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Maboo Liyan Boorroo – Good Spirit Country: using participatory research frameworks to manage Indigenous cultural landscapes in a time of environmental and political uncertainty

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ABSTRACT

Management of cultural landscapes has struggled to understand and adapt to Indigenous ways of managing heritage through a reciprocal duty of care. We argue that barriers to Indigenous cultural landscapes are threefold. First, conceptual barriers exist due to the prevalence of inappropriate heritage concepts and frameworks from the Global North. Second are relational barriers in the form of asymmetrical relationships of power between non-Indigenous heritage 'experts' and Indigenous individuals and communities. Third, political barriers present in neo-colonial politics are at odds with the goals of Indigenous movements. After introducing Martuwarra RiverOfLife and her co-authors, we review these barriers within a cultural landscape framework. We then turn to the heritage politics of Western Australia to further analyse the barriers Indigenous cultural landscapes face in attaining full recognition of their significance as heritage, and as living ancestral beings with a 'right to be known'. Finally, we describe and analyse the multi-modal, multi-year collaboration between Martuwarra RiverOfLife, the Martuwarra Fitzroy River Council, Nyikina Indigenous custodians, and non-Indigenous researchers to establish protocols and processes that address the conceptual, relational and political barriers to the effective management of a multi-faceted Indigenous cultural landscape in Western Australia. We report on our methods and outcomes to date.

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Introduction

> '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. (Carracher et al. 2024)

Cultural landscapes offer an alluring alternative to object and site-centred approaches to heritage management by centring the symbiotic relationships between long-term residents and their environments (Taylor, Silva, and Jones 2023). However, despite UNESCO's recognition of cultural landscapes in 1992 (Baird 2013; Harrison 2013), recent research has pointed to an over-representation of European cultural landscapes and an under-representation of First Nations cultural landscapes (Baird 2013; Koch and Gillespie 2024; Taylor, Silva, and Jones 2023). Conceptual frameworks for landscapes and heritage from the Global North have been found inappropriate by many Indigenous custodians. In particular, conceiving of 'nature' and 'culture' as separate domains remains central to many conservation categorisations and systems (Baird 2013; Brockwell, O'Connor, and Byrne 2013; Howitt and Suchet-Pearson 2006). We here identify more holistic emerging approaches to Indigenous cultural landscapes globally and in Australia as well as barriers in the form of heritage policy and settler colonial politics. We present a way of thinking about barriers to Indigenous cultural landscapes through an emerging collaboration of an Ancestral river and her reciprocal relationship and duty of care with Indigenous and non-Indigenous peoples.

Our 'Maboo Liyan Boorroo' (Good Spirit Country) project illustrates an Indigenous cultural landscape approach appropriate to Martuwarra/Fitzroy River and the values of its Nyikina and other custodians and inhabitants (Figure 1). Martuwarra/Fitzroy River is recognised by UNESCO as the world's first 'Living Waters Museum' under the UNESCO Intergovernmental Hydrological Program (UNESCO - IHP 2024) and is nationally heritage listed in 2011 because of its 'exceptional ability to convey the diversity of the Rainbow Serpent tradition within a single freshwater hydrological system' (Commonwealth of Australia 2011). This international recognition is more inclusive than most country recognitions in recognising rivers can be potent Ancestral beings both past and present – what we imperfectly translate as 'personhood'. There are notable and growing exceptions though with, for example, Aotearoa/New Zealand's 2017 granting of legal personhood to the Whanganui River acknowledging the Māori's spiritual connection to it (Cribb, Macpherson, and Borchgrevink 2024) and India's Uttarakhand High Court declaring the Ganges and Yamuna rivers as legal persons to safeguard them from pollution (Upadhyay and Nayak 2024). There are also 'River Dialogues' in the far global north, and also between South and North (Médici Machado, Poto, and Murray 2024). We draw inspiration from these and similar projects across the globe.

At a State level, it is Western Australia's longest declared cultural heritage site at 733 km (Carracher et al. 2024). Its 96,000 km[1] watershed is home to thousands of 'tangible' heritage sites comprising, for example, artefacts, rock art, historic homesteads and drover's routes as well as 'intangible' values embedded in the landscape and activated through stories, performance and the act of visiting Country (Poelina, Taylor, and

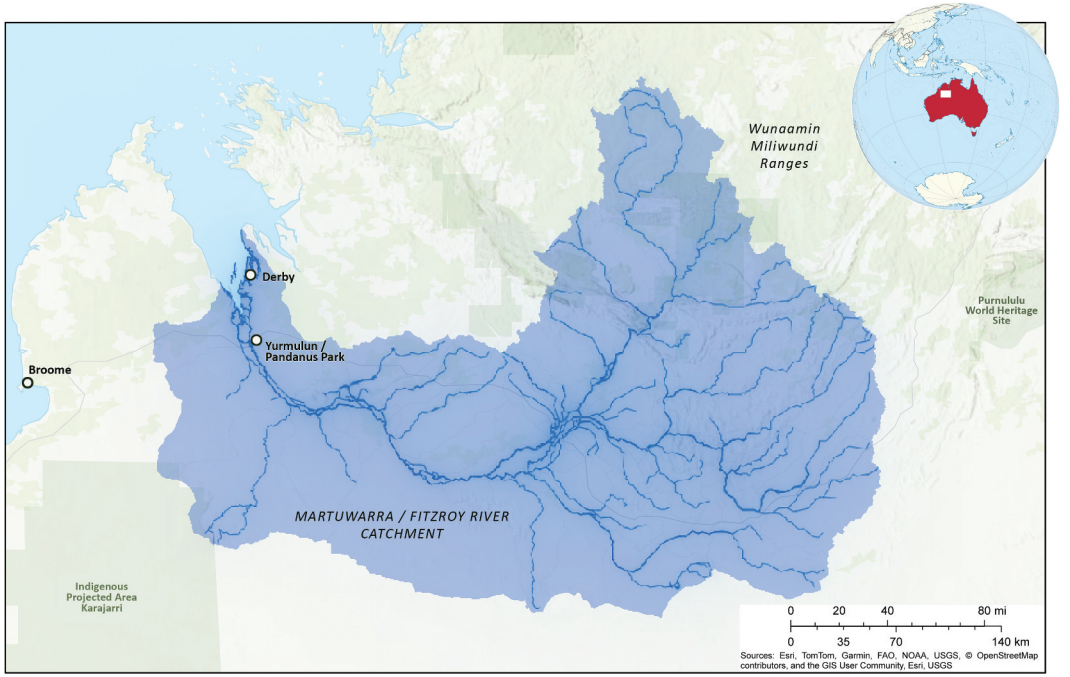

Figure 1. The Martuwarra/Fitzroy River catchment in the Kimberley Region of western Australia. Image: Martuwarra Fitzroy River Council, Lachie Carracher and Rentia Ouzman.

Perdrisat 2019).[2] Martuwarra entwines ecological, material and cultural uses and values of the riverine system with people, biota and places.

This article's team of authors is varied. Martuwarra RiverOfLife is first author and recognised as an agentive, sacred ancestral living Serpent being (RiverOflife, Poelina, and Magali 2020). The larger Maboo Liyan Boorroo Collective consists of approximately two dozen members of the Yurmulun Pandanus Park Community. Prof. Anne Poelina is a Nyikina Warrwa woman who belongs to the Martuwarra River and is Chair of Martuwarra Fitzroy River Council (MFRC). The remaining authors are four non-Indigenous social scientists from Western Australian universities, Sven Ouzman, Tod Jones, Naomi Joy Godden and Martin Brueckner. Our collaboration commenced in 2021 and continues with an open-ended timeline. The project's purpose is to establish appropriate engagement and recognition protocols, map cultural values, collect 'river stories' and support cultural heritage management (see Figure 2).

Caring for Martuwarra starts with 'First Law' (RiverOflife, Taylor, and Poelina 2021): a set of two interlocking legal systems – Warloongarriy (River Law) and Wunan (Regional Governance Law) (M. RiverOflife, Poelina, Bagnall, et al. 2020). Warloongarriy teaches that Martuwarra is a living, sacred, Ancestral Being manifests as a Rainbow Serpent, with its own life force, essence and agency. Our collective, multimodal approach builds on work where other-than-human entities and culturally significant entities who are place-based cultural assets, which are a birthright, and have both tangible and intangible value are considered integral to heritage practice. Project governance is translated from First Law in a several documents, notably the Fitzroy River Declaration (Traditional Owners from the Fitzroy River 2016), the West Kimberley Traditional Owner Climate Adaptation Declaration (*West Kimberley Traditional Owner Climate Adaptation Declaration* 2025) and the World Archaeological Congress endorsed *Martuwarra Fitzroy River Sustainable Heritage Futures* (2025). We are also mindful of local, State, national and international legislations, but these are secondary.

We now provide a tripartite approach to assess recent developments in heritage management beginning with a review of the critical literature on cultural landscapes to identify contemporary expectations and applications in emerging Indigenous cultural landscape approaches in Australia and beyond. We identify three categories of barriers (conceptual, relational and political) facing these approaches. We then focus on how cultural landscapes are conceptualised and applied in Aboriginal heritage management in Western Australia, which is in crisis with respect to policy, climate change and recognition of Aboriginal sovereignty. Finally, we analyse the collaboration between Martuwarra and the Maboo Liyan Boorroo Collective to establish appropriate protocols and processes for a respectful and regenerative approach to managing and interacting with an Indigenous cultural landscape, drawing from a broad suite of similarly positioned theorists, projects and works (Guttorm 2021; Harrison-Buck and Hendon 2018; Poelina, Webb, et al. 2024; Thomas et al. 2023).

