

## Customary marine tenure at Groote Eylandt

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In 1983 the Northern Land Council in Darwin agreed to prepare a submission for a closure of the seas, under the *Aboriginal Land Act 1978 (NT)*, for areas adjoining Aboriginal land on Groote Eylandt. The provisions of the Act afforded potential for limited control over access to closed seas and were also seen as a means of regulating unauthorised entry onto Aboriginal land via the sea, which had been noted as a problem on Groote Eylandt by the Aboriginal traditional owners. The claim was lodged on April 30 1994, but was not proceeded with and the Groote Eylandt people subsequently formed their own Land Council. However, the research has relevance to this volume in that it specifically addressed rights to the marine environment, rather than to land, which already enjoyed protection under the *Aboriginal Land Rights Act 1976 (NT)*. The system of tenure described illustrates clearly that Groote Eylandt people owned and occupied both land and sea and exercised a clearly identifiable customary marine tenure over the latter.

At the time I undertook the research I was working as an anthropologist for the Northern Land Council and did the fieldwork necessary for the application. This resulted in a 'claim book' (Palmer 1985), which contained ethnographic data relevant to the application. While the report addressed a number of issues quite specific to the application, much of the ethnography was relevant to the system of marine tenure and the relationship that existed between the claimants and the sea and much that was in it. While the ethnography was checked prior to the preparation of the final report, it should be noted that the fieldwork was conducted some thirteen years prior to the time of writing this chapter and some local circumstances may have changed. However, I doubt

that the fundamentals of traditional land and sea rights and tenure have changed at all. It is hoped that this present chapter may be of use to both the Groote Eylandt people and other indigenous groups seeking to have their rights in the sea recognised by Australian law and so give effect to their concerns and responsibilities as owners of real property.

The original proposal to make application to close the seas around Groote Eylandt over a decade ago was seen as a huge task. Consequently, it was agreed at meetings with the traditional owners on Groote, that it would be wise to undertake the claim in several stages. Only the field-work for the first stage was completed and it forms the basis for what follows. Consequently, the ethnography on which this paper is based focuses on the northern and northeastern coast of the island. Reference is also made to two outstations which were established in this area: Mukmuntja and Marble Point where I stayed while undertaking the research.

## Local organisation

Local organisation on Groote Eylandt has many similarities with mainland groups and is founded on a strong belief in spiritual principles which are invoked to legitimate title to bounded areas. Territoriality and related matters that sanction ownership encompass the domains of land and sea. In addition, intermediate zones where land and sea meet (e.g. tidal flats, reefs and sandbanks) have considerable economic importance recognised in the language, which has a special set of terms for these areas. Not only does territoriality comprise the marine as well as land environments, but there is an emphasis on the former rather than the latter in all matters that link people to territory and to the spirituality implicit in the relationship between the two.

The Groote Eylandt people recognise the existence of patrilineal lineages which they most usually call 'clans' in English, a term I adopt here. Each clan is differentiated by its local and religious associations,

and its name. Recruitment to a clan is by patrilineal descent and membership is automatically accorded on the birth of an infant.

A clan consists of a man, his siblings and all their children in the male line. Each clan is named, and the names are used today rather like English surnames. A clan owns a specific area, which is often referred to by the name of an important location within the clan country. Territory and land are talked of synonymously, and the substitution of a clan name for a country name is usual, even if confusing for some (see Moore 1972: 14–16; Waddy 1988: vol 1, 111). For example, the clan with rights to the country around an outstation which is located in the north of the island called Marble Point is named Barabara, but the inclusive term for the territory and people who own it and are a part of it is Wangwarmalangwa (i.e. the people of Armalangwa). Similarly, the Bara clan is known as Wangwatarpulangwa.

The territory in which a clan has patrilineally inherited rights of ownership is an estate (*angalya*), and includes both land (*ajurungka*—Waddy 1988, vol 1: 52 notes *ariba*) and sea (*mukata*). For the Groote Eylandt people it is the whole complex of sea, seabed, rocks, reefs, offshore islands and land that is designated by the use of the clan name. The estate is bounded by reference to geographical features, though the extent of an estate offshore is more vaguely conceptualised by reference to practically useable seaways.

