

Aboriginal land and sea management literature and policy review

Summary report

Shaun Hooper¹ and Kate Brown¹

1. NSW Department of Climate Change, Energy, the Environment and Water



Version	Release history	Date
1.0	Initial release of document	5/6/2026



Australian Government

Natural Hazards Research Australia receives grant funding from the Australian Government

© Natural Hazards Research Australia, 2026

We acknowledge the traditional custodians across all the lands on which we live and work, and we pay our respects to Elders both past, present and emerging. We recognise that these lands and waters have always been places of teaching, research and learning.

All material in this document, except as identified below, is licensed under the Creative Commons Attribution-Non-Commercial 4.0 International Licence.

Material not licensed under the Creative Commons licence:

- Natural Hazards Research Australia logo
- Australian Government logo
- Any other logo
- All photographs
- All figures and graphics

All rights are reserved in content not licenced under the Creative Commons licence. Permission must be sought from the copyright owner to use this material.



Disclaimer:

NSW Department of Climate Change, Energy, the Environment and Water and Natural Hazards Research Australia advise that the information contained in this publication/material comprises general statements based on scientific research. The reader is advised and needs to be aware that such information may be incomplete or unable to be used in all circumstances. No reliance or actions must therefore be made on the information contained in this publication/material without seeking prior expert professional, scientific and/or technical advice. To the extent permitted by law, NSW Department of Climate Change, Energy, the Environment and Water and Natural Hazards Research Australia (including its employees and consultants) exclude all liability and responsibility for any consequences, including but not limited to all losses, damages, costs, expenses and any other compensation, arising directly or indirectly from using this publication/material (in part or in whole) and any information, material, omission, error or inaccuracy contained in it. NSW Department of Climate Change, Energy, the Environment and Water and Natural Hazards Research Australia (including its employees and consultants) make no representation or warranty as to the accuracy, completeness, or reliability of information contained in the publication/material. The information contained in the publication/material is only current at the date of publication. NSW Department of Climate Change, Energy, the Environment and Water and Natural Hazards Research Australia (including its employees and consultants) accept no responsibility to update any person regarding any inaccuracy, omission or change in information in the publication/material or other information made available to a person in connection with the publication/material. By accessing the publication/material you are confirming you have understood and accept the disclaimer as outlined above.

Publisher:

Natural Hazards Research Australia
 ISBN: 978-1-923057-56-2
 Report number: Natural Hazards Research Australia to add74.2026
 June 2026
 Cover: Kate Brown

Table of contents

Table of contents	2
Acknowledgments	3
Country	3
Contributors	3
Executive summary	4
Introduction	6
What is caring for Country?	8
Land, sea and sky country	8
Barriers to operationalising caring for Country	10
Differences in Aboriginal worldview	10
Lack of a genuine Aboriginal rights-based approach	11
UN Declaration on the Rights of Indigenous Peoples is a framework in Australia	12
Complexities and difficulties regarding land rights and native title	14
Insufficient recognition of the roles and rights of Aboriginal women	17
Loss of access to traditional food sources and knowledge	18
Challenges to implementing policies	18
Lack of genuine co-governance in caring for Country	19
References	20
Appendix 1: Fact sheets	21
Fact sheet: What is the Operationalising Aboriginal Land and Sea Management Project?	21
Fact sheet: Yarning Aboriginal land and sea management	22

Acknowledgments

Country

Natural Hazards Research Australia and the authors acknowledge the Country and the ongoing connection of the Traditional Custodians who, through Law/Lore, kinship and ceremonial practices care for the lands, seas and skies where we work and live. We pay our respects and gratitude to Elders past, present and emerging.

This resource may contain images or names of deceased persons in photographs or historical content.

Contributors

We would also like to acknowledge our gratitude for the contributors to this report who have dedicated themselves to truth telling and centring Aboriginal-led research in a cultural and respectful way to understand the barriers to, and ways forward for Aboriginal caring for Country in New South Wales:

- Aboriginal caring for Country practitioners who participated in the yarning research
- Aboriginal authors, especially women, who have published their lived experience caring for Country
- Aboriginal and non-Aboriginal peer reviewers
- The Department of Climate Change, Energy, the Environment and Water for supporting this project
- Donella Anderson – Nature Edit for editing with your head and your heart

Executive summary

There is an emerging awareness of the need to re-integrate Aboriginal customary practices, values and knowledge into environmental conservation and land management. This need for reintegration has become more urgent as broader environmental challenges grow in Australia. The call for inclusion acknowledges how Aboriginal people have taken care of their lands using sustainable customary practices which are deeply rooted in their cultural values.

At its core, Aboriginal land and sea management, referred to here as caring for Country, is Aboriginal people living and practising their culture. Caring for Country encompasses a rich tapestry of traditional values, Aboriginal science, knowledge and customary practices. It is a complex relational process between humans, the environment, the tangible and intangible worlds which span spatial and temporal planes set out through Aboriginal Law/Lore. From an Aboriginal understanding, the relationship between land, sea and sky is fundamental to Aboriginal worldviews, which are intertwined spiritual, cultural and ecological dimensions.

This summary document presents the key findings of the *Operationalising Aboriginal land and sea management* literature review. The project was funded by Natural Hazards Research Australia (the Centre) and delivered in partnership with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), working alongside Aboriginal communities and Aboriginal land and sea management (ALSM) practitioners across New South Wales (NSW).

The literature review was designed to provide a foundation for understanding the current state of Aboriginal land and sea management in NSW, including barriers, opportunities and systemic issues affecting its implementation at a landscape scale. It draws together a wide range of academic and grey literature, policy reviews and Aboriginal-led reports, with a focus on bringing Aboriginal voices and knowledge systems to the centre.

Key findings include:

- Caring for Country is not just environmental management – it is cultural, spiritual, ecological and relational, grounded in Aboriginal Law/Lore and obligations to Country.
- Caring for Country implementation is hindered by short-term funding, fragmented policy, lack of Aboriginal governance recognition, and systemic exclusion.
- Rights-based approaches are inconsistently applied. Symbolic recognition is common, but legal and political systems often fail to support genuine self-determination.
- Aboriginal knowledge systems, including traditional ecological knowledge, must be understood as dynamic, lived cultural practices.
- Aboriginal women’s leadership and cultural roles in caring for Country are undervalued in current policy and practice frameworks.
- There is strong support for co-designed, long-term solutions such as a NSW Aboriginal Ranger Program aligned with national policy and United Nations Declaration on the Rights of Indigenous Peoples principles.

