



Incentives and constraints to Indigenous engagement in water management



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ABSTRACT

Until very recently, water policy and management has not included Indigenous knowledge, despite its relevance to sustainability. However, the Australian government, through the National Water Commission (NWC), started to recognise that effective and sustainable water management can be enhanced by integrating scientific and traditional knowledge, by encouraging Indigenous engagement. The National Water Commission's 2009 biennial assessments found that most jurisdictions in Australia did not have in place effective Indigenous engagement in water management. In 2012 the First Peoples' Water Engagement Council found this was still the case. This paper investigates what inhibits the process of knowledge sharing for water management and uses a case study from the Macleay River catchment in northern New South Wales to elucidate both the salient constraints and incentives on Indigenous engagement in water resources management. Primary data were sourced via 18 semi-structured interviews with key members of the Kempsey Shire community, researchers and relevant people working in water governance. The study found several constraints including socio-economic limitations, lack of capacity to engage, restrictions through various levels of engagement, how culturally appropriate engagement practices are, and ineffective leadership from all tiers of government. Submissions to the Standing Committee on Environment and Communications Inquiry into the National Water Commission (Abolition) Bill 2014 also identified these constraints. These limitations interact and cannot be considered separately. The incentives to engagement included: the value of Indigenous knowledge for sustainable water management; participants' incentives as genuine interest in water; a desire to use and value cultural insights; and, opportunities for improved educational and employment outcomes.

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1. Introduction

Australia has an Indigenous population of almost 550,000 comprising Indigenous and Torres Strait Islanders (Australian Bureau of Statistics, 2011). Their habitation of the country has extended over 40,000 years (Department of Indigenous & Torres Strait Islander Policy and Development, 1999), in a country characterised by highly variable rainfall and limited surface water resources (Meinke et al., 2006). Indigenous peoples' profound knowledge of water, its occurrence, management and biodiversity, has not been acknowledged by succeeding waves of Europeans arriving since the late 1700s, except when it has ensured survival or enabled targeted development (National Museum Australia, 2010). Consequently,

until very recently, Indigenous knowledge has not been included in the management of water resources in Australia. However, in the last few years the Australian government, through the National Water Commission (NWC), has started to recognise that effective and sustainable water management can be enhanced through the integration of both scientific and traditional knowledge (National Water Commission, 2011; Tan and Jackson, 2013). This prompted the National Water Initiative (NWI), as a leading example, to include participation by Indigenous communities in water management and decision making. All states within the Commonwealth of Australia have signed the National Water Initiative, thus agreeing to implement its principles, including recognition of 'Indigenous needs in relation to water access and management' (NWI clause 25(ix), s52–54). In line with section 52 of the NWI, it is considered that Indigenous representation in water planning, and the incorporation of Indigenous social, spiritual and customary objectives within water plans, represent the first steps in gaining Indigenous rights and access to water.

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The National Water Commission's 2009 biennial assessments found, however, that most jurisdictions did not have in place effective Indigenous engagement in water management. According to the First Peoples' Water Engagement Council these findings are still relevant (FPWEC, 2012). The 2011 biennial assessment, for example, found that "most jurisdictions have improved consultations with Indigenous communities in water planning and management, but have generally failed to incorporate effective strategies for achieving Indigenous social, spiritual and customary objectives in water plans, as envisaged under the NWI." (NWC, 2011, p.49). In addition "the full intent of the NWI parties' commitments on Indigenous interests in water has not yet been achieved" (NWC, 2011, p.13). This suggests that although national policies have been developed, Indigenous engagement in water management has been ineffective to date, even though their traditional knowledge has the potential to help sustain and enhance Australian river systems (Jackson, 2006; NWC, 2009).

The current Australian Government announced, as part of its annual budget, that the NWC would close at the end of 2014 to make a saving of \$20.9 million over the next four years (Commonwealth of Australia, 2014). Its abolition, promulgated through the National Water Commission (Abolition) Bill, will mean the loss of independent water auditing and the potential down-grading of water reform processes in Australia. It also has implications for the effectiveness of the NWI reaching its full potential. If the Bill is passed in 2015, the main duties of the NWC will be performed by the Productivity Commission, the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) and the Department of the Environment, each agency having discrete responsibilities. For example, the NWC's monitoring, auditing and assessment duties will be transferred to the Productivity Commission. This is a contentious Bill and was not passed in 2014, with further debate likely early 2015. Notably, submissions to the Standing Committee on Environment and Communications Inquiry into the National Water Commission (Abolition) Bill 2014, have included acknowledgement of the NWC's unique and positive role in Indigenous rights, and the scale at which Indigenous knowledge could operate:

...the NWC has played a helpful role to provide independent information on water planning issues and to support appropriate engagement with Indigenous communities through, for example, establishing the Indigenous Water Policy Group and the Indigenous Community Water Facilitators Network. Water is the lifeblood of communities in northern Australia. Indigenous people manage or have interests over nearly 80 per cent of the land and waterways in the north (Australian Conservation Council, 2014, recommendation 1).

In the Kimberley... we have received National Water Commission support for local participation in water planning and sustainable management through initiatives such as the Kimberley Water Forum in 2008. ... The National Water Commission has supported the establishment of bodies such as the Indigenous Water Policy Group and the Indigenous Community Water Facilitators Network, which have been indispensable in engaging local people and their representative organisations in water reform processes (Yawuru Native Title Holders Aboriginal Corporation, 2014).

Regardless of these contexts, historically, and currently, the vast majority of water resources management decisions are made by non-Indigenous Australians. This paper describes the policy contexts for Indigenous engagement, and uses a case study from the Macleay River catchment in northern New South Wales to elucidate both the salient constraints and incentives on Indigenous engagement in water resources management.

2. Background

Australia is a federation of seven States and Territories, each of which has had discretionary power over implementation of the National Water Initiative. This generates not only variations in the rolling out and focus of water reforms, but also the effectiveness of implementation (Morgan et al., 2004; O'Bryan, 2007; ATSIJ, 2008). Within this context, the State of New South Wales (NSW) could be regarded as being ahead of other jurisdictions in relation to Indigenous interests in water. Water is managed under the NSW Water Resources Act (2000), which was promulgated within a setting of a highly variable and changing climate, and where water resources were approaching the limits of availability due to over-allocation. Within the Act, it is recognised that decisions on water management must consider cultural and heritage values. Specifically, aspects of Indigenous water requirements are expressly provided for through 'macro-sharing plans', and through Indigenous specific-purpose licences to meet cultural or commercial needs (Stoeckel et al., 2012). As a part of this legislative framework, mandatory Indigenous representation is required on the State Water Advisory Council and Water Management Committees (Douglas, 2004; Jackson and Altman, 2009; McKay 2002). Despite this approach, some significant shortcomings and challenges are still evident. For instance, the arrangement of having two Indigenous representatives on a Water Management Committee (NSW Water Resources Act, 2000, Chapter 2, Pt2, s13) can be insensitive to the lore and customs of Indigenous culture, as they may not represent the views of other Indigenous groups (Fredericks, 2008; NWC, 2011). In addition, knowledge within Indigenous communities is not universal, as information about significant spiritual sites is given to select individuals or is restricted between genders (Behrendt and Thompson, 2004; Douglas, 2004; White et al., 2010). Consequently, Indigenous representatives on working groups may not have the relevant knowledge, or, be in a position to use it.

Indigenous engagement in water management through representation on community reference groups, or water advisory committees, has also been criticised for being tokenistic and ineffective (Jackson and Robinson 2009; Hunt et al., 2009; Williams, 2011). Such approaches do not allow Indigenous people to share their opinions on water management, nor do they allow decision makers to produce more sustainable water management strategies (Behrendt and Thompson, 2004). Furthermore, Indigenous participation in water management through representation on boards and committees is often limited to engagement in a consultative capacity only. Indeed, in signing the NWI the various jurisdictions committed specifically to consultation and community involvement, including Indigenous engagement (cl. 52, 95) (Jackson and Robinson, 2009).

Indigenous participants suggested that, despite a high degree of contact during consultation processes, any significant influence on issues important to them was lacking. It was also noted that after agreements were reached, engagement declined or ceased, and that this presented challenges to ongoing community buy-in (NWC, 2014).

According to the International Association of Public Participation's model of community participation such an approach by the NWI only engages Indigenous Australians at the 'consult' stage (Fig. 1), which represents 'low levels of public impact' (International Association of Public Participation, 2007). This model further suggests that effective Indigenous participation in water management depends on the implementation of varying participatory processes between jurisdictions and that collaboration, and empowerment, has more impact than consultation. Therefore, in accordance with

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