

Chapter 1

Ancient Wisdom Dreaming a Climate Chance



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Abstract Human and non-human beings have an equal right to life. The meaning of life is grounded in the interdependent relationship between all things. There are benefits from promoting earth-centred governance where relationships are inclusive of non-human beings. Mother Earth is our collective commons, and co-existence is the embodiment of life itself. This balance and harmony with our living cultural landscapes grounds the philosophical framework of values, ethics, virtues, and belief the Law is in the Land, not in Man. Importantly we need to govern and manage the commons for the greater common good of humanity, our biosphere, and planetary well-being. We consider humanity's need to invest into strengthening individual and collective resilience by revisiting our deep natural love for our commons. Earth-centred governance approach promotes a greater appreciation for the value of life, particularly regarding multispecies justice, co-existence, balance, and peace. It is time to draw on the ancient wisdom, traditional knowledge from antiquity, for modernity. A philosophical framework enshrined in the First Laws to underwrite a new Dream. We can Dream together 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. We need to enjoy and defend our amazing planet, Mother Earth, and life itself from climate chaos and destruction. Otherwise, *Mother Earth will be lonely without the vibrations of human beings!*

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1.1 Introduction

We start the paper by explaining who we are, regarding how and why Indigenous People use stories. Our eternal relationship with Country and everything in our world has forever related to stories. In more contemporary times we use multiple methods including film, poems, and internet to share our lived experiences, our “tru stori.” We introduce the reader to the Indigenous concept of *Bookarrarra*, a northwest Australian Indigenous philosophy, spirituality, and practice. *Bookarrarra* connects and contextualizes the temporal fusion of the past, present, and future in our reality known as the Dreaming.

We share the concept of *Warloongarry* Law, a shared Law for governing Martuwarra, the Fitzroy River, in the Kimberley region of northwest Australia. *Martuwarra* Indigenous Nations have a moral law of obligation to protect our sacred ancestral serpent River beings, it is the essence of our spirituality, our lifeblood, our existence. We illuminate how First Law stories ground values, ethics, and virtues of a respectful code of conduct required for maintaining a civil society, harmony, balance, and peace. Our law is the First Law, the Law of Country, of Land, and of Nature. We include songlines, First Law, Law of the Land, and Law of Nature to help tell this narrative.

“Our Place, Our People, our River Country”—is a notion of deep, inseparable connection. It is integral to the construction of our identity, our lifeways, our livelihoods, and our collective dreams for multispecies justice, for reconciliation, and for peace. We believe after 150 years of invasive, unjust development it is time to do business differently with us, with the region, and with our fellow Australians and indeed, as planetary citizens, with Mother Earth (RiverOfLife et al., 2020a). We believe our fellow Australians can learn from our cultural way of knowing, being, and doing (Poelina et al., 2021).

Later in the paper, we contemplate the possibility of peace with Indigenous People and with nature, considering the number of development proposals currently in place. Furthermore, we consider the likelihood of foreseeable harm from the cumulative impacts associated with invasive extractive colonial industries.

Truth is fundamental for reconciliation and healing. There is a disjuncture between imposing an invasive extractive colonial model of development while at the same time attempting to build peace with the original Australians, and by extension, Mother Earth and her fragile climate. We must collectively find a way to stop misogyny to “Mother Earth”!

State and federal governments continue to heavily invest into invasive lawful development. Diminished funding and policy investment into Indigenous enterprise and communities maintains the perception that governments in Australia have a

lower value on Australian citizens than they have for the value of multi-national corporations.

Our narratives need to shift from poverty to wealth creation, justice, and freedom (Jepson, 2018). Indigenous leaders act on behalf of their Indigenous nations and, therefore, have an obligation to share information with their communities to promote and advocate both individual and collective, Sovereign right, in the re-establishment of a “Bio-Cultural Governance—A Model of Hope and Freedom.” Before colonization, bio-cultural governance among our Martuwarra nations remained place-based since our ancestral beings enacted creation. These values, understandings, Laws, and philosophical frameworks remain in place in our people’s hearts and daily interactions, and we ask our governments to recognize this, for everyone’s sake, and for our climate’s sake. We know how to live; our philosophy and practices have been developed over countless generations, and we invite all to participate in these lifeways. We happily share our lifeways and wisdom through stories.

We conclude the paper by considering the possible means to hold and protect Martuwarra, the Fitzroy River. It is the largest registered Western Australian Aboriginal Cultural Heritage Site (1972) and National Heritage Listed River (2011) belonging to all Australians. Visually the reader is left with a poetic landscape of diversity, while aware of the politics of economics that determines how the present, is shaped by the past and offers a future pathway for peace. Our Nation and globally are being gifted with the opportunity to co-design and co-decision making in the transformation required to bring our ancient wisdom and traditional knowledge to the dialogue. The philosophical framework as part of the collective wisdom required, to deal with the complexity required to achieve planetary well-being and for climate change to become a climate chance. In fact, our very survival! What can ancient wisdom, traditional knowledge from the oldest living human culture on Mother Earth, share with humanity?

1.2 Ancient Wisdom

Ancient wisdom are philosophical principles, ancient values, ethics, and virtues which guide the lived experience of Indigenous Australians. This contemporary modern practice continues to generate an extensive body of traditional knowledge production and adaptation to learning how to read the Country, to read and understand nature by looking for the signs up in the sky, down in the ground. This has come about through a deep relationship between human and non-human beings in nature. This system of knowledge must be seen and valued as Indigenous science as framed through the ancient wisdom of First Law.

