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report

*knowledge for managing Australian landscapes*

# Developing institutional arrangements for Indigenous participation in the National Water Initiative

Research project number TRC13 of the Social and Institutional Research Program of Land and Water Australia.

Commencement date: July 2006; anticipated completion date: December 2007.

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*Report for Land & Water Australia.*

## **Final Milestone (October 2006).**

This Final Milestone Report and attached fact sheets have been prepared by the North Australian Indigenous Land and Sea Management Alliance (NAILSMA) for endorsement by Land & Water Australia (LWA).

### **I. Detailed research program**

The Project Research Team has been responsible for coordinating the management, research and communication components of this project. Members of the Project Research Team include Mr. Joe Morrison, Executive Officer of NAILSMA; Dr. Sue Jackson, Research Scientist at CSIRO Sustainable Ecosystems; Prof. Jon Altman, Director of CAEPR at the Australian National University; and, Dr. Lorrae McArthur, Communication Support Officer at NAILSMA. Since its inception in July 2006, the Project Research Team has worked integrally with the Indigenous Water Policy Group (IWPG), which is made up of key Indigenous representatives from across northern Australia (see attached flyer), to implement all components of this project.

A significant outcome from the LWA funded project has been the development of a detailed research program that will be augmented in the next phase of the IWPG. The project was funded on the bases that it provides an information base on which people make informed policy development decisions around water, and the research program is based on a number of identified information gaps and issues.

The research program identifies seven themes:

1. Identify Indigenous water rights
2. Interactions between water markets and the customary sector
3. Examination of international experience, frameworks and models
4. Indigenous economic position in water use and markets
5. Representation on environmental bodies
6. Communication
7. Scrutinise water services, maintenance and delivery

While the National Water Initiative (NWI) offers some economic opportunity for Indigenous communities, the NWI provisions are clearly discretionary. With the exception of “customary” uses, governments are essentially not required to meet

Indigenous specific objectives. This is compounded by the fact that “customary” is not clearly defined. It would appear that “customary” is exclusive of any commercial and economic interests. The “customary” water rights of Indigenous groups in the north requires definition that includes its use, rules and attitudes to cultural obligations for water resource management. The outcomes would provide insight into the construct of an Indigenous water entitlement.

Understanding the terminology surrounding Indigenous water rights will clear the path toward water entitlements, allocations and trading in the water markets. While several areas have been identified as potentially affecting the extent of water trading in northern Australia, Indigenous people are very interested in their implications on water resources and market allocation, water use and its management.

Themes within the research program are interrelated and each provides scope for stand alone research projects. Much can be gained from the international experience of Indigenous groups that have succeeded in water policy, allocation and planning for the benefit of community (social, economic and culture) and for the cultural and environmental heritage of its nation. The establishment of networks for communication and information exchange is pivotal at both the local, regional, national and international level to better improve current systems and policy. The scrutiny of current services, maintenance and systems will contribute to improved health and social circumstances in communities, particularly in remote areas where resources and community support services are clearly lacking.

Significantly, the topics nominated as worthy of further attention are likely to be funded by new water-related initiatives involving the IWPG and the research team. For example, TRaCK theme 6 Enterprise Development will likely address the economic components of the IWPG research program.

## **2. Case studies confirmed and methodologies agreed**

Another significant outcome from the project has been the identification and appraisal of a number of case studies that have contributed to the development of the research program. The aims of the case studies were to identify the types of research that needs to be undertaken at the community level and to develop relationships within targeted communities for any ongoing research. The outcomes of the case studies will contribute to the overall aim of this project, which is to build the capacity of Indigenous organisations in north Australia by articulating the least known aspects of water policy particularly relevant to north Australia (i.e. issues relating to property rights, use and management by Indigenous people) in order to understand and influence the NWI policy agenda.

Four case study areas were identified and methodologies appraised as part of the research that was carried out by the Project Research Team under the guidance of the IWPG. They are:

1. Katherine Daly River region in Northern Territory,
2. Maningrida district in Northern Territory,

3. Ord River in the Miriwung Gajerrong region of Western Australia, and
4. Century Mine in the Southern Gulf region of Queensland.

Briefly, the Katherine case study focused on customary rights and knowledge associated with water that examined impediments to Indigenous participation in water allocation planning; processes provided for Indigenous needs; attitudes to water trading; water markets; water management. The Maningrida case study examined catchments on Indigenous land, community processes for managing water, and determining community understanding about the NWI and their attitudes to water ownership. Both the Katherine and Maningrida case studies are near completion and at the stage of submitting reports.

