

Building trust and establishing legitimacy across scientific, water management and Indigenous cultures



Northern Australia
Environmental
Resources
Hub

National Environmental Science Programme

World class research to support sustainable development in northern Australia

Science summary

Sue Jackson (Griffith University)

Agreement-making can help build trust and legitimacy between water managers, scientists and Aboriginal people.

Summary of Jackson, S. 2018. Building trust and establishing legitimacy across scientific, water management and Indigenous cultures. *Australasian Journal of Water Resources*, 1-10. Available at doi: [10.1080/13241583.2018.1505994](https://doi.org/10.1080/13241583.2018.1505994)

Key points

- Colonial power relations shape Australian water governance and management, including environmental water management.
- Formal agreements are a mechanism through which parties in the water sector – policy, administrative, research, management and practitioners – can negotiate rules governing legitimacy.
- Agreements can represent an act of self-determination and recognise the legitimacy of Indigenous modes of governance. Agreements could markedly improve current exclusionary legal, policy and knowledge-production processes.
- Treaty agreements under discussion in several Australian states present an opportunity to include water in their scope, and a framework



Professor Jackson's work on the Fitzroy River has contributed to this paper, photo NESP NAER Hub.

agreement could help ensure the inclusion of Indigenous people in the renegotiation of the National Water Initiative.

- Case examples are drawn from the Kimberley and Daly Rivers in north Australia and from the Murray Darling Basin.

Paper contents

1. Introduction
2. Legitimacy in a settler society
3. Techniques and methods for building trust and legitimacy in environmental water management
4. Agreements as frameworks for building trust and legitimacy
5. Conclusion

Abstract

This paper positions legitimacy and trust within a post-colonial theoretical frame, challenging the fundamentals of Australia's water governance system as well as the presumptions of neutrality that underpin liberal water management principles of participation and inclusion. In a settler colonial society like Australia that until very recently excluded Indigenous people from all forms of water governance, there are significant questions to be asked about legitimacy and trust in its water regulatory regimes, guiding policy directions and the fairness of the outcomes generated by its institutions. The paper describes attempts to build cross-cultural collaborative research and management partnerships in the environmental water sector and points to formal agreements as a mechanism through which parties, including governments, can negotiate rules governing legitimacy. As an expression of self-determination and recognition of the legitimacy of Indigenous modes of governance, agreements represent a marked improvement on the exclusionary legal, policy and knowledge-production processes that have shaped our current arrangements.

Concluding points

- Ongoing conflict over the distribution and use of water affirms the need for greater legitimacy in the frameworks and procedures that allocate water and in the water programs that secure and manage water for the environment.

- The failure of Australian society and its institutions to provide sufficient recognition, respect, and autonomy for Indigenous laws, norms, aspirations and water-use practices also puts the spot light on legitimacy although from a different stand-point.
- Positioning legitimacy within post-colonial theory challenges the very fundamentals of our water governance system, as well as the presumptions of neutrality that underpin liberal water management principles of participation and inclusion.
- New procedures emerge from and are shaped by existing power relationships.
- Strengthening the political and ethical norms of trust and legitimacy will therefore require that we reflect on and respond to the colonial relations of power that have structured Australian water governance and continue to cast a long shadow over water laws, policy, knowledge production and management practice.
- Agreements can be a vehicle for bringing parties together, sharing knowledge, enabling deliberation and building understanding towards convergence of goals.



The Fitzroy River is located in Western Australia's West Kimberley region.

- Agreement-making appears to be a vehicle from which trust and other positive outcomes can emerge.
- An agreement could serve as a framework for ensuring the inclusion of Indigenous people in the renegotiation of the National Water Initiative.
- Treaties present an opportunity to include water in their scope.
- By offering a structure for focusing on the procedural rules that allow meaningful deliberation to take place, agreements offer parties at all levels of the water management sector – policy, administrative, research, management and practitioners – the opportunity to negotiate the rules governing legitimacy.

Related information

Professor Sue Jackson leads a project about Indigenous water needs for the Fitzroy River.

The project page can be found [on the Hub website](#), along with the [project start-up factsheet](#).

Contact Professor Jackson at sue.jackson@griffith.edu.au



This project is supported through funding from the Australian Government's National Environmental Science Programme.



National Environmental Science Programme

nespnorthern.edu.au

nesp.northern@cdu.edu.au



October 2018