

Ngarrindjeri Yarluwar-Ruwe (Sea Country, lands, waters and all living things): Negotiating and monitoring respectful spaces for First Nation engagement with settler colonial natural resource management¹

Steve Hemming, A/Professor, Indigenous Nations and Collaborative Futures Research Hub, Jumbunna Institute for Indigenous Educational and Research, University of Technology Sydney (non-Indigenous) (corresponding author)

Steven.hemming@uts.edu.au

Jumbunna Institute of Indigenous Education and Research
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia

Daryle Rigney, Ngarrindjeri citizen, Professor and Head of the Indigenous Nations and Collaborative Futures Research Hub, Jumbunna Institute for Indigenous Educational and Research, University of Technology Sydney

Shaun Berg, Berg Lawyers, Legal Representative for the Ngarrindjeri Regional Authority, PhD candidate, School of Law, University of Technology Sydney (non-Indigenous)

Looking back at the past year as the Chair of the Ngarrindjeri Regional Authority, I am pleased to be able to say that the Kungun Ngarrindjeri Yunnan Agreement (KNYA) has been a success. The KNYA has provided opportunities for the Ngarrindjeri people to extend the work that we are doing as a Nation that otherwise would not have been possible. The negotiation of the KNYA between the NRA and the Government [South Australian Government] assisted us to address the terrible effects of the drought on our Ruwe Ruwar [Country], which had caused great stress to the Ngarrindjeri people. We have achieved a number of positive outcomes through the KNYA that have helped to heal our Country and our people.

Another of the positive outcomes has been the opportunity to get to know Government people and to begin the process of creating a respectful relationship between them and the Ngarrindjeri people. My hope is that we can extend the KNYAs and respectful relationships we have begun with the current members of the Taskforce to all areas of Government.²

Introduction

For the Ngarrindjeri First Nation in South Australia, Ngarrindjeri means belonging to Yarluwar-Ruwe (Sea Country) – the Lower Murray River, the Lakes and Coorong region (see Figure 1). In 1836 the British established the Colony of South Australia heralding a

¹ We acknowledge the support and leadership of the Ngarrindjeri Regional Authority – the peak body of the Ngarrindjeri Nation. This research has been supported by funds from the Australian Research Council (ARC), the Goyder Institute for Water Research and the Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS): ARC: DP1094869, DP190102060, DP2001102850, LE170100017, LP130100131, LP1040100376; Goyder Institute: E.1.7, E.1.17, & HE-17-03; and (AIATSIS) IRE_OR0004; We also thank all our colleagues for their support including: Larissa Behrendt, Simone Bignall, Stephen Cornell, Cressida Fforde, Robert Hattam, Sam Muller, Miriam Jorgensen, Grant Rigney, Amy Della-Sale, Laurie Rankine Jnr., Darrell Sumner, Lachlan Sutherland, Ellen Trevorrow, Luke Trevorrow, and Alison Vivian.

² Ngarrindjeri Regional Authority (NRA), Chair, Tom Trevorrow (deceased) highlighted the success of Ngarrindjeri Kungun Ngarrindjeri Yunnan Agreements (KNYA) in the inaugural KNYA Taskforce Annual Report. Department of Environment, Water and Natural Resources (DEWNR) and NRA *Kungun Ngarrindjeri Yunnan Agreement, Listen to Ngarrindjeri People Talking. KNYA Taskforce Report 2010–2011*, (DEWNR, Adelaide, 2012), 6.

period of violent invasion, murder, dispossession, oppression, and the ongoing colonisation of Ngarrindjeri Yarluwar-Ruwe. Elders describe living through colonisation as being in a perpetual state of longing for wellbeing – ‘parpun miwi’.³ In the face of this intense colonisation Ngarrindjeri have not ceded sovereignty, nor fundamental responsibility to speak lawfully as Country – as Yarluwar-Ruwe.⁴ Ngarrindjeri maintain fundamental interconnection with Country under extremely difficult circumstances. Perhaps ironically, human induced climate change has brought with it huge flows of resources into remedial natural resource management (NRM), and with these flows, opportunities for strategic Ngarrindjeri resistance and re-direction. For several decades some of these flows of resources and energy have been re-directed by nation leaders to support the work of Ngarrindjeri nation (re)building. Former chair of the Ngarrindjeri Regional Authority (NRA), Tom Trevorrow, emphasised the success of this approach in his statement at the beginning of this paper. He attributed success to the development and negotiation of a new form of relationship agreement – the Kungun Ngarrindjeri Yunnan Agreement (Listen to Ngarrindjeri Speaking). These contract law agreements are treaty-like in form, establish nation-to-nation relations and begin a new respectful dialogue between the parties.⁵ They stand in stark contrast to the disrespectful, paternalistic subject position of the consulted ‘stakeholder’, asserting, instead, an authoritative Ngarrindjeri speaking position on Ngarrindjeri terms.