The Ord case study examines the terms of the agreement and the negotiating history, specifically, the treatment of water rights, economic benefits, Indigenous water management and the alignment of greater water use with development strategies. The Gulf Case Study examines mining related water issues such as customary relationships and ownership of water, Indigenous rights and interests, negotiation processes and the management (institutional arrangements) of water during operation. The methodologies of these two case studies have been agreed on and research is near completion.

While case studies are not yet complete, they have already contributed significantly to the development of the research program. The outcomes of the case studies can be summarised as providing information on:

- institutional frameworks that embrace the articulation between Western water resource law and policy and customary water use, rules and norms
- mechanisms to enhance the participation of Indigenous people in multi-stakeholder and collaborative water management structures and processes including methods to evaluate and bench-mark Indigenous participation
- barriers to the incorporation of Indigenous values, rights and responsibilities in water (e.g. Indigenous institutional capacity), and
- identification of potential incentives to overcome barriers (e.g. land and possible water use agreements, conflict resolution).

### **3. Detailed budget outlined**

The IWPG has been identified as the governance body that will continue to oversee the research program. The value of the IWPG has been widely recognised (e.g. by participants at North Australian Water Summit, NWC members etc). This recognition is evident in the successful funding of the IWPG for another three years by the National Water Commission (yet to be officially announced). The IWPG will continue its work on improving the understanding Indigenous people living in remote regions have of the governments plan for water reform. The IWPG will promote the policies that have been developed based on community consultation. The other role of the IWPG will be to continue engaging in research relating to Indigenous rights, responsibilities and interests in water resources in northern Australia.

While themes within the research program are interrelated, each theme is being progressed as a stand alone research project. As such proposals are being developed that provide detailed budget outlines for the required resources needed to reach the specific outcomes of each theme or project.

The IWPG already contributes significantly to research development under the Tropical River and Coastal Knowledge (TRaCK) consortium through its Indigenous engagement strategy. Through NAILMSA, the IWPG have set the agenda for Theme Six of the TRaCK program and proposals are in the process of being developed to address specific identified themes of water rights, property rights, national and international models and experience and water markets.

Other elements of the research program are being developed and directed to the interests of other independent sources such as the Australian National University (CAEPR), CSIRO, the United Nations University – Institute of Advanced Studies, the National Water Commission and the Department of the Environment and Water Resources of the Australian Government.

The Indigenous Community Water Facilitator Network (ICWFN) has also been successful with funding for three years by the National Water Commission, yet to be officially released. The IWPG will oversee this other NAILMSA initiative. The ICWFN will assist in improving the awareness of Indigenous people living in remote locations of northern Australia. In addition to this, the success of various projects and research programs currently being undertaken in northern Australia, such as those conducted under TRaCK, is greatly dependent upon a strong understanding and capacity for local communities to effectively engage in discussions about the future of north Australian water resources. The ICWFN will assist in facilitating the integration of Indigenous interests in water management with the interests of the many other different stakeholders.

#### **4. Issues papers on key issues**

Over the course of the IWPG meetings, a number of key issues have been identified for discussion among the wider audience. The Project Research Team has been working on developing issue papers that cover some identified areas.

Issue papers that have been developed over the course of the project include:

1. Armstrong, R. (2007) *Background briefing paper – Water Management and water Markets*. Unpublished, North Australian Indigenous Land and Sea Management Alliance. Darwin, NT.
2. Armstrong, R. (2007) *Indigenous rights and interests in water resource management*. Unpublished, North Australian Indigenous Land and Sea Management Alliance & Lingiari Foundation. Darwin, NT.
3. Durette, M. (2007) *International models and experiences of Indigenous property rights*. Unpublished, Centre for Aboriginal Economic Policy Research at Australian National University. Canberra, ACT.

4. Jackson, S. (2007) *Indigenous interests and the National Water Initiative (NWI): Water Management, Reform and Implementation*. Unpublished, CSIRO Sustainable Ecosystems. Darwin, NT.
5. Jackson, S. and Morrison, J. (2007) *Indigenous perspectives in water management, reforms and implementation*. In Hussey, K & S. Dovers (Eds) *Managing Water for Australia: the social and institutional challenges*. CSIRO, Melbourne.
6. Williams, N., Wearne, G., Wearne, J. and Morrison, J. (2007) *Guidelines and Protocols for the Conduct of Research*. North Australian Indigenous Land and Sea Management Alliance. Darwin, NT.
7. *Water Planning in Katherine. An information book for Aboriginal people living in the Katherine region, Northern Territory*. (2007) CSIRO, Darwin.