Traditionally, the Groote Eylandt people divide themselves into two exogamous moieties. The moieties are egocentrically designated. Ego calls his own moiety *yiranikapura*, which means literally ‘our mob’. Ego calls members of the moiety other than his own, *wuranikapura*, which means literally ‘the other mob’. As a result of interaction with the mainland, people designate clans as either *dhuwa* or *yirrija*, and these sociocentric terms are now in common use on Groote. Turner (1974: 220) noted the use of the southeast Arnhem Land terms. There is also a general acceptance of the principle of moiety exogamy. A man must marry a woman from a clan of the moiety opposed to his own and to do otherwise would be considered incestuous. Consequently, a man has a mother from one clan and a father from another, and possibly a father’s

mother and a mother's mother from different clans again. Through marriage members of different clans have specifiable relationships with one another. Turner (1974) also demonstrated that Groote Eylandt kinship terminology is based on a recognition of cognatic and lineal relationships predicated upon clan estates.

It is not the personal identity of an individual or of his mother or father that determines his kinship identification. Rather it is the fact that a particular individual belongs to a particular local group (Turner 1974:33). How a man calls another person is then determined by his actual or putative relationship to that man's clan, rather than to the genealogical system that European Australians follow. Since clans are inseparable from land, it is correct to state that kinship on Groote is an expression of a series of relationships among people and between people and land. Turner (1974:33) calls this concept the 'local group family'.

A man inherits rights in his father's estate, which is called *nungar-rkalang angalya*. A man is responsible for sites and areas of importance in that estate and jurisdiction over the land and sea is his. Ideally, members of the patriline must be consulted in ritual matters relating to the estate and they must grant permission before others may visit the estate, hunt, fish or forage over it. However, these rights and duties are not exercised by the patrilineal descent group without reference to others. Offspring of female members of the clan, who call the country *tuntir-rkalangwa*, have a managerial role in the country and are called to help out when there is trouble and decisions about ritual or development cannot be taken without reference to them. These managerial rights are referred to by the southeast Arnhem Land term *junkayi*, and it is likely that this is a result of influence from the Nunggubuyu people, whose territory is on the mainland around Numbulwar, who are introducing their terminology and perhaps their concepts.

A man has rights of residence in his wife's country, which he calls *tatingiyarrka langwa angalya*, and may be consulted in matters relevant to it under certain circumstances. A man also has authority in the country of his mother's mother, which is called *anguwarrka angalya*.

## Economic relationship to the clan territory

A review of the economic relationship with the clan territory provides an understanding of the substantially maritime orientation of the Groote Eylandt people. Consequently the delineation of their estates is as much, if not more, about the marine component as it is about the land component. This is reflected in the traditional owners' concept of territory as comprising land and sea together and in the spiritual preoccupations of owners, which reflect a marine bias.

When Worsley worked on Groote Eylandt in 1953, he found the Anindilyakwa an 'essentially coastal people'. He (Worsley 1961: 156) went on:

It has been pointed out that the main population of the whole of Arnhem Land has always been concentrated on the coast, with its rich supplies of marine products, and its more abundant water resources and vegetation. This is particularly true of Groote Eylandt, which has a rocky and fairly barren interior, with large areas of sandy soil and stringy bark forest.

Worsley (1961:157) also claimed that linguistic usage reflected the importance of the coast since he noted that directional terms in the language assumed the sea as the point of reference. Although much has changed on Groote since Worsley worked there, the substance of his observations remain valid. Similar observations about the relationship between people and the sea have been made by a number of other writers (see Meyers *et al.* 1996: 3–17 for a summary).

Waddy (1988, vol 1: 119–128) notes the extensive list of natural species associated with the Groote Eylandt clans. Some 87 of the over 200 listed (or over 40%) represent marine species, further confirming the important link between the traditional owners and the marine environment.

Groote Eylandt is a low-lying rocky island with coastal dunes and saline flats. Apart from some areas south and east of Central Hill, however, the island is covered with medium dense forest of stringybark

(*Eucalyptus tetradonta*) and woollybutt (*Eucalyptus miniata*). There are small areas where the soil is rich enough to support dense rainforest, and these are termed locally 'jungles'. In coastal regions and particularly around creeks or billabongs there are swamps, some of which dry out completely in the dry season. Vegetation here is dominated by paperbarks (*Melaleuca sp*) and ground cover consists of speargrass and other grasses, ferns, low thorny shrubs and a variety of vines and creepers (see Levitt 1981:6, plates 87–92; Waddy 1988, vol 1:51).