This review calls for a shift to genuine partnerships that embed Aboriginal governance, rights and cultural knowledge at every level. The findings will inform the development of policy options, collaborative strategies and future research priorities to support Aboriginal-led caring for Country in NSW.

This report summarises the findings of a literature review which was undertaken to provide background to the *Operationalising Aboriginal land and sea management* project. The literature review will not be published as a separate report, however, key aspects are summarised here and are also included in the [Understanding barriers to caring for Country report](#) (Hooper and Brown, 2025).

The barriers to operationalising caring for Country include:

- contradictions between worldviews can lead to misunderstandings and ineffective management practices
- lack of a genuine rights-based approach leads to limited recognition and access to land and sea sites and their management strategies and policies, resulting in a loss of ability to conduct cultural practice
- the non-binding nature of the UN Declaration means that Aboriginal rights are not fully protected or enforced
- complexities in land tenure, rights and native title can prevent Aboriginal people from effectively managing their lands, seas and skies
- insufficient recognition of Aboriginal women's rights and roles excludes essential knowledge and practices from caring for Country discussion and implementation
- loss of access to cultural species erodes traditional knowledge transfer, governance systems and cultural resources (materials, sites)
- challenges in policy implementation can create practical obstacles to on the ground practices
- lack of genuine co-governance can lead to decisions that do not fully consider Aboriginal perspectives and needs.

Aboriginal people need to be able to carry out the cultural practices, rituals and ceremonies in Law/lore to ensure Country is healthy. There are many barriers to operationalising caring for Country. To lift these barriers, governments and Aboriginal people need to work together in a way that respects Aboriginal sovereignty and rights, promoting cultural maintenance and revitalising, and prioritising caring for Country.

Introduction

There is an emerging awareness of the need to re-integrate Aboriginal customary practices, values and knowledge into environmental conservation and land management. This need for reintegration has become more urgent as broader environmental challenges grow in Australia. The call for inclusion acknowledges how Aboriginal people have taken care of their lands using sustainable customary practices which are deeply rooted in their cultural values. Over many thousands of years, these practices have become integrated into Australia's natural cycles and are crucial to the health and resilience of Australia's ecosystems. Colonisation disrupted these cycles, which has had negative effects on Australia's ecological health.

The NSW Government acknowledges the rights of Aboriginal peoples, including their cultural identity and self-determination. The government also recognises Aboriginal peoples' role in managing land and biodiversity. Various inquiries and policies have stressed the significance of Aboriginal land and sea management and the importance of involving Aboriginal people in management.

However, Aboriginal people need to be able to carry out the cultural practices, rituals and ceremonies in Law/Lore to ensure Country is healthy. There are many barriers to operationalising Aboriginal land and sea management. To lift these barriers, governments and Aboriginal peoples need to work together in a way that respects Aboriginal sovereignty and rights, promotes cultural maintenance and revitalisation, and prioritises caring for Country.

To begin to address these barriers in NSW, the Cultural Science Team within the NSW Department of Climate Change, Energy, the Environment and Water conducted a research project called *Operationalising Aboriginal land and sea management*. The project aimed to answer two questions:

- What are Aboriginal practitioners' aspirations for land and sea management?
- What are the barriers to realising these aspirations?

Aboriginal land and sea management is a term used across Australia to describe Aboriginal practices related to natural resource management. During the yarns, the terminology used to describe Aboriginal land and sea management was discussed. The yarns suggest moving away from the technical and managerial connotations of this term and instead use **caring for Country**. In this summary report we use the term caring for Country.

The project worked closely with caring for Country practitioners, land management agencies and Aboriginal people to identify what caring for Country is, how best to implement it and how to scale it up across the landscape. Understanding how best to implement caring for Country is crucial for revitalising Aboriginal culture, improving conservation outcomes and creating socioeconomic benefits for Aboriginal people. It will also help us enhance policy responses to conservation and natural hazard issues and ultimately promote holistic and sustainable land management practices. These practices will benefit the environment, empower Aboriginal people and enable them to uphold their cultural obligations to Country.

This report summarises the findings of a literature review which was undertaken to provide background to the *Operationalising Aboriginal land and sea management* project. The literature review will not be published as a separate report, however, key aspects are summarised here and also included in the *Understanding barriers to caring for Country* report (Hooper and Brown, 2025). These reports serve as a foundation for discussions with caring for Country practitioners which aim to develop policy responses and strategies to operationalise caring for Country. Please note that references used in the literature have been removed from this summary to facilitate access and easy reading, but they are contained in the *Understanding barriers to caring for Country* report. References used in this summary are listed at the end of the document.

Several issues identified in the literature review require more specific treatment and will be addressed in separate papers produced during the project. This includes the [Understanding barriers to women caring for](#)

[Country](#) report (Brown, 2025), which celebrates Aboriginal women's contributions and responsibilities to care for Country. Other barriers that were identified by the project have not been specifically addressed due to project time constraints in the literature review.

What is caring for Country?

Every day around NSW Aboriginal people express their cultural practice through caring for Country. In recent years, there has been growing support to see these practices more widely implemented throughout our landscapes.

What is caring for Country?

At its core, caring for Country is Aboriginal people living and practising their culture.

Caring for Country encompasses a rich tapestry of traditional values, Aboriginal science, knowledge and customary practices. It is a complex relational process between humans, the environment, the tangible and intangible worlds which spans spatial and temporal planes set out through Aboriginal Law/Lore.

Caring for Country embodies Aboriginal customary practices and signifies a profound spiritual connection to the land and waters. Caring for Country should not be confused with natural resource management but should be seen as Aboriginal people living and practising their culture.

Caring for Country is deeply rooted in Aboriginal worldviews and practices, which view humans as part of nature rather than separate from it. This relational approach, encompassing land, sea and sky, involves a broad range of practices not limited to natural resource management. Caring for Country encompasses practical as well as spiritual, cultural and intergenerational elements that are embedded in Law/Lore, customs and ways of life. As such, caring for Country is much broader and deeper than just natural resource management. It is a multifaceted approach to environmental care through maintaining relationships, cultural maintenance, revitalisation and community wellbeing.

