

# Repatriation, healing and wellbeing: understanding success for repatriation policy and practice

## Final Report

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### **Authors:**

Steve Hemming, Daryle Rigney, Cressida Fforde, Winsome Adam, Amy Della-Sale, Michael Pickering, Grant Rigney, Tom Trevorow (deceased), Darryl Sumner, Ellen Trevorow, Luke Trevorow, Laurie Rankine Jnr and Shaun Berg.

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**Warning:** this report contains information about Ngarrindjeri Old People. It also contains pictures of Ngarrindjeri elders who have passed away. Please take care in viewing this report.

**All Ngarrindjeri cultural knowledge in this report remains the property of the Ngarrindjeri nation<sup>1</sup>**



Ngori (Pelican) in flight over the Kurangk (Coorong), Ngarrindjeri Yarluwar-Ruwe (Sea Country), 2016. Photo: Brayden Mann

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<sup>1</sup> See Appendix 1 for ICIP and Ngarrindjeri Cultural Knowledge clause provisions in the project's collaboration agreement.

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# 1 Foreword

Kungun Ngarrindjeri Yunnan roughly translates as listen to what the people/Country/spirits (who belong to Yarluwar-Ruwe [Country]) are saying. In 2006 Ngarrindjeri leaders and Elders developed a document called the *Ngarrindjeri Nation Yarluwar-Ruwe Plan* (2007) to recount what they wanted to say about their Yarluwar-Ruwe, their history, their laws and their hopes for the future. It includes the *Proclamation of Ngarrindjeri Dominion* that was presented to the Governor of South Australia in 2003. The Plan also begins with a dedication and a vision for Country:

## **Dedication**

Our respect for all living things and our fight for Truth, Justice and equity within our Lands and Waters guides us...

May our Spirits find rest and peace within our Lands and Waters

## **Ngarrindjeri Vision for Country**

Kungun Ngarrindjeri Yunnan

(Listen to what Ngarrindjeri people have to say)

Our Lands, Our Waters, Our People, All Living Things are connected. We implore people to respect our Yarluwar-Ruwe (Country) as it was created in the Kaldowinyeri (the Creation). We long for sparkling, clean waters, healthy land and people and all living things. We long for the Yarluwar-Ruwe (Sea Country) of our ancestors. Our vision is all people Caring, Sharing, Knowing and Respecting the lands, the waters and all living things.

## **Our Goals are:**

- For our people, children and descendants to be healthy and to enjoy our healthy lands and waters.
- To see our lands and waters healthy and spiritually alive.
- For all our people to benefit from our equity in our lands and waters.
- To see our closest friends – our Ngartjis – healthy and spiritually alive.
- For our people to continue to occupy and benefit from our lands and waters.

Ngarrindjeri leaders such as Tom Trevorrow (deceased) former Chair of the Ngarrindjeri Heritage Committee, the Ngarrindjeri Lands and Progress Association and the Ngarrindjeri Regional Authority was one of the leaders that developed the *Yarluwar-Ruwe Plan*. He was a leader in Ngarrindjeri repatriation and on the 28<sup>th</sup> August 2004 he addressed those attending the ceremonial return of Ngarrindjeri Old People to Camp Coorong.<sup>2</sup> His moving speech gave Ngarrindjeri, and others attending the ceremony, a Ngarrindjeri leader's perspective on the history, the challenges the importance of bringing the first 'Stolen Generations' home to find peace in their Yarluwar-Ruwe – their lands and waters. He spoke lawfully as Country (embodying Yannarumi principles), as a

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<sup>2</sup> Uncle Tom Trevorrow was the first Ngarrindjeri Partner Investigator on the Return Reconcile Renew (RRR) ARC funded research project. A description of RRR as background context is given in this report.

Rupelli (leader), a Pelican (Ngori). His speech is replicated here because it provides a foundational context for this report:

All those Old People and all the people we got here, they are all our family. We know where they were taken from, illegally taken from their burial grounds; their resting places and we know that they are our ancestors we are connected to them. They were taken away from us. Where they've been and what has happened to them, we don't know, we can only guess. But we've got a good idea that they've been taken, they've been looked at, they've been studied, they've been examined, all those things have happened to them. We know that their spirit has been at unrest, ours has been at unrest. We believe that the things that happen around us, our lands and waters is all connected. It's a part of it and what's happening here is a part of the healing process, when we bring our Old People home.

Now as you know we gathered here today because the Museum of Victoria returned 74 of our people that they have had over there in what they call their collections. Now I'm not to sure how they got them but they've had them. Under the new processes in this country now, institutions and museums are obliged to recognize Indigenous peoples and recognize that there is a process that they have to return the bodies of our Old People and sacred objects that they have in their possession that they shouldn't have. Now that's what the Museum of Victoria has done.

Last week we went, me, Brother Moogie [Sumner], Brother Mulla [Sumner], Brother Matt [Rigney], a couple of young fulla's, young Chris [Wilson], we went over there to Melbourne and we received 74 of our Old People back. We had a ceremony there, and smoking cleansing ceremony. We took our material from here, all of our ti tree and that [and other materials used in smoking ceremonies], we took that over there and we let our Old Fulla's know that we were there and that we've come to pick you up and bring you home. It's a hard thing to do, but we have to do it. It's sort of what's been put on our shoulders here today, from people who have done the wrong thing in the past that never come to talk to us or our Old People or anything. But we all know if they said we want to dig a burial ground up and take your Old People's bodies we would have said no. Our Old People would have said no, because we know that, that is culturally and spiritually wrong to do that. So that's what happened.

Museum of Victoria acknowledged that it was wrong what's done and they actually gave us an apology and they also done up an agreement. Now on the table there we've framed it. You'll see an apology from the Museum of Victoria and you'll see an acceptance of Museum of Victoria's apology from the Ngarrindjeri people and you'll see an agreement in the middle. So Museum of Victoria has apologized, we accepted it and we signed another Kungun Ngarrindjeri Yunnan Agreement. Kungun Ngarrindjeri Yunnan, as you know means listen to Ngarrindjeri people talking. We're asking them to listen to us and finally people are listening to us and hearing us, what we've got to say as Traditional Owners in these lands and waters around this area. So they said we've got an apology from them. A lot of you would have seen the article that was in the paper, the other day in the Advertiser and it said that "We're Sorry Says Museum".

So, as I said they are starting to acknowledge that. Now the Old People that we've got here in the vehicle, they come from Murray Bridge, Tailem Bend, from the Coorong, and from Swan Reach up the river. So these are the 74, but mainly they're from the Coorong, about four from

the Coorong region, two from Murray Bridge, six from Swan Port, 19 from Taillem Bend and one from Swan Reach that were taken over 100 ago. They've had them for a long time, so now they have come home.

So we're going, we're getting our Old People's bodies, we're bringing them home to Camp Coorong and we're putting them in here for the time being and at the moment that is all we can do because there is no resources being provided to us to go back on the lands now and do the burials and put them back from where they were taken from because the government's not coming to terms with what has happened here, they don't want to come to terms with it. The State Government should recognise what's happened here. That it was culturally wrong and that they should provide us with proper resources so that we can go back, take our Old People back and bury them from where they got taken, but this government like the pindjali [emu] are hiding their heads in the sand, they don't want to recognize it. Even the Liberal Government, John Howard is dodging and avoiding it, they don't want to come to terms with it and they don't want to say sorry for what has happened. It's very much like; put it like the Stolen Generations, the stolen generations of the living and the stolen generations of the dead. That's what's happened here, because they were taken from their resting grounds, they were stolen and sent all around Australia and all overseas.

You've all heard that there is still over 20,000 in England yet, and other countries that have to come home. So it's a big thing a big job ahead of us and like I said we haven't been given any resources to try and do this culturally and respectfully that we should do it. So it is another sad time in the life of the Ngarrindjeri people. It's always seen that we are living through pain and suffering for what has been happening to us, to our Old People, and we're always struggling ourselves to try and fix up the problems that has been caused by other people who had no understanding or respect for Indigenous peoples and here we are today.

The thing about today, though, is that now we look around and many of us are gathering like this, we've got Aboriginal and non-Aboriginal people here together, they're all coming together to acknowledge the hurtful things that has happened to us as Ngarrindjeri people and a lot of other Aboriginal groups. So I thought I would want to share a little bit of that information with you and of why we're here today. And we will probably be gathering like this a lot more, because it is not finished, we've got a long way to go. And as I said, the next thing that we've got to try and do, is to try and get the government to sit down at the table with us and recognize us and acknowledge this, and accept it, and to come up with the resources and a way to help us get our Old People out of here and back in the land. Otherwise we're just carrying on like the other institutions, we're bringing them home and putting them in here and leaving them in their cardboard boxes. We know that's wrong, I don't like doing it, but we've got nowhere else and that's why we brought them home here to talk to the Community, to my people. I said bring them home to Camp Coorong here and we will keep them here until we can bury them on the land again. That's our next big step. I'm waiting to see a government in power that will really come to terms with this. I don't know how long, if we will see it in our generation or what, I don't know. Maybe if the Democrats or Greens got in we might see it. But at the moment with the Howard Government I can't see it. So that's what we gathered here for. (Tom Trevorrow 2004, Welcome Home Speech, Camp Coorong).

We include these important Ngarrindjeri words as a prelude to this report on understanding success in repatriation. They incorporate Ngarrindjeri laws, principles, hopes and experience that continue to guide Ngarrindjeri Yannarumi - lawful decision-making process. As Tom Trevorrow states, for repatriation to be truly successful it requires non-Indigenous governments to properly come to terms with First Nations. Ngarrindjeri have located Ngarrindjeri Yannarumi principles at the centre of the AIATSIS project ‘Repatriation, healing, wellbeing: Understanding success for repatriation, policy and practice’.

## **2 Introduction**

This project sought to centre healing and wellbeing as priority and key indicators of success in repatriation and reburial, to support practice, develop protocols, and inform policy nationally and internationally. This was done following a Ngarrindjeri decision-making and assessment methodology (Yannarumi)

Ngarrindjeri have translated Yannarumi into an engagement framework and risk assessment methodology in a range of settings. These include environmental management, water planning, repatriation, economic develop and Indigenous nation (re)building (see for example: Hemming, Rigney & Berg 2019; Hemming et al. 2020).

Healing and wellbeing need to be understood in terms of specific First Nation ways of being and laws – this includes ongoing experiences of colonisation and racism. This project has provided an opportunity to deeply consider success in repatriation practice and policy through a specific First Nation lens and use this experience to make recommendations that may assist in improved outcomes for First Nations and non-Indigenous parties working in this space.

## **3 Personnel**

The project team included Ngarrindjeri nation members/leaders, museum professionals (Indigenous/non-Indigenous), researchers and academics (Indigenous and non-Indigenous). The diversity of the team’s experience created unique opportunities for all contributors to develop new insights and knowledge relevant to better understanding the complexities of repatriation and reburial work.

Due to COVID and additional related and unrelated availability issues, the team composition shifted from what had been originally envisaged, although core personnel remained unchanged. People with continuing involvement in the project included:

- Daryle Rigney (Ngarrindjeri, UTS)
- Steve Hemming (UTS)
- Cressida Fforde (ANU)
- Michael Pickering (NMA/ANU)
- Grant Rigney (Ngarrindjeri, NRA)
- Win Adam (ANU)
- Amy Della-Sale (UTS)
- Aunty Ellen Trevorrow (Ngarrindjeri Elder)
- Uncle Daryle Sumner (Ngarrindjeri Elder)
- Others who contributed include Ngarrindjeri citizens: Luke Trevorrow, Laurie Rankine Jnr, Rita Lindsay Jnr, Bessie Rigney and Elizabeth Rankine
- Shaun Berg, legal advisor to the Ngarrindjeri Regional Authority

## 4 Timelines

The project was awarded in July 2020 and was scheduled to commence in February 2021. However, after award announcement, it took a number of months to go through the AIATSIS ethics process, and then further months to finalise the collaboration agreement (created by the ANU contracts team) between the project partners: Australian National University, Ngarrindjeri Regional Authority, University Technology Sydney, Kimberley Aboriginal Law and Culture Centre, and Gur a Baradharaw Kod Torres Strait Sea and Land Council. This multi-institutional agreement was fully executed in March 2021. With the signing of the collaboration agreement, the first financial distribution to UTS and NRA could occur. Although significant work had been undertaken by UTS, NRA and ANU during the post-award processes, including necessary project preparatory work, during this period there could be no financial flow to UTS or NRA until the collaboration agreement was signed.

Because of initial administrative delays due to lengthy post-award processes, exacerbated by COVID-19, a variation was agreed with AIATSIS that the official start date of the 12 month project should be May 2021. After further variations and delays unavoidable due to global pandemic, the project ended on 28 Feb 2023.<sup>3</sup>

## 5 Project Overview

A shared understanding of success, grounded in First Nation understandings of wellbeing, is critical for best practice in repatriation. However, there is little dialogue, or harmony, between museums, agencies, and Indigenous communities about what constitutes success or how it should be ‘measured’. While Indigenous approaches often frame success in terms of positive impact on healing and wellbeing, museum, government and funding agency measures (KPIs) can be attached to numbers of returns/reburials within a certain timeframe. This can lead to processes driven by inappropriate criteria that can be difficult to meet if reburial complexity causes delays, and may struggle to deliver on the opportunity for social benefit that repatriation represents (Pickering 2003). The project team believed that a project dedicated to understanding what ‘success’ should be in repatriation practice, and how it might be measured would be a timely and useful contribution to the repatriation space. Of significance, it would also have benefit for Ngarrindjeri in their ongoing efforts to rebury a very large number of Ancestors (Old People) taken from various areas of their traditional country and now housed in their Keeping place and in museums domestically and internationally.

While removal of Old People caused long-term injury, repatriation has the potential to combine factors integral to healing and wellbeing in a powerful and unique manner. For Ngarrindjeri, adopting a nation (re) building methodology, healing and wellbeing become outcomes by privileging culturally appropriate governance, strengthening identity, self-determination, spirituality, cultural resilience, knowledge transmission, and relationship-building (see Hemming et al 2020b; Kinnane and Sullivan 2016; Rigney et al 2022). However, these are rarely highlighted as priorities for undertaking repatriation, leading to a critical need for greater understanding about their inter-relationships and to urgently translate findings into policy and practice. This includes best-

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<sup>3</sup> A final report was submitted to AIATSIS in the required Smarty Grant format. This format turned out to be inappropriate for AIATSIS assessment. This led to a request to the project team to submit a new report in a more standard format for easier reading.

practice in the repatriation archive (rarely articulated in policy) which underlies processes central to healing and wellbeing in repatriation.

Organising returns and reburials which optimise wellbeing takes time, particularly when First Nation communities have received numerous Old People from multiple institutions with varying provenance levels. These complexities, and more, are experienced by Ngarrindjeri. The Ngarrindjeri Keeping Place is full of many hundreds of Old People awaiting reburial. More are in the National Museum of Australia (NMA), over 1000 are in the South Australian Museum (SAM), still more are overseas. These Ancestral Remains were stolen from burial grounds, hospitals and other places, and more recently have been/are being removed from burial grounds as a consequence of recent non-Indigenous actions. This is a pressing, distressing, and complex situation. The challenge and necessity of holding mass reburials of Ngarrindjeri Old People in a manner that enhances Ngarrindjeri wellbeing, and to ensure the successful return of many hundreds more from domestic and overseas institutions drove the need for this project.

The project sought to articulate, action, and translate Ngarrindjeri understandings of success to guide decision-making and process. The project aimed to identify, conceptualise, and articulate how Ngarrindjeri Yannarumi assessment principles and processes can provide a powerful methodology to do so.

Ngarrindjeri Yannarumi is grounded in Ngarrindjeri law and ways of being. It guides Ngarrindjeri decision-making and can act as a form of risk assessment determining whether a course of action impacts positively on the wellbeing of people and country (Hemming & Rigney 2018; Hemming et al. 2020b). Yannarumi was centred throughout the project to produce increased understanding of the relationship between repatriation/reburial and wellbeing. This understanding was therefore grounded in Ngarrindjeri experiences and principles. This occurred variously in real time, due to having to navigate a project such as this within the highly significant and unpredictable constraints imposed by a global pandemic, as well as in more familiar realms, such as how to guide the development of a Ngarrindjeri repatriation/reburial program, and translate research into healthy outcomes.

Pre-pandemic, the project aims were to:

- Support the Ngarrindjeri repatriation/reburial program
- Explore the connection between repatriation/reburial and wellbeing
- Translate and develop Ngarrindjeri measures for assessing repatriation/reburial success
- Investigate the role of archive management in repatriation/reburial best practice
- Design a protocol for Ngarrindjeri/NMA repatriation that prioritises wellbeing
- Develop a model for local adaptation by other First Nations, institutions and agencies
- Develop recommendations for policy and practice nationally and internationally.

Due to COVID, the project was unable to undertake many of the activities that had been planned to address these aims. However, it nonetheless advanced understanding in all of these criteria, re-configuring methodologies in order to do so.

## **6 Navigating project challenges: COVID-19 pandemic**

The project was planned to take place in a period of time acutely impacted by the COVID pandemic. Throughout 2021, state border closures were periodically in place, local travel was



compromised, vaccination rates (particularly in Indigenous communities) were not at high level, COVID disease in the population was high, making many people very sick, some fatally, and health services were under immense strain. When state borders opened and local travel became possible, there was still the unacceptable risk of the project team unknowingly bringing infection to Ngarrindjeri or hosting meetings that might cause spread, even when vaccination rates began to increase. COVID had very significant direct impact on this project, but also indirectly due to administrative processes slowing because of having to deal with COVID-related matters which had to take precedence. Major impacts are summarised in **Table 1**.

The COVID pandemic made it very difficult for the project to conduct face-to-face work and engage in community-based meetings and other events. In particular, in Indigenous nation contexts, face-to-face meetings and community process are essential for positive outcomes. Extensions to the project supported this work to take place, but the pre-COVID community-contact freedoms were slow to re-emerge. Eventually, with the easing of COVID restrictions, on-Country workshops were held in November/December 2022 and in January/February 2023

In addition to (but of course augmented by) COVID, Ngarrindjeri community capacity to engage with the complexities and challenges of extensive reburials was impacted by broader resourcing issues, complex native title matters, and internal community wellbeing, governance issues and ongoing negotiations with various levels of non-Indigenous government. Continuing internal community tensions and issues such as premature deaths of key Ngarrindjeri leaders and Elders, made it difficult to engage with a complex, cross-community issue such as returning Old People to Country. Due to these complexities and the resulting necessity to undertake greater internal Ngarrindjeri work it was decided by Ngarrindjeri leaders not to invite South Australian Museum (SAM) representatives into this context at this stage. SAM involvement had been originally planned for this project, but it was decided to wait until clear strategic direction for reburials had been determined, including a plan to engage with SAM about necessary provenancing research and repatriation planning for the return of Old People housed at that institution. Work was undertaken during the project to guide this future engagement.

In hindsight, having worked through the COVID peaks, we would have sought even greater flexibility with the project deadlines and funding schedule. The longer project timeframe led to increased pressure on community project people and university-based researchers, with delays and gaps in project work creating requirements for greater voluntary contributions to the work overall.

The delays outlined here provide context to properly appraise the achievement of the project activities on-country that did occur. While pre-COVID these would have been unproblematic, organising and delivering them in the COVID and immediate post-COVID phase was a very significant achievement.

**Table 1:** Summary list of direct and indirect COVID impacts

| # | COVID impact   | Project impact  |
|---|--|---|
| 1 | Institutional processes slowed as organisations and universities were overloaded with COVID related matters and impacts, | Unavoidable post-award administration delays leading to delay in financial distribution to UTS and NRA, and delay of official project start. This occurred despite team having worked since grant announcement to steward the project through post-award processes. |

|   |   |   |
|---|---|---|
| 2 | Border closures and travel restrictions, as well as high reticence to travel even if possible, caused necessity to rethink project plans and manage a number of budget variations.  | Further delays, compounded by factor 1 above.   |
| 3 | No interstate travel for the majority of the project. No local travel (i.e. from Adelaide to Ngarrindjeri country) for most of 2021 and patchy and difficult to schedule in the first half of 2022. Ngarrindjeri community in the latter half of the project were impacted by COVID disease; high reticence to gather in groups once travel was no-longer restricted due to high risk of being a vector for COVID spread within Ngarrindjeri community. | Fortnightly team meetings held by core project members via Zoom throughout project; severe impact on ability to organise and deliver face-to-face on-Country meetings/workshops and on community ability to engage. Acute difficulty in co-ordinating meetings of the NRA Board, the main decision-making authority relied upon to endorse project action; no interviews undertaken; no reburials undertaken. |
| 4 | COVID impact on Ngarrindjeri governance processes and structures was significant, exacerbating existing governance complexities.  | NRA Board and other meetings largely in abeyance throughout project period, and significant effort expended to support these meetings and project-specific on-country meetings when they did occur.   |

## 7 Background

To understand and contextualise this project requires a degree of familiarity with:

- a) The history of the removal and return of Ngarrindjeri Old People,
- b) Ngarrindjeri nation governance and its nation-building framework;
- c) the concept of Ngarrindjeri Yannarumi and its more recent development and use as a recognised protocol for risk assessment and decision-making, and
- d) the work of Ngarrindjeri as part of the Return, Reconcile, Renew collective, and particularly in the building of major repatriation research infrastructure: the Return Reconcile Renew (RRR) Digital Archive.

The following sections provide an overview of these topics and their significance for Ngarrindjeri repatriation approaches so the reader can better contextualise the information in this report

### 7.1 The Pethun (theft) of Ngarrindjeri Old People and a brief repatriation history of efforts for return

Over the past 30 years, Ngarrindjeri have negotiated with institutions nationally and internationally, brought home hundreds of Old People, and undertaken a number of reburials, the last occurring in 2015 (see Photos 1-5). Ngarrindjeri thus have extensive experience in the many facets of repatriation. The complexity Ngarrindjeri face in ensuring all the stolen Old People are laid to rest are identified in this report.

Ngarrindjeri have thus been leaders in Indigenous repatriation since the 1990s. This work has not only led to hundreds of Old People being returned, but also the building of crucial networks with other First Nations around the world and key institutions and researchers connected with this work. This history is included in various publications as well as the RRR website (in particular: <https://returnreconcilerenew.info/community-stories/NRA.html>) to help educate and support new approaches to practice and policy that ensure better outcomes for First Nations peoples around the world (see for example: Hemming & Wilson 2007; Hemming et al. 2020b; RRR 2022).

Ngarrindjeri leader Tom Tomorrow's speech included at the front of this report includes this brief overview of the pethun of Ngarrindjeri Old People and the consequences:

All those Old People and all the people we got here, they are all our family. We know where they were taken from, illegally taken from their burial grounds; their resting places and we

know that they are our ancestors we are connected to them. They were taken away from us. Where they've been and what has happened to them, we don't know, we can only guess. But we've got a good idea that they've been taken, they've been looked at, they've been studied, they've been examined, all those things have happened to them. We know that their spirit has been at unrest, ours has been at unrest. We believe that the things that happen around us, our lands and waters is all connected. It's a part of it and what's happening here is a part of the healing process, when we bring our Old People home.

The first recorded evidence of Ngarrindjeri seeking the return of their Old People in the early twentieth century followed the devastating news that the bodies of one of their well-known citizens had been taken from the morgue and two other burials had been desecrated. Moving to the 1990s, Ngarrindjeri have been at the forefront of Australia's international repatriation endeavours for over 30 years, making Ngarrindjeri intimately aware of the challenges of returning Old People to country.

Ngarrindjeri were heavily predated by scientific collectors, with their graves easily accessible to Europeans exploring the Coorong and River Murray areas. Old People were taken in their hundreds by Dr William Ramsay Smith, who as Adelaide's coroner and a staff member the hospital plundered multiple Ngarrindjeri burial places and also stole bodies direct from the hospital morgue (Wilson 2009). Ramsay Smith stole Old People for his own collection<sup>4</sup> and that of Edinburgh University, which returned over 300 Ngarrindjeri individuals as part of the repatriation of Aboriginal and Torres Strait Islander ancestral remains to Australia in 1991, 2000 and 2005. However, those returned from Edinburgh represent only about 15% of Ngarrindjeri Old People still in museums.

Complexities in reburial decision-making for Ngarrindjeri are significant, from those common to other First Nations (e.g. where to rebury poorly provenanced ancestors) to those less frequent but still encountered, such as the profoundly distressing experience of deciding on appropriate reburial solutions for individuals whose body parts were sent to more than one institution and have only been partially returned. See **Tables 3 and 4** for a number of identified issues facing Ngarrindjeri.

First and foremost, complexity manifests in the urgent need to rebury almost 400 Old People of varying levels of provenance in the Ngarrindjeri keeping place today. These have been returned from collecting institutions in Australia and internationally. Added complexity is inherent in the knowledge that almost 1500 ancestors taken from the same (and other) burial places are still housed in museums in Australia and overseas, whose future must also be woven into current reburial decision-making. Further complexity relates to the governance challenges within Ngarrindjeri that commenced with the passing of Ngarrindjeri senior leadership ten years ago.

This project built on previous collaboration which had collated critical provenance and other information about the 400 and placed this in a private section of the RRR Digital Archive controlled by Ngarrindjeri (see below), with first stage research also undertaken for those still housed in museums. In this project, we mobilised this information in forms to assist local decision-making, presenting complex data in accessible formats, in particular using digital mapping techniques.

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<sup>4</sup> William Ramsay Smith's collection was sold by his widow to the Australian Institute of Anatomy. Its collections eventually passed to the National Museum of Australia.



Photo 1. Handover ceremony including Ngarrindjeri Old People. Australia House, London October 2016. Photo: Australia High Commission London Media.



Photo 2: Major (Moogy) Sumner, unidentified person, Daryle Rigney and Christopher Wilson standing with a Ngarrindjeri Ancestor during the Royal Albert Memorial Museum repatriation in 2003. Photo: Tristram Besterman



Photo 3: Elders and leaders Tom Trevorrow, George Trevorrow, Matthew Rigney and Major (Moogy) Sumner at Parnka point reburial, September 2006. Photo: Toni Massey and Ngarrindjeri Heritage Committee.



Photo 4: People gathered at the Warnung (Hacks point) reburial, **September 2006**. Photo: Toni Massey and Ngarrindjeri Heritage Committee.



Photo 5: Laurie Rankine Junior preparing for the reburial at Ngarlung, the Kurangk (Coorong), April 2015. Photo: Michael Diplock and Ngarrindjeri Heritage Committee.

## 7.2 Ngarrindjeri Nation Governance history and nation-building framework<sup>5</sup>

The Ngarrindjeri nation is situated in the lower Murray region of southern South Australia. From the beginnings of contemporary South Australian Aboriginal heritage management in the 1980s, the Ngarrindjeri nation has prioritised the repatriation and reburial of ‘the first Stolen Generations’. Ngarrindjeri histories tell of the impact of ‘unlawful’ removal or pethun (theft) of Old People from burial grounds and hospitals, and the role of museums and universities in the ‘collection’ of Old People’s bodies. In the face of a devastating history of ‘Indigenocide’, Ngarrindjeri have tried to maintain cultural responsibility for Ngarrindjeri burial grounds and the bodies of Ngarrindjeri people. Starting in the 1980s, Ngarrindjeri leaders began developing a repatriation program with national and international reach. Its successes contributed significantly to the international Indigenous repatriation movement. This program has been led by Ngarrindjeri organisations such as the Lower Murray Aboriginal Heritage Committee (LMAHC), the Ngarrindjeri Lands and Progress Association (NLPA), the Ngarrindjeri Heritage Committee (NHC), the Ngarrindjeri Tendi, and more recently, the Ngarrindjeri Regional Authority (NRA) (see Hemming & Trevorrow 2005). The NRA is the peak body of the Ngarrindjeri Nation and was formed independently from non-Indigenous governments.

We ask readers to *Kungun Ngarrindjeri Yunnan* (listen to Ngarrindjeri speaking/writing) about the history of Ngarrindjeri repatriation within the broader context of Ngarrindjeri nation (re)building, and to reflect on the interconnectedness of repatriation work with the ongoing struggle to secure

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<sup>5</sup> This account draws from two earlier and much longer versions, both authored by S. Hemming, D. Rigney, M. Sumner, L. Trevorrow, L. Rankine Jr, S. Berg and C. Wilson, and published in C. Fforde, C.T. McKeown and H. Keeler (ed.), *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew* (London and New York: Routledge, 2020). The first, titled ‘Ngarrindjeri Repatriation: Kungun Ngarrindjeri Yunnan (Listen to Ngarrindjeri Speaking)’, appeared on pp. 147–164. The second, ‘Returning to Yarlurwar-Ruwe: Repatriation as a Sovereign Act of Healing’, appeared on pp. 796–809. It is also based on the Ngarrindjeri introduction to a larger volume in final stages of preparation bringing together Indigenous voices of repatriation

Ngarrindjeri futures. In pursuit of security and wellbeing, Ngarrindjeri leaders have valued collaborative research programs, such as this AIATSIS funded project, bringing opportunities for Ngarrindjeri to re-educate non-Indigenous people and organisations and to build new relationships with other Indigenous nations. This Ngarrindjeri research and re-education program has included regular contributions at national and international conferences, encouraging changes in university and museum practices and policies relating to the collecting, researching, and holding of Indigenous human remains. Ngarrindjeri leaders have consistently asked non-Indigenous governments, museums, universities, and ‘collecting’ institutions to *Kungun Ngarrindjeri Yunnan* when considering activities that impact on Ngarrindjeri *Yarluwar-Ruwe* (lands, waters, body, spirit, and all living things).

To understand the Ngarrindjeri history of repatriation it is essential to consider the Ngarrindjeri experience of colonisation since 1836. This is fundamentally a history of suffering, resistance, survival, and Indigenous nation (re)building. The *Ngarrindjeri Nation Yarluwar-Ruwe Plan: Caring for Ngarrindjeri Sea Country and Culture* is a Ngarrindjeri developed, primary source, with its summary of the destructive consequences of colonisation for Ngarrindjeri Yarluwar-Ruwe, including the impact on burial grounds and associated cultural practices (Ngarrindjeri Nation 2007: 14, 26, 27). This foundational document explains the Ngarrindjeri philosophy of interconnected being, includes a Proclamation of Ngarrindjeri Dominion, and outlines Ngarrindjeri nation (re)building plans for a healthier future.

The Ngarrindjeri nation has survived a history of colonial oppression. From the 1990s to 2019 its leaders concentrated on a project of Indigenous nation (re)building. The sovereign position taken by Ngarrindjeri in interactions with non-Indigenous governments and institutions such as museums is often formalised through the negotiation of contract law agreements (Kungun Ngarrindjeri Yunnan agreements, KNYA). These agreements have many of the characteristics of treaties and include apologies for past practices. The first of these agreements with a museum was the 2004 KNYA with Museum Victoria (see **Appendix 2**), which included recognition of traditional owners’ status, apologies, and a commitment to a new healthy relationship (Hemming & Wilson 2010) (see Photos 6-8). Museum Victoria made the following acknowledgment as part of the KNYA:

The Museum acknowledges it has in its possession remains belonging to the Ngarrindjeri. It is committed to assist the Ngarrindjeri to return the remains of its Old People back to the land from which they were unlawfully taken. (KNYA 2004 Museum Victoria, in Wilson 2005: 140)

This agreement formed a Ngarrindjeri framework for engaging with outside parties in relation to the negotiation and repatriation of Old People and was guided by Ngarrindjeri decision-making principles and practices. This engagement framework forms the basis of recommendations contained in this report relation to Indigenous repatriation policy and practices.



Photo 6. Ngarrindjeri Nation leaders signing a Kungun Ngarrindjeri Yunnan Agreement (KNYA) with Museum Victoria, 2004. Photo: Chris Wilson and Ngarrindjeri Heritage Committee



Photo 7: Matthew Rigney, Major (Moogy) Sumner, Grant Sumner, Tom Trevorrow and Basil (Mulla) Sumner outside the Museum Victoria preparing to transport the Old People back home to Ngarrindjeri Yarluwar Ruwe, (Sea Country) 2004. Photo: Christopher Wilson.





Photo 8: Smoking the Ngarrindjeri Ancestors before they are placed in the Keeping place, Camp Coorong during the Welcome home ceremony from Museum Victoria. (Left to right Marshall Carter, Darrell Sumner, Claude Love and Basil (Mulla) Sumner, August 2004. Photo: Christopher Wilson.

The *Ngarrindjeri Nation Yarlular-Ruwe Plan* (Ngarrindjeri Nation 2007) draws attention to the violence of three interconnected colonising actions of theft: of lands and waters, of children, and of the Old People:

Since European arrival, terrible crimes have been committed against the lands, the waters and all living things, and against the Ngarrindjeri People. Ngarrindjeri are living with the pain and suffering from the acts of terror and violence that were inflicted upon our Old People. This pain has been passed down to us through the generations. Our lands and waters were stolen, our children were stolen and our Old People's bodies were stolen from our burial grounds (Ngarrindjeri Nation 2007: 14).

These violent acts are explained as interconnected crimes against Ngarrindjeri Yarlular-Ruwe (lands, waters, spirit and all living things). Contemporary Ngarrindjeri leaders reinforce the need for the repatriation and reburial of Ngarrindjeri Old People to address intergenerational trauma and support healing through Ngarrindjeri nation (re)building. Late in 2016, the South Australian Government announced its intention to enter into treaties with South Australian Aboriginal nations.<sup>6</sup> The Ngarrindjeri nation has led this ongoing call for treaties and secured a formal agreement from the Crown in the Right of South Australia to enter into a Treaty or treaties with the Ngarrindjeri nation. Ngarrindjeri included the return of the Old People and securing Ngarrindjeri burial grounds in perpetuity as priorities in treaty arrangements. For Ngarrindjeri, repatriation and reburial/burial are sovereign acts of wellbeing.

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<sup>6</sup> The South Australian government subsequently walked away from the treaty process with a change to a conservative Coalition government in early 2018.

In the early 1990s the national Aboriginal and Torres Strait Islander Commission (ATSIC) was established, facilitating a form of Indigenous self-determination and promoting an agenda that included the protection of cultural heritage, repatriation, reconciliation with non-Indigenous Australians, and the continuing possibility of treaties. The key Ngarrindjeri representative committees and organisations – e.g. Ngarrindjeri Lands and Progress Association (NLPA), Ngarrindjeri Heritage Committee (NHC), Ngarrindjeri Tendi (NT), and the Ngarrindjeri Native Title Management Committee (NNTMC) – worked with ATSIC and regional and local Indigenous organisations such as the Foundation for Aboriginal and Islander Research Association (FAIRA) and the Tasmanian Aboriginal Centre (TAC) to conduct research and negotiations aimed at repatriating Old People from museums and other institutions in Australian and internationally. During this period Matthew Rigney was chair of the NNTMC and a state and regional chair of ATSIC. In these roles he worked closely with George Trevorrow (Rupelli of the Ngarrindjeri Tendi)<sup>7</sup> and Tom Trevorrow (Chair of the NHC) on a broad range of Ngarrindjeri nation issues that included repatriation. Ngarrindjeri Elder Major Sumner (later a chair of NHC) began his long career in support of Indigenous and Ngarrindjeri repatriation in collaboration with these Ngarrindjeri leaders, Indigenous organisations, and ATSIC.