The open forest, while accessible, does not provide an easy environment for travel. Undergrowth is often quite thick and the vines and thorny bushes impede progress. Walking is a little easier when the bush is regularly burnt. However, the ground is often rocky and the forest is sheltered from cooling breezes, and particularly during the hotter months, it harbours hordes of unpleasant mosquitoes. The residents of the outstation at Marble Point formerly tried to establish their settlement several kilometres from the coast at the south of North West Bay. Mosquitoes subsequently drove them to camp on the beach and away from the forest before they relocated the outstation close to the beach.

My informants did, however, demonstrate that the bush may be used as a convenient means of access to the littoral zone, when it is not otherwise easily accessible on foot. The residents of Marble Point carefully burnt the bush in a small valley to the north of their settlement to enable them to walk to a large beach north of Finch Island. Burning the bush was said to be an accepted and desired practice on several occasions, and is regarded by local land owners as being an important part of maintaining the land. However, it was apparent that the inland areas were often regarded as convenient corridors to provide access to a beach or a shoreline rather than as hunting and gathering environments *per se*.

The beaches and shoreline are quite different from the forest. Sand below the high water mark provides relatively firm and uninterrupted passage, making walking easier than along the dunes, which in turn are also easier to traverse than the forest. Moreover, in the northern areas of the island, where there are no permanent creeks, water is best obtained from soaks dug in open sandy areas immediately behind the beach (see

Turner 1974:162). The residents of both Marble Point and Mukmunja obtained their water supplies from soaks dug in dunes behind the beach. The marine environment is a valuable source of food, and it was apparent during my stay with the Groote Eylandt people that their interest was primarily in the sea and the seashore. Visits were made to the interior of the island, but not as frequently as were visits to the sea and the shore. People did give me lists of land animals which they caught and ate: wallaby, goanna, frill-neck lizard and bandicoot along with wild honey, which is much prized for its sweetness. At Mukmunja, people told me that the last wallaby they had eaten was during the previous wet season. Wallabies, the major source of non-marine food, are agile and difficult to both see and shoot in the forest. However, there is a variety of other vegetable food available from the forest as is noted by Waddy (1988, vol 1: 51–52). On the other hand, the sea provided a much wider range of foods, including many varieties of fish, turtle, eggs, shellfish and crabs, most of which are easy to obtain in abundance and available all year round (see Palmer 1984:454).

For example, turtle eggs are collected in some numbers during the winter months of July and August from known sandy beaches on off-shore islands round the north of the main island. These represent an important supplementary food source and are much prized because of their limited seasonal availability and comparative scarcity. Oysters can be gathered from the rocks at low tide all year round. Stingray can be speared in the shallows, along with other in-shore fish, like mullet, while those with ready access to boats trawl well known reefs for the copious fish to be found in the bays and straits of the coastal region. The food-providing areas of the littoral zone and off-shore reefs are clearly identified in the local language. The rocky reefs (*awunta*) provide clams, oysters and fish. The sandy shore (*imingyila*) provides various bivalves, gastropods and crabs, while the mangroves (*anuma*) are home to a variety of other shell fish. There are other areas identified in the language as well: the open water within bays; the deep water beyond the headlands; the dunes; the sandy areas behind the dunes before the forest commences. Each is known for its particular food resources and exploited accordingly.

Movement and subsistence are executed by reference to the two distinct environments. Since plentiful supplies of water and food, and the opportunity to move easily and freely, are better afforded by coastal rather than hinterland areas, it is hardly surprising that traditional owners move around the coast by boat or on foot more frequently than they do the inland areas. It is also not surprising then that their religious beliefs and preoccupations are also predominantly marine in emphasis. The sea, shore and littoral zone forms the focus for Aboriginal life and thought and also constitute an area of priority in a range of socio-religious values.

## Religious system

In outline, the traditional religious belief system of the Groote Eylandt people is similar to that recorded elsewhere in Arnhem Land. The clans and their territories are believed to have been created and ordained during the period of the Dreaming (*amutiurrariya*). The spirituality which was and is manifest as a consequence of this time is known generally as *mardayan*. During the creative era, ancestral beings roamed the land and sea, creating natural features, modifying the existing sea and landscape, and endowing them with spirituality. This spirituality is also believed to be contained in special ritual objects, paintings, designs or songs, or to be extant at specific locations within the landscape or sea. People believe that they are connected to the natural world, and this is articulated as comprising relationships between people and ancestral beings, the majority of which are now believed to be sea creatures. The paths or tracks followed by these creator beings extend across the sea and are now believed manifest either in the sea, across the seabed or in the rocks and islands emerging from it.

