



Provision for Cultural Values in Water Management: The Anmatyerr Story



"Our Law has always provided for the values we place on water. It is the rules for men, women and country. Anmatyerr Law is strong today, but it is invisible to other people. Australian Law should respect Anmatyerr Law so we can share responsibility for looking after water."

Anmatyerr Law underpins our culture. It has never changed the way the white man's law changes. The Law tells us about skinship, how we look after each other and work together. Our Law is our system of government – you call it Customary Governance.

Skinship tells us who owns and manages country. Kwertengwerl (traditional manager or caretaker) and Merekartwey (traditional owner) have different roles that ensure the right ways for managing kwaty (water) and mer (country) are followed. These senior leaders speak for us and we must listen."

Quote workshopped by Anmatyerr people (tyerry) and the Water Project Team

Naomi Rea and the Anmatyerr Water Project Team

Research project number NTU18 of the Innovations Research
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Background

Water is central to Indigenous Law and culture. A range of local to international policies, legislation and guidelines now entitle the interests of Aboriginal people in Australia.

There is a need to better understand the importance Aboriginal people place on water, but most importantly to make provisions for these values in water policy, water plans and water management. Cultural water values face potential risks when water is diverted or used for various purposes.

Naomi Rea and The Anmatyerr Water Project Team have developed ways to identify, convey and provide for Aboriginal values in water plans. Cultural water provisions are a mechanism to protect cultural values of water, similar to water allocations for other users.

The opportunity for Anmatyerr people (tyerrty) to have their cultural values recognised came with the 2008 review of the Ti Tree Water Resource Strategy 2002 under the Northern Territory Water Act. Indigenous cultural values were not mentioned in the 2002 Water Strategy. Previous to the 2008 review of the Water Strategy, involvement of Anmatyerr people in water planning had been negligible.

Anmatyerr and the Ti Tree Region

The Ti Tree region, 200km north of Alice Springs, is home to the Anmatyerr language group of 2,000+ people and 200+ other residents.

A senior Anmatyerr elder is the custodian of the Law and ceremonies of the Kwaty (Rain) Dreaming that passes through Anmatyerr country. He is known as the rain maker.

Groundwater in the region supports a table grape industry, horticultural crops, eight pastoral stations, one Aboriginal Land Trust station, two roadhouses and art centres, the town of Ti Tree, and at least eight Anmatyerr communities. Proposed mines would further increase groundwater extraction.

Young Anmatyerr people engaged in natural resource management training as part of developing sustainable livelihoods; a major way of providing for cultural values.



One of the strong leaders from the past who was a rain maker is represented by 'Anmatyerr Man', a 19 metre high figure who stands on the hills behind Aileron.

Project Goals

Anmatyerr people (tyerrty) seek respect for, and recognition of, their cultural values. The Anmatyerr Water Project covered objectives relating to water, natural resource management, protecting Aboriginal Law and knowledge, training, inter-cultural literacy, and sustainable livelihoods and economies.

The main goals of the project were to:

- ▶ demonstrate how to document cultural values of water and translate these into cultural water provisions
- ▶ convey cultural water provisions in ways everyone would know how to make them a reality
- ▶ further understanding of the importance of kwaty for sustaining Anmatyerr culture and the needs of Aboriginal people living within systems of customary law and governance
- ▶ inform Aboriginal people, organisations, governments and others who seek to incorporate Aboriginal interests, rights and perspectives into water management and planning.

Research Team

The project was created in a spirit of “working together”, a term coined to capture the research by Don Presley, a senior Anmatyerr man. Cultural supervisors were Eric Penangke, Tony Scrutton and April Campbell. Researchers Nathaniel Dixon, Greggie Campbell, Ray Mulkatana and Nigel Cook were joined by many other Anmatyerr men and women participants. The main partners on the Project Team were:

- ▶ John Childs (NT Department of Natural Resources Environment and the Arts),
- ▶ Donna Craig (Macquarie University Centre for Environmental Law),
- ▶ David Alexander, Mitch Jones (Central Land Council),
- ▶ Mark Stafford Smith, Jocelyn Davies (Desert Knowledge Cooperative Research Centre), and
- ▶ the Anmatjere Community Government Council.