In 2007 the Ngarrindjeri nation formed the NRA as a peak body. This was a sovereign act that continued the Ngarrindjeri journey of Indigenous nation (re)building. This began a period of over a decade of positive Ngarrindjeri work in the face of damaging Federal government policies such as the dismantling of ATSIC. Ngarrindjeri developed an improving relationship with the South Australian Labor Government through KNY agreements and eventually treaty negotiations. These KNY agreements formalised a shared truthful position from which the parties could begin to work together in ways that could start a process of healing. However, over the next decade Ngarrindjeri lost many key leaders and elders and Ngarrindjeri saw the incoming Liberal Government, in 2018, walk away from agreements, the treaty process and the decades of hard work led by Ngarrindjeri. Native title determinations and claims led to internal conflict and competing agendas as non-Indigenous governments undermined the internationally recognised Ngarrindjeri moves towards Indigenous nation (re)building. The emergence of COVID added to these difficult crosscurrents, providing a complex and fraught setting for the challenges of an increased focus on repatriation and reburial.

### **7.3 Ngarrindjeri Yannarumi – using a Ngarrindjeri decision-making framework to guide reburial/burial planning**

As Ngarrindjeri Old People return to Ngarrindjeri Yarluwar-Ruwe, it is hoped that they are part of the process of Indigenous nation (re)building through empowered cultural and political governance. Their spirits continue to unsettle the authority of colonial collecting institutions, such as museums and universities. Their Ngarrindjeri descendants maintain the responsibilities for their Old People through sovereign acts of repatriation. Ngarrindjeri argue that the repatriation of Old People needs to be done according to Ngarrindjeri laws and cultural principles. For Ngarrindjeri, this is enacted through Yannarumi (Speaking lawfully as Country) decisions that strive to restore balance, support healing and create life-giving flows into and through Ngarrindjeri Yarluwar-Ruwe. Ngarrindjeri

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<sup>7</sup> The Ngarrindjeri Rupelli is the head of the traditional Ngarrindjeri governing body – the Tendi. The Rupelli speaks lawfully as Ngarrindjeri Yarluwar-Ruwe.

Elder and Rupelli, Victor Wilson, explains this responsibility in his conversation in this chapter and passes on this responsibility to the next generations:

And part of our law is to respect our Old People's remains and that is why it is important that you younger fellas take that up, because we are all getting old now, but we have done our part when we had to. We took that up because our Old Fellas were saying, 'Now you fellas have got to do this'. You have got to do this now and make sure. That's part of our healing as a nation. Instead of handing down generational trauma and giving that to you because of how we have been treated in our own Country, we want to hand down these responsibilities to you fellas to make sure that our Old People get back into the places where they come from and that is why it is important, because that is our healing. That healing flows onto you fellas and then onto your children. That's why it's very important.

The NRA has led the contemporary reinvigoration of Ngarrindjeri Yannarumi as a form of lawful Indigenous decision-making and risk assessment (see Hemming et al. 2016).

Ngarrindjeri Yannarumi (Speaking lawfully as Country) is an enactment and embodiment of Ngarrindjeri responsibilities and is centred on the philosophy that all things are connected. The health of Ngarrindjeri is thus inextricably linked to the health of Ngarrindjeri lands and waters. Yannarumi is the embodiment of Ngarrindjeri responsibility to care for, speak for and exercise cultural responsibility as Yarlumar-Ruwe. It can be understood as a practice of reproductive interconnected benefit (see Hemming et al. 2019). The North American concept of environmental reproductive justice resonates with Ngarrindjeri nation (re)building and Yannarumi assessments (see Hoover 2018; Hemming et al. 2019). If the flows, the relations, between spirit, lands, waters, and all living things are not healthy and 'appropriate' then there will be unhealthy outcomes for Ngarrindjeri. The character of these flows, and the relationships that produce them, can be assessed, and adjusted using a Yannarumi methodology enabling Ngarrindjeri leaders (and their non-Indigenous partners) to identify the changes that are needed to support a healthy Ngarrindjeri Nation. This is where Ngarrindjeri leaders determine what needs to be done to ensure or restore healthy flows. We have included a Ngarrindjeri Yannarumi framework (see Figure 3) that centres the pethun or theft of Ngarrindjeri Old People and the effects of these violent acts on Ngarrindjeri wellbeing. This framework has been developed as a translator 'tool' to help guide Ngarrindjeri decision-making relating to negotiating the return of Old People, the best approaches to reburial/burial planning, research practices, and the activities and ceremonies that are required to restore the Old People's spirit to rest as a part of Yarlumar-Ruwe. Creating this connecting and translating framework assists Ngarrindjeri leaders and nation members in their decision-making and broader healing programs. The Ngarrindjeri cultural knowledge/law that sits behind this framework remains within the Ngarrindjeri domain and is protected via formal cultural knowledge agreements and through KNY agreements.

During the initial phases of this project the Ngarrindjeri team members made decisions about the project's methodology, scope, structure, and community engagement principles. As Ngarrindjeri leaders with experience in repatriation practice they followed Yannarumi principles passed to them by previous leaders and elders. The discussions and interviews contained in the Ngarrindjeri part of the RRR database contain examples of the passing on of responsibilities and principles to younger generations. For the purposes of this project, team member A/Prof Steve Hemming led the development of the draft connecting/translating methodology centring Yannarumi to understand the

relationship between repatriation /reburial and wellbeing and to use this in discussions within the team, the NRA Board, and with senior elders.

A draft document was developed for presentation at project team meetings, NRA Board meetings and community settings. The Yannarumi framework centring the pethun (theft) of Old People was also included in two conference presentations at the AIATSIS Summit 2021 and a Community of Practice presentation (see **Appendix 3 and 4** for pdf copies of two powerpoint presentations).

Overall, the project found that Ngarrindjeri Yannarumi methodology was used by elders and leaders in planning healthy repatriation practices, and it is central to Ngarrindjeri reburial planning and practice developed with support of this project. For example, Yannarumi guided decisions of the Ngarrindjeri team in project planning through the COVID pandemic, and recommending and planning for a Ngarrindjeri nation meeting with key Elders, leaders and nation members to formally decide key principles of the Ngarrindjeri reburial strategy. Yannarumi also provided a framework to help the wider Project Team to contribute in respectful ways and to support the decision-making of the Ngarrindjeri nation.

#### **7.4 Ngarrindjeri and the Return Reconcile Renew initiative**

Active for the past 10 years, the Return Reconcile Renew (RRR) constitutes a significant and growing international collective of highly experienced Indigenous and non-Indigenous repatriation practitioners and researchers who come together to work towards a shared goal – to advance understanding of the meaning and value of repatriation, to support community-led repatriation practice and to build practitioner capacity.<sup>8</sup> The NRA is a founding partner of RRR (see Photo 9). A major outcome of the RRR initiative is the development of an extensive digital archive of repatriation information which includes an area private to Ngarrindjeri that supports their repatriation work.



Photo 9: Members of the RRR team undertake a workshop at Camp Coorong on Ngarrindjeri country 2014. Photo: Return Reconcile Renew.

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<sup>8</sup> In 2022/23 RRR has transformed from a network into an International Centre for Repatriation Training, Practice, and Research (RRRC).

We provide an overview of RRR here as this is important background context for understanding the close collaborative work that NRA, UTS, and ANU undertake (all founding RRR members) for the ‘Understanding Success’ project. It is also important context for understanding how we navigated the restrictions of the global pandemic by operationalising the RRR Digital Archive of repatriation information to advance the aims of this project. It is important to understand that Ngarrindjeri have been central to all the different aspects of RRR development that are outlined below.

#### 7.4.1 RRR Research

RRR conducts scholarly and applied research, and these are mutually informative. In its extensive applied research realm it has particularly provided support for the three RRR community partner organisations – the Ngarrindjeri Regional Authority (NRA), the Kimberley Aboriginal Law and Culture Centre (KALACC), and Gur a Baradharaw Kod Torres Strait Sea and Land Council (GBK). The results of the research include: stopping the sale of a Torres Strait ancestor on ebay, working closely with the RRR Community Based Researchers in each of the community partner organisations; undertaking extensive provenancing research for Ancestral Remains still held overseas and those being kept in community care; assisting with Keeping Place management and records and the production of community reports. It also includes the creation of 31 reports detailing holdings in 56 countries. RRR has assisted First Nations domestically and internationally. The AIATSIS-funded project produced extensive opportunity to operationalise the Ngarrindjeri component of the Archive for reburial planning and to do this within a process guided by Yannarumi.

The RRR initiative forms the track-record of collaborative scholarly research that has continued with the development of publications during this project. These outputs are summarised in **Table 2**. Ngarrindjeri have been major partners across many of the major RRR scholarly research outputs.<sup>9</sup>

**Table 2.** The *Understanding Success* project has contributed to the following scholarly research publications.

| Title   | Authors   | Status   | Funding support          |
|---|---|--|--------------------------|
| Repatriation, healing, and wellbeing – Ngarrindjeri measures of success | Whole of project team   | In draft. To be submitted to <i>Australian Aboriginal Studies</i>                | IRE_OR00047              |
| Understanding success – international literature review                 | Amy Della-Sale, Steve Hemming   | Completed. To be submitted to <i>Australian Aboriginal Studies</i>               | IRE_OR00047              |
| Heritage, Reconciliation and Peacebuilding in Australia and New Zealand | Cressida Fforde, Steve Hemming, Merata Kawharu, Lia Kent, Laura Mayer, Laurajane Smith, | Completed. Submitted to Routledge edited volume. To be published in August 2023. | IRE_OR00047; DP200102850 |

<sup>9</sup> This includes: *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew* (2020), edited by C. Fforde, C.T. McKeown, and H. Keeler, which has high Indigenous authorship/co-authorship and contains 56 chapters from around the world; *Science, Museums and Collecting the Indigenous Dead in Colonial Australia* (Palgrave Macmillan, 2017) by Paul Turnbull; and *A Repatriation Handbook: a guide to repatriating Australian Aboriginal and Torres Strait Islander Ancestral Remains* (2020) by Michael Pickering. In 2023 we will submit *Aboriginal and Torres Strait Islander Voices in Repatriation* to Magabala Books, showcasing the repatriation experience and reflections of community members in the Torres Strait, Ngarrindjeri country, and the Kimberley, and ‘*Science, Repatriation and Identity*’, to be published by Routledge.

|  |   |  |  |
|--|---|--|--|
|  | Daryle Rigney, Laurajane Smith, Paul Tapsell  |  |  |
| First Nation responses to cultural heritage management: pursuing peaceful relations and restoring wellbeing in two hemispheres   | Steve Hemming, Daryle Rigney, Amy Della-Sale, Cressida Fforde, Grant Rigney, Luke Trevorror, Shaun Berg, Ellen Trevorror, Major Sumner and Laurie Rankine Jnr | Draft completed. Due for submission in Nov 2023 to the edited volume: <i>The Development of Indigenous Archaeology in Two Hemispheres: Research Among Arctic Inuit and Aboriginal Peoples of Australia</i> | IRE_OR00047; DP200102850                                     |
| 'Gunditjmara and Ngarrindjeri: Case Studies of Indigenous Self-Government', in Cane, P., Ford, L. & MacMillan, M. (eds.) Cambridge Legal History of Australia, Cambridge University Press, Cambridge, pp. 204-224. | Rigney, D., Bell, D., Vivian, A., Jorgensen, M., Hemming, S. & Berg, S. 2022  | Published 2022   | IRE_OR00047; DP1092654; LP 140100376; LP13010013; DP1094869; |
| 'Indigenous data sovereignty, Repatriation and the Biopolitics of DNA', in Fforde, C., Knapman, G., Ormond-Parker, L. & Howes, H. (eds.) Repatriation, Science and Identity, Routledge, London,                    | Caroll, S., Rigney, D., Hemming, S., Della-Sale, A., Brooker, L. Berg, S., Berhendt & Bignall, S.   | (forthcoming 2023)   | IRE_OR00047; LE170100017                                     |

#### 7.4.2 RRR Digital Archive

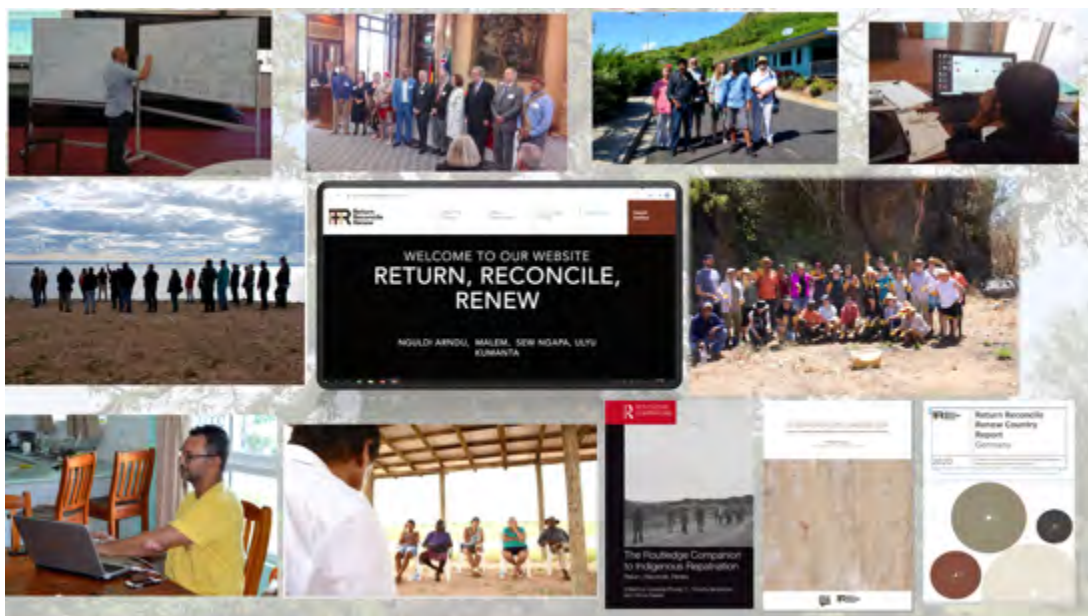
Sitting at the heart of RRR and interlinking its pillars of repatriation training, practice, and research, is the RRR Digital Archive, a major centralised resource of repatriation information built through Australian Research Council funding. The Archive is of use to Indigenous peoples wishing to locate, provenance and bring home their Ancestral Remains. It is similarly useful to institutions wishing to return the Ancestral Remains in their holdings. Further, historical archives bear witness to past desecration and resistance, and recording the voices of Indigenous people who have led and been part of the repatriation movement is essential to addressing past wrongs and securing the return of kin to their traditional country. Extensive work has gone into making the Archive an accessible and culturally appropriate place to store such information. The public face of the Archive is: [www.returnreconcilerenew.info](http://www.returnreconcilerenew.info). The curatorial environment of the archive is provided by the RRR team while the IT environment is provided by the Australian Data Archive (ADA), also at the ANU.

The Archive contains over 619 archival resources, 2,957 entries for published resources, 450 digital objects and 4,209 entries for entities (i.e., people, places, organisations, Ancestral Remains, legislation, policies, repatriation events, etc.). Information within the Archive is public, restricted, or private depending upon criteria defined by the three Australian Indigenous community partner organisations. The Ngarrindjeri section of the archive is extensive and has been used and developed significantly in the current project to better inform reburial planning discussions in a complex environment and using a Yannerumi approach.

### 7.4.3 RRR Governance

The Digital Archive is governed by an Indigenous-majority Governance Board that includes an NRA representative. The Board is informed by the RRR Digital Archive Governance Framework which was created as a component of the ARC funded *Restoring Dignity: Network Knowledge for Repatriation Communities* project that was the major project to create the RRR Digital Archive.

The Governance Framework provides the foundation for the sustainable, long term, and culturally appropriate care and management of the RRR Digital Archive. It provides the principles, governance arrangements, and the relevant agreements, policies and tools required for current and ongoing care and management of the archive. The Governance Framework informs the activities of the RRR Governance Board and other individuals, groups and institutions involved in the stewardship of the RRR Digital Archive. It applies to the complete set of materials that comprise the RRR Digital Archive. Cascading from the Governance Framework, the Archive is guided by a philosophy and set of principles that promote integrity, transparency, accountability, and recognition of Indigenous authority in repatriation practice and research.



**Figure 1:** Images from the work of the Return Reconcile Renew initiative 2014-2021

## 8 Project Activities and Achievements

Because of COVID and its consequences we had to evaluate the best way to undertake the project under the obvious restrictions to ensure we were meeting the main aims of the AIATSIS grant and produced significant outcomes for the Ngarrindjeri reburial program. In particular, due to travel restrictions and risks posed by transmitting disease, we focussed on activities that could be undertaken remotely. We prioritised more in-depth work on the Ngarrindjeri repatriation archive within the RRR Digital Archive to significantly augment and prepare for community use a range of information detailed about Ngarrindjeri Old People in the Keeping Place and held in domestic and international museums. We then presented this information to the NRA Board to facilitate decision-making processes.

Key activities undertaken to fulfil the aims and outcomes are discussed in this section. These are summarised as:

- 1) Preparation of Literature Review and text summaries
- 2) Internal project meetings and workshops
  - Presentations about Yannerumi
  - Presentation to NRA Board – 8 July 2021
  - Online workshop with Understanding Success team and Canadian and Native American repatriation experts
  - On country workshops, capacity building, and reburial preparations 2022
  - Presentation and recommendations to the NRA Board 29 September 2022
  - On Country workshops, capacity building, and reburial preparations 2023
- 3) Operationalising the RRR Digital Archive for Ngarrindjeri reburial decision-making within Yannerumi principles
  - ReturnReconcileRenew* (RRR) Website and Database – additions and changes made connected with Understanding success project.
- 4) Presentations to external audiences
  - Australian Archaeology Association (AAA) Virtual Conference (1-3 December 2021), Reconciliation
  - University of New Mexico, Resilience Institute, 5th Annual Resilience Colloquium 12 October, 2021.
  - AIATSIS Summit 2021, Adelaide, Convention Centre, Wednesday 2nd June,
  - AIATSIS Summit 2021, Adelaide Convention Centre, Thursday 3<sup>rd</sup> June, ‘Return Reconcile Renew Centre, International Workshop, AD Hope Building ANU, 19-20 September 2022
  - 10th Annual International Conference on Sustainable Development (ICSD) 19-20 September 2022 Virtual Conference)
  - Rossi Braidotti’s Summer School 2022, Posthuman Life of Methods, Utrecht University, Faculty of Humanities,
  - Jumbunna Evaluation Group, UTS, 22 August 2022,
  - AIATSIS Research Exchange – Community of Practice, 23 June 2022,
  - AIATSIS Summit 30 May – 3 June 2022, Navigating the Spaces in Between, on Kabi Kabi Country (Sunshine Coast)
  - Preparation of publications (see Table 2 above)

Overall, the research project has provided crucial and high-level expert assistance to the Ngarrindjeri nation to support their ongoing commitments and responsibilities to repatriate and bury/re-bury their Old People (Ancestral Remains). The following sections provide more detail on project activities

### **8.1 Literature Review and Text Summaries (Appendix 5 and 6)**

The literature review was an initial project deliverable. We undertook to produce document that reviewed national and international contexts regarding:

- the relationship between repatriation, healing and wellbeing, particularly as assessed using Indigenous measures.
- the approach of achieving shared understandings of success as an intentional first stage in relations between institutions and Indigenous peoples, particularly (but not exclusively) in relation to repatriation.

Non-Indigenous governments, institutions and funding agencies often measure the success of repatriation initiatives in terms of the numbers of ancestors returned to Indigenous claimant



communities within certain timeframes. For Indigenous nations and communities, however, the success of the repatriation of Old People (human remains) is often tied to the extent to which the process addresses injustice and affords healing, wellbeing and broader social benefit whilst minimising further trauma (Fforde et al., 2020). This difference in the way museum (and associated non-Indigenous institutions such as universities) and Indigenous communities see repatriation outcomes creates a situation whereby repatriation initiatives fall short of bringing significant healing and wellbeing benefits to Indigenous nations and communities, potentially perpetuating the harm they seek to redress. This situation is fundamentally shaped by histories of imperialism, colonialism and unresolved issues of recognition, restitution, conciliation and justice. To ensure that violence, racism and power inequities do not continue in contemporary negotiations and repatriations between ‘collecting’ institutions and Indigenous nations and communities, more research is required into how a shared understanding of repatriation success i.e. Indigenous wellbeing priorities, can be brought into repatriation policy, protocol and practice.

Our research project took as a starting point the risk assessment and strategic planning work that Ngarrindjeri leaders and supporters have done in repatriation and related contexts (Hemming et al., 2016; Hemming et al., 2020a; Rigney et al., 2021). This work is informed by national and international Indigenous and non-Indigenous scholarship in an array of fields and settings (see Hemming & Rigney 2008; Bignall et al. 2016). It has provided Ngarrindjeri leaders with the tools to translate their laws, values and interests into forms that can be understood by external interests and applied in Ngarrindjeri Yannarumi ‘risk assessments’ to engagements with external process such as repatriation practice and policy (Hemming et al., 2020b).

The project literature review is comprised of a) a scholarly review and b) publication summaries from key literature consulted. These documents form **Appendix 5 and 6**. The review incorporates a survey of relevant national and international literature that addresses related contexts and applies equivalent strategies and methodologies. Indigenous nations and communities across settler societies are tending to develop similar approaches to shared challenges and opportunities. There is also important collaborative work being undertaken by Indigenous-led research, political and legal agendas (Carroll et al. forthcoming). Firstly, it briefly outlines known scholarship on the relationship between repatriation, healing and wellbeing before reviewing various ways in which Indigenous nations and communities have ensured healing and wellbeing remains a focus in repatriation contexts. Next, it reviews various examples of Indigenous-led frameworks that measure success and wellbeing or assess health of ‘Country’ in settings outside the ‘repatriation’ context to highlight key elements that have applicability in determining wellbeing outcomes for repatriation initiatives. Lastly, it brings together various perspectives on approaches that might be appropriate foundations for a shared understanding of successful repatriation between museums and Indigenous claimant communities.

Ngarrindjeri approach issues such as bringing the Old People home as part of a wider program of nation (re)building that requires high level political, legal and diplomatic work, if it is to achieve healing outcomes in the wake of the damaging impacts of colonialism. This Ngarrindjeri nation (re)building strategy is guided by Yannarumi decision-making that relies on a complex understanding of the impacts of ongoing colonialism on the health of Ngarrindjeri Yarluwar-Ruwe (lands, waters, Sea Country, spirit, and all living things). This strategy is informed by political, legal and research work engaging in multiple sectors including natural resource management, water planning, local planning, business and economic development, governance and community health.

For these reasons this literature draws on a broad set of published research that is disciplinary, multidisciplinary, and interdisciplinary. This breadth of coverage is possible due to parallel work being conducted in related projects and the key challenges and solutions that Ngarrindjeri leaders and supporters have identified in the continuing work of translation, connection, negotiation and transformation so necessary for building healthy First Nations.

The complexities of conducting a Ngarrindjeri reburial program in the midst of complex nation work and political reorganisation has been central to understanding the linkages between repatriation, reburials and healing and wellbeing and to identifying key elements of repatriation success and how to navigate complexity in achieving successful outcomes. This ever-changing and broad Indigenous nation context must be taken into account by research projects if they are going to produce healthy outcomes for nations. This point is very clear when our research project's focus is the nation-specific (law-based) methodology (Yannarumi) designed to assess these factors and associated risks to health and wellbeing. This assessment enables informed decisions to be made by Ngarrindjeri leadership – in this case in relation to a research project and associated repatriated Old People reburial program. The literature review work conducted by the Project team has highlighted the commonalities of these experiences and Indigenous nation's strategic responses, nationally and internationally, and in a variety of contexts (eg NRM, Treaty management, fisheries management, wholistic approaches to health and wellbeing, data sovereignty and of course repatriation)

## **8.2 Internal project meetings and workshops**

Fortnightly meetings of core project team were held throughout project duration, in particular involving core team members: Professor Daryle Rigney, A/Prof Steve Hemming, Mr Grant Rigney, Win Adam, Amy Della-Sale; Professor Cressida Fforde and Dr Michael Pickering. Due to COVID travel restrictions, the majority of the work that was to be undertaken through on-site project meetings /workshops was instead spread across the fortnightly project zoom meetings and multiple separate meetings of core Ngarrindjeri team members.

As COVID restrictions eased, project members in Adelaide (Daryle Rigney, Steve Hemming and Grant Rigney) and the Murray Bridge area (Amy Della Sale) began travelling to meet face-to-face with Ngarrindjeri to discuss the project, and in the latter half of 2022 and beginning of 2023, two workshops were held at Camp Coorong.

Through these meetings, discussions provided the background and context for identification of a broad range of issues and questions. We have provided in this report an indicative checklist for reburial programming. This section is largely based on notes compiled by Dr Pickering (as a non-Indigenous researcher and museum professional with long-term experience in Indigenous repatriation and reburial) and forms Tables 3 and 4. These notes and checklist provide a useful context for understanding the constellation of issues, relationships and existing regulations involved in Ngarrindjeri moving forward with a reburial program. This kind of information assists Ngarrindjeri leaders and Elders when they make decisions based on Ngarrindjeri principles and using a Yannarumi risk assessment process

**Table 3** Some Key Issues identified throughout the project which help inform Yannarumi decision making. For example, what is a beneficial outcome, what is a possible outcome, and what is not an acceptable outcome using Yannarumi framework to support decisions that create healthy relations that bring wellbeing for Ngarrindjeri. Note that both acceptance or rejection of an issue/question posed can constitute a successful outcome when informed lawful Ngarrindjeri decision-making is followed. A Yannarumi assessment would include identification of sources of risk, consequence, quality of relations and impacts on the Ngarrindjeri nation’s values and goals.

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| <b>Scale and provenance</b>  |
| <ul style="list-style-type: none"> <li>• There are so many Old People to rebury that it is conceptually difficult to think about.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Many Old People have specific provenance within Ngarrindjeri country, some have provenance to an area within Ngarrindjeri country.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Some have the same provenance as other Old People known to still be in museums</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Should reburials occur as soon as possible and not wait for release or discovery of other Old People if that discovery delays reburial unreasonably?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Scale of events. Does the level of activity and participation reflect the number of Old People to be reburied? For example, what should be the scale of the event for the reburial of one Old Person? What should be the scale of event for the reburial of 10 Old People?</li> </ul>   |
| <b>Resourcing</b>  |
| <ul style="list-style-type: none"> <li>• Reburials take resourcing. While small reburials may be disproportionately expensive per individual compared with larger reburials, the resources available for a larger event may simply not be available. Is it best to proceed with a small reburial that, in itself, is a significant success and morale booster?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Funding has been intermittent and variable. In-kind support should be encouraged.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Make the best use of resources – human, financial, land, other agencies.</li> </ul>   |
| <b>Process</b>   |
| <ul style="list-style-type: none"> <li>• What has happened in previous reburial exercises? How were locations identified? How were locations secured? How are locations marked? How many Old People were involved in the exercise? How many people participated? What were the costs of the reburial? What were follow up issues?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Momentum – ensure that gaps between events are not too long – shut downs will see issues and experiences, and leaders, participants and advisors lost. Avoid having to start again. Have written procedures that can be handed to the next in line.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Successes have guided past and future models, problematic ones provide guidance as to what to avoid.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• How to best secure reburial from erosion or interference. Work health and safety issues? This includes spiritual and mental health</li> </ul>   |
| <ul style="list-style-type: none"> <li>• The aim is to get Old People reburied in a respectful way. How are reburials connected respectfully with other Ngarrindjeri responsibilities and issues? Following Yannarumi decision-making is key to successfully addressing this challenge.</li> </ul>   |
| <b>Burials recently exposed and their relation to reburial/burial</b>  |
| <ul style="list-style-type: none"> <li>• What is the process when Old People are disturbed in their existing burial places are exposed <i>in situ</i>? Who is involved in their identification and management and care? How can this desecration be stopped?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Can this process be expanded to include repatriated Old People? Particularly where the provenance of newly exposed Old People co-locates with the provenance of those who have been repatriated?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• From time to time burials erode out of dunes and sites. How are these treated? Are Ngarrindjeri supported to ensure they are immediately reburied on site or are they exhumed and reburied later?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• It should be possible to rebury Old People from returned collections at the same time as reburial of recently exposed Old People when the location is the same. The burial, if a reported or recorded ‘heritage’ site, should afford legal protection if inappropriately disturbed in the future. Ngarrindjeri know that this doesn’t properly protect Ngarrindjeri Yarluwar-Ruwe. How should Ngarrindjeri record these places?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Ngarrindjeri leaders and Elders have resisted classifying Ngarrindjeri burial places as ‘heritage sites’. Heritage legislation has not protected sensitive and culturally important places. Ngarrindjeri have developed Kungun Ngarrindjeri Yunnan Agreements, Speaking as Country Deeds and other mechanisms to have more control over Yarluwar-Ruwe. Most state legislation sees heritage as defined ‘sites’ in the framework of a resource. As sites for future archaeological research or as places of heritage tourism. They are ‘protected’ from disturbance because of their scientific potential. Ngarrindjeri have resisted this approach. Ngarrindjeri leaders have stipulated they require perpetual unfettered ‘title’ over their burial places.</li> </ul> |

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| <b>Where to rebury, risks and complexities</b>   |
| <ul style="list-style-type: none"> <li>• How many Old People in the Keeping Place were taken from what is now private land? Reburial on non-Indigenous private land requires collaboration and support at all levels. This has been organised successfully by Ngarrindjeri.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• How many Old People are from what is now Crown Land?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• How many are from land that is to any degree under Ngarrindjeri control?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• How many are from areas that have high visitation?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• How many were taken from areas that have some degree of accessibility due to National Parks, RAMSAR or other designated 'status'? Does this accord more protection or not?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Reburial on sites close to urban centres may be subject to risk due to the high visibility of the event. How has this been done successfully by Ngarrindjeri? There are several examples</li> </ul>   |
| <b>Keeping Place</b>   |
| <ul style="list-style-type: none"> <li>• The current keeping place is to some extent at risk due to governance and resourcing issues</li> </ul>  |
| <ul style="list-style-type: none"> <li>• The facility also has inherent risks with potential vandalism, fire and flooding. The sooner Old People are secure in their homelands the better. Given how many Old People are still to be returned a Keeping Place/Resting Place will be required for some time.</li> </ul>                   |
| <ul style="list-style-type: none"> <li>• Reburial of Old People from the Keeping Place is the priority. Other agencies should not delay reburials from the Keeping Place</li> </ul>  |
| <b>Resting Place for poorly provenanced Ngarrindjeri Old People</b>  |
| <ul style="list-style-type: none"> <li>• Is there a need for a Resting Place or burial place for poorly provenanced Old People? A place where Old People that cannot be returned to original areas in Yarluwar-Ruwe country can be laid to rest? Would this be recognised as a final resting place?</li> </ul>                           |
| <b>Ceremonies</b>  |
| <ul style="list-style-type: none"> <li>• Old People given a traditional burial and then stolen. What does that mean for the ceremonies required to lay them to rest?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Current cemeteries – is it appropriate to rebury in 'modern' Christian cemeteries? Note that cemeteries are often non-denominational and broken up into sections depending upon various faiths. Can a section preserved for First Nations Spirituality be created?</li> </ul>                   |
| <ul style="list-style-type: none"> <li>• Is cemetery land still Ngarrindjeri land? Does a Christian ceremony extinguish Ngarrindjeri spirituality in the land of the cemetery?</li> </ul>  |
| <b>Safety and cultural support</b>   |
| <ul style="list-style-type: none"> <li>• Reburials will , of course, require the physical handling of Old People. This can be distressing and requires following Ngarrindjeri protocols. In particular, young people who have not worked with Old People before.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Preparation of Old People for reburial will largely be done by Ngarrindjeri women. Some of these will be young.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Consideration must be given to ensuring that inexperienced Ngarrindjeri are supported during the process. This will usually mean cultural support from elders.</li> </ul>   |
| <b>Existing burial grounds</b>   |
| <ul style="list-style-type: none"> <li>• If Old People can't be returned to where they were taken from, then what?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Can existing cemeteries provide culturally safe, accessible and protected sites for access to lands for reburial?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Are Christian cemeteries appropriate places for reburial of people previously buried under non-Christian traditions?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Correspondingly, for those people who have embraced Christianity, the dual sanctification of a cemetery as simultaneously traditional lands to one sector of the community and sanctified Christian lands to another sector of the community may not be incompatible.</li> </ul>                |
| <ul style="list-style-type: none"> <li>• If Old People cannot be returned to the soil of their origin, can the soil of their origin be returned to them? Ngarrindjeri leaders and Elders have followed the principle that Old People need to be reburied as close as possible to the places from which they have been stolen.</li> </ul> |
| <ul style="list-style-type: none"> <li>• If there is no specific provenance information, if Old People have been stored together for so long in a museum or the Keeping Place, should they be (re)buried together?</li> </ul>  |
| <b>Repatriation, reburial, and research</b>  |
| <ul style="list-style-type: none"> <li>• There is always more work to be done on why and how Old People were taken. However, the need to accumulate full histories behind the taking and return of Old People should not prevent reburial of Old</li> </ul>  |

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| People once provenance is secured. Historical and cultural research can continue after reburial as the Old People themselves are not to be interfered with and are not essential to other research aspirations.   |
| <b>Permissions and external advice</b>  |
| <ul style="list-style-type: none"> <li>• Government (local, state)?</li> <li>• National Parks stakeholders?</li> </ul>  |
| <ul style="list-style-type: none"> <li>• The reburials the SA Museum has recently been involved in have all relied on section 37 of the Aboriginal Heritage Act 1988 – 37—Preservation of right to act according to tradition. Nothing in this Act prevents Aboriginal people from doing anything in relation to Aboriginal sites, objects or Old People in accordance with Aboriginal tradition.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• The BURIAL AND CREMATION ACT 2013, does have some requirements that affect reburial depending on where the Ngarrindjeri chose to rebury. The exemptions include exemptions from identity documentation, date of death etc. and depending on the land, outside of the cemeteries for example, the Attorney General’s approval may be required.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• The NRA has had extensive experience in developing engagement and negotiation mechanisms relating to Ngarrindjeri Yarlular-Ruwe. This has included extensive experience in relation to burials. The NRA has engaged since its inception in 2007 with what is considered by the non-Indigenous interests as heritage management, native title and natural resource management. The KNYA Taskforce was a key mechanism developed to coordinate all these areas.</li> </ul> |
| <ul style="list-style-type: none"> <li>• There is an existing process regarding contemporary disturbances; all discoveries of human remains should be reported to SA Police. Where the remains are Aboriginal Old People, these must be reported to the Minister through DPC-AAR who contact the relevant Traditional Owners who normally manage the discovery with conservation and reburial in-situ where possible. Ngarrindjeri continue to work with this existing process.</li> </ul>                        |

**Table 4. Indicative Ngarrindjeri Reburial Process Checklist** This checklist is provides a preliminary guide to the activities require for specific reburial/burial preparations and funerals.

| Activity                                       | Details   | Done | Comments   |
|--|---|------|--|
| <b>Identify Old People for reburial/burial</b> | How many?<br>Where from?<br>Dimensions<br>Supporting documentation compiled/secured.<br>Single case file created.   |      | Dimensions is of total Old People. Not individual containers. This will allow identification of how much space is required for the burial.<br>All documentation saved in both hard copy and digitally.   |
| <b>Identify location for reburial/burial;</b>  | Land status OK<br>Access<br>Location<br>Area required<br>Short term Risks?<br>(Vandalism, desecration)<br>Long-term risks<br>(development, erosion)   |      |  |
| <b>Ngarrindjeri Approvals</b>                  | Reburial Management Group advised of plan to proceed with case and to advise/approve.<br>Members to consult more widely if required and report back to group.<br>Final decision communicated to Reburial team.<br>Appointment of event manager.<br>Management committee delegate signs off on plan. |      | E-mail, teleconferencing, or meetings are all suitable.<br>A time limit could be placed on wider consultations. Lack of response within a defined period is clearly identified as consent.<br>The funeral manager has responsibility for organisation of the event from this point and is authorised to act in accordance with the Reburial Process checklist. The funeral manager is also authorised to spend funds as available and required, subject to normal accounting procedures.<br>Delegate signs off on plan – this protects the worker team. Clear track of approvals demonstrates wide engagement and risk management. |
| <b>Assess/identify resourcing</b>              | Financial resources   |      | SAM receives funding to assist with repatriation and reburial of Old People that have been in their custody since before 2000.   |