Mary Graham an Indigenous Australian philosopher and Traditional Knowledge practitioner continues to frame ancient wisdom as Traditional Knowledge for our modern time. We appear to have ignored the urgency championed through the stories of ancient wisdom keepers in a three-hour documentary David Maybury-Lewis (1992). Graham and Maybury-Lewis, frame this as ancient wisdom from

antiquity. Mary's philosophy expands the concepts and meaning of *Relationist versus Survivalist* world view:

Because the land brought us into being and continues to keep us alive and protected, we're forever obliged to look after it, but it is more than a duty, it's brought us into the sacred relational, the embedding of ethics, morality, empathy in us, that is, acquiring the condition of being worthy of what is proper.

Foundational Principle To the extent that the Land is the source of the Law, Aboriginal Australia said to the people: “co-operate, don’t compete; share, don’t hoard; attend the consensus; extend your relationships; look after Land and Honour your Sacred sites”. It is a Law, which requires an ahistorical view of time.¹

Turnbull and Poelina identified this failure to adopt and transform practices as urgent and, on a count, down to planetary and human survival. “Ancient wisdom is vital to protecting humanity” (Turnbull & Poelina, 2022). The idea and practice of obligation gives to human society a greater return for observance and adherence to the tradition, such as—nourishment/health, meaning, a flourishing society, security, protocols, and above all, well-being assurance for future generations. We advocate, eleven years after Graham, and thirty years after Maybury-Lewis, the urgency to share ancient wisdom and Traditional Knowledges to counter existential risks to humanity. Our intent is to build a unity pathway, to share information, and to make informed decisions to encourage and promote immediate action.

There is no other satisfactory choice, as we are dealing with complexity, and without the oldest living knowledge system and knowledge makers of the world, we will fail to right size the planetary disease. We must attempt to develop a new system of remedy together, by bringing ancient wisdom into our planning and investments for good governance, sustainable lifeways, and sustainable and just development, not only for the sake of our youth, but also for the planetary well-being of humanity.

The remedy to protect our sacred River and Ancestral Serpent beings was declared under a Law of Obligation. Kimberley Indigenous leaders witnessed Mr Wise,² a senior Elder of high degree, rise to his feet among a crowded room of diverse and multiple stakeholders debating how and what the take, the volume of water extraction from Martuwarra should be. Mr Wise gazed around the room, and stated, in a confident voice, “you came, you took the land, you made us slaves, and now you are back for the water. What is going to be left for “blackfellas?” (Senior Elder, Mr Wise, Personal communication June 2018),

In 2018, this was the challenge expressed by Mr Wise, and faced by diverse Indigenous leaders from across our Fitzroy River Estate. The frame was, and still is, to stand as sovereign people “one society” under our First Law, *Waloongarriy* Law, to commit to the Law of Obligation, and to stand together with “One Mind and One Voice.” It is also vital to build a cultural governance model to heal decades of colonial, invasive, conflict, manipulation, division. This requires a commitment

¹ Graham, M. (Unpublished, 2009). *Indigenous Community Centred Planning (ICCP) Strategy: Scoping Paper*.

² Mr Wise has since passed away (died).

towards nation building, towards a unity pathway—a model of hope and freedom. Everyone is invited.

1.3 Who Are We?

Ngayoo yimardoowarra marnin, we are Nyikina Warrwa women who belong to Martuwarra Fitzroy River, and we live by a Law of Obligation and reciprocity with, and to, human and non-human beings in the protection of our sacred ancestral being, *Yoongoorookoo* (RiverOfLife et al., 2021a, 2021b).

The question, we ask the reader, and outwardly to the world can you learn, as our elders have taught us to “see with our ears and listen with our eyes.” Can we together, Dream a Climate Chance?

This paper fuses narratives with creativity and academic style writing. The intent for writing this story is to illuminate our insider positions, our lived experiences as Indigenous women, and how our worldview, our values, ethics, and virtues are framed within a world of “we not me.”

In this story we use multiple vignettes, particularly video, to share how Indigenous people are connected through relationships, kinship, spirituality, obligation, and our Law of the Land. These are footnoted for easy access and included in the reference list. We weave these voices together, all the while acknowledging the authority and authorship of Martuwarra. We present evidence of how our family and our peoples have lived in harmony with our sacred ancestral being, *Martuwarra*, since the beginning of time. We refer to our sacred ancestral beings with whom we continue to have ceremony, cry, laugh, dance, sing, and talk with in our daily lives.

The *River of Life*, Martuwarra, is our identity, our spirituality, our Law. With our “friends of *Martuwarra*,” we are in a moment in historic time in which to right size the planet and rebalance energy systems through many stories and cultural ways, a pluriverse of brave human beings who are coming together to Dream a new way of living and being—“just development on just terms” (Kothari et al., 2019; Poelina et al., 2021).

1.4 Bookarrakarra—Dreaming the Time Between Past, Present, and Future

In our Indigenous language we have a word, *Bookarrarra*, referring not to a “Dream-time,” but rather the Dreaming Time, in which we must act with wisdom, dignity, and humility. It is important to Dream, Reclaim, and Reframe the meaning and value of ALL life³:

³ See *Bookarrarra* (Perdrisat, 2020a). Available at <https://vimeo.com/451420394>.

(...) Now Bookarrarra means the past, the present and the future, fused into this moment in time in which we as human beings need to be able to respond and react in the protection of Country. So Bookarrarra is a very, very important word, and it places us as being Traditional Owners, Indigenous people, who have been here from the beginning of time. And so, we have a due diligence to learn from the old stories, to take those stories as First Law stories and to be able to understand that those stories teach us about values, ethics, virtues, about code of conduct, about how to live in a civil society. One of the things that we say as Indigenous people is that we come from a world of we, not me. And so it's very important when we're looking at developing strategies to look at the collective wellbeing of not just Indigenous people, but our fellow Australians and indeed at global citizens (Anne Poelina in Perdrisat, 2020a).