Nature-culture divisions, heritage, and cultural landscapes in settler colonial societies

A persistent problem with heritage management is the nature-culture (Brown 2023; Byrne and Ween 2015; Head 2016; Lilley 2013). This binary emerged strongly at the

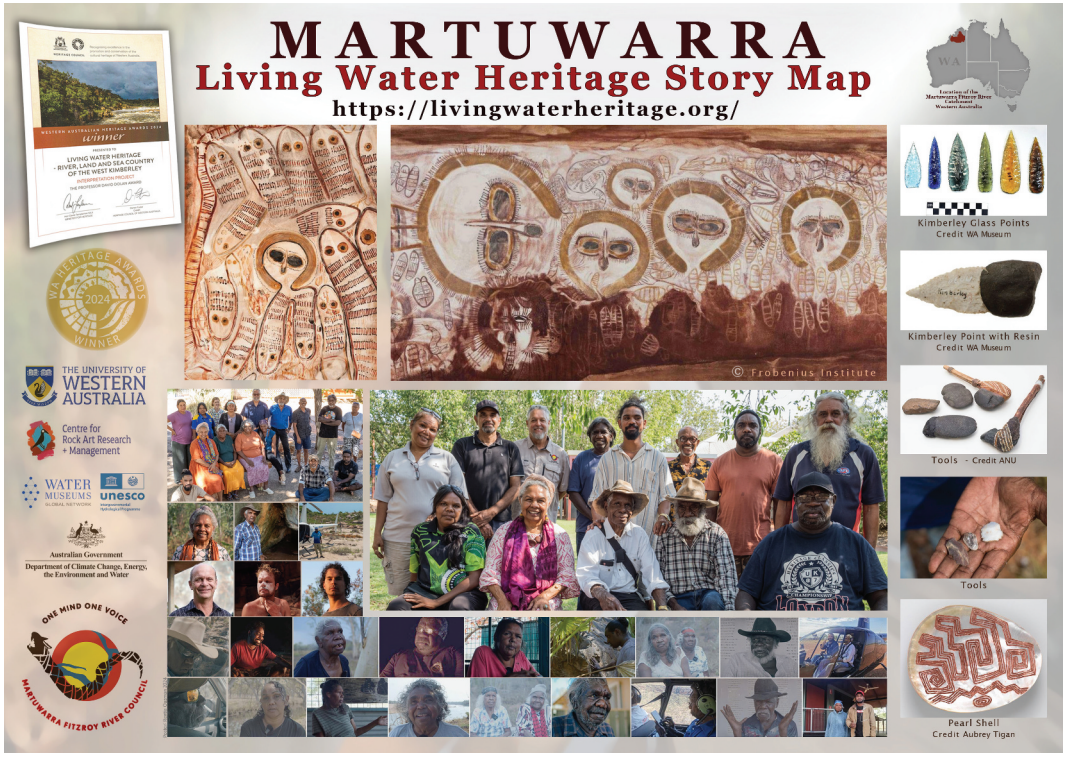

Figure 2. Examples of Martuwarra heritage. Image: Martuwarra Fitzroy River Council, University of Western Australia and Rentia Ouzman.

end of the sixteenth century, on the back of Christianity's accounts of Creation and Enlightenment thinkers' ordering of the world, 'as an autonomous ontological domain, a field of inquiry and scientific experimentation, an object to be exploited and improved' (Descola and Lloyd 2013, 69). This separation positions nature as an autonomous entity separate from workplaces, homes and cities, but servicing these by providing 'resources' (Cronon 1995). This is particularly debilitating for Indigenous peoples under the influence or control of settler colonial nation-states. For example, Indigenous Australians were deemed out of place when in 'cultural' spaces like cities because of their assumed placement in 'nature' (Peters and Andersen 2013) and as being both 'here' temporally – but as ossified relics from the past (c.f. Fabian 2014). While well studied and critiqued, these mindsets remain embedded in policy as a structural racism. This includes heritage management, where environmental heritage and cultural heritage are typically separate domains of work and action (le Masurier 2024). Scientific work and protocols become invisible at 'natural heritage' locations despite its framing being a profoundly cultural process (Head 2016). Cultural heritage protection developed separately through national and international movements to protect primarily buildings and monuments using assessments of aesthetic and scientific value to assign a hierarchical structure of importance (Byrne, Brayshaw, and Ireland 2003). Laurajane Smith (2006) labels this the 'authorised heritage discourse', which mostly excluded subaltern, Indigenous and local community heritage management approaches by being presented as universal and beneficial for all (Howitt et al. 2013; Jackson and Barber 2013). Indeed, these discourses position Indigenous perspectives as flawed and Indigenous peoples as requiring 'management' and 'training' (Howitt and Suchet-Pearson 2006).

Cultural landscapes are a response to these dilemmas in both research and heritage management. In research, a cultural landscape is not a type of landscape or an approach to landscape management. It is a set of diverse perspectives on landscapes developed from the critical attention of contributors over time in a variety of fields, from art and travel writing to planning and heritage management (Descola and Lloyd 2013; Head 2016; Wylie 2007). A cultural landscape is a field of activities encompassing two things. First is engagement with humans, other species, forces, and technologies to understand and intervene in landscape-shaping processes. Second is critical challenges to assumptions about the categories and structures used in these interventions to seek more holistic and ethical ways of thinking and working (Jones and Dowling 2024).

In the twentieth-century cultural landscapes became known by the Berkeley School of geographers as 'an area made up of a distinct association of forms, both physical and cultural' (Sauer 1963, 321). This understanding was revised in the 1980s through critical analysis that demonstrated landscape is also a way of structuring and seeing the world that provides an illusion of order and control (Cosgrove 1985). Currently, there is a greater intersection with concerns of Indigenous custodians as researchers challenge proscriptive ontologies that draw sharp separations between humans and other species and things (Head 2016; Wylie 2007). Indigenous scholars and their allies reject the separation of nature from humans (Bawaka Country et al. 2015; RiverOflife, Taylor, and Poelina 2021; Rose 2004) and challenge the linearity of time and language. For example, the Dreaming's ongoing and multiple temporality of the extends agency and identity to plants, animals, objects and other forces (Howitt et al. 2013; Thomas et al. 2023).

The early initiatives for cultural landscapes being considered as World Heritage began in 1984 led by French and British heritage specialists who were frustrated by the a-cultural emphasis on wilderness in the 'natural' classifications of the time (Brumann and Gfeller 2022). Indigenous relationships to their lands were not considered until 1992 (when the UNESCO World heritage Convention came into being) and the first two listings were Indigenous cultural landscapes in Aotearoa/New Zealand (Tongariro National Park) and Australia (Uluru-Kata Tjuta National Park). Uluru-Kata Tjuta National Park is a famous sandstone monolith 450 km southwest of Alice Springs in the Northern Territory and is sacred to the Aṉangu people (Harrison 2013). It was declared a National Park in 1975, and Aṉangu entered joint management with the Australian Parks and Wildlife Service in 1983. When Uluru and nearby Kata Tjuta were listed for their 'natural' values as World Heritage in 1987, the Aṉangu people and heritage professionals complained that Aṉangu culture and Law or Tjukurpa (Country and Law) and methods of managing these were ignored (Harrison 2013). Māori made a similar criticism of Tongariro National Park's listing as a 'natural' site in 1990 (Baird 2013). These concerns and their advocacy influenced the introduction of cultural landscapes as one of three new categories of World Heritage in 1992 (Harrison 2013, 122–127).[2] However, this classificatory approach still uses (Lilley 2013), and arguably strengthened, a nature-culture binary, which contravenes most forms of Indigenous First Law. We label these issues, debates and frameworks, conceptual barriers.

More recent critiques of cultural landscapes have identified relational barriers hindering the full participation of long-term residents in heritage designation and management. An ongoing barrier is the capacity of non-Indigenous heritage specialists to engage with community perspectives and cope with difference (Waterton 2005). Colonial histories compound these power imbalances, leading Baird (2013, 327) to call for heritage specialists to 'locate and acknowledge how our models, theories and practices of heritage work through systems of power and exclusion' of Indigenous peoples. A recent review of cultural landscapes research identified a lack of recognition of Indigenous heritage as a 'dominant theme' (Koch and Gillespie 2024, 776). A third type of 'political' barrier is the capacity of heritage institutions to give prominence to ethics and social justice (Cocks, Vetter, and Wiersum 2018). Cocks, Vetter, and Wiersum (2018) in their study of South Africa show rural people are portrayed as having degraded their natural resource base and stigmatised as culturally, socially and economically 'backward', rather than groups fighting to preserve their culture, precious places and livelihoods in the face of centuries of aggressive and destructive outside imperial, colonial and neo-liberal interventions. If the relationship between long-term residents and an environment is symbiotic and, then the health and strength of that community is essential to managing its heritage (RiverOflife, Taylor, and Poelina 2021).

With these three barriers in mind, we turn to the outcomes of four decades of joint management of Uluru-Kata Tjuta for context. A ministerial advisory group tasked with advising on best practice for Uluru-Kata Tjuta National Park Kakadu National Park (World Heritage listed in 1981) and Booderee National Park found that despite the length of time under joint management, Traditional Owner priorities and expectations in terms of cultural authority, management, employment, tourism and business, infrastructure and funding were not met:

> Traditional Owners of each park feel that Parks Australia comes first and they come, not so much second, as last. They certainly do not feel equal partners. [. . .] There has been a systemic failure in Canberra to truly appreciate both the reality of Traditional Owners' legal ownership and the intrinsic value of local traditional knowledge and culture. (Vanstone et al. 2021, v)

As Table 1 indicates, three problem were identified: not understanding Aṉangu protocols and management; governance arrangements that do not engage with Aṉangu; and failures in pursuing appropriate social and economic development outcomes for Aṉangu. Despite these findings, there continues to be strong advocacy for cultural landscape approaches amongst Traditional Owners (Victorian Traditional Owners 2021), and the most recent State of Environment Report expands 'heritage' to waterscapes, seascapes and skyscapes, such as the Budj Bim Cultural Landscape World heritage listed in 2019 (McConnell et al. 2021).