Caring for Country includes, but is by no means limited to, the following practices:

- Customary or cultural practice – Aboriginal cultural practices such as burning, ritual and ceremony, passing on knowledge, artistic expression and protecting significant places.
- Natural resource management – weed control, feral animal control, fire management, looking after biodiversity and water.
- Commercial and economic activities – vegetation rehabilitation, bush harvesting of plant foods and medicines for sale, pastoral activities, horticulture, art and craft, cultural ecotourism, working in parks, including co-managed parks and protected areas. Given the interrelated cultural practice to care for land, sea and sky Country in the Aboriginal worldview there are inevitable overlaps between concepts.

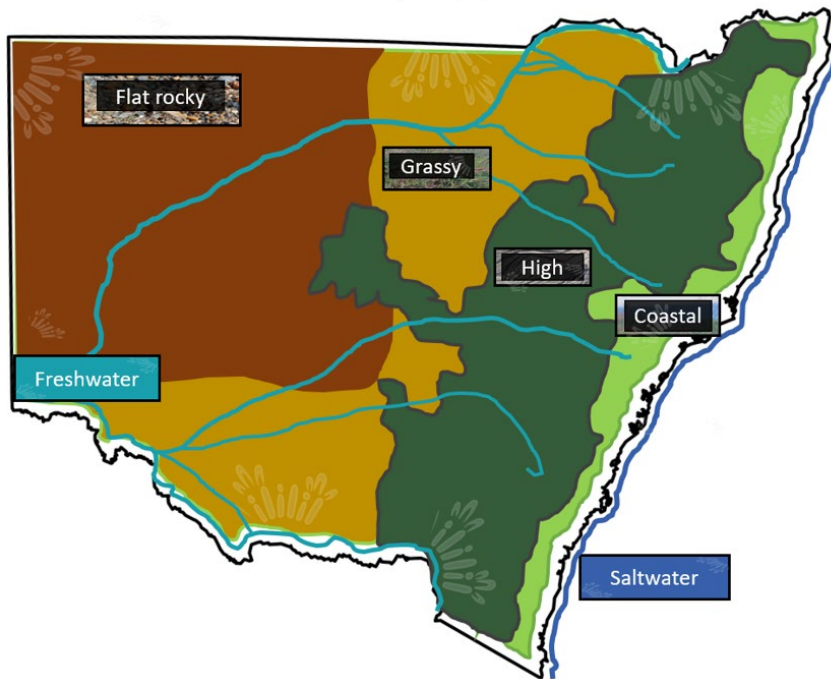
Land, sea and sky country

From an Aboriginal understanding, the relationship between land, sea and sky is fundamental to Aboriginal worldviews, which are intertwined spiritual, cultural and ecological dimensions.

The land is not merely a physical entity, but a living entity imbued with ancestral spirits and custodial responsibilities. The sea represents both a source of sustenance and a pathway for spiritual connection, embodying stories of creation and journeys of the Ancestors. The sky encompasses celestial bodies, weather patterns and the spiritual realm, linking the earthly and divine realms. Together, land, sea and sky form a holistic framework that guides Aboriginal peoples' spiritual practices, kinship systems and environmental stewardship, emphasising interconnectedness, reciprocity and respect for all living beings.

There is a rich diversity of Aboriginal land and sea management practices across NSW, varying depending on local Law/Lore, language and Country types. Aboriginal people in NSW can identify as either Saltwater (ocean) or Freshwater (river) people, from flat rocky areas in the west of the state, grassy plains in the central areas and the high tableland areas or coastal Country (refer to Figure 1). Within these caring for Country practices, women and men share different, equal and reciprocal roles in practising Aboriginal Law/Lore to maintain the harmony of life in the Dreaming. Roles and obligations are defined through Law/Lore and kinship systems passed down intergenerationally through ceremony, ritual and cultural practices.

FIGURE 1 - DIFFERENT COUNTRY TYPES REPRESENT VIBRANT ABORIGINAL CULTURES AND LAND MANAGEMENT STYLES



Freshwater Country holds immense importance for Aboriginal people in NSW, viewed not just as physical space but as a living entity imbued with ancestral spirits and creation essence. It provides sustenance, shelter and spiritual nourishment, shaping cultural practices and storytelling, fostering a deep sense of belonging. Saltwater Country, significant for coastal Aboriginal peoples, encompasses the ocean, coastlines and marine life, serving as a vital part of identity and livelihoods. It offers food, trade and cultural activities, with stories depicting ancestral journeys and creation narratives, fostering a profound spiritual connection. Sky Country bridges land and sea, encompassing the celestial realm with stars and constellations mirroring terrestrial landscapes. Celestial movements guide cultural practices and ceremonies, intertwined with Dreaming stories, illustrating ancestral journeys and their influence on earthly matters.

Barriers to operationalising caring for Country

Differences in Aboriginal worldview

Western science is not relational

Western science involves systematically investigating the natural world, including both physical and biological features. It is broken into different disciplines, for example, land (terrestrial), water (freshwater and marine) and biodiversity (plants, animals, fungi). The goals of western science include interpreting reality based on cause and effect. Scientific investigations are based on information, inferences and conclusions, developed through applying logic.

Aboriginal traditional knowledge systems adopt a far more relational approach and do not separate knowledge into different disciplines. Their systems are not based on cause and effect, but rather a continuous process of understanding all elements, their relationships and their interconnections.

Aboriginal worldviews and practices see humans as part of nature, not separate from it. This relational approach encompasses land, sea and sky. It is impossible to separate talk of management of land and water, or land and culture or land and people. They are all connected. The western science and government approach of separating these things is a **fundamental and profound barrier** to effective caring for Country and effective involvement of Aboriginal people in decision-making processes.

- Land and water (terrestrial and aquatic environments) are interconnected and inseparable, forming the essence of Country. Aboriginal people's relationship with waterscapes goes beyond mere physical interactions – it is deeply rooted in spiritual beliefs and creation stories. (Freshwater rights and Sea Country are discussed in more detail below.)
- The divide between nature-focused and culture-focused conservation methods advocated by government policies does not recognise the complex interplay between people and their environments.
- Conservation ecology and management often portray nature as threatened by humans. This reflects a western binary view of nature versus human society. It does not recognise the underlying interconnectedness of humans and the environment.