The ancestral beings defined the clan estates, and their travels are now used by traditional owners as a reference to identify spiritual principles within the landscape or in the sea. The patrilineal clan is deemed to be both a human expression of, and the protector and a guardian of,



the spirituality which is considered to be the essence of all life. When two clans share similar beliefs and myths about ancestral beings, they are said to be 'of one blood' and may form an alliance for the administration of their land, rituals, paintings and songs associated with it. This alliance is termed 'company' in English or *wurruwilyapama* (literally 'one lot, in a heap'). The company relationship is not arbitrarily formed, and those in company must be of the same moiety and share the same Dreamings. Above all, agreement has to be reached between clansmen that the arrangement is proper. Those who form a company relationship retain their primary rights to the estate of their patriclan, which they term their 'number one country' (*awilyapama angalya*). The country for which they have a company relationship is called their 'number two country' (*ampilyima angalya*). Waddy noted that pockets of territory lying within one clan's country could be 'owned' by a second clan as a consequence of totemic affiliations. The same writer also indicates that this provided potential for some flexibility in the attribution of the nature of and extent of rights of owners over such territory (Waddy 1988, vol 1: 136–137).

## Owners of local estates

There were three principal estates in the area which was studied. The approximate boundaries of these estates are shown in the map which is Figure 9:1. The first, known generally as Barabara, extends from the southwest corner of North West Bay to the eastern portion of the peninsula south of Chasm Island and includes a number of adjacent offshore islands, as well as the more distant Wedge Rock and Hawknest Island, the reefs, sandbanks and shoals and offshore waters. The estate is *dhuwa*, by mainland moiety conventions, and is owned by the Barabara clan. The same clan name is also used for Chasm Island, an area of great importance both for this clan and for all other people living on Groote Eylandt.

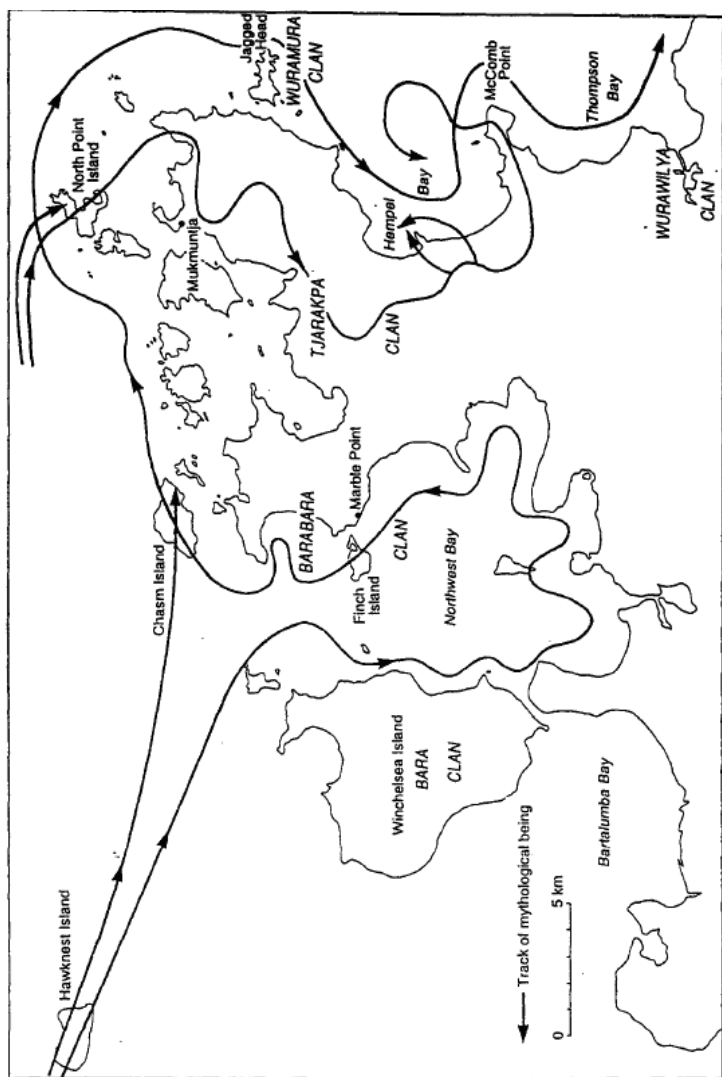


Figure 9:1 Northern Groote Eylandt estates

The second estate, referred to as Jarakpa, borders the first and lies to the east. It extends from Barabara territory round to Northpoint Island and south to the southern part of Thompson Bay. Once again, the estate includes numerous islands, reefs, bays and all the useable sea beyond the shore. This estate is *yirrija*. Jagged Heads belongs to a third clan, Wuramura, and is *dhuwa*. This estate comprises islands, reefs and sea, being separated from the main island by a narrow channel.

Details of the owners and these three estates were clearly set out by community members during the period of field work. Genealogies demonstrated the continuity of the patriline over several generations, while company relationships were also indicated. Rights of matrikin were also recorded. Clans were also noted as having special spiritual relationships with the natural world. For example, the Barabara people were cited as having a special spiritual association with pearlshell, turtle, porpoise and tiger shark, and some areas of importance in their estate are linked in mythology to these species.

By mutual agreement, the care of Jarakpa land and sea had passed to a fourth clan, who were considered to be 'in company' for the estate because at that time the surviving members of the Jarakpa clan did not feel able to fulfil their obligations to their estate.

The third clan, Wuramura, has its principal estate on Bickerton Island and it has designated another clan (Mamarika) to look after the relatively small area.

## Marine tenure

For the Groote Eylandt people, then, major religious beliefs are associated with the sea, being identified at a series of sites, where particular incidents are believed to have occurred, linked by well-known 'tracks' which were followed by the creator beings. These spiritual principles link the traditional owners to the marine environment and serve to define the extent of their estates. Owners have a series of customary rights within their estate, including a responsibility to ensure that the

land and sea is correctly looked after, that sites and tracks are protected from abuse or harm and that strangers do not inadvertently stray into the area causing damage to themselves and perhaps to others. Finally, owners are responsible for the spiritual renewal of the land and sea through the practice of ritual, the maintenance of ritual objects and the singing of songs and performance of ceremonies. The customary marine tenure system for the Groote Eylandt people, then, comprises a series of rights, duties and responsibilities which extend over both land and sea, but which have as their primary focus and legitimating spirituality the latter rather than the former.

This is best illustrated by examining a number of narratives and tracks relevant to the area. The Groote Eylandt people with whom I worked provided details of the activities of the creator beings, their journeys and interactions. Most beings traversed the sea and bays, dwelling at key locations which are now of special significance because of the spiritual associations that developed at that time. The sea territory of the local groups is considered to be constituted of the spirituality of the ancestral beings who endowed the sea, the sea bed, coastline, reefs and other marine features with their fundamental being. The owners regard their rights of ownership to derive from the ordaining activities of these creative beings which designated sea territory. The land, in contrast, while not devoid of such sites and tracks, receives significantly less attention. Two examples of these travels and activities illustrate the point further. The narratives cited here are public versions, with no restriction on audience.

### **Barabara: shark and porpoise**

This is a major narrative complex which links the mainland, Wedge Rock, Hawknest Island, Chasm Island and the coast from North West Bay around to Umbakumba. The narrative tells of the travels of Tiger Shark, who travelled from a site on the mainland via Wedge Rock and Hawknest Island and then down Northwest Bay. He created all the features of the present coastline as he travelled, emerging from the north

eastern corner of North West Bay at Chasm Island. The sweeping action of his swimming was responsible for the many rounded bays and inlets in this area. At Chasm Island he met Porpoise, who had also travelled from the mainland, following much the same course as Tiger Shark, then attacked Porpoise and bit him in half, and the Porpoise is now represented as a rock at the eastern end of Chasm Island. Shark then swam on round the island, forming more bays and natural features, until he reached Umbakumba. Here he chased two mullets and in so doing, created the lagoon on which Umbakumba is situated. He then travelled on to the southern areas of the island.

Another part of this narrative links Porpoise to Chasm Island, where there is a site of utmost significance, one generally feared by all Groote Eylandt people and members of other communities living elsewhere. They believe that any interference with the place will result in events of apocalyptic proportions.

### **Jarakpa: Yiningpuna (the Snake) and Kunkuna (Trevally)**

Snake and Trevally were brothers who travelled from the mainland north of Blue Mud Bay. Both are considered to be spiritually potent and to have created or ordained areas that are now physically dangerous. Snake landed on a beach on the north of North Point Island (Namukumanja) and made the rocks and bays there. Trevally is now a large slab of rock on the northern point of the island. An area of sea off the north of the island is associated with Trevally, and, it is believed, any boat crossing the water there is likely to capsize and its occupants be drowned.

Snake continued across the northern peninsula of Groote Eylandt, where it was responsible for making all the trees across the land. These trees cannot be cut today because the person doing so will become sick and sores erupt all over his body.

Snake went on to a low rocky hill in the centre of the peninsula which takes its name from him. He met a local Jarakpa woman there whom he married. They had many children. All then went east to

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Hempel Bay and the children are now submerged rocks in the bay. They now represent a spirit place for unborn children, known as *wurralau-taarra*. Snake is now represented at McComb Point, and the woman as a rocky headland in the middle of the Bay called Yitarrikimanja. Snake now lives in the deep water in the bay, and is potentially very dangerous.

While these two narratives and associated sites and tracks represent a very small part of the rich mythology of the region, they do serve as excellent examples of the fundamental spirituality which links people to their estates. Not only are estates perceived of as comprising both land and sea, but the narratives relating the activities of the Dreaming beings emphasise the marine environment. The sites, for which owners have primary responsibility, are considered sacred, inviolable and sometimes potentially dangerous. Beneath the narrative complex lies an extensive set of ritual and ceremonial responsibilities that extend to maintenance of objects and ritual performance.

### **Customary marine tenure: rights and duties**

The Dreaming narratives define the extent of the estate owners' territory and designate the nature and extent of the customary rights and duties that are a component of tenure. The fundamental marine emphasis of the spirituality and its links to people today also defines a set of enduring relationships between people and both land and sea country. Owners have rights and duties that are commonly recognised in relation to both domains of land and sea which, in this case, constitute the clan's estate. This system of marine tenure can be identified and its component parts described.

Owners' rights are inherited from the father and the owners comprise a patrilineal group. Matrifiates also have an interest in the estate and act to ensure the duties of the owners are respected and exercised with all due care.

Owners also have the right to use, enter and exploit the land and seas within their estate. They have the right to take, consume and exploit

the natural produce of the land and sea that comprises their country. The Groote Eylandt people stated that known kin as well as members of other clans may freely traverse the estate as well as fish or forage within it, although there is a protocol for ensuring that the senior owner is aware of the activity and formally, at least, has the opportunity to comment on or to direct the proposed activity. However, strangers (and this includes non-indigenous people) are not afforded this right. This is a consequence of two factors. First strangers are not a part of the owners' known universe. There exist no kinship or affinal links such as might be expected to exist between an owner of one estate and the owner of another. Second, however, owners have a responsibility to ensure that no harm comes to the country and the sea as well as to individuals, even if they are strangers. It is the owners' responsibility to ensure that areas where Dreaming spirituality (*madayan*) is believed to be extant are protected from physical harm or trespass by unauthorised or ritually unqualified persons, who themselves might suffer real physical harm as a consequence. Failure to meet these obligations can result in severe censure from fellow clansmen and from matrilin, whose managerial rites include the duty to ensure that the members of the patriline fulfil their obligations properly.

Harm may result from unauthorised access and ignorance. The harm may come to the stranger, or because the sea is so potent, to all inhabitants of Groote Eylandt or beyond. For the men and women with whom I worked, this duty found principal expression in a fear that 'strangers' might do irreparable harm. In particular, fishing boat crews had a reputation for being intrusive, insensitive and likely to land on the reefs and beaches and perhaps interfere with sites. I was shown evidence of barbeques on the beach close to the dangerous site on Chasm Island. So great was the concern that the clansmen had come to an understanding with a sympathetic employee who worked for the mining company on the island (Groote Eylandt Mining Company or GEMCO). In return for 'policing' the islands and bays on their behalf, he was given free access to the areas which he had been instructed were

safe and he was trusted to keep well away from the places known to be spiritually dangerous.

Further examples demonstrate how individuals may come to harm and how owners have a responsibility to ensure strangers act appropriately at all times. While camping at Namukumanja, I unwittingly broke a small branch from a tree beneath which I was camping in order to make a hook upon which I might hang my billy. An owner, who was with me, expressed grave concern and told me of the prohibition on breaking branches from the trees. He also apologised for not telling me of the danger. He felt responsible for my well-being. I was also told of a number of instances when non-Aboriginal people had traversed dangerous areas of the sea and suffered dire consequences as a result. For example, the community advisor at Umbakumba had taken the Outstation Resource Centre boat too close to a dangerous area and it had hit a reef and sunk. Fortunately, all the passengers and crew clambered ashore and no one was injured. Similarly, the fate of trawlers that hit reefs was explained by the indiscretion of their captains in entering seas when ignorant of the spiritual potency and attendant dangers of the area.

Owners also have the right to be consulted about any activity that is to be conducted within their estate. This includes development activity as well as casual visits and access. My helpers commented that the Macassan trepangers had always asked for this permission and that it had usually been granted (see Egan 1996: 6). Modern-day fishermen are not so conscious of this requirement. While the rights of owners to control access is well accepted, and indeed generally enforced with respect to the hinterland areas of estates (which are Aboriginal land under the *Aboriginal Land Rights Act 1976 (NT)*), this is not the case with the sea and littoral zones. There is little or no impediment to members of the mining community or to professional fishermen to entering waters, fishing, anchoring boats, having parties on shore and generally regarding the seas, channels and bays as lacking owners who have rights and duties in these waters. The result is a high level of anxiety on the part of owners that they are unable to properly exercise their concomitant



duties because they have no recognised authority over non-Aboriginal people who enter their sea estates.

Owners also have the right to direct and to be consulted about ceremonial activity which directly relates to their land. This may involve the way in which ritual is to be performed (including song and dance) the holding of sacred objects, the use of body designs and so on. The concomitant duty is expressed as a responsibility to ensure that any ceremonial activity is carried out correctly according to conventions and traditions.

## Conclusion

The Groote Eylandt people have clearly defined territory which consists of both land and sea. Consistent with their economic exploitation of the region, which has as its focus the use and exploitation of a marine environment, religious and spiritual associations are predominantly marine in emphasis. The owners have customary rights, duties and obligations in relation to their land and sea country. These can be specified and constitute a system of customary marine tenure which has endured over generations because its integrity resides in a patriline which endures across the generations. The narratives and associated spiritual beliefs (which find expression in ceremonial practice) are situated mainly within the marine environment. The delineation of estates is founded upon the concept that the Dreaming defines the parameters of an owner's property, both in terms of the estate and the duties that accompany it. It remains a fundamentally unsatisfactory state of affairs that indigenous tenure of sea country is unrecognised by Australian law, and the jurisdiction of the owners is consequently limited. While rights to landed parts of the estates are realised through current legislation, the majority of the estate and those parts that are spiritually the most vibrant, as well as potentially the most problematic, remain beyond the owners' effective control. It is a matter that needs to be addressed.

## Note

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## References

- Egan, T. 1996. *A justice all their own*. Melbourne: Melbourne University Press.
- Levitt, D. 1981. *Plants and people*. Canberra: Australian Institute of Aboriginal Studies.
- Meyers, G.D., M. O'Dell, G. Wright and S.C. Muller 1996. *A sea change in land rights law: the extension of native title to Australia's offshore areas*. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies.
- Moore, C. 1972. Groote Eylandt families. In *Groote Eylandt stories* (ed) K. Cole. Melbourne: Church Missionary Historical Publications. Pp. 12–22.
- Palmer, K. 1984. Ownership and use of the seas: the Yolngu of north-east Arnhem Land. *Anthropological Forum* 5(3): 448–55.
1985. *A report prepared in support of an application to control entry onto seas adjoining Aboriginal land, north Groote Eylandt, Northern Territory*. Corrected with addendum. Darwin: Northern Land Council.

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Turner, D.H. 1974. *Tradition and transformation*. Canberra: Australian Institute of Aboriginal Studies.

Waddy, J. A. 1988. *Classification of Plants and Animals from a Groote Eylandt Aboriginal Point of View*. Darwin: Australian National University, North Australian Research Unit. (2 volumes.)

Worsley, P. 1961. Utilization of natural food resources by an Australian Aboriginal tribe. *Acta Ethnographica* 10:153–90.