The Federation of Victorian Traditional Owner Corporations presents a clear pathway for how to use cultural landscape approaches as a 'bridging tool' across 'ontological differences between Indigenous and "western" world views, between natural Resource Management (NRM) and caring for Country' (Victorian Traditional Owners 2021, 5):

> Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country. (7)

Table 1. Summary of issues and responses in the report on joint management arrangements for three Australian national parks{ (Vanstone et al. 2021) #6506}.

Field	Issues	Responses
Cultural Authority	Failure to recognise the cultural authority of Traditional Owners and to embed this in communications and practices, leading to mistakes and mistrust.	Embedding education and cultural protocols in park management and creating positions for Traditional Owners to lead cultural coordination and cultural engagement.
Management	The Boards of Management have been cut out of decision making, their priorities ignored and Traditional Owner initiatives not prioritised.	Reform governance arrangements to take account of cultural practices and maximise Traditional Owner leadership opportunities.
Employment	Commitments to increase employment opportunities on Country not met.	Initiatives need to generate opportunities for employment on Country, investing more in ranger programs, providing appropriate training and increasing flexibility.
Tourism and Business	The tourism industry needs to understand and respect the culture and practices of Traditional Owners, including in its employment practices and operations. Traditional knowledge is not always appropriately valued or shared.	Work with tourism operators to understand Traditional Owner protocols, increase employment of Traditional Owners, and prefer Traditional Owners in procurement processes.
Infrastructure	Years of insufficient funding has run down park infrastructure, affecting access, tourism facilities and substandard housing. Traditional Owners expressed shame at the state of the facilities and campgrounds.	Audit existing infrastructure commitments, approvals processes streamlined with Land Councils and better coordination between Commonwealth and State administration.
Funding	Under-resourcing of parks has impacted all aspects and has undermined commitments to Traditional Owners made in management plans and the lease agreements.	Review funding with Traditional Owners to address deficits in base funding, increase funding from fees and services, and to develop a path to financial sustainability.

Cultural landscape management in this framework must achieve economic, health, social and environmental outcomes. However, its principles also need to be flexible enough to cope with the diversity of Indigenous groups and landscapes. The components from the Federation's strategic framework for managing Country address these needs and have a strong focus on bridging tools like protocols, developing understandings and skills to partner, and policy instruments (Table 2). This underlines that the conceptual and practical capacity to critically bring together diverse ontologies is essential to sustainable, holistic heritage management (Jones and Dowling 2024).

Indigenous 'Healthy Country' plans also provide an effective integration of 'nature' and 'culture'. Healthy Country plans evolved with the Australia's national Indigenous Protected Area (IPA) program that provides funding and a planning framework for Indigenous land holders who voluntarily agree to manage their land (Davies et al. 2013). They require free prior informed and continuing consent (FPICC) and take an average of 3.5 years to create, indicating the extent of community consultation (Davies et al. 2013). The first IPA was established at Nantawarrina, South Australia in 1998. By 2025 there were 89 dedicated IPAs protecting over 90 million hectares of land and 6 million hectares of sea and constituting over 50% of Australia's National Reserve System (Australian Goverment 2025) (see Figure 3).

Davies et al. (2013) found that Healthy Country plans differed from conventional protected area planning in four ways. First, they focus on customary institutions in governance, and include photographs, quotes and names of the Indigenous leaders whose ancestry and knowledge provide cultural authority. Second, they provide strategic planning for interlinked people, places, plants and animals, rather than more narrowly focussing on the priorities of biodiversity conservation. Third, Country-based planning

Table 2. *Victorian traditional Owner cultural landscape strategy* {Victorian Traditional Owners (2021) .

Component Objectives	Component Areas
To restore the knowledge system.	• Reading Country programs • Traditional Owner led research partnerships • Traditional Owner knowledge and practice networks
To strengthen Traditional Owner resilience.	• Strengthening government funding model for Traditional Owner Corporations and Nations • NRM based economic development • Diverse self-determination pathways for diverse nations
To enable Traditional Owner cultural landscape planning.	• Cultural governance guides decision making • Development of planning frameworks that are tailored and appropriate to each group's pathway • System development for assessing health of Country
To embed Traditional Owner knowledge and practice into policy, planning and the management of Country.	• Government policies and procedures are adapted for Traditional Owner rights regarding management of Country • Two-way capacity is developed • Co-Governance arrangements are in place
To enable the application of Traditional Owner cultural objectives, knowledge and practice in the management of public land.	• Country management programs are established • Cultural landscapes are managed by Traditional Owners through shared governance arrangements at the landscape scale with sole management of smaller cultural reserves • Collaborative management pilot programmes in priority cultural landscapes

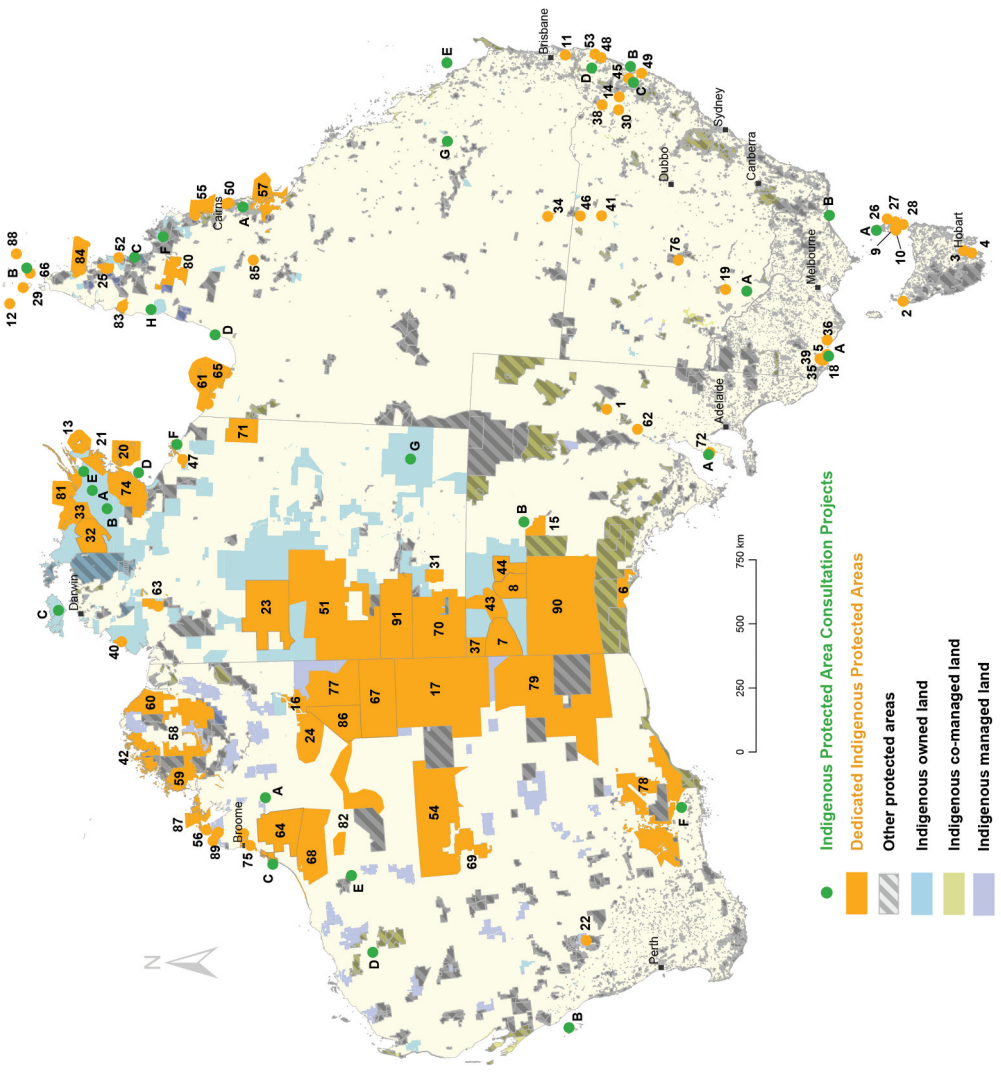

Figure 3. Map of Indigenous Protected Areas (IPAs) in Australia. Image adapted from on Environmental Data and Analysis Branch (2025).

is unconstrained by tenures and is therefore able to focus on broader connections and relationships rather than being limited by political systems and historical land and cultural divisions. Finally, they include communication to audiences who vary culturally, educationally, and professionally using a variety of formats (stories, photographs, videos, performance, paintings).

Cultural landscapes require an approach that is multidimensional and encompasses community development, cultural knowledge and education, economic outcomes and environmental protection. This is more than 'co-management', which is an approach that is struggling to displace the philosophy, politics and history of Western definition of key terms and protocols (Ross 2016). Two-way (and even multi-way) learning (Ens 2012) is essential. Cultural landscapes need especially to address financial sustainability and ensure that equitable economic and in-kind benefits are directed primarily to Indigenous custodians and other stakeholders and residents of that landscape. While the type and trade-offs for different kinds of economic development and resource extraction are decisions primarily for Indigenous custodians, there is a strong predilection for regenerative development. In short, cultural landscapes require practical steps to shift the focus of heritage management from sites and objects to processes that shape and maintain heritage phenomena in places that in Australia have had over 50,000 years of Indigenous, and just over 200 years of Anglo-European, land management. Having reviewed contemporary approaches to Indigenous cultural landscape management internationally and in Australia, we now turn to Western Australia.

Indigenous cultural landscapes: Western Australia and Martuwarra

Despite strong support for Indigenous cultural landscapes among Traditional Owners and many heritage professionals, these approaches are often constrained by existing heritage management systems and contemporary settler colonial politics. Western Australia, at 2,527,013 km^2, is the second largest State on earth (the Sakha republic in eastern Russia is larger) and home to a very large number of cultural heritage sites due to its long occupation (Veth et al. 2019). These sites are both 'tangible' (or more accurately, 'material') in the form of 'places' indicated by surviving material culture such as rock art, stone arrangements, tools, colonial structures and the like, and 'intangible' in the form of oral histories and narratives and meanings that are embedded in the fabric of a place – as well as places where tangible and intangible intersect (McDonald and Veth 2013; Thomas et al. 2023).