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|  | In-kind resources (volunteers, staff from local agencies)<br>Donated/collected resources (vehicles, excavators, etc.)<br>Timing   |  | A formal agreement will frame the involvement and support of key institutions such as the SA Museum   |
| <b>Non-Ngarrindjeri approvals</b>          | Negotiations with Attorney-General's Department.<br>Process for informing Attorney General Department of reburials at particular places.<br>Inform Aboriginal Affairs of proposed re/burials.<br>Aboriginal heritage issues addressed by agreement. Write to South Australian Museum for immediate return of any Old People they hold from the area of proposed reburial.<br>Outline required support (financial and in-kind).<br>Formal process with SAM followed. |  | Develop template letter with consistent language for each application to each agency from which approvals are required.<br>If SAM is unable to return provenanced Old People as requested in a timely period will Ngarrindjeri proceed with the reburial of Old People they currently have? E.G. if Old People can't be released within six months then proceed with reburial of other Old People.<br>Identify an acceptable and non-acceptable response and action period.   |
| <b>Co-ordination meeting</b>               | Proposed date<br>Team members<br>Role of member<br>Review of budget<br>Review of equipment<br>Review of ceremony logistics<br>Size of event<br>Key community invitees<br>Key non-community invitees (if warranted)<br>Review of documentation<br>Start of event running order<br>Weather plans  |  | Event running order – timing, speakers, actions, key identities.<br>Weather plans – what happens in wet or hot weather?<br>What are the plans for days that may be under fire restrictions? Maybe identify an appropriate burial 'season' when reasonable weather can be expected and there's low risk of fire.   |
| <b>Report to Reburial Management Group</b> | Inform group of status of planning.<br>RMG signs off on plan.   |  | Guidance of leaders and Elders will be followed   |
| <b>Media ( if wanted)</b>                  | Is media coverage wanted?<br>Preferred media outlets?<br>Identification of Ngarrindjeri media management contact.<br>Identification of Ngarrindjeri spokesperson.   |  | If media is not desired then alternatively a press-release can be prepared describing the event but not inviting media to attend. The details of location and time of reburial are kept private but a statement of the event occurring and what it means is provided.<br><br>Consider a revolving spokesperson role. Select individuals can take turns speaking to the media when required. Maybe one spokesperson for each event. This is useful if there is a need to appease competing interests in the community. |
| <b>Preparation of ancestors</b>            | Form of burial container<br>Acquisition of container<br>Preparation team  |  | Team support (cultural) allows for the fact that some people, especially younger ones engaging for the first time may have concerns.  |

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|   | Preparation protocols (ceremony?)<br>Mode of transport<br>Team support (cultural)  |  | They may need ceremonial introductions, cleansing ceremonies, elder approval of their actions, etc.  |
| <b>Site preparation</b>                     | Cleaning and preparation<br>Digging<br>Protective actions – vegetation, fencing, soil cover, marking of site.  |  |  |
| <b>Event</b>                                | Ancestors ready<br>Documentation checked.<br>Order of proceedings prepared.<br>Ceremony<br>Placement   |  | Ngarrindjeri ceremony planned.<br>Smoking of team, guests, equipment. Use of platforms for Old People to rest on before reburial/burial etc.<br>?  |
| <b>Reception/Hospitality/clean up</b>       | Elders will be cared for and catering provided for attendees   |  | Catering includes simple things like lunch and coffee/tea for the reburial team even if acting as a small group without guests.<br>Clean up in this case involves provision of hand/face washing facilities.   |
| <b>Return of in-kind physical resources</b> | Hardware, equipment, etc returned to owners  |  |  |
| <b>Team debrief and discussion</b>          | Go through the plan. Note what went well and what was a problem.<br>Incorporate improvements into the planning template.<br>Identify and describe issues to watch out for and how they can be resolved in the planning template.<br>How are team members feeling? Are they comfortable or stressed?<br>How can they be assisted if distressed. |  | Add names and addresses of useful contacts.<br>Develop a full reburial/burial report to be placed in the RRR database.   |
| <b>Reburial Management Group debrief</b>    | Summary of event to group.<br>Consensus based sign off.  |  | The worker team is acting on behalf of the wider group. It is important that they be protected in their actions.   |
| <b>Documentation and its storage</b>        | Final documentation collated.  |  | Identify where documentation will be held i.e. the Ngarrindjeri extension of the RRR Digital Archive. Should copies also be held by other agencies, is there a rationale for this?<br>Note that Museums with repatriation programs are encouraged to store Old People and objects on request. This could equally apply to holding repatriation documentation. The documentation would remain the property of the community and could not be used or made available to others without community approval. |

### **8.2.1 Presentations about Yannarumi – facilitated by Steve Hemming**

At the April 2021 Project Team meeting Steve Hemming presented on Yannarumi as a decision-making and risk assessment framework. Relevant publications, reports and other readings were circulated to the group to prepare for the meeting. Further discussions re: the translation of Ngarrindjeri Yannarumi into a repatriation/burial framework continued as a key theme of project team meetings and preliminary version was presented at the NRA Board meeting in July 2021. This preliminary work also formed the basis of the team's presentation on the project at the AIATSIS

Summit in June 2021 (see **Appendix 3**). Steve Hemming also led a presentation to the AIATSIS Research Exchange – Community of Practice, 23 June 2022, ‘Repatriation, healing and wellbeing: understanding success for repatriation policy and practice’. This presentation included a full explanation and translation of Ngarrindjeri Yannerumi into a framework for decisions concerning Old People.

### ***8.2.2 Presentation to NRA Board – 8 July 2021***

The Project team presented to the NRA Board on the 8<sup>th</sup> of July 2021 giving an extended report on all activities associated with repatriation and related heritage research. The Board was provided with a workshop on the RRR project and the most up-to-date work on the digital database. The importance and capacity of the RRR database to support Ngarrindjeri repatriation and burial planning was covered in detail. The use of Yannerumi in the project was also explained and presentation of the preliminary translation framework was provided. The NRA Board was happy with progress. Steve Hemming and Win Adams led the presentation on the RRR database.

### ***8.2.3 Online workshop with Understanding Success team and Canadian and Native American repatriation experts***

On the 11<sup>th</sup> November 2021 the Project team held an online workshop with Canadian and USA repatriation experts Jisgang Nika Collison (Director of the Haida Gwaii Museum), Cara Krmpotich (University of Toronto) and Honor Keeler (Cherokee). Present from the project team and broader RRR expertise were: Amy Della-Sale, Cressida Fforde, Steve Hemming, Hilary Howes, Laura Mayer, Mike Pickering, Daryle Rigney, and Grant Rigney.

This workshop sought to explore what success in repatriation has meant in the North American context, and to see whether reflections on practice through the lens of ‘success’ in Indigenous terms might reveal and contribute to the Ngarrindjeri experience. The workshop provided an important opportunity to learn from Haida Gwaii and Cherokee repatriation experience and integral cultural philosophy that has guided repatriation practice. It provided an opportunity to discuss the Ngarrindjeri Yannerumi process with external Indigenous experts and to see how this be relevant to their local practice. Learnings from this workshop also informed the project’s literature review process. Ngarrindjeri and Haida nations have had similar experiences of mass theft of their Old People and major long-term campaigns for repatriation and associated burial/reburial programs. Both nations have taken sovereign approaches guided by the leaders and elders drawing on their Indigenous laws and ways of being. These approaches have helped Ngarrindjeri and Haida navigate the complex and traumatic processes of bringing their Old People home with some success judged through their own sovereign ways of being (see for example: Collison and Krmpotich 2020).

### ***8.2.4 On country workshop, capacity building, and reburial preparations 2022***

These activities took place between 18<sup>th</sup> November 2022 and 8 December 2022 at Camp Coorong, Murray Bridge and on Ngarrindjeri Yarlumar-Ruwe. Participants included: Daryle Rigney, Grant Rigney, Ellen Trevorrow, Darryl Sumner, Bessie Rigney, Elizabeth Rankine, Rita Lindsay, Lawrie Rankine Snr., Margie Rankine, Laurie Rankine Jnr, Derek Walker, Derek Gollan, Steve Sumner, Steve Hemming, Amy Della-Sale, Win Adams, Mike Pickering and Jaimie Pearson.

Meeting documents and reports were produced prior to inform these activities. Ngarrindjeri elders and leaders led the team through a process framed by Yannerumi principles to ensure that planning, preparation and training supported Ngarrindjeri wellbeing. This work informed the approach to



developing a Ngarrindjeri plan for burial/reburials. This featured work on connecting the RRR archive, the Keeping Place and on-ground Ngarrindjeri burial team members through handheld technology. This work and thinking was supported by Indigenous advisory members of the broader RRR team who work with ranger programs on related work in northern Australia. During this period, Ngarrindjeri leaders identified a strategy for engaging with non-Indigenous institutions and governments regarding the repatriation of Old People. This includes the kinds of support and relationship shifts required to enable First Nations to address the complex challenges produced by original thefts of Old People and their eventual return to Country. The developing Ngarrindjeri engagement framework is built on Yannarumi, Kungun Ngarrindjeri Yunnan Agreements and an approach to Treaty negotiation. This work also provided a complex baseline for the development of recommendations regarding national and international policy settings.

Knowledge exchange and capacity building with Ngarrindjeri nation members and team members largely took place within the Ngarrindjeri Keeping Place and on-Country in relation to burial grounds. Decision making regarding burial priorities progress and preparation of the Old People for reburial also continued.

#### **8.2.5 *Presentation and recommendations to the NRA Board 29 September 2022***

A document was developed for consideration by the NRA Board bringing together Ngarrindjeri principles, law, goals and practices relevant to making decisions about repatriation and burial/reburial. This document followed a Yannarumi methodology and included a recommendation for the Board to support the AIATSIS Project team to proceed to the development of a draft burial/reburial plan or strategy to support the ongoing work of the NRA. The Board supported the recommendation and this decision provided overarching guidance to the on-Country workshops held in late 2022 and early 2023. The document provided to the Board was a primary guiding document supporting Ngarrindjeri repatriation work. A second document was developed (2022/2023) for the Board to pursue an appropriate political relationship between the Crown in the Right of South Australia and the Ngarrindjeri nation to ensure that Old People would rest in Yarluwar-Ruwe in perpetuity. This draft single issue Treaty document is included as an Appendix to this report (Treaty for the Repatriation of Human Remains of Ngarrindjeri People). If helpful to other First Nations we ask that NRA (as the peak body of the Ngarrindjeri nation) is respectfully acknowledge. Some of the key principles from these documents have been distilled into recommendations regarding engagement protocols and policy directions for Indigenous peoples and settler democracies such as Australia (see ‘Recommendations’ section below).

#### **8.2.6 *On Country workshops, capacity building, and reburial preparations Feb-March 2023***

Further on-Country preparations, research and capacity building were carried out between the 20th February and 3<sup>rd</sup> March 2023 at Camp Coorong on Ngarrindjeri Yarluwar-Ruwe. Participants included: Daryle Rigney, Maiye Rigney, Kalyan Rigney, Ellen Trevorrow, Darryl Sumner, Bessie Rigney, Elizabeth Rankine, Rita Lindsay Jnr, Lawrie Rankine Snr., Margie Rankine, Laurie Rankine Jnr, Derek Gollan, Steve Hemming, Amy Della-Sale, Win Adams, and Mike Pickering.

The on-Country workshop involved: visits to the Keeping Place; time spent discussing the Old People; the progress with reburial planning; strategies to progress the issue; histories of Ngarrindjeri Repatriation and associated knowledge; and visits to burial grounds and places identified as potential reburial focusses (see Photos 10 and 11). Ngarrindjeri Yannarumi principles were followed by leaders and elders to provide safe oversight of the planning and other activities

undertaken. Key elders visited comparatively recently disturbed burial grounds on Ngarrindjeri Yarlular-Ruwe connected with their families and ancestors. Younger people were provided with experience and knowledge of these issues directly from Ngarrindjeri Elders and leaders.



Photo 10: Project workshop at Camp Coorong. Photo: Aunty Ellen Trevorrow



Photo 11: Project workshop at Camp Coorong. Photo: Aunty Ellen Trevorrow



Photo 12. Site visit as part of project workshop. Photo: Amy Della Sale



Photo 11: Site visit as part of project workshop. Photo: Amy Della Sale

### **8.2.7 Operationalising the RRR Digital Archive for Ngarrindjeri reburial decision making**

As described above, Ngarrindjeri have their own private-access section of the RRR Digital Archive which brings together information and records relating to every individual Ngarrindjeri Old Person

ever known to have been removed from Ngarrindjeri country: where they were taken from, when, who took them, where they were taken to, where they are now, etc. The successful repatriation and reburial of Old People relies on many different elements, one of which relates to archives and recordkeeping. Finding and compiling records relating to the removal of Old People is a fundamental repatriation and reburial activity.

Through this project, supporting Ngarrindjeri planning and decision-making processes with sophisticated database capacity, and associated research experience, provided opportunities to test and adapt the RRR Digital Archive to better fit the governance and the practical, on-Country work of burial/reburial decision-making, planning and returning Old People to Country.

In order to support Ngarrindjeri reburial decision-making and utilisation of Yannarumi, the team undertook extensive preparation of information about Old People in the Keeping Place and still housed in institutions domestically and internationally that is held in the Ngarrindjeri community partner extension of the broader RRR Digital Archive.

During the course of this project, the Ngarrindjeri section of the archive (containing information and records relating to more than 1,656 Ngarrindjeri Old People) was developed, finalised and launched. This included developing and deploying a secure, remote-access model for authorised Ngarrindjeri users to access the Ngarrindjeri archive, enabling the Ngarrindjeri reburial team to tap in to their archive whilst *in situ* in the Keeping Place or elsewhere on Ngarrindjeri Country (for example). The impacts of this remote accessibility have been significant and immediate on this project. Developing the archive in this way has allowed the reburial team to be able to match Old People in the Keeping Place with the information and records relating to them held in the archive – a vital component of the reburial planning process.

Developing the Ngarrindjeri archive also involved creating a customised Filemaker Database (deployed through Filemaker Server) and linking this into the Ngarrindjeri archive. The secure online database (containing detailed, sensitive information on individual Ngarrindjeri Old People) has been organised to allow Ngarrindjeri users to easily find, access and use information relating to the Old People in the Keeping Place (and elsewhere). This has enabled Ngarrindjeri users to be able to quickly search, filter and generate printable reports of sets of Old People, such as listings of all Old People in the Keeping Place, or all Old People provenanced to a particular locality in the Keeping Place (and elsewhere), etc. This particular functionality has been highly useful and valuable in the course of this project, helping aid Ngarrindjeri decision making regarding which Old People to rebury, when, and where.

In addition, research and testing was undertaken during the Understanding Success project on the potential use and value of digital mapping tools and techniques to support Ngarrindjeri reburial planning activities. This work included: determining what elements of the RRR archive would be appropriate, possible and useful to map (eg. provenances, current locations of Old People, (re)burial sites, etc); scoping software options (particularly taking into account issues such as data security, software sustainability, technical and financial dependencies, etc); determining what external/open data sources are available, appropriate and useful to overlay within a reburial mapping solution (eg. Native Title boundaries, National Parks and Wildlife area, Ramsar sites, flood and fire zone maps, etc); and ascertaining the practical/technical methods for how such map visualisations could be deployed and integrated into the Ngarrindjeri archive for best results. Further development is

currently underway and the mapping solutions generated through the Understanding Success project will be implemented over the next 12 months.

It is important to note that these innovations and adaptations to the RRR Digital Archive (to better fit the governance and the practical, on-Country work of reburial decision-making, planning and returning Old People to Country) have flow on effects to other users of this resource, locally, nationally and internationally.

As noted above, Ngarrindjeri are founding members of the Return Reconcile Renew repatriation network, and part of various projects of which have been funded in the majority through ARC grants from 2013 to present. During the AIATSIS project, Ngarrindjeri and the research team worked extensively on connecting the RRR database to Ngarrindjeri plans and preparations for burials/reburials, ensuring that the RRR database was upgraded to provide real-time support for repatriation and burial/reburial practice, and using the information in the database in ways that supported Ngarrindjeri reburial planning in ways to support Ngarrindjeri wellbeing. Plans have been started to securely connect the RRR database an App for use by Ngarrindjeri rangers in their Country based activities. Ngarrindjeri rangers will play a central role in ongoing reburial/burial activities and the long-term care of burial grounds.

#### ***8.2.8 Return Reconcile Renew (RRR) Website and Database – additions and changes made connected with the Understanding success project***

The following changes were made to the Ngarrindjeri archive to support reburial planning:

- a) A secure remote-access model** to enable the RRR community partners (including NRA) to access their archive remotely was developed and deployed.
- b) A customised Filemaker database** was created, tested and deployed within each community partner's archive, enabling the RRR community partners to conduct advanced searching, filtering, sorting and report generating of Ancestral Remains entries in the archive.
- c) Content created or compiled during the course of the Understanding Success project has been integrated into the Ngarrindjeri archive**, available to authorised Ngarrindjeri users. This includes, for example, meeting papers and workshop notes, photographs, planning documents, etc.
- d) Edition 2 of the Public RRR Website** was published (ISSN 2652-4104, available at: <https://returnreconcilerenew.info>). This website operates as the public face of the RRR Digital Archive, providing general, non-sensitive information and resources relating to the removal and repatriation of Indigenous Ancestral Remains. New content added relating to Understanding Success includes video footage of Ngarrindjeri citizens (and others) describing their perspectives towards the removal and return of their Old People and their experiences with repatriation ([https://returnreconcilerenew.info/ohrm/browse\\_dobjects.htm](https://returnreconcilerenew.info/ohrm/browse_dobjects.htm)), and information about the Understanding Success project (<https://returnreconcilerenew.info/ohrm/biogs/E005155b.htm>).
- e) In addition, the archive's Governance Framework and Archive Policies were also updated and published on the RRR website** (available at: <https://returnreconcilerenew.info/resources/policies.html>) in 2021. These documents have guided the way in which information and records gathered or created during the course of the Understanding Success project have been used, managed, accessed and preserved.

### 8.3 Presentations to external audiences

Presenting to the AIATSIS Research partners (either exclusively on this project or woven into presentation on broader Ngarrindjeri activities) and in national and international conferences and other contexts brought the research program to a wide audience of academics and interested First Nations members and produced discussion which contributed to project deliberations and outputs. All presentations received positive feedback. **Table 5** lists the major presentations undertaken from this project.

**Table 5:** Presentations from the *Understanding Success* project

| Year | Detail   |
|------|--|
| 2021 | <b>Australian Archaeology Association (AAA) Virtual Conference</b> (1-3 December 2021), Reconciliation – Working Together: Disciplinary History in the Light of Indigenous Involvement (session): ‘Indigenous Nation (Re)Building, Peace-Making, Archaeology and River Health’, A/Prof Steve Hemming (presenter), Prof Daryle Rigney, Grant Rigney & Amy Della-Sale.   |
| 2021 | <b>University of New Mexico</b> , Resilience Institute, 5th Annual Resilience Colloquium 12 October, 2021. (Invited presentation) Session 1 Indigenous Knowledges and Place Based Approaches to Natural Resource Management: ‘Indigenous Nation (re)building, water planning risk assessment and peacemaking’, A/Prof Steve Hemming (presenter) & Prof Daryle Rigney, live zoom presentation and discussion.   |
| 2021 | <b>AIATSIS Summit 2021</b> , Adelaide, Convention Centre, Wednesday 2nd June, ‘Indigenous nations speaking as Country’, Full session presentation, Prof Daryle Rigney & A/ Prof Steve Hemming  |
| 2021 | <b>AIATSIS Summit 2021</b> , Adelaide Convention Centre, Thursday 3 <sup>rd</sup> June, ‘Ngarrindjeri Yannerumi in water planning, nation building and repatriation’, A/Prof Steve Hemming (presenter), Prof Daryle Rigney, Prof Cressida Fforde, Grant Rigney, Luke Trevorrow and Amy Della-Sale (co-authors). Thursday June 3 <sup>rd</sup> 2021.  |
| 2022 | <b>Return Reconcile Renew Centre, International Workshop</b> , AD Hope Building ANU, 19-20 September 2022 (in-person and zoom); Panel session, Repatriation in Australia, ‘Ngarrindjeri nation and repatriation’, Steve Hemming.   |
| 2022 | <b>10th Annual International Conference on Sustainable Development (ICSD)</b> 19-20 September 2022 Virtual Conference) – held by the Global Association of Master’s in Development Practice Program (MDP), in collaboration with the Sustainable Development Solutions Network (SDSN), ‘Ngarrindjeri Yarlurwaru (Sea Country, lands, waters and all living things): Negotiating and monitoring respectful spaces for First Nations engagement with settler colonial natural resource management’, A/Prof Steve Hemming (Presenter), Prof Daryle Rigney (UTS) & Shaun Berg (UTS). |
| 2022 | <b>Rossi Braidotti’s Summer School 2022</b> , Posthuman Life of Methods, Utrecht University, Faculty of Humanities, Session: Methods to exit colonialism (Curated by Simone Bignall), ‘Returning to Yarlurwaru: Repatriation as a Sovereign act of healing’, Prof Daryle Rigney & A/ Prof Steve Hemming, (Virtual Presentation), 18-25 August  |
| 2022 | <b>Jumbunna Evaluation Group</b> , UTS, 22 August 2022, ‘Yannerumi – Speaking Lawfully as Country, risk evaluation and strategy, A/Prof Steve Hemming.   |
| 2022 | <b>AIATSIS Research Exchange</b> – Community of Practice, 23 June 2022, Presentation, ‘Repatriation, healing and wellbeing: understanding success for repatriation policy and practice’, A/Prof Steve Hemming & Winsome Adam.  |
| 2022 | <b>AIATSIS Summit 30 May – 3 June 2022</b> , Navigating the Spaces in Between, on Kabi Kabi Country (Sunshine Coast). ‘Repatriation, healing and wellbeing: understanding success for repatriation policy and practice’, Prof Daryle Rigney (presenter), A/Prof Steve Hemming, Prof Cressida Fforde, Grant Rigney, & Winsome Adam 1 June 2022.   |
| 2022 | <b>2022 Return Reconcile Renew Centre, International Workshop</b> , AD Hope Building ANU, 19-20 September 2022 (in-person and zoom); Panel session, Repatriation in Australia, ‘Ngarrindjeri nation and repatriation’, Steve Hemming   |
| 2023 | <b>2023 Australian Institute for Indigenous and Torres Strait Islander Studies (AIATSIS)</b> , Summit, Noongar Boodja Perth, 5 – 9 June, ‘Overcoming complexities in information provision for successful repatriation practice’, Paul Turnbull, Cressida Fforde, Lyndon Ormond-Parker, Neil Carter, Ned David, Michael Pickering, Daryle Rigney, Steve Hemming.   |

## 9 Yannarumi and Repatriation

In this section we focus specifically on Yannarumi and its relevance to repatriation and reburial. The section draws on past and current work and then considers how Yannarumi then informed the development of protocols and policies relevant to this project

### 9.1 Background - Ngarrindjeri Regional Authority (NRA) Goals

We include the Ngarrindjeri Regional Authority's goals and key value statements (Figure 2) as an example of the translation of Ngarrindjeri Yannarumi principles into a high-level Indigenous nation (re)building, governing strategy. For example, Ngarrindjeri repatriation and (re)burial proposals and plans need to take into account their contributions to the values and goals of the NRA. If these goals are seriously addressed and the broad values of the NRA respected then justice and wellbeing will be the outcomes.



**Figure 2:** NRA goals and key value statements

### 9.2 Ngarrindjeri Yannarumi Framework

The Ngarrindjeri Yannarumi 'framework' included below identifies the Ngarrindjeri-specific experience and understanding of the traumas of invasion and the desecration of burial grounds and the theft of Old People (see Figure 3). The first row is an assessment at the time of Ngurunderi the lawgiver – Katjeri, beautiful and healthy. These were the times before invasion. The second row represents the times of invasion and colonization when burials were destroyed, desecrated and Old People stolen. A Ngarrindjeri repatriation and reburial strategy follows these principles and addresses the causes of sickness, trauma, disconnection and loss. The aim is to restore wellbeing to Ngarrindjeri Yarluwar-Ruwe. The Yannarumi framework is a translation of Ngarrindjeri decision-making in the context of repatriation – this framework support leaders in the decision-making taking into account the NRA Goals. For example, to be a 'sovereign First Nation' Ngarrindjeri must take full responsibility for the negotiation of the return of their Old People, the securing of burial grounds, and the full control of (re)burials in Ngarrindjeri Yarluwar-Ruwe.

## Ngarrindjeri Yannarumi ‘framework’ – Old People Pethun (stolen)

|  | Kaldowinyeri<br>Creation,<br>Change  | Ruwe/Ruwar<br>Country,<br>body, spirit,<br>all living<br>things                         | Miwi, Ngarjti<br>spirit,<br>connection<br>resilience  | Yannarumi<br>Speaking as<br>Country,<br>responsibility,<br>management   | Ngiangiampe<br>Relationships,<br>partnerships              | Ngarrindjeri<br>Yarluwar-<br>Ruwe<br>Wellbeing<br>assessment  |
|--|--|---|---|---|--|---|
| Kaldowinyeri<br>Creation   | Ngurunderi<br>Narumbi<br>Creation, pre-<br>colonisation, ‘law<br>and ceremonies’   | Katjeri<br>Beautiful, healthy,<br>sustaining  | Pritji, Lakalinyeri,<br>Warruwarrin<br>Strong, connected,<br>knowing  | Rupelli, Tendi,<br>Ngarrindjeri,<br>Mempun<br>ngarayuan<br>Elders Speaking as<br>Country,<br>Governance,<br>belonging,<br>responsibility,<br>sacredly | Tendi, Nguldun<br>Governance, agreements,<br>Being healthy | Katjeri<br>Beautiful healthy<br>Belonging   |
| Parpun Miwi<br>Colonisation, Longing<br>for wellbeing,<br>mourning | Mrrild, thrunkun,<br>nyiningi<br>Disconnection,<br>invasion, burial<br>grounds<br>desecrated,<br>Old People stolen,<br>lands stolen,<br>terrifying, very bad | Wiran, Wurangi,<br>Mrrild,<br>Krawun<br>Sick, bad,<br>disconnection,<br>sacred, burying | Pritji, Wurreng-<br>wulun<br>Pethun, Parpun<br>Tjarun<br>Strong, sorrowful,<br>stolen, mourning,<br>searching | Wurangi, Nyiningi,<br>Blewilin<br>Very bad,<br>disrespectful,<br>Unhealthy  | Mrrild, Wurangi<br>Cut off, stopped, Bad,<br>disrespectful | Blewilin, Pukli,<br>Panggari, Parpun,<br>Ngayawun<br>Unhealthy, signs of<br>sickness, spirits<br>not at peace,<br>mourning,<br>abusing/misusing |

**Figure 3:** Ngarrindjeri Yannarumi framework assessment of stolen Old People

### 9.3 Ngarrindjeri-centred engagement – Healing programs and healthy flows

Ngarrindjeri understand the relations between all things as being one of interconnected benefit. This is reflected in the Yannarumi framework (Figure 3) above. The idea of ‘flow’ is also a crucial concept for Ngarrindjeri who live in what non-Indigenous people categorise as a river, lakes, estuary and sea country. The following diagram (Figure 4) describes the importance of health-giving flows, and illustrate the interlinked nature of this philosophy (Figure 4) with the Yannarumi assessment in Figure 3, and the NRA goals in Figure 2. The return and reburial of Old People cannot be viewed or treated in isolation, but is interwoven with many other facets of the Ngarrindjeri world view, governance, relationships, strategies for health and wellbeing, and nation building.

The project originally sought to co-design and trial a protocol with the NMA to translate findings into Ngarrindjeri/NMA repatriation engagement. It was hoped that this would, in turn, inform development of key principles in a model for local adaptation by other museums and Indigenous nations, and into recommendations for repatriation policy and practice nationally and internationally.

Without being able to travel, in-depth consultation between NMA staff and Ngarrindjeri, scheduled to happen on country, could not occur. Instead, key principles for engaging in repatriation and (re)burial, from a Ngarrindjeri perspective **have been identified and developed for consideration by the NRA Board**. These have informed continuing work to support the development of a document supporting the NRA in its continuing responsibility to ensure that the Old People are brought to rest and that all Ngarrindjeri burial grounds are secure.



# Ngarrindjeri-centred engagement Healing programs – healthy flows

## Yannarumi relationship principles

- Projects/engagements that change the colonising relationship between Ngarrindjeri and the State – includes Universities etc.
- Projects/engagements that build Ngarrindjeri capacity to Care as/for Yarlumar-Ruwe (Country) – lands, waters and all living things.
- Projects/engagements that respect Ngarrindjeri knowledge, law, tradition and expertise.
- Projects/engagements that produce respectful relationships.
- Projects/engagements that reproduce wellbeing and bring energy into Ngarrindjeri lives, programs and plans.

How can these engagements be assessed to determine their health-giving potential? Theoretically informed political leadership combines with Ngarrindjeri risk assessment/decision-making – Yannarumi.



Reburial Ceremony – taking responsibility, healing

Ellen Trevorrow, Rita Lindsay Snr., Alice Abdulla and Matt Rigney at Parnka reburial, 2006.

**Figure 4:** healing programs and health flows – Yannarumi relationship principles.

Drawing on all the above work, a final version of a Ngarrindjeri key principles in Repatriation and (Re)burial document was **presented to the NRA Board Meeting on the 29<sup>th</sup> September 2022** at the NRA's Murray Bridge Business Centre. The document was accepted and agreed that it would form the basis for further Ngarrindjeri repatriation and (re)burial work. **A further key operationalising document, based on these principles, was developed during 2022/2023 and submitted to the NRA Board** post the completion of this project (see draft Teaty document in the appendices).

## **10 Relevance beyond Ngarrindjeri – suggestions and recommendations for policy and practice for other First Nations**

The results of this project and previous work by Ngarrindjeri in repatriation may be of use and interest to other First Nations developing their repatriation strategies. In this section we set out key learnings that may be of relevance and use to other First Nations.

### **10.1 Key elements for a just and health-giving Ngarrindjeri engagement model**

Although some of the documents presented to the NRA Board described in previous sections are private to Ngarrindjeri and cannot be shared, they incorporate the following elements that are central to Ngarrindjeri requirements for developing an 'agreement' or 'treaty' with an external party to ensure healthy and just repatriation of Indigenous Old People. These may be used to inform an engagement strategy/model that translates Ngarrindjeri research findings for adaptation by **other Indigenous nations, museums and agencies – particular those dealing with the reburial of multiple ancestors.**

Note that in the following list of key elements, **formal agreements between parties** are considered essential for moving forward with reburials in a manner that is positive for Ngarrindjeri and hence successful. Reburial governance processes in relationships with external parties are thus considered

central to success. Without these agreements in place, for Ngarrindjeri there is significant risk, as assessed through Yannarumi:

- A negotiated agreement is required to set the relationship between the parties (eg the Nation Museum/Commonwealth Government and the Ngarrindjeri Nation) with commitments by non-Indigenous party/parties to ensure a healthy and just repatriation of Old People (what counts as healthy and just should be determined by Indigenous party).
- Mutually accepted truths incorporated into recitals to any agreement or other instrument (research conducted by collectives such as RRR provide crucial elements of potential truths).
- A commitment to resourcing the processes required for Indigenous parties to undertake negotiations, any research required and for all other activities required by Indigenous parties to bring Old People to rest.
- A commitment by the non-Indigenous institution and/or non-Indigenous government to resource required educational and related activities in the Indigenous and broader community to create proper understanding and support for Indigenous parties to bring their Old People to rest.
- A public apology by the institution and the associated non-Indigenous government.
- If required by the Indigenous party, a formal commitment included in the ‘agreement’ to the establishment of a working party (resourced by the non-Indigenous party) to support any coordinated activities between the parties required to achieve the goals of the Indigenous party. This working party could develop a statement of commitment co-developed by the parties to ensure that the commitments of the overarching agreement are preserved and articulated in the objectives and activities of the working party.

The proposed elements included above are considered crucial to enacting Ngarrindjeri principles in the negotiation of just relations with outside parties in their relations to Ngarrindjeri Yarluwar-Ruwe (lands, waters, spirit, all living things). They are developed from Yannarumi principles and the goals of the NRA as the peak body of the Ngarrindjeri nation as set out in the figures above (and see Hemming et. al. 2020). These principles are based on a sovereign, Indigenous nation (re)building methodology. However, we believe that they have applicability to Indigenous communities, collectives and other groupings dealing with the complexities of restoring wellbeing in the midst of negotiating repatriation and bringing Old People home to rest.

The Ngarrindjeri principles above have commonalities with the approaches taken by other key First Nations internationally engaging with complex and extensive repatriation and (re)burial programs and other community development initiatives. Some of these First Nations have treaty relationships with the settler States within which their Countries are situated. Given Australia is beginning to work towards treaties it is useful to note **that the Ngarrindjeri principles align with Ngarrindjeri work towards treaty/treaties**. Ngarrindjeri being the first First Nation in Australia to directly negotiate a treaty in 2017

More recently, the NRA is pursuing a specific approach to a peaceful and just resolution of the theft of Ngarrindjeri Old People and the continuing insecurity of burial grounds. This approach may become important in national policy (and see Appendix 8).

## **10.2 Agreement making – Statement of Commitment**

The final dot point in the principles included above raises the possibility of a formal sub-agreement between the parties. Ngarrindjeri refer to these sub-agreements as a Statement of Commitment (SOC). The use of SOCs is a key part of the NRA's nation (re)building engagement tool kit and this approach may be of interest to other First Nations developing their repatriation strategies (see Hemming, Rigney and Berg 2019). An example of a SOC entered into by Ngarrindjeri is provided in **Appendix 7**. This is a publicly available document *Ramsar Ecological Character Description Statement of Commitment between the Ngarrindjeri Regional Authority Inc and the Partnerships and Stewardships Group, Department of Environment, Water and Natural Resources* 2014. Though not related to repatriation it provides a template for SOCs that can be developed in the repatriation context.

## **10.3 Agreement making – Kungun Ngarrindjeri Yunnan agreements (KNYA)**

In the Australian context we think the Ngarrindjeri KNYA with Museum Victoria described above is an example of a respectful repatriation (see Hemming et al. 2020). The 'success' of this agreement was 'measured' using a Yannarumi framework. It is important to note that the KNYA with Museum Victoria stands as the most recent agreement entered into between the Ngarrindjeri nation and a Museum and is considered a benchmark by the NRA (see Hemming et al. 2020b). We have provided a copy of this KNYA as **Appendix 2** for this project as it may form the basis of agreements sought by other First Nations with holding institutions.

## **10.4 Sharing knowledge from this project – RRR network**

RRR has been a major conduit for making the work of the Understanding Success project relevant beyond Ngarrindjeri. Ngarrindjeri Yannarumi principles have been shared with RRR network partners. Through this research and collaboration, we have identified the similarities in the approaches being taken by First Nations in settler democracies dealing with the theft, repatriation and reburial of their Old People. The RRR network brings these First Nations together and allied researchers in ongoing exchanges of knowledge and experience. This work, including that which has been undertaken through the *Understanding Success* project is continually incorporated into the RRR website and database as a means of harnessing the work for use by others.