The *Background briefing paper - Water Management and water Markets* (Armstrong 2007) was written to provide background to some of the issues associated with freshwater, including introducing some issues and concerns, with a focus on what is coming out of the IWPG, and, to identify some strategic opportunities for discussion among NAILSMA and its partners. It also builds on foundational work undertaken by the Lingiari Foundation on Indigenous water rights<sup>1</sup> (see Lingiari Foundation 2002).

The *Indigenous rights and interests in water resource management* paper (Armstrong 2007) essentially summarises the discussion papers produced by the Lingiari Foundation (Inc.), in partnership with the former Aboriginal and Torres Strait Islander Commission (ATSIC)<sup>1 2 3</sup>. These discussion papers recognise that Indigenous organisations and land owners are being asked more and more by non-Indigenous groups and government and non-government stakeholders to say what Indigenous rights, responsibilities and interests in water are. The papers have been revised, updated and placed into a single document. The aim of a revised paper is to renew the debate on water reform and how this translates into Indigenous rights, responsibilities and interests. The rights, interests, practices and uses that Indigenous peoples say they have in water needs to be talked about and understood in a meaningful way. This is vitally important so that the best ways to advocate, recognise, and protect these rights and interests can also be understood.

The paper *International models and experiences of Indigenous property rights* (Durette 2007) draws from the large volume of international literature that exists on water rights and Indigenous people, particularly from South America. The focus is on the political economy of water property rights. Indigenous issues of water tend to focus primarily on customary, spiritual and social type issues. However, this focus

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<sup>1</sup> Lingiari Foundation. (2002) *Onshore water rights discussion booklet*. Lingiari Foundation. Broome, WA.

<sup>2</sup> Lingiari Foundation. (2002) *Offshore water rights discussion booklet*. Lingiari Foundation. Broome, WA.

<sup>3</sup> Lingiari Foundation. (2002) *Background briefing papers*. Lingiari Foundation. Broome, WA.

does not allow for change over time; policies are frozen in time and do not cater for contemporary community issues such as economic values and property rights.

The paper *Indigenous interests and the National Water Initiative (NWI): Water Management, Reform and Implementation* (Jackson 2007) is a comprehensive literature review that extends on work presented in *Indigenous perspectives in water management, reforms and implementation* (Jackson and Morrison 2007; see below). The literature review is intended to provide background to understanding the Australian water sector, its institutional arrangements and recent policy reforms. This understanding should assist in the consideration of Indigenous water rights and interests in relation to the NWI, the scoping of research topics of interest to NAILSMA and the IWPG, and to the group's policy development process.

The paper *Indigenous perspectives in water management, reforms and implementation* (Jackson & Morrison 2007), addresses specifically the NWI and, in general, how Indigenous people can benefit from it. The paper explains the provisions in the NWI that recognise Indigenous interests in water and details how water access entitlements and planning frameworks recognising Indigenous needs can be achieved through planning processes. It also addresses any possible existence of native title rights to water and allocation of water entitlements and emphasises the need for Indigenous representation in water planning processes and for research if certain issues are to be resolved. The paper was presented at the LWA.NWC Conference on Social and Industry Dimensions of Water management at Parliament House in Canberra in December 2006.

The *Guidelines and Protocols for the Conduct of Research* (Williams et. al., 2007) booklet provides advice to researchers undertaking research in Indigenous communities, particularly in natural and cultural resource management. Research is an important means of promoting and assisting management and development on Indigenous land and sea estates in ways that are environmentally, culturally, socially and economically sustainable. NAILSMA and the IWPG are committed to ethical research practices of the highest standard. The booklet is downloadable from the NAILSMA website and contains a brief summary of the research context in relation to management and research approaches; NAILSMA's requirements for research approval; and, an appendix of the Australian institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in Indigenous Studies.

The booklet on *Water Planning in Katherine, an information book for Aboriginal people living in the Katherine region, Northern Territory* provides information to communities in plain English. It explains the water planning process that is occurring in Katherine and introduces its readers to the different representative bodies and stakeholders interested in its process, and information about researchers conducting the case studies and the organisations that they work for.