As measured by today's governmental audit cultures, the Western Australian Department of Planning Lands and Heritage (DPLH) – the State's heritage regulator – has registered or lodged over 40,000 'sites' in different categories in the Aboriginal Cultural Heritage Inquiry System (ACHIS) and InHERIT databases. These sites probably constitute less than 1% of the actual number of 'sites' in Western Australia.[3]

Western Australia introduced one of Australia's first Aboriginal heritage laws – the *Aboriginal Heritage Act, 1972* (hereafter 'AHA', see also Thomson and Dortch 2022). The AHA was catalysed by a 1960s controversy when sacred stones from Weebo, on the traditional lands of the Kuwarra in Western Australia's 'goldfields', were being sold as ornaments (Vaughan 2016). There was widespread outcry from First Nation and settler communities that led to the promulgation of the AHA. This was both a hopeful and

progressive moment but also a colonial imposition that did not recognise and regularly undermined First Law by being a law imposed by uninvited colonisers that supersedes all past and current Indigenous laws and heritage management protocols (Clark and Poelina 2025).

Since 1972, amendments to the AHA and its regulation have reduced protection to a degree that it not only fails to adequately protect Aboriginal heritage but facilitates its destruction (Southalan 2020). Nowhere was this clearer than the blowing up of Juukan Gorge by Rio Tinto in 2020, a heritage site with a social and environmental history covering the last 47,000 years (Slack et al. 2024). This destruction was entirely legal and enabled by the AHA, which had no mechanism to stop or rescind an approved destruction even if new evidence such as the antiquity of the site came to light. The subsequent inquiry (Joint Standing Committee on Northern Australia 2021) into events at Juukan recommended over two dozen actions to be taken. To date, the Western Australian State Government has partially implemented two of these recommendations, and the rest have been 'noted'.

Long-term, widespread dissatisfaction by Aboriginal peoples, industry, researchers and others led to a new *Aboriginal Cultural Heritage Act* (ACHA) in 2021. A lengthy but flawed consultation process saw the ACHA implemented – and then repealed after just 39 days and replaced by a slightly amended AHA. The recission was prompted by misleading media reports and opposition from large corporate actors in the agricultural and mining sectors (Dortch 2024). This is an unprecedented failure in global heritage legislation. This means Western Australia has a 50-year-old, unfit-for-purpose law that is wholly inadequate for a vast land tenure with diverse Aboriginal groups, major resource and industry activities, and increasing effects of climate change. To further confuse matters, Western Australia has three Heritage Acts[4] : the AHA, the *Heritage Act, 2018* (HA) for 'colonial' period heritage, and the *Maritime Archaeology Act of 1972* (see Table 3).[5] This multiplicity of unsynchronised Acts is another structural violence as the same kinds of offences under the AHA and HA will attract different fines (though these Acts are rarely enforced), typically with a lower level of protection and punitive measures afforded to Aboriginal heritage (Ouzman 2021).

The State government provides very little guidance about how to deal with cultural landscapes. While the ACHA had a plethora of largely unworkable regulations, we

Table 3. Western Australian Heritage Acts.

Name	Objective
Aboriginal Heritage Act 1972	The Aboriginal Heritage Act (AHA) is designed to protect and manage Aboriginal heritage in Western Australia. Its primary purpose is to ensure that Aboriginal cultural sites and objects of significance are recognised, preserved, and managed appropriately. This includes rock art, burial sites, ceremonial sites, and other culturally significant places and objects. The AHA was reinstated with amendments following the repeal of the Aboriginal Cultural Heritage Act 2021 in 2023.
Heritage Act 2018	The Heritage Act 2018 of Western Australia replaced the Heritage of Western Australia Act 1990. Its purpose is to recognise, protect and preserve places of cultural heritage significance for non-Aboriginal cultural heritage.
Maritime Archaeology Act 1973	The Maritime Archaeology Act 1973 (originally enacted in 1972) is to preserve and protect historic shipwrecks and maritime archaeological sites in Western Australia. The purpose of the Act is to safeguard the remains of ships lost before 1900, as well as relics associated with these ships. The Act is currently under review.

now have almost no regulations or guidelines. The return of the AHA means that the spatial approach continues to separate heritage into disconnected 'sites' represented as tangible 'dots on a map' without a means to connect the dots. This leads to a 'death by a thousand cuts' reduction in the number of sites as they are picked off piecemeal and the larger cultural landscape is disrupted and diminished to service an unending demand for resources. Furthermore, Native Title[6] is not addressed in heritage legislation as it is in other Australian states (Storey 2023), the approach to Aboriginal heritage remains locked into a reactive policy setting where Custodians are only approached when their heritage is under threat of damage and destruction or there is a 'problem' for the external proponents, and the final decision rests with the Minister.

Encouragingly, there are many heritage proponents adopting best practice to ensure their social licence to operate (Dortch 2024). However, smaller operators and those with less-than-ideal social consciences can get away with minimal or no compliance. While there have been more prosecutions for violations in the last 5 years (~12) than there were in the previous 50 years (~5); these concern mostly small scale, non-corporate transgressions with fines of around AU$5,000. Compounding matters was the national 2023 Aboriginal and Torres Strait Islander 'Voice' referendum to constitutionally recognise Australia's First People's 'Voice'.[7] The 'no' result has caused more than a few Indigenous groups to distance themselves from government and enact First Law exclusively to manage their heritage and other affairs.

This is now the fluid and confusing social, political and legal milieu that confronts Aboriginal heritage in general and specifically Martuwarra as an Ancestral Being and cultural landscape. For Martuwarra, threats in the form of water extraction for pastoralism, fracking for natural gas, and mining for minerals are intensifying from 'significant' to 'acute'. Environmental impacts include changes in hydrology and reduction of species diversity and numbers (Torre 2024; Vogwill 2015). Culturally, developments impact both discrete sites and their visual, acoustic and cultural integrity. Climate change, manifest by increasingly severe bushfires and floods, further exacerbates the thin margins on which Indigenous residents live – sometimes below the poverty line and they need the river for essential food and water as well as spiritual sustenance. Cultural mapping projects such as the Martuwarra Fitzroy River Council's award-winning digital heritage map[8] (Martuwarra Fitzroy River Council 2024) funded through an Australian Heritage Grant, help provide a baseline of known sites (Figure 2), but many more sites are still to be located, recorded and integrated into Healthy Country plans and the broader cultural landscape. It is into this context that the Maboo Liyan Boorroo cultural landscape and livelihood project was launched in 2020.

Participatory research: lessons for starting cultural landscape initiatives

The Maboo Liyan Boorroo initiative sought to establish appropriate protocols and processes for a respectful and regenerative approach to an Indigenous cultural landscape faced with both threats (mining exploration and climate change) and opportunities (cultural burning and intergenerational knowledge exchange; long-term employment). From an Indigenous cultural landscape perspective, this work addresses the conceptual, relational and political problems with cultural landscape approaches through providing

the foundation for a multidimensional approach centred on respect for Custodians' authority and knowledge.

This section draws from collective documentation and action from 2021-2025, primarily in the form of when three on-Country Workshops with ~62 people of different ages, genders and cultural authority were held at Yurmulun Pandanus Park settlement and cultural precinct in Western Australia's Kimberley to develop a collaboration between Martuwarra, the Martuwarra Fitzroy River Council, Nyikina and other Indigenous custodians, and non-Indigenous academic researchers.

Workshop 1: protocols for collaboration

The first Workshop (November 2021) included ~30 members of the Yurmulun Pandanus Park and Balginjirr communities, representatives from Durack River, members of the Martuwarra Fitzroy River Council, and four interdisciplinary academic researchers covering archaeology, geography, social work and sustainability. Everyone came together to walk on Country, eat together and 'yarn' about starting a research project on 'just development futures'. First described by Bardi (Kimberley) and Yindjibarndi (Pilbara) researchers Bessarab and Ng'andu (2010), 'yarning' is a decolonial research method that centres Indigenous protocols of relationship and responsibility while honing skills of listening, respecting, sharing, and letting-be (Hughes and Barlo 2020). We used yarning to craft a multi-modal research approach that could serve as a model for other communities along Martuwarra. Community members and academic researchers jointly developed terms of the collaboration as shown in Box 1. Community members identified opportunities such as documenting and sharing stories and knowledge about Martuwarra through mapping, story-telling,

BOX 1. Implications for the design of IP assessment tasks.
Working together can look like

- Make decisions with the community, who must have full involvement
- Discussions via big group meetings, smaller meetings, walks on Country, personal contact
- Traditional Owners are first point of contact – their authority should not be interfered with
- Leadership roles include leading walks on Country
- Learning and teaching from each other
- Hunting and fishing, exploring providing for our home
- Transfer of Inter-generational knowledge and cultural practices across the generations
- Practice, two-way learning
- Art workshops and curating
- Art has public and private elements
- Training to start businesses/job opportunities, build confidence, meet needs, benefit community
- Make non-Indigenous people understand the river and its meaning
- Walk together on Country for reconciliation
- Respect knowledge and wisdom for the future
- Protect Martuwarra – build a movement, Friends of Martuwarra
- Just Development is "Jobs that maintain people on Country

