

MLDRIN Briefing Paper

Cultural Flows and Aboriginal Environmental Outcomes

1. What are Cultural Flows?

The term cultural flows has been developed by First Nations to translate a complex framework of rights, aspirations and obligations into the language of modern water management.

Cultural flows are defined as

“water entitlements that are legally and beneficially owned by the Indigenous Nations of a sufficient and adequate quantity and quality to improve the spiritual, cultural, environmental, social and economic conditions of those Indigenous Nations. This is our inherent right” (MLDRIN/NBAN, 2010)

The right of First Nations to possess and enjoy the use of water resources on their traditional territory is supported by international agreements and reflected in Australia’s domestic policy.

- The United Nations Declaration of the Rights of Indigenous People, Article 26, states that Indigenous people have the right to own, use and develop resources they have traditionally owned (United Nations, 2008).
- The Convention on Biological Diversity (CBD) establishes a requirement for States to “*respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.*” (Convention on Biological Diversity, 1992).
- Australian National Water Initiative (NWI): sections 52-54 require that the Parties will provide for Indigenous access to water resources, including Native Title rights to water.
- Murray Darling Basin Plan: Chapter 10, Part 14 establishes requirements to account for Indigenous values and uses and includes ‘cultural flows’ as a factor in water resource planning.

The term cultural flows encompasses a wide range of rights, uses and outcomes from spiritual and ceremonial uses, hunting and fishing practices, education and recreation, through to environmental management and economic development. (MLDRIN/NBAN, 2010.)

1.2 How are Cultural Flows different from environmental flows?

While some outcomes sought by First Nations can be achieved through use of environmental water, Indigenous aspirations go beyond the scope offered through management of environmental water. Prescriptions on the way

environmental water can be used limit its effectiveness in providing for Indigenous values and uses.

First Nations in the Basin have asserted their substantive right to access and own entitlements of water. Cultural Flows are different from environmental flows because:

- Cultural flows are owned by First Nations, hence building capacity and autonomy
- First Nations' aspiration cannot be met through environmental watering alone
- Modern scientific water management approaches do not always align with understandings developed through Indigenous Ecological Knowledge
- First Nations can enjoy the economic benefit of the use and trade of this resource