Ngarrindjeri thinking has been fundamental to the development of the RRR collective's guidelines for best practice in repatriation, specific policies and the philosophy and principles contained in the overarching Return Reconcile Renew Governance Framework (2021). These guidelines and principles have taken account work conducted as part of the AIATSIS Understanding Success project. We include here the *RRR Principles for Responsible* use of information and the *RRR Governance Framework Philosophy and Principles* (2021) as these may be of use to First Nations seeking to develop their approach to repatriation, including matters associated with information access and management:

### **Responsible use**

- Use the information in a dignified, sensitive, just and truthful manner
- Approach its use in a way that assists healing, wellbeing and reconciliation
- Support the process of returning Old People to country so their spirits may rest
- Show bravery and courage in your repatriation work and support the efforts of others

- Be attentive to your own wellbeing and that of your colleagues
- Respect the knowledge shared by community members and their wishes about how it should be shared

## **Philosophy**

Indigenous peoples internationally understand their humanity and Indigenous sovereignty as being constituted in intricate relations with the human and non-human world. Fundamental to this is an understanding that all things are connected, including land, water, sky, and people, whether living or passed. Maintaining the health of Country and the interconnectivity between all things is a critical cultural responsibility and is fundamental to Indigenous health and wellbeing.

Indigenous peoples have a sovereign right and responsibility to exercise and maintain cultural rights, interests, and responsibilities according to the laws put in place by Creation ancestors, including the right and responsibility to speak as and for Country. The act of returning the many Indigenous ancestors who were stolen and placed in institutions and collections in Australia and overseas back to their Country is a sovereign act of healing.

We acknowledge that Indigenous communities have a cultural responsibility, authority, and duty to their ancestors, elders, and present and future generations to return their ancestors home to Country. The RRR Governance Framework recognises that the process of returning Indigenous ancestors to Country for many Indigenous communities is about restoring connectivity, reciprocity, balance, health, and wellbeing to Country and communities.

Repatriation is an exercise of Indigenous rights and sovereignty, as expressed in international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples and the United League of Indigenous Nations Treaty.

## **Principles**

- Our Repatriation practice acknowledges that Indigenous peoples have a right to restore dignity and respect to their ancestors, Country, elders, present and future generations.
- We must act responsibly and consider the implications of our actions on Indigenous ancestors, elders, present and future generations. We must also be careful of our own wellbeing and others during the process.
- Repatriation practice requires learning and knowing the history and taking respectful and ethical action towards returning Indigenous ancestors.
- We are committed to respectful learning from Indigenous elders and respectful application of this knowledge to repatriate Indigenous ancestors.
- Indigenous Cultural Knowledge and practice must be respected, maintained, protected and recognised as belonging to Indigenous communities.
- Repatriation practice is about human rights and restorative justice and resetting the colonial/Indigenous relationship.

- Undertaking the work required to find Indigenous ancestors and bring them home requires courage and strength. We must support each other during this process and future generations who follow us in this role.
- We must maintain strong governance practices so that we can continue to carry out the responsibility of restoring ancestors to Country. These governance practices are driven by Indigenous values.
- Repatriating Indigenous ancestors back to Country for many Indigenous peoples is healing. We acknowledge that the processes, practices and tools associated with repatriating Indigenous ancestors should promote healing and wellbeing for future generations and ourselves.
- We must undertake our repatriation practice with rigor and a strong work ethic, guided by the values of respect, trust, dignity, balance, integrity, intentionality, humility and commitment.
- Our Repatriation practice relies on and building, establishing and maintaining just, healthy and respectful relationships with collecting Institutions, Traditional Owner groups, communities and researchers.
- We are committed to understanding and respecting key cultural values, philosophies and principles that underpin repatriation practice and caring for Country.
- Our Repatriation practice is an exercise of Indigenous rights and sovereignty as expressed in articles found international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples.

## **11 Project outcomes/outputs**

The AIATSISS project has supported the ongoing work of the NRA and the Ngarrindjeri Lands and Progress Association (Corporation) NLPAC in their work relating to repatriation, (re)burial and the Care for the Old People. NLPAC is a founding member of the NRA and has a seat on the NRA Board. NLPAC houses repatriated Old People at the Camp Coorong Keeping Place and originally provided the overarching support for the Ngarrindjeri Cultural Heritage Committee. NLPAC is also running the Ngarrindjeri Working on Ruwe (Country) Ranger program, with Ngarrindjeri rangers playing key roles in Caring as Country activities that include monitoring and conserving burial grounds, and in the recent past assisting with (re)burials. With the NRA being based in Murray Bridge and the NLPAC at Meningie, the AIATSISS project team's on-Country work has focussed on the Ngarrindjeri Business Centre at Murray Bridge and Camp Coorong, with meetings, workshops on research into burial grounds and Old People housed at Camp Coorong and associated records. Ngarrindjeri leaders and Elders have directed research to assist with (re)burial preparations. This has included expanding the capability of the RRR database as a support tool for Ngarrindjeri (re)burial preparations, potentially management for existing Ngarrindjeri burial grounds, and providing increased ongoing security for sensitive Ngarrindjeri information associated with these activities.

There have been some additional benefits. For example, the despair of some individuals over the long-period of storage of remains led to their silence and withdrawal. This work has encouraged them to speak up and express their opinions. Though this has to be maintained and shared. Younger people are being empowered through their incorporation into the process. The foundations for future action have been set.

**Table 6** summarises identifies key aspects of the work conducted during the AIATSIS project to support Ngarrindjeri planning for repatriation, Caring for Old People and (re)burial activities.

**Table 6.** Key project outcome summary

| Outcome  | Output  |
|--|---|
| Upgrading RRR Archive and Camp Coorong Keeping Place connectivity to ensure usefulness to support specific (re)burials.  | Keeping Place maintenance, Upgrading of associated archive (private)  |
| The development of a Ngarrindjeri Repatriation and (Re)burials guidelines and principles document that was presented to the NRA Board for approval.  | Private   |
| Selected team members (Ngarrindjeri and NRA advisors) worked to develop political agreement proposal which has been completed and provides an overarching secure, long-term and resourced approach to the whole issue. It has been agreed that it can be shared. | See <b>Appendix 8</b> . If useful to other First Nations then please reference the document.  |
| A proposal to support the Ngarrindjeri Rangers with an App for on-Country work and RRR connectivity was developed.   | Private   |
| Detailed discussions have taken place with Ngarrindjeri leaders and nation members in preparation for specific reburials.  | Incorporated into reburial planning and preparations  |
| Following a Yannarumi decision making methodology arriving at the prioritisation of Poltalloch and Swanport Old People for (re)burial by the Ngarrindjeri team.  | Incorporated into reburial planning and preparations  |
| Ngarrindjeri (re)burial team supported to conduct work preparing Old People for (re)burials with specific techniques and materials. Team members developed a design for Ngarrindjeri (re)burial clothing.  | Incorporated into reburial planning and preparations  |
| The development of draft reburial plans for Poltalloch – including detailed information relating to all Old People in Camp Coorong Keeping Place and in other institutions in Australia and around the world.  | Private document  |
| The development of a draft overall guide to using the RRR database to support (re)burials, along with the drafting of other key aspects of (re)burial work.  | In draft  |
| Supported a joint submission (KALAC/GBK/NRA) to Federal Government concerning greater resources being allocated directly to First Nations for reburial/burial processes and cultural heritage management (Caring as Country).                                    | Private document  |
| Various Research Exchange Portal documents   | The whole report and appendices should be kept together as one document and can be shared through the portal. Publications will be shared when published. |
| Twelve presentations to external parties (conferences, workshops etc)  | See Table 5   |

Ngarrindjeri reburial planning has been further advanced by the AIATSIS project and through this focussed work. Importantly, Ngarrindjeri team members have been coordinating with Ngarrindjeri nation members and organisations to ensure that the project does not create unhealthy consequences for the Ngarrindjeri nation. This has also mean a greater understanding of what counts for success in Ngarrindjeri repatriation.

In summary the AIATSIS project has increased the capacity of Ngarrindjeri Nation to undertake repatriation and burial/reburial work through supporting the work of the NRA and key member organisations such as the NLPAC. The project team and Ngarrindjeri leaders have prioritised the continuing application of Ngarrindjeri Yannarumi decision-making methodologies to the issues of repatriations and burial/reburials. This work has supported the development of a specific framework

that enables the translation of Yannarumi principles into an understandable and appropriate form for Ngarrindjeri nation (re)burial planning and practice.

## 12 Research Exchange Portal documents

Table 7 summarises the project outputs

**Table 7:** Understanding Success project Outputs

| Materials   | Status                             |
|---|------------------------------------|
| Project final report. Can be submitted to the Research Exchange Portal  | Completed                          |
| Literature Review and Key Text Summaries – included as appendices to this report  | Completed                          |
| Currently, this project has contributed to six publications. It is likely to contribute to further publications in the future. When available, pre-publication proofs will be provided to the Research Exchange Portal.   | See table 2 for status             |
| Currently, this project has produced 12 conference presentations. Pdfs of two of these presentations are included as appendices to this report  | Completed                          |
| Community report/s providing an account of the Ngarrindjeri burial/reburial process followed for preparation, assessment and planning for reburial of Old People in one site  | Completed, not for public release. |
| Presentations to NRA Board. Completed   | Completed, not for public release  |
| Template SOC and KNYA documents – these are examples from previous Ngarrindjeri work in repatriation but are relevant to this project and its aspiration to share information that may be of relevance to other First Nations. They are included as appendices to this report | Completed                          |
| Draft Treaty document – learnings from this project contributed to the development of this document. It is included as an appendix to this report   | Draft completed                    |

## 13 Conclusion

The complexities of conducting a Ngarrindjeri reburial program in the midst of complex nation work and political re-organisation has been central to understanding the linkages between repatriation, (re)burial and healing and wellbeing and to identifying key elements of repatriation success and how to navigate complexity in achieving successful outcomes. This ever-changing and broad Indigenous nation context must be taken into account by research projects if they are going to produce healthy outcomes for nations. This point is very clear when our research project's focus is the nation-specific (law-based) methodology (Yannarumi) designed to assess these factors and associated risks to health and wellbeing. This assessment enables informed decisions to be made by Ngarrindjeri leadership – in this case in relation to a research project and associated repatriated Old People (re)burial program. The literature review work conducted by the Project team has highlighted the commonalities of these experiences and Indigenous nation's strategic responses, nationally and internationally, and in a variety of contexts (eg NRM, Treaty management, fisheries management, holistic approaches to health and wellbeing, data sovereignty and of course repatriation). This further informs understandings of commonalities and differences developed by the RRR collective.

A number of possible strategies, plans and requirements have been identified in this project's Ngarrindjeri-centred and engaged research program. This has included clarifying, solidifying and building upon the connections between the Old People in the Camp Coorong Keeping Place and the RRR database. Ngarrindjeri Yannarumi and the NRA Goals have guided this project's work to prioritise just and health-giving outcomes for Ngarrindjeri Yarluwar-Ruwe. This approach centres the preservation of the interconnectedness between the Old People, the lands and waters, spirit, and all living things.

Ngarrindjeri leaders and elders have consistently pursued what they have called a just settlement with the non-Indigenous settler State (see Ngarrindjeri Nation 2007). This includes as a foundational element a commitment to the promises made to Indigenous people by King William IV in the original South Australian Letters Patent 1836. The promises came with specific instructions to the original colonial surveyors to exclude burial grounds from any lands made available to the new settlers (Rigney, Hemming & Berg 2008; Rigney et al. 2021). The promises in the Letters Patent were not kept and Ngarrindjeri leaders argue that the consequences of these broken promises include the ongoing and unresolved trauma of the ‘first Stolen Generation’, the Old People stolen from burial grounds, hospitals and other places (Hemming & Wilson 2010). What is required for just and health-giving ‘repatriation’ is the establishment of new peaceful relations between Ngarrindjeri and the Australian settler State. This will be when Ngarrindjeri spirits can rest peacefully in/as their lands and waters (Ngarrindjeri Nation 2007). As Ngarrindjeri leaders and elders hoped in their dedication to the Ngarrindjeri Yarlular-Ruwe Plan (2007, p. 3): ‘May our Spirits find rest and peace within our Lands and Waters’.

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Photo 13: The Kurangk (Coorong), Ngarrindjeri Yarluwar-Ruwe (Sea Country) 2016. Photo: Brayden Mann

## 15 Appendices

## Appendix 1: ICIP and Ngarrindjeri Cultural Knowledge Clause in project Collaboration Agreement

### **5 Indigenous Cultural and Intellectual Property & Secret and Sacred Indigenous Material**

- 5.1 The parties acknowledge that the Activity Material and Reporting Material may incorporate ICIP and agree to comply with the following provisions:
- 5.1.1 The Parties acknowledge the existence of ICIP Rights and agree that ownership of ICIP will remain with the Traditional Owners or custodians of the ICIP;
- 5.1.2 The Parties agree to take all reasonable steps to ensure ICIP Rights are respected and upheld in relation to the Activities and in the use and dissemination of Activity Material and Reporting Material;
- 5.1.3 The Parties will identify in writing any ICIP incorporated in the Activity Material and Exchange Material and Reporting Materials and make explicit in any delivery documentation any cultural protocols relating to the Activity Materials;
- 5.1.4 Any Party involved in the recording or collection of ICIP will ensure that it has the authority or permission from the relevant Aboriginal and Torres Strait Islander communities, custodians and/or Traditional Owners to use the ICIP in relation to the Activity Material and Reporting Material, and to grant AIATSIS the right to use such ICIP incorporated in the Activity Material and Reporting Material as is permitted by the Funding Agreement;
- 5.1.5 The Parties agree to respect the ICIP Rights in the Activity Material and Reporting Material by complying with any identified (clause 8.1.3) restrictions and/or cultural protocols concerning the use of any ICIP, including but not limited to:
- (a) proper attribution of relevant Traditional Owners or custodians of ICIP, as determined by the Traditional Owners or custodians, including the right not to be attributed;
  - (b) where relevant, explanatory or interpretive text (story) to accompany ICIP, and details of how this is to be used;
  - (c) where relevant, proper spellings of the names of Aboriginal and/or Torres Strait Islander Peoples or Aboriginal and/or Torres Strait Islander language groups;
  - (d) where relevant, proper interpretations and/or pronunciations of language;
  - (e) relevant cultural protocols, restrictions or sensitivities relating to the use of ICIP; and
  - (f) mourning protocols following death of an Aboriginal and/or Torres Strait Islander person identified in the Activity Material.
- 5.1.6 The Parties agree, that for the purposes of this Agreement:
- (a) the record keeping requirements in clause 10 do not apply to any Secret and Sacred Aboriginal and/or Torres Strait Islander Material; and
  - (b) any Secret and Sacred Aboriginal and/or Torres Strait Islander Material is the confidential information of the relevant Aboriginal

and/or Torres Strait Islander person or Aboriginal and/or Torres Strait Islander community.

## **6 Ngarrindjeri Indigenous Cultural and Ecological Knowledge**

6.1 This clause 9 only applies to Ngarrindjeri ICEK.

6.2 Notwithstanding any other clause in this Agreement, it is acknowledged that Ngarrindjeri owns all and any Ngarrindjeri ICEK.

6.3 Each Party agrees that:

6.3.1 it must not collect, use, disclose or handle Ngarrindjeri ICEK without the prior written consent of the Ngarrindjeri; and

6.3.2 any report or publication resulting from the Project which contains Ngarrindjeri ICEK shall be designated as either 'Category A Report' or a 'Category B Report' by Ngarrindjeri and the following shall apply:

- (a) the publication of a Category A Report shall be unrestricted and the ownership of such publication shall vest in accordance with clause 5 (except such parts of the report which constitute Ngarrindjeri ICEK included with the consent of the Ngarrindjeri); and
- (b) the publication of a Category B Report shall be restricted to the Parties and the ownership of such publication shall vest in Ngarrindjeri.

- 6.4 Any Party (and each of their Personnel and Students) who records Ngarrindjeri ICEK in materials form does so as a mere amanuensis.

### 1.1.1 KUNGUN NGARRINDJERI YUNNAN AGREEMENT – MVC-04-162/MV

This Agreement is dated the 25 August 2004.

BETWEEN:

**NGARRINDJERI TENDI INCORPORATED, NGARRINDJERI HERITAGE COMMITTEE INCORPORATED AND NGARRINDJERI NATIVE TITLE MANAGEMENT COMMITTEE FOR AND ON BEHALF OF THE NGARRINDJERI PEOPLE** care of the *Ngarrindjeri Land and Progress Association Incorporated Camp Coorong Race Relations and Cultural Education Centre of Post Office Box 126 Meningie SA 5264 ('NGARRINDJERI')*

and

**MUSEUM VICTORIA** of GPO Box 666E Melbourne, 3001 ('MUSEUM')

#### BACKGROUND

1. The Ngarrindjeri are the traditional owners and assert control under traditional laws over their land and waters.
2. The Ngarrindjeri have an inherited right and duty to speak for, control and care for their country, knowledge, objects, articles and remains (including human remains) in accordance with their laws, customs, beliefs and traditions.
3. The Museum has possession of remains taken without consent from the Ngarrindjeri, and the purpose of this Agreement is to outline the terms and conditions of the return of the remains to the Ngarrindjeri.
4. This interim agreement may be referred to by the title: "Kungun Ngarrindjeri Yunnan Agreement", which translates to mean, "Listening to Ngarrindjeri People Talking Agreement".

#### IT IS AGREED:

1. Apology

The Museum will make a public apology to the Ngarrindjeri as expressed in Schedule 1 of this Agreement.

2. Acknowledgement

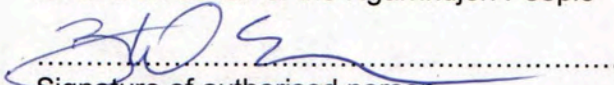
The Museum acknowledges that it has in its possession remains belonging to the Ngarrindjeri. It is committed to assist the Ngarrindjeri to return the remains of its old people back to the land from which they were taken without consent of the rightful traditional owners.

3. Heritage and Native Title


- 3.1 This Agreement is made as an act of good faith and is not intended to affect, extinguish, or derogate from any subsisting legal rights, powers, interests or obligations of the Ngarrindjeri People, including, but not limited to any such Ngarrindjeri or sovereign rights, native title rights and interests, rights under the *Aboriginal Heritage Act, (SA) 1988* or *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)*, or at common law, or in equity.
- 3.2 For the sake of clarity, this Agreement does not comprise an Indigenous Land Use Agreement as defined pursuant to the Native Title Act, 1993 (Commonwealth), nor comprise an agreement to alter, affect, extinguish, surrender or derogate from common law, equity or statutory native title rights of the native title applicants to assert native title for and on behalf of the native title claimant group.

EXECUTED as an Agreement.


Signed for and on behalf of the NGARRINDJERI )  
TENDI INCORPORATED )  
for and on behalf of the Ngarrindjeri People )

  
.....  
Signature of authorised person

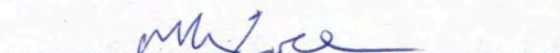
Basil Sumner  
.....  
Name of authorised person  
(BLOCK LETTERS)

  
.....  
Witness

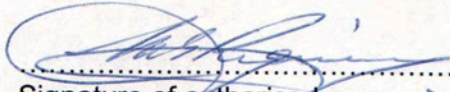
Signed for and on behalf of the NGARRINDJERI )  
HERITAGE COMMITTEE INCORPORATED )  
for and on behalf of the Ngarrindjeri People )

  
.....  
Signature of authorised person

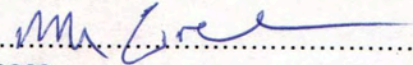
Tom Trevor  
.....  
Name of authorised person  
(BLOCK LETTERS)

  
.....  
Witness


Signed for and on behalf of the NGARRINDJERI )  
NATIVE TITLE MANAGEMENT COMMITTEE )  
for and on behalf of the Ngarrindjeri People )

  
.....  
Signature of authorised person

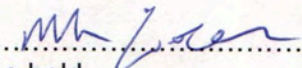
Matt Bigney  
.....  
Name of authorised person  
(BLOCK LETTERS)

  
.....  
Witness

Signed for and on behalf of the  
MUSEUM VICTORIA by:

  
.....  
Signature of authorised person

J. Patrick Greene  
.....  
Name of authorised person  
(BLOCK LETTERS)

  
.....  
Office held





**museum**  
VICTORIA

**Sincere expression of sorrow and regret to the  
Ngarrindjeri People**

**25 August 2004**

GPO Box 666E  
Melbourne 3001  
Victoria Australia  
Telephone +61 3 8341 7777  
Facsimile +61 3 8341 7778  
www.museum.vic.gov.au  
ABN 83 640 679 155

*"Museum Victoria expresses sincere regret for the indignity suffered by your ancestors whose remains we are now returning.*

*We apologise for the ongoing distress their removal has caused your community, and hope that the return of your people can in some way help repair the damage that their mistreatment has caused.*

*We acknowledge and respect your unique culture, and your cultural autonomy.*

*In honouring your culture, we recognise your role in guiding how we manage and care for your cultural materials in our keeping.*

*We commit to a future of working together based on mutual respect and dignity.*

*Museum Victoria believes that an ongoing awareness of mutual obligations to treat all with dignity and respect is the only sustainable basis for future fruitful working relationships between the museum and indigenous communities."*

**Melbourne Museum**

**Royal Exhibition Building**

**Scienceworks Museum**

**Immigration Museum**

Signed for and on behalf of Museum Victoria by Dr Patrick Greene,  
CEO Museum Victoria

*J P Greene*  
.....

Witnessed for Museum Victoria by Dr Michael Green,  
Head, Indigenous Cultures

*Mh Green*  
.....

Signed for and on behalf of the Ngarrindjeri People by Mr. Tom Trevorrow,  
Chair of the Ngarrindjeri Heritage Committee

*T. Trevorrow*  
.....

Witnessed for the Ngarrindjeri People by Mr. Matthew Rigney,  
Chair of the Ngarrindjeri Native Title Committee

*M Rigney*  
.....



From the Ngarrindjeri Tendi  
Heritage and Native Title Committees



To Museum Victoria

Acceptance of Apology

August 25, 2004

The Ngarrindjeri people acknowledge the sorrow and regret expressed by the Museum Victoria for the suffering and injustice experienced by our people since colonisation.

We respect your commitment to work with us and your offer of support to empower our communities in the struggle for justice, freedom and protection of our heritage within our traditional lands and waters.

We embrace your vision of a future where further reconciliation may be possible and offer our commitment to achieving this common goal.

We acknowledge that you recognise our connection to the land and waters of the region, and appreciate your commitment to fostering recognition and respect for our culture and interests.

We look forward to further working with you in order to harmoniously and sympathetically enhance the communities of both cultures in the future.

Signed for and behalf of the Ngarrindjeri People by Tom Trevorrow, Chairperson Ngarrindjeri Heritage Committee (Inc), Member Ngarrindjeri Tendi

*Tom Trevorrow*  
.....

Witnessed for the Ngarrindjeri People by Matt Rigney, Chairperson Ngarrindjeri Native Title Management Committee, Member Ngarrindjeri Tendi

*Patrick Greene*  
.....

Signed for and behalf of Museum Victoria by Dr Patrick Greene, CEO Museum Victoria

*J P Greene*  
.....

Witnessed for Museum Victoria by Dr Michael Green, Head Indigenous Cultures

*Michael Green*  
.....



# Repatriation, healing and wellbeing

## Understanding success for repatriation policy and practice



Prof Daryle Rigney, Jumbunna, UTS, Ngarrindjeri nation

A/Prof Steve Hemming, Jumbunna, UTS

Prof Cressida Fforde, Centre for Museum and Heritage Studies, ANU

Grant Rigney, Chair, Murray Lower Darling Rivers Indigenous Nations & Ngarrindjeri Regional Authority

Win Adam, Research Officer (PhD candidate), ANU



# Acknowledgements



We pay respects to the Kabbi Kabbi peoples,  
First Nation Owners of these Lands and Waters,  
their Elders, leaders and young people. We also pay respects to all First Nations people attending this  
Summit and recognise their leadership, resilience and their Ancestors.

We pay our respects to Ngarrindjeri Ancestors, Elders, leaders and young people.

We thank the organisers, hosts and partners of the AIATSIS Summit 2022 – the Kabbi Kabbi peoples,  
Queensland South Native Title Services, the National Native Title Council, GLAM Peak Body and Universities  
Australia.

We would like to warn people that this presentation contains images of Ngarrindjeri who have passed. May  
their Spirits find rest and peace as part of Ngarrindjeri Yarluwar-Ruwe (lands, waters, spirits and all living  
things).

## Restoring wellbeing to Ngarrindjeri Yarluwar-Ruwe (Sea Country – lands, waters, spirit and all living things)

Letters Patent – original promises

Our Old People, our Elders, and our families have been subjected to oppressive laws for a long time. These laws have denied our Elders equal human status; they have taken our land; they have imprisoned some of us on Reserves and Missions; they have placed us in gaols; they have wrecked our communities and our economy. For all of us we need to understand why the laws have failed to protect our rights to land. It makes no sense to us why our native rights to our lands and waters were protected in the Letters Patent but not in reality.

**George Trevorrow, Matt Rigney and Tom Trevorrow (deceased)**



Flashback to 2004: From left, Matt Rigney, Major Sumner, Grant Sumner, Tom Trevorrow and Basil Sumner bringing Ngarrindjeri old people back from the Museum of Victoria. *Picture: Chris Wilson*

# Reburial for stolen bodies

**SA** South Australia's Ngarrindjeri people have reburied the first of their old people whose bodies were stolen from traditional burial grounds in the name of science in the late 1800s and early 1900s. The bodies were among about 300 dug up by and on behalf of then State Coroner William Ramsay Smith and sent to the Edinburgh Museum in Scotland. They were repatriated from the Scottish institution back to Australia in 2003, with assistance from the National Museum of Australia and the Aboriginal and Torres Strait Islander Commission (ATSIC).

At the weekend, 16 sets of remains were reburied at Hacks Point and Parnka Point in the Coorong in a moving ceremony conducted by the Ngarrindjeri Heritage Committee on behalf of the Ngarrindjeri nation.

Committee chairman Tom Trevorrow said before the reburial that he knew it would be a very emotional time for the Ngarrindjeri and there would be some people who, in the circumstances, did not feel able to attend.

"But we know that on this day, they will be with us, and our old people in mind and spirit," he said.

"The impact of this grave robbing and desecration has been a hurtful and sad part of our history. Although it has been only a part of our experience of colonising practices, it has been an equally destructive way of treating a race of people."

The reburials started with the lighting of three fires and clearing of the sites. The old people were buried in cardboard boxes painted and decorated with materials from Ngarrindjeri country.

"We can't do it the full traditional way in this day and age and we're not going to do it the fully modern way so we've had to find the halfway mark," Mr Trevorrow told the Koori Mail.

He said hundreds more sets of remains were held at a keeping place at Camp Coorong awaiting reburial, 75 of them returned to the Ngarrindjeri by the Museum of Victoria.

"This is going to take a lot of years to carry out because all these people, our old people, have been taken from one end of the Coorong to the other end of the Murray mouth, from Victor Harbour and Goolwa," Mr Trevorrow said.

"It's like they went mad in our country and dug into all of our burial grounds. We know that we have a lot of our people in the United Kingdom who we have to get back."

However, Mr Trevorrow said the South Australian Museum was in possession of other remains.

"The State of South Australia has a lot to answer for with the Ngarrindjeri people," he said.

"I've sent a letter to (State Aboriginal Affairs Minister) Jay Weatherill explaining to him about the terms and conditions and what we require to help us rebury our old people where they were taken from."

Mr Trevorrow said the Office of Indigenous Policy Co-ordination (OIPC) had appointed former Tasmanian ATIC commissioner Rodney Dillon to seek the return of Australian indigenous remains from British museums.

"With due respect to Rodney, we have directed OIPC that they have no authority whatsoever to touch any of our old people in the UK. If they can't show some respect for the Ngarrindjeri people to go over there and cleanse our old people and bring them home, we'll struggle on without their help," he said.

**'The impact of this grave robbing and desecration has been a hurtful and sad part of our history'**

# More delays for Mutitjulu

**NT** The central Australian community of Mutitjulu may have to wait months to progress its Federal Court challenge to the appointment of an administrator to run its affairs. The Federal Government halted funding to the Mutitjulu Community Aboriginal Corporation in July citing 'governance issues', and appointed an administrator to run the corporation, which operates community housing, substance abuse programs, municipal, child and aged-care services.

The community successfully sought an injunction restricting the powers of the administrator, Brian McMaster, and argue that his appointment may have been invalid.

Community member Mario Giuseppe was granted leave in the Federal Court to subpoena documents from Indigenous Affairs Minister Mai Brough over the appointment. Those documents were handed to the court on September 15 but have not been made public. A date for the next hearing has yet to be fixed but could be as late as the end of November.

Despite assurances by the Federal Government that services to the community are continuing, there are claims that Federal funds still aren't reaching Mutitjulu.

NT Chief Minister Clara Martin has made repeated calls for Mr Brough to front the community and explain the Government's actions.

Last month, Mr Giuseppe and Dorothea Randall, from Mutitjulu, wrote to the ABC seeking an investigation of allegations aired on the national broadcaster's 'Lateline' program on June 21 and since.

The letter claims the ABC has breached the media code of conduct and its own editorial policies, including 'ambushing' a community representative with questions on violence and sexual abuse, making false claims that it had tried unsuccessfully to gain entry to the community, and falsely describing a government bureaucrat interviewed on the program as a former youth worker in the community.

The impact of this grave robbing and desecration has been a hurtful and bad part of our history.

Tom Trevorrow (deceased – former Chair of Ngarrindjeri Heritage Committee), Koori Mail September 2006

**Australian Government**  
Indigenous Business Australia

**KOWALSKI RECRUITMENT**  
FOR ALL SERVICES

Indigenous Business Australia (IBA) is a key Commonwealth Statutory Authority established to deliver a range of programmes and initiatives in a commercial, profitable private sector environment while promoting and encouraging Aboriginal and Torres Strait Islander empowerment and economic self-sufficiency. Due to the pending retirement of the Deputy General Manager, IBA is seeking a highly motivated and qualified person to fill this key position within the senior management team of the organization.

## Deputy General Manager

Remuneration Package up to \$220,000 per annum  
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The Deputy General Manager's key responsibilities are to manage IBA's operations, promote the business and its subsidiaries, develop strategies and options to further IBA's aims, report to the IBA Board on operational and strategic issues, and support the General Manager.

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For more information about the position please contact **Anne Kowalski** in confidence on (02) 6220 6626 or email: [iba@kowalski.com.au](mailto:iba@kowalski.com.au). Applications close on 4 October 2006.

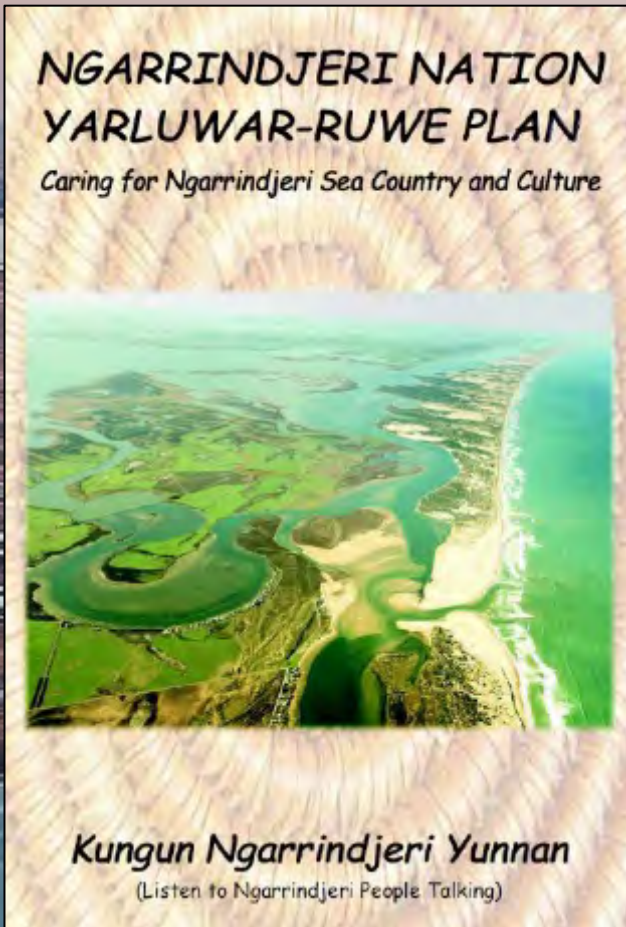
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Matt Rigney, Basil Sumner, Tom Trevorrow and Major Sumner, Museum Victoria, 2004

Tom Trevorrow, Matt Rigney and George Trevorrow (all deceased) Ngarrindjeri Yarluwar-Ruwe - Parnka reburial 2006



Ngarrindjeri Vision for Country  
Our Lands, Our Waters, Our People, All  
Living Things are connected



Speaking lawfully as Country (Yannarumi) – resisting cultural heritage management, NRM and their colonial archive politics

# Speaking as Country (Yannarumi) – Developing political literacy for decolonisation and nation (re)building



## Understanding what has really happened and working out what to do about it:

- Genocide and trauma: invasion, colonisation, control, Social Darwinism
- South-eastern Australia – ‘myths’ of extinction, whiteness, becoming ‘scientific’ specimens and archaeological landscapes
- Ngarrindjeri repatriation: leadership, resistance, education, research, negotiation, mourning, healing and wellbeing
- Conciliation/Reconciliation and Peace-making: Political negotiations, Nation (re)building and Sovereignty: Speaking as Country, Kungun Ngarrindjeri Yunnan Agreements, Treaty
- Ngarrindjeri Yannarumi (decision-making): Ngarrindjeri philosophies, sciences, research, expertise, leadership and lawfulness



*The church group at Raukkan in about 1875. George Taplin is the grey haired man in the centre; Philip Rigney is on the far right at the back; William McHughes is second from the left in the back row; Emily Lewinnie is seated in the second row from the front and is second from the right.*



*Point McLeay Mission in about 1868. The Ngarrindjeri houses (left) were referred to as Reid Town after the Reverend James Reid an early missionary at Point McLeay.*

Many Ngarrindjeri were moved onto Missions such as Raukkan (Point McLeay) in the mid 19<sup>th</sup> Century



# AIATSIS Research Exchange Project (IRE\_OR0004): Repatriation, healing and wellbeing: understanding success for repatriation policy and practice

## ***Aims:***

- Help support the Ngarrindjeri Nation in reburial/burial planning and the things required to respectfully bring their repatriated Old People to rest in/as Country.
  - Apply Ngarrindjeri Yannarumi assessment and decision-making processes to guide planning and assess the impact of repatriation and reburial on Ngarrindjeri wellbeing.
  - Provide an example of First Nation methodologies guiding the repatriation and reburial of Old People, and investigate the importance of these methodologies for determining what counts for 'success' – eg 'restoring dignity', improving wellbeing, and Indigenous nation (re)building.
  - To test and further develop the capacity of the *Return Reconcile Renew* (RRR) online Repatriation website and database to support First nation planning and reburial work (Ngarrindjeri test case).
  - Develop a Ngarrindjeri Nation/National Museum of Australia repatriation and reburial framework and protocols informed by the project.
  - Contribute to best practice thinking and practice in support of the international Indigenous repatriation movement. Determine whether this approach can be useful in supporting improved repatriation and reburial policies and practices in Australia and overseas?
- This approach recognizes:
    - that Bringing the Old People home is a sovereign peace-making and restitution practice, and;
    - that repatriation is part of Indigenous Nation (re)building.
  - The RRR collaboration brings additional human, knowledge and financial resources – makes use of, and extends, the existing expertise/capacity in the *Return, Reconcile, Renew* partnership and digitised archive.