**5. A draft project fact sheet and a draft policy fact sheet together with evidence of implementation of the K & A strategy and M & E plan**

Implementation of the Knowledge and Adoption strategy is summarised in the table below and includes outcomes from the monitoring and evaluation plan. Two project fact sheets (downloadable from the NAILSMA web site: [http://www.nailsma.org.au/projects/water\\_policy.html](http://www.nailsma.org.au/projects/water_policy.html)) and a draft policy fact sheet follow the table.

## Knowledge and Adoption

<b>Problem or research focus:</b> The project has sought to overcome the current lack of knowledge by Indigenous people on water reform under the NWI and build the capacity (economic, social and cultural) of Indigenous communities with regard to water reform and management across the north of Australia in general.				
<b>Intended impact of your project (objectives):</b> Briefly: <ol style="list-style-type: none"> <li>1. Convene a representative group from Indigenous organisations to steer the project</li> <li>2. Provide sound information and knowledge to Indigenous organisations and communities and promote dialogue among Indigenous organisations, state water resource managers, National Water Commission and researchers</li> <li>3. Develop a program for future research</li> <li>4. Form a strong alliance with the Tropical Rivers and Coastal Knowledge consortium</li> <li>5. Develop communication materials suitable for the various project stakeholders</li> <li>6. Generate and endorse policy documents for the various project stakeholders</li> <li>7. Improved basis for water management in northern Australian rivers</li> </ol>				
	<b>Who (Target)</b>	<b>Type of engagement/how (Method)</b>	<b>Monitoring and Evaluation plan (engagement &amp; impact) (Measure)</b>	<b>Outcome</b>
Engagement	Indigenous organisations across northern Australia	- Invite key representatives from major Indigenous organisations to become	- Attend four meetings to discuss indigenous participation in the NWI	- Large membership - Three meetings have been held, the last workshop is scheduled

		members of the IWPG	<ul style="list-style-type: none"> <li>- Endorsement of at least three regional case study areas for future research</li> <li>- Endorsement of policy documents</li> </ul>	<p>for the 12<sup>th</sup> of October 2007</p> <ul style="list-style-type: none"> <li>- The locations and methodologies of four case studies have been agreed and undertaken</li> <li>- Refer to milestone # 4</li> </ul>
	Indigenous communities	<ul style="list-style-type: none"> <li>- conduct workshops to discuss the development of regional case studies</li> <li>- provide communication materials that explain water reform in the north under the NWI</li> </ul>	<ul style="list-style-type: none"> <li>- the development of ideas for future research of water reform</li> <li>- the development of communication material that articulate Indigenous issues and interests with the NWI</li> </ul>	<ul style="list-style-type: none"> <li>- refer to milestone # 4.</li> <li>- Water Planning in Katherine information book</li> <li>- IWPG project fact sheets 1 &amp; 2: Objectives and Research Program and Case studies</li> <li>- Presentations at forums, workshops and meetings</li> </ul>
	North Australian water resource managers and policy advisors	<ul style="list-style-type: none"> <li>- attend IWPG meetings</li> <li>- attend regional workshops</li> <li>- advise research planning</li> </ul>	<ul style="list-style-type: none"> <li>- research encompasses a wide range of interests</li> <li>- information gaps and knowledge on the NWI are addressed through policy documents</li> </ul>	<ul style="list-style-type: none"> <li>- face-to-face meetings</li> <li>- attend workshops and conferences</li> <li>- development of research program</li> <li>- refer to milestone 4</li> <li>- secured three seat membership on the Northern Land and Water</li> </ul>