The team also included Bryce Ambins-King, Bethan Carr, Collins Gipey, Dale Hancock, Nik Hughes, Lucas Jordan, Julia Messner, Leon Miles, Naomi Rea, Peter Tremain and Linda Wirf.

Cultural Water Values

Anmatyerr voice: *“Our cultural values of water are part of our law, our skinship responsibilities, our history and our everyday lives. Everyone and everything is related.”*

Water is important to Anmatyerr culture for many reasons. For Anmatyerr people, all water places have assigned values (eg economic, social, drinking water, education, sacred), management practices and rules of use (institutions, protocols).

In this project, the collective understanding of why water is culturally important has been summarised into five main categories or key elements. Simplifying complex systems of knowledge and practice negates the need to speak in detail or outside lores and cultural boundaries.

Rather than reiterate the detailed understanding of Anmatyerr law, responsibilities and protocols, this project aims to convey the key elements of this Law in ways other people can make sense of.

The five categories of cultural values are outlined in Figure 2:

- ▶ Law
- ▶ Responsibilities and Protocols
- ▶ Economies, Environment and Education
- ▶ Recreation and Well-Being
- ▶ History of People and Place

1 Anmatyerr Law

Anmatyerr Law is a moral code that unites and instructs tyerrty (people) and mer (country). It is based on Altyerr, the Dreaming, the knowledge and understandings about how the land and its people were created, and the attendant rules and responsibilities.

All land and water has Merekartwey (traditional owners) and Kwertengwerl (traditional managers or caretakers) who are designated by descent, skin and ancestral relationships. All people and country are related through their skinship.

April Campbell, an Anmatyerr woman, explained the relationships as Anmatyerr tyerrty belonging to one tree, with the roots the ancestors, branches the elders and new growth the children.

Old people have historical accounts, stories, songs, ceremony, ground paintings and body painting for places. With this knowledge comes the responsibility for passing it on to upcoming generations, sometimes as children's stories, other times as sacred law.

One of the most sacred Dreaming trails which runs through Anmatyerr country is the Kwaty or Rain Dreaming. The custodians are senior Anmatyerr men. The location, songs, paintings and knowledge of the ceremony that accompany the Rain Dreaming are the sacred and secret knowledge of initiated men.

Most rock holes and springs in Anmatyerr country are named and have cultural meaning that is linked across the landscape. Much of this law is secret and considered powerful.

2 Responsibilities and Protocols

The 'skinship way' of relating to land and water is integral to Anmatyerr culture.

Country is inherited to look after and proper custodianship is regarded as essential to the survival and health of the land and its people. Associated with your skin and country are rules, protocols and responsibilities.

All land and water has designated traditional owners known as Merekartwey and managers known as Kwertengwerl. Each traditional owner has a representative or manager for their country, a Kwertengwerl who is the mediator and spokesperson and must speak 'in front' of anyone else. The most senior Kwertengwerl has the ultimate say over approvals and decisions. All people have owner and manager status for places related to their skin.

Two adjacent land holding groups might be Kwertengwerl for each other or managers of each other's land. It is through the complimentary relationships between traditional managers (Kwertengwerl) and traditional owners (Merekartwey) of an area of country that regional alliances are maintained.

Skinship dictates all aspects and parts of Anmatyerr society in the past, the present and the future.



Swimming and camping on country provides people with opportunities to teach and learn culture and to relax with family and friends in neutral spaces.

Water is valued for many reasons (Law, economic, spiritual, recreational, education). Some water places are free sites or neutral spaces where people relax.



Anmatyerr voice explaining the concepts of Kwertengwerl (spokesperson and manager) and Merekartwey (landholder):

"I'm Kwertengwerl. I got to look after your place and Merekartwey say 'That's good'. Kwertengwerl got to look after sacred sites too, make sure no one pinch it (including desecrate or steal anything). Same like bank manager he don't allow anyone to go there".

3 Economies, Environment and Education

Anmatyerr voice:

"Kwaty (water, rain) provides for the food we harvest and hunt for. Trees that use the ground water may be sacred. They can also be used for collecting sugar bag, fruit, seeds, resin, wood and drinking water too.

The traditions and knowledge are passed on to children. Grinding stones around rock holes show how we have used water for thousands of years. In the desert, water is not only in rock holes, soakages, swamps, rivers and clouds. Kwaty is held through the country and in everything that lives.