# Repatriating Ngarrindjeri well-being

## Parpun miwi (longing for wellbeing)

"They took our land and then our children"

Ngarrindjeri Elder, Veronica Brodie 2004

A book about the 1923 Ngarrindjeri Petition



- A desire for justice, wellbeing, peaceful relations
- Ngarrindjeri Old People need to return to a healthy Ngarrindjeri Yarluwar-Ruwe (lands, waters, people, spirit, all living things)
- Repatriation – return, reconcile and renewal – First Nations negotiate, organise, and carry out the return of their Old people
- Ngarrindjeri need to ‘prepare’ the ground for the ‘repatriation’
- The return needs to be ‘life-giving’ for Ngarrindjeri Yarluwar-Ruwe
- Ngarrindjeri nation building aims to secure Ngarrindjeri Yarluwar-Ruwe and creates a healthy future for Ngarrindjeri



Eunice Aston, photo Murray River Standard, 2016

Too much grief

Emotions affect how we operate every day

Healing process is the same as the birthing process

Has to be done the Ngarrindjeri way

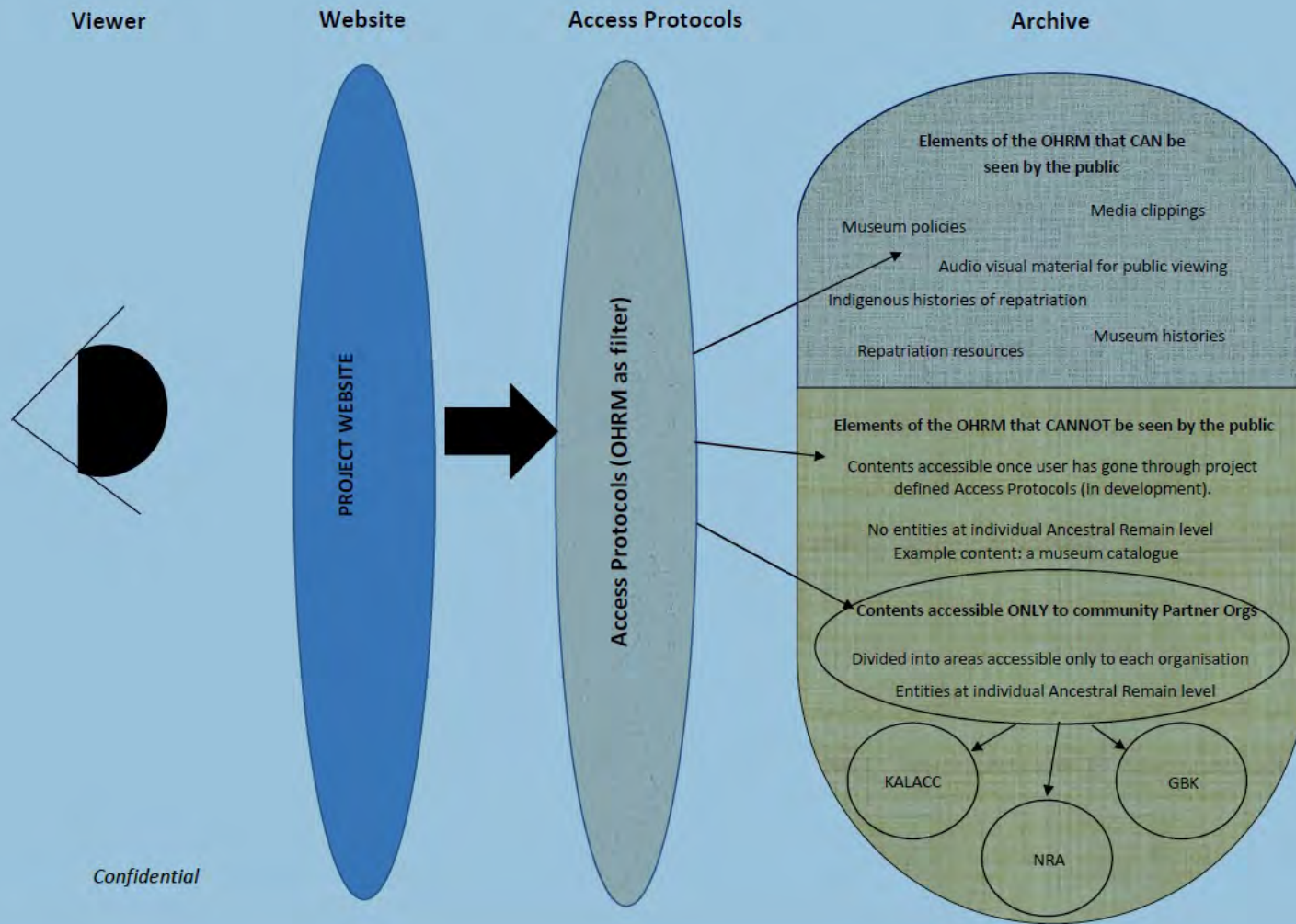
## Repatriation, reburials and Ngarrindjeri healing

**Auntie Eunice Aston , former Chair, Ngarrindjeri Regional Authority, talking with Lawrie Rankine, 2016**

Question: Now talk a little about the healing process to go through with the burials?

Answer: A lot of the healing process is the same as the birthing process, giving everybody time and also making sure that all the family is contacted so that we were able to do everything that we need to do in a good way and in a safe way for everybody. Part of that healing process is also about that smoking ceremony because we've got to be able to release things and our people hang on too much to grief and to things because it affects our emotions and our emotions affect how we operate every day. So the teachings that we bring to all this stuff is that we do it our way, Ngarrindjeri way and so Ngarrindjeri way it means that we've got to set up the rules and we've got to say this is what we're doing and we're going to do so that everybody is safe.

Graphic of LP 13 Online Archive. Working draft: 1 Dec 2014



Confidential

# Ngarrindjeri-centred engagement Healing programs – healthy flows

- Projects/engagements that change the colonising relationship between Ngarrindjeri and the State – includes Universities etc.
- Projects/engagements that build Ngarrindjeri capacity to Care as/for Yarlumar-Ruwe (Country) – lands, waters and all living things.
- Projects/engagements that respect Ngarrindjeri knowledge, law, tradition and expertise.
- Projects/engagements that produce respectful relationships.
- Projects/engagements that reproduce wellbeing and bring energy into Ngarrindjeri lives, programs and plans.

How can these engagements be assessed to determine their health-giving potential? Theoretically informed political leadership combines with Ngarrindjeri risk assessment/decision-making – Yannarumi.

## Yannarumi principles



Reburial Ceremony - healing

Ellen Trevorrow, Rita Lindsay Snr.,  
Alice Abdulla and Matt Rigney at  
Parnka reburial, 2006.

# Ngarrindjeri Yannarumi – Old People stolen

|   | <b>Kaldowinyeri</b><br>Creation,<br>Change  | <b>Ruwe/Ruwar</b><br>Country,<br>body, spirit,<br>all living<br>things | <b>Miwi,<br/>Ngarjti</b><br>spirit,<br>connection<br>resilience | <b>Yannarumi</b><br>Speaking as<br>Country,<br>responsibility,<br>management          | <b>Ngiangiampe</b><br>Relationships,<br>partnerships                 | <b>Ngarrindjeri<br/>Yarluwar-<br/>Ruwe</b><br>Wellbeing<br>assessment                             |
|---|---|--|---|---|--|---|
| <b>Kaldowinyeri</b><br>Creation                                 | <b>Ngurunderi<br/>Warruwarrin</b><br>Creation, pre-<br>colonisation,<br>'law and<br>ceremonies',<br>meraldi             | <b>Katjeri</b><br>Beautiful,<br>healthy,<br>sustaining                 | <b>Pritji,<br/>Lakalinyeri</b><br>Strong,<br>connected          | <b>Rupelli,Tendi,<br/>Ngarrindjeri</b><br>Elders Speaking<br>as Country,<br>belonging | <b>Tendi, Nguldun</b><br>Governance,<br>agreements, Being<br>healthy | <b>Katjeri</b><br>Beautiful<br>healthy  |
| <b>Parpun miwi</b><br>Colonisation,<br>Longing for<br>wellbeing | <b>Mrrild</b><br>Disconnection,<br>invasion, burial<br>grounds<br>desecrated,<br>lands cleared,<br>Old People<br>stolen | <b>Wiran,<br/>Wurangi,<br/>Mrrild</b><br>Sick, bad,<br>disconnection   | <b>Pritji,<br/>wurreng-<br/>wulun</b><br>Strong,<br>sorrowful   | <b>Blewilin</b><br>Unhealthy  | <b>Wurangi</b><br>Bad, disrespectful                                 | <b>Blewilin,<br/>Pukli</b><br>Unhealthy,<br>indicators of<br>sickness,<br>spirits not at<br>peace |

# Preparing for the Reburials at Ngarlung on the Kurrangk (Coorong), 2015



Photographs from Ngarrindjeri Regional Authority – Old people stolen by William Ramsay Smith, early 1900s



# Project Acknowledgements

We acknowledge the following project support: AIATSIS Indigenous Research Exchange project (IRE\_OR0004): *Repatriation, healing and wellbeing: understanding success for repatriation policy and practice*, Ngarrindjeri Regional Authority, ANU (lead Uni), UTS, National Museum of Australia, AIATSIS, Gur A Baradharaw Kod and Kimberley Aboriginal Law and Culture Centre. The Return, Reconcile, Renew (RRR) partnership has received the following ARC grants that enhance this AIATSIS project: LE170100017 Networked knowledge for repatriation communities; LP13010013 Return, reconcile and renew: Understanding the history, effects and opportunities of repatriation.

We also acknowledge the guidance, support and leadership of the Ngarrindjeri Regional Authority – the peak body of the Ngarrindjeri Nation. We also acknowledge the past continuing contributions to Ngarrindjeri repatriation by the Ngarrindjeri Lands and Progress Association (now NLPAC), the Ngarrindjeri Tendi, the Ngarrindjeri Heritage Committee and the Ngarrindjeri Native Title Management Committee.





# Ngarrindjeri Yannarumi

## Nation (re)building, water planning and repatriation

A/Prof Steve Hemming, Jumbunna, UTS

Prof Daryle Rigney, Jumbunna, UTS, Ngarrindjeri nation

Cressida Fforde, Centre for Museum and Heritage Studies, ANU

Grant Rigney, Chair, Murray Lower Darling Rivers Indigenous Nations & Ngarrindjeri Regional Authority

Luke Trevorrow, Ngarrindjeri Regional Authority

Amy Della-Sale, Jumbunna, UTS

3rd June 2021



AIATSIS

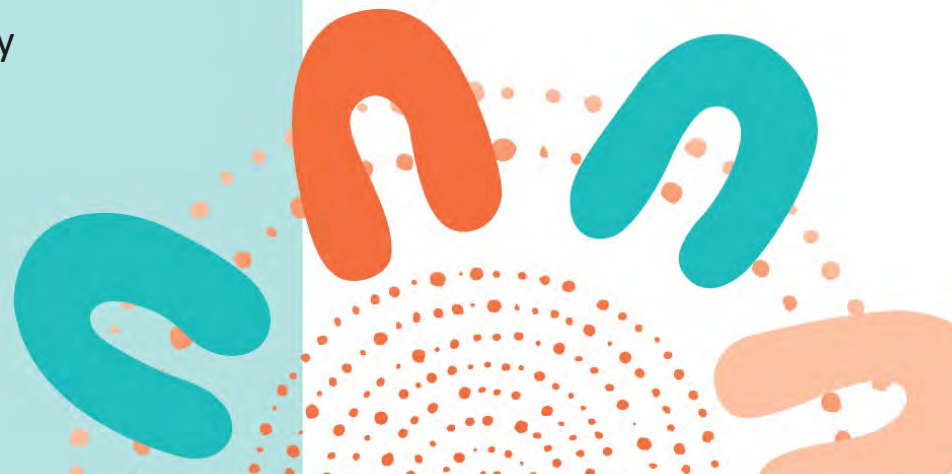
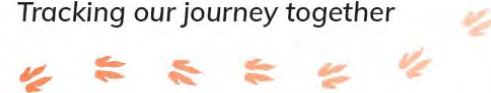


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# Acknowledgements



We pay respects to the Kurna Nation, the Traditional Owners of these Lands and Waters, their Elders, leaders and young people.

Kurna miyurn, Kurna yarta, ngadlu tampinhi

We pay our respects to Ngarrindjeri Ancestors, Elders, leaders and young people.

We thank the organisers and hosts of the AIATSIS Summit 2021 –Kurna Yerta Aboriginal Corporation, AIATSIS & South Australian Native Title Services

We would like to warn people that this presentation contains images of Ngarrindjeri who have passed. May their Spirits find rest and peace as part of Ngarrindjeri Ruwe/Ruwar (lands, waters, spirits and all living things).



# Indigenous nation (re)building: establishing peaceful relations



Ngarrindjeri  
Regional Authority

## Ngarrindjeri Yannarumi: decision-making, risk assessment and strategic action

Bringing non-Indigenous authorities/interests into a respectful relationship where Ngarrindjeri law and ways of being have meaning and effect/affect and are safe from violent intrusion, appropriation, desecration and ongoing colonising relations.

This presentation talks to:

- Speaking/Caring as Country (Yannarumi)
- Water Planning risk assessment
- Bring the Old People Home (Repatriation)

## Restoring wellbeing to Ngarrindjeri Yarluwar-Ruwe



Ngarrindjeri leaders paying respects to the Old People at Parnka reburial ceremony, Kurangk, 2006. Tom Trevorrow, Mathew Rigney and George Trevorrow (Rupelli) – all deceased.

# Indigenous Nation (re)building: Assessing the ongoing characteristics and impacts of colonisation

## Establishing peaceful and just relations

**The work of Indigenous Nation (re)building: Research, assessment, strategic planning, negotiation, translation, articulation and transformation**

- How should water planning risk assessment be conducted if there is a Nation-to-Nation relationship between Indigenous nations and the Australian state?
- What should the process entail if a 'treaty' relationship exists?

Goyder Institute for Water Planning research project: HE\_17\_03 *Translating Ngarrindjeri Yannurumi into water planning risk assessments* – Steve Hemming, Daryle Rigney, Grant Rigney, Amy Della-Sale, Lachlan Sutherland, Hugh Wilson, Noelle Overdevest & Sally Maxwell – Ngarrindjeri nation, UTS/Flinders, Department for Environment and Water (SA)

# Indigenous Nation (re)building: Assessing the ongoing characteristics and impacts of colonisation

## Indigenous Nation (re)building – Restoring Dignity through Repatriation and Restitution

- How do you assess the impact of repatriation and reburial on the wellbeing on the Ngarrindjeri nation/ Yarlular-Ruwe ?
- Can this work be useful in supporting improvements to key Repatriation policies and practices in Australia and overseas?
- Bringing the Old People home is a peace-making and restitution practice. Using Ngarrindjeri Yannarumi to assess the success/impacts of repatriation and reburial on Ngarrindjeri wellbeing.
- To support Ngarrindjeri planning and reburial work with human and financial resources – make use of, and extend, the existing expertise/capacity in the *Return, Reconcile, Renew* partnership.

AIATSIS Indigenous Research Exchange project (First Round): *Repatriation, healing and wellbeing: understanding success for repatriation policy and practice*, Ngarrindjeri Regional Authority, ANU, UTS, National Museum of Australia, AIATSIS, Gur A Baradharaw Kod and Kimberley Aboriginal Law and Culture Centre.

## Ngarrindjeri SA Government Risk Management 'tools'


- 2009 Kungun Ngarrindjeri Yunnan Agreement  
(Listen to Ngarrindjeri talking)
- 2014 Ngarrindjeri Speaking as Country Deed
- 2015 Water Planning Statement of Commitment
- 2015 Cultural Knowledge Protection Agreement



## Ngarrindjeri Vision for Country

Our Lands, Our Waters, Our People, All Living Things are connected. We implore people to respect our Ruwe (Country) as it was created in the Kaldowinyeri (the Creation). We long for sparkling, clean waters, healthy land and people and all living things. We long for the Yarlumar-Ruwe (Sea Country) of our ancestors. Our vision is all people Caring, Sharing, Knowing and Respecting the lands, the waters and all living things.

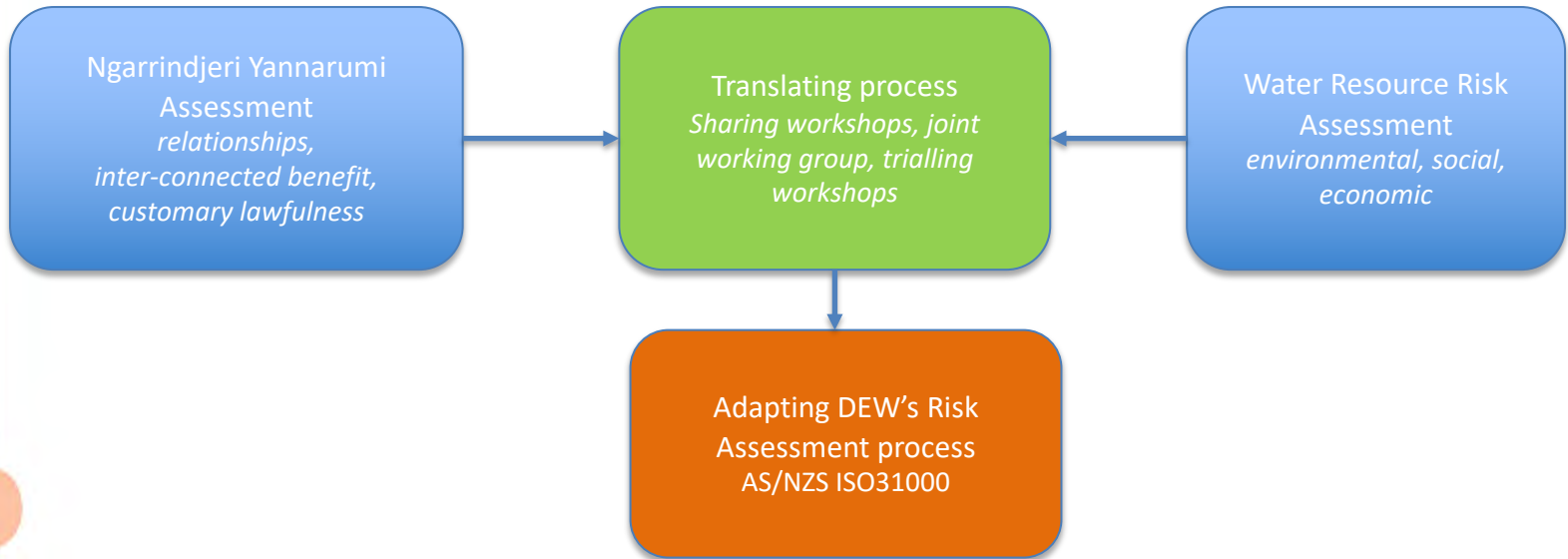


 Everything is connected.



# Translating Ngarrindjeri Yannarumi (Speaking lawfully as Country) into water risk assessment

Integrating Ngarrindjeri wellbeing assessment into water risk assessment



# Ngarrindjeri Yannarumi Assessment (Ramsar Ecological Character Description)

|   | <b>Kaldowinyeri</b><br>Creation,<br>Change  | <b>Ruwe/Ruwar</b><br>Country, body,<br>spirit, all living<br>things | <b>Miwi</b><br>Spirit,<br>connection,<br>resilience           | <b>Yannarumi</b><br>Speaking as<br>Country,<br>responsibility | <b>Ngiangiampe</b><br>Relationships                                  | <b>Health<br/>Assessment</b>   |
|---|---|---|---|---|--|--|
| <b>Kaldowinyeri</b><br>All things<br>connected                  | <b>Ngurunderi<br/>Yarluwar-<br/>Ruwe</b><br>Creation<br>pre-<br>colonisation                                      | <b>Katjeri</b><br>Beautiful,<br>healthy                             | <b>Pritji</b><br>Strong                                       | <b>Rupelli</b><br>Elders<br>Speaking as<br>Country            | <b>Tendi, Nguldun</b><br>Governance,<br>agreements,<br>being healthy | <b>Katjeri</b><br>Beautiful,<br>healthy                                |
| <b>Parpun miwi</b><br>Colonisation,<br>longing for<br>wellbeing | <b>Mrrild</b><br>Disconnection<br>1985 Ramsar<br>Listing, locks,<br>barrages, land<br>cleared, stolen<br>children | <b>Wiran,<br/>Wurangi</b><br>Sick, Bad                              | <b>Pritji,<br/>Wurreng-<br/>wulun</b><br>Strong,<br>Sorrowful | <b>Blewilin</b><br>Unhealthy                                  | <b>Wurangi</b><br>Bad,<br>disrespectful                              | <b>Blewilin,<br/>Pukali</b><br>Unhealthy,<br>indicators of<br>sickness |

**An Indigenous nation (re)building methodology**

# Changing Flows : Just, peaceful, strategic relations

## Projects/engagements that:

- **change the colonising relationship between Ngarrindjeri and the State;**
- **build Ngarrindjeri capacity to Care and Speak for/as Country – lands, waters and all living things;**
- **respect Ngarrindjeri knowledge, law, tradition and expertise;**
- **and bring positive energy into Ngarrindjeri lives, programs and plans.**

### Bow tie diagram for assessment of risk to Ngarrindjeri objectives and outcomes related to water resource management

Diagram summarises an assessment of risks to Ngarrindjeri goals and objectives related to water resource management. The assessment was undertaken by Ngarrindjeri and DEW in late 2019 as part of the Translating Ngarrindjeri Yannerumi into water resource risk assessment project, a Goyder Institute for Water Research project conducted by the Ngarrindjeri Aboriginal Corporation, University of Technology Sydney and the Department for Environment and Water. The diagram integrates Ngarrindjeri Cultural Knowledge, applied a Yannerumi assessment methodology and remains the property of the Ngarrindjeri Nation. The diagram is being shared to communicate and demonstrate the inclusion of a new category of risk in the DEW Risk Management Framework: Risks to First Nations peoples. Other First Nations may view risks to Country in different ways.'

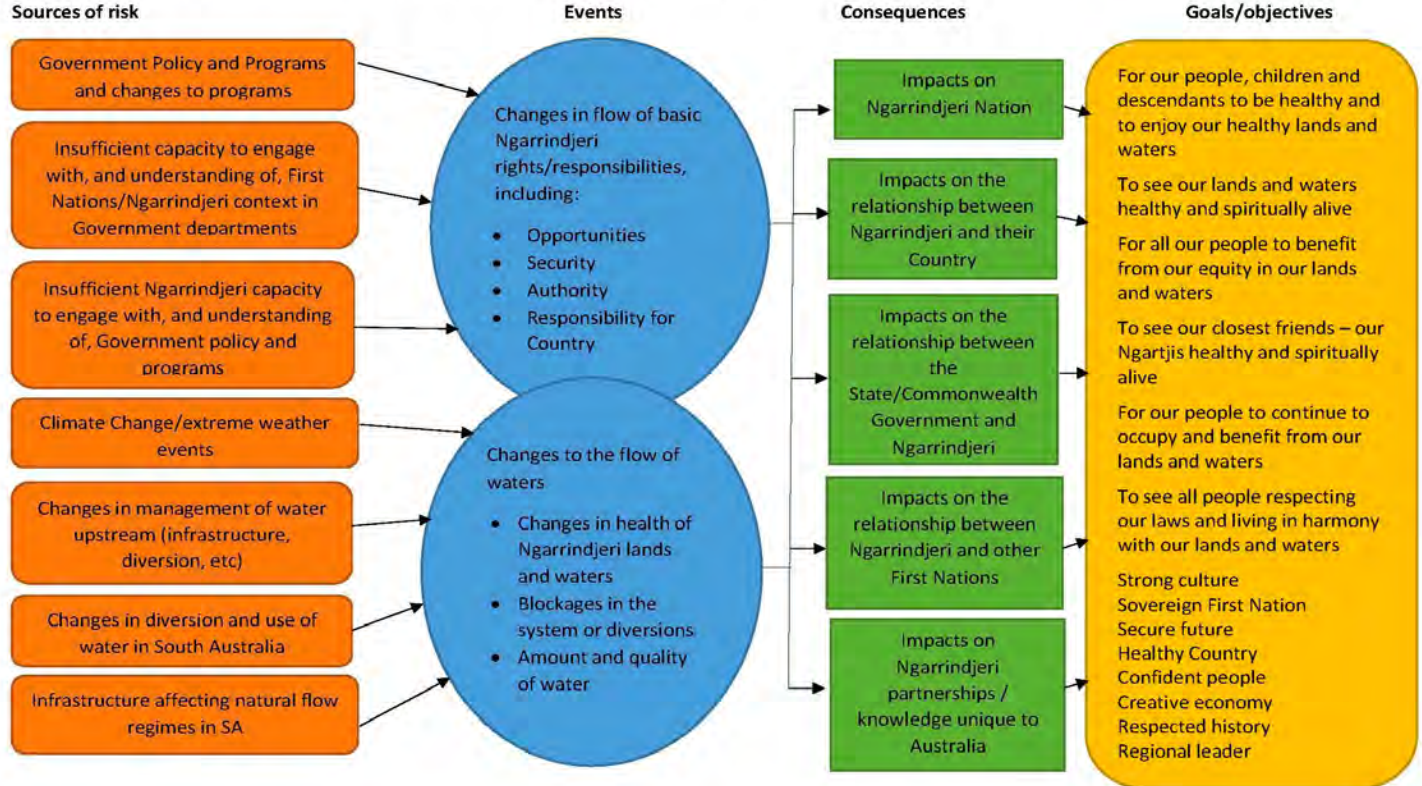


Table 6 Example consequence categories for connected water sources

| Consequence category | Descriptor   | **Ngarrindjeri consequence category | Ngarrindjeri descriptor                                  |
|----------------------|--|-------------------------------------|--|
| Catastrophic         | Water quantity and/or quality effects on connected water resources having catastrophic impact on the environmental and/or beneficial use values of that resource.  | Meraldi                             | Un-living, dry, un-reproductive, still important         |
| Major                | Water quantity and/or quality effects on connected water resources having major impact on the environmental and/or beneficial use values of that resource.         | Wurangi                             | Destructive, unlawful, disrespectful, uncaring, damaging |
| Moderate             | Water quantity and/or quality effects on connected water resources having moderate impact on the environmental and/or beneficial use values of that resource.      | Blewillin                           | Unhealthy, sick, damaged                                 |
| Minor                | Water quantity and/or quality effects on connected water resources having minor impact on the environmental and/or beneficial use values of that resource.         | Pritji, Wurreng-wulun               | Strong, sorrowful  |
| Insignificant        | Water quantity and/or quality effects on connected water resources having insignificant impact on the environmental and/or beneficial use values of that resource. |                                     |  |
| Positive impact*     |  | Ngroi                               | Pleased, disposed towards wellbeing                      |
|                      |  | Katjeri                             | Beautiful, healthy, lawful, reproductive                 |

\*For Ngarrindjeri risks involve opportunities and consequences can be positive and negative

\*\* Ngarrindjeri consequence criteria do not necessarily align to DEW's categories and are being shared to communicate and demonstrate the inclusion of a new category of risk in the DEW Risk Management Framework: *Risks to First Nations peoples*. Other First Nations may view risks to Country in different ways and utilise different descriptors.

## The development and testing of a translating mechanism

Created a connecting methodology and process to translate Ngarrindjeri Yannarumi assessment into water resource risk assessment. This methodology produced recommended changes to the DEW Risk Management Framework for Water Planning and Management and a draft First Nations Engagement Guideline. These recommendations and new policy instruments have broader application value to the engagement of other First Nations in water planning risk assessment. A key policy change is the inclusion of a new category of risk creating a space for First Nations to speak to – Risks to First Nations peoples, including the following sub-categories:

- Risks to First Nations and their Country;
- Risks to First Nations relationship with their Country;
- Risks to relationships between First Nations;
- Risks to First Nations relationships with government, including loss of partnerships and knowledge unique to Australia.

## Acknowledgements:

Ngarrindjeri Regional Authority, NAC and the RRR team. Shaun Berg, Major Sumner and Dan Pearce (Research Manager Goyder Institute), the Department for Environment and Water (SA) & Jumbunna Institute for Indigenous Education and Research, UTS.

AIATSIS Indigenous Research Exchange: IRE\_OR0004; Australian Research Council: DP190102060, LE170100017, LP1301000791, LP13010013 & DP1094869. Goyder Institute for Water Research: E.1.7, E.1.17, & HE-17-03. Australian Federal Government funding Water for Futures Program through the SA CLLMM Program.



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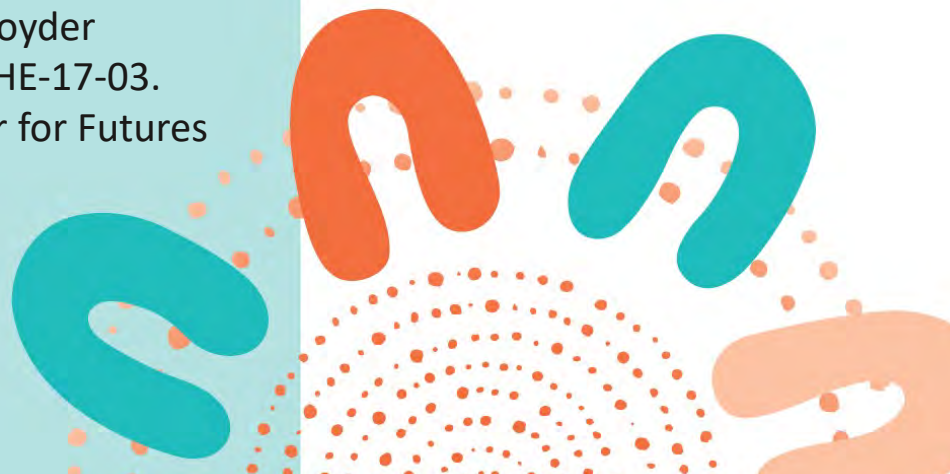
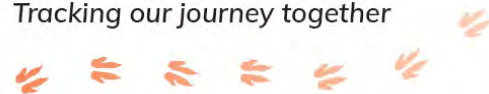


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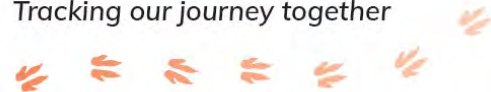
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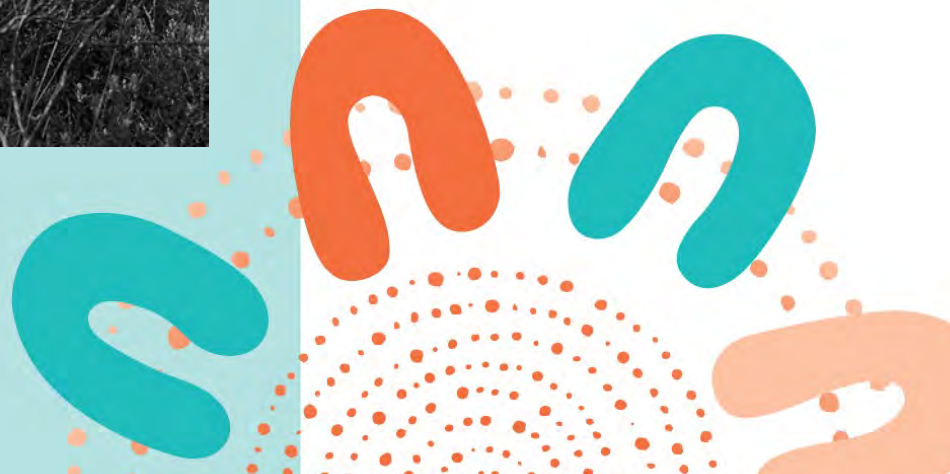
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## AIATSIS Research Exchange Grant

### Repatriation, healing and wellbeing: understanding success for repatriation policy and practice

#### Literature Review

Amy Della-Sale, Steve Hemming

November 2021

Project deliverable:

Produce document that reviews national and international contexts regarding:

- (a) the relationship between repatriation, healing and wellbeing, particularly as assessed using Indigenous measures.
- (b) the approach of achieving shared understandings of success as an intentional first stage in relations between institutions and Indigenous peoples, particularly (but not exclusively) in relation to repatriation.

#### Introduction

Non-Indigenous governments, institutions and funding agencies often measure the success of repatriation initiatives in terms of the numbers of ancestors returned to Indigenous claimant communities within certain timeframes. For Indigenous nations and communities, however, the success of the repatriation of Old People (human remains) is often tied to the extent to which the process addresses injustice and affords healing, wellbeing and broader social benefit whilst minimising further trauma (Fforde et al., 2020). This difference in the way museum (and associated non-Indigenous institutions such as universities) and Indigenous communities see repatriation outcomes creates a situation whereby repatriation initiatives fall short of bringing significant healing and wellbeing benefits to Indigenous nations and communities, potentially perpetuating the harm they seek to redress. This situation is fundamentally shaped by histories of imperialism, colonialism and unresolved issues of recognition, restitution, conciliation and justice. To ensure that violence, racism and power inequities do not continue in contemporary negotiations and repatriations between 'collecting' institutions and Indigenous nations and communities, more research is required into how a shared understanding of repatriation success i.e. Indigenous wellbeing priorities, can be brought into repatriation policy, protocol and practice.

Our research project takes as a starting point the risk assessment and strategic planning work that Ngarrindjeri leaders and supporters have done in repatriation and related contexts (Hemming et al., 2016; Hemming et al., 2020a; Rigney et al., 2021). This work is informed by national and international Indigenous and non-Indigenous scholarship in an array of fields and settings (see Hemming & Rigney 2008; Bignall et al. 2016). It has provided Ngarrindjeri leaders with the tools to translate their laws, values and interests into forms that can be understood by external interests and applied in Ngarrindjeri Yannerumi 'risk assessments' to engagements with external process such as repatriation practice and policy (Hemming et al., 2020b). This literature review incorporates a survey of relevant national and international literature that addresses related contexts and applies equivalent strategies and methodologies. Indigenous nations and communities across settler societies are tending to develop similar approaches to shared challenges and opportunities. There is also important collaborative work being undertaken by Indigenous-led research, political and legal agendas (Carroll et al. forthcoming). Firstly, it briefly outlines known scholarship on the relationship between repatriation, healing and wellbeing before reviewing various ways in which Indigenous nations and

communities have ensured healing and wellbeing remains a focus in repatriation contexts. Next, it reviews various examples of Indigenous-led frameworks that measure success and wellbeing or assess health of 'Country' in contexts outside the 'repatriation' context to highlight key elements that have applicability in determining wellbeing outcomes for repatriation initiatives. Lastly, it brings together various perspectives on approaches that might be appropriate foundations for a shared understanding of successful repatriation between museums and Indigenous claimant communities.

The AIATSIS Research Exchange Grant, 'Repatriation, healing and wellbeing: understanding success for repatriation policy and practice', is designed to support the ongoing Ngarrindjeri nation reburial program. The Ngarrindjeri-led project team is applying a Ngarrindjeri Yannerumi methodology to help ensure Ngarrindjeri laws and principles guide the reburial work and the research work focussing on healing and wellbeing as the priorities and key indicators of success in repatriation and reburial. It is intended that this work will support innovations in broader repatriation practice, help develop protocols, and inform policy - nationally and internationally.