				Taskforce
	North Australian Indigenous economic development policy officers	<ul style="list-style-type: none"> <li>- engage in discussions on research development plans and seek advice</li> <li>- attend regional workshops in case study areas</li> </ul>	<ul style="list-style-type: none"> <li>- brief is developed that articulates research focus for Indigenous engagement in independent economic development</li> </ul>	<ul style="list-style-type: none"> <li>- refer to milestone 4</li> <li>- face-to-face meetings</li> <li>- advise IWPG at meetings</li> </ul>
	A national and international set of academics, researchers, professionals, industry and community interests researching or engaged in Indigenous co-management of water resources, water rights and water use	<ul style="list-style-type: none"> <li>- literature reviews</li> <li>- develop briefs on international stage that can be articulated as models at the national level</li> <li>- engage in detailed discussions (written and verbal) among researchers, particularly the TRACK consortium, policy makers, and industries</li> </ul>	<ul style="list-style-type: none"> <li>- prepare briefs that can be presented to a diverse range of audiences</li> <li>- refine research guidelines developed through NAILSMA</li> </ul>	<ul style="list-style-type: none"> <li>- Refer to milestone 4.</li> <li>- Advisory and research teams consist of key representatives in this target group.</li> <li>- Research team have phone link ups once a month and in regular email contact.</li> <li>- Attendance of other key target representatives have attended IWPG and other meetings, called on as required and engaged in case studies.</li> <li>- Developed working association with the TRaCK</li> <li>- Developed exchange relationship with the UNU-IAS</li> </ul>

				<ul style="list-style-type: none"> <li>- General correspondence</li> <li>- ideas presented at workshops</li> <li>- Fully developed research program</li> </ul>
Communication	Indigenous communities, policy makers, indigenous institutions, government, NGO's and potential investors	<ul style="list-style-type: none"> <li>- Through discussions among the target audiences a series of briefs will be developed that address policy development, economic engagement, social progress under the NWI given Indigenous interests in water reform</li> <li>- Through a developed communication strategy that address internal and external communications including email updates, web-site, phone-conferences, face to face meetings, video conferences, consultation with Indigenous groups and production of issue papers, community newsletter,</li> </ul>	<ul style="list-style-type: none"> <li>- issue policy papers on water reform that discuss property rights and water trading</li> <li>- campaign the significance of wise water use, and health issues related to inadequate water infrastructure</li> <li>- prepare plain English documents that can be circulated to a range of audiences that articulate pointed issues</li> <li>- establish protocols for research engagement through land councils and institutions that consider intellectual property rights</li> <li>- seek further funding by advertising project significance</li> </ul>	<ul style="list-style-type: none"> <li>- refer to milestone 4</li> <li>- fully developed research program</li> <li>- comprehensive communication strategy</li> <li>- network development</li> <li>- project funding submissions: Pilot Leadership Programme in Water Planning; IWPG; and, Indigenous Water Facilitator Network.</li> <li>- Water Planning in Katherine community information book</li> <li>- IWPG project fact sheets 1 &amp; 2: Objectives and Research Program and Case studies</li> <li>- Media attention (<a href="#">ABC NewsOnline</a>)</li> <li>- Attend forums, workshops, meetings and conferences</li> </ul>

		<p>articles/stories for indigenous media outlets</p> <ul style="list-style-type: none"> <li>- Networking within and among the IWPG, its advisors and the broader Indigenous community.</li> </ul>	<ul style="list-style-type: none"> <li>- review resources with the aim to highlight regional management for water regulation and allocation</li> <li>- issue paper on service, delivery and water management</li> <li>- develop IWPG mission statement and objectives</li> <li>- update existing literature and resources in format that is accessible to a range of audiences</li> <li>- coordinate a debate in the media that articulates clear messages to a range of audiences</li> </ul>	<ul style="list-style-type: none"> <li>- Publication of articles in newsletters</li> <li>- Web page development</li> <li>- NAILSMA and TSM-CRC e-news publication</li> </ul>
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# Indigenous Water Policy Group

North Australian Indigenous Land and Sea Management Alliance



## FACTSHEET 1: ROLE AND OBJECTIVES 2006-2007

### Who we are

The Indigenous Water Policy Group (IWPG) is an initiative created and facilitated by NAILSMA.

The IWPG was formed to continue the work of the Lingiari Reports<sup>1</sup> which addresses Indigenous rights, responsibilities and interests in water. In addition to this, a scoping study of Indigenous interests in tropical river management<sup>2</sup> identified an extremely low awareness of the National Water Initiative (NWI) amongst Indigenous people in the north of Australia. The NWI is the federal government's plan for national water reform, which has significant implications for future Indigenous land and sea management, given that the Indigenous estate is about 40% in the north of Australia.

The IWPG is funded for one year (2006-07) to develop institutional arrangements for Indigenous participation in the NWI. Funding to do this has been provided by Land and Water Australia (LWA).

