NPA was formed in 1957 to establish a network of national parks in NSW. This was achieved with the passing of the NSW National Parks and Wildlife Act and the establishment of the NSW National Parks and Wildlife Service (NPWS) in 1967.

Today NPA continues to build on this work through a network of 19 branches and over 4,000 members. The public reserve system now consists of over 500 national parks and nature reserves covering 6.7% of NSW. NPA continues to engage with and monitor NPWS, which has now grown to over 1600 employees and has a yearly budget of about \$270M. NPA is presented with immense challenges for securing natural areas of NSW as a means of limiting current biodiversity decline. Despite the expansion of the national park estate, it is still far short of achieving a comprehensive, adequate and representative (CAR) protected area system. Western NSW is an area of particular concern. Significant progress can only be made through an additional focus on nature conservation across all tenures and different approaches to achieve conservation.

Nature Conservation Council of NSW

The Nature Conservation Council of NSW (NCC) is the State's peak environment organisation representing over 120 environment groups. Established in 1955, our primary aims as stated in our constitution, are the conservation of nature, the protection of the environment and the attainment of an ecologically sustainable community. Our close work with the community has been instrumental in creating new national parks and marine parks, saving urban bushland and building the skills and capacities of community environment groups to strengthen their advocacy and environmental education work.

NCC would like to note that our organisation is not able to work directly on the implementation of the agreement, but wishes to express its goodwill and support by becoming a signatory.

Our agreement is subject to our policy including Aboriginal policy 1998/2005. We note that our agreement to item 2 under 'purpose of the agreement' (p 5) is subject to our constitution and policies.

Victorian National Parks Association

The VNPA is one of the state's leading nature conservation organisations. It is an independent, non-profit, membership-based group, which exists to protect Victoria's unique natural environment and biodiversity through the establishment and effective management of national parks, conservation reserves and other measures. We will achieve our vision by facilitating strategic campaigns and education programs, developing policies, through hands-on conservation work, and by running bushwalking and outdoor activity programs which promote the care and enjoyment of Victoria's natural heritage.

We share a vision of Victoria as a place with a diverse, secure and healthy natural environment cared for and appreciated by all.

The Wilderness Society

Including:

- The Wilderness Society Inc.
- The Wilderness Society Victoria Inc.
- The Wilderness Society Sydney Inc.
- The Wilderness Society (SA Branch) Inc

The Wilderness Society (TWS) is a community-based environmental advocacy organisation whose mission is to protect, promote and restore wilderness and natural processes across Australia for the survival and ongoing evolution of life on Earth.

TWS works through the avenues of public education and empowerment, advocacy and negotiation, and desk and field research. TWS is politically unaligned, but uses democratic processes to maximise robust conservation decisions.

TWS consists of a National Organisation and a number of separately incorporated Campaign Centres located in all State capital cities (except Darwin), and in the ACT and a number of regional centres. The vast majority of our funding is obtained from membership dues, donations, public fundraising and our retail operations.

Our mission is being implemented through the WildCountry programme: a long term vision for protecting Australia's wilderness, plants and animals into - and beyond - the 21st Century. It embraces 'whole-of-environment' land management systems, which coordinate across land, water and all tenures. It is about finding a path for restoring large areas of the Australian continent to healthy, self-perpetuating natural systems, where human activity is compatible with the health of the land. It seeks to support the inalienable links between Australia's indigenous Traditional Owners and the land, and will involve a significant shift in the relationship between many other Australians and the environment.



Wiradjuri Eastern Wiradjuri Nyngany Wangga Murrumbidgee South West Djabwurr

MURRAY-DARLING REDGUM FORESTS

always was, always will be, Aboriginal land



SAVE
THE
FORESTS