Ngarrindjeri approach issues such as bringing the Old People home as part of a wider program of nation (re)building that requires high level political, legal and diplomatic work, if it is to achieve healing outcomes in the wake of the damaging impacts of colonialism. This Ngarrindjeri nation (re)building strategy is guided by Yannerumi decision-making that relies on a complex understanding of the impacts of ongoing colonialism on the health of Ngarrindjeri Yarlumar-Ruwe (lands, waters, Sea Country, spirit, and all living things). This strategy is informed by political, legal and research work engaging in multiple sectors including natural resource management, water planning, local planning, business and economic development, governance and community health. For these reasons this AIATSIS project draws on a broad set of published research that is disciplinary, multidisciplinary, and interdisciplinary. This breadth of coverage is possible due to parallel work being conducted in related projects and the key challenges and solutions that Ngarrindjeri leaders and supporters have identified in the continuing work of translation, connection, negotiation and transformation so necessary for building healthy First Nations.

### **The relationship between repatriation, healing and wellbeing**

The repatriation of ancestors or Old People (human remains) and objects is broadly understood as contributing to healing and wellbeing for Indigenous nations and communities, although examples of just how this is so are varied. Thornton (2002, 2020) for example, argues that repatriation allows Indigenous people to come to terms with traumatic historical events and move towards some form of closure to trauma, which he argues, is fundamental to collective and individual mental health of First Nations. While the psychological aspects of healing from repatriation is perhaps more well known, repatriation as a source of healing and wellbeing is expressed in other ways. For example, scholars have highlighted the embodied practice of reclaiming ancestors and objects as the source of healing for Indigenous peoples, as is the sharing of these experiences with family, community and nation (Atalay, 2019; Fforde et al., 2020; Hemming et al., 2020b; Krmpotich, 2010;). Others have argued that the healing potential of repatriation is its ability to bring to light the historical context of repatriation, so communities can come to terms with the past and institutions can understand and acknowledge their role in past injustices (Fforde et al., 2020; Hemming & Wilson, 2010; Hemming et al., 2020a; Sellevold, 2002; Wergin, 2021), whilst others have argued that repatriation ceremonies and reburial processes provide the space for collective expression of emotions both within Indigenous communities and in conjunction with institutional representatives (Fforde et al., 2020; Hemming & Wilson, 2010; Peers et al., 2017; Wergin, 2021). Other scholars have talked about the cultural benefits repatriation brings to communities, such as opportunity for cultural transmission and cultural maintenance and the associated affirmation of identities (Atalay, 2019; Conaty, 2015; Fforde, et al., 2020; Ladszow 2019; Pullar 2008; Simpson, 2009). Perhaps critically, repatriation is also often talked about in terms of its power to restore connectivity, balance between the living, the deceased, country and spirit (Ayau, 2020; Fforde et al., 2020; Hemming & Wilson, 2010; Hemming et al. 2020b; Krmpotich, 2010; Western Apache NWG, 2020), how it can repair broken relationships, at a

community and institutional level and promote reconciliation (Colwell, 2019; Hemming & Wilson, 2010) and its capacity to afford empowerment and thus wellbeing through the recognition and expression of sovereignty, nationhood and self-determination (Ayau, 2020; Colwell, 2019; Hemming & Rigney, 2018; Hemming et al., 2020 a, b; Fforde et al., 2020; Forrest et al., 2020). Lastly, the broader healing effects of repatriation processes on non-Indigenous museum personnel have also been emphasised (Wergin, 2021; Colwell, 2019; Collison & Krmpotich, 2020; Peers et al., 2017; Shannon, 2017). What is clear from the literature is that repatriation and reburial have great impacts on the mental, physical, spiritual and cultural healing and wellbeing of Indigenous peoples involved.

Scholars have also recently provided further detailed analysis of the articulation between healing, wellbeing and repatriation. Fforde et al. (2020) for example, argue that repatriation and reburial puts into practice the many core components identified as central to Indigenous wellbeing. Colwell (2019) has also explored the complexities of healing and repatriation. From an analysis of the views of tribal repatriation workers he argues that healing is not an end point, but rather, a process, where social and political factors impacting healing outcomes dictate the extent to which communities feel they are experiencing healing (Colwell, 2019). These arguments are important in that they demonstrate that healing and wellbeing are not just end processes or outcomes resulting from the physical return of ancestors, an idea that often frames many government repatriation initiatives. Instead, healing in repatriation contexts is just as multifaceted and reliant on socio-political factors as it is in broader conceptualisations of Indigenous wellbeing, therefore considerations to such factors must frame repatriation planning and implementation for holistic outcomes. The next section explores the examples of approaches and internal measures nations and communities have in place to ensure engagement in repatriation in their own contexts brings healing and wellbeing.

### **Evaluating successful repatriation processes in Indigenous contexts**

There are a number of published examples that highlight Indigenous communities and nations rely on internal frameworks to evaluate health giving aspects of their engagement in repatriation as they accord with their own values and principles. For example, repatriation work for the Western Apache is a conscious, healing practice required to restore *Gozhóó*, the level of contentment of happiness experienced when the self, community and the natural environment are in balance/harmony (Western Apache NWG, 2020). Restoring stolen holy items and ancestors back to where they belong repairs disturbed relationships and connections integral to the state of *Gozhóó* (Western Apache NWG, 2020). Success then is measured according to the extent to which *Gozhóó* is restored through repatriation practice. Similarly, the Hawaiian values of *ohana* (family), *malama* (care), *kuleana* (responsibility) and *kupale* (protection) drive Hawaiian repatriation practice, honouring the reciprocal relationship living *iwi* have with the deceased (Ayau, 2020). Family authority guides the repatriation and reburial process and other asserted interests including external laws and policies are rendered redundant: Hawaiian cultural values set the baseline for acceptable (successful) repatriation processes (Ayau, 2020). In the Haida context, 'the act of paying respect', a framework that promotes respect for ancestors, the self and one another guides repatriation (Collison & Krmpotich, 2020 p.45). It is argued that the extent to which *Yahguudangang* is fulfilled is evident in the everyday lived reality of Haida, through 'fitness for respect' of social and kinship relations (Collison & Krmpotich, 2020). Haida repatriation thus not only restores respect to ancestors by bringing them home, but demonstrates to Haida they are acting lawfully and respectfully by drawing on and honouring their traditions when they do so (Krmpotich, 2010). *Yahguudangang* also provides the safe framework in which Haida engages in mutual healing with the museum by providing a benchmark for respectful relations, making it a crucial framework guiding repatriation activity in ways that are healing and promote wellbeing for Haida (Collison & Krmpotich, 2020). Certainly, determining whether or not a repatriation program may or may not be healthy or 'successful' to a community crucially depends on whether the process aligns with the values underpinning the wellbeing of that particular community or nation.

There are other cases whereby Indigenous nations have developed more formal approaches to assessing healing and wellbeing in repatriation contexts. In order to assist the maintenance of health and wellbeing of Ngarrindjeri people and Country, the Ngarrindjeri nation developed the Yannarumi assessment framework which applies indicators to assess the life giving, as opposed to colonising and violent, properties of relationships policies, projects and programs impacting upon Ngarrindjeri people and their Country (Hemming et al., 2019, 2020). The approach is a contemporary form of a traditional assessment practices used by Ngarrindjeri Elders, framed by Ngarrindjeri values and principles such as the concept of ruwe/ruwar and an assertion of nationhood, sovereignty and jurisdiction over Country (Rigney et al., 2018). The respectful and formal processes characterising the 2004 Museum Victoria is an example of the application of Yannarumi: to ensure that the process was healing and life giving, the museum signed an agreement that acknowledged past injustices and recognised Ngarrindjeri sovereign responsibilities to speak as Country and negotiate the return of their Old people (Hemming & Wilson, 2010). Since then, Ngarrindjeri have applied this model formally in the Natural Resource Management area with the South Australian government in water risk assessment (Hemming et al., 2020). The Yannarumi framework thus provides one example of an Indigenous-led model that is currently applied to ensure healing and wellbeing across a range of contexts impacting the Ngarrindjeri nation.

As such, Indigenous communities are measuring what is successful repatriation by aligning them with their values. Indigenous of healing and wellbeing stemming from repatriation can be promoted by the many elements of repatriation and reburial as outlined previously. This indicates that it is crucial that any evaluative framework developed must be based upon cultural values, philosophies and principles of the Indigenous community working which promote healing and wellbeing. This section also shows that more work is required to translate this more broadly into repatriation policy and practice. It thus necessary to review other models that measure health and wellbeing of people and country in Indigenous contexts to gain insights into how this might be achieved.

### **Other models that measure and assess Indigenous wellbeing**

#### *Indigenous Wellbeing models*

A review of the literature shows that a number of Indigenous nations and communities have developed wellbeing models that measure the health and wellbeing of their communities based on their own contexts in response to the limitations of existing frameworks. It is well established that domains of Indigenous wellbeing are unique in that they centre on social and environmental connectivity, with an emphasis on collective wellbeing (see Butler et al., 2019 for a review). It is also argued that the way in which wellbeing is conceptualised and by who, critically impacts how it is measured (Manning & Fleming, 2019; Yap & Yu, 2019). As such, universally applied wellbeing models based on broadly developed indicators are inadequate to measure the holistic nature of Indigenous wellbeing and there is a need to develop indicators and models informed by Indigenous worldviews and values (Butler et al., 2019; Yap & Yu 2019). A number of national and international models that attempt to measure Indigenous wellbeing from this perspective have been developed. In Australia, for example, the Yawuru nation have developed the Mabu Liyan wellbeing model based on perspectives and understanding of wellbeing grounded in the principle of Yawuru mabu liyan – the act of living well (Yap & Yu, 2016; 2019). The model applies a suite of indicators based on themes that emphasise holism, balance and relationally drawn from community narratives centred on Mabu Liyan, that informed the development of a quantitative survey to measure wellbeing. For Yap and Yu (2019), Indigenous wellbeing indicators and dimensions must reflect the unique social and political contexts of communities, their distinctive place based relational connectivity with the environment and emphasis on collective wellbeing. In the Canadian context, the Nisga'a nation have also developed a nation-based assessment process to measure the wellbeing implications of modern treaty agreements on their citizens (Bouchard et al., 2020). They found that a nation-led approach, based upon Nisga'a values and priorities, supported the collection of more relevant cultural and social contextual details needed to measure wellbeing (Bouchard et al., 2020). The model was also an

assertion of their rights as self-determining government under the treaty itself which further supported wellbeing outcomes (Bouchard et al., 2020). Similarly, the Toquaht nation developed the Toquaht Project Assessment System (TPAS) model based on their priorities and obligations to maintain balance (ikesh) between all life forms (Murphy et al. 2020). Through the TPAS, the Toquaht select and develop new community economic development opportunities that are underpinned by the long standing values around wellbeing (Murphy et al. 2020). This model, like others mentioned below (see Buell et al., 2020; Pascua et al 2017.) was developed by drawing upon key values found in tribal documents and agreements and community perspectives through interviews and workshops. What these models demonstrate is that nation-governed or self-determined community led approaches to measuring wellbeing, grounded in nation and/or community values and principles, provides measures of community and nation wellbeing that are more relevant and meaningful, and extends overall community wellbeing through empowering communities and building nations as an assertion of sovereignty.

### *Indigenous interconnected health risk assessment models*

Scholars have similarly argued that ecological and human health risk assessment processes do not adequately reflect the culture, values and lifeways of First Nation people (Arsenault et al., 2019; Arquette et al., 2002; Donatuto et al. 2011, 2016; Harris 2000; Harper & Harris, 2000; Harper et al., 2012; O'Neill 2003; Wolfley 1997). The majority of health assessment models (health impact assessment, community health assessments and Health risk assessments) fail to accurately measure impacts to Indigenous health because they focus on measuring physiological health and disease of individuals while Indigenous conceptualisation of health are broader based and focus on social, environmental and cultural connectivity (Arquette et al., 2002; Donatuto et al., 2011, 2016; Gregory et al., 2016). As a consequence, other sources of exposure and harm impacting 'intangible' social and cultural aspects of health fundamentally linked to the health and wellbeing of Indigenous people, are overlooked (Donatuto, et al., 2011). Generally, attempts to incorporate values based indicators into Indigenous health impact assessments are often ambiguous, incomplete and difficult to measure, which has negative consequences for community, government, policy makers and project developers (Gregory et al 2016). Researchers have argued that the failure to consider the unique context for First Nation peoples in risk assessments is a violation of their sovereign rights under treaties, agreements and statutory obligations (see Wolfey, 1997; O'Neill, 2000; Whyte 2018). The incapacity to successfully apply existing risk assessment frameworks to fully assess the health impacts of environmental damage on Indigenous communities shows there is still considerable work to be done around enacting changes to the western human risk assessment process in these contexts.

In response, some First Nation researchers and their colleagues have developed models that articulate with existing processes (see Harris, 2000; Harper et al., 2012). The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) have developed a methodology that reviews and measures actual exposure scenarios experienced by tribal communities in response to environmental contamination, used to support government agency quantitative risk assessment processes undertaken on tribal lands (Harper & Harris, 2000; Harper et al., 2012). This has required an 'understanding of traditional patterns of natural resource use, and the translation of this understating into the conventional risk assessment format' Harper et al., 2012 p.812). Others have developed models for First Nations to use in parallel with other risk assessment frameworks and inform new policy (see Donatuto et al., 2016). The Coast Salish Swinomish community for example, developed their Indigenous Health Indicator (IHI) framework to help them assess tribal health impacts from contaminated lands and waters (Donatuto et al., 2011, 2016). The framework helps to identify, measure and evaluate Indigenous values fundamental to the definition of Indigenous health in the context of environmental change (Donatuto et al., 2011, 2016). The IHI framework comprises of six IHI's (community connection, natural resources security, cultural use, education self-determination, and resilience) and descriptive attributes, which are measured and weighted during the evaluation of particular scenarios by community (Donatuto et al., 2016). More recently, others have focussed on collaborative approaches to deconstruct existing risk assessment processes and create new models.

Buell et al. (2020) worked with the Saugeen Objíway Nation (SON) and non-Indigenous communities to develop an equitable risk assessment approach by first dismantling, and then reconstructing a process that applied both knowledge systems. Meaningful relationships supported the development of mutual understandings of each parties knowledge systems, which in turn, ensured risk analysis occurred through 'multiple lenses' which considered treaty rights, federal frameworks and Indigenous relationships to fish and waters (Buell et al., 2020). While mainstream models seeking to measure risk to human health have in the past failed Indigenous communities, these examples show that an assessment or risk to Indigenous health is better achieved when Indigenous knowledge systems and values are prioritised and valued within the model. They also show that the way in which these models articulate with government policy varies depending on the nation group.

### *Environmental assessment models*

In addition to the above models that measure wellbeing and human health risk, there are a number of Indigenous led models and frameworks developed to support more meaningful Indigenous involvement in environmental assessment and decision making processes that move beyond extractive 'integration' of indigenous knowledge's into existing frameworks. In Hawaii, researchers and Indigenous local communities developed a place based Cultural Ecosystem Services framework in response existing Ecosystem Services models that failed to adequately consider the spiritual, cultural, identity and social factors relevant to communities (Pascua et al., 2017). The new framework (comprises of four areas - Ike (knowledge), Mana (spirituality), Pilina Kanaka (social interactions) and Ola Mau (physical and mental wellbeing) emphasises interconnectivity and relational reciprocity between people and place and facilitates the articulation of what is meaningful to communities to assist dialogue between researcher, community interactions and policy makers (Pascua et al., 2017). Similarly, for Māori, the concepts of Mauri: the 'the binding force between the spiritual and physical, or the capacity to support life' is the foundation for the holistic Mauri decision making framework (Morgan, 2010, p. 245; Morgan et al., 2021). In this model, economic metrics typical of western decision making, are replaced by quantifying the extent to which Mauri is enhanced across four dimensions ecosystems: Indigenous people, community, family/household. Individual indicators are grouped under dimensions, assessed and each dimension is given a weighted average (Morgan, 2010). In this way, the model "repositions reality as four dimensions of mauri, effectively redefining what is important and enabling Iwi preferences to be expressed across all four dimensions" (Morgan, 2021, p. 209). Other models emphasise the need to value plural knowledge systems in environmental decision making. Reid et al. (2020) argue that a Mimaq 'two eyed seeing' framework goes beyond integration of Indigenous knowledge into western scientific frameworks by bringing plural knowledge systems together and applying them equally to solve complex issues for mutual benefit with the broader aim of shifting one-sided power relations. The prioritisation of Indigenous concepts of balance, interconnectivity and reciprocity form the basis of these models in order to influence the environmental decisions making policy context for more relevant outcomes.

### *Indigenous evaluation models*

Also in the field of evaluation, there is a growing recognition for the need to support Indigenous led assessments of programs. In Australia, there has only been recent focus on improving evaluation practice for improved outcomes for Indigenous Australians (Australian Government 2020). Nonetheless, there are notable exceptions. An Indigenous led collaborative sustainability science project conducted as part of a three year project in Kakadu National Park to guide co-management for Bininj/Mungguy and Government, for example, has incorporated Indigenous led evaluation so that they could monitor if the research practice/impact was addressing Indigenous priorities for country (Robinson et al., 2021). This involved the development of indicators to evaluate the health of knowledge sharing and co-production practices that underpinned research design, management and success of the research. Such an approach has allowed for the research created to have better relevance and useability for Indigenous peoples in the management of the park (Robinson et al., 2021). Ngarrindjeri have developed an engagement framework based on Ngarrindjeri law and

political literacy. This has been applied in contexts such as water planning, economic development, Indigenous nation (re)-building, Ramsar planning and repatriation (see Hemming & Rigney 2016, 2018, 2019; Muller, Hemming & Rigney 2019; Hemming et al., 2020).

Whilst the studies reviewed above are mostly not repatriation focussed, the models presented here possess elements that must underpin any mechanism to facilitate positive wellbeing outcomes from repatriation initiatives. These include the need for transformative approaches that critique existing processes to address power imbalances and shift policy, the prioritisation of local Indigenous values in decision making, recognition for Indigenous authority and responsibility and meaningful collaboration based in partnerships and relationships. The next section reviews key approaches from repatriation contexts that might support achieving a shared understanding of success to underpin the development of such a model.

The strength of these models lies in that they draw upon multiple lines of evidence – both qualitative and quantitative to develop a locally relevant model. Most of these models discussed above, developed indicators in conjunction with university researchers, drawing upon key values found in tribal documents and agreements, other wellbeing indicators and community perspectives through interviews and workshops (Murphy et al 2020; Pascua et al. 2017; Buell et al 2020). Whilst approaches vary: many advocate for a mixed method approach when assessing wellbeing, drawing upon quantitative (surveys, numerical weighting) and qualitative (interviews etc) (Yap and Yu 2018; Morgan 2010; Murphy et al 2021), others speak of the benefits of disaggregated data in the development of their indicators (Pascua et al 2017; Reid et al 2020). Central to all models however is an emphasis on local, place based developed models, embedded in notions of connectivity and reciprocity and collective wellbeing. These models also suggest that a nation led or community led approach makes outcomes more relevant to the communities, but also extends to overall community wellbeing through empowering communities and building nations. Whilst these studies are not repatriation based perse, Indigenous repatriation practice is an extension of these fundamental principles.

Bowman et al. (2020) introduce the idea of Nation-to-Nation (N2N) evaluation of engagement and relationships. This is in the Canadian context and is situated with the context of evaluating the health of existing treaty relations through specific projects and encounters. This approach is very similar to the one instituted by the Ngarrindjeri nation (mentioned above) and informing Ngarrindjeri engagement in repatriation work. This approach has support the approach taken by the RRR collective in developing fundamental principles that support the ongoing sovereignty of First Nations.

### **Approaches towards an understanding of success**

Partnerships and formal agreements that acknowledge first nation sovereignty and rights and responsibility are thought to be a key component for repatriation outcomes that support Indigenous priorities in repatriation. When based on formal binding agreements, partnerships provide the strong foundation for Indigenous polities and museums to collectively work together to disrupt existing colonial processes and work meaningfully and respectfully to transform existing museum processes (Hemming et al., 2016). They also provide the platform from which to navigate and negotiate through the uncertainty and untraversed terrain often associated with decolonising museum contexts (Hemming et al. 2019; Janes, 2020). The need for partnerships as a form of accountability is also evident in the work of Colwell (2019). Following an analysis of data from his 2010 study, which asked 115 tribal repatriation workers if they believed that repatriation led to healing, Colwell found that many respondents believed that repatriation was more likely to lead to healing when processes were successful where museums and institutions recognised sovereignty, valued partnerships, and actively complied with the law in good faith, whilst leveraging it for community capacity building. Partnerships provide the platform for collaborative transformative work, between Indigenous peoples and institutions as a strong foundation for developing mutual understandings of each other required to unpin successful repatriation.

There are various examples of this occurring in the repatriation context. As mentioned, partnerships and agreements have formed the basis of the Ngarrindjeri approach to repatriation and ongoing care for their Country (Hemming et al., 2020). In 2004, Museum Victoria signed an agreement that acknowledged past injustices and recognised Ngarrindjeri sovereign responsibilities to speak as Country and negotiate the return of their Old people (Hemming & Wilson, 2010). This agreement reflected Ngarrindjeri's long-term approach involving long term commitments built on negotiation, legal agreements, ethical research practices and a focus on increasing Indigenous capability and capacity (Hemming et al., 2016). In the absence of a treaty, Ngarrindjeri asserted their sovereignty and jurisdiction as part of a nation building agenda (Cornell, 2015). For other nations, such as the Huron Wendat in Canada, agreements such as an MOU the Department of anthropology at Toronto University were key to the return and reburial of 1700 ancestors in 2013, containing specific provisions that supported tribal cultural responsibilities (Forrest et al., 2020). In reflection, the authors argue the recognition of Indigenous right to self-determination and a commitment by all parties to ongoing relationship building and collaboration must frame repatriation initiatives if they are to "realize success" (Forrest et al., 2020). Similarly, Hemsworth et al. (2021) argue that an evolving partnership between Anishnabeg First Nations, universities and museums in Canada, includes a commitment by the parties to honour long neglected treaty principles and rights, and frames their "reparative praxis" involving the repatriation of ancestors and objects from institutions. Partnerships and agreements provide the platform for equitable engagement between Indigenous polities and institutions and must acknowledge Indigenous sovereignty and rights to control and determine repatriation outcomes.

Undertaking repatriation and reburial processes in ways that promote successful outcomes for Indigenous claimant communities and nations requires adequate resourcing. Appropriate funding and resources support communities to undertake the activities, research and community consultation required for repatriation and reburial processes that minimise harm and further trauma, and promote wellbeing (Hemming & Wilson, 2010). For Ngarrindjeri, despite the healthy processes established during the museum Victoria repatriation case, what was lacking was the crucial ongoing funding required for Ngarrindjeri to return their Old people back to country through a reburial program (Hemming & Wilson, 2010). Ngarrindjeri's involvement in future programs to manage country has proven that substantial resourcing and training builds long term regional capacity to care for country and increased health and wellbeing (see Hemming et al., 2019). Many other communities involved in repatriation have cited resources and training as key requirements of successful repatriation programs. Forrest et al. (2020) argue that it is crucial that resources are directed towards supporting repatriation work as part of the broader reconciliation imperative. Attached to this they argue, must be funding for projects and programs that support Indigenous people's engagement in the repatriation and reburial of their ancestors in ways that build capacity (Forest et al., 2020). Similarly for the Stó:lō nation, Schaepe et al. (2020) have argued that resources and capacity are pivotal for communities to be able to undertake repatriation and reburial work 'in a good way', a way that supports the mental, physical, emotional and spiritual health and wellbeing of the community. Critical to any agreement and partnership must be provisions that direct adequate resourcing to support Indigenous community capability to undertake repatriation and reburial in ways that they choose in order to promote healing and wellbeing and broader social benefit.

Also in the literature is a call for museums to prioritise Indigenous wellbeing in their practice. An early expression of this is by Lonetree (2012, p. 23) who argued that through their programs and exhibits, the role and responsibility of the museums is to support Indigenous communities to address and move through "legacies of historical unresolved grief" that continue to impact their lives. The concept that the museum must directly support Indigenous wellbeing still has currency. Shannon (2019) for example, has argued that it is important for museums to reframe their 'potential, purpose and practice' as knowledge holders for 'posterity' towards ways that support the health and wellbeing of Indigenous communities today. Other scholars such as Janes (2020) have argued that that museums must go beyond traditional museum authoritative practice: they must view their work as a social justice imperative and make innovative changes to support Indigenous wellbeing. The idea that



Indigenous wellbeing is seen as a specific focus and priority in decolonising museum practice remains an important focus amongst scholars.

Participating in repatriation processes can support this shift in values. Wergin (2021) for example, argues repatriation processes in the museum provide museums the space and opportunity to rethink the role and responsibilities of museums position in terms of collections and power imbalances inherent in their practice. Others, such as Peers et al., (2017) frame repatriation processes as intercultural ritual making between museum staff, Indigenous claimants and the public suggesting that the museum is both 'setting and agent of ritual action' that can address injustice through proving a forum for the renegotiation of power and relationships (Peers et al., 2017, p. 3). And for Jenkins (2008) the rise of repatriation in the UK provided and an increased "therapeutic ethos" in museums, provided an opportunity to effectively renegotiate their traditional ambit towards being "an authoritative voice of therapeutic recognition". Janes (2020) also sees repatriation as a core driver, arguing that repatriation should not be perceived as a threat to the museums integrity and accountability to society, but should be embraced as a core measure of such. Repatriation in practice has the benefit of supporting museums to shift out dated values and form new ones that better support the Indigenous communities in which they serve.

Reorienting the values of the museum in ways that specifically support wellbeing means that collaborative approaches must also embrace the uncertainty that accompanies such transformative work. This means adopting flexible and self-reflexive approaches and an acceptance and willingness to make mistakes. There must be acceptance that repatriation processes are often new and sit outside protocols for the both Indigenous claimants and the institutions in which they work (Collison & Krmpotich, 2020). Consequently, where new policy and procedures are to be developed, institutions and communities must collectively strive to avoid the replication of damaging relations and practice and employ them as living frameworks, whilst actively scrutinizing what constitutes best practice: best practice for Indigenous repatriation communities may not align with those of the museum (Collison & Krmpotich, 2020). As Collison argues, Embracing the complexity of repatriation and thinking deeply about the questions it promotes (Janes, 2020), and even accepting that 'failure is an option' when establishing new ways of knowing and doing collaborative work is crucial to this (Shannon, 2019). As Collison explains "Decolonization is not quick, easy, or pretty; it is complicated, powerful, and transformative" (in Shannon et al., 2017, p. 89). Embracing the uncertainty and challenges that accompany work in repatriation contexts to maximise the benefits for Indigenous communities and nations is a requirement of this work.

## **Conclusion**

This document has shown that repatriation brings healing and wellbeing to communities in multiple ways. It also has shown that how healing and wellbeing is experienced in this context extends beyond the physical return of ancestors and can be contingent on broader social and political factors. Currently, while Indigenous nations and communities assess the health and wellbeing benefits of repatriation initiatives based on their own frameworks embedded in their own values, there are limited examples of nations and communities using more formal frameworks in which to do this. Outside the repatriation context, there are numerous examples of models that attempt to measure wellbeing or assess country. Whilst they are from different contexts, this document shows that they resonate with how wellbeing is conceptualised in repatriation contexts. This includes the importance of self-determining approaches, Indigenous understandings of people and country based on balance, reciprocity and interconnectivity and collective experiences of healing and wellbeing. As such, these examples have the potential to inform the development of a tool to facilitate wellbeing outcomes from repatriation initiatives. To support this, this document also draws upon perspectives from the repatriation literature that might support achieving a shared understanding of success to underpin the development of such a models. These include partnerships based on binding formal agreements, resourcing and capacity building opportunities, prioritising Indigenous wellbeing in museum practice,

and embracing the uncertainty that accompanies the broader attempts to decolonise museum policy and practice.

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## AIATSIS Research Exchange Grant

### Repatriation, healing and wellbeing: understanding success for repatriation policy and practice

#### Publication summaries

Compiled by: Amy Della Sale

## 1 Introduction

The following comprises summaries of literature selected for its relevance to the AIATSIS Research Exchange Grant project: *Repatriation, healing and wellbeing: understanding success for repatriation policy and practice*. These publication summaries were compiled by Amy Della Sale, as background information for the project's literature review.

The identified literature coalesced around nine main themes, which interconnected and overlapped:

1. Risk/health risk assessment
2. Measuring wellbeing in Indigenous contexts
3. Healing/wellbeing and repatriation
4. Relationships/
5. Partnerships & repatriation
6. Indigenous evaluation
7. Indigenous Ideas of success
8. Indicators/
9. Frameworks Indigenous contexts
10. Nation building
11. Indigenous data sovereignty

The table below summarises which articles related to which themes.

**Table 1:** Broad themes across selected references

| Risk/health risk assessment | Measuring wellbeing in Indigenous contexts | Healing/wellbeing and repatriation | Relationships/ Partnerships & repatriation | Indigenous evaluation | Indigenous Ideas of success | Indicators/ Frameworks Indigenous contexts | Nation building      | IDSOV               |
|-----------------------------|--|------------------------------------|--|-----------------------|-----------------------------|--|----------------------|---------------------|
| Buell et al., 2020          | Atalay 2019                                | Atalay 2019                        | Ayau 2020                                  | Bowman 2018; 2020     | Atalay 2019                 | Buell et al., 2020                         | Hemming et al., 2020 | Carrol et al., 2018 |
| Donatuto et al. 2011; 2016  | Bouchard et al., 2020                      | Colwell 2019                       | Colwell 2019                               |                       | Colwell 2019                | Donatuto et al., 2011; 2016                | Hemming et al., 2010 | Lovett et al., 2019 |
| Friendship & Furgal 2012    | Butler et al., 2019                        | Fforde et al., 2020                |  | Robinson et al. 2021  | Fforde et al., 2020         | Harmsworth & Awatere 2013                  | Cornell 2019         |                     |
| Harper et al., 2012         | Harmsworth & Awatere 2013                  |                                    | Forrest et al., 2020                       |                       | Forrest et al., 2020        | Harper et al. 2012                         |                      |                     |
| Gregory et al., 2016        | Lovett et al., 2020                        | Schaepe et al., 2019               | Hemsworth et al., 2021                     |                       | MacDonald 2019              | Morgan et al. 2010; 2021                   |                      |                     |



|  |                          |               |                            |  |  |                      |  |  |
|--|--------------------------|---------------|----------------------------|--|--|----------------------|--|--|
|  | Morgan et al. 2010; 2021 | Thornton 2020 | Janes 2021                 |  |  | Pascua et al., 2017  |  |  |
|  | Pascua et al., 2017      |               |                            |  |  | Reid et al., 2020    |  |  |
|  |                          |               | Shannon 2019               |  |  | Sterling et al. 2017 |  |  |
|  | Yap & Yu 2016; 2019      |               |                            |  |  |                      |  |  |
|  |                          |               |                            |  |  | Yap & Yu 2016; 2019  |  |  |
|  |                          |               | Collision & Krmpotich 2020 |  |  |                      |  |  |

## 2 Publication Summaries

**Atalay, S.** (2019). Braiding Strands of Wellness: How Repatriation Contributes to Healing through Embodied Practice and Storywork. *The Public Historian*, 41(1), 78-89. doi:10.1525/tph.2019.41.1.78

Atalay argues that Indigenous people involved in repatriation processes experience healing and improved wellbeing through both through the embodied practice of reclaiming their ancestral objects and remains, but also through sharing with, or hearing those experiences with family and community (storywork). She argues that this activity can be considered as a form of reclaiming cultural practice through forming collectively held knowledge. She further argues that repatriation more broadly with its various elements of reclaiming ancestors, items, restoring connectivity to country is a continuation of 'Indigenous protocols of care'. For Atalay, repatriation's intellectual work (repatriation claims) and embodied practice (practical work) combined is what she terms 'braided knowledge's', and is key to facilitating wellbeing and healing. Importantly, she argues that transformative decolonising work and intergenerational transfer of skill and knowledge are crucial markers of success in repatriation context.

**Bouchard, K., Perry, A., Clark, B., & Rodon, T.** (2019). Measuring well-being in the context of modern treaties: Challenges and opportunities. *Northern Public Affairs*, 66-69.

The authors argue that despite the intent behind Modern treaties that seek to recognise Indigenous rights and land whilst forging new relationships between the government through binding mutual legal commitments, (First nation and province) - there has been no method to date that has successfully measured the impacts that modern treaty implementation has had on Indigenous socio-economic wellbeing. They argue that the federal government's attempts to date, which include the Registered Indian Human development index (est. 1999 and based on UN HDI) and the later community wellbeing index (2001) are based on limited and narrow data sets and lack context around how treaties were settled plus social and cultural contexts for current communities. Further, the authors argue that despite some attempts by government to improve processes, improvements have been slow. The authors argue that meaningful evaluation processes then must come from Indigenous governments themselves and wellbeing indicators must reflect Indigenous priorities and values. They present a case study from the Nisga'a nation Nisga'a Lisim government from Nass River Valley in British Columbia. Here they illustrate how the NLG attempted to measure their owned wellbeing using a culturally relevant innovative mixed method qualitative and quantitative approach to data collection. While they sought technical support from the State, the authors argue

that the nation based approach allowed for the collection of cultural and social contextual details which lead to the yielding of more meaningful information around Indigenous wellbeing. In the context of the broader evaluation of MTI, the authors suggest intergovernmental partnerships and collaborative opportunities with researchers including resources and avenues for capacity building. Essentially, the authors are talking about data sovereignty however they do not claim this and only cite Walters and Anderson and Smith, not other Indigenous voices on the topic.

**Buell, M.-C., Ritchie, D., Ryan, K., & Metcalfe, C. D.** (2020). Using Indigenous and Western knowledge systems for environmental risk assessment. *Ecological Applications*, 30(7), e02146.

Buell et al. identify that there is a need for approaches that value the ontological basis for both Indigenous and non-Indigenous knowledge systems in environmental decision making. They argue that to develop a more equitable risk assessment process, existing risk assessment frameworks grounded in western science and the non-indigenous expert opinion must be first dismantled and refashioned using both knowledge systems in partnership. As such, they advocate for a co-existence nation to nation approach that provides the space and means for each to explore the issues using their own perspectives and processes in parallel while valuing and respecting the strengths each knowledge system. The authors report on an environmental risk assessment of the risks to human health from exposure of contaminated sediment in Owen Sound harbour in Lake Huron, Canada, with Saugeen Objiway Nation (SON) and non-SON. They demonstrate that key to the project's success involved developing meaningful relationships over time through collaborative work, agreement based partnerships and time and funding. They note however, that SON are actively involved in asserting rights and interests and have numerous partnerships with government and other proponents which also contributed to the engagement in the project.

**Carroll, S.R., Rodriguez-Lonebear, D. and Martinez, A.** 2019, 'Indigenous Data Governance: Strategies from United States Native Nations'. *Data Science Journal*, vol. 18, no. 31, pp. 1-15. doi: 10.5334/dsj-2019-031

The article presents a case for advancing Indigenous data governance and Indigenous data sovereignty (IDSov) for Indigenous nations in an increasingly data driven world. To begin with, the paper defines critical concepts including Indigenous data and the notion of data dependency and investigates the development of IDSov. The authors argue that Indigenous peoples have always created, used and acted as stewards over data: they have collected knowledge by observing their environment transferring this understanding into data for greater social use in order to maintain interrelated and reciprocal rights and responsibilities to people and the environment. As such, IDSov is defined as Indigenous peoples right to govern the collection, ownership, and use of their own data which arises from the rights of Indigenous peoples to self-govern as sovereign first nations. The authors further unpack the interaction between Indigenous data governance, nation (re)building, decolonising data and IDSov. They argue that there is strong reciprocal relationship between data governance and data for governance as nations build their governance institutions which in turn supports greater data sovereignty. To illustrate current diverse strategic applications of Indigenous data governance the article provides several case studies from national and international tribal and non-tribal contexts. Importantly, the article provides set of recommendations that Tribal rightsholders (Indigenous nations) and Stakeholders (government, researchers, NGOs) can adopt to advance IDSov and data governance. For stakeholders (i.e. government) these include among many others, the need to 'Acknowledge Indigenous data sovereignty as a global objective', 'Develop mechanisms to facilitate effective Indigenous data governance' and 'Incorporate Indigenous data sovereignty rights into all rightsholders' and stakeholders' data policies' (p. 11). The authors argue that the implementation of these recommendations requires all parties investing in the capacity and

capability building of Indigenous nations and a commitment to disrupting existing power dynamics across all data practice, management and governance. Importantly, this requires government acknowledgement of Indigenous sovereignty. While the recommendations were developed in a US treaty context, they provide an example of best practice for government to support Indigenous data governance needs and are still transferrable to an Australian setting.