### What we do

The primary goals of the IWPG are to:

- provide policy advice to its members based on research on water reform initiatives as they affect Indigenous communities and land holdings;
- provide advice and representation on all matters concerning water resources in terms of the social, economic, environmental and cultural interests of Indigenous people in the north of Australia;
- ensure that Indigenous interests are appropriately engaged in all regional water planning in the north of Australia, providing
  - equitable and secure access to water for domestic and commercial purposes;
  - recognition and protection of the wide range of interests in water by developing collaborative relationships among scientists, natural resource management facilitators and Indigenous interests.



Some members of the IWPG and advisors that attended the inaugural meeting in November 2006. From top left, Michael Ross; Richard Jenkins (Balkanu); Joe Morrison; Peter Yu; and Wayne Bergmann. From bottom left, Marcia Langton; Marnie Parkinson and Rachel Amini-Yanner (CLCAC). Missing from the photo are Peter Cullen and Sue Jackson.

The IWPG does not exclude any Indigenous groups and provides equal weight to issues of rights, responsibilities and interests with respect to sustainable use and management of water resources.

### Objectives

The IWPG has two main objectives.

The first objective focuses on improving Indigenous people's awareness of water reform under the NWI so that:

- informed decisions are made about water planning and management as it affects communities in the north of Australia.

The second objective is to engage in research relating to Indigenous rights, responsibilities and interests in water resources in northern Australia so that:

- Indigenous knowledge of customary and traditional water use are identified (such as high value cultural and ecological water systems and areas);

<sup>1</sup> Lingiari Foundation (2002) *Offshore and Onshore water rights discussion booklets*. Lingiari Foundation, Broome.

<sup>2</sup> Jackson & O'Leary (2006) *Indigenous Interests in Tropical Rivers: Research and Management Issues. A Scoping Study for Land & Water Australia's Tropical Rivers Program*. CSIRO Sustainable Ecosystems, Darwin.

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TROPICAL SAVANNAS CRC  
Coordinating Research Centre for Tropical Savannas Management



## FACTSHEET 1: ROLE AND OBJECTIVES 2006-2007

- Indigenous knowledge, customary practices and intellectual property in water are recognised, valued and protected;
- Indigenous people are engaged in consumptive and non-consumptive water planning and policy development;
- the economic future of Indigenous people is secured in the development of water reforms (in both the present and the emerging industries);
- existing policies on the regulation of tourism, weeds and feral animals, and other impacts on water resources are examined.

### Our structure

The IWPG is made up of six key Indigenous representatives from major regional organisations in the north that represent a large number of Indigenous communities and Traditional Owners.

Core partners include: Kimberley Land Council (KLC), Northern Land Council (NLC), Balkanu – Cape York Development Corporation, Cape York Land Council (CYLC), and Carpentaria Land Council Aboriginal Corporation (CLCAC), although key stakeholders external to the major land councils may be co-opted onto the IWPG. It is assisted by a number of people from non-Indigenous organisations.

### Stakeholders

The IWPG work with many stakeholders including Indigenous communities, organisations and institutions; north Australian water resource managers, research organisations and policy advisors; north Australian economic development policy officers; other government and non-government organisations; as well as potential investors.

### Outcomes

The principal outcomes from the IWPG will include:

- a fully developed research program with selected catchment area case studies in the north of Australia;
- a series of issue papers on the economic, social and cultural implications of the NWI on Indigenous people in the north of Australia;
- policy documents for government, industry, research and non-government sectors on a range of issues, including best-practice in Indigenous participation in water resource planning and other standards for working with local Indigenous communities.

Should the IWPG be maintained beyond one year, it will work on other important issues including:

- promoting water literacy in remote communities;
- developing communications so that project partners, Indigenous communities, wider communities, government and NGO agencies are informed, and, offers advice and collaboration among national and international Indigenous groups;
- the delivery of potable water in Indigenous communities.

#### For further information:

Visit the NAILSMA website, [www.nailsma.org.au](http://www.nailsma.org.au)

or contact Lorrae McArthur,  
Communication Support Officer for NAILSMA  
ph: 08 8946 6973 email: [lorrae.mcarthur@cdu.edu.au](mailto:lorrae.mcarthur@cdu.edu.au)

#### For interviews contact:

Mr. Joe Morrison, Executive Officer for NAILSMA  
ph: 08 8946 6973 email: [lorrae.mcarthur@cdu.edu.au](mailto:lorrae.mcarthur@cdu.edu.au)

#### Our structure: flow chart





# Indigenous Water Policy Group

North Australian Indigenous Land and Sea Management Alliance



## FACTSHEET 2: RESEARCH PROGRAM AND CASE STUDIES

### Background

The main objectives of the Indigenous Water Policy Group (IWPG) are to raise Indigenous peoples awareness about the government's plans for national water reform and engage in research relating to Indigenous rights, responsibilities and interests in water so that Indigenous people are included in all water planning processes in northern Australia.