1.5 Warloongarriy River Law

The Law for the Martuwarra Fitzroy River is *Warloongarriy* Law. It connects all Indigenous Nations along and to the Fitzroy River Catchment, as one society, through the song and ceremony of *Warloongarriy* Law. It is the Law from the Sunrise Country, from the Hill Country, the Ranges, to the Sundown Country, the Sea Country⁴:

European people can't understand our Law, because they've got a different law. Ours is from Bookarrarra. We try to explain these things to them, and they don't know what we're talking about. Because that's from Bookarrarra. It's from Bookarrarra. But it's different law, different law from White man law. Different. Different altogether (Senior Nyikina Elder of High Degree, Paddy Roe, in Maybury-Lewis, 1992).

In 2016, Traditional Owners⁵ expressed a collective vision for the Martuwarra in the Fitzroy River Declaration⁶ (Martuwarra Fitzroy River Council, 2018). Through our collective story and as one society, bound by kinship, obligation, and reciprocity, we hold *Warloongarriy* Law.

1.6 Our Law, Our Peoples, Our River Country

Martuwarra, the Fitzroy River, is an iconic, heritage listed unregulated river system of global value and significance⁷ (Allam & Earl, 2021). We invite you to come, see, feel, and hear Martuwarra Country (Poelina et al., 2020).

For Australia's original peoples of the Martuwarra, Nyikina ancestor *Woonyoomboo* formed the River in the Dreaming Time. *Woonyoomboo* is the human face

⁴ See *Warloongarriy* (Perdrisat, 2020b). Available at <https://vimeo.com/459588320>.

⁵ In Australia, the term “Traditional Owners” refers to people with inherited Aboriginal cultural and traditional connections to their own lands and living waters.

⁶ Fitzroy River Declaration. Available at <http://www.majala.com.au/news/protecting-the-fitzroy-river-catchment>.

⁷ See the article in *The Guardian* (2021). Available at <https://www.theguardian.com/australia-news/2021/jun/05/a-journey-down-was-mighty-martuwarra-raging-river-and-sacred-ancestor>.

of the Martuwarra, who created the Martuwarra valley tracks in partnership with our living sacred ancestral beings. *Woonyoombo* was an explorer, map maker, and scientist who named the places, animals, birds, fish, plants, and living water systems. These environmental and cultural values are recognized in both the Western Australian Aboriginal Cultural Heritage and National Heritage Listings.

The film, *Mardoowarra, River of Life* (Madjulla Inc & McDuffie, 2016),⁸ showcases the powerful voice of the Martuwarra:

(...) *Welcome to the River Country, Mardoowarra - Martuwarra, the sacred River of Life. My name is Mardoowarra / Martuwarra. When the Europeans came, they called me by another name, Fitzroy River, but I hold to my name which was given to me in the Bookarrakarra, the beginning of time. I hold my totem, Yoongoorrookoo, the Rainbow Serpent who formed the valley tracts as Woonyoombo, the first human being, stood and rode on my back, holding the spears firmly planted in my rainbow skin. As we twisted and turned up in the sky down in the ground together, we carved our way forming the Mardoowarra, singing the Warloongarry River Law song for Country. I was so happy in 2011, seeing everyone working together, Black and White Australians, telling their stories of heritage, culture, and environment. Telling the Australian government to listen to all of the collective wisdom, which helped me to become listed as National Heritage. I hear the voice of Lucy Marshall, Senior Elder, and custodian saying, "Those people who are playing with nature, they must be stopped." She's very wise. She knows that together, shoulder to shoulder, we can work together to look after my rights. I am the sacred River of Life. Her sister, Jeannie Warbie, agrees with me and I hear her standing and calling strong, "No River, no people." And without our continuing law of relationship between human and non-human beings, there will be no life. In 2015, Pope Francis issued an encyclical on climate change, in which he says that the cultural and land rights of Aboriginal peoples are both key factors in the underlying global problems of greed and destruction. And they hold global solutions. Here in the West Kimberly on the River Country, my peoples are being asked to make way for intensive agricultural and mining projects without consideration for the degradation of nature and their culture or my right to life. Dr. Anne Poelina has written to his holiness, Pope Francis. Her story, Protecting the River of Life, was published by the Vatican, in 2016.*

A Tribunal for Nature was held in Brisbane, in October 2016. This citizens' Tribunal has heard cases presented by citizens and Earth lawyers concerned about the destruction of ecosystems and the wider Earth community in Australia. Dr. Poelina brought my case, Mardoowarra versus state of WA and federal governments to the Tribunal to ask the citizens of this court, to recognize me as a living entity with a right to life, like my sister, the Whanganui River in New Zealand. The Whanganui River has stood strong and with the help of her Indigenous custodians and the strength and wisdom of legal and cultural governance, she now has set international legal precedents across Mother Earth. Her rights in nature gives me hope in human beings, who hold the lives of the other non-human beings, the birds, the trees, the rocks, the insects, and the balance of life in their hands. I call to you to stand with Dr. Poelina as she presents my case to be protected as a sacred River with the right to life for generations to come (Madjulla Inc. & McDuffie, 2016).

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 in a climate changing world?." Before we answer this question, we must first challenge our own practice and redefine our thinking and understanding of "what is sustainable lifeways and what is sustainable development?"

⁸ See "Welcome to Martuwarra", in *Mardoowarra River of Life* (Madjulla Inc & McDuffie, 2016). Available at <https://vimeo.com/187590078/7afb7bc772d>.

