

Guardians of the Mardoowarra!

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Please view the
10 minute film:

Mardoowarra's Right To Life

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In October 2016 I presented *Mardoowarra (Fitzroy River) vs State of WA and Federal Government* in a mock trial to the Tribunal for Nature in Brisbane.

This citizens' tribunal heard cases presented by citizens and Earth lawyers concerned about the destruction of ecosystems and the wider Earth community in Australia. Together with friends of the Mardoowarra, I brought the case to the Tribunal to ask the citizens of the court to recognise the Mardoowarra as a living entity with a right to life ... like her sister the Wanganui River in New Zealand.

The Wanganui River has stood strong, and with the help of her Indigenous guardians and the strength and wisdom of their legal and cultural governance, she now has set international legal precedence across Mother Earth!

Fitzroy River Declaration

Following the Tribunal for Nature, Traditional Owners (*photo above*), guardians of the Fitzroy River Catchment (in north-west WA), met on the 2nd and 3rd of November 2016 in Fitzroy Crossing on the banks of the river. They are concerned by the extensive development proposals facing the Fitzroy River and its catchment and the potential for cumulative impacts on its unique cultural and environmental values.

The unique cultural and environmental values of the Fitzroy River and its catchment are of national and international significance. The Fitzroy River is a living ancestral being and has a right to life. It must be protected for current and future generations, and managed jointly by the Traditional Owners of the river. In response to increasing development pressure, Kimberley Traditional Owners have pledged to work together to protect and manage the Fitzroy River and its tributaries, one of the most iconic wild rivers in Western Australia. The 'Fitzroy River Declaration' (see box, right), aims to protect the traditional and environmental values that underpin the river's National Heritage Listing.

It is because of its exceptional natural and cultural values to the nation that the entire Fitzroy River Catchment was added to the National Heritage Listing in 2011 by the Australian Government. The Fitzroy River is also listed as an Aboriginal Heritage Site under the *Western Australian Aboriginal Heritage Act 1972*.

The *Fitzroy River Declaration 2016* sets a national standard for native title, as well as enshrining the UN Declaration on the Rights of Indigenous Peoples for self-determining our responsibilities as guardians of the Fitzroy River as being fundamental to the management of this globally unique river system. The Declaration sends a strong message to the Federal Government to endorse the EPBC Act (1999) draft Referral Guidelines for the West Kimberley National Heritage Places (2012) as the guiding principles for development within the Fitzroy Catchment.

In the Declaration, Traditional Owners of the Fitzroy Catchment agreed to work together to:

1. Action a process for joint EPBC decision-making on activities in the Fitzroy Catchment;
2. Reach a joint position on fracking in the Fitzroy Catchment;
3. Create a buffer zone for no mining, oil, gas, irrigation and dams in the Fitzroy Catchment;
4. Develop and agree on a Management Plan for the entire Fitzroy Catchment, based on traditional and environmental values;
5. Develop a Fitzroy River Management Body for the Fitzroy Catchment, founded on cultural governance;
6. Complement these with a joint Indigenous Protected Area over the Fitzroy River;
7. Engage with shire and state government to communicate concerns and ensure they follow the agreed joint process;
8. Investigate legal options to support the above, including:
 - a) strengthen protections under the EPBC Act National Heritage Listing;
 - b) strengthen protections under the Aboriginal Heritage Act; and
 - c) legislation to protect the Fitzroy Catchment and its unique cultural and natural values.