Ngarrindjeri Yarluwar-Ruwe is part of the living body of Murrundi or what is described by the Australian settler state as Australia’s longest river – the Murray River. The Murray is the longest river in the Murray-Darling Basin (M-DB) - Australia’s food bowl or the ‘life-blood’ of the nation. For several decades the M-DB has been in crisis due to human induced climate change and colonising, extractive management practices. In the early decades of the twenty first century the ‘Millennium Drought’ witnessed the Murray mouth closing, major restrictions to potable water for regional cities, interruptions to water diversion for irrigation, the exposure of acid sulphate soils, and other ecological catastrophes. This ‘environmental crisis’ brought with it intense flows of complex non-Indigenous interests and significant resources intended by non-Indigenous governments to improve ecological conditions.⁶ Ngarrindjeri diplomatic, political, and legal strategies required a complex understanding of the force, characteristics and interconnectedness of these changing conditions. In response, Ngarrindjeri leaders and advisors developed strategies designed to change the quality, speed and intensity of these flows towards an overarching goal of securing Ngarrindjeri wellbeing through nation (re)building.⁷ The authors of this paper have contributed to this decades-long work and this discussion draws on these experiences. Our case study focusses on the legal, political, diplomatic and policy work required to successfully form a

³ Steve Hemming *et al.* *Translating Ngarrindjeri Yannarumi into water resource risk assessments*, Goyder Institute for Water Research Technical Report Series No. 20/09 (Adelaide: Goyder Institute, 2020), 7.

⁴ Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title Management Committee, *Ngarrindjeri Nation Yarluwar-Ruwe Plan. Caring for Sea Country and Culture* (Meningie: Ngarrindjeri Lands and Progress Association, 2007), 52-55.

⁵ Steve Hemming, Daryle Rigney and Shaun Berg, “Ngarrindjeri futures: Negotiation, governance and environmental management,” in *Unsettling the Settler State: Creativity and Resistance in Indigenous-settler State Governance*, ed. Sarah Maddison and Morgan Brigg (Annandale, NSW: Federation Press, 2011), 98–115.

⁶ Department for Environment and Heritage (DEH), *Securing the Future: Long-Term Plan for the Coorong, Lower Lakes and Murray Mouth*, (Adelaide: South Australian Government, 2010). 1-4.

⁷ Hemming *et al.*, *Translating Ngarrindjeri Yannarumi*.

long-term working relationship between an Australian First Nation and one of the settler state's most powerful colonising technologies - natural resource management (NRM).⁸

This developing Ngarrindjeri approach to nation (re)building began with a clear understanding that standard forms of engagement continued to be colonising, paternalistic, exclusionary, and disrespectful. The baseline for interaction often included a requirement to address a settler state declaration of Ngarrindjeri extinction, and a commonly accepted non-Indigenous belief that the only surviving things of value to contemporary South Australia were the 'Aboriginal relics', and archaeological 'sites' left as evidence of 'pre-European', 'primitive' lives.⁹ NRM tended to exclude any reference to Ngarrindjeri, describing and managing, for example, a 'wetland or swamp' as a completely 'white' space.¹⁰ Taking a sovereign Ngarrindjeri nation stance, from this position of constructed extinction, was enormously challenging. Ngarrindjeri leaders began the work of re-aligning relations towards what can be described as a treaty style relationship.¹¹ As we have argued elsewhere this transformation required political, legal and theorised research support to achieve fundamental changes to the 'extinguishing' characteristics of contact zone relations in South Australia.¹² An important example of the strength of Ngarrindjeri political will is the *Ngarrindjeri Proclamation of Dominion* presented to the Governor of South Australia on December 17th 2003. Ngarrindjeri leaders formally proclaim that:

The Ngarrindjeri have always occupied the traditional lands of the Ngarrindjeri Nation and, Ngarrindjeri have never ceded nor sold our lands and waters ...our homeland as traditionally delineated, including all waters, foreshore and riverbed thereof, is now and always has been occupied by Ngarrindjeri.¹³

In 2017 the authors of this paper were of the first Ngarrindjeri treaty negotiating team, with Daryle Rigney lead Ngarrindjeri negotiator and spokesperson, and Shaun principal legal negotiator. Before treaty negotiations in South Australia were abruptly ceased by a new conservative Government, Ngarrindjeri secured a formal commitment to enter into a treaty between Ngarrindjeri and the Crown in the Right of South Australia.¹⁴

Resetting relations, Ngarrindjeri nation (re)building and the Murray Futures Program

In the late 1980s Ngarrindjeri publicly argued their continuing spiritual and lawful connection and responsibilities to the lands and waters in the Murray River mouth area (Meeting of the Waters). Recently passed Aboriginal heritage protection legislation gave Ngarrindjeri their

⁸ Steve Hemming and Daryle Rigney, "Unsettling sustainability: Ngarrindjeri political literacies, strategies of engagement and transformation," *Continuum: Journal of Media and Cultural Studies* 22, no. 6 (2008): 767-768. <https://doi.org/10.1080/10304310802452438>.

⁹ Patrick Woolfe, "Settler colonialism and the elimination of the native," *Journal of genocide research* 8, no.4, (2006): 307-409; Steve Hemming and Daryle Rigney, "Decentering the new protectors: Transforming Aboriginal heritage in South Australia," *International Journal of Heritage Studies*, 16, nos. 1 & 2 (2010): 90-106. <https://doi.org/10.1080/13527250903441804>.

¹⁰ Steve Hemming *et al.*, "Indigenous nation building. A new direction for water planning?" *Journal of Ecology and Society* 22, no. 2, (2017):13. <https://doi.org/10.5751/ES-08982-220213>.

¹¹ Daryle Rigney, Steve Hemming and Shaun Berg, 2008 "Letters Patent, Native Title and the Crown in South Australia", In *Indigenous Australians and the law*, eds. Martin Hinton, Daryle Rigney and Elliot Johnston, 2nd Edition (London & New York: Routledge-Cavendish, 2008), 161-178.

¹² Hemming and Rigney, "Unsettling sustainability, 757-775.

¹³ Ngarrindjeri Tendi *et al.*, *Ngarrindjeri Yarluwar-Ruwe Plan*, 54.

¹⁴ Daryle Rigney *et al.*, "Treaty as a Technology for Indigenous Nation Building," in *Developing Governance and Governing Development: International Case Studies of Indigenous Futures*, ed. Diane Smith, Alice Wighton, A., Stephen Cornell and Adam Vai Delany (New York: Rowman and Littlefield, 2021), 119-140.

first opportunity to ‘legally’ attempt to protect parts of Yarlular-Ruwe in the face of proposed developments. Using non-Indigenous legislation proved to be a disaster, and after a high-profile political and legal battle, Ngarrindjeri lost protection for the ‘Meeting of the Waters’ in a High Court decision that excluded only the Ngarrindjeri from federal heritage protection.¹⁵ In 1995, just prior to the High Court case, Ngarrindjeri claims were declared a fabrication by the South Australian Hindmarsh Island Bridge Royal Commission.¹⁶

In 2010, after years of Ngarrindjeri diplomacy, legal challenges, negotiation and activism, the South Australian government made a public apology to Ngarrindjeri for the trauma caused by the questioning of Ngarrindjeri belief, law and ways of being.¹⁷ This major shift in relations was produced by sustained Ngarrindjeri resistance and Ngarrindjeri-led transformations to existing colonising relations. Fundamental to the Ngarrindjeri approach was the development of the unique Kungun Ngarrindjeri Yunnan Agreement (KNYA) contract law strategy. These agreements established a nation-to-nation relationship between the Ngarrindjeri and South Australia government via NRM and cultural heritage management (CHM). This was radically different established regimes of engagement based on the superiority of western science, paternalistic consultation, ‘the politics of recognition’, and the designation of ‘Aboriginal people’ as mere ‘stake-holders’ - all features of contact zone relations in the neoliberal Australian settler state.¹⁸ This re-alignment of relations, and new form of speaking together, required an agreement that the representatives of the settler state stop speaking – mrrildha ma tu:ri (shut your mouth) and kungun Ngarrindjeri yunnan (listen to Ngarrindjeri speaking). The KNY agreements act as a form of ‘estoppel’, setting in place a radically new way of speaking on/as Ngarrindjeri Yarlular-Ruwe.¹⁹ In 2009 a KNYA bound the Crown in the Right of South Australia to this new way of speaking (and acting).²⁰ A potentially ‘honourable’ form of dialogue became possible between the parties to the KNYA creating space for Ngarrindjeri to speak lawfully as Country.