We must also ask the question, “how can we use multiple forms of knowledge-making and application to better respond to harm?”.

Let us Dream and act now to transform our thinking and practice, and adapt to climate change, for a climate chance, for a humanity in the future, and some sense of planetary well-being (Redvers et al., 2020). Our future generations depend on our actions now.

1.7 Foreseeable Harm Versus Peace with Indigenous People and with Nature

Martuwarra/Mardoowarra, Fitzroy River through its cultural and global significance is of world value. However, the words “incremental genocide” from Indigenous Senator Patrick Dodson makes the point, we must never ever again allow the politics of economics to destroy these sacred places, as was recently committed at Juukan Gorge, a cave with evidence of human history dated to 46,000 years ago (Michaelmore, 2020). The preserved arts were sacred and special, as evidence of early forms of human practice from the oldest living continuing cultures on the planet (Poelina et al., 2021).

The Western Australian government is currently promoting extensive water and mineral resource extraction and economic development plans to build the largest diamond mine in the world which could occupy the majority of the catchment as well as frack the Martuwarra Fitzroy River Country (Fig. 1.1).

For our peoples this context is complex and confusing, with little investment and insufficient opportunity for dialogue. Martuwarra Council’s submissions to the Derby Water Allocation Plan (Department of Water & Environmental Regulation, 2021) and to the Fitzroy River Management Consultation were developed in full partnership with representatives of the Western Australian Environmental Defenders Office and the Australian National University Water Justice Hub (Poelina, 2021b). The submission uses both legal and scientific research to affirm human and environmental rights and cultural responsibilities to care. The Martuwarra Council is concerned Indigenous people and their fellow citizens who live in the region have had no or very little opportunity to participate in decisions about our own lands in a socially just way. At this stage, there appears little appetite from the State government for investment into a Statutory Catchment Management Authority to collectively manage and regulate all development to a high standard from an evidence-based, informed consent, decision-making position.

This Western Australian state government’s resistance to a catchment wide legislation to establish key principles for informed decision-making and regulation of development encapsulates the illusion of probity that everything is on the table. The state and federal governments frame this type of development as being of benefit for the greater good of our nation, but we know it is for a few who want to, as Mr. Brown, Senior Walmajarri Elder states, “*drain the water out, that will kill the*

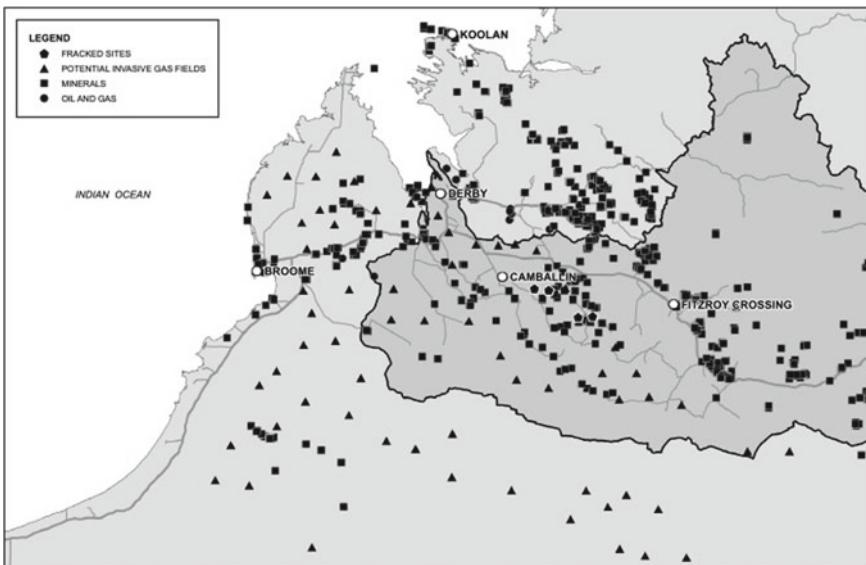


Fig. 1.1 Kimberley Resources Map (adapted from data available at data.wa.gov.au; Poelina et al., 2021)

culture” (Martuwarra Fitzroy River Council, Brown, & RiverOfLife, 2021). When it comes to development scenarios planned for Martuwarra Fitzroy River Catchment Estate in reference to human rights, climate, water, and environmental justice we see foreseeable harm, ecocide, and genocide (Poelina, 2021a; RiverOfLife et al., 2021a, 2021b).

The Kimberley is under attack. We know that there's the potential for coal, uranium, copper, diamonds, bauxite, iron ore, zinc, lead, as well as other precious metals. We know that these industries need an incredible amount of water. We're really concerned that groundwater would be used and what that would mean for all the pools and the billabongs along the Fitzroy River, particularly in the dry season (Martin Pritchard, in Poelina et al., 2015).

Sadly, there is no investment into understanding or preventing cultural and social impact risks to our people and/or the cumulative impact limits required to maintain a clean environment to protect our human and Indigenous specific rights. The commodification of water, which prices water as a “resource” rather than “living waters” in Australia’s south has resulted in catchment scale environmental damage.⁹ The Indigenous wisdom and leadership that has emerged in response to the Murray-Darling Basin catastrophe provides “critical lessons” that we can share and learn from (Grafton et al., 2020). Over the past 150 years, we have strongly advocated for better land and river management as well as addressing cumulative threats at

⁹ A significant example is the impact on volume and quality of water in the Murray Darling Basin, which the Australian government has recently tried to repress from a UN Report 2021, Valuing Water (Programme Mondial de L'UNESCO pour l'évaluation des ressources en eau, 2021).

a catchment scale (RiverOfLife et al., 2020b). In a time of growing uncertainty of food, water, energy security, and climate change, we need to protect our rivers as the lifeblood and life force of our Country!