Aboriginal knowledge is deeply intertwined with cultural practices and social frameworks. Aboriginal knowledge cannot be fully understood outside the cultural and social framework it resides within. This makes it challenging to understand from a western scientific perspective.

Entrenched western perspectives still dominate conservation and land management agencies. This is a real barrier to integrating Aboriginal worldviews, knowledges and perspectives into caring for Country. Much of this is to do with a lack of understanding and appreciation of these views which are complex, and do not follow western science perspectives. But it is crucial that Aboriginal knowledge systems be acknowledged by scientific approaches as a comparable knowledge system. This can promote cultural autonomy, Aboriginal participation in decision making and sustainable land management practices and conservation efforts.

Aboriginal knowledge and cultural practice are impossible to separate

Aboriginal cultural practice is a phrase used to capture a vast array of ways Aboriginal people express knowledge, rights, obligations and practices needed to maintain their connection to Country. These may be spiritual, religious, ritual or ceremonial, practical or other configurations. This is the basis of understanding that knowledge and Aboriginal cultural practice are impossible to separate.

Aboriginal cultural practice is not a stand-alone database of knowledge. It is a process that maintains and (re)vitalises that knowledge and the world through Aboriginal cultural practices. Stories passed down from Ancestors, experiential knowledge and Country hold knowledge within the context of relationships and worldviews.

Recognising and respecting the complexity inherent in Aboriginal cultural practice is crucial for utilising Aboriginal perspectives in conservation efforts. This is because Aboriginal people's cultural practices often hold insights beyond species-specific knowledge, contributing to both environmental sustainability and cultural revitalisation.

Lack of a genuine Aboriginal rights-based approach

One of the most common barriers to operationalising caring for Country raised in the literature is the need to fully and genuinely recognise and implement Aboriginal rights. Such an Aboriginal rights-based approach would mean making decisions that prioritise recognising, protecting and fulfilling the rights of Aboriginal people. These rights are spread across and embedded in international agreements and domestic laws and court rulings, which makes it difficult to understand the full extent of these rights without much research and interpretation. An Aboriginal rights-based approach would acknowledge Aboriginal people's rights to self-determination, maintenance of culture, Country and land.

At an international level, the United Nations *Declaration on the Rights of Indigenous Peoples* (UN General Assembly, 2007) includes many articles that spell out a host of rights. In relation to caring for Country there are three groups of articles that are particularly relevant and can help structure and frame discussions. These are:

- the right to self-determination
- the protection and maintenance of cultural rights
- land-based rights.

(Refer to the sections of this report below 'UN Declaration on the rights of Indigenous peoples not legally binding in Australia' which outlines each of these three elements, including a summary of the relevant UN Declaration articles, what they mean and the barriers to fully realising them. The *Understanding barriers to caring for Country* report provides further detail.)

The *National Agreement on Closing the Gap* (Australian Government, 2020) is recognised as potentially a practical embodiment of the UN Declaration, focusing on elements such as self-determination, decision-making, consent and partnership. However, while the agreement incorporates some UN principles, it does not explicitly cite or mention the Declaration. Despite this, the Closing the Gap Agreement is a significant step towards realising Aboriginal rights and self-determination.

The NSW *Two ways together: Aboriginal Affairs plan 2003–13* (NSW Government, 2003) reflects the UN Declaration by recognising that Aboriginal people have a number of rights as the first peoples of Australia in addition to their customary sovereign rights. These include the right to maintain their culture, language and identity and the right to self-determination.

In relation to caring for Country, there are many government policies, legislation and inquiries that stipulate that Aboriginal people should be involved in land and sea management, with a focus on cultural outcomes. Despite these well-meaning intentions, Australia's natural resource and conservation management frameworks neglect to fully express Aboriginal rights and rarely see beyond the natural resource management scope of caring for Country.

Even though there is legal recognition of Aboriginal rights in NSW, there are still many barriers to realising these rights. Government policies and bureaucratic processes often hinder Aboriginal peoples from fully

exercising their rights on their traditional lands and seas. In NSW, there is limited scope to recognising Aboriginal rights, particularly without a state-based Treaty.

Just understanding all the rights that Aboriginal people have is difficult. This is because there is no centralised system to record these rights; they are spread across various documents, laws and court rulings. It is hard for Aboriginal peoples to find out about their rights and be empowered. For example, the *'State Environmental Planning Policy (Biodiversity and Conservation) 2021'* (2.7 (3. B)), exempts the clearing of vegetation for Aboriginal cultural activities from requiring permits or approvals. The exemption, which is fundamentally a right, acknowledges the significance of these activities for Aboriginal peoples in NSW.

While there has been progress in Aboriginal peoples practising their culture through land management, challenges remain, particularly in recognising sea Country rights and recognising and integrating Aboriginal knowledge systems into governance models. Efforts across federal and state Aboriginal ranger programs aim to address these challenges by providing skills and experience to participants and integrating traditional land management practices. However, there's still work to be done to ensure genuine shared governance that respects Aboriginal cultural values and knowledge.

The ongoing impacts of colonisation, involving displacement, dispossession, cultural genocide and assimilation, have severely disrupted Aboriginal land and sea management practices and made it difficult for Aboriginal peoples to express their ties to ancestral lands. This makes it difficult for Aboriginal peoples to assert their rights.

There are systemic barriers and power imbalances within government policies and legal frameworks that need to be addressed if we are to effectively implement rights-based approaches. Achieving true reconciliation and Aboriginal self-determination requires recognising Australia's full history (truth telling), understanding Aboriginal peoples' connections to Country, and fostering genuine partnerships grounded in respect, reciprocity and equity.

The NSW Government is taking steps to involve Aboriginal peoples in land management with a focus on developing a Treaty framework to recognise Aboriginal aspirations and rights. However, there is a recognised gap between policy intentions and the actual involvement of Aboriginal peoples in environmental decision making and practices. Efforts to bridge this gap include recognising Aboriginal relational views of land and sea management.

UN Declaration on the Rights of Indigenous Peoples is a framework in Australia

The Australian Government signed the *UN Declaration on the Rights of Indigenous Peoples* (UN General Assembly, 2007) in 2009, acknowledging it as a framework setting out basic standards essential for the survival, dignity and wellbeing of Aboriginal and Torres Strait Islander peoples.