At the start of the new millennium South Australia’s River Murray region was plunged into a major drought (the Millennium Drought) that severely restricted the flow of fresh water through Ngarrindjeri Yarlular-Ruwe. Human-induced climate change and over-allocation of water by industry and non-Indigenous governments, led to massive degradation of Ngarrindjeri Country. Under the banner of the *Murray Futures Program*, the state and federal government began major plans for large-scale environmental restoration, engineering works and supporting ecological research. These plans appeared to Ngarrindjeri leaders like a

¹⁵ Bell, Diane, *Ngarrindjeri Wurruwarrin: A World That Is, Was and Will Be*, (North Melbourne: Spinifex Press, 2014).

¹⁶ Iris Stevens, *Report of the Hindmarsh Island Bridge Royal Commission*, (Adelaide: Government of South Australia, 1995).

¹⁷ Steve Hemming *et al.*, 2019 ‘Indigenous nation building for environmental futures: Murrundi flows through Ngarrindjeri country’, *Australasian Journal of Environmental Management* 26, no.3 (2019): 216-235, <https://doi.org/10.1080/14486563.2019.1651227>.

¹⁸ Steve Hemming, Daryle Rigney and Shaun Berg, “Ngarrindjeri Nation Building: Securing a Future as Ngarrindjeri Ruwe/Ruwar (Lands, Waters and All Living Things),” in *Reclaiming Indigenous Governance: Reflections and Insights from Australia, Canada, New Zealand, and the United States*, ed. William Nikolakis, Stephen Cornel and Harry Nelson, (Tucson: University of Arizona Press, 2019), 71- 104.

¹⁹ Estoppel in common law traditions can be understood as a legal principle that prevents someone from saying something that contradicts something said previously.

²⁰ *Kungun Ngarrindjeri Yunnan Agreement (KNYA)*, 2009. Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title Management Committee for and on behalf of the Ngarrindjeri people and The Crown in Right of the State of South Australia, 5th June 2009. <https://www.environment.sa.gov.au/files/99a78c73-2602-463a-a5c3-9f9e00b2d40b/cllmm-gen-kungunngarrindjeriyunnanagreement.pdf>.

rapid intensification of colonisation, exhibiting no evidence of understandings of Ngarrindjeri interconnections with Yarlular-Ruwe, recognition of the ongoing injustice of colonisation or an indication that there was a need to negotiate with the Ngarrindjeri nation.

During this period Ngarrindjeri leaders had been working towards the establishment of the NRA as a new peak nation body to lead political negotiations with the settler state. One of the first things this body did, after its inauguration in 2007, was to adopt the *Ngarrindjeri Nation Yarlular-Ruwe (Sea Country) Plan* as a whole-of-nation foundational document. The *Yarlular-Ruwe Plan* is a key part Ngarrindjeri nation (re)building giving voice to Ngarrindjeri authority, prioritising the displacement of racist and archaic representations of Ngarrindjeri, and designed to tame the destructive power of the Foucauldian 'colonial archive'.²¹ The Plan makes plain the 'pain and suffering' caused by ongoing colonisation:

Since European arrival, terrible crimes have been committed against the lands, the waters and all living things, and against the Ngarrindjeri People. Ngarrindjeri are living with the pain and suffering from the acts of terror and violence that were inflicted upon our Old People. This pain has been passed down to us through the generations. Our lands and waters were stolen, our children were stolen and our Old People's bodies were stolen from our burial grounds.²²

