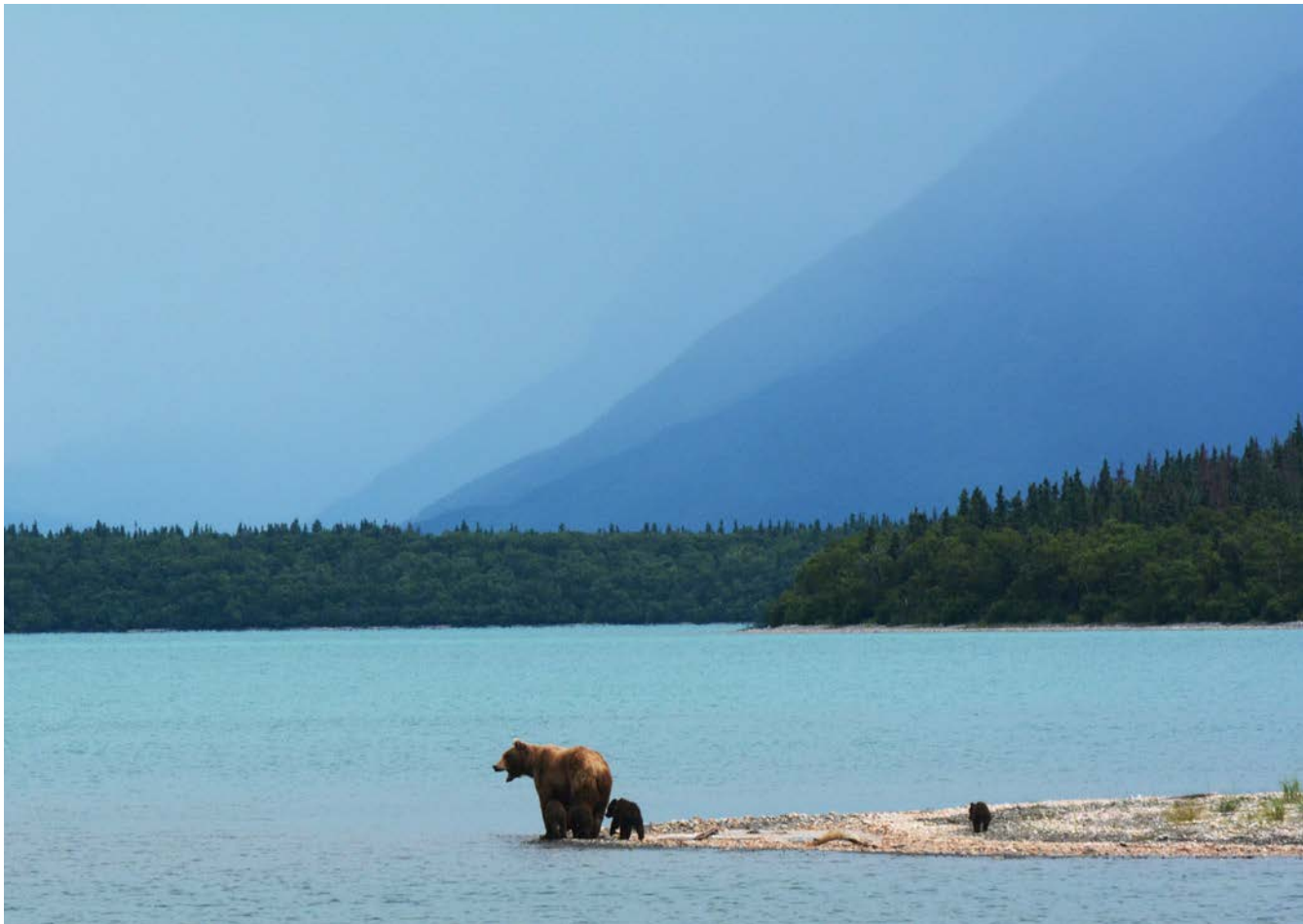


Upholding Indigenous Leadership on Species at Risk in BC



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Without Prejudice

This report is without prejudice and is not a stand-in for proper consultation. This report does not, and cannot be used to, speak for any First Nation in any capacity.





“Attitudes about interspecies communication are the primary difference between western and indigenous philosophies. Even the most progressive western philosophers still generally believe that listening to the land is a metaphor. It’s not a metaphor. It’s how the world is.”

– Dr. Jeanette Armstrong¹

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“ I think the Province believes Indigenous peoples are the protectors of the land and that we embrace the recovery process. The distinction here is that Indigenous peoples embrace the species not the political process. Perhaps they assume we will do things for nothing.”

- Ron Hall, Osoyoos Indian Band



Executive Summary

Recommendations to the BC Provincial Government on working with Indigenous peoples in BC on species at risk



Acknowledgements

Acknowledge Indigenous nations, **leaders, and peoples as the rightful caretakers of their unceded territories rather than as stakeholders.**

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Acknowledge the intimacy and sensitivity of talking about the land with Indigenous Peoples.

Acknowledge the colonial language and process being used.

Commitments

Commit to closing the circle of information: When Indigenous input is sought, it must be followed up on by reporting how it was, or wasn't, used in policy, planning and decision-making.

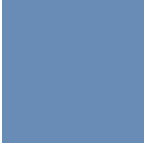
Commit to understanding the place-based context of Indigenous knowledge: Indigenous knowledge must be treated as a living knowledge that is active and relevant in current decision-making.

Commit to fully engaging with Indigenous knowledge: Indigenous knowledge systems must be engaged in a way that does not sum up to tokenism.

Commit to supporting Indigenous communities to reinvigorate their Indigenous knowledge: The Province should support the reinvigoration and development of Indigenous knowledge.

Commit to the idea that the new legislation is a living process: Indigenous nations need commitment that Provincial SAR legislation will not be set in stone.

Commit to addressing prohibitions/exemptions: When drafting aspects of species at risk legislation addressing prohibitions or exemptions pertaining to Indigenous peoples, the Province should take great care to include Indigenous input.



Commit to supporting important community roles in decision-making: Key to the success of species protection and recovery is making space for the meaningful participation including women, Elders, non-binary, and youth in decision-making.

Commit to funding and operationalizing a Provincial Indigenous Council on Species at Risk: Indigenous input and decision-making is required for SAR recovery, and the Province must convene and fund an Indigenous council in order to do so effectively.

Commit to funding and operationalizing Indigenous guardian programs: Indigenous guardian programs have proven one way in which Indigenous peoples can make decisions about their lands informed by their knowledge.

Commit to addressing the problem of categories/silos of ecological management: Decolonizing the Provincial SAR process means, in part, addressing the silo perspective rooted in some aspects of Eurocentric approaches.

Commit to relinquishing control of species at risk decision-making: The relinquishing of decision-making control to Indigenous nations would be a meaningful signal of trust and commitments to partnerships in species at risk protection.

Commit to sharing this report with Indigenous nations in BC: Transparency may help to play a role in allowing government-Indigenous partnerships to be able withstand the future election cycles.

Training

Indigenous History and Culture: **All personnel from the Province who work with or engage with Indigenous leadership or members should have received certified training in Indigenous history and culture.**

Training on Established Indigenous Case Law: **Provincial personnel should engage in basic training to better understand established Crown-Indigenous case law.**

Advisory Committee or Visiting speakers: **Indigenous experts with knowledge of species governance could be sought to elevate the knowledge and level of discourse surrounding Indigenous peoples and species at risk for Provincial personnel.**

“Reconciliation doesn’t happen overnight, it takes a generation. So get ready”.

– Jonathan Kruger, Penticton Indian Band⁹



Introduction

The protection of species and their habitats is a central issue for Indigenous People. The survival and prosperity of the natural world is inherent and inextricably linked to the survival of indigenous worldviews and way of life. Indigenous ways of knowing and being in the world have always had relationship and responsibility to the natural world at their core. However, the familial relationship that Indigenous people have with all species cannot be duplicated within western science. Many Indigenous people have learned that incorporating Indigenous knowledge systems into western ways of knowing does not work. Too often, Indigenous knowledge is awkwardly and haphazardly tacked onto a western construct of species protection, which is often rooted in managing species and habitats, rather than focused on those who have caused the damage.

Species are at risk because of western ways of thinking. Indigenous knowledge systems are not human-centric, rather, they are about the right and responsibility all life has to survive and thrive. Species do not speak for themselves in a way that can be understood by western society, thus, the relationships created with Indigenous peoples are a necessary connection and pathway upholding natural order and responsibilities. Therefore, Indigenous peoples want and need to ensure that these responsibilities to the natural world are upheld to ensure the survival of Indigenous people and nonhuman kin ensuring prosperity for all.

The Province of BC has an opportunity to be innovative and cutting edge in its approach to species at risk protection in BC. It is essential that respectful and

reciprocal relationships are built between the Government of BC and Indigenous nations that acknowledge the leadership and responsibility of Indigenous nations as well as the responsibility the Province has in restoring the Indigenous capacities to protect those species that are being forgotten. Being innovative will require the Province of BC not recycling what has been done for species at risk in other provinces or federally, but thinking outside the box for something meaningful that develops a new set of principles and commitments to Indigenous peoples.

If the primary goal of this new legislation is to prevent species from becoming endangered or extirpated from BC, then a fundamental similarity exists which can provide a space of commonality to create a new approach to a higher, more restored level of environmental stewardship. Essential to this new approach is the meaningful contribution of Indigenous peoples in the creation and implementation of species at risk legislation. Specifically, leadership by Indigenous governments, communities, and organizations are key to the successful development of provincial species at risk legislation, protection, and recovery. Supporting the restoration of Indigenous peoples in the driver's seat on species at risk would constitute a step toward reconciliation, and importantly, reconciliation that is well outside of the status quo consultation and accommodation framework⁴.

Indigenous nations must have full and direct involvement throughout a new species at risk protection framework constructed through a lens of real partnership, reconciliation, and common understanding. Through this new framework, Indigenous nations will not



simply be responding to already crafted assessment and recovery reports with little to no capacity to do so. As seen with the federal Species at Risk Act, this after-the-fact approach does not work, demonstrated by the species and habitats that remain in rapid decline. Shared experiences will lead to greater understanding, appreciation, and support of the necessary and profound ways in which Indigenous Peoples care for and manage their homelands.

There are many instruments which support Indigenous peoples and nations at the forefront of environmental decision-making. First and foremost are the Indigenous constitutions and customary laws that each Indigenous nation holds and has held since time immemorial. Each Indigenous nation holds unique laws and protocols. Indigenous constitutions and customary laws not only protect Indigenous rights to their lands and resources, but dictate Indigenous responsibilities to that land, including the species there.

Internationally, the most well-known instrument supporting Indigenous peoples and nations is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). UNDRIP recognizes “that respect for indigenous knowledge, cultures and

sustainable and equitable development and proper management of the environment”. More specific to species, UNDRIP Article 31 states⁵:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora...

Also at the international scale, Article 8(j) of the Convention on Biological Diversity recognizes the “close and traditional dependence of . . . indigenous and local communities . . . on biological resources” and, as a step towards meaningful participation by indigenous peoples in ecosystem management (including species). Further, the Convention calls on the treaty’s signatories (which includes Canada) to “respect, preserve and maintain knowledge, innovations and practices” of

Indigenous communities⁶, and to involve Indigenous people in meaningful ways in environmental protection⁷. The International Labour Organization's Indigenous and Tribal Peoples' Convention (ILO Convention No. 169), though not ratified by Canada, lends to international norms concerning the rights of Indigenous peoples⁸.

While these international instruments set a global standard, they should be treated as a starting point. In Canada, and in BC specifically, the Crown is positioned to innovate alongside Indigenous peoples on species at risk in a cutting edge way that goes well beyond these global baseline norms. The Truth and Reconciliation Commission's (TRC) Calls to Action includes a reinvigoration of the Crown's nation-to-nation relationship with Indigenous peoples⁹:

We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown.


How the Crown engages with Indigenous peoples over matters as important as species at risk is an ideal setting in which to build strong foundations of a nation-to-nation relationship. Further, at the provincial level, BC has made a strong commitment to ensuring true and lasting reconciliation with First Nations, and as such, it is imperative that relationships between First Nations and the Province of BC are built upon trust, meaningful dialogue, and respectful government processes. This very much includes relationships formed or reinforced for the purposes of species at risk prevention, recovery and protection. In principle, the current Provincial Government

has adopted related ideas, as seen in the 10 Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples¹⁰:

Principle 1 The Province of British Columbia recognizes that all relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

Principle 6 The Province of British Columbia recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior and informed consent when B.C. proposes to take actions which impact them and their rights, including their lands, territories and resources.

Finally, in its February 2019 throne speech, the Provincial Crown announced that "B.C. will become the first province in Canada to legislate implementation of the UN Declaration on the Rights of Indigenous Peoples"¹¹. In BC, Indigenous peoples and their leadership are closely attuned to this commitment (and all of the aforementioned commitments) to see if the Crown will break with its long history of effectively relegating the role of Indigenous peoples to that of stakeholders or less. In this report we table concrete ways in which the Crown can uphold these aforementioned principles, promises, recommended actions and international legal commitments.



Indigenous Knowledge Systems

There were two friends