A recent review of the application of the UN Declaration in Australia highlighted the challenges of integrating the Declaration's principles into domestic law and political systems while preserving national unity and sovereignty. The Australian Government does not intend to incorporate the provisions of the UN Declaration into domestic law currently (ANTAR, 2024).

The inquiry stressed the importance of maintaining a balance between recognising the collective rights of Indigenous peoples and upholding Australia's territorial integrity and legal frameworks. It emphasised the need for policies that respect Aboriginal rights, cultures and self-determination within Australia's legal and social frameworks. Additionally, it pointed out the lack of understanding or recognition of the principle of self-determination across Australian governments, which hindered efforts to address the underlying causes of Aboriginal disadvantage.

The right to self-determination

UN Declaration: Right to self-determination, self-government and autonomy

These articles collectively affirm Indigenous peoples' right to self-determination, which is fundamental to their identity and sovereignty. These articles collectively establish the framework for Indigenous self-determination, self-governance, autonomy and cultural preservation. They recognise the inherent right of Indigenous peoples to shape their destinies, govern their internal affairs and maintain their distinct identities within the broader societal context.

Refer to articles 3, 4, 5, 6 and 33.

In Aboriginal policy discussions in Australia and NSW, 'Aboriginal self-determination' and 'self-management' represent two distinct concepts. These different concepts reflect the aspirations and rights of Aboriginal people regarding governance, decision making and control over their affairs. While they are similar in some ways, understanding their differences is crucial for appreciating the nuances of Aboriginal empowerment and autonomy.

Self-determination refers to Aboriginal peoples' right to control their political, social, economic and cultural futures. It encompasses recognition of Aboriginal sovereignty, authority and agency in shaping policies and practices affecting their people. Self-determination represents how Aboriginal people perceive caring for Country. Caring for Country is not just about land management; it is fundamentally an exercise in the expression of Aboriginal self-determination and self-government.

Self-management involves governments prioritising what types of policies and programs should occur and where they should occur; and then providing funding to local Aboriginal organisations to implement these programs. 'Working on Country' programs exemplify the self-management approach. Self-management represents a top-down approach to policy and funding control where Aboriginal people may have no input or only limited and superficial input into the decision-making process. The prevalence of this approach in caring for Country represents a fundamental barrier to Aboriginal peoples' rights to self-determination.

Despite these nuances, caring for Country and Working on Country do empower Aboriginal people to preserve cultural practices, transmit knowledge and foster sustainable livelihoods. They are not just environmental programs, which is sometimes how they are perceived.

Aboriginal peoples in NSW assert their rights to self-determination and land sovereignty by collaborating with government agencies, conservation organisations and other stakeholders, aiming to promote environmental sustainability, cultural resilience and social justice for future generations.

A human rights approach to self-determination offers a framework for promoting accountability and ensuring substantive equality for Aboriginal people. This approach views self-determination as an ongoing process rather than a one-time event. It emphasises the need to address historical injustices such as land rights, treaties, sovereignty and Aboriginal governance structures. Implementing a human rights approach to self-determination in Australia requires a concerted effort to address the unfinished business of Aboriginal rights.

True Aboriginal self-determination entails fostering genuine partnerships between governments and Aboriginal peoples based on principles of respect, reciprocity and equity.

The protection of cultural rights, cultural heritage, traditions and practices

UN Declaration: Protection of cultural rights – cultural heritage, traditions and practices

This group of articles regarding the protection of cultural rights focuses on safeguarding Indigenous peoples' cultural heritage, traditions and practices. These articles collectively aim to preserve and promote Indigenous peoples' cultural identity, traditions and practices. They recognise the intrinsic value of Indigenous cultures and seek to protect them from assimilation, discrimination and cultural erasure.

Refer to articles 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 31 & 34.

From an Aboriginal worldview, the protection of cultural heritage, traditions and practices is deeply connected to protecting knowledge, people, lands, water, nature and biodiversity, which are all interconnected. The protection and maintenance of culture is also deeply entwined with and reliant on access to land and Country to practice culture.

The interrelatedness of culture, land, sea and people is complex and relational in nature, and therefore it is difficult to speak about these things separately. However, for the purposes of this summary, some elements are addressed individually.

Land-based rights

UN Declaration: Land-based rights

Article 25 - Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26 - Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

A range of other articles also relate to land-based rights (27, 28, 29, 30, 32).

As mentioned above, access to land to carry out cultural practices is an essential component of caring for Country. Protecting cultural practice and heritage cannot be separated from land rights. Access to land is essential to maintain and revitalise spiritual relationships with Country. It is impossible to talk about Aboriginal cultural practices separately from talk about land and Country; so in the following section we will focus on the issues around Aboriginal land rights and native title.

Complexities and difficulties regarding land rights and native title

In NSW, Aboriginal land rights and native title legislation have made significant strides towards recognising the rights of Aboriginal peoples. However, recognition of land rights is often complicated by government policies, legal frameworks and bureaucratic processes that prioritise colonial interests or impose limitations on Aboriginal rights.

Colonial authorities historically disregarded Aboriginal customary Law/Lore, deeming it inferior to western legal systems. This led to policies aimed at assimilating Aboriginal peoples into European culture. This dismissal of

Indigenous legal systems continues to hinder the recognition of native title in Australia. Overcoming this legacy necessitates acknowledging and respecting Aboriginal legal traditions, addressing barriers to proving native title claims, and ensuring Aboriginal perspectives are central in discussions and decision making about land rights.

One key limitation is the complicated legal processes needed to prove a continuous connection to the land. This is difficult given the historical dispossession and forced removal of Aboriginal people from their traditional lands, the oral nature of many traditions, and western interpretations of what constitutes Aboriginal knowledge. These legal processes are also costly and lengthy, placing a burden on Aboriginal people and communities with limited resources.

Another limitation is the conflict between Aboriginal land rights and the interests of other groups like government bodies, private landowners and industries. In cases where native title or land rights overlap with existing land uses or development projects, there can be disputes over land access, resource extraction and environmental protection.

Even when native title claims are recognised, the extent of rights granted may be limited. Certain activities or developments may still be subject to government regulations or restrictions. This diminishes the autonomy and sovereignty of Aboriginal people over their lands. Additionally, the enforcement and protection of land rights can be inadequate. This leaves Aboriginal lands vulnerable to encroachment, illegal occupation or environmental degradation. Inadequate consultation and consent processes undermine Aboriginal perspectives and traditional knowledge systems, often resulting in outcomes that prioritise economic interests over Aboriginal rights.