*Along creek banks we harvest bush onions. After rain, ahakey (bush plum) always provides lots of fruit. We clean grass away to collect ahakey the traditional way. Ahakey is of great importance to our culture. After rain, yerramp or honey ant are easier to find. The soil is soft and yerramp come closer to the surface. They live next to nyerleng (*Eremophila* sp) and artety (*Mulga* sp).*

Children learn by copying what we do. Food is always taken back to old people and shared. Kwaty keeps all plants and animals healthy, and people too. Many animals grow fat from water held in country. We hunt as often as we can. Children learn with us.

Children are taught how to find water to drink. We know where to find soakage water. We teach children the right way to dig and cover up the hole. Even when it's been dry we know where to find water. We can also use our kwaty for growing new food. Horticulture is an economy planned for some of our families. Water may also be places for tourism and teaching other people about our culture."

The location of rock holes, soakages, springs and significant waters in the rocky beds of major rivers are well known and regularly relied upon by Anmatyerr tyerry.

4 Recreation and Well Being

In the hot desert, clean water is very important for cooling down, washing and relaxing.

Some waterholes have strict laws for visitation only by initiated men. Others are 'free sites' where everyone can go including families from other parts of the country. These are often important meeting places, where Anmatyerr tyerrty hold discussions and counsel with others.

People often camp at water places, where there is not only a source of drinking water, but shade, soft ground, and safety (eg. from fire, snakes). Sharing knowledge and story telling at water places adds the dimension of education and awareness to recreational visits.

5 History of People and Place

Anmatyerr voice:

"We would like everyone to remember what happened to our water when European people first came to Anmatyerr country. Shallow wells were dug near our waterholes for new settlements. Dynamite was used to make soakages bigger but springs were ruined."

The non-Indigenous perspective is often that early settlers conquered a 'dry' land and 'found' water, whereas there was already a body of knowledge about water embedded in Aboriginal language, art, ceremonies and daily life.

Anmatyerr tyerrty shared their knowledge of country with explorers and pastoralists in the context of reciprocity, whereby they anticipated others would share their knowledge and resources too. While there remain some good relationships, Anmatyerr tyerrty have experienced bloodshed, exclusion and the stolen generation.

There are many examples of springs that were sacred sites being destroyed as settlers tried to make them larger by excavation, or blowing them up with dynamite. Spring water has been tapped by wells, windmills and bores.

Cattle continue to trample and denude these places as they access water for drinking.

Young people learn about Brookes Soak, Illerpe, a water hole of cultural significance that is now less permanent, less accessible and heavily impacted by cattle. Just over 75 years ago, a massacre took place along this watercourse.



Providing for Cultural Water Values

Anmatyerr voice: *“Anmatyerr formal water allocation is needed to ensure water remains in the landscape. Everyone should receive their fare share. **Currently no groundwater is allocated to sustain cultural values.** Anmatyerr water allocation is also needed for new Indigenous economies.”*

The ways in which cultural values can be provided for in water management plans have been summarised into five main categories:

1 Water Allocation

Water Allocation consists of volumetric entitlements; a volume or percentage of surface water and/or groundwater divided amongst those who value the resource. Anmatyerr tyerrty require an allocation for:

- ▶ non-consumptive use to sustain the linked environmental and cultural values (unlicensed); and
- ▶ consumptive use to support future Anmatyerr enterprises (licensed).

This banking of water for commercial use by Anmatyerr tyerrty would be within the allocation of water for economic purposes; ensuring that future options are not precluded. Commercial Aboriginal enterprises also have a social and cultural basis - the water not only provides economic values but also supports cultural values, livelihoods and health.

2 Use of Anmatyerr Place Names, Protocols and Language

Anmatyerr voice:

*“Language and culture are together. Many maps only use English names. We have our own names and maps of mer - Anna’s Reservoir is Mer Ngwurla and the Hanson River is Mer Petyal. **Use of Anmatyerr names helps awareness and education.**”*

The transmission of knowledge depends on fluent use of Anmatyerr. The majority of the Anmatyerr population speak Anmatyerr as their first language. Many people learn a 2nd, 3rd or 4th language from neighbouring Aboriginal groups before English is learnt.

Even though the region’s population is 80% Aboriginal; English place names are used over the area and for features such as the Stuart Highway, the railway line and the gas pipeline. The use of English place names establishes non-Indigenous ownership and has enormous power in promoting a particular perspective of the landscape. It also keeps the Anmatyerr culture invisible.