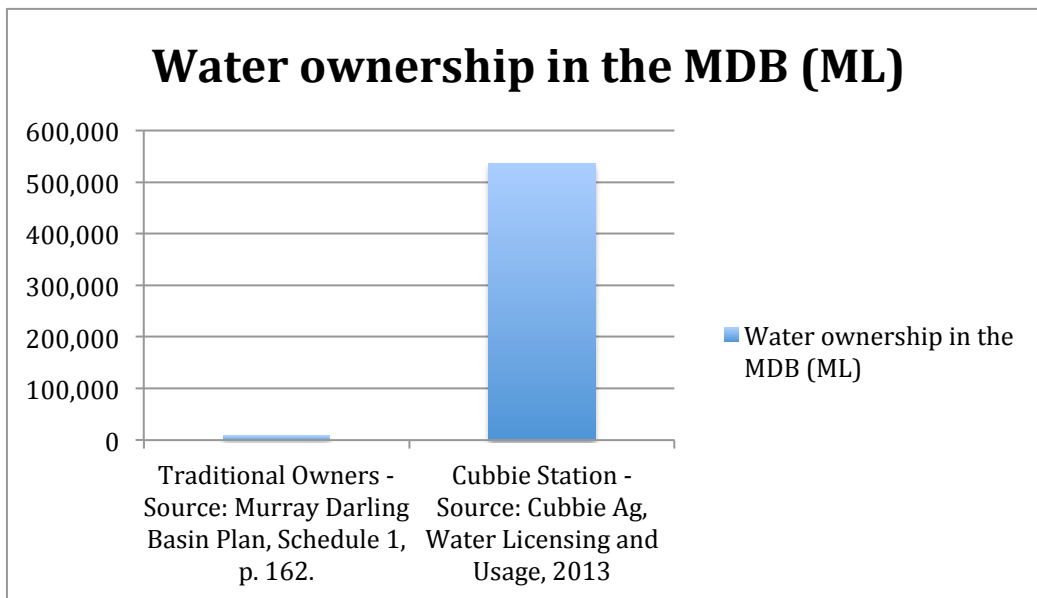


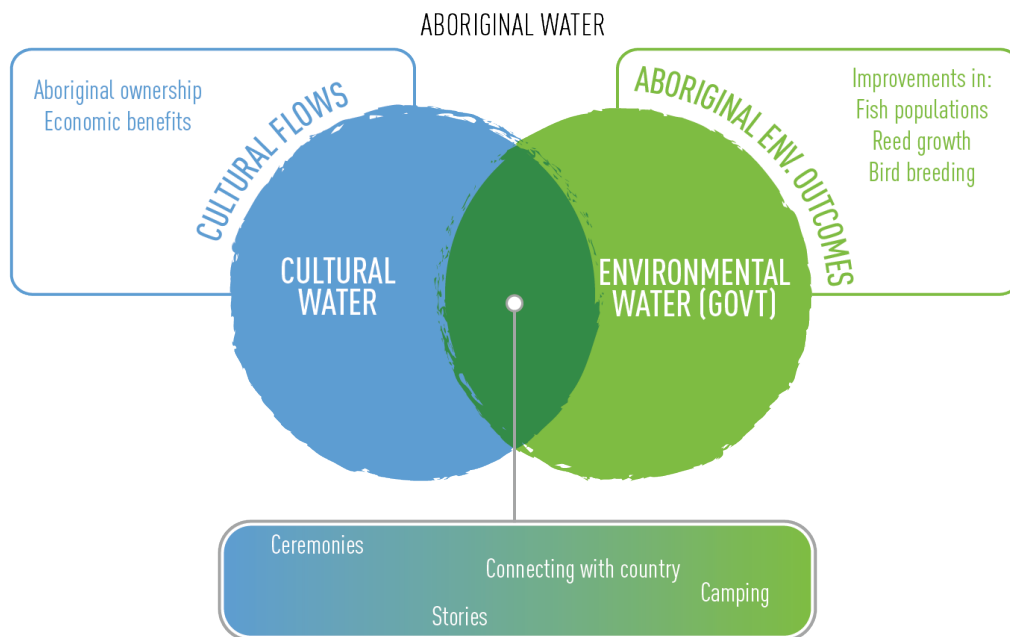
Figure 1: Comparison of water licenses held by all Basin Traditional Owners and one, large cotton farm, Cubbie Station.

The term “Aboriginal environmental outcomes” has been proposed to describe and communicate the benefits to Aboriginal people that can be derived from environmental watering.

Aboriginal environmental outcomes result from healthier rivers and wetlands, such as:

- improved fish populations,
- more reeds that can be harvested,
- increased bird breeding events, etc

Both Aboriginal Environment Outcomes and Cultural Flows must be incorporated into Australia’s approach to recognizing Indigenous water rights.



2. What are some specific examples?

Scientific studies have documented Indigenous water needs, developed methodologies for assessing Indigenous values and uses and considered volumes of water required.

Partnerships between First Nations, researchers and government agencies are developing a body of scientific literature and practical methodologies that can guide the operationalization of cultural flows.

Examples include:

- The Aboriginal Cultural Flows Health Indicator, developed by MLDRIN, NBAN and the MDBA, is developing a site-specific methodology for documenting Indigenous values and uses and water requirements.
- The Barapa Barapa Cultural Flows Project, run by the North Central CMA, is a pilot project that aims to gather and document rigorous and defensible knowledge of Aboriginal uses and values of waterways and wetlands within Gunbower Forest, to develop a set of principles and a framework to guide the determination of cultural flow objectives.
- CSIRO researchers have investigated a number of approaches for documenting and responding to Aboriginal water aspirations including:
 - documenting Indigenous resource use in Northern Australia to determine how modifications, such as river regulation and water

abstraction, can account for indigenous resource dependence. (Jackson, S. *et al* 2012)

- Identified challenges and quantified volumes required to support community well-being and water-dependent cultural values for the Ngemba people in the Brewarrina area (Nth West NSW). (Macleay K, *et al* 2012.)
- The National Cultural Flows Research Project is an ongoing multi-disciplinary research project funded by the Australian Government. The project will draw on a range of scientific research methodologies and cultural knowledge to:
 - provide Australia with a greater understanding of Indigenous values relating to water and other natural resources
 - provide Aboriginal people with information to ensure that Aboriginal water requirements and preferences are reflected in water planning and management policy
 - inform the development of new governance approaches to water management that incorporate aspects of Aboriginal governance and capacity building

The inclusion of Aboriginal values and uses in Australia's national water policy and key planning instruments has provided an impetus for rigorous scientific analysis. Cultural Flows and Aboriginal Environmental Outcomes are now firmly entrenched as key considerations in water management in Australia.