**Collison, J. N., & Krmpotich, C.** (2020). Saahlinda Naay – saving things house: The Haida Gwaii Museum past, present and future. In C. Fforde, H. Keeler, & C. T. McKeown (Eds.), *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew.* (pp. 44-62) London: Routledge.

The authors write together in conversation in order to preserve the unique and perspectives of each colleague– Collison an Indigenous curator, scholar with ties to the Haida nation and Krmpotich a researcher and academic working in the repatriation-museum realm with Haida. The authors contribute to the dialogue together under four sections each offering pieces of wisdom in regards to each. Both authors write with the greater aim to shed light on new conceptualisations of museums: that is, whilst museums can be colonial spaces of return, they are also Indigenous museums that are holistic spaces of repatriation and care, where “bringing back” means receiving ancestors and objects but also governance, cultural knowledge, language, pride, inspiration and honor.

Section 2: Collison argues that the Yahguudang.gang – the act of paying respect as defined by the Haida nation, frames reconciliation and healing for both the Haida nation and the museums, effectively providing a framework or way of being that promotes respect for ancestors, the self and one another during the often challenging long term work of repatriation and decolonisation of museum practice. Krmpotich argues that much repatriation activity falls outside the regular cultural and institutions protocols however, this does not mean it cannot, in its hybrid form, shape new local practice and policy.

Section 3: Collison argues that the building of successful relationships requires a commitment to ‘working through and beyond’ colonisation together, which means letting go of the fears we have in relation to one another, being patient, acknowledging and speaking truths, and having the fortitude to continue when it gets difficult. She writes that the deep healing process of Yahguudang.gang is also healing for museum staff involved in repatriation as well as the Haida and that the extent to which it can be measured is evident in the everyday lived reality of Haida.

Section 4: Krmpotich encourages us to think about the way in which the museum facilitates the creation of communities of repatriation and vice versa, communities through their work, influence and shape the museum the Haida Gwaii Museum, the Haida repatriation Committee.

**Colwell, C.** (2019). Can Repatriation Heal the Wounds of History? *The Public Historian*, 41(1), 90-110. doi:10.1525/tph.2019.41.1.90

Following an analysis of data from his 2010 study, which asked 115 tribal repatriation workers if they believed that repatriation led to healing, he argues that it is more useful to envisage repatriation-as-healing as an active and complex socio-political process, not an endpoint, and part of a larger healing process in response to colonisation. Colwell found that many respondents believed that repatriation was more likely to lead to healing when NAGPRA processes were successful if museums and institutions recognise sovereignty, value partnerships, and actively comply with the

law in good faith, whilst leveraging it for community capacity building. Colwell suggests that conceptualising repatriation-as healing raises important questions including how different social actors conceptualise healing, the conditions under which repatriation promotes healing, how it is experienced, the interrelationship between decolonising museum practice and healing repatriation processes; and lastly, the socio-political implications of repatriation (see quote p 91). Colwell's work illustrates that healing is an indicator of success, but there are many versions of what healing means to different Indigenous people in the US.

**Cornell, S.** 2015. 'Processes of Native Nationhood: Indigenous Politics of Self-government', *International Indigenous Policy*, vol. 6, Iss. 4, doi:10.18584/iipj.2015.6.4.4

The author argues that Indigenous nations in CANZUS countries are reinvigorating and establishing Indigenous political governance mechanisms and asserting nationhood by operationalizing the three stages of the nation building process: identifying, organizing and acting as a nation. This, he argues is part of a broader Indigenous politics of self-government whereby nations are shifting away from attempting to change government towards building their own capacity to assert sovereignty and self-governance. Using case studies from each of the CANZUS states, Cornell fleshes out each stage involved in asserting Indigenous nationhood: 'identifying as a nation' involves collective self-definition of the polity to govern; 'organising as a nation', involves organising as a political entity with capacity to make collective decision effectively and; 'acting as a nation' entails asserting responsibility and decision making authority on behalf of the nation (p.6). All three elements, he argues are iterative processes, influenced by internal factors and by external political actors. Cornell also outlines some of the challenges arising from the legacy of colonial intervention facing Indigenous communities and nations on enacting the steps towards nationhood. He argues that for nations, it is about finding 'the social and cognitive connections from which the claim of nationhood can be turned into collective political power' (p.11). Despite the reluctance of central governments to accept and recognise Indigenous governments in CANZUS countries, he argues that this has not stopped nations attempting to recover their authority through identifying, organising and acting within the exiting governments of the CANZUS settler states. The argument presented in this article referring to processes involved in expressions of Indigenous self-government is useful to consider when referring to local decision making practice as articulated in the Practice Principles

**Fforde, C., Knapman, G., & Walsh, C.** (2020). Dignified relationships: Repatriation, healing and reconciliation. In C. Fforde, H. Keeler, & C. T. McKeown (Eds.), *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*. (pp. 769-795). London: Routledge.

The authors use evidence from indigenous discussions around repatriation to argue that repatriation puts in practice many of the core components identified as central to Indigenous wellbeing and healing found in their review of the wider reconciliation, healing and wellbeing literature. Fforde et al also argue that the concept of dignity is a useful lens in which to consider interactions between reconciliation, healing and repatriation and cite a number of examples including the dignified manner of return ceremonies, restoring violated dignity to the stolen ancestors and building dignified relationships between institutions and communities. They further argue that for many Indigenous peoples, the social benefits that repatriation can bring to the community is a measure of successful repatriation, in addition to the healing and wellbeing produced from returning their Ancestors back to Country and should be considered when planning repatriation processes with museums and communities. Indigenous communities must thus determine what counts as successful repatriation and reburial rather than focussing on museum measures.

**Forrest, C. L., Williamson, R. F., Pfeiffer, S., & Lesage, L. (2020).** The joy of the souls: The return of the Huron-Wendat Ancestors. In *Working with and for Ancestors* (pp. 151-165). Routledge.

The authors discuss approaches that the Huron- Wendat Nation in Wendake, near Quebec, Ontario use to undertake successful repatriation and reburial of their ancestors, many of which were looted from traditional ossuary burials and remain in university collections. As part of the response to broader assertions of Indigenous sovereignty, the University of Toronto formulated a repatriation policy in 1999 and later established an MOU between the Department of anthropology and the Huron-Wendat to frame repatriation activities (including clauses for bio-anthropological sampling). The work culminated in a reburial of 1700 ancestors in 2013 near Kleinburg, Ontario. Forrest et al. argue that for repatriation and reburial to be successful, parties involved must commit to long term relationship building and partnerships in the spirit of broader Indigenous self-determination. Key to success was a “willingness to listen and a desire to facilitate open discussion”. They argue that resources must be allocated into repatriation to support true reconciliation efforts that seek to address the ongoing effects of colonialism on Indigenous communities. Attached to this they argue there must be projects and programs that support Indigenous people’s engagement in the repatriation and reburial of their ancestors in ways that build capacity.

**Gregory, R., Easterling, D., Kaechele, N., & Trousdale, W. (2016).** Values-Based Measures of Impacts to Indigenous Health. *Risk Analysis*, 36(8), 1581-1588.  
doi:<http://dx.doi.org/10.1111/risa.12533>

The authors argue that the attempts to date to incorporate values based indicators into health impact assessments of Indigenous people are often ambiguous, incomplete and difficult to measure, which has negative consequences for community, government, policy makers and project developers. They argue that the array of health assessment models that exist including health impact assessment, community health assessments and Health risk assessments fail to accurately measure impacts to Indigenous health. They suggest that this is because these models are based in western sciences and focus on measuring physiological health and disease of individuals while Indigenous conceptualisation of health are broader based and focus on social, environmental and cultural connectivity. They assert that a value based approach is needed that considers Indigenous cultural and historical contexts, social structures and connectivity to the environment in health definitions. Also, they argue that Indigenous health indicators needs to move towards being more measurable. Review article that clearly identifies the main problem with mainstream health risk assessment for Indigenous people. Not well referenced, as it is a perspective article, but provides good overview of field.

**Hemming, S., D. Rigney and S. Berg. 2010,** ‘Researching on Ngarrindjeri Ruwe/Ruwar: Methodologies for positive transformation’, *Australian Aboriginal Studies*, vol. 2, pp. 92-106.

The article describes the Ngarrindjeri nation approach to facilitating ethical research in the context of an ongoing colonising natural resource and cultural heritage management sector operating within their Country. For Ngarrindjeri, this has required a sophisticated understanding and critique of the complex connections between government, universities and business. NRM policies developed by government (and underpinned by university research) continue to impact the extent to which Ngarrindjeri can care for their Country. As such, the authors argue that the basis for ethical and political change within research on Indigenous lands involves government and universities supporting Indigenous nations through long term commitments built on negotiation, legal agreements, ethical research practices and a focus on increasing Indigenous capability and capacity. Universities in particular, have a responsibility to engage in long-term strategic research partnerships

with Indigenous peoples. This also requires a reconfiguration of ethics processes and research policy to address power imbalances between the institution and Indigenous peoples. A model developed by Ngarrindjeri used to incorporate cultural knowledge protection within standard intellectual property contractual agreements for ICIP protection is provided as an example. This article highlights that Cultural knowledge protection is a key consideration and should frame the Practice Principles.

**Hemming, S., Rigney, D., Sumner, M., Trevorrow, T., Rankine, L.jr., and Wison, C. (2020).** Returning to Yarlular- Ruwe: Repatriation as a sovereign act of healing. In C. Fforde, H. Keeler, & C. T. McKeown (Eds.), *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew.* (pp. 796-809) London: Routledge.

The authors illustrate how the Ngarrindjeri nation from South Australia connect repatriation work, nation (re)building and healing and wellbeing for the Ngarrindjeri nation. The return of Old people successfully requires an immense amount of transformative work which has enabled them to be able to exercise cultural authority and responsibility to speak as country and care for their lands and waters. This has included re-establishing a self-determining sovereign polity the NRA, forming new transformative partnerships with non-indigenous government and agencies and participating in policy and planning for the management of their lands and waters. These actions have allowed Ngarrindjeri the space to be able to exercise their cultural responsibilities for repatriation, which underpins broader nation goals and strategies for Ngarrindjeri nation wellbeing. The authors further outline the Yannarumi cultural assessment framework used by Ngarrindjeri nation, which applies a suite of indicators used to assess the health and life giving properties of certain projects, policies, relationships and programs impacting upon Ngarrindjeri people and lands and waters. A Yannarumi approach which is a contemporary form of a traditional evaluative practices used by Ngarrindjeri elders, can provide the framework to ensure healing and restorative repatriation work is achieved through reciprocal and respectful relationships between collecting institutions and Indigenous nations. In the chapter, the authors also explain that the agreement with the Museum Victoria in 2004 (KNY) was an exemplar of healing and life giving process because it established a respectful and formal process based on acknowledgment of past injustices and respect for Ngarrindjeri sovereign responsibilities to speak as Country and negotiate the return of their Old people. As the authors write, despite this case being an example of a healthy repatriation process, what was lacking was the crucial funding required for Ngarrindjeri to return their Old people back to country, and security that they would rest in perpetuity an issues that still has currency.

**Hemming, S., Rigney, D., Berg, S., Rigney, C., Rigney, G. and Trevorrow, L. 2016,** 'Speaking as Country: A Ngarrindjeri methodology of transformative engagement', *Ngiya: Talk the Law. Indigenous Methodologies*, vol. 5, pp. 22-46.

The paper demonstrates how the Ngarrindjeri nation of South Australia has asserted sovereignty and jurisdiction over their lands and waters in the absence of a formal treaty to disrupt colonising government processes that continue to impact Ngarrindjeri speaking as for Country. Following an overview of the philosophical, historical, cultural and environmental context underpinning the Ngarrindjeri approach, the paper outlines the Ngarrindjeri KNYA engagement strategy that involved the negotiation of a contract law agreement that recognises Ngarrindjeri rights and responsibilities and sets terms for a just relationship in good faith. This strategy has resulted in partnerships and redirection of government resourcing into areas that support Ngarrindjeri capability and long term Ngarrindjeri employment in the region. The authors further discuss the details of the engagement strategy and transformative technologies employed including a leader to leader (nation to nation) meetings, a cultural knowledge protection regime, joint working parties and statement of

commitments. The strategy forms part of the Ngarrindjeri nation (re) building agenda, whereby the Ngarrindjeri have reinvigorated and reinforced their governance structures and key political entities for negotiating Ngarrindjeri sovereignty and rights and responsibilities to care for and speak as Country (Yannarumi) and Ngarrindjeri. Through this strategy Ngarrindjeri have been able to introduce 'Ngarrindjeri worldviews, knowledge and histories into State policy and planning and to jointly develop transformative strategies that support cultural change in government policy. The paper provides valuable insights for government around working meaningfully and respectfully with Indigenous people to positively transform colonising relationships and government processes.

**Hemsworth, K., Greer, K., Paulin, M., Sutherland, K., & McLeod Shabogesic, J. (2021).** Maada'oonidiwag gete-dibaajimowen ("sharing old stories"): reflections on a place-based reparatory research partnership in Nbisiing Anishinaabeg Territory. *GeoJournal*. doi:10.1007/s10708-021-10432-3

The authors report on a recent federally funded Canadian partnership between Anishnabeg First Nations, universities and museums which focuses on repatriation, environmental histories and action based research. Motivated in part by the 2015 Truth and Reconciliation commission reports calls to action, the authors argue that central to the work within the research partnership is reparatory praxis: work that joins theory and practice in ways that seek to repair damage to relations between people (and land and people) that exist from systemic colonialism. They argue that key to their reparative work is the evolving partnership itself which involves a commitment to honouring the long neglected treaty principles and rights, which frames their reparative work around repatriating ancestors and objects. Lastly, they raise the point that university funding and research ethics processes must also change, despite their best attempts to run projects that seek to reconcile. The authors mention a research protocol is in development, but do not provide details on the formalities of the partnership. They also state that questioning what repatriation meant to all involved in the project was important, however they provided no further analysis.

**Hudson, M., Farrar, D. and McLean, L. 2016,** 'Tribal data sovereignty: Whakatōhea rights and interests', in T. Kukutai & J. Taylor (Eds.), *Indigenous data sovereignty: toward an agenda*, CAEPR Monograph, ANU EPress, Canberra, pp. 157-178. doi: 10.22459/CAEPR38.11.2016.09

The paper presents a case study about the Whakatōhea iwi (tribe) in the Bay of Plenty region in Aotearoa/ New Zealand who are conceptualising and asserting their rights and interest in data in response to data reform. The move towards linked administrative data models to support more efficient and effective government agency 'research, analysis and policy evaluation' in New Zealand brings new challenges for Whakatōhea regarding data access, use and management, particularly in terms of privacy and consent in data sharing. The Whakatōhea need access to high quality data to effectively self-govern and serve their tribal members in order to achieve economic, education, environmental, social, health and cultural outcomes. While they are currently collecting their own data across these areas for their needs, they also require access to government data so that they can interpret data in ways that are beneficial to Maori, and counter government driven interpretations based on deficit. However, Whakatōhea do not have readily access to government data networks or the resources, infrastructure or capacity to obtain data themselves. So, within the context of data reform, it is crucial for Whakatōhea to assert their data sovereignty in order to be part of these new data networks, data systems and infrastructure. For Whakatōhea this has required an articulation of treaty rights and responsibilities in relation to datasets held by government to establish boundaries around their data which has resulted in a tiered approach to data access and control in the form of 'exclusive rights' 'shared rights' or 'shared interests' in the data. To progress data sovereignty there is also a recognition that Iwi must be supported by partnerships and research bodies. While this

article is written in a context of treaty rights, it nonetheless provides insights into how both government and Indigenous collectives could work together to prioritise Indigenous data sovereignty rights in contexts outside of treaty.

**Janes, R. R.** (2021). Humanizing museum repatriation. In H. Eid & M. Forstrom (Eds.), *Museum Innovation: Building More Equitable, Relevant and Impactful Museums* (1st ed., pp. 159-171): Routledge.

Focussing on repatriation, Janes explores museum roles and responsibility in the broader decolonisation project. In doing so he examines how the colonial paradigms that underpin museum practice prevents museum practitioners from making the changes needed. He posits that it is these narratives have led to museums overlooking the 'relational networks' that frame museum objects that are crucial to their care. Janes argues that within the context of decolonisation and broader need to recognise Indigenous self-determination, museums must go beyond traditional museum authoritative practice: they must view their work as a social justice imperative and make innovative changes. He further argues that this should be seen as part of the core measure of a museum's integrity and accountability. Retaining objects without questioning according to Janes is a political act and undermines the health and wellbeing of future generations of Indigenous peoples. He argues that decolonising practice involves reflecting deeply on the full meaning and intention of repatriation and embracing its complexity. He suggests that, despite this relatively new ground, fundamental to navigating decolonising museum practice are strong partnerships.

**Lovett, R., Lee, V., Kukutai, T., Cormack, D., Rainie, S.C. and Walker, J.** 2019, 'Good data practices for Indigenous data sovereignty and governance', in A. Daly, S.K. Devitt and M. Mann (eds), *Good Data*, Institute of Network Cultures, Amsterdam, pp. 26-36, viewed August <https://networkcultures.org/blog/publication/tod-29-good-data/>

The focus of this paper is on the emerging area of Indigenous data sovereignty (IDSov) and Indigenous data governance (IDG). The paper provides an overview of the historical context of how colonial governments in the US, Canada, New Zealand and Australia have used data collected about Indigenous peoples for the purposes of monitoring the population and developing policy interventions. Initially emerging from the First Nations peoples of Canada in 1995 in response to a government health survey, the ideas behind IDSov and IDG were quickly embraced by the US, Canada and Australia with the fundamental principles being that Indigenous peoples have the right to decide what data is collected about them and how it is applied. The paper provides examples of IDSov and IDG in practice in each country with the Australian example being the publicly funded the national longitudinal study of Aboriginal and Torres Strait Islander Wellbeing – *Mayi Kuwayu*, the data of which is housed at the Australian National University. The authors assert that good Indigenous data governance in the areas of community, research, policy and practice is integral in achieving self-determination and well-being for Indigenous communities.

**Maclean, K., Robinson, C., Bock, E., & Rist, P.** (2021). Reconciling risk and responsibility on Indigenous country: bridging the boundaries to guide knowledge sharing for cross-cultural biosecurity risk management in northern Australia. *Journal of Cultural Geography*, 1-23. doi:10.1080/08873631.2021.1911078

They argue that with the new focus on sharing responsibility in biosecurity management at the local level provides greater scope for the consideration of plural conceptualisations of risk for improved risk management. The authors build on previous undertaken on boundary work and boundary objects research in NRM and CRM to progress the idea of the boundary concept. They argue that



'biosecurity risk' as a boundary concept, is a tool to improve engagement between Indigenous and government NRM managers working in plant biosecurity in Northern Australia because it allows actors with multiple perspectives to engage in discussion that can inform practice to improve further biosecurity that encompasses both knowledge sets. They use two case studies drawn from previous research undertaken by the researchers to highlight how Indigenous people working in biosecurity define risk (Girringun Aboriginal Corporation rangers, Cardwell in 2013 and with reps from NAQS and several ranger groups involved in NAQS fees for service). The authors argue that Indigenous managers highlight risks that do not align with government biosecurity managers. For example, Indigenous rangers highlighted the following (among many): risks to country included that biosecurity poses risks to country, places and knowledge which is compounded through misaligned government funding priorities; risk to people included Indigenous wellbeing compromised by tensions from working to look after sick country and uncertainty surrounding government caring for country funding; undervaluing of knowledge in biosecurity system created risk to healthy relationships and innovative solutions with government managers which includes incorporating indigenous knowledge into risk management and likewise, how it is being used and interpreted on ground by indigenous managers. The authors argue that the results show that Indigenous groups frame biosecurity risk as a process of care: care for country, people and knowledge partnerships whereas up until now, government focus on biosecurity risk management as a function of control and eradication. ). The authors however focus on improving the existing relationships between people on the ground, and are vague in terms of what implications this work has for policy or addressing ongoing structural inequalities. For example they do not once mention power inequities between government and ranger groups. Another issue is that the data set for CS2 is very small (12) and only 2 of the interviewees are government Biosecurity officers (CS n=19).

**Morgan, T.K.K.B.,** (2010). The Mauri Model Decision-Making Framework: Robust Decision-Making for Community Cultural Mosaics. In: Te Rito, J.S., Healy, S. (Eds.), 4th International Traditional Knowledge Conference. Nga Pae o te Maramatanga, Auckland, pp. 245–250.

The author provides a brief overview of the Mauri model decision making framework for use in community based contexts in order to measure sustainability. The author argues that while the 1991 Resource Management Act (RMA) act provides for environmental, social, cultural (including Maori), and economic wellbeing of society it does not mention the concepts of Mauri: the 'binding force between the physical and the spiritual ('capacity to support life') or Kaitiakitanga ('acting to enhance Mauri'). The author thus presents a model that uses these concepts as the foundation for a more holistic Mauri decision making framework. In this model, he argues, economic metrics typical of western decision making, are replaced by quantifying the extent to which Mauri is enhanced. The author argues that unlike other frameworks it identifies its ontological basis and is designed to be used with different stakeholders to reveal bias, as such the model allows the effective inclusion of Maori knowledge into decision making and aligns with the RMA act. This model is similar to the Yannarumi assessment of life giving energy from relationships and projects and has been used currently in engineering sector.

**Morgan, T. K. K. B., Reid, J., McMillan, O.W.T., Kingi, T., White, T. T., Young, B., . . . Laurenson, S.** (2021). Towards best-practice inclusion of cultural indicators in decision making by Indigenous peoples. *AlterNative: An International Journal of Indigenous Peoples*, 17(2), 202-214. doi:10.1177/11771801211015686

The authors outline the approach taken to develop a land use change evaluation tool based on the Maori concept of Mauri as part of the Pohew Pae Tawhiti – visualising horizons co-designed research project between government research agencies and TeAraw Iwi. They argue that this will

ensure that Maori values and perspectives influence the decision making process. The authors review a range of international cultural indicator sets across the Pacific and in New Zealand and highlight their relevance to their project. From the international case studies, they found that best practice indicator development was locally relevant and context specific rather than 'universal' approaches. That being said, they argue that if indicators are adapted from other models they should be accepted and verified with the Indigenous community. Across the NZ examples, they found that the majority communicated Iwi preference for cultural wellbeing within the existing ontological framework of NRM regime. The Mauri model however "repositions reality as four dimensions of mauri, effectively redefining what is important and enabling Iwi preferences to be expressed across all four dimensions". They argue that the Mauri model is different because it includes all available knowledge or data as disaggregated dimension of mauri and renders world view bias transparent. On the other hand, the NZ cultural flows framework is still subject to the very bias of scientific assessment that it seeks to challenge. The authors argue that adding intrinsic non-instrumental values to ecosystem modelling can be challenging due to its complexity, however this can be overcome if the framework in which the indicators sit is holistic and supportive of Indigenous worldview. The authors mention two other international frameworks (along with UNDRIP) that frame indicator development: Akwe: Kon voluntary guidelines 2004 and the Aashukan Declaration of 2017.

**Pascua, P. a., McMillen, H., Ticktin, T., Vaughan, M., & Winter, K. B.** (2017). Beyond services: A process and framework to incorporate cultural, genealogical, place-based, and indigenous relationships in ecosystem service assessments. *Ecosystem Services*, 26, 465-475. doi:<https://doi.org/10.1016/j.ecoser.2017.03.012>

The authors argue that current ecosystems services assessment frameworks do not have the means to effectively incorporate CES that are both relevant and meaningful for place based and Indigenous communities in land management contexts resulting in absence of Indigenous interests from environmental management decisions and policy development. The authors present a Hawaiian place based Indigenous CES framework that emphasises interconnectivity and relational reciprocity between people and place. The authors also argue that the framework facilitates community/Indigenous articulation of what is meaningful to them which assists dialogue between researcher, community interactions and policy makers. Researchers with long standing professional and familial connections worked with communities two communities from Ka'upulehu and Hale'e'a using workshops, break out discussion and follow up interviews to build the framework. They found that the community developed CES model aligned with, but also built upon many of the MA CES categories, whilst challenging others which highlighted where place based and indigenous values are rendered invisible in MA assessment processes. They highlight three themes that emerged from the research: that all involved emphasised 'reciprocal environmental kinship' and were uneasy with the terms 'services and benefits'; that CES are in a dependant interconnected and that benefits were overlapping and; participants struggled with notions that CES categories and CES-ES were distinctive unconnected entities. The authors suggest that, while not all encompassing, the model has global application as its fundamental principles of reciprocity and interconnectivity are fundamental to Indigenous peoples worldwide. Importantly, the concept, process and critique of the MA and CES and outcomes share many similarities with the development of the Goyder project Yannarumi risk assessment. Lead author Pascua is an Indigenous scientist. They also emphasise that drawing on 'interdisciplinary' models is required to advance the space.

**Reid, A. J., Eckert, L. E., Lane, J.-F., Young, N., Hinch, S. G., Darimont, C. T., . . . Marshall, A.** (2021). "Two-Eyed Seeing": An Indigenous framework to transform fisheries research and management. *22(2)*, 243-261. doi:<https://doi.org/10.1111/faf.12516>

The authors (Nisga'a fisheries scientist lead) explore how the application of the Mi'kmaq conceptual framework of Etuaptmunk (two eyed seeing) can remedy existing issues in Canadian fisheries management – to date it has had limited application. The two eyed seeing framework goes beyond integration of Indigenous knowledge into western scientific frameworks by bringing plural knowledge systems together and applying them equally to solve complex issues for mutual benefit: it respects the differences and unique strengths of each system with the broader aim of shifting one-sided power relations. The authors argue that the two eyed seeing approach is different from other approaches they describe (Yolngu, Haudenosaunee, Maori) in that it emphasises the responsibility that knowledge holder have to act upon their knowledge for that place. The authors summarise shared characteristics from three Canadian fisheries case studies that apply the two eyes seeing and found: they respected multiple realities, valued multiple knowledge equally, valued relational accountability and applied situated research processes. They also found that key challenges included difficulties translating the local to the regional, actor willingness and openness, incentives to move beyond status quo and existing power inequalities and time required to build relationships. The authors argue that improving fisheries management using a two eyed seeing approach should be viewed as a transformative ongoing process and not an end goal in itself. Provides useful summaries of the literature (including Indigenous fisheries) and has many parallels with Yannarumi. Is another current attempt to move beyond 'integration'.

**Robinson, C. J., Macdonald, J. M., Douglas, M., Perry, J., Setterfield, S., Cooper, D., . . . Bangalang, N.-g.** (2021). Using knowledge to care for country: Indigenous-led evaluations of research to adaptively co-manage Kakadu National Park, Australia. *Sustainability Science*. doi:10.1007/s11625-021-01015-9

The authors demonstrate how one Indigenous led collaborative sustainability science project incorporated Indigenous-led evaluation into the project in order to monitor whether the research practice/impact addressed their priorities for managing country. The three year project involved the development of health indicators to guide collaborative/adaptive decision making for Bininj/Mungguy and Park Australia in the co-management of Kakadu National Park and was funded by the National Environmental sciences Programme (NESP). The project was guided by Bininj/Mungguy Research steering committee representing all KNP clans and focussed on two places: Nardab in north of park (weed control) and Jarranbarnmi (Koolpin gorge)(fine grained cultural fire management) in the south. They argue that the evaluation process involved an assessment of the health of the knowledge sharing, co-creation and translation in the collaborative research project based on the values of Indigenous co-researchers and what they perceived as contributing to 'conservation success'. Three indicators were monitored and built into the entire lifecycle of the project including: research engagement, knowledge sharing and co-production and Bininj/Mungguy employment and training opportunities. What they found was that research practices could be modified in real time and applied as the project went on, which ultimately led to better collaboration, partnerships and sustainability outcomes, something that would not occur if evaluation was done at the end of the project. The authors argue that scientists alone cannot assess whether research outcomes from collaborative projects are deemed a success but must broaden to include local Indigenous community assessments of 'conservation success'. They suggest that the incorporation of an Indigenous led evaluation processes implemented iteratively throughout the project, measuring Indigenous priorities, will help address this and ensure that the resulting research can be adapted to better reflect themanagement values and priorities of the traditional estate of Indigenous researchers and managers. This paper really highlights the issues in scientific research – that current best practice collaborative models do not already do this is really problematic.

**Shannon, J.** (2019). Museum mantras, teachings from Indian country: Posterity is now; failure is an option, and repatriation is a foundation for research. In *Science Museums in Transition* (pp. 28-36): Routledge.

The author, who has worked with the Manadan Hidatsa Arikara nation since 2011 argues that museums with anthropology collections must reframe their 'potential, purpose and practice' in ways that better support the wellbeing and priorities of Indigenous communities. This, she argues, must start by reorienting their thinking around first nation communities, repatriation and collaboration and embracing equitable partnerships that value Indigenous ways of knowing and doing. She posts three 'museum mantras' to adopt in the process. Firstly, instead of conceptualising museums as knowledge holders for 'posterity' she posits (and to borrow from Robert Janes) that 'posterity is now' and museums must support the health and wellbeing of Indigenous communities today and the future. Secondly, accepting that 'failure is an option' is fundamental when establishing new ways of knowing and doing collaborative work. Lastly, she argues that repatriation should be seen as a foundation for research, a process that forges necessary relationships to undertake collaborative research in museums that can benefit staff, communities and the public.

**Sterling, E., Ticktin, T., Morgan, T. K. K., Cullman, G., Alvira, D., Andrade, P., . . . Wali, A.** (2017). Culturally Grounded Indicators of Resilience in Social-Ecological Systems. *Environment and Society*, 8(1), 63-95. doi:10.3167/ares.2017.080104

The authors argue that external sustainability goals processes seeking to measure resilience and adaptability of local socio-ecological systems in response to environmental, social and economic change often possess higher level measurement systems and indicators that do not reflect needs of local communities. They review seven case studies and one framework to draw together relevant insights that can be applied for future development of indicators. They found that all included indicators that supported decision making processes of local communities and successful communication of local needs to external actors such as policy makers and researchers. Further, they found that all case studies used disaggregated data which generally offered more detail. They suggest that indicators and criteria may vary across communities but some element of standardisation of these will inform policy and facilitate external resource allocation. They also explore how these local developed indicator sets may be transferrable to the development and implementation of resilience indicators in national and international contexts. For example, while place based local indicators are not easily transferrable, they can be nested within broader targets or domains that speak across geographies and link in with international metrics. Another way is to share generalized cross context lessons learnt to support appropriate decision making in national and international contexts. To conclude, they argue that the impact of bio cultural indicators on policy and human behaviour in terms of progressing sustainability goals is difficult to measure and more work is needed. The Hawaiian case study of interest.

**Thornton, R.** (2020). Repatriation and the trauma of native American history. In C. Fforde, H. Keeler, & C. T. McKeown (Eds.), *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*. (pp. 784-795). London: Routledge.

Thornton looks at the concept of group (cultural or social) trauma and how repatriation has fundamentally supported First Nations in the US to overcome this. He builds upon his previous paper whereby he reports on repatriation case studies during his time as chair of the Repatriation Review Committee, he again explores the concept of cultural trauma, bringing in updated literature on the topic and further repatriation case studies involving the Yan from California and Yu'pik, Alaska, to further highlight the significance of repatriation to first nations in America. Thornton reminds us that

of the many Ancestral remains and objects remain in US museums and universities, some were removed from tribal groups during worst periods of colonisation for first nations (such as massacres). He suggests that repatriation can allow people to come to terms with these histories and move towards some form of 'closure to trauma', which he argues is fundamental to collective and individual mental health of first nations. Thornton argue that this is important because even though cultural trauma can be healed, it remains embedded in the tribe's history, thus shaping collective and individual tribal identity and the way in which individuals define themselves throughout the generations. According to Thornton, without some form of resolution, first nations continue to define themselves using these histories that continue to portray Indigenous peoples as victims or the dispossessed which align with, and further embed disempowering settler colonial narratives of Indigenous communities. Thornton argues that broader acknowledgement of trauma and historical wrongs goes hand in hand with actively working to reverse impacts of colonialism. He argues that retaining objects and ancestors reinforces colonial history and memories about first nations and perpetuates the trauma. This is why, he argues, that repatriation can assist alleviation of cultural trauma.

**Yap, M., & Yu, E. (2019).** Mabu Liyan: The Yawuru way. In C. Fleming & M. Manning (Eds.), *Routledge Handbook of Indigenous Wellbeing* (1st ed., pp. 261-280). Abingdon, Oxon: Routledge.

The authors present a case study showcasing how one nation group, the Yawuru, has developed their own culturally relevant indicators to measure and assess wellbeing, an approach that prioritises Yawuru worldviews and conceptualisation of wellbeing whilst building capability. They argue that there have been limited models developed that prioritise Indigenous worldviews, local contexts and community representativeness, however Indigenous peoples are increasingly developing definitions of wellbeing framed in terms of self-determination, characterised by sustaining relationality between people, environment and focus on collective in addition to individual wellbeing. The authors outline current wellbeing concepts, measures and tools applied to understanding Indigenous wellbeing to frame their discussion of Yawuru approaches to measuring wellbeing – underpinned by the concept of mabu Liyan – suggesting that in the Yawuru case, ideas of wellbeing both intersected and diverged from the broader wellbeing literature in terms of context, distinctiveness and the notion of collectivism. The authors argue that Yawuru participation was critical, as such they used mixed participatory qualitative and quantitative methods that ensured Yawuru ways of knowing framed the process which is important to disrupt existing paradigms that currently framed Indigenous wellbeing definitions.

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**Ramsar Ecological Character Description Statement of Commitment**

Between the

**Ngarrindjeri Regional Authority Inc.**

And the

**Partnerships and Stewardship Group, Department of Environment, Water and Natural Resources**

1. This Statement of Commitment (SOC) is a formal agreement between the Ngarrindjeri Regional Authority Inc. (NRA) and the Partnerships and Stewardship Group, Department of Environment, Water and Natural Resources (P&S Group). It sets out the terms and conditions for the NRA to manage and protect the Ramsar wetlands of the Ngarrindjeri region, in accordance with the Ramsar Convention and the Wetlands Act 1999 (SA).

2. The purpose of this SOC is to ensure that the Ramsar wetlands are managed in a way that is consistent with the objectives of the Ramsar Convention and the Wetlands Act 1999 (SA). It also sets out the roles and responsibilities of the NRA and the P&S Group in the management and protection of the wetlands.

3. This SOC is a legal document and is binding on the parties to it.

4. This SOC is made in accordance with the provisions of the Wetlands Act 1999 (SA).

5. The parties to this SOC are the Ngarrindjeri Regional Authority Inc. (NRA) and the Partnerships and Stewardship Group, Department of Environment, Water and Natural Resources (P&S Group). The NRA is a local government body established under the Local Government Act 1993 (SA). The P&S Group is a government body established under the Environment, Water and Natural Resources Act 2004 (SA).

