

Mary River Statement
6th August 2009

We the delegates of the Mary River Water Forum make this statement to bring to the attention of the Australian Government the fundamental principle that water, land and Indigenous people are intrinsically entwined.

Indigenous Peoples have rights, responsibilities and obligations in accordance with their customary laws, traditions, protocols and customs to protect, conserve and maintain the environment and ecosystems in their natural state so as to ensure the sustainability of the whole environment.

Consideration by the Australian Government to separate land and water in future policy development for Northern Australia and establish a new regime for the allocation and use of water is of critical concern to us.

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 of the United Nations Declaration on the Rights of Indigenous Peoples 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.

Any policies and legislation that are developed in water allocation and management in North Australia needs to ensure that Indigenous rights are paramount.

In accordance with Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples we assert that:

1. We, the Indigenous peoples, have the right to the lands, territories and resources which we have traditionally owned, occupied or otherwise used or acquired.
2. We the Indigenous peoples, have the right to own, use, develop and control the lands, territories and resources that we possess by reason of traditional ownership or other traditional occupation or use, as well as those which we have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditional and land tenure systems of the indigenous peoples concerned.

We further assert that in accordance with Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, that:

1. We the Indigenous peoples, have the right to determine and develop priorities and strategies for the development or use of our lands or territories and other resources.
2. 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, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources.

3. 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.

Indigenous peoples have always been part of and are crucial to the maintenance of our ecosystems and therefore want to ensure minimal impact from settlement and unsustainable development across Northern Australia.

We urge the government to ensure that sufficient resources are provided to enable the equitable participation of the Indigenous owners of Northern Australia in the development of policies, setting of allocations and management of regulatory schemes that may evolve.

We the Indigenous peoples of Northern Australia will work with the Government to establish what water entitlement and allocation is required to satisfy our:

- (i) social and cultural;
- (ii) ecological; and
- (iii) economic needs.

The delegates of this forum support the North Australian Indigenous Land Sea Management Alliance, Indigenous Water Policy Group, representative bodies or individuals to proactively pursue positive outcomes in line with this Mary River Forum Statement.

Two nominations of people from each State/Territory from the North Australian Indigenous Experts Water Futures forum are provided below to support NAILSMA and representative bodies in advocating this Statement.

Queensland

Ron Archer
Marceil Lawrence

Western Australia

Anne Poelina
Andrew Wungundin

Northern Territory

John Christophersen
Mona Liddy

Context of this statement

In August 2009, about 80 Indigenous experts from northern Australia convened at Mary River Park in the Northern Territory to discuss and present to the Northern Land and Water Taskforce their water interests and issues.

Convened by the North Australian Indigenous Land and Sea Management Alliance, the 'North Australian Indigenous Experts Water Futures Forum' provided an opportunity to raise ideas and concerns about economic development and opportunities; the potential impacts of developments in the north of Australia; and governance and institutional arrangements as they affect Indigenous community interests, aspirations and issues.

As outcome to that forum, the Mary River Statement was written. The Statement offers testament to the seriousness of Indigenous peoples contribution and participation in policy decision making. It also sends a message that Indigenous people can not remain on the margins of discussions about development in the north.