

CAN ADAPTIVE BASIN GOVERNANCE MEET INDIGENOUS WATER RIGHTS AND EXPECTATIONS?

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[We are publishing this paper elsewhere and therefore will not provide it in its entirety. Below is an extended abstract. The presentation at the WWC will be a full summary of all our findings.]

Abstract

The western United States (U.S.) and Australia share the challenge of meeting Indigenous water requirements in the wider context of intensified competition for scarce and variable freshwater supplies. The integration of Indigenous interests, perspectives, values, and knowledge in water planning and allocation decisions has emerged as a challenge for adaptive basin governance to reconcile diverse cultural and ecological values. Adaptive water governance provides a framework for integrating and resolving these challenges. Adaptive water governance combines: (a) insights on decision-making and policy learning in contexts of high information, legal and policy uncertainty; with (b) a multi-disciplinary framework for investigating the design and efficacy of institutional arrangements to coordinate decision-making and accountability across multiple values, scales, and jurisdictions in water planning and allocation. In both the western U.S. and Australia, efforts to respond to Indigenous water requirements have involved two, linked institutional adaptations: (re)allocation of water rights and greater Indigenous participation in multi-stakeholder water planning fora. The positive attributes of the adaptive governance framework to address Indigenous expectations are in its ability to reconcile uncertainty, generate flexible solutions and integrate new claims and knowledge. In this paper we examine the role of these two adaptive governance pathways - entitlements and basin planning - and provide a critical analysis of the attributes of these hard and soft adaptive governance mechanisms to respond to Indigenous claims and water needs.

Key words: Indigenous, adaptive governance

Introduction

This paper is organized with an initial section describing the analytic framework to examine two governance pathways that have been developed as a response to Indigenous water claims and needs: 'hardwired' (e.g. allocation of water rights) and 'softer' (collaborative partnerships to enhance Indigenous participation in water planning) pathways. In Section 2 we introduce our three case studies – the Colorado and Columbia in the western U.S. and the Murray Darling in south-eastern Australia. The basins were chosen because they are at the cutting edge of revising basin plans to manage competing uses in the context of over-allocated (in absolute terms and seasonally) and scarce water resources. The case studies analysis allows us to test the efficacy of 'hardwired' and 'softer' governance pathways. Efficacy is defined in terms of the ability to meet Indigenous water needs. In meeting Indigenous people's needs for rights to water and participation we are looking for evidence of institutional changes to cope with uncertainty and ensure flexibility while integrating across diverse values, jurisdictions, and scales. The final discussion section links the interactions between hard (water rights and regulations) and soft (basin planning) mechanisms of adaptive governance. We find that the framework and analysis provides opportunities to learn the limits and strengths of the adaptive governance framework for meeting Indigenous water needs in each country.