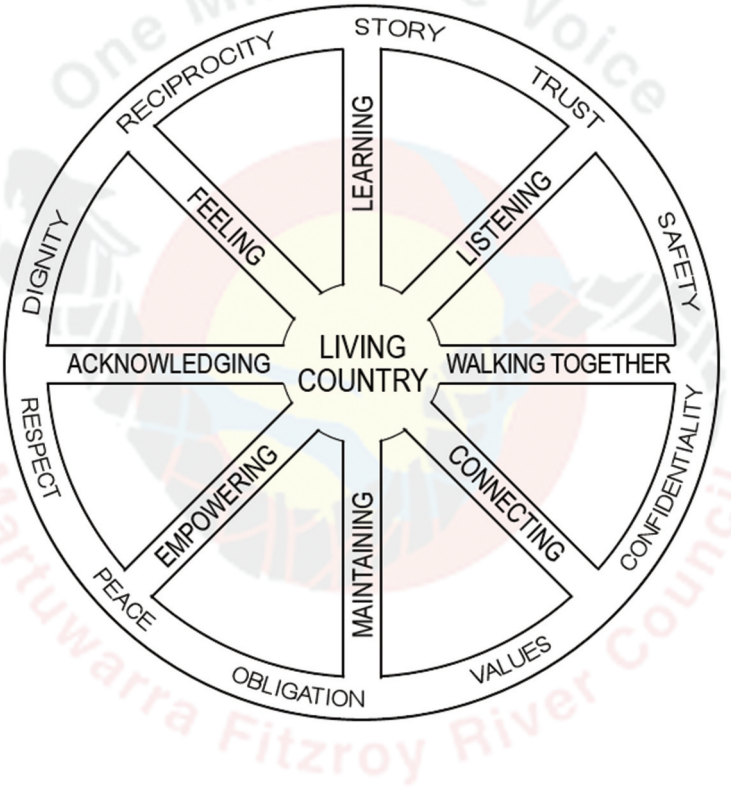

Figure 4. Yurmulun Pandanus Park Principles for collaboration developed at the first Maboo Liyan Boorroo workshop. Image: Martuwarra Fitzroy River Council and Annelise Green.

drones, film, plays, posters and art and advised that the most important approach is to walk together on Country to tell stories and fight for Martuwarra.

The workshop arrived at a set of values (Figure 4) to guide how the Yurmulun Pandanus Park, nearby Balginjirr communities and outside research team can work together to protect Martuwarra and its people. The academic/outside researchers committed to putting the community and its safety first in all engagements with community always having a right of veto.

This requires active listening and respecting local construction and transfer of knowledge across generations to ensure the partnership is built on trust, respect and reciprocity. Central is safeguarding sensitive information so community members and academic researchers discussed the concept of free, prior, informed and continuing consent (FPICC) and consent protocols governing research collaboration. We collectively developed inter-relating, non-hierarchical protocols for Indigenous Intellectual and Cultural Property (ICIP) and Indigenous Data Sovereignty (IDaS) using Janke's (2019, 19; see also Janke 2024) definition of ICIP as referring to:

BOX 2. ICIP and IDaS protocols for Maboo Liyan Booroo project.

- All ICIP resides with the Indigenous project participants who have primary rights to manage and control their ICIP in ways they deem culturally appropriate and safe;
- All ICIP recorded or shared for research, commercial, educational or other is subject to Free, Prior, Informed and Continuing Consent, and may be subject to project contracts;
- Any use of ICIP must be negotiated beforehand and approval is a two-part process in which the consent of the knowledge holders as well as that of the Martuwarra Fitzroy River Council must be obtained;
- These requests must be directed in writing to the Chair. If no response is received within 6 weeks, it is taken as given that there are no objections and consent has been given;
- Any use of ICIP must be acknowledged and compensated;
- Any benefit should first be for project participants;
- ICIP is not restricted to people but also includes Country and other things as decided by the participants;
- All work must be acknowledged through, for example, co-authorships, co-presentation and the like;
- The requirements for acknowledging cultural authority and ownership of Nyikina and other Indigenous knowledge must be balanced with the requirement for confidentiality. Nyikina researcher and research participant will decide if and how their names will be included in research communications;
- Plain English versions of project outputs must be explained and shared with participants and community;
- Copies of all project products and data must be lodged with community and access-controlled mirror copies kept with the relevant external partner;
- These Protocols are part of a living document and subject to regular review.

> the rights Indigenous Australians seek to adequately protect their cultural heritage. ICIP includes the tangible and intangible elements of this heritage, including artistic works, literature, performance, traditional and scientific knowledge, documentation, cultural property and objects, human remains and documentation. Internationally this term has been replaced by the term 'cultural heritage, traditional knowledge and traditional cultural expressions', which was adopted internationally following the UNDRIP.

Similarly, IDaS refers to:

> the right of Indigenous people to exercise ownership over Indigenous Data. Ownership of data can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination and reuse of Indigenous Data. (Maiam nayri Wingara Indigenous Data Sovereignty Collective 2018)

Workshop attendees co-developed ICIP and IDaS protocols aligned with the Maboo Liyan Boorroo principles (Box 2), as well as international and national guidelines like Article 31 of *United Nations Declaration on the Rights of Indigenous Peoples* (UN General Assembly 2007), the *AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research* (AIATSIS 2020) and the Maiam Nayri Wingara Indigenous Data Sovereignty Collective in Australia (Commonwealth of Australia 2024).

These protocols form the foundation for future collective research and action related to how the cultural landscape concept could be used to address climate injustices and landscape changes and be used for advocacy work. Reciprocally, academic researchers committed to working towards peace and just development outcomes with 'everyone

walking together on Country' to understand cultural protocols and responsibilities in this spirit:

> We don't own Country, Country owns us, and we need to look after Country – this is the two-way. If we look after Country it will look after us. We know that when we are fishing, we must eat what we catch. If we are greedy we will get sick, get bad luck and get nothing next time. Visitors who come on Country need permission. They need to be welcomed, and we smoke them to protect them – especially when they are on sacred ground.
>
> One way that we can protect the River is to use research and action for just development for our community and the Martuwarra. We can share our stories and knowledge and learn about the River. Young people of the Martuwarra want to share stories and learn. This knowledge can help us to make our own power in Just Development opportunities with jobs that can maintain people on Country. We want to document our stories and our knowledges in a range of ways. We can use mapping, story-telling, drones, film, plays, posters and art to share our stories. Art can be the public face of the project. Most importantly, we want to travel on Country and tell our stories. We want to tell Country that it and we are alive. We want to make memories with the Martuwarra. We want to tell our stories so that everyone will know where we stand. Every generation has a story and it's important that these stories are heard. We want to fight for Martuwarra.

The workshop outcomes highlight the conceptual and relational shifts that Indigenous cultural landscape approaches require. There is no heritage 'object' or 'site'. Instead, Martuwarra is an active participant and requires respectful engagement. Martuwarra imposes obligations on Nyikina and other custodians to care for the health and safety of themselves, visitors and Martuwarra. Dividing nature and culture is nonsensical and contravenes First Law. Living Country (see Figure 4) is a set of symbiotic relationships that explicitly defines the approach and obligations of specialists and the leadership and autonomy of Nyikina team members to record and share this knowledge to inform and strengthen the transfer of knowledge across the generations. The workshop helped establish the centrality not just being on Country but of communally walking through Country.

Workshop 2: co-developing projects

The second workshop (August 2022) co-developed a research project that would assist Community to protect Country and contribute to Community wellbeing by recording and passing on knowledge to future generations, and advocating for justice and rights. The project would dovetail with the Martuwarra Fitzroy River Council's River Keeper Programme (Figure 5), which employs nine people, mostly youth, to walk the River, monitor changes and engage in citizen science initiative such as using boab trees as a proxy for climate change. The overarching objectives of these 'River Keepers' is to establish on Country teaching sites for developing environmental monitoring skills and parallel ecotourism opportunities thus building capacity and partnerships in culture, tourism, and conservation. Binding all these initiatives is the transfer of inter-generational knowledge to ensure the due inheritance of young leaders, their families and their communities (Poelina and Perdrisat 2024).

Over 3 days, 18 workshop attendees engaged in yarning circles, sharing meals and site visits. Participants included members of the Yurmulun Pandanus Park Community,

Figure 5. Martuwarra River Keepers. Photograph by Anne Poelina.

members of the Martuwarra Fitzroy River Council and academic researchers. Through the workshop, we developed ideas for community projects and identified possible competitive funding sources. The community developed and agreed upon two projects ideas to be carried out by the River Keepers:

(1) Mapping and monitoring of Country and recording of 'river stories'; and
(2) Management of the riparian[9] zone of the Martuwarra.

It was agreed that both project ideas would form the Maboo Liyan Boorroo Project. Community members are not research 'participants' but researchers and knowledge holders, and the academic research team's role is to support this Community to work on cultural values, stories and cultural land management.

The final day of Workshop 2 separated women and men into separate groups to jointly develop research methodologies, processes and protocols. The second workshop further defined and developed the relationships between Nyikina and non-Indigenous team members, using Indigenous research protocols to address potential asymmetries of power and provide guarantees of Nyikina control of information and project direction. The second workshop also further defined the political orientation of the project towards just development via its emphasis on community development through land management and community engagement activities that serve as alternatives for unsustainable water and resource extraction in the pastoral and mining industries. We understand the transfer of inter-generational knowledge as a moral contract that to strengthens ways of working across worlds appropriate for Indigenous cultural landscapes in other parts of Australia and internationally.

These activities are modest but put into practice the objectives of the Martuwarra Fitzroy River Council's Conservation and Management Plan (RiverofLife, Poelina, Alexandra, et al. 2020) and the Fitzroy River Declaration (2016). For Community, the research project will help progress community development plans (tourism business, community services), help train other Martuwarra communities in cultural mapping and land management practices and assist with advocacy for just development in the Martuwarra catchment. At the workshop, community members felt they were now familiar and comfortable with the project and all its participants and provided direction for future action – specifically collecting and recording climate change or 'River Stories', mapping Country, cultural burning, riparian zone management, wild harvesting of wattle seeds for commercial sale, a herbarium, and establishing a cultural arts hub.