6. The Ramsar wetlands of the Ngarrindjeri region are of international importance and are listed on the Ramsar Convention List of Wetlands of International Importance. The wetlands are located in the Ngarrindjeri region, in the south-eastern part of South Australia. The wetlands are of international importance because they support a wide range of biodiversity, including many species of birds, fish, and plants. The wetlands are also of international importance because they provide a range of ecosystem services, including water purification, flood protection, and carbon sequestration.

## 1. Guiding Principle

The land and waters is a living body.  
We the Ngarrindjeri people are part of its existence.  
The land and waters must be healthy for the Ngarrindjeri to be healthy.  
(Tom Trevorrow, Ngarrindjeri Elder, 2002)

Ngarrindjeri have a unique philosophy regarding the connectivity of country / body / spirit (Ruwe/Ruwar - country / body / spirit). Ngarrindjeri Ruwe/Ruwar frames Ngarrindjeri rights and responsibilities as traditional owners and is centred on an understanding that all things are connected. As such, Ngarrindjeri view cultural heritage and natural resource management as inseparable.

Ngarrindjeri have a long-term aspiration to be centrally involved in development, planning and implementation of natural resources management in their traditional lands and waters. These aspirations have been acknowledged by the South Australian Government in the *Kungun Ngarrindjeri Yunnan Agreement* (KNYA), 2009. These aspirations are also aligned with the State's responsibilities under Ramsar Conference of the Parties Resolutions (VIII.19, and IX.21) to take cultural values into account for the effective management of Ramsar sites.

The Parties acknowledge that Ngarrindjeri hold a depth of Cultural Knowledge and understanding of their traditional lands and that Ngarrindjeri custodianship has shaped the regions ecological character over thousands of years. The Parties acknowledge the critical importance of a strong partnership for the effective review of the current Coorong and Lakes Alexandrina and Albert Ramsar site's Ecological Character Description (ECD) and development of the site's associated management plans and their implementation. This Statement of Commitment (SCO) establishes an equitable framework to support engagement with Ngarrindjeri in the review of the ECD.

## 2. Overview

### 2.1 Ecological Character Description

Ecological character is the combination of the ecosystem components, processes, benefits and services that characterise a wetland at a given point in time (Ramsar Convention 2005a, Resolution IX.1 Annex A). Changes to the ecological character of the wetland outside natural variations may signal that uses of the site or externally derived impacts on the site are unsustainable and may lead to the degradation of natural processes, and thus the ultimate breakdown of the ecological, biological and hydrological functioning of the wetland (Ramsar Convention 1996, Resolution VI.1).

As part of the Ramsar Convention, contracting parties are expected to manage their Ramsar sites so as to maintain the ecological character of each site, and remain informed of any changes to the ecological character of Ramsar sites. The Ecological Character Description of a wetland provides the baseline description of the wetland at a given point in time and can be used to assess changes in the ecological character of these sites. A National Framework titled '*Describing Ecological Character of Ramsar Wetlands, 2005*' has been developed to establish a standard method for describing ecological character for wetlands in Australia.

### *Coorong and Lakes Alexandrina and Albert ECD*

The current Coorong and Lakes Alexandrina and Albert ECD Report (ECDR) was finalised in 2006 by Phillips and Muller. The Department of Environment, Water and Natural Resources (DEWNR) is currently reviewing the ECD as part of the Coorong and Lower Lakes (CLLMM) Recovery Project. DEWNR is required to submit a draft ECDR to the Department of Sustainability, Environment, Water, Populations and Communities (DSEWPaC) by the end of 2014/15. DSEWPaC is responsible for the finalisation of the ECDR by the end of 2015/16. The current timetable for the review is summarised in the table below.

| Year                | Outputs   |
|---------------------|---|
| 2011/12<br>(Year 1) | <ul style="list-style-type: none"> <li>• Evaluation of current ECDR with ECD guidelines</li> <li>• Review of existing data for the site and implications for ECD</li> <li>• Development of the Limits of Acceptable Change (LAC) and metrics for the site</li> <li>• Ecosystem Services preliminary method identification</li> <li>• Development of a draft outline of updated ECD Report</li> </ul>  |
| 2012/13<br>(Year 2) | <ul style="list-style-type: none"> <li>• Review of existing data for the site, access requirements and implications for ECD</li> <li>• Continued development of LAC and metrics for the site</li> <li>• Preliminary list of potential ecosystem services for ECD</li> </ul>   |
| 2013/14<br>(Year 3) | <ul style="list-style-type: none"> <li>• Engagement with DSEWPaC for update requirements of ECD and CLLMM community via the CAP and Ngarrindjeri via this SOC for draft ECD content</li> <li>• Refinement of the ECD outline/contents page</li> <li>• Initiate ECD Report content development</li> <li>• Develop a statement of commitment with NRA for review of ECD Report content and development of cultural character element</li> </ul>   |
| 2014/15<br>(Year 4) | <ul style="list-style-type: none"> <li>• Development of final LAC and management triggers for inclusion in draft ECD Report</li> <li>• Draft development of Monitoring Framework (i.e. monitoring needs for ecological character – which is separate to the Monitoring Framework developed for the Monitoring project element)</li> <li>• Draft of updated ECD Report provided to DSEWPaC following internal consultation</li> <li>• Incorporation of cultural character information</li> </ul> |
| 2015/16<br>(Year 5) | <ul style="list-style-type: none"> <li>• Development of the final Monitoring Framework (using LAC and updated ECD) as a recommended framework for the monitoring and management of the site</li> <li>• Draft of updated ECD Report provided to DSEWPaC following internal consultation</li> <li>• Submission of final updated ECD Report</li> </ul>   |

## **2.2 Ngarrindjeri engagement**

Ngarrindjeri engagement in this SOC is underpinned by a series of aligned contractual arrangements that are further informed by Ramsar Guidelines. These are described below.

The KNYA establishes a consultation and negotiation framework between the State and Ngarrindjeri Regional Authority (NRA). DEWNR acts as the lead agency for the State in consulting with Ngarrindjeri in regard to the CLLMM Recovery Project and broader Departmental business.

The KNYA commits DEWNR to support the participation of Ngarrindjeri in CLLMM Recovery Project activities and ensuring cultural values are integral to future planning and management of the CLLMM region. DEWNR and NRA recognised the importance of Ngarrindjeri involvement in the review of the ECD and development of the ECDR and have sought to establish an equitable, appropriate and transparent process to ensure that involvement. The Parties resolved to establish the Ngarrindjeri ECD Working Group (hereafter referred to as the Working Group) to coordinate Ngarrindjeri engagement. The first meeting of the group occurred on the 16th of April 2013 and it was resolved at this meeting to develop this Statement of Commitment to guide the way the two Parties will work together.

In 2012 DEWNR and the NRA entered into the long-term CLLMM Ngarrindjeri Partnerships Project funding and service agreement (the 'Agreement'). NRA's participation in the review of the ECDR is supported by this Agreement. The Agreement contains contractual clauses for the protection and management of Ngarrindjeri Cultural Knowledge that is appropriately shared, used or divulged in respect of the Ngarrindjeri Partnerships Project, this SOC and the ECDR development. DEWNR has developed a procedure for officers engaging Ngarrindjeri as part of the CLLMM Recovery Project in respect of Cultural Knowledge to assist them to comply with the requirements of the Agreement.

Ramsar has official guidelines for establishing and strengthening Indigenous people's participation in the management of wetlands (Ramsar COP Resolutions VIII.19, and IX.21). The guidelines create a framework for Ramsar States to enable Indigenous people to contribute to developing effective management arrangements, that contribute significantly to effective conservation as well as contributing to community well-being and more equitable access to resources.

### **2.3 Purpose**

This SOC between DEWNR and the NRA establishes an agreed process to involve Ngarrindjeri in the review of the ECD and development of the ECDR. The SOC intends to support the integration of Ngarrindjeri values, perspectives, and philosophies into the ECDR as per the relevant Ramsar Resolutions (VIII.19, and IX.21). This approach aims to better acknowledge and value Ngarrindjeri and respect their Traditional Ownership and customary rights and responsibilities to care for country. The SOC also aims to influence the process of ECD and its inherent western scientific approach of removing people from place.

The SOC outlines a range of aspirations, principles, objectives and actions that NRA and DEWNR will utilise to support participation of Ngarrindjeri in the ECD review. The document establishes mutual intentions for the period of the development and review of the ECD. It is not intended to give rise to any enforceable rights or binding obligations on the part of either NRA or DEWNR. The SOC does not commit funding provision. Ngarrindjeri participation in this SOC, Working Group and related planning is to be reported against the Ngarrindjeri Partnerships Project. Ngarrindjeri participation in this SOC has been incorporated into long-term delivery of the CLLMM Ngarrindjeri Partnerships Project.

The SOC supports DEWNR in implementing a range of DEWNR Corporate Plan 2012-14 Priorities (1a, 1b, 1g, 2b, and 2c) and targets under the South Australian Strategic Plan 2011 (69, 72, 44 and 28). The SOC also supports DEWNR implementing the intent of the KNYA through the integration of Ngarrindjeri cultural values into natural resource management planning in the Ngarrindjeri region.

This SOC does not affect any Native Title rights and interests of the Ngarrindjeri People.

## 2.4 Definitions and Interpretations

- 2.4.1 **Caring for country** is a phrase used by Aboriginal people including the Ngarrindjeri to describe the critical importance of looking after their relationships with their traditional lands.
- 2.4.2 **CLLMM Recovery Project** means Coorong, Lower Lakes and Murray Mouth Program, funded under the Murray Futures Program.
- 2.4.3 **CLLMM Region** means the land and waters within and surrounding the Coorong, Lower Lakes and Murray Mouth.
- 2.4.4 **Cultural Knowledge** means all and any cultural knowledge, whether such knowledge has been disclosed or remains undisclosed by the Aboriginal people represented by the Ngarrindjeri, including but not limited to:
- a. Traditions, observances, customs and beliefs
  - b. Songs, music, dances, stories, ceremonies, symbols, narratives and designs
  - c. Languages
  - d. Spiritual knowledge
  - e. Traditional economies and resources management
  - f. Scientific, spatial, agricultural, technical, biological and ecological knowledge;

And includes the manifestation of such Cultural Knowledge in documentation and other forms of media arising therefrom including but not limited to archives, films, photographs, videotape or audiotape, subject to any intellectual property rights owned by third parties in any such manifestation.

- 2.4.5 **Cultural Landscape** means the way in which the CLLMM region has been shaped by Ngarrindjeri custodianship and also includes Ngarrindjeri spiritual beliefs on the formation and shaping of the region by Ancestral beings.
- 2.4.6 **DEWNR** means Department of Environment, Water and Natural Resources.
- 2.4.7 **ECD** means Ecological Character Description and is a process of documenting the ecosystem components, processes, benefits and services that characterise a Ramsar wetland at a given point in time.
- 2.4.8 **Ecosystem services** means the wellbeing, life ways and livelihoods humans derive from resources and processes that are supplied by natural environments.
- 2.4.9 **Funding and Service Agreement** means the agreement on funding and service arrangements executed by the Minister for Sustainability, Environment and Conservation and NRA, Ngarrindjeri Heritage Committee and Ngarrindjeri Native Title

- Management Committee and Ngarrindjeri Tendi Incorporated for and on behalf of the Ngarrindjeri on 2 April 2012.
- 2.4.10 KNYA** means (whole of government) Kungun Ngarrindjeri Yunnan Agreement (listening to Ngarrindjeri people speaking) executed between SA Government and Ngarrindjeri Tendi Inc. Ngarrindjeri Heritage Committee Inc and Ngarrindjeri Native Title Management Committee for and on behalf of the Ngarrindjeri on 5 June 2009.
- 2.4.11 Ngarrindjeri Partnerships Project** means the CLLMM Program funded project to support Ngarrindjeri participation and core capacity development.
- 2.4.12 NRA** means Ngarrindjeri Regional Authority Inc.
- 2.4.13 Parties** means the entities listed at clause 2.5.
- 2.4.14 Ramsar** means The Convention on Wetlands of International Importance (Ramsar Convention) and is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
- 2.4.15 Ruwe/Ruwar** means country, body and spirit.
- 2.4.16 Statement of Commitment (SOC)** means this document.
- 2.4.17 Working Group** means the Ngarrindjeri Vegetation Management Plan Working Group with representatives from Ngarrindjeri and CLLMM Program.
- 2.4.18 Yarlular–Ruwe** means Ngarrindjeri sea country.

## 2.5 Parties

The Parties to this SOC are the:

- Ngarrindjeri Regional Authority Incorporated ('NRA')
- Major Projects Branch, Department of Environment, Water and Natural Resources (DEWNR)

### 2.5.1 Parties Representatives

- NRA is represented by Clyde Rigney and Barry Lincoln and Co-Directors of the NRA Research Policy and Planning Unit (RPPU) based at Flinders University, Daryle Rigney and Steve Hemming.
- Major Projects Branch is represented by Jason Higham, Lachlan Sutherland and nominated DEWNR representatives.

## 2.6 Geographic Scope

- 2.6.1** The geographic extent of the SOC will cover the area identified and known as the Ngarrindjeri and Others Native Title Claim area.
- 2.6.2** The geographic extent of the ECD is the boundary of the Ramsar site.

### 3. Ngarrindjeri and SA Government Strategic Platform

A number of strategies and agreements underpin the SOC including:

- 1998, Ngarrindjeri perspectives on Ramsar Issues: Ngarrindjeri / Ramsar Working Group report.
- 2002, The Murray Mouth – Exploring the implications of closure or restricted flow.
- 2006, Ngarrindjeri Yarluwar-Ruwe Plan.
- 2006, Coorong and Lakes Albert and Alexandrina Ecological Character Description Report.
- 2006-2007, The Lower Lakes, Coorong and Murray Mouth Icon Site Environmental Management Plan.
- 2008, Ngarrindjeri Regional Partnership Agreement ('NRPA').
- 2009, (Whole of Government) Kungun Ngarrindjeri Yunnan Agreement (KNYA) (NRA and South Australian Government).
- 2009, CLLMM Long Term Plan Business Case: Ngarrindjeri Partnerships component.
- 2012, CLLMM Ngarrindjeri Partnerships Funding and Service Agreement.

### 4. Principles

The Ngarrindjeri people have occupied, enjoyed, managed and used their inherited lands and waters within the area of the River Murray, Lower Lakes, Coorong and adjacent areas since creation. Creation stories and oral traditions have been passed down from generation to generation and with them a detailed knowledge of *Yarluwar-Ruwe* (sea country).

Ngarrindjeri have a unique philosophy regarding the connectivity of country / body / spirit. Ngarrindjeri Ruwe/Ruwar (country / body / spirit) concerns Ngarrindjeri rights and responsibilities as traditional owners and consideration that all things are connected. Ngarrindjeri also see their homelands as a cultural landscape, shaped during the creation by Ancestral beings and by the management of Ngarrindjeri as custodians of the land. Ngarrindjeri oral histories document changes in the ecological character of the region over millennia and their traditional ecological knowledge of the Ramsar site, including connectivity with the surrounding lands is deep.

Ngarrindjeri had limited participation in the listing of the Coorong and Lakes Albert and Alexandrina Ramsar site, and the ensuing review of the site's ecological character, development of ECDR's, and development of associated management planning. This has partly been due to inappropriate engagement and consultation methodologies. Ngarrindjeri desire to establish new ways of working in partnership with the South Australian Government to ensure their cultural values and perspectives are respectfully, equitably and appropriately integrated into the management of the Ramsar site.

The Parties acknowledge that Ngarrindjeri have interests that extend beyond the Ramsar boundary and that Ngarrindjeri participation in the ECD process is being undertaken as part of a holistic Ngarrindjeri approach as described in the Ngarrindjeri Yarluwar-Ruwe Plan, 2006.

Ngarrindjeri philosophies give rise to the following principles that will guide this SOC:

1. Respectful processes, time and support to Ngarrindjeri to care for country (that means caring for people, past, present and future).
2. The ECD review and development of the ECDR accommodates Ngarrindjeri Ruwe / Ruwar – (country/body/spirit).
3. Cultural Knowledge and intellectual property is protected across Ngarrindjeri engagements with government and research organisations.
4. Ngarrindjeri cultural values integral to all planning and future management arrangements.
5. Active Ngarrindjeri participation in planning and future management arrangements through employment, education and training opportunities.

## **5. Outcomes and Activities**

The key outcomes of this SOC include:

1. NRA, and its Research, Policy and Planning Unit (NRA RPPU), develop a long-term Ngarrindjeri strategy for engagement with the Ramsar site that incorporates the deep cultural knowledge associated with the 'Meeting of the Waters' into an Ngarrindjeri character description.
2. Ngarrindjeri character description to accompany the ECDR.
3. Integration of Ngarrindjeri Ruwe/Ruwar philosophy into the ECDR – this includes the integration of Ngarrindjeri Creation stories and 'cultural landscape' perspectives into the ECDR where appropriate.
4. Collaborative case study regarding the character of the registered 'Meeting of the Waters' site that brings together both Ngarrindjeri and western science perspectives and observations.
5. A description of the services the Ramsar site provides to Ngarrindjeri for inclusion in the ECDR (likely to be covered by other points above).
6. Inclusion of Ngarrindjeri perspectives of changes to the character of their lands and waters since Ramsar listing that also incorporates changes since colonisation.
7. Recognition of Ngarrindjeri language and naming where appropriate.

The Outcomes listed above will be achieved through the implementation of the Activities provided below. (See Attachment 1 for tasks under each activity).

Activities:

1. Development of a stand alone Ngarrindjeri report to accompany the ECDR – the content, methodology and style of this report will be developed by the NRA and its Research, Policy and Planning Unit (NRA RPPU).
2. NRA report on identifying Ramsar Resolutions, guidelines, and other relevant strategies or reports aimed at representing / maintaining Ngarrindjeri cultural values
3. Meetings between NRA, DEWNR and DSEWPaC to discuss the integration of Ramsar Resolutions related to cultural values and Ngarrindjeri perspectives in the ECD review and development of the draft ECDR
4. NRA and DEWNR review of the draft ECDR layout to clarify where Ngarrindjeri related input will be best placed.
5. NRA determine appropriate creation stories and co-naming protocols for DEWNR's inclusion in the draft ECDR.



6. Series of workshops between NRA, and its RPPU and relevant western scientists to develop a collaborative statement regarding the cultural and ecological character of the registered 'Meeting of the Waters' site.
7. NRA provision of content to the draft ECDR as agreed in the review process at 5, as well as considering additional inputs in agreement with DEWNR.
8. Promoting NRA and DEWNR engagement in the ECD review process and this SOC, to relevant State and Commonwealth organisations.

## **6. Working Relationship**

The Parties to this SOC have formed the Working Group including representatives from the Ngarrindjeri Regional Authority, NRA Research, Policy and Planning Unit (NRA RPPU) and Major Projects Branch, DEWNR. The role of the Working Group is to oversee the implementation of this SOC and to ensure the intended outcomes and activities are mutually achieved.

The Working Group does not have the authority to amend the National Framework '*Describing Ecological Character of Ramsar Wetlands, 2005*' but will facilitate discussions between NRA and DSEWPaC regarding how this framework can better accommodate Aboriginal interests and perspectives. The Working Group will contribute to the review of ECD and the development of the draft ECDR but acknowledge that DSEWPaC holds the authority to approve the final ECDR.

The Working Group will give consideration to matters of Ramsar site management, but the Parties acknowledge that at present, the ECDR is a separate process to the development of the Ramsar Site Management Plan. The Working Group's primary focus is the ECD review and the ECDR.

The Working Group will:

- Jointly develop and commit on baseline principles, actions and outcomes that can be reported against for the duration of this SOC;
- Meet monthly (or otherwise agreed) to assist in the implementation, management and monitoring of activities under this SOC;
- Be responsible for the implementation of the activities specified in this SOC;
- Agree on any additional activities required for partnership in planning;
- Monitor and evaluate progress against the activities specified in this SOC and any new activities developed; and,
- Table Working Group reports to KNYA Taskforce meetings.

The DEWNR Aboriginal Partnerships Coordinator will facilitate the Working Group meetings and provide support to the DEWNR Restoration program team in preparations for meetings. DEWNR and the NRA will rotate minute taking responsibilities.

## **7. Ngarrindjeri research and consultation processes**

NRA representatives on the Working Group will undertake consultation and research into matters relevant to this SOC with the Ngarrindjeri Yarlumar-Ruwe (NY-R) Program and if relevant, broader Ngarrindjeri community. The NY-R Program will be responsible for endorsing Ngarrindjeri input to the ECDR before it comes to the Working Group.

This research and consultations will occur as required and may require flexibility in timing given cultural protocols and the availability of the right people. It is understood that Cultural Knowledge and the reasons behind specific Ngarrindjeri decisions may not be divulged but the outcomes will be incorporated into the planning process.

#### **8. Duration of Statement of Commitment**

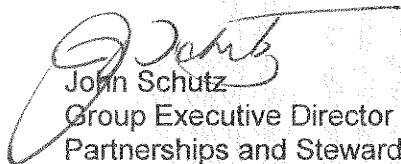
This SOC commences on the date of signing by all Parties and will continue for the duration of the ECD review (June 2016) or until the Parties agree to terminate the SOC or prepare another document that replaces this SOC.

This Statement of Commitment was made on Thursday the 1st of May 2014

Signed for and on behalf of the PARTIES



Mr Tim Hartman  
Chairperson  
Ngarrindjeri Regional Authority Inc.



John Schutz  
Group Executive Director  
Partnerships and Stewardship  
Department of Environment, Water and Natural Resources

### Ramsar ECD Statement of Commitment Activity Plan

| Activity  | Sub-Activities   | Due date        |
|---|--|-----------------|
| 1. NRA report identifying Ramsar Resolutions, guidelines, and other relevant strategies or reports aimed at representing / maintaining Ngarrindjeri cultural values.                                      | 1.1 Literature review of resolutions, guidelines and other relevant strategies   | October 2013    |
|   | 1.2 Draft report outlining relevant resolutions, guidelines and other relevant strategies.   | November 2013   |
|   | 1.3 Finalise report  | 31 Dec 2013     |
| 2. Meetings between NRA, DEWNR and DSEWPaC to discuss the integration of Ramsar Resolutions related to cultural values and Ngarrindjeri perspectives in the ECD review and development of the draft ECDR. | 2.1 Prepare background and specific questions for DSEWPaC consideration and comment and obtain NY-R endorsement (to include scope relating to current Ngarrindjeri engagement and proposed ARC partnership). | 31 Dec 2013     |
|   | 2.2 Confirm agreement on the terms of meeting and undertake meeting in Canberra  | Jan to Mar 2014 |
| 3. NRA and DEWNR review of the draft ECDR layout to clarify where Ngarrindjeri related input will be best placed.   | 3.1 DEWNR provision of draft ECDR layout to the NRA through ECD Working Group.   | 30 May 2014     |
|   | 3.2 Joint review of layout at following ECD Working Group meeting and identify where related Ngarrindjeri input will be placed.  | 30 Jun 2014     |
| 4. NRA advice to DEWNR on appropriate creation stories and co-naming protocols for inclusion in the draft ECDR.   | 4.1 Ngarrindjeri Yarluwar-Ruwe Program group discuss appropriate creation stories and co-naming protocols for the draft ECDR.  | 31 Mar 2014     |

|  |  |   |             |
|--|--|---|-------------|
|  |  | 4.2 NRA clarify creation stories and co-naming protocols to DEVNR in writing.           | 30 Jun 2014 |
| 5. Series of workshops between Ngarrindjeri and relevant western scientists to develop a collaborative statement regarding the cultural and ecological character of the registered 'Meeting of the Waters' site. |  | 5.1 Ngarrindjeri endorsement of concept in writing to DEVNR.                            | 31 Dec 2013 |
|  |  | 5.2 Initiation meeting to scope how the statement will be developed, personnel, timing. | 30 Jun 2014 |
|  |  | 5.3 Engagement of relevant personnel.   | 2014/15     |
|  |  | 5.4 Two workshops.  | 2014/15     |
|  |  | 5.5 Collaborative statement drafted.  | 30 Jun 2015 |
| 6. Development of a standalone Ngarrindjeri report to accompany the ECDR.  |  | Scope content and direction with NYR and agree on methodologies to develop.             | 30 Jun 2014 |
|  |  | Draft content for report  | 31 Dec 2014 |
|  |  | Endorsement process and finalise report   | 30 Jun 2015 |
| 7. NRA provision of content to the draft ECDR as agreed in the review process at 3, as well considering additional inputs in agreement with DEVNR.   |  | Scope content with NYR and agree on methodologies to develop.                           | 30 Jun 2014 |
|  |  | Draft content and insert into draft ECDR  | 31 Dec 2014 |
|  |  | DEVNR review and endorsement process and finalise input.                                | 30 Jun 2015 |



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### TREATY FOR THE REPATRIATION OF HUMAN REMAINS OF NGARRINDJERI PEOPLE

THIS TREATY IS MADE ON THE                      DAY OF                      2023.

BETWEEN:

**THE NGARRINDJERI PEOPLE, THROUGH THEIR REPRESENTATIVE BODY, THE  
NGARRINDJERI REGIONAL AUTHORITY INC. ( 'NGARRINDJERI PEOPLE' )**

-and-

**CROWN IN THE RIGHT OF THE STATE OF SOUTH AUSTRALIA REPRESENTED BY  
THE ATTORNEY GENERAL FOR THE STATE OF SOUTH AUSTRALIA AND THE  
MINISTER FOR ABORIGINAL AFFAIRS AND RECONCILIATION ( 'THE STATE OF  
SOUTH AUSTRALIA' )**

Whereas:

1. The Ngarrindjeri People have lived on, used, occupied, and governed their traditional land, water, and sky in accordance with their own laws since time immemorial, including the period the State was established as a British province until now.
2. The Ngarrindjeri People, like all Aboriginal and Torres Strait Islander People in Australia, have a collective right to self-determination, to freely pursue their economic, social, and cultural development, and to continue to use, occupy and govern their traditional land, water, and sky.
3. The Ngarrindjeri People recognise that certain Aboriginal rights in South Australia are from time to time protected under the law of the State, including the *Native Title (South Australia) Act 1994* (SA), the *Aboriginal Heritage Act 1998* (SA) and the *Aboriginal Land Trusts Act, 2013* (SA).
4. The Ngarrindjeri People desire to return to a state where they take collective responsibility for the care, administration, maintenance and development of their traditional land, water, and sky, whether such exist on a political, cultural, spiritual, or economic form.
5. The State of South Australia acknowledges that the Ngarrindjeri People have suffered harm, loss and trauma in relation to their rights, culture and country as

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- a direct result of government policy, law and practice, including the taking of land from Ngarrindjeri without consent, the forceful removal of and control over Ngarrindjeri People, the removal of children from their Ngarrindjeri family, and other harmful practices, which has resulted in the Ngarrindjeri being traumatised and diminished.
6. The State acknowledges that the taking of land from Ngarrindjeri was contrary to the recognition of an estate of Aboriginal land in the *Letters Patent* dated 19 February 1836, and that this contravention has directly, and continues to, affect access of Ngarrindjeri to their land, water, and sky.
  7. On 5 June 2009 the State of South Australia and the Ngarrindjeri People entered into a Kungun Ngarrindjeri Yunnan (Listening to Ngarrindjeri People Speaking) Agreement as a formal step to articulate the relationship they wish to create between them for the future benefits of both the State of South Australia and the Ngarrindjeri People and to formalise the basis for future interactions between them based upon respect and better understanding of each of their respective positions.
  8. The State of South Australia acknowledges its responsibility, and those of past governments, in exercising its sovereign rights in a manner which has limited, undermined, or disadvantaged, Ngarrindjeri People, and it wishes to express its deep sorrow and regret for what has occurred, and the State of South Australia unreservedly apologises for the harm, loss and trauma which occurred as a result.
  9. The State of South Australia pledges to overcome these issues by committing to act, legislate and govern into the future in a way that contributes to ensuring that Ngarrindjeri may participate fully in the economic, political, cultural, and social life of South Australia while maintaining respect for, and not limiting their freedom to participate fully in their own identity, culture, and life.
  10. The State of South Australia and the Ngarrindjeri rely on this Treaty as the foundation for an ongoing, relationship between them, which acknowledges the truth of history by working to ensure that Ngarrindjeri may participate fully in the economic, political, cultural, and social life of South Australia while maintaining respect for and freedom to participate fully in their own identifying, organising and acting as a nation of people.
  11. The Parties acknowledge that providing for the Ngarrindjeri People to fully participate in the economic, political, cultural, and social life of South Australia while promoting, caring for and respecting rights, responsibilities, traditional



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lands, culture, and Ngarrindjeri identity will positively contribute to the vibrancy and richness of Australian society and culture generally.

12. The Parties commit to moving forward into the future with a harmonious and cooperative nation-to-nation relationship based on the principles of truth, respect, justice, honour, reconciliation, non-discrimination, and good faith.
13. The Parties agree to enter treaty negotiations from time to time relating to agreed subject matter pertinent to their relationship, in the case of this treaty the subject matter shall be the repatriation of human remains of the Ngarrindjeri People.

The State of South Australia and the Ngarrindjeri People have proceeded to negotiate a treaty, and the same has finally been agreed upon and concluded, as follows, that is to say:-

### **1. NATURE OF TREATY**

- 1.1 This instrument is a Treaty, and each Party recognises it constitutes a legal binding document.
- 1.2 The Parties are entitled to rely on the terms of this Treaty.
- 1.3 Each Party acknowledges that it has the authority and capacity to enter into this Treaty.

### **2. LEGAL OBLIGATIONS**

- 2.1 Both Parties must act in a manner consistent with the principles and clauses of this Treaty.
- 2.2 The State must obtain informed consent from Ngarrindjeri prior to the passing any legislation which relates to the subject matter of this Treaty, namely, the repatriation of human remains of the Ngarrindjeri People.
- 2.3 If an act is not consistent with the principles and clauses of this Treaty such act constitutes non-performance of this Treaty.
- 2.4 A Party will remedy any non-performance of this Treaty by immediately upon becoming aware of such non-performance taking such further acts required to enable it to comply with and perform the principles and clauses of this Treaty.

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- 2.5 A breach of the principles or clauses of this Treaty by either Party does not relieve either Party from its obligations and commitments under this Treaty.

### **3. OTHER RIGHTS AND BENEFITS**

- 3.1 Nothing in this Treaty shall affect the rights and benefits of individual members of the Ngarrindjeri People which they are otherwise entitled to as Australian citizens.
- 3.2 Nothing in this Treaty shall affect or diminish the rights of any other Aboriginal or Torres Strait Islander Peoples within Australia.

### **4. REPATRIATION OF HUMAN REMAINS OF THE NGARRINDJERI PEOPLE**

- 4.1 The State of South Australia acknowledges that human remains of Ngarrindjeri People whether buried prior to the settlement of South Australia, or buried after the settlement of South Australia, and have been distributed, either directly or indirectly, by the State of South Australia to museums or academic collections across the world.
- 4.2 The State of South Australia further acknowledges that human remains of Ngarrindjeri People who had not been buried but had died in public institutions, such as hospitals, mental health facilities, or such other institutions, were not always buried but their human remains were used as scientific specimens, displays or artefacts by the State of South Australia, or distributed, either directly or indirectly, by the State of South Australia to museums or academic collections across the world.
- 4.3 The State of South Australia is ashamed that such acts occurred and wishes to make amends to the Ngarrindjeri People, and as a display of its commitment to peaceful relations with the Ngarrindjeri People, and to demonstrate its present understanding of the magnitude of the impact of its past acts, it will:
- 4.3.1 ensure that all human remains of the Ngarrindjeri People taken from their burial place, whether by the State of South Australia or not, shall be returned to their burial sites and it shall to the fullest extent support the re-burial of the human remains by the Ngarrindjeri People. If there is no access to the burial site, or the records are not sufficient to identify its location, then the re-burial

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- of the human remains shall occur at a location determined by Ngarrindjeri, being, where the location is known, as close as possible to that location, and where the location is not known, at a place consistent with the traditional laws of the Ngarrindjeri People. The State of South Australia shall use its best endeavours to make available, including by the purchase of lands, any burial place for which human remains of Ngarrindjeri People should be reburied.
- 4.3.2 ensure that all human remains of the Ngarrindjeri People that died in public institutions and have not been buried shall be buried and it shall to the fullest extent support the burying of such human remains by the Ngarrindjeri People. The burial of those human remains of the Ngarrindjeri People shall be buried with dignity and consistently with the traditional laws of the Ngarrindjeri People as stated by them. The State of South Australia shall use its best endeavours to make available, including by the purchase of lands, any burial place for which human remains of Ngarrindjeri People should be buried.
- 4.3.3 create a new form of tenure under the lands title system for the locations of the places where re-burial of human remains occurs by virtue of this Treaty, such title to be issued to and held by the Ngarrindjeri People, and thereafter, to instigate a program for the issue of such titles for all known or newly discovered burial sites of Ngarrindjeri People. The new form of perpetual title referred to in this paragraph shall not be the subject to any form of future grant or permit, acquisition, or resumption by the State of South Australia by or through any legislative, executive, or judicial act.
- 4.3.4 participate and contribute to a working group to further understand and respond to issues relating to re-burial of human remains of the Ngarrindjeri People which do not form part of the preceding sub-paragraphs of this paragraph.
- 4.3.5 provide financial and other support to fulfil the commitments it has made by virtue of this Treaty, including to the Ngarrindjeri People to implement, deliver and administrate such matters, and any related and ancillary activities of such matters.
- 4.4. The State of South Australia commits to a program of truth-telling and education in South Australia to ensure that the public is made fully aware

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of the taking of human remains of Ngarrindjeri People and the impacts and consequences of those actions upon their health and well-being.

- 4.5 The State of South Australia undertakes to legislate, act, and govern in such a way that protects, fosters, and promotes the best outcomes attainable to achieve its commitments to the Ngarrindjeri People as articulated in this Treaty.

### **5. NO OTHER EFFECT**

- 5.1 Except as expressly stated in this Treaty, there shall arise no other effect upon any existing responsibilities or obligations of the State of South Australia, or upon any right, interest, or responsibility of the Ngarrindjeri People.
- 5.2 All agreements, arrangements, or understanding entered into by the State of South Australia and the Ngarrindjeri People, either directly or through any of their representative bodies, shall continue to operate and have effect notwithstanding this Treaty.

### **6. FURTHER TREATIES**

- 6.1 The State of South Australia and the Ngarrindjeri People are committed to identify other subject matter for negotiation and inclusion into further Treaties between them.
- 6.2 Either Party may from time to time propose such subject matter, and provided the Other Party wishes to proceed, commence such negotiations for further Treaties.

IN WITNESS WHEREOF, the Honourable Kyam Maher, Attorney General for the State of South Australia, and Minister of the Crown, appointed to negotiate the Treaty for the State of South Australia, and the Ngarrindjeri People through their representative body, the Ngarrindjeri Regional Authority Inc., hereby give their adhesion to the Treaty, having hereunder subscribed and set their hands at Adelaide, on this                    day of                   , 2023.

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THE COMMON SEAL of the **MINISTER FOR** )  
**ABORIGINAL AFFAIRS AND RECONCILIATION** )  
was hereunder affixed in the presence of: )

.....

Witness

Print Name:

THE COMMON SEAL of the **ATTORNEY GENERAL** )  
**OF THE STATE OF SOUTH AUSTRALIA** was )  
hereunder affixed in the presence of: )

.....

Witness

Print Name:

Signed on behalf of the **NGARRINDJERI REGIONAL** )  
**AUTHORITY INCORPORATED** for the ) .....  
**NGARRINDJERI PEOPLE** )

.....

Witness

Print Name: