

Overturning Aqua Nullius: Securing Aboriginal Water Rights

Viriginia Marshall



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Aboriginal peoples in Australia have the oldest living cultures in the world. From 1788 the British colonisation of Australia marginalised Aboriginal communities from land and water resources and their traditional rights and interests. More recently, the national water reforms further disenfranchised Aboriginal communities from their property rights in water, continuing to embed severe disadvantage. Overturning aqua nullius aims to cultivate a new understanding of Aboriginal water rights and interests in the context of Aboriginal water concepts and water policy development in Australia. Drawing on the United Nations Declaration on the Rights of Indigenous Peoples, the author argues that the reservation of Aboriginal water rights needs to be prioritised above the water rights and interests of other groups. It is only then that we can sweep away the injustice of aqua nullius and provide the first Australians with full recognition and status of their water rights and interests.

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