



12th International Riversymposium

Rivers from source to sea

Session Theme: Flows for rivers and estuaries: Indigenous Water Issues their values

Topic: Economic opportunities for Northern Australia

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Before I proceed I would like to acknowledge the traditional owners of Meanjin (Brisbane), the Turrbal People, both past and present. I also acknowledge this session's chair, Ken Matthews and fellow speakers, particularly Joe Ross and his leadership in advocating for Indigenous water rights. I also acknowledge Joe Morrison, the CEO of NAILSMA, who unfortunately was unable to present today and sends his apologies. And thank the organisers of the *Riversymposium* for inviting NAILSMA here today.

In this presentation I will provide some background to NAILSMA, profile its water program and then highlight some outcomes from a recent water forum that draws attention to Indigenous people's economic interests.

NAILSMA

NAILSMA is an alliance of peak Indigenous organisations within the bioregional wet and dry tropics of northern Australia. The organisations are the Kimberley, Northern and Carpentaria Land Councils and the Balkanu Cape York Development Corporation.

Mandate

Our mandate is to facilitate and bring together partnerships for better Indigenous outcomes related to management and development of Indigenous land and sea estates. Aspired outcomes include Indigenous integrated policies, governance arrangements and knowledge systems that provide for social, economic, and cultural benefits and for the sustainable use of resources.

Philosophy

This mandate embraces the philosophy of 'Looking after our country our way'. Today, Indigenous people maintain knowledge systems that underpin 'Caring for Country' that have been adapted over tens of thousands of years.

NAILSMA operates on the basis of a culture-based economy. This type of economy is defined by Indigenous people and advocates Indigenous inherent rights to continue using and managing resources from their traditional land and sea estates.

Leadership

As an Indigenous non-government organisation, NAILSMA is leading in creating innovative opportunities to conduct culturally appropriate business. NAILSMA's business approach aspires not only to new ways of engagement in existing industries, such as mining, pastoral and tourism, but also to lead the development of emerging new industries such as carbon abatement, water based economies and environmental service provisions. It is reputed for developing partnerships with a range of government agencies and research institutions and for delivering tangible outcomes that cross state and territory jurisdictions.

Indigenous Water Resource Management Program

The Indigenous Water Resource Management Program is one example of NAILSMA facilitating complex tasks across the north.

This Water Program takes in the Indigenous Water Policy Group, Indigenous Community Water Facilitator Network and some research interests of TRaCK through Theme 6: Sustainable Enterprises.

The Indigenous Water Policy Group

The Indigenous Water Policy Group (IWPG) was initiated in 2006 and is the only construct in the north of Australia examining Indigenous water policy. The IWPG was initiated to continue dialogue created by the Lingiari Foundation in 2002 about Indigenous water interests, rights and responsibilities in relation to the national water reform agenda.

The National Water Initiative and subsequent federal government water reform agendas have significant implications for future Indigenous land and sea managers. The Indigenous estate is greater than 40% in the north of Australia and yet no provision is provided for Indigenous economic water interests, only for subsistence and cultural uses.

Initially funded by Land and Water Australia, the IWPG is currently funded by the National Water Commission, under its Raising National Water Standards Program.

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

Integral to the function of the IWPG is the support of Advisory and Policy Engagement groups. Partnerships with these groups have been established over time and are based on trust and mutual respect, and their relationship is defined by agreed terms of reference.

Advisors act independently to provide strategic recommendation to the IWPG on matters concerning research and policies as they affect Indigenous communities in the north. Advice is commissioned through meetings, literature reviews, research papers and policy documents. The Policy Engagement Group is made up of key representatives from state, territory and federal water agencies. It provides policy advice and may act to support the IWPG to engage Indigenous policy positions.

The Indigenous Community Water Facilitator Network

The IWPG works in parallel with the Indigenous community Water Facilitator Network. Established in 2008, this National Water Commission funded Network places facilitators in key catchments in the north that are undergoing pressure, in terms of development and water planning. It is within those key catchment areas that Indigenous social, cultural and economic interests can be locally engaged in research activity, economic initiatives, water planning and allocation processes and policies.

TRaCK Theme 6: Sustainable enterprises

Among other research priorities, the IWPG was able to develop some interests into some research components of TRaCK Theme 6: Sustainable enterprises. This theme presents a holistic approach that combines land, water and people to examine sustainable enterprises. The key goals of the Theme are to examine legal and capacity issues around economic development dependent on rivers and water resources; and to present development options matched to the needs and aspirations of the local community that also maintain ecological integrity. This is approached through case studies based on participatory action research.

Economic interests, issues and opportunities in northern Australia

Water reform in the north of Australia, driven through water allocation planning and development, is high on the federal government's agenda. An alarming thought when the experiences we have to learn from have been at the detriment of Australia's first nation's people and the environment. Some systems in southern areas of Australia are overused, over regulated and are failing. Aboriginal people have lost access to their country and laws and are left only to watch their country become sick and their livelihoods lost.