Sea/Saltwater Country rights

The sea represents both a source of sustenance and a pathway for spiritual connection, embodying stories of creation and journeys of the Ancestors. Saltwater Country is significant for coastal Aboriginal peoples, encompassing the ocean, coastlines and marine life and serving as a vital part of identity and livelihoods. It offers food, trade and cultural activities, with stories depicting ancestral journeys and creation narratives, fostering a profound spiritual connection.

As discussed above, in Aboriginal worldviews it is impossible to separate land and sea; they are one entity.

Despite legal progress like the Mabo native title case and subsequent legislation, Aboriginal aspirations for Sea/Saltwater Country remain unmet. This affects marine conservation efforts, with inadequate acknowledgment of Aboriginal roles and representation in decision-making processes. As a result, Aboriginal communities face challenges and adverse impacts on their wellbeing.

There are significant shortcomings in recognising and including Aboriginal peoples' rights and values in Australia's marine management. This leads to inconsistent policies and missed opportunities. There is an urgent need for an Aboriginal governance framework to integrate Aboriginal processes into marine conservation planning to honour their rights and values while maintaining ties to the land. Such a framework would also recognise Aboriginal holistic worldviews which encompass land, sea, people and culture and recognise the need and rights of Aboriginal people to undertake cultural practices related to Saltwater Country.

Freshwater rights

Water holds profound cultural significance for Aboriginal people. It is more than just a resource – it embodies their identity, spirituality and traditional wisdom. It symbolises life itself and forms the core of Aboriginal belief systems, deeply tied to religious connections to land and responsibilities for managing ancestral territories. Rituals and ceremonies near water bodies maintain harmony with ancestral spirits and the natural world.

The spiritual bond Aboriginal people share with waterscapes plays a crucial role in their approach to land and sea management. For them, water is a sacred entity intertwined with their cultural identity and traditional knowledge.

Water is also crucial for Aboriginal economies, supporting livelihoods through activities like pastoralism, horticulture and fishing. The notion of 'cultural flows', introduced in the Echuca Declaration of 2007, recognises water entitlements of Aboriginal nations. The entitlements encompass not just tangible benefits but also spiritual, cultural, environmental, social and economic dimensions vital for Aboriginal wellbeing.

This relational view recognises water bodies as integral parts of the landscape and acknowledges their spiritual significance, highlighting the inseparable link between water and cultural identity.

Western policies often compartmentalise land and water management, disregarding Aboriginal people's holistic perspective and posing challenges and barriers to effective caring for Country.

Translating policies acknowledging Aboriginal interests in water into actual outcomes poses a challenge. Despite increasing recognition of Aboriginal water requirements and rights, practical implementation lags due to legal and economic barriers. There's often a gap between Aboriginal cultural understanding of water and mainstream water management discourse, hindering effective collaboration. Limited access to water persists for Aboriginal people, raising concerns of ongoing dispossession as they struggle to compete for water resources against other uses. The encroachment of extractive industries and western policies further complicates Aboriginal water management, perpetuating historical injustices and socioeconomic disparities.

Six immediate challenges in implementing Aboriginal water rights include:

- defining cultural needs
- addressing water literacy gaps
- differentiating Aboriginal water from environmental flows
- quantifying water needs for cultural values
- navigating an over-allocated water market
- establishing clear governance structures.

Aboriginal people can have limited access to water licences and capital. Despite efforts to address these challenges, inequities persist in water access and management, highlighting the ongoing struggle of Aboriginal people within a system that fails to recognise their rights and interests.

Sky rights

Aboriginal peoples in NSW and across Australia, have deep cultural and spiritual rights and obligations to care for Sky Country, which includes stars, moon cycles, weather systems, constellations, spirit pathways and seasonal changes. These rights are embedded in Aboriginal Law/Lore and kinship systems and are passed down through story, ceremony and observation. Sky Country is not separate from land and sea rather it is part of an interconnected bio-cultural system that guides cultural obligations, ceremony and ecological knowledge. However, while these rights and obligations are strongly embedded within Aboriginal cultures, they are not clearly recognised in Australian or NSW legislation. There are currently no formal legal mechanisms that grant Aboriginal peoples authority to manage or protect Sky Country in the way land and water are sometimes covered under native title or conservation agreements. As a result, Aboriginal Sky Country management remains largely invisible in policy, planning and environmental science.

To support Aboriginal people to care for Sky Country in NSW, several changes are needed. First, Sky Country needs to be recognised as a living and relational part of Country that holds cultural significance and ecological function. Government agencies and environmental bodies need to understand that Sky Country is governed by Law/Lore and custodianship, just like land and water, and should be included in caring for Country frameworks and practices. Second, Aboriginal knowledge of the sky, such as climate indicators, fire season signals and star

lore, should be embedded in climate adaptation, weather forecasting and environmental monitoring. This includes respectful partnerships with Traditional Custodians to access and interpret satellite and weather data, as well as co-developing tools that integrate Aboriginal and western sciences. A critical component of this process is protecting Aboriginal sky stories under ICIP rights. Finally, resourcing is needed to support cultural practices that connect people to Sky Country, including stargazing camps, sky-based ceremonies and intergenerational knowledge sharing and the co-design of education resources, guided by Elders and local community Law/Lore.

While Aboriginal peoples have always cared for Sky Country, they currently lack formal recognition, rights and support in legislation across Australia. A shift is needed that honours cultural authority, embeds sky knowledge in environmental systems, and supports Aboriginal-led education and governance. Acknowledging that Sky Country is not just about stars, air quality or light pollution, it is about cultural rights and obligations, and the future of caring for all of Country.

Insufficient recognition of the roles and rights of Aboriginal women

The crucial roles of Aboriginal women in land and sea management practices across Australia intersect deeply with discussions on equality and sovereignty. Rooted in cultural identity and spirituality, Aboriginal women play an essential cultural role in nurturing and safeguarding the land and sea, ensuring the sustainability of natural resources for future generations. They serve as custodians of Aboriginal culture and community leaders, preserving ceremonial traditions and passing down knowledge to fortify cultural resilience. Their leadership in communal gatherings facilitates knowledge sharing and identity celebration. Recognising their role is vital for broader efforts to reclaim Aboriginal sovereignty, endorsing Aboriginal-led environmental care under their leadership as a path toward genuine reconciliation and decolonisation.