Even in the face of these attacks, through our Martuwarra Fitzroy River story we are building a “Coalition of Hope,” with “Friends of the Mardoowarra / Martuwarra,” such as Dr Michelle Lim (Lim et al., 2017). Her words are as follows:

(...) *My name's Michelle Lim. My area is environmental law. What Anne and I have been working on is looking at the intersection between First law, the Law of the River, and State law. First law from the beginning of time is so important and should be the foundation for developing State law. So, by State law, the non-Indigenous law, Commonwealth law. Using that starting point of Warloonggariy Law, the River Song, the Law of the River, which recognises the River as a living being in its own right, and as the ancestor of people who live in the Mardoowarra. So, this understanding of the whole River, the Fitzroy River, Martuwarra as being a Rainbow Snake from the head to the tail. And not only that, that's what it is, and it's what created the people, but that people have an obligation to protect the ancestor, to protect the snake. And that links the past, the present and the future. How do we create a healthy River from a range of perspectives? So, your social, economic, and environmental, they're all intertwined. So that starting point of how you make the River healthy is defined in a range of different ways. Using the First Law of the River as that starting point is very helpful in thinking about how we can have a future for the River as a living, being in its own right, and a future for the people of the River. So, a lot of what Anne talks about is how we can envisage the law of the River, which has come from the beginning of time. How do we envisage that for modernity? And going back to the Fitzroy River Declaration, which in itself is such a groundbreaking event because it's the first time in Australia that you've got this negotiated instrument, which recognises an ecosystem as a living being in its own right. And not only have they incorporated the Law of the River in the Fitzroy River Declaration. It's forward looking as well. It's saying...there's eight points within the Declaration to move towards bringing that First Law into the future, into modernity. And where I come in, I think is in looking at how we can engage and reform existing State law to give effect to some of those points. Something I think that is important and helpful is thinking about the window of time we have that we need to do something now. And in speaking, I'm hearing in my ears again, Anne going, there's this opportunity to prevent a disaster, not just an environmental disaster, not just a social cultural disaster and not just an economic disaster. How we think about the River in a sustainable way and how we put into process, into action, the correct legal frameworks from a state based perspective, which are based on law which has come from so many generations of looking after the River, where we get that interaction between what types of law needs to be in place to give effect to that* (Poelina et al., 2020).¹⁰

Eminent legal scholars advocate legal pluralism can be extended beyond legal personhood towards framing a broader concept of ancestral personhood (RiverOfLife et al., 2021a, 2021b). This concept of ancestral personhood is grounded in relationships between human and non-human beings. Importantly, it provides the question of “standing,” which one the senior elders agrees with: “we have a law for River [Martuwarra] it is held in song, dance and ceremony, Warloonggariy Law”(Joe Brown, in Martuwarra Fitzroy River Council, Madjulla Inc, McDuffie, & King, 2021). Mr Joe Brown a Senior Walmajarri Elder and man of high degree, through

¹⁰ See An Interview with Michelle Lim (Poelina, Madjulla Inc, & McDuffie, 2020). Available at <https://vimeo.com/433343821/0023e84b48>.

his wisdom and obligation of care, is challenged by the idea the River belongs to the government.¹¹

Below is a transcription of his words as follows:

(...) *We sing that story about this River. My favorite story when people ask me, I always sing this song, Martuwarra. It's very important to me, this River. I really love the River. How can government going to try to take over the River? Government didn't born in this River, we born alongside the River. We should be the one that own the River, not government. It's law. We got a law too, and the River got the Law. This River got story, big history. That Warloongarriy dream. If River going to go dry that'll kill the culture. We need to fight for this River, not to drain all the water out. Money is nothing, but the life of the River is living there forever* (Joe Brown, in Martuwarra Fitzroy River Council, Madjulla Inc, McDuffie, & King, 2021).

These traditional knowledges, lifeways, values, ethics, and virtues, which guide this Senior Walmajarri Elder, are grounded in a philosophy of an ethics of care and love for his favourite story, in which he sings *Warloongarriy* Law, and ways of living in peace and harmony from the moment he was born alongside this ancient River. Ancient wisdom relevant for these modern times is an important part of the collective wisdom needed to transform business as usual through informed decision-making now, in the present. Dr Jonathan Hook, a Cherokee environmental philosopher and scientist, relates the following:

The group that is most often overlooked and yet has probably the greatest wisdom of any group in terms of relation to the environment are the Indigenous communities. And so it's absolutely imperative that these communities be involved in the dialogue and addressing issues like climate change, how to mitigate impacts of other pollutants, and how to work with communities for future development in a way that's sustainable, in a way that can be maintained without impacting the environment... so including these communities is absolutely critical (Dr Jonathan Hook, in Poelina, Marshall et al., 2015).

Dr Hook led the Redstone Declaration (Aillapan et al., 2010) to the world in which twenty-two Indigenous philosophers stood to advocate that the wisdom of Indigenous people globally, through their traditional knowledges, was needed then and it is needed now if we collectively seek to collaborate to transform climate change to climate chance.

1.8 Bio-Cultural Governance—A Model of Hope and Freedom

In 2018 the Martuwarra Fitzroy River Council (Martuwarra Council) was established as a legal entity as a “collective governance model to maintain the spiritual, cultural and environmental health of the catchment” for Traditional Owners of the Martuwarra Nations (Poelina, 2019). As a result, the Martuwarra Council considers

¹¹ See Joe Brown, in *Joe Brown: Martuwarra* (Martuwarra Fitzroy River Council, Madjulla Inc, McDuffie, & King, 2021). Available at <https://vimeo.com/546836156/8b3eb7f6e7>.

the Martuwarra to be communal property, an “asset in the commons” that belongs to all of us. By commons, we refer to the natural systems on which all life depends, and the processes and public spaces by which people work together to establish how they care for their communities and resources (Flanagan et al., 2019).