NAILSMA strongly advocates the policy 'Healthy Country, Healthy People'. Its approach is to sustain the capacity of Indigenous people in the north to live on and remain on their traditional estates whilst utilising the intellectual knowledge of tradition and aspirations for maintained and improved Indigenous livelihoods.

Water reform goes beyond COAG and NWI policies. The IWPG advocates for the legal recognition of Indigenous rights to access water and maintain sovereignty over lands and waters from which they obtain their spiritual and cultural identity, life and livelihoods. The IWPG also advocates for recognised commercial rights to water. Recognising and enhancing Indigenous cultural and commercial rights in the ownership, management and use of water is fundamental to facilitating Indigenous economic development. If the present government is committed to its apology, closing the gap policies and its recent support for the United Nations Declaration on the Rights of Indigenous People, a new way of engaging with Australia's first nation people needs to be seriously considered.

North Australian Indigenous Experts Water Futures Forum

I want to spend the last few minutes reiterating some points made so far by drawing from experiences of the recent North Australian Indigenous Experts Water Futures Forum. The position that came out of that forum is relevant here because it is truly representative of Indigenous economic interests for the future development of northern Australia. And it has arisen out of a culmination of national and international collaboration of experiences.

In August this year, about 80 Indigenous leaders from across northern Australia convened at Mary River Park in the northern territory. The meeting was convened by NAILSMA and commissioned by the Northern Land and Water Taskforce as part of its objective of consulting with key stakeholders on the future development of northern Australia.

The forum delivered to the Taskforce a set of recommendations and principles and the Mary River Statement. Some views that came from the Forum are as follows:

- Indigenous people do not hold the view that they are a stakeholder but believe that they are the rightful custodians of their land and sea estates
- They are concerned that their existing laws for the management and use of resources will continue to go unrecognised in western institutional frameworks and policies.
- Indigenous people are concerned that their cultural, social and economic interests are not being considered
- They are concerned that western law is based only on short-term economic vision, which is to separate water from land so that water becomes tradable.
- Indigenous people are concerned that water will not be seen as a limited resource. Water is essential for all life and that access to clean water is a basic human right.
- They are concerned of becoming further marginalised and separated from their land and sea estates and will not be appropriately engaged in all areas of decision making.
- They are concerned that southern ways of doing business will be applied to the north at the detriment of its peoples and its environment.

Recommendations were put forward to address views and some of those are presented here:

- Establish new ways to deal with government that support as the primary goal, of engaging and responding to Indigenous aspirations regarding development across the north;
- That the UND be used as the benchmark for establishing and building a new legal and cultural framework for doing business and for creating water policy and legislation.
- Water dealings are based on free, prior, and informed consent.
- Water management and use includes all cultural uses, environmental flows, consumptive and commercial uses, and all freshwater systems are included whether on the mainland or on sea country.
- Water allocation needs to be linked with best practice, sustainable, efficient use and accurate up to date information about environmental flows.
- Indigenous Knowledge and better application of western science that is not based on southern models is imperative for finding solutions that address contemporary local, regional and global environmental issues.

- That the use of water as a Northern Indigenous economic opportunity is investigated.
- That the Native Title Act is amended to include water as a use right to negotiate economic benefits rather than as presently, just a customary use rights.

Mary River Statement

I will close with some poignant declarations from the Mary River Statement, which, as stated by Joe Morrison, is a testament to the seriousness of Indigenous people's contribution and participation in policy decision making. It sends the message that Indigenous people cannot be on the margins of discussions about development in the north, but drivers of such.

"Water, land and Indigenous people are intrinsically entwined.

As traditional owners we have an inherent right to make decisions about cultural and natural resource management in Northern Australia. In accordance with Article 19, we must have a central role in the development, implementation and evaluation of policy and legislative or administrative measures that may affect us concerning water.

In accordance with Articles 26 and 32, we assert that:

1. We, the Indigenous peoples, have the right to the lands, territories and resources that we have traditionally owned, occupied or otherwise used or acquired.
2. We have the right to own, use, develop and control the lands, territories and resources that we possess by reason of traditional ownership.
3. States shall give legal recognition and protection to these lands, territories and resources.
4. We the Indigenous peoples, have the right to determine and develop priorities and strategies for the development or use of our lands and its resources.
5. States shall consult through our representative institutions in order to obtain our free and informed consent prior to the approval of any project affecting our lands or territories and other resources.
6. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

We the Indigenous peoples of Northern Australia will work with the Government to establish what water entitlement and allocation is required to satisfy our social and cultural, ecological and economic needs".

Conclusion

Water and broader development in the north represent a unique opportunity to get the relationship with Indigenous people right, and also to ensure that steps are put in place that empower Indigenous people to lead in the north rather than further marginalise people for short term profits.

Indigenous people need to be the primary interface in the planning and development of water usage, proposed and regulated for their own economic, social and cultural benefits.

Indigenous people across north Australia are united in dealing with water issues.

And they are ready to be engaged.