Workshop 3: delivering projects

In June 2025, the outside project team returned to work with 9 River Keepers. We can now report that River Keepers are now collecting and recording stories, mapping sites of cultural value and engaging in riparian land management. At community's request, we added an environmental scientist – Pierre Horwitz (Edith Cowan University) to learn best-practice recording of riparian zone condition. Interdisciplinary researcher Kylie Wrigley worked with Martin Brueckner in Naomi Godden's stead to capture digital recording of River Stories. This process was assisted by a media certificate course the River Keepers had completed in 2024. Heritage sites were identified by River Keepers, with appropriate cultural permissions, and together with Sven Ouzman a site recording and management form and

Figure 6. Martuwarra Fitzroy River Council River Keepers and support staff with newly installed native plant herbarium, July 2025. Image: Billy Long.

databasing spreadsheet developed that is designed to dovetail with all other on Country records to provide a central database for optimum land and heritage management. These outcomes were not without challenges and setbacks. Three major funding applications were unsuccessful but resulted in two cognate projects on digital mapping of Martuwarra heritage funded as an Australian hheritage Grant (Carracher et al. 2024); and a DPLH Aboriginal Sites Protection Grant in 2025 for the protection of two cultural landscapes within Martuwarra's catchment. One month after this Workshop, an herbarium was installed at Yurmulun (Figure 6).

Discussion: lessons learned

Five years seems like a long time for a project to tangibly 'deliver' but is realistic in order to ensure everyone has time to think about workshop discussions, discuss in appropriate groups, seek cultural and other advice, modify or change ideas and initiatives and become fully invested in co-delivering specific tangible outcomes. This length of time is also necessary to 'tune out' wider State-level heritage developments, which are in a state of flux and crisis and thus distracting from the identified goals, methods and outcomes of Maboo Liya Boorroo.

Further, Indigenous cultural landscapes have a distinct set of issues and barriers that differentiate them from other cultural landscapes such as historic urban landscapes, which have their own challenges and approaches (Bandarin and Van Oers 2012). Conceptual barriers prominently include but are not limited to the division of nature and culture within conservation and land management. While there is great diversity among Indigenous approaches, the extensive criticism of this division indicates it is inappropriate for Indigenous heritage. Another widespread feature of Indigenous cultural landscapes is the agency of spiritual, ecological and physical things and forces to shape, care and punish. While cultural landscape approaches are supported by Indigenous peoples because of their capacity to overcome the conceptual and spatial limitations of conventional heritage approaches, care still needs to be taken to work with the right concepts for a particular people(s) and place. Martuwarra and First Law lead our collective research and this publication. As First Law determines co-management and co-existence in relationship with the living, sacred, ancestral being Martuwarra, it is only appropriate for Martuwarra to guide and decide on heritage management. Here, outsiders have to rely on appropriate Indigenous interlocutors. Other places would require engagement with the people, concepts, beings and customary law appropriate for those locations. The outcomes of three participatory workshops On Country with Martuwarra and Traditional Custodians that we share in this article demonstrate an Indigenous collectivist approach to heritage management that, while seemingly slow to realise, are now coming to fruition with tangible, long-term on Country sustainable heritage futures for people.

Relational barriers between communities and academic researchers need to be addressed for safe and accountable relationships that uphold Indigenous sovereignty. We draw on a long literature by Indigenous researchers and research organisations that includes methods like yarning and storytelling, and attention to Indigenous cultural intellectual property and data sovereignty. A clear priority required for Indigenous cultural landscapes approaches is that they are driven by the questions and issues of

import to Traditional Custodians and not by the curiosities of researchers, who rather understand their roles as assisting community to realise their goals, maintain sovereignty and resist violence from western ontologies and practices. Asymmetries of power need to be explicitly recognised and addressed. This includes standard research concerns like intellectual property, but more broadly speaks to the different accountabilities and positionalities of Indigenous peoples and academics, and how they can come into relationship and support each other with care, justice and equity. These are important considerations as heritage projects are increasingly engaging with communities (Nikolakopoulou and Koutsabasis 2025).

Political barriers are shaping how Indigenous cultural landscapes are articulated and resourced. The wellbeing of ecologies and environments cannot be separated from the wellbeing of communities. Indeed, for Nyikina, Boorroo (Country) encapsulates all beings, things, and knowledges. The absence of government guidance and regulation of Aboriginal heritage in a time of environmental and political uncertainty means that Indigenous cultural landscapes need to be collectively articulated to enable a sustainable and just future (Cocks, Vetter, and Wiersum 2018). Such studies are not isolated – there is both an Ancestral network of connections such as between Martuwarra and Baake (Bates et al. 2024) and between practitioners. In a fractious political environment that increasingly prioritises resource extraction and economic profit, Indigenous cultural landscapes are likely to be driven by alliances who are stepping ahead of government regulation and guidelines to realise regenerative and just development on just terms that accord with sacred laws and intergenerational responsibilities.

The value of projects such as Maboo Liya Boorroo is that they provide a smaller lens through which to focus on larger issues. For example, post referendum, many Indigenous Australians are asserting their sovereignty and turning to First Law as their first point of reference – and then considering and even excluding or prohibiting state or federal laws (though international laws often accord well with Indigenous imperatives). Cultural landscapes are here to stay, and we cannot wait for slow and captured bureaucracies to address these; although there are moments of progress such as the recently released Department of Climate Change, Energy, Environment and Water *First Nations Engagement Principles of Free, Prior and Informed Consent* (DCCEEW 2025). Instead, we suggest it is by creating communities of practice that are not entirely outside the State or other dominant interest groups, but aspire to a Heideggerian 'equivalent speech community'. Projects like this and the digital heritage StoryMap (Carracher et al. 2024) provide proof-of-concept examples for larger entities to examine and consider, hopefully revising their practice, especially with regard to legislating protection of cultural landscapes. Plainly put, most of the damage to Aboriginal (and non-Aboriginal) heritage has occurred under the western laws to protect it. So, needs must we explore other options, at a slow and safe pace.

Conclusion

Maboo Liya Boorroo is a continuing learning. Increasingly, people are realising the limits of the nation-state and – in this case we very much have a nation within a nation. People want sustainable heritage futures and to remain on Country which is their home, source

of sustenance, protection and inspiration. Country quantifiably delivers these benefits in very direct ways (see David et al. 2018). Longer lead times to establishing projects do not slow down the project. On the contrary, they ensure longer term relationships and more lasting outcomes. This is not conducive to most funding schemes, which tend to be short-term, so participants need to be both nimble and accept periods of inaction. These 'inactive' periods are when projects can be thought through without the pressure of timelines. Also, outside participants have to accept that what they are interested in may not align with community imperatives, and may not always have deliverables that impress funders or employers. But the three barriers to managing cultural landscapes, while not intractable, are obdurate and we need increasingly to explore ways of doing the circumvent these barriers in the interests of creating a 'third space' (c.f. Holliday 2022) to transcend categories like 'Indigenous' and 'Western'; 'state' and 'civil society' and so forth to craft ways of doing and solutions to challenges that we have either never faced before or which have become acute and beyond the capacity of any one entity to solve. But mostly we have learned to listen – as one Elder gently opined when an outside project member was waxing loquacious – '*Two ears, one mouth*.'

Notes

1. The three categories of cultural landscapes in the UNESCO World Heritage regulations are: landscapes 'designed and intentionally created by man [sic.]'; organically evolved landscapes initiated by human imperatives but developed in association with the natural environment, and associative cultural landscapes that reflect powerful religious, artistic or cultural associations with natural elements. These categories and their evolution are well analysed in other publications (Brumann and Gfeller 2022; Cocks, Vetter, and Wiersum 2018). Indigenous cultural landscapes are in the category of 'associative cultural landscapes'.
2. We use 'Country' in an Aboriginal understanding, enmeshed in a web of obligations, rewards and penalties between land and the things in and on it (Poelina, Bagnall, et al. 2024)
3. 'Sites' must usually have a material aspect to fit the definition for listing on the Aboriginal Heritage Register, though there is provisions for 'mythological/scared sites' that may not have a material aspect.
4. There are provisions for heritage protection under other State Acts such as the *Environmental Protection Act* 1986, and federal legislation, notably the *Environment Protection and Biodiversity Conservation Act* 1999. Significantly, there is no national Heritage Act.
5. This Act, administered by the Western Australian Museum in a quirk of history, is being reviewed, along with its national counterpart. Part of this review is to recognise the existence of land sites now underwater because of climate change (Western Australian Museum 2023).
6. Native Title refers to the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters that is recognised by Australian common law (*Native Title Act 1993)*. Native title is therefore not all traditional law but only the elements recognised by Australian law
7. In 2023, a referendum was held in Australia about whether to alter the Constitution to recognise the First Peoples of Australia by establishing a body called the Aboriginal and Torres Strait Islander Voice. The referendum was unsuccessful.
8. This project won a State Heritage Award for digital heritage mapping on an Indigenous cultural landscape – the first time such a category was recognised.
9. The riparian zone is the area either side of and including the river channel up to the widest point of the floodplain.

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Notes on contributors

Martuwarra RiverOfLife, is a living Ancestor Being, whose creation stories underpin Kimberley Aboriginal people's lawful, physical, emotional, and spiritual well-being over the past 50,000 years. Martuwarra is credited as First Author for Country, for the protection of Country through complex, multi-layered, and ever-evolving inter-relationships with its human custodians.

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References

AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies). 2020. *AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research*. Canberra: AIATSIS.

Australian Goverment. 2025. "Indigenous Protected Areas December 2024." Department of Climate Change, Energy, the Environment and Water. https://www.dcceew.gov.au/sites/default/files/documents/ipa-national-map.pdf.

Baird, M. F. 2013. "The Breath of the Mountain Is My Heart: Indigenous Cultural Landscapes and the Politics of Heritage." *International Journal of Heritage Studies* 19 (4): 327–340. https://doi.org/10.1080/13527258.2012.663781.

Bandarin, F., and R. Van Oers. 2012. *The Historic Urban Landscape: Managing Heritage in an Urban Century*. Chichester, West Sussex, UK; Hoboken, NJ: Wiley Blackwell.