Example

Anna’s Reservoir Conservation Reserve is a culturally important water hole that comes under the management responsibility of Parks and Wildlife, Cultural Heritage and protected area legislation. The interpretation signage gives a brief overview of settlement but no information about Anmatyerr culture and no use of Anmatyerr language. Anmatyerr would like the sign at the entrance to also say Mer Ngwurla and for cultural knowledge and the significant historical accounts to be told alongside existing information.

Because a complex body of cultural knowledge is embedded within a place name, the use of Anmatyerr names for water sites on maps and in other forums signifies the importance of cultural values. Aboriginal place names are not arbitrary but linked to place: with the physical and spiritual essence of the place embedded in the name.

Over many years, Anmatyerr elders have consistently voiced the need to have their customary systems of governance recognised.

Decisions about water need to be made through the senior Kwertengwerl and Merekartwey responsible for the places in question. The need for other people to engage with the senior governors (owners and managers) of the country is of key importance for future water management.

3 Anmatyerr Access, Input in Land Management and Co-existence

Anmatyerr voice:

"We need to get onto our country to hunt, conduct ceremony, care for kwaty, swim and teach young people. In the desert, Aboriginal people have the lowest number of cars in Australia....Transport to manage kwaty would provide for cultural values so we can get to places.

On the whole we get on well with other land managers. Maintaining this harmony is important to us. The recent train line has partially restricted access. Mining and other intensive land use may restrict access to some country. Access means that roads need to be graded and maintained.

Unrestricted use of water by cattle means we cannot drink the water, swim or harvest food. There are many bores in Anmatyerr country. We would like to know when, where and why bores are drilled. Sharing country means sharing knowledge about how water use might affect our culture. Sharing country also means making decisions together. Good relationships are built on respect for each other and working together."

Central Australia is often perceived as a remote place with little traffic but for residents it is a busy place with people frequently travelling between communities, outstations and towns.

Sometimes people cannot get to places because gates are locked, fences have been erected or pipe lines and train lines have limited crossings. Provision for access in the simplest sense is having gates unlocked, fences and dams in appropriate places, useable roads, good relations with other land owners and managers and transport, preferably a 4WD.



The impact from cattle is often highest around dams, bores and windmills. These were sometimes built on top of, or near, springs and soaks of cultural, environmental and economic importance.

The rockhole at the place which celebrates the kwalpa or spectacled hair wallaby, is rich in cultural and historical values but threatened by camels.



Access to a place valued by Anmatyerr tyerrty is as important to a traditional owner or manager, as it is to a person visiting their parent. A water place may have comparable status to an Anmatyerr person as the Opera House has to residents of Sydney.

Cultural icons such as water places deserve protection, regardless of their size or location. Road maintenance, good access and managing degradation from cattle and camels are key factors in providing for cultural values and need to be addressed by the on ground parties agreeing on ways forward with arrangements clarified and strengthened.

Good relations can assist greatly in regard to access and land management. For example, finding common concerns and interests between pastoralists and Anmatyerr and working together on partnership projects would deliver on ground outcomes and foster greater cultural awareness. Partnership projects are a means for building good relationships as well as a sense of community on regional issues.

Projects might include fencing waterholes and sites of significance from cattle and feral animals, grading roads and other track maintenance.

One example is the recently negotiated agreement, the 'Private Subsidiary In Principle Agreement for Use and Access of Mer Ngwurla and Aileron Station'. This falls under an Umbrella Agreement called the "Traditional Knowledge, Natural Resource Management and Access Agreement" which provides for future agreements between Anmatyerr tyerrty and other parties about water or other resources.

4 Culturally Based Livelihoods and Skills Exchange

Anmatyerr voice:

"A good way to meet our cultural values of water is through jobs. We are the best people to speak for our water and our country. Culturally based livelihoods mean we do Anmatyerr water management as well as Government water management.

Training on country has to have the approval of elders and their supervision. Successful jobs involve real issues such as meaningful work on country that supports our cultural values. We could also monitor water use and water quality and do water surveys.

Bush schools are the foundation for culturally based livelihoods. Skills can be exchanged with other people to build inter-cultural literacy and capacity. We learnt from people in Arnhem Land about their resource management."

Indigenous and non-Indigenous approaches for managing country have significant common ground: clean drinking water, healthy biodiversity, integrated approaches and controlling pests are common objectives of all parties.

The Livelihood Model that supports the provision of cultural values in water plans is based on the premise that Aboriginal and other people are best placed to protect cultural values when fully aware of regional water use and issues, and with the inter-cultural literacy and skills to create and implement equitable governance and culturally based livelihoods (see Figure 4).

The Livelihood Model shows the key steps for creating long term Indigenous livelihoods in water or resource management. The black and white circles denote Indigenous and other people creating new arrangements and inter-cultural capacity together.

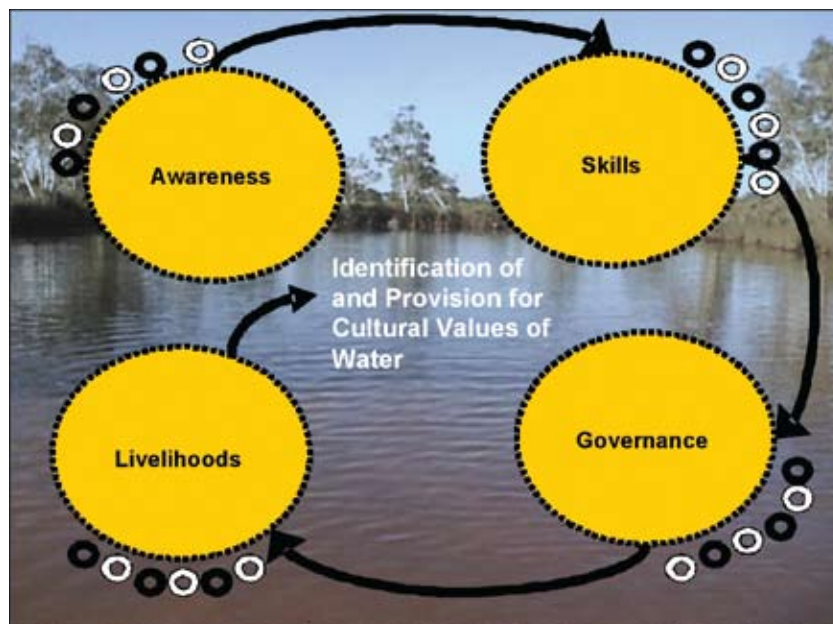


Figure 4

The Livelihood Model

The steps for creating long term livelihoods that support Indigenous participation in resource decision making.

Black and white circles denote Indigenous and other people creating new arrangements and building inter-cultural capacity together.



Young Anmatyerr women participating in resource management training and learning about Anmatyerr culture and history on a local pastoral station.

5 Water Governance and Participation

Anmatyerr voice:

"Governance of water sets the rules and guidelines for the use of water.

Livelihoods are a part of management frameworks. People who use or manage water need to work together to ensure management has Anmatyerr representation and how we talk is culturally appropriate.

Participation in decision making is essential so our voice is heard directly.

When considering jobs on country or livelihoods, Anmatyerr tyerrty wish to 'work together'. They want to work with other stakeholders like pastoralists, horticulturalists, Parks and Wildlife rangers, Water planners, researchers and others."

Although there are many commentaries and reviews intended to inform policy, the critical need is for local input, knowledge, direction and resources at the local level that can make a difference.

Naomi Rea and The Anmatyerr Water Project Team recommend the creation of a new Anmatyerr-run organisation that represents Anmatyerr culture followed by new water governance arrangements based on equity between Anmatyerr and Australian Law.

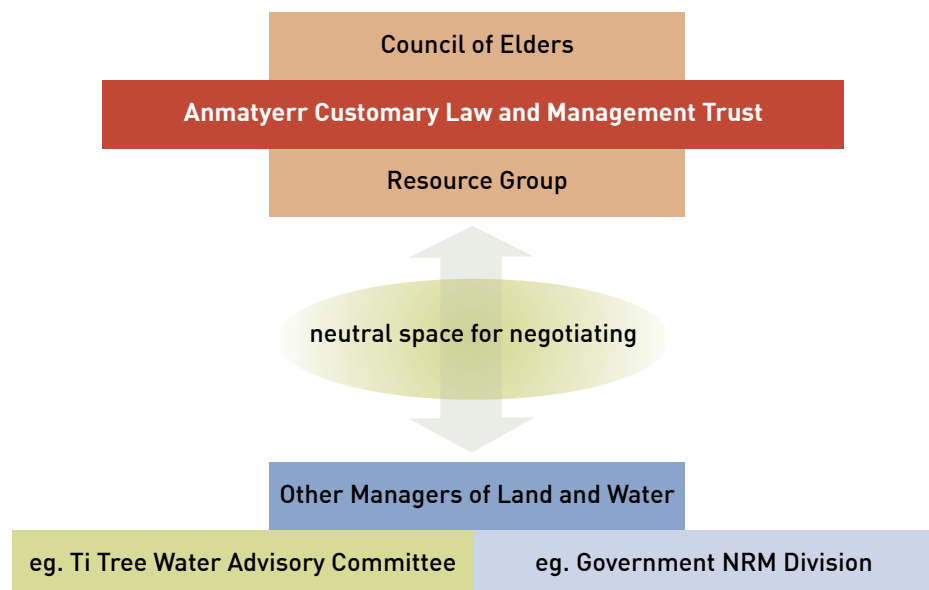
The proposed Water Governance Model consists of a Council of Elders, the Anmatyerr owners (Merekartwey), and managers (Kwertengwerl) who direct the Resource Group from the younger generation through the Anmatyerr Customary Law and Management Trust.

Agreements and decisions can then occur between the Trust and other parties in the neutral space.

Figure 5

Water Governance Model

A possible governance arrangement that respects parallel laws for managing land and water. The Resource Group is a team from the younger Anmatyerr generation under the direction of a Council of Elders, the Anmatyerr governors, who formally conduct agreements with other parties through the Anmatyerr Customary Law and Management Trust.



Main Findings

Figure 1

Provision for Indigenous Values of Water

Title page from the report's DVD.

The circles symbolise how the values placed on water and their provision need to be conveyed and understood together.

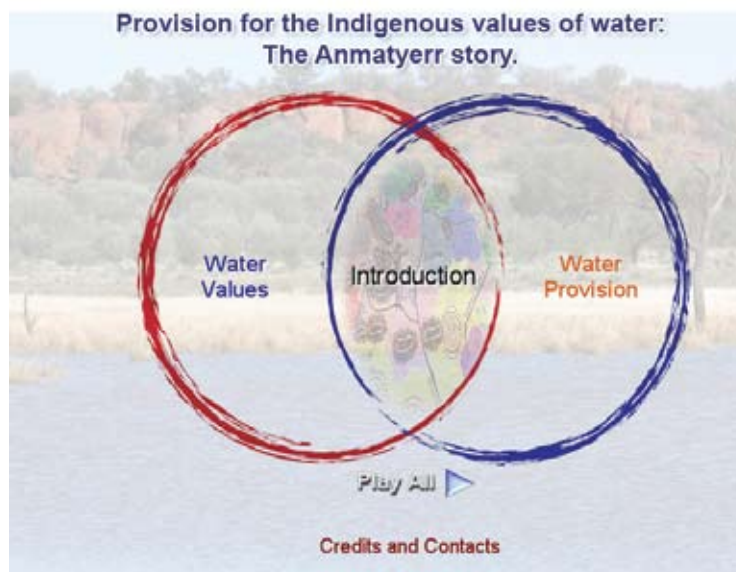


Figure 2

Key Elements of Anmatyerr Cultural Values of Water

The key cultural values of water for Anmatyerr people (see DVD for detail).

Circles overlap to denote the connection and interactions between all aspects of the use and importance of water. For example, recreational use involves harvesting food and sourcing drinking water, as well as intergenerational learning about laws and responsibilities.

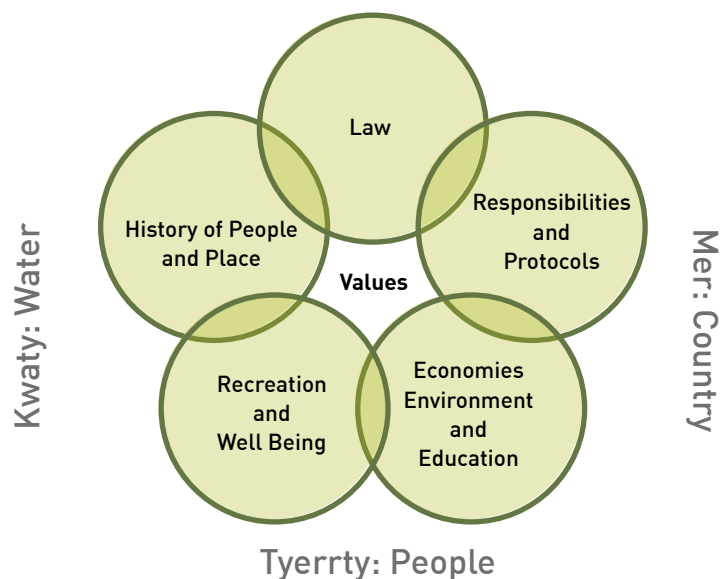
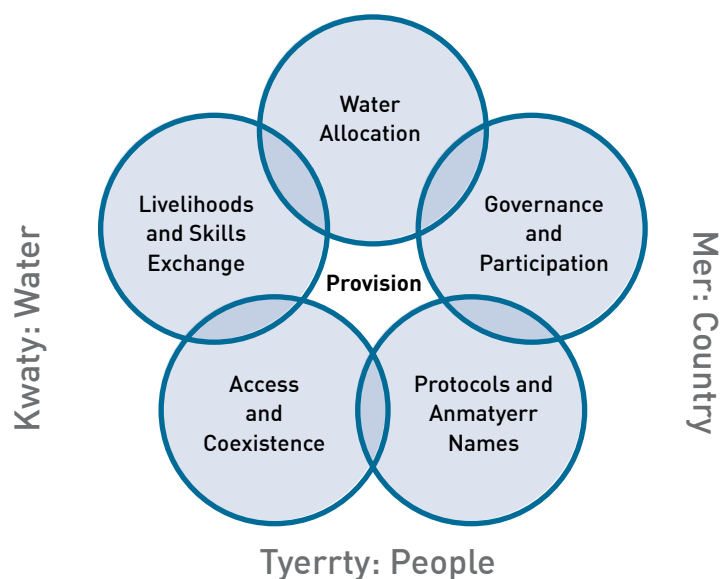


Figure 3

Key Ways to Provide for Anmatyerr Water Values

The five key ways to provide for Anmatyerr cultural water values (see DVD for detail).

Overlapping circles symbolise how one provision can address more than one value. Each category is an overarching area of possible arrangements for multiple provisions.



Main Recommendations

It is recommended that Anmatyerr tyerrty and the Northern Territory Government develop an **Anmatyerr Water Agreement** to deliver the three major categories of cultural water provisions:

- 1 arrangements for non-volumetric provisions (language, protocols, access and co-existence, livelihoods, equity between Australian and Anmatyerr water Law and governance)
- 2 a non-licensed volumetric water allocation to sustain water places and associated cultural and environmental assets or values
- 3 a licensed volumetric water allocation for current and future economic and cultural enterprises.

Project Approach

The project applied the principles of Collaborative Indigenist Research, where Aboriginal people inform the research direction and content and Aboriginal knowledge and ways are considered equally valid to empirical methods.

The methodology involved extensive field work, discussion and cooperation to synthesise key elements or emergent properties from the complex, inter-related, often sacred, and gender specific body of knowledge. These overarching properties were then grouped into specific categories.

While Aboriginal values need to be understood, the restrictions of customary laws need to be respected. The aim was to distil the key elements from cultural water values that other people could make sense of. To do this the project outlined five key elements or categories that explain why kwaty (water) is important to Anmatyerr tyerrty in terms relatively easy to interpret from a different world view.

This way, Anmatyerr Law was given authority but not visibility, in the same way that other sectors, such as finance and commerce, command attention while maintaining privacy. Details about the values held by other water users (eg. monetary values from water based economies) are rarely tabled as they are regarded commercial in confidence. The same conditions should be afforded to the intellectual property rights that exist for Aboriginal knowledge.



Eric Penangk, senior spokesman for Anmatyerr values and Cultural Supervisor for the project



The older generation want young Anmatyerr tyerrty to step up as ambassadors for their country and culture.



Where fencing has prevented cattle access, water is good for drinking, swimming and fishing and there is no damage to sacred sites.

For more information

The full report from this project is available on the Social and Institutional Research program's website at

www.sirp.gov.au

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