The *Yarlular-Ruwe Plan* also includes an explanation of key elements of Ngarrindjeri ways of being, a Ngarrindjeri account of the impacts of colonisation, and centres the KNYA strategy as the appropriate mechanism for non-Indigenous engagement with the Ngarrindjeri nation. The South Australian Minister of Environment, Jay Wetherill, formally launched the Plan in March 2007 – an important publicly respectful step made by the South Australian Labor Government. Despite the South Australian government's formal acknowledgement of the *Yarlular-Ruwe Plan*, difficult and lengthy negotiations began between Ngarrindjeri leaders and the South Australian government in relation to the proposed *Murray Futures Program*. Eventually mid-way through 2009 a whole-of-government KNYA was negotiated beginning the radical re-shaping of the colonising relationship Ngarrindjeri had with the settler state. This agreement framed the introduction of a radically different form of Indigenous engagement in NRM, one that transformed the *Murray Futures Program* towards a co-managed, environmental strategy for Ngarrindjeri Country. By 2015, the Ngarrindjeri Nation, in partnership with the South Australian government, had won the Australian Riverprize for best practice in river management.²³

Changing colonising flows: new spaces of diplomacy, negotiation and creativity

To provide force to Ngarrindjeri nation (re)building, Ngarrindjeri require flows of fresh water to come with justice, respect, recognition and resources. Positive force can be understood as a 'just' realignment of relations supporting the flow or movement of resources, energy, and human effort into activities that nourish Ngarrindjeri nation goals. A Ngarrindjeri-led program of research has been integral to securing these changed flows, developing and refining methods for identifying 'risks' to Ngarrindjeri wellbeing that combine theoretically informed political literacy and long-standing Ngarrindjeri decision-making processes – this decision-making methodology is called Ngarrindjeri Yannarumi (Ngarrindjeri speaking lawful as Country).²⁴ Through Ngarrindjeri nation (re)building, KNYAs, and Yannarumi assessments, unhealthy and unjust 'intra-actions' can be monitored, challenged and

²¹ Ann Laura Stoler, "Colonial Archives and the Arts of Governance," *Archival Science* 2 (2002): 87-88.

²² Ngarrindjeri Tendi *et al.*, *Ngarrindjeri Yarlular-Ruwe Plan*, 14.

²³ Steve Hemming *et al.*, 2016. Speaking as Country: A Ngarrindjeri methodology of transformative engagement. *Ngija: Talk the Law* 5 (2016): 45.

²⁴ Steve Hemming *et al.* *Translating Ngarrindjeri Yannarumi*, 9-11.

transformed.²⁵ This form of politically literate Indigenous nation building was significantly refined during the NRA's, KNYA-framed engagement in the South Australian broader *Murray Futures Program* (2009-2017).²⁶ For example, the Yannarumi methodology was tested and further developed in settings such as small-scale wetland planning, Ramsar wetland planning, water planning risk assessment, educational policy and business development. This work required complex translation and connection methodologies specific to often very different contexts.

Ngarrindjeri leaders' decisions addressing non-Indigenous invasion have always identified risks to Ngarrindjeri Yarluwar-Ruwe based on Ngarrindjeri lawful ways of being. These decisions have sought to minimise risks to core aspects of Ngarrindjeri ways of being, and create ways to resist potential damage, or transform incursions into positive opportunities. Ngarrindjeri authority, however, has been severely impaired by British invasion from the earliest times through to the first KNYAs.²⁷ More recently, Ngarrindjeri nation (re)building has been invigorated by an evolving Yannarumi methodology, sharpened by growing Ngarrindjeri political literacy. This theoretically informed, political and legal policy work supports Ngarrindjeri leadership in complex contact zone intra-actions requiring translation, negotiation, and articulation. The aim is to resist, understand and transform risks to Ngarrindjeri wellbeing emerging from sectors such as mainstream NRM. This enables Ngarrindjeri to generate new relationships with the settler state, monitor them in a range of settings, and articulate the principles of these relationship into projects, everyday practices, policies and new ways of living together with Ngarrindjeri Yarluwar-Ruwe.

Indigenous nation building work requires certain kinds of institutional support, particular kinds of personalities, thinking, collaborating, energy, and commitment. With these kinds of elements, this 'intensity', new mechanisms for engagement can be created, negotiated, installed, maintained, and continually adapted. From a Ngarrindjeri nation (re)building perspective the consequences of an active and a healthier Ngarrindjeri nation also creates beneficial flows towards the agencies of the settler state. The mixing of these flows, channelled through respectful relations (such KNYAs or a treaties) has the potential to create healthier outcomes and restore 'interconnected benefit' for Ngarrindjeri Yarluwar-Ruwe (the lands, waters, all people and all living things). Ngarrindjeri attempted to embed this relational thinking into a new Ecological Character Description (ECD) associated with the management of major Ramar listed wetlands on Ngarrindjeri Country.²⁸ A Ngarrindjeri-led team conducted a Yannarumi wellbeing assessment centred around healthy flows and relationships reproducing beneficial consequences. The Ngarrindjeri assessment included the identification of Ngarrindjeri qualities of such as ngroi (pleased, disposed towards wellbeing) and katjeri (beautiful, healthy, lawful, reproductive).²⁹ This Ngarrindjeri policy and planning work with the South Australian government on projects such as re-writing a Ramsar