3. What are the pathways?

Despite a growing body of scientific literature and methodologies for implementing cultural flows, the National Water Commission, in 2013 noted that 'there has been no substantial increase in water allocations for Indigenous purposes-social, economic or cultural,' since 2010 (NWC, 2013).

Existing and prospective pathways for achieving meaningful Aboriginal ownership and involvement in water resource management must be pursued.

Possible pathways for improving outcomes for Aboriginal people include:

- Utilising existing planning process to maximize outcomes for First Nations (eg. incorporating cultural values in environmental watering)
- Effective implementation of Basin Plan provisions for Indigenous engagement (including willingness to consider substantive access to water resources through Water Resource Plans)
- Improved licensing regimes (eg. creating Indigenous-specific licenses and supporting uptake through reduced fees and infrastructure support)
- Legislative reform (eg. greater recognition of water rights and implementation of NWI requirements in Commonwealth and State legislation)

- Water Funds or Trusts (Financial support for acquisition of water entitlements allowing First Nations to participate in the water market)

4. What are the benefits?

Establishing cultural flows can support a range of benefits, aligning with the Australian Government’s commitment to ‘Close the Gap’ for Indigenous people.

Benefits of Indigenous water ownership and management include:

- Capacity building for First Nations to become active managers of natural resources on traditional territory
- Enhanced incorporation of Indigenous Ecological Knowledge into water management
- Increased confidence and self-determination of Aboriginal communities
- Economic and community development opportunities that contribute to ‘Closing the Gap’
- Enhanced sustainability and resilience of regional communities with a large and growing Indigenous population (see figure 2).
- Cultural continuity and improved social cohesion

Fig. 8. High and low series Indigenous population projections: Murray-Darling Basin, 2001-2016

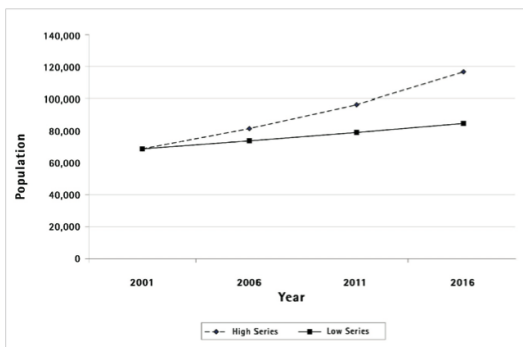


Fig. 9. High and low series implied non-Indigenous population projections: Murray-Darling Basin, 2001-2016

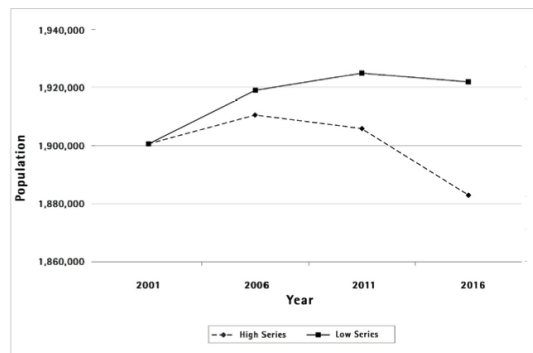


Figure 2: Comparison of population projections for Indigenous (8) and Non-Indigenous (9) populations in the Murray Darling Basin

The development of Indigenous-led conservation management provides a useful comparison. Indigenous Protected Areas (IPAs) now make up 40% of Australia’s National Reserve System, helping Australia to meet its international obligations and providing a range of cultural, health and economic benefits to local communities (Australian Government).

Government support for the provision of Cultural Flows could replicate these successful outcomes, providing dual benefits to First Nations, water managers, governments and the broader community.

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