The Martuwarra Fitzroy River Council is an alliance of Traditional Owners who stand with *One Mind and One Voice*. A Council of Senior Elders with our younger leaders from Traditional Owner Groups of the King Sound, Fitzroy River, and its Catchment. Our work is grounded in First Law and the guardianship system of rights, responsibility, and obligations. Our “Coalition of Hope” belongs to *Martuwarra Fitzroy River; Always Was Always Will Be*, and it must be promoted and protected for the benefit of present and future generations (Poelina, 2019).

The Martuwarra Council advocates for the political goodwill and research investment required to ensure that Indigenous First Law underpins the concept of *Just Development*. Ultimately, Traditional Owner concerns are about property rights, power, and values regarding deeply different ontologies and epistemologies. Please see the evidence of this in the *Martuwarra Council Conservation and Management Plan* (RiverOfLife et al., 2020c).

We are concerned about our Rivers as Living Water Law First, as Rivers are the lifeblood sustaining our lifeways and our livelihoods and economies of our Country. In terms of education for all locally, nationally, and globally, the words below offer wisdom in this time of climate chaos:

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 et al., 2015).

Poelina and her colleagues, when questioning the social licence of unjust development projects within the Fitzroy River Catchment, advocated for a Statutory Catchment Authority as a minimum standard of bio-regional planning, development, management, and regulation. Furthermore, her colleagues recommend cumulative, and social impacts assessment is critical to ensure precautionary principles and evidence-based informed collective decision-making (Poelina, et al., 2021). In our paper, we make the point the Martuwarra Fitzroy River Council made, regarding social licence and good faith negotiations (Poelina et al., 2021, p. 17), which included:

- *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 ‘evidence’ is weighed up in the decision-making process?*
- *How and where are decisions made?*
- *Whose visions of the future are being pursued.*

In a time where our Nation has laws, policies, management, and regulation are no longer fit for purpose, we see collapse at every level, it is time to build a vision which unites ALL Australians. The United Nations report about water, including rivers, notes that sea level rise and vegetated coastal ecosystems have been suffering erosion, “increased sea water intrusion in estuaries has redistributed marine species”¹² (Programme Mondial de L’UNESCO pour l’évaluation des ressources en eau, 2021).

Climate investment funds must be committed and invested into better understanding of the sciences, the industry, and the political challenges and solutions to adapt and respond to the survival of humanity and the planet. This type of investment can be for the design and support for 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.

Singing Yoonkoorrookoo.

In *Singing Yoongoorrookoo*¹³ (Poelina, 2020), the ancestral serpent being speaks the following words:

(...) I am Yoonkoorrookoo the Singing Rainbow Serpent. Traveling high up in the sky and down through the rivers. The air and the sea, the river and the soil. I feel a great sadness now carried by many people. They cry out and ask, “What is happening in our Nation, in our Country, in our home?” I see below me, floods and fires crisscrossing the land, big storms and harsh heat.

Our knowledge of country ignored by government and bureaucracy. “Wake up,” I say to you, and to hear my belly crawl. Wake up maybe one last time and listen to Bruce Pascoe’s call. There’s wisdom here, heavily rooted intrinsically between Aboriginal nations. Their land, living waters, sea and sky. Aboriginal voices being muted in that protection of our rivers, crying out, “We need to be recognised.” Defrauded, dis-eased into staying quiet. Now through their mourning, awakening others to their calling. Recognised, reconciled in healing, a united transformation in order to fully nurture the Australian nation. This Australia taken by theft from a lineage of ancestral custodians.

It’s time to pause and take a deeper breath. Rivers must have a right to life and their contribution to all other life must be protected. Some are fearful that the humans create their own extinction. I have hope in human beings for living water lives within them too. It’s their

¹² See United Nations Report, *Valuing Water* (2021). Available at <https://unesdoc.unesco.org/ark:/48223/pf0000375724>

¹³ See *Yoongoorrookoo Creator of the Law* (Poelina & McDuffie, 2020). Available at <https://vimeo.com/395472554/e52c6ee7d0>.

life, they must save it if they are to continue living on Mother Earth. Mother Earth covered in living waters, cradled beneath the sky.

I keep on singing, as I believe a ‘Coalition of Hope’ is coming. Indigenous nations believe they have a fiduciary duty as custodians and guardians, legislative river protection acts across the whole country. This must be done before it’s too late. Earth jurisprudence, First Law, law of the land. This is the cry from the Aboriginal nations of this wide brown land.

This has been the message championed through the rivers of the [Murray Darling Basin] MDB, rivers have the right to life, they must flow free. This must become a nation song line if the Australian bloodlines are to hold the past, present and future strong. I sing this to you, singing the River Law song for people, and Country (Poelina, 2020).

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”? This is our gift for right sizing the planet.

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 et al., 2015)

These words and practice of ancient wisdom are coming as a gift to humanity. It is time to stop “othering” Indigenous people and our ancient wisdom, a change that is so necessary to planetary and multispecies well-being. It is about strengthening the opportunities for the “forever industries”¹⁴ (Australian Conservation Foundation & Exposure, 2021).

