

Appendix 1. Water policies, treaties, and agreements that support the rights of Indigenous peoples' access to freshwaters and/or culturally significant freshwater fisheries.

Country	Governance Level	Rights	Meanings	Notes
International	International Conventions and Treaties	International Covenant on Civil and Political Rights (OHCHR 1976a), International Covenant on Economic, Social and Cultural Rights (OHCHR 1976b), Agenda 21 (United Nations Sustainable Development 1992), the Rio Declaration (UN General Assembly 1992), United Nations Convention on Biodiversity (Secretariat of the Convention on Biological Diversity 2005), and UN Food and Agriculture Organization: Code of Conduct for Responsible Fisheries (FAO 2000).	Various International agreements have been made that includes the United States, Australia and New Zealand along with other countries to equitability grant access to freshwater and freshwater species by Indigenous peoples (OHCHR 1976a, b, UN General Assembly 1992, United Nations Sustainable Development 1992, FAO 2000, Secretariat of the Convention on Biological Diversity 2005).	Many of the International agreements have mentioned or contain clauses encouraging the inclusion of Indigenous people as equal stakeholders in freshwater negotiations, conservation, and access to culturally significant species.
	United Nations	United Nations Declaration on the Rights of Indigenous Peoples (UN General Assembly 2007)	Promote the right to participate in decision-making in regards to water, continue the right to maintain cultural connections to water and land, and ensure proper consultation for any changes to water access, which also includes fisheries species (UN General Assembly 2007, FPWEC 2012).	World agreement on the rights of Indigenous peoples', but does not have legal standing.
		Sovereignty	Federally each country recognizes Indigenous Tribes and Nations as domestic independent nations with inherent rights of self-governance. Treaties, court decisions and tribal legislation help to govern relationships between tribes and entities (McHugh 2004, Durette 2010, Osborn 2013).	Respects the self-determination of the each Tribe and Nation to have economic security and management of their freshwater resources.

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Australia	National	Native Title Act 1993 (OPC 2014)	Customary water access recognized through leases, licenses and permits (Altman 2004, Jackson and Morrison 2007, Aboriginal and Torres Strait Islander Social Justice Commissioner 2009, OPC 2014)	Section 211 of the Act protects the fishing right of Native Title Holders (Schnierer et al. 2011, OPC 2014).
		Cultural Flows (National Cultural Flows Research Project 2014)	Flow allocation requirement to Indigenous peoples through the Murray-Darling Basin (FPWEC 2012, NWC 2012, National Cultural Flows Research Project 2014).	Concept is still in the early stages of implementation. Objectives include establishing river flows that support cultural connections, facilitate economic development, and promote the recovery of culturally significant fisheries (tribe specific).
	State	Various	Every state has different access rights for Indigenous people and customary fisheries access (Smyth et al. 2010, Schnierer 2011, Schnierer et al. 2011, FPWEC 2012, NWC 2012).	Complex situation of each state having its own regulations on Aboriginal rights to access freshwater fisheries.
Canada and USA	National	Pacific Salmon Treaty 1985 (Government of Canada and Government of the United States of America 2014)	Treaty between Canada and the USA to recognize the importance of cross boundary migrations of salmon (CRITFC 2014, Government of Canada and Government of the United States of America 2014).	Mentions the treaty should meet objectives with Native Americans and First Nations people, but often they are not active participants in negotiations. CRITFC is working to be a part of recent review of the treaty (CRITFC 2014).
Canada	National	<i>R v. Sparrow</i> 1990 (<i>R v. Sparrow</i> 1990)	Supreme Court of Canada declared that First Nations People had the right to fish for food, ceremonial and cultural reasons (<i>R v. Sparrow</i> 1990, Issac 1999, CRITFC 2014).	Ruling applies Canada wide.
		<i>R v. Marshall</i> 1999 (<i>R v. Marshall</i> 1999a, b)	Supreme Court of Canada ruled that First Nations People had the legal right to fish for commercial purposes (<i>R v. Marshall</i> 1999a, b).	Gives the First Nations people the right to continue to fish for CKS for economic reasons.

Appendix 1. continued.

Country	Governance Level	Rights	Meanings	Notes
New Zealand	National	Treaty of Waitangi Act 1975 (New Zealand Government 2015)	National treaty that defines Māori relationships to freshwater resources and grants the right to access, along with the right to be consulted during decision-making processes (MFE 2010, Harmsworth et al. 2011, New Zealand Government 2015).	Defines rights as a stakeholder in water management. Validity and roles are still unclear.
		Regulation 27A of Fisheries (Amateur Fishing) Regulations 1986 (New Zealand Government 2014a: regulation 27A), Kaimoana Customary Fishing Regulations 1998 (New Zealand Government 2014b), and South Island Customary Fishing Regulations 1999 (New Zealand Government 2014c)	National guidelines to protect customary fishing practices and allows for ceremonial catches (MPI 2012, New Zealand Government 2014a: regulation 27A, New Zealand Government 2014b, c).	Directs councils to recognize and support of the Māori relationship to freshwater.
		The Native American Policy of the US Fisheries and Wildlife Service (USFWS 2013)	Policy that guides requires the Federal government to negotiate rights with individual Native American Tribes and helps to guide the co-management fisheries (Osborn 2013, USFWS 2013).	Defines on and off reservation management with no clear details of the management of individual species. Allows for legal cultural harvest of fish off reservation.
United States of America	National	Winters Water Rights Doctrine (<i>Winters v. United States</i> 1908)	Gives tribes the legal right to access cultural important species off of reservations and gives the individual Native American Tribes access to water on reservations (<i>Winters v. United States</i> 1908, Lewis 2002, Osborn 2013, USFWS 2013).	Guarantee allocation of water for the reservation in terms of water used for agriculture.
		Stevens Treaties	Gives Native Americans the rights to fish and to have enough water allocated to the reservations to support a healthy population of cultural important fisheries (<i>Winters v. United States</i> 1908, Lewis 2002, Osborn 2013, USFWS 2013).	Water allocations include the right to support a healthy population of fish species.