²⁵ We borrow the term 'intra-act' from the work of Karen Barad. See Karen Barad *Meeting the University Halfway: Quantum Physics and the Entanglement of Matter and Meaning*, (Durham, NC: Duke University Press, 2007).

²⁶ Steve Hemming *et al.* *Translating Ngarrindjeri Yannarumi*, 5-11.

²⁷ It was not until the 1967 Australian Referendum that Australians voted to change the Australia Constitution to finally include Aboriginal and Torres Strait Islander peoples in census counts and for the Commonwealth Government to have the power to make relevant laws. It was still illegal in many Australian States for Indigenous and non-Indigenous people to even associate with each other.

²⁸ Steve Hemming *et al.*, "Ngarrindjeri Vision for the Ecological Character Description of the Coorong and Lower Lakes," in *Natural History of the Coorong, Lower Lakes, and Murray Mouth Region (Yarluwar-Ruwe)*, eds. Luke Mosely, *et al.*, Natural History Series, Royal Society of South Australia (Adelaide: Adelaide University Press, 2019), 495-500.

²⁹ Steve Hemming *et al.* *Translating Ngarrindjeri Yannarumi*, 27.

site management plan required the production of new, less violent spaces of engagement produced by the foundational KNYAs.

Through targeted Ngarrindjeri-led research projects, focussed on understanding the complexities of settler state NRM, Ngarrindjeri identified KNYAs, along with associated agreements and protocols, as a suite of negotiated risk management tools that establish the basis for what counts as respectful relations between Ngarrindjeri and the settler state. This research produced a new relational language of translation and the development of specific connection methodologies in contexts such as water planning risk management. When discussing KNYAs in NRM contexts they can also be understood as a form of regulator or weir. At the height of the Millennium Drought, for example, Ngarrindjeri negotiated the final form of environmental engineering proposals through a KNYA with the South Australian Government. This KNYA included an agreement to disagree in a respectful manner, and through a compromise, the construction of a set of regulators that temporarily blocked River flows into the Lower Lakes, Coorong and Murray Mouth Region.³⁰ If colonisation for Ngarrindjeri Yarluwar-Ruwe is conceptualised as a flow of energy and resources towards ever-increasing non-Indigenous naming, control, management and exploitation, then KNYAs are an attempt to redirect these flows, stopping settler colonial 'speaking into being', providing time/space to think, negotiate and create differently. In this way the concept of estoppel in British law takes form in KNYAs in the service of diplomacy, peace-making and the disconnection of continuities in settler speaking and acting that have produced a white South Australian space.

Conclusion

The Murray-Darling Basin requires re-engineering away from a form that is designed to exclusively nourish a settler Australian vision of Australian life. Ngarrindjeri need a restored Murray-Darling Basin that once again nourishes Ngarrindjeri wellbeing. As indigenous scholars Kyle Powys Whyte (Potawatomi), Chris Caldwell (Menominee), and Marie Schaefer (Odawa) write:

Waves of settlement seek to incise their own ecologies required for their societies to survive and flourish in the landscapes they seek to occupy permanently. In settlement, the territories were already inscribed with Indigenous ecologies that result from Indigenous practices of survival and flourishing.

The Indigenous ecologies *physically manifest* Indigenous governance systems through origin, religious, and cultural narratives, ways of life, political structures, and economies.³¹

In recent decades Ngarrindjeri leaders and their supporters have resisted intensified colonisation, challenging Australian governments and their 'integrated natural resource management' bureaucracy over questions of justice, authority, sovereignty and the decolonisation of existing and long-standing practices.³² Through resistance, hard diplomacy, formal agreement making, and strategic thinking, Ngarrindjeri secured the re-direction of flows of resources to support the work of Ngarrindjeri nation (re)building. For Ngarrindjeri the largest source of risk to the health of Ngarrindjeri Yarluwar-Ruwe, however, remains a fragile and subservient relationship with settler state authorities, and the subsequent lack of Ngarrindjeri authority in decision-making processes that fundamentally impact Ngarrindjeri lives.³³

³⁰ Hemming, Rigney and Berg, "Ngarrindjeri Futures", 108.

