

## Reimagining Indigenous ecologies: recognising rivers as legal entities

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Australia has a rich history embedded in Indigenous culture, tradition, and environmental stewardship. Through long-standing connections to Country, the environment thrived through traditional forms of conservation and management. These 'traditional' approaches view nature as a more-than-human entity; it is a sacred and metaphysical living being that co-exists with humanity (Maddison, 2019; O'Bryan, 2017).

All of this changed with the arrival of the first fleet. As colonists began to take over the Australian landscape, Indigenous practices and cultures were forcefully replaced by Eurocentric practices including agriculture, tourism, urbanisation (O'Bryan, 2017). Landscapes and indigeneity became commodified in the name of 'economic growth' (Maddison, 2019; Povinelli, 2002). Indigenous ecologies were separated from their longstanding cultural and spiritual significance. This enabled landscapes to be reconstructed and reimagined as part of Australia's white national identity. The rapid environmental, social and economic changes placed increasing pressure on the environment. Of particular importance is freshwater systems. Consequently, declining water quality, habitat destruction and fish species decline has become a common occurrence (Salmond et al., 2019; Victoria State Government, 2018). Unless major changes are made to freshwater governance, the future of freshwater ecosystems will remain uncertain.



*The Whanganui River*

*Source: Kathrin & Stefan Marks, Flickr*

In New Zealand, an 'innovative' approach has been to increase Indigenous representation in water management. In 2017, the Whanganui River, home to the Whanganui iwi of the Māori people, was granted legal personhood. Under the *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017* (NZ), the River became a legal entity with standing in the court of law. The River has two trustees who act as guardians of the River and can represent the River's interests. This is an important change to freshwater governance. Prior to legal personhood, the River's health has been under serious threat due to agricultural pesticides, tourism, and hydroelectricity plants (Muller et al., 2019; Salmond et al., 2019). By becoming a legal entity, the River is protected from harmful human actions that continue to degrade it.

This fosters reconciliation between Indigenous and non-Indigenous peoples. Enabling the Whanganui iwi to co-manage freshwater ecosystems is an important step to decolonising environmental governance (Salmond et al., 2019). The formal recognition of the Whanganui River's legal personality provides greater recognition of Māori lore that precedes colonisation. The New Zealand legal system

now approaches the River in a way that better aligns with the Whanganui iwi understandings of, and relationship to, the River. By recognising that “I am the river, the river is me”, it embodies the Māori view of the River as a spiritual and physical entity (Stewart-Harawira, 2020, p. 3).

### ***Can New Zealand's Whanganui River pave the way for freshwater governance in Australia?***

This provides an exciting opportunity for the co-management of freshwater systems. Mirroring New Zealand's approach should be seriously considered in Australia's freshwater governance. In 2017, Victoria's Yarra River was also legally protected and recognised as a living entity. It recognises that the Yarra River is indivisible from the culture, spirituality, and identity of the Indigenous Wurundjeri Woi Wurrung. However, it does not provide legal personhood to the same extent as the Whanganui River. Moreover, a strategy published by the Victoria State Government (2018) shows that the Yarra River's health trajectory is low.

Extending the rights of the Yarra River, and other sacred rivers across Australia, is a step in the right direction. It will decolonise the very environmental management structures that contributed to widespread degradation. It will act as a precedent for collaborating innovation with traditional environmental governance. It will encourage the law to be used in creative ways to facilitate the reclamation of land, practice, and culture.

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