Aboriginal women play an essential role in both social and cultural life in communities in NSW, but the facilitation of their engagement in caring for Country is limited. This extends to contemporary community life, where Aboriginal women lead local organisations and advocacy groups, championing causes related to social justice, health, education and cultural preservation. Through their multifaceted roles in caring for the land and sea, Aboriginal women contribute significantly to fostering resilience and harmony in both Aboriginal communities and the environment.

The discussion on equality and sovereignty holds immense importance for Aboriginal women in Australia. It sheds light on their ongoing struggle for recognition, empowerment and justice amidst the backdrop of colonialism and systemic inequality.

Despite legal frameworks promoting equality, the enduring legacy of colonialism marginalises Aboriginal women. They are subjected to intersecting forms of discrimination based on both their Aboriginal identity and their gender. This perpetuates systemic disparities, resulting in limited access to essential services like education, health care and employment opportunities. This exacerbates socioeconomic disadvantages compared to non-Aboriginal Australians.

Insufficient recognition of Aboriginal women's leadership and expertise in caring for Country initiatives leads to gender disparities, marginalises women's voices and experiences, and limits their meaningful involvement in planning and decision-making processes. The lack of women in leadership roles within Aboriginal organisations and land management agencies further marginalises their voices, hindering efforts to promote gender equality.

Engaging and empowering Aboriginal women in these initiatives is vital for passing down intergenerational knowledge and preserving cultural practices, but barriers like detachment from cultural practices and limited leadership opportunities can impede these efforts.

Loss of access to traditional food sources and knowledge

The loss of traditional food sources and knowledge among Aboriginal people is deeply rooted in colonisation and forced cultural disruption. This has led to increased reliance on store-bought, processed foods, exacerbating health disparities and diet-related illnesses. Dispossession of land and suppression of cultural practices limited access to traditional food sources, severing Aboriginal people's connection to the land and intergenerational transmission of food-related knowledge. Rights-based approaches, prioritising human rights and challenging structural inequalities, offer promising avenues for addressing the root causes of food insecurity and malnutrition, but further research and concerted action are needed to fully leverage their potential.

Traditional foods were not only safe, accessible and nutritious, but also met the dietary needs of Aboriginal people. While it is not practical to rely solely on traditional diets anymore, integrating traditional foods into the diet can help lower the incidence of chronic diseases. However, threats such as introduced pests, environmental changes and contaminants pose risks to the safety and accessibility of traditional foods. Lack of access to Country also limits capacity to collect food.

One study about food insecurity among Aboriginal people in NSW identified themes such as financial disadvantage, gaps in the local food system, and the ongoing impacts of colonisation. Historical and intergenerational trauma significantly influenced food choices and access, with experiences of racism and social marginalisation exacerbating mental health issues. Despite challenges, kinship networks and community support emerged as vital resilience factors, highlighting the importance of strengthening community cohesion and support networks to address food insecurity comprehensively.

The literature review underscored the need for further research to better understand the role of traditional foods in promoting food security and improving the health and wellbeing of Aboriginal people and maintenance of caring for Country outcomes.

Challenges to implementing policies

Symbolic versus pragmatic approaches

In NSW, Aboriginal policy can be understood through two distinct lenses: **symbolic and pragmatic approaches**, each with significant implications for Aboriginal rights within the policy and legislative framework.

Symbolic approaches often prioritise gestures and symbolic recognition of Aboriginal rights without substantial changes in policy or legislation, focusing on actions like consultations and incorporating traditional ecological knowledge. While valuable for dialogue and enriching decision-making processes, these actions may lack concrete mechanisms for Aboriginal people to exercise their rights or empower them effectively. Symbolic approaches, while recognising Aboriginal rights, often result in limited avenues for meaningful participation, perpetuating power imbalances and marginalisation.

In contrast, **pragmatic approaches** aim at tangible actions and structural changes to uphold Aboriginal rights, including provisions for land rights, self-determination and cultural heritage protection. These approaches go beyond symbolism to enact substantive measures addressing systemic inequalities, empowering Aboriginal people to participate effectively in decision making and resource management. Pragmatic approaches

empower Aboriginal people through substantive reforms, allowing them greater control over their lands, resources and cultural heritage, leading to more equitable outcomes and genuine partnerships.

A pragmatic approach is recommended for genuine reconciliation and empowerment.

Lack of genuine co-governance in caring for Country

Despite acknowledgments in international, national and local policies about the significance of **Aboriginal knowledge systems** that support biodiversity conservation and ecosystem management, there exists a gap in translating these acknowledgments into meaningful collaboration with Aboriginal people.

The potential and value of having Aboriginal people involved in environmental management is illustrated in NSW. Aboriginal people own around 4 per cent of the land in NSW, making significant contributions to environmental management in the state, often through employment in natural resource sectors and participation in joint management programs.

Achieving equitable participation by Aboriginal people in conservation management necessitates establishing Aboriginal-driven co-governance systems, prioritising culturally significant species (such as dingo) over only threatened species. It is vital that conservation agencies better recognise Aboriginal worldviews when planning conservation strategies. Although there is a national trend towards increased Aboriginal engagement in environmental management, there are still gaps between policy rhetoric and actual implementation.

Challenges in NSW caring for Country programs

While there have been numerous stand-alone Aboriginal land and water management programs in NSW, they have often been short-term, inconsistent and lacking strategic coordination. At present, NSW lacks a comprehensive statewide caring for Country framework, funding approach and reporting mechanism. The NSW Plan for Nature provides an opportunity to meaningfully engage with Aboriginal people to maximise our collective efforts and address these gaps.

References

Australian Government, 2020a. *National Agreement on Closing the Gap*.

Brown, K. 2025. *Understanding Women's Barriers to Caring for Country*.

Hooper, S. and Brown, K. 2025. *Understanding Barriers to Caring for Country*.

NSW Government, 2009. *Two Ways Together – New South Wales Aboriginal Affairs Plan (2003–2012)*, NSW Aboriginal Affairs.