By reframing and building collective wisdom, by opening our minds, to the traditional knowledge of the oldest living human culture on the planet, we can start to shape not only what we “Dream” future laws to be, but what the law can be now.¹⁵

Championing a treaty and reconciliation framework requires all of us to come to affirm “Black Lives Matter,” because it is time for justice and equity to build peace with the First Australians and with nature, especially our rivers. First Law offers a unity pathway to justice, equity, and peace as it incorporates Indigenous Lifeways and Livelihoods.

Where to next?

Where to next is the question? We trust the story has challenged the reader to think, and possibly act on their individual values, ethics, and virtues with capacity to first show empathy, beyond the human to our non-human kin. A willingness to learn and to share how Indigenous leaders are advocating an opportunity to include traditional knowledges from antiquity in our endeavour to create peace with Indigenous peoples and with nature. To have a climate chance, we must value the philosophical understanding of what Indigenous science and First Law are, and how we can share

¹⁴ See Australian Conservation Foundation: <https://stories.acf.org.au/forging-the-forever-industries>.

¹⁵ See Martuwarra Fitzroy River of Life (Martuwarra Fitzroy River Council, Madjulla Inc, McDuffie & King, 2021). Available at <https://vimeo.com/533047074/87705efc9e>.

our collective wisdom for the greater good of humanity and Mother Earth. All the stories challenge us, individually to go back to the “we not me,” ethics of care for each other and for Mother Earth. We need to make the choice scenario planning and towards modelling for climate change adaptation can eliminate and empower “wiser” commentary ways of living for postmodern living with the Anthropocene.¹⁶

Our advocacy as knowledge makers framing ancient wisdom through our Traditional Knowledges builds on the evidence of the UN World Water Development Report, Valuing Water (2021), and demonstrates Western philosophy has remained largely anthropocentric, indifferent to the fate of the natural world. There is a gradual move towards re-examining the nature of human-earth relations with a view to build a basis for sustainable lifeways now for the future. It is important to note that sustainable life is not the same as sustainable development, as the latter is increasingly used to promote growth economics with little regard for the inherent limitations of ecological systems (Poelina, 2019).

The emergence of collaborative research, stories, and dialogue with all of the storytellers in this paper, starting first with Martuwarra, Fitzroy River has started a conversation with brave scholars and practitioners who are redefining the law around existing rights, justice, and equity. This paper frames the start of a conversation about opportunities for the wider society to build peace with Indigenous Australians and the natural world. The First Law stories of Country, the Law of the Land and Water, are shared, 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. In this moment in history, it is our responsibility to defend our amazing planet, Mother Earth, and life itself from climate chaos and destruction.

Together, as a region, a Nation, and globally we can Dream a collective dream, to include the complementary principles of First Law, back to the “we and not the me”! If not, we will have caused our own demise.

Mother Earth will right size herself, but she will be lonely without the vibrations of human beings!

References

Aillapan, L., Arnould, P., Batzin, C., Black, R., Camp-Horinek, C., Cervantes Cervantes, R., ...Trakansuphakon, P. (2010). Redstone statement. In *The International Summit on Indigenous Environmental Philosophy*. University of North Texas. Available at <https://webarchive.library.unt.edu/unt/indigenousenvirosummit10/20120220213656/>, <http://indigenousenvirosummit10.unt.edu/wp-content/uploads/Redstone-Statement1.pdf>.

Allam, L., & Earl, C. (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>.

¹⁶ Anthropocene means this geological age of human dominance of nature, place and planet, including climate.

Australian Conservation Foundation & Exposure. (2021). *Forging the Forever Industries: How ancient wisdom can guide the transition to new economies*. Available at <https://stories.acf.org.au/forging-the-forever-industries>.

Climate Council of Australia. (2019). *The Good, the Bad, and the Ugly: Limiting temperature rise to 1.5 °C*. Climate Council of Australia Limited. Available at <https://play.google.com/store/books/details?id=OtgnyAEACAAJ>.

Department of Water and Environmental Regulation. (2021). *Derby groundwater allocation plan: For public comment*. Available at https://www.wa.gov.au/sites/default/files/2020-12/Derby_groundwater_allocation_plan.pdf.

Flanagan, C., Gallay, E., Pykett, A., & Smallwood, M. (2019). The environmental commons in urban communities: The potential of place-based education. *Frontiers in Psychology*, 10, 226. <https://doi.org/10.3389/fpsyg.2019.00226>

Grafton, R. Q., Colloff, M. J., Marshall, V., & Williams, J. (2020). Confronting a 'post-truth water world' in the Murray-Darling Basin. *Australia. Water Alternatives*, 13(1), 1–28.

Jepson, P. (2018). Recoverable Earth: A twenty-first century environmental narrative. *Ambio*, 48(2), 123–130. <https://doi.org/10.1007/s13280-018-1065-4>

Kothari, A., Salleh, A., Escobar, A., Demaria, F., & Acosta, A. (2019). *Pluriverse: A post-development dictionary*. Tulika Books and Authorsupfront.

Lim, M., Poelina, A., & Bagnall, D. (2017). Can the Fitzroy River Declaration ensure the realisation of the First Laws of the River and secure sustainable and equitable futures for the West Kimberley? *Australian Environment Review*, 32(1), 18–24.

Madjulla Inc. (Producer) & McDuffie, M. (Director). (2016). *Mardoowarra River of Life*. International Tribunal on the Rights of Nature. Available at <https://vimeo.com/187590078/7afbdc772d>.

Martuwarra Fitzroy River Council. (2018). *Fitzroy River Declaration*. Available at <https://static1.squarespace.com/static/5e86add4e98f7421bace70f1/t/5e9fcc157dedb86cbb06a2e9/1587530798453/fitzroy-river-declaration.pdf>.