Bates, W. B., L. Chu, H. Claire, M. J. Colloff, R. Cotton, R. Davies, L. Larsen, et al. 2024. "A Tale of Two Rivers – Baaka and Martuwarra, Australia: Shared Voices and Art Towards Water Justice." *The Anthropocene Review* 11 (1): 228–261. https://doi.org/10.1177/20530196231186962.

Bawaka Country, S. W., S. Suchet-Pearson, K. Lloyd, L. Burarrwanga, R. Ganambarr, M. Ganambarr-Stubbs, B. Ganambarr, and D. Maymuru. 2015. "Working with and Learning from Country: Decentring Human Author-ity." *Cultural Geographies* 22 (2): 269–283. https://doi.org/10.1177/1474474014539248.

Bessarab, D., and B. Ng'andu. 2010. "Yarning About Yarning as a Legitimate Method in Indigenous Research." *International Journal of Critical Indigenous Studies* 3 (1): 37–50. https://doi.org/10.5204/ijcis.v3i1.57.

Brockwell, S., S. O'Connor, and D. Byrne, eds. 2013. "Transcending the Culture-Nature Divide in Cultural Heritage: Views from the Asia-Pacific Region." In *Terra Australis*, Canberra: ANU Press.

Brown, S. 2023. "From Culture and Nature as Separate to Interconnected Naturecultures." In *Routledge Handbook of Cultural Landscape Practice*, edited by S. Brown and C. Goetcheus, 47–61. Abingdon, Oxon: Routledge.

Brumann, C., and A. É. Gfeller. 2022. "Cultural Landscapes and the UNESCO World Heritage List: Perpetuating European Dominance." *International Journal of Heritage Studies* 28 (2): 147–162. https://doi.org/10.1080/13527258.2021.1941197.

Byrne, D., H. Brayshaw, and T. Ireland. 2003. *Social Significance: A Discussion Paper*. 2nd ed. Sydney: NSW National Parks and Wildlife Service.

Byrne, D., and G. B. Ween. 2015. "Bridging Cultural and Natural Heritage." In *Global Heritage: A Reader*, edited by L. Meskell, 148–173. Chichester, West Sussex, UK: Wiley Blackwell.
Carracher, L., R. Martuwarra, W. K. T. Owners, A. Poelina, S. Ouzman, M. C. Smith, I. Bool, et al. 2024. "Story Map - Living Water: River, Land and Sea Country and Indigenous People of the West Kimberley." Accessed 8 November. https://livingwaterheritage.org/.
Clark, C., and A. Poelina. "Indigenous Ontology and International Law." In *The Oxford Handbook of Indigenous Peoples and International Law*, edited by M. Åhrén, C. Charters, J. Hohmann, and L. Lixinski, 1–23. Oxford University Press.
Cocks, M. L., S. Vetter, and K. F. Wiersum. 2018. "From Universal to Local: Perspectives on Cultural Landscape Heritage in South Africa." *International Journal of Heritage Studies* 24 (1): 35–52. https://doi.org/10.1080/13527258.2017.1362573.
Commonwealth of Australia. 2011. "Environment Protection and Biodiversity Conservation Act 1999. Inclusion of a Place in the National Heritage List - the West Kimberley." *Commonwealth of Australia Gazette*: S132. https://trove.nla.gov.au/newspaper/article/240487782.
Commonwealth of Australia. 2024. *Framework for Governance of Indigenous Data*. Canberra: Commonwealth of Australia.
Cosgrove, D. 1985. "Prospect, Perspective and the Evolution of the Landscape Idea." *Transactions of the Institute of British Geographers* 10 (1): 45–62. https://doi.org/10.2307/622249.
Cribb, M., E. Macpherson, and A. Borchgrevink. 2024. "Beyond Legal Personhood for the Whanganui River: Collaboration and Pluralism in Implementing the Te Awa Tupua Act." *International Journal of Human Rights*: 1–24. https://doi.org/10.1080/13642987.2024.2314532.
Cronon, W. 1995. *Uncommon Ground: Toward Reinventing Nature*. New York: W.W. Norton & Co.
David, G., R. W. Wilson, J. Yantarrnga, W. von Hippel, C. Shannon, and J. Willis. 2018. *Health Benefits of Going on-Country*. Melbourne: The Lowitja Institute.
Davies, J., R. Hill, F. J. Walsh, M. Sandford, D. Smyth, and M. C. Holmes. 2013. "Innovation in Management Plans for Community Conserved Areas: Experiences from Australian Indigenous Protected Areas." *Ecology and Society* 18. 2. https://doi.org/10.5751/es-05404-180214.
DCCEEW (Department of Climate Change, Energy Environment and Water). 2025. *First Nations Engagement: The Principles of Free, Prior and Informed Consent*. Canberra: Commonwealth of Australia.
Descola, P. J. Lloyd, Translated by. 2013. *Beyond Nature and Culture*. Chicago: University of Chicago Press.
Dortch, J. 2024. "The Shifting Sands of Aboriginal Cultural Heritage Management in Western Australia." *Australian Archaeology* 90 (1): 25–27. https://doi.org/10.1080/03122417.2024.2317524.
Ens, E. 2012. "Conducting Two-Way Ecological Research." *People on Country: Vital Landscapes, Indigenous Futures* 1: 45–64. Federation Press.
Environmental Data and Analysis Branch. 2025. "Indigenous Protected Areas." Canberra: Department of Climate Change, Energy, the Environment and Water.
Fabian, J. 2014. *Time and the Other How Anthropology Makes Its Object*. Columbia University Press.
Fitzroy River Declaration. 2016. Accessed 19 November. http://majala.com.au/news/protecting-the-fitzroy-river-catchment.
Guttorm, H. E. 2021. "Becoming Earth Rethinking and (Re-)Connecting with the Earth, Sámi Lands, and Relations." In *Bridging Cultural Concepts of Nature: Indigenous People and Protected Spaces of Nature*, edited by R.-H. Andersson, R.-H. Andersson, B. Cothran, and S. Kekki, 239–258. Helsinki: Helsinki University Press.
Harrison, R. 2013. *Heritage: Critical Approaches*. Oxon: Routledge.
Harrison-Buck, E., and J. A. Hendon. 2018. *Relational Identities and Other-than-Human Agency in Archaeology*. Boulder: University Press of Colorado.
Head, L. 2016. *Cultural Landscapes and Environmental Change*. Abingdon, Oxon, England: Routledge.

Holliday, A. 2022. "Searching for a Third-Space Methodology to Contest Essentialist Large-Culture Blocks." *Language and Intercultural Communication* 22 (3): 367–380. https://doi.org/10.1080/14708477.2022.2036180.

Howitt, R., K. Doohan, S. Suchet-Pearson, G. Lunkapis, S. Muller, R. Lawrence, S. Prout, S. Veland, and S. Cross. 2013. "Capacity Deficits at Cultural Interfaces of Land and Sea Governance." In *Reclaiming Indigenous Planning*, edited by R. Walker, T. Jojola, and D. Natcher, 313–338. Montreal: McGill-Queen's University Press.

Howitt, R., and S. Suchet-Pearson. 2006. "Ontological Pluralism in Contested Cultural Landscapes." In *Handbook of Cultural Geography*, edited by K. Anderson, M. Domosh, S. Pile, and N. Thrift, 557–569. London: Sage.

Hughes, M., and S. Barlo. 2020. "Yarning with Country: An Indigenist Research Methodology." *Qualitative Inquiry* 27 (3–4): 353–363. https://doi.org/10.1177/1077800420918889.

Jackson, S., and M. Barber. 2013. "Recognition of Indigenous Water Values in Australia's Northern Territory: Current Progress and Ongoing Challenges for Social Justice in Water Planning." *Planning Theory and Practice* 14 (4): 435–454. https://doi.org/10.1080/14649357.2013.845684.

Janke, T. 2019. *True Tracks: Indigenous Cultural and Intellectual Property Principles for Putting Self-Determination into Practice*. Australian National University.

Janke, T. 2024. "Protecting Indigenous Cultural and Intellectual Property in Research Collaboration." In *The Routledge Handbook of Human Research Ethics and Integrity in Australia*, edited by B. M. Smyth, M. A. Martin, and M. Downing, 111–125. Oxford: Taylor & Francis Group.

Joint Standing Committee on Northern Australia. 2021. *Final Report into the Destruction of Indigenous Heritage Sites at Juukan Gorge*. Canberra: Parliament of the Commonwealth of Australia.

Jones, T., and C. Dowling. 2024. "Settler Colonial Cultural Landscapes: Badimia Experiences of Advocating for Their Sovereignty, Community and Country." In *Heritage Is Movement: Heritage Management and Research in a Diverse and Plural World*, edited by Tod Jones, 99–115. London: Routledge.

Koch, E., and J. Gillespie. 2024. "Under-Utilisation of the World Heritage Cultural Landscape Category? A Timely Question." *International Journal of Heritage Studies* 30 (7): 768–783. https://doi.org/10.1080/13527258.2024.2334224.

le Masurier, B. 2024. "An Anti-Oppressive Methodology for More Equitable Heritage Work in the Anthropocene: A Case Study of Nature and Barbuda." *International Journal of Heritage Studies*: 1–14. https://doi.org/10.1080/13527258.2024.2417054.

Lilley, I. 2013. "Nature and Culture in World Heritage Management: A View from the Asia-Pacific (or, Never Waste a Good Crisis!)." In *Transcending the Culture-Nature Divide in Cultural Heritage: Views from the Asia-Pacific Region*, edited by S. Brockwell, S. O'Connor, and D. Byrne, 27–40. Canberra, AUSTRALIA: ANU Press.

Maiam nayri Wingara Indigenous Data Sovereignty Collective. 2018. *Indigenous Data Sovereignty Communique at Indigenous Data Sovereignty Summit*. Canberra: Maiam nayri Wingara and Australian Indigenous Governance Institute.