³¹ Kyle Powys Whyte, Chris Caldwell and Marie Schaefer, "Indigenous lessons about sustainability are not just for 'all humanity'," in *Sustainability: Approaches to Environmental Justice and Social Power*, ed. Johnathon Sze, (New York: New York University Press, 2018), 157-158.

³² See Ngarrindjeri Yarluwar-Ruwe Plan, 2007; Hemming & Rigney 2008

³³ Goyder Report page

Bibliography

- Barad, Karen. *Meeting the University Halfway: Quantum Physics and the Entanglement of Matter and Meaning*. Durham, NC: Duke University Press, 2007.
- Bell, Diane. *Ngarrindjeri Wurruwarrin: A World That Is, Was and Will Be*. Melbourne: Spinifex Press, 2014.
- Department of Environment, Water and Natural Resources (DEWNR) and Ngarrindjeri Regional Authority (NRA). *Kungun Ngarrindjeri Yunnan Agreement. Listening to Ngarrindjeri People Talking. KNYA Taskforce Report 2010–2011, June 2012*. Adelaide: DEWNR, 2012.
- Hemming, Steve and Daryle Rigney. “Unsettling sustainability: Ngarrindjeri political literacies, strategies of engagement and transformation” *Continuum, Journal of Media and Cultural Studies* 22, no. 6 (2008): 757–775. <https://doi.org/10.1080/10304310802452438>.
- Hemming, Steve and D. Rigney. “Decentering the new protectors: Transforming Aboriginal heritage in South Australia.” *International Journal of Heritage Studies* 16, nos. 1&2 (2010): 90–106. <https://doi.org/10.1080/13527250903441804>.
- Hemming, Steve, Daryle Rigney and S. Berg. “Ngarrindjeri futures: Negotiation, governance and environmental management.” in *Unsettling the Settler State: Creativity and Resistance in Indigenous-settler State Governance*, edited by Sarah Maddison and Morgan Brigg, 98-115. Annandale, NSW: Federation Press, 2011.
- Hemming, Steve, Daryle Rigney, Simone Bignall, Shaun Berg, and Grant Rigney. “Indigenous nation building for environmental futures: *Murrundi* flows through Ngarrindjeri country.” *Australasian Journal of Environmental Management* 26, no. 3 (2019): 216-235. <https://doi.org/10.1080/14486563.2019.1651227>.
- Hemming, Steve, Daryle Rigney and Shaun Berg. “Ngarrindjeri Nation Building: Securing a Future as Ngarrindjeri Ruwe/Ruwar (Lands, Waters and All Living Things).” in *Reclaiming Indigenous Governance: Reflections and Insights from Australia, Canada, New Zealand, and the United States*, edited by William Nikolakis, Stephen Cornell and Harry Nelson. 71- 104, Tucson, USA: University of Arizona Press, 2019.
- Hemming, Steve, Daryle Rigney, Shaun Berg, Clyde Rigney Jnr., Grant Rigney and Luke Trevorrow. “Speaking as Country: A Ngarrindjeri methodology of transformative engagement.” *Ngija: Talk the Law* 5 ((2016): 22–46.
- Hemming, Steve, Daryle Rigney, Grant Rigney, Luke Trevorrow, Samantha Muller and Amy Della-Sale. “Ngarrindjeri Vision for the Ecological Character Description of the Coorong and Lower Lakes,” in *Natural History of the Coorong, Lower Lakes, and Murray Mouth Region (Yarluwar-Ruwe)*, edited by Luke Mosely, Qifeng Ye, Scoresby Shepherd, Steve Hemming and Ron Fitzpatrick. Natural History Series, Royal Society of South Australia, 495-500. Adelaide: Adelaide University Press, 2019.
- Hemming, Steve, Daryle Rigney, Sam Muller, Grant Rigney and Isobelle Campbell. “Indigenous nation building. A new direction for water planning?” *Journal of Ecology and Society* 22, no. 2 (2017):13. <https://doi.org/10.5751/ES-08982-220213>.
- Hemming, Steve, Daryle, Rigney, Grant, Rigney, Lachlan Sutherland, Hugh Wilson, Noelle Overdeest, Amy Della-Sale and Sally Maxwell, S. *Translating Ngarrindjeri Yannarumi into water resource risk assessments*. Goyder Institute for Water Research Technical Report Series No. 20/09, Adelaide, Goyder Institute for Water Research, 2020. [http://www.goyderinstitute.org/r3687/media/system/attrib/file/712/Goyder%20TRS%2020-09%20Yannarumi Final v2 with%20appendices.pdf](http://www.goyderinstitute.org/r3687/media/system/attrib/file/712/Goyder%20TRS%2020-09%20Yannarumi%20Final%20v2%20with%20appendices.pdf)
- Kungun Ngarrindjeri Yunnan Agreement (KNYA), 2009. Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title Management Committee for and on behalf of the Ngarrindjeri people and The Crown in Right of the State of South Australia, 5th June 2009. <https://www.environment.sa.gov.au/files/99a78c73-2602-463a-a5c3-9f9e00b2d40b/cllmm-gen-kungunngarrindjeriyunnanagreement.pdf>.
- Luke Mosely, Qifeng Ye, Scoresby Shepherd, Steve Hemming and Ron Fitzpatrick, eds. *Natural History of the Coorong, Lower Lakes, and Murray Mouth Region (Yarluwar-Ruwe)*. Natural History Series, Royal Society of South Australia, 495-500. Adelaide: Adelaide University Press, 2019.

- Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title Management Committee. *Ngarrindjeri Nation Yarlular-Ruwe Plan. Caring for Sea Country and Culture*. Meningie: Ngarrindjeri Lands and Progress Association, 2007.
<https://www.mdba.gov.au/sites/default/files/pubs/sa-ngarrindjeri-nation-yarlular-ruwe-plan-2006-rs.PDF>
- Rigney, Daryle, Steve Hemming and Shaun Berg. "Letters Patent, Native Title and the Crown in South Australia." in *Indigenous Australians and the Law*. In Martin Hinton, Daryle Rigney and Elliott Johnston, 2nd Edition, 161-178. London & New York: Routledge-Cavendish, 2008.
- Rigney, Daryle, Alison Vivian, Steve Hemming, Shaun Berg, Simone Bignall and Damien Bell. "Treaty as a Technology for Indigenous Nation Building." in *Developing Governance and Governing Development: International Case Studies of Indigenous Futures*, edited by Diane Smith, Alice Wighton, Stephen Cornell, Adam Vai Delany, 119-140. New York: Rowman and Littlefield, 2021.
- Stevens, Iris. *Report of the Hindmarsh Island Bridge Royal Commission*, Adelaide: Government of South Australia, 1995.
- Stoler, Ann Laura, "Colonial Archives and the Arts of Governance," *Archival Science* 2 (2002): 87-109.
- Kyle Powys Whyte, Chris Caldwell and Marie Schaefer. "Indigenous lessons about sustainability are not just for 'all humanity'." in *Sustainability: Approaches to Environmental Justice and Social Power*, edited by Johnathon Sze, 149-179. New York: New York University Press, 2018.
- Woolfe, Patrick. "Settler colonialism and the elimination of the native." *Journal of genocide research* 8, no. 4, (2006): 307-409.

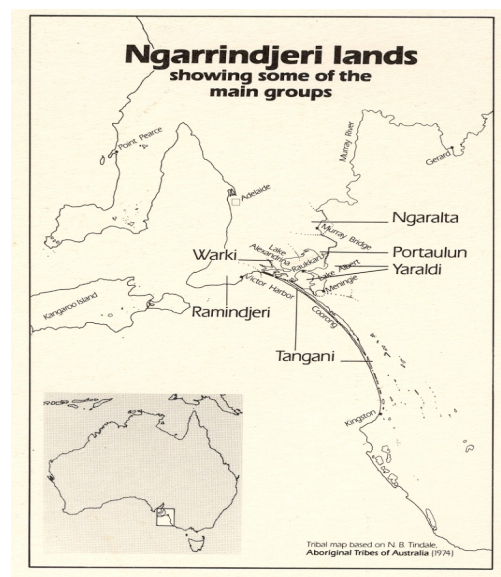


Figure 1: Ngarrindjeri Yarlular-Ruwe (Country) showing some Ngarrindjeri dialect names.
 Source: Hemming, Jones and Clarke 1989.