### Indigenous water management and water rights

There have been many changes to water use and management across Australia over the past few years. Most Indigenous people are unaware of these changes and how their interests may be affected. The IWPG will be involved in a number of research activities on Indigenous water issues in north Australia during 2007.

Better information about Indigenous water rights and management, combined with Indigenous views about water, will help the IWPG to better advocate for Indigenous groups and interests across the north when water use decisions are made.

#### Information is needed about:

- The importance of water to Indigenous groups – water and its part in livelihoods, fishing, stories, law, customs, businesses, healthy rivers and wetlands, and everyday life.
- The rules that Indigenous people have for using water – what are people's views on ownership of water and granting access to water places, and how should decisions about water use be made? Are there different rules for water flowing in a river, or for water in a billabong, or underground?
- Indigenous people's attitudes towards sharing water amongst other (Indigenous and non-Indigenous) groups, and how the benefits from water use should be shared?
- The responsibilities people have to manage water places and what resources are needed to help people to fulfil these responsibilities.

- Whether Indigenous people are participating well in decisions that Governments are making about water use, and if not, what could be done to help people be more involved and have a greater say?
- The effects on Indigenous people of new government policies and rules for using water, especially the impact of water trading (buying and selling water) for more farming.
- Ways that Indigenous people may benefit from any changes to water use and management. For example, are there any native title cases that have helped to make clearer what Indigenous people's 'water rights' might look like? Have agreements with farming companies or governments helped to involve Indigenous people in local industries that use water?



*Some of the Wagiman Rangers on the Daly River in the Northern Territory. Photo taken by Sue Jackson (CSIRO).*

This information can be used to help Land Councils and other Indigenous organisations to carry out their work; it may also influence how Government departments approach water use and management in northern regions.

### How will this information be collected?

NAILSMA and the IWPG are working with researchers from CSIRO Sustainable Ecosystems, the Australian National University's Centre for Aboriginal and Economic Policy Research (CAEPR) and the University of Melbourne.

This project is supported by:



Australian Government  
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TROPICAL SAVANNAS CRC  
Exploring Savannas from the Tropics to the Coast



## FACTSHEET 2: RESEARCH PROGRAM AND CASE STUDIES

There are two main ways the research will be done:

### 1. Reviewing existing information

The **first** way is to collect information from books, reports and articles from the north and other parts of Australia and from overseas. We would like to learn how other Indigenous people manage water and how they have responded to changes to the way water is used and managed. The changes are similar across the world: as more and more people need access to more water governments have set up new ways for deciding which groups should get what amount.

A popular approach is for governments to create rights to buy and sell water so that those groups who can pay most and put water to a high commercial use get to access the water they need. We are interested in how these new water rights systems (called market-based systems) may affect groups who have rights to use water under their own customary legal systems.

### 2. Conducting Case Studies

The **second** way is by visiting places and interviewing Traditional Owners. The researchers will visit a few areas to better understand what the water rights issues are in each particular place. We would like to visit Katherine, Maningrida and Kununurra (see map) to look more closely at the issues in those communities and to talk with people about their experiences in managing water. As these are early days in looking into these issues the visits will be short – about 2 or 3 weeks. They will be in the dry season of 2007.

During these visits communities and organisations can decide if they would like to continue to work with the

researchers, the IWPG and NAILSMA in building a clearer picture of the water rights issues over coming years.

### Protocols for the research involving communities

The researchers will follow the guidelines for ethical research provided by NAILSMA, Charles Darwin University and the Australian National University.

The researchers will contact Land Councils and local Indigenous organisations in these regions to get approval for this work to be carried out. We will discuss ways of protecting the Intellectual Property of traditional owners and ensuring confidentiality of any sensitive information.

#### For further information:

If you would like further information about the research activities contact:



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If you would like information about the IWPG visit our website, [www.nailsma.org.au](http://www.nailsma.org.au)

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Map of northern Australia showing case study areas. Kununurra (WA), Maningrida and Katherine (NT).