Martuwarra Fitzroy River Council, Brown, J., & RiverOfLife, M. (2021). *Joe Brown: Martuwarra*. [Mobile application software]. Available at <https://vimeo.com/546836156/8b3eb7f6e7>.

Martuwarra Fitzroy River Council, Madjulla Inc (Producers), McDuffie, M., & King, S. (Directors). (2021). *Martuwarra Fitzroy River of Life* [Online Video]. Available at <https://vimeo.com/533047074/87705efc9e>.

Maybury-Lewis, D. (Director). (1992). *Millenium: Tribal wisdom and the modern world* [Television Series]. Canada: Biniman Productions Ltd; Adrian Malone Productions Ltd; KCET; BBC TV; The Global Television Network; Rogers Telefund; Telefilm Canada.

Michaelmore, K. (2020). Rio Tinto accused of 'incremental genocide' after grilling at Juukan Gorge inquiry. *ABC Pilbara*. Available at <https://www.abc.net.au/news/2020-10-16/rio-tinto-grilled-at-juukan-gorge-inquiry/12775866>.

Perdrisat, M. (Director). (2020a). *Bookarrarra*. Available at <https://vimeo.com/451420394>.

Perdrisat, M. (Director). (2020b). *Warloongarriy* [Online Video]. Available at <https://vimeo.com/459588320>.

Poelina, A. (2019). A Coalition of Hope! A Regional Governance Approach to Indigenous Australian Cultural Wellbeing. In A. Campbell, M. Duffy, & B. Edmondson (Eds.), *Located research: regional places, transitions and challenges* (153–180). Singapore: Palgrave McMillan.

Poelina, A. (Writer & Director). (2020). *Singing Yoongkoorookoo* [Online Video]. Harry's Collar & Ngikalikarra Media. Available at <https://vimeo.com/395472554/e52c6ee7d0>.

Poelina, A. (2021a). *Martuwarra First Law Multi-Species Justice Declaration of Interdependence: Wellbeing of Land, Living Waters, and Indigenous Australian People*. (Doctor of Philosophy (Health Sciences)). University of Notre Dame Australia, Fremantle.

Poelina, A. (2021b). *Submission in response to: Managing Water in the Fitzroy River Catchment: Discussion Paper for Stakeholder Consultation*. Available at <https://www.waterjusticehub.org/wp-content/uploads/2021/07/30thJune2021MFRCWJHEDOFINALMartuwarrasubmission.pdf>.

Poelina, A., Brueckner, M., & McDuffie, M. (2021). 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). <https://doi.org/10.1016/j.exis.2020.10.010>.

Poelina, A., Madjulla Inc (Producers), & McDuffie, M. (Director). (2020). *An Interview with Michelle Lim* [Online Video]. Available at <https://vimeo.com/433343821/0023e84b48>.

Poelina, A., Marshall, L., Warbie, J. (Producers), & McDuffie, M. (Director). (2015). *Three Sisters, Women of High Degree*. Australia: Madjulla Inc for National Indigenous Television (NITV), Indigenous Community Television (ICTV). Available at <https://ictv.com.au/video/item/6499>.

Poelina, A., Wooltorton, S., Harben, S., Collard, L., Horwitz, P., & Palmer, D. (2020). Feeling and hearing Country. *PAN: Philosophy Activism Nature* (15), 6–15. Available at <http://panjournal.net/issues/15>.

Programme Mondial de L'UNESCO pour l'évaluation des ressources en eau. (2021). *The United Nations world water development report 2021: valuing water*. Paris: United Nations. Available at <https://unesdoc.unesco.org/ark:/48223/pf0000375724>.

Redvers, N., Poelina, A., Schultz, C., Kobei, D. M., Githaiga, C., Perdrisat, M., ... Blondin, B. S. (2020). Indigenous natural and first law in planetary health. *Challenges* 11(29). <https://doi.org/10.3390/challe11020029>.

RiverOfLife, M., McDuffie, M., & Poelina, A. (2020a). *Martuwarra Country: A historical perspective (1838-present)*. Broome: Nulungu Research Institute, University of Notre Dame. Available at https://researchonline.nd.edu.au/nulungu_research/5/

RiverOfLife, M., Pelizzon, A., Poelina, A., Akhtar-Khavari, A., Clark, C., Laborde, S., Macpherson, E., O'Bryan, K., O'Donnell, E., & Page, J. (2021). Yoongorrookoo: The emergence of ancestral personhood. *Griffith Law Review*, 30(3), 505–529. <https://doi.org/10.1080/10383441.2021.1996882>

RiverOfLife, M., Poelina, A., Alexandra, J., & Samnakay, N. (2020b). *A conservation and management plan for the National Heritage listed Fitzroy River Catchment Estate (No. 1)*. Broome: Nulungu Research Institute. Available at https://researchonline.nd.edu.au/nulungu_research/4/.

RiverOfLife, M., Poelina, A., Bagnall, D., & Lim, M. (2020c). Recognizing the Martuwarra's first law right to life as a living ancestral being. *Transnational Environmental Law*, 9(3), 541–568. <https://doi.org/10.1017/S2047102520000163>

RiverOfLife, M., Taylor, K. S., & Poelina, A. (2021). Living Waters, Law First: Nyikina and Mangala water governance in the Kimberley, Western Australia. *Australasian Journal of Water Resources*, 1–17. <https://doi.org/10.1080/13241583.2021.1880538>

Turnbull, S., & Poelina, A. (2022). How Indigenous wisdom can protect humanity. *Journal of Behavioural Economics and Social Systems*, 4(1), 10–36. <https://doi.org/10.54337/ojs.bess.v4i1.7293>.