Martuwarra Fitzroy River Council. 2024. "Living Water - River, Land and Sea Country of the West Kimberley." Accessed 19 November. https://livingwaterheritage.org/.

McConnell, A., T. Janke, Z. Cumpston, and I. Cresswell. 2021. *Australia State of the Environment 2021: Heritage*. Canberra: Independent report to the Australian Government Minister for the Environment, Commonwealth of Australia.

McDonald, J., and P. Veth. 2013. "The Archaeology of Memory: The Recursive Relationship of Martu Rock Art and Place." *Anthropological Forum* 23 (4): 367–386. https://doi.org/10.1080/00664677.2013.843444.

Médici Machado, N. C., M. P. Poto, and E. M. Murray. 2024. "The Paths of Water and Their Relations: A Dialogue Between Brazil and Norway." In *Emotional and Ecological Literacy for a More Sustainable Society*, edited by G. Panieri, M. P. Poto, and E. M. Murray, 145–162. Cham: Springer Nature Switzerland.

Nikolakopoulou, V., and P. Koutsabasis. 2025. "The 'Making' of Participatory and Co-Design for Digital Experiences in Cultural Heritage: A Review." *Codesign*: 1–27. https://doi.org/10.1080/15710882.2025.2511791.

Ouzman, S. 2021. "Archaeologies of Austral: Australian Identities from the Pleistocene to the Anthropocene." *Journal of Australian Studies* 45 (2): 152–164. https://doi.org/10.1080/14443058.2021.1910857.

Peters, E., and C. Andersen. 2013. *Indigenous in the City: Contemporary Identities and Cultural Innovation*. Vancouver: UBC Press.

Poelina, A., D. Bagnall, M. Graham, R. T. Williams, T. Yunkaporta, C. Marshall, S. A. Diop, N. Samnakay, M. Maloney, and M. Davis, eds. 2024. "Personal Stories." In *Declaration of Peace for Indigenous Australians and Nature: A Legal Pluralist Approach to First Laws and Earth Laws*, 27–81. Singapore: Springer Nature Singapore.

Poelina, A., and I. Perdrisat. 2024. *'Trail for Life': Two Way Learning – An Indigenous and Western Science Project*. Pandanus Park: Madjulla Inc.

Poelina, A., K. S. Taylor, and I. Perdrisat. 2019. "Martuwarra Fitzroy River Council: An Indigenous Cultural Approach to Collaborative Water Governance." *Australasian Journal of Environmental Management* 26 (3): 236–254. https://doi.org/10.1080/14486563.2019.1651226.

Poelina, A., B. Webb, S. Wooltorton, and N. J. Godden. 2024. "Waking Up the Snake: Ancient Wisdom for Regeneration." In *Planetary Justice: Stories and Studies of Action, Resistance and Solidarity*, edited by N. Abhayawickrama, 25–38. Bristol, England: Bristol University Press.

RiverofLife, M., A. Poelina, J. Alexandra, and N. Samnakay. 2020. *A Conservation and Management Plan for the National Heritage Listed Fitzroy River Catchment Estate*. Broome: Martuwarra Fitzroy River Council; Nulungu Research Institute & The University of Notre Dame Australia.

RiverOflife, M., A. Poelina, D. Bagnall, and M. Lim. 2020. "Recognizing the Martuwarra's First Law Right to Life as a Living Ancestral Being." *Transnational Environmental Law* 9 (3): 541–568.

RiverOflife, M Poelina A., and M. Magali. 2020. *Bookarrarra Liyan Mardoowarra Booroo*. Broome, Western Australia: Madjulla.

RiverOflife, M., K. S. Taylor, and A. Poelina. 2021. "Living Waters, Law First: Nyikina and Mangala Water Governance in the Kimberley, Western Australia." *Australasian Journal of Water Resources* 25 (1): 40–56. https://doi.org/10.1080/13241583.2021.1880538.

Rose, D. B. 2004. *Reports from a Wild Country: Ethics for Decolonisation*. Sydney: University of New South Wales Press.

Ross, A. 2016. *Indigenous Peoples and the Collaborative Stewardship of Nature: Knowledge Binds and Institutional Conflicts*. London: Routledge.

Sauer, C. O. 1963. "The Morphology of Landscape." In *Land and Life a Selection from the Writings of Carl Ortwin Sauer*, edited by J. Leighly, 315–350. Berkeley: University of California Press.

Slack, M. J., W. B. Law, A. C. F. Coster, K. Ditchfield, J. Field, J. Garvey, L. A. Gliganic, et al. 2024. "A 47,000 Year Archaeological and Palaeoenvironmental Record from Juukan 2 Rockshelter on the Western Hamersley Plateau of the Pilbara Region, Western Australia." *Quaternary Science Reviews* 338:108823. https://doi.org/10.1016/j.quascirev.2024.108823.

Smith, L. 2006. *Uses of Heritage*. London, New York: Routledge.

Southalan, J. 2020. "Sorry, Not Sorry: The Operation of WA's Aboriginal Heritage Act." *Australian Public Law*: 11. https://auspublaw.org/blog/2020/09/sorry-not-sorry-the-operation-of-was-aboriginal-heritage-act/.

Storey, M. 2023. "The Right to Enjoy Cultural Heritage and Australian Indigenous Cultural Heritage Legislation." *Nordic Journal of Human Rights* 41 (1): 49–69. https://doi.org/10.1080/18918131.2022.2150410.

Taylor, K., K. D. Silva, and D. S. Jones. 2023. "Managing Cultural Landscape Heritage in the Asia-Pacific." In *The Routledge Handbook of Cultural Landscape Heritage in the Asia-Pacific*, edited by K. D. Silva, K. Taylor, and D. S. Jones, 1–28. London: Routledge.

Thomas, E. J., A. Ross, S. Bauwens, and C. Bauwens. 2023. "Resurrecting the Power in the Stones, Developing a Modern Narrative of the Agency and Sentience of Powerful Stones, and

Recreating Shared Knowledge Encounters at Gummingurru and Its Associated Site Architecture." *Archaeology in Oceania* 58 (1): 5–19. https://doi.org/10.1002/arco.5282.
Thomson, J.-A. R., and J. Dortch. 2022. "A Missed Opportunity for a Paradigm Shift: The Rescinded "Western Australian Aboriginal Cultural Heritage Act 2021." *Historic Environment* 34 (1/2/3): 20–34.
Torre, G. 2024. "Kimberley Conservationists Urge WA Government to Protect Martuwarra Fitzroy River's Freshwater Sawfish." In *National Indigenous Times*, NIT. https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://nit.com.au/17-10-2024/14340/kimberley-conservationists-urge-wa-government-to-protect-martuwarra-fitzroy-rivers-freshwater-sawfish-on-world-sawfish-day&ved=2ahUKEwi-8ODcw4CQAxVvY_UHHUifIYAQFnoECBcQAQ&usg=AOvVaw1GOECxlZA7ym-wpjyPixRm.
Traditional Owners from the Fitzroy River. 2016. "Fitzroy River Declaration Recognizing Martuwarra-Fitzroy River as a Living Ancestral Being." In *Eco Juridprudence Monitor*, Fitzroy Crossing https://ecojurisprudence.org/initiatives/fitzroy-river-declaration-recognizing-martuwarra-fitzroy-river-as-a-living-ancestral-being/.
UNESCO - IHP. 2024. "The Global Network of Water Museums." Accessed 8 November https://ihp-wins.unesco.org/initiatives?q=&sort=&page=2.
UN General Assembly. 2007. "United Nations Declaration on the Rights of Indigenous Peoples." *A/RES/61/295*. https://docs.un.org/en/A/res/61/295.
Upadhyay, K., and B. P. Nayak. 2024. "Tracing the Legal Journey of Petitions in the Uttarakhand High Court That Became Springboards for Rights of Rivers and Nature in India." *International Journal of Human Rights*: 1–20. https://doi.org/10.1080/13642987.2024.2380850.
Vanstone, A., J. Martin-Jard, H. Williams, S. L. Stone, N. Hunter, and D. Bowden. 2021. *Senior Advisory Group Report on Joint Management Arrangements for Three Commonwealth National Parks*. Canberra: Minister for the Environment.
Vaughan, L. 2016. "From Weebo to Walmadan: Making Sense of Aboriginal Heritage Protection (DE) Evolution in Western Australia." In *The Right to Protect Sites: Indigenous Heritage Management in the Era of Native Title*, edited by P. F. McGrath, 253–284. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies.
Veth, P., K. Ditchfield, M. Bateman, S. Ouzman, M. Benoit, A. P. Motta, D. Lewis, S. Harper, and B. A. Corporation. 2019. "Minjiwarra: Archaeological Evidence of Human Occupation of Australia's Northern Kimberley by 50,000 BP." *Australian Archaeology* 85 (2): 115–125.
Victorian Traditional Owners. 2021. *The Victorian Traditional Owner Cultural Landscapes Strategy*. Melbourne: The Federation of Victorian Traditional Owner Corporations.
Vogwill, R. 2015. *Water Resources of the Mardoowarra (Fitzroy River) Catchment*. Crawley: University of Western Australia.
Waterton, E. 2005. "Whose Sense of Place? Reconciling Archaeological Perspectives with Community Values: Cultural Landscapes in England." *International Journal of Heritage Studies* 11 (4): 309–325. https://doi.org/10.1080/13527250500235591.
Western Australian Museum. 2023. "Review of the Maritime Archaeology Act 1973 Information Fact Sheet." Accessed 19 November. https://visit.museum.wa.gov.au/review-maritime-archaeology-act-1973-information-fact-sheet.
West Kimberley Traditional Owners. 2025. *West Kimberley Traditional Owner Climate Adaptation Declaration*. Broome: Nulungu Research Institute and Martuwarra Fitzroy River Council.
World Archaeological Congress. 2025. *Martuwarra Fitzroy River Sustainable Heritage Futures Declaration*. Darwin: World Archaeological Congress.
Wylie, J. 2007. *Landscape*. London: Routledge.