UN General Assembly, 2007. [United Nations Declaration on the Rights of Indigenous Peoples](#), United Nations webpage.

Appendix 1: Fact sheets

Fact sheet: What is the Operationalising Aboriginal Land and Sea Management Project?

What are NSW Aboriginal land and sea management practitioners’ aspirations for healthy Country and culture? What are the barriers to achieving these aspirations?

What does the project involve?

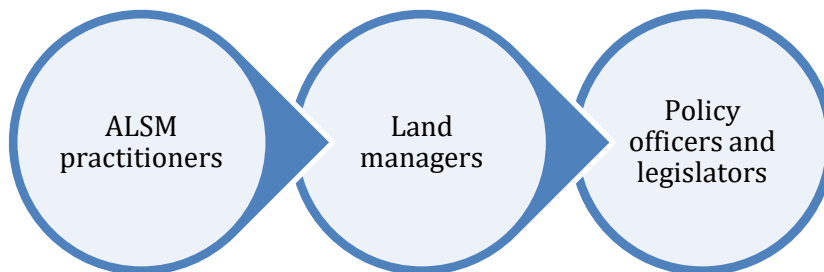
Interest is growing in implementing ALSM at a landscape scale. Working alongside NSW Aboriginal communities this project seeks to understand how Aboriginal practitioners think about land and sea management, their aspirations and the barriers they face in realising them. The project aims to support the operationalisation of ALSM by sharing accessible and relevant information back to communities, land and sea managers and policy makers to empower them to facilitate greater opportunities for Aboriginal land and sea management.

Aboriginal land and sea management is a complex relational process between humans and the environment across spatial and temporal planes. The ongoing impacts of colonisation have created barriers to Aboriginal people’s ability to carry out the cultural practices, rituals and ceremonies required through Law/lore to ensure Country is healthy.

The project seeks to understand the aspirations and barriers to achieving them through undertaking:

- a comprehensive literature review
- yarning with ALSM practitioners
- a high-level policy analysis
- policy barrier workshops to create a policy assessment.

The project will produce a range of communication materials such as fact sheets, videos, and reports to communicate the ALSM project findings to three main audiences:



- For more information please visit <https://www.naturalhazards.com.au/research/research-projects/operationalising-aboriginal-land-and-sea-management>

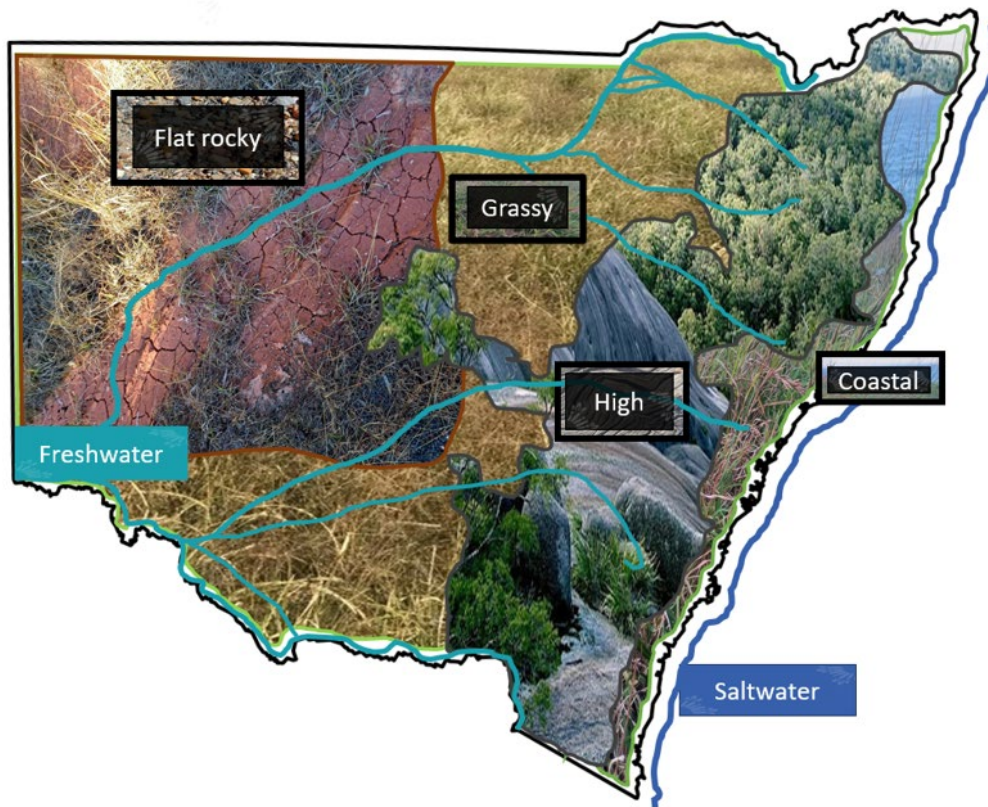


FIGURE 2 DIFFERENT COUNTRY TYPES REPRESENT VIBRANT ABORIGINAL CULTURES AND LAND MANAGEMENT STYLES

Fact sheet: Yarning Aboriginal land and sea management

Since the Dreaming, Aboriginal peoples have managed their lands and their Country by employing sustainable practices deeply rooted in Aboriginal cultural values. These practices have long been essential to Australian ecosystems' health and resilience, which rely on ALSM strategies for their maintenance and continuance.

The yarning component of the Operationalising Aboriginal Land and Sea Management project seeks to engage with ALSM practitioners as experts to understand:

- what you do (your current practices)?
- what would you like to do?
- what are the barriers?

We will gather this information into a Yarning Report, to raise awareness on how to support ALSM practitioners manage their Country as it should be. The project's intent is not to gather Aboriginal knowledge and cultural information, also known as ICIP. However, we understand that sometimes ICIP may be accidentally shared, or you may choose to share information that is important to you. If this occurs the Indigenous researchers leading this project will comply with the DCCEEW ICIP Policy (attached) and AIATSIS guidelines to keep your information safe or to ensure you are acknowledged as the knowledge holder.

The yarning can occur either on Country or online (your choice). Before any use of your data in our research, you will be provided with both your raw and digitised data in a manner appropriate to you. With your approval, the information you provide will be collated into a Yarning Report. You can choose to provide this information in a video format to ensure accessibility and broad access to the project's learnings. If you have any questions or comments, please contact the researchers.