

Comments on Draft 2025 Basin-wide Environmental Watering Strategy

The Murray-Darling Conservation Alliance (**the Alliance**) is a national voice for the rivers, wetlands and wildlife of the Murray-Darling Basin. Our members include conservation groups in every Basin state, representing half a million people in rural communities and east coast cities. Each group has been advocating for the environment at the state level for more than 50 years. Together we have a shared vision for healthy inland rivers.

Our comments on the draft Basin-wide Environmental Watering Strategy (the Strategy) are limited in scope, focusing on the section *Strengthening First Nations involvement in environmental water management*.

The Strategy identifies several pathways toward strengthening First Nations involvement and agencies – including those which aim beyond improving engagement practices toward more substantive ‘formal partnerships and other agreements for shared decision making’.

As governments work to recognise human rights principles included in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), transfer of decision-making authority will be an ongoing component. UNDRIP sets out global rights and standards for the realisation and protection of self-determination which includes the right to autonomy or self-government, as well as the free pursuit of economic, social and cultural development.

It is critical to recognise these imperatives clearly (autonomy, sovereignty, self-determination and stewardship) because they reject uniform incorporation of Indigenous nations into the cultural and legal paradigms of the settler state. **In other words, Indigenous nations retain a right to exercise sovereignty and political practices, structures and institutions based on Indigenous ontologies** – ways of understanding the world which are often incommensurable with settler ontologies.¹ This sovereignty can be expressed apart from or within settler governance structures.

This recognition – particularly as it is embodied in the standard of free, prior and informed consent – has been difficult for settler governments. In contrast, settler authorities tend to assert a ‘possessive logic’ which ‘determines what constitutes Indigenous peoples’ rights and what they will be subjected to in accordance with its authority and law.’² In other words, settler states tend to re-assert paternalistic ‘promises of protection’ which have historically been tools of dispossession and continuing colonialism.³ This undermines Indigenous governing institutions while entrenching the illegitimate authority of the settler state – where the sovereign is positioned as a ‘state of exception’, outside the rules of society ‘and thus

¹ Moreton-Robinson, Aileen. ‘Incommensurable sovereignties: Indigenous ontology matters.’ *Routledge Handbook of Critical Indigenous Studies* (2020).

² Moreton-Robinson, Aileen. ‘Virtuous Racial States: White Sovereignty and the UN Declaration on the Rights of Indigenous Peoples.’ *The White Possessive: Property, Power, and Indigenous Sovereignty* (2015).

³ Dennison, Jean. ‘Relational accountability in Indigenous governance Navigating the doctrine of distrust in the Osage Nation.’ *Routledge Handbook of Critical Indigenous Studies* (2020).

unable to be held accountable.’⁴ This pattern of paternalism, distrust and dispossession is part of a feedback loop which, despite a virtuous posture, perpetuates the harms of colonialism.

One practice which may be beneficial toward disrupting this feedback loop is an attempt to create and maintain accountability.

Recommendation 1: The Strategy might begin to adopt some of the listed approaches for responsible and respectful communication, partnerships and transfer of authority among the outcomes and objectives – as more than supporting pathways, but outcomes which authorities are held accountable to deliver.

With the approaching statutory review of the Water Act in 2027, settler institutions (committees, governance structures etc) have an opportunity to demonstrate proper respect for First Nations sovereignty and avoid impeding moral obligations to care for Country.

Given that some efforts to plan, deliver and monitor the impacts of water for the environment already take place in collaboration between water holders and First Nations, work to improve these practices would place the Water Act review on a more informed footing.

Recognising the need for transparency, this section appears to draw on work prepared by the Murray Lower-Darling Rivers Indigenous Nations (MLDRIN). Yet the draft strategy is unclear in its citation: whether the section was ‘informed’ by MLDRIN’s input, or a genuinely ‘collaborative work’ with First Nations endorsement.

Recommendation 2: It would be useful for the MDBA to publish MLDRIN’s work as a supplementary resource.

These materials might provide a useful benchmark for water managers to aspire to in ongoing collaboration with Traditional Owners. As described above, efforts to improve collaboration would benefit from a direct evaluation of collaboration – not just whether a collaboration happened, but on the ability of settler government agencies to incorporate self-determined First Nations input.

⁴ Ibid.