## Draft Indigenous Water Policy Fact Sheet

This fact sheet was developed through funding provided for Research project number TRC13 of the Social and Institutional Research Program and Tropical Rivers Program of Land and Water Australia.

Develop institutional arrangements for Indigenous participation in the National Water Initiative.

Commencement date: July 2006; anticipated completion date: December 2007.

### Community-driven approach to water resource management

Traditional Owners from the Kimberley, Top End of the Northern Territory, southern Gulf of Carpentaria and Cape York regions are joining forces to develop community-driven approaches to Indigenous engagement in research and management of tropical rivers, water use and conservation, and, ensure that Indigenous interests, rights and responsibilities are articulated and incorporated into water reform policy.

### Why Indigenous Water Policy

Indigenous Australians make up almost 50% of the population and own almost 50% of land in the Top End of northern Australia. Northern Australia's rivers and wetlands are environments of vital importance to the many thousands of resident Indigenous people. Water use and trade opportunities are expected to intensify in some of those regions, as a consequence of water shortages in other areas of Australia and the federal government's response for water reform in the north. Communities are intimately connected to 'country' via customary practice, cosmological beliefs, and a wealth of environmental knowledge accumulated over hundreds of generations of actively 'caring for country'.

### Indigenous Engagement in Water Resource Management

The North Australian Indigenous Land and Sea Management Alliance (NAILSMA) is committed to promoting Indigenous *Engagement in Water Resource management*. To achieve this, NAILSMA plans to facilitate two initiatives:

- The Indigenous Water Policy Group
- The Indigenous Community Water Facilitator Network

### The Indigenous Water Policy Group

The Indigenous Water Policy Group (IWPG) is made up of key representatives of major Indigenous organisations from across northern Australia. The group was formed in 2006 to continue dialogue of the Lingiari Water Rights Discussion Booklets. These booklets clearly identified that Indigenous rights, responsibilities and interests in water need to be recognised in any water reform policy and management plans. In addition to this, a recent scoping study on Indigenous interests in river management

identified an extremely low awareness about the governments plan for water reform under the 'National Water Initiative'.

The broad objectives of the IWPG have been to increase the awareness of Indigenous people about the governments plan for water reform, and, engage in research so that the interests, rights and responsibilities of Indigenous peoples are communicated and incorporated during the water reform process. The outcomes from these objectives are three fold:

1. provide policy advice to its members based on research on water reform initiatives as they affect Indigenous communities and land holdings;
2. provide advice and representation on all matters concerning water resources in terms of the social, economic, environmental and cultural interests of Indigenous people in the north of Australia;
3. ensure that Indigenous interests are appropriately engaged in all regional water planning in the north of Australia, particularly surrounding issues relating to equitability and access to water and recognition and protection of a range of interests in water reform.

### **The Indigenous Community Water Facilitator Network**

Facilitation at the community level to integrate Indigenous interests in water management with the interests of the other various stakeholders remains lacking. The IWPG will oversee an Indigenous Community Water Facilitator Network (ICWFN). The network will be made up of six Indigenous facilitators located in the major regions of northern Australia and will be supported by a Coordinator that is centrally located in Darwin.

The broad aims of the network are to establish community based network to advance Indigenous engagement in research and management of tropical rivers, water use and conservation, and to act as a catalyst to ensure that community interests are articulated, encouraged and incorporated in water policy decisions, management plans and water allocations.

## Research

The IWPG contributes significantly to research development under the Tropical Rivers and Coastal Knowledge (TRaCK) research hub. TRaCK essentially investigates the sustainability of rivers and catchments (surface and ground water) from Cape York to Broome. A key feature that overrides its entire program is its engagement with Indigenous people and Indigenous land owners and managers through its 'Indigenous Engagement Strategy'.

The IWPG is working with TRaCK and other research bodies to develop its own research program that focuses on seven themes:

1. Indigenous water use
2. Indigenous rights to water markets
3. economic development of Indigenous people
4. capacity building in Indigenous communities
5. Indigenous water resource management
6. community services
7. communication

**The overall outcomes from this community driven approach will include health, economic, cultural, environmental and social benefits among Indigenous participants.**

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To find out more about how NAILSMA is promoting *Indigenous Engagement in Water Resource Management*, please visit the NAILSMA website: [www.nailsma.org.au](http://www.nailsma.org.au) or send an email to: [water@edu.edu.au](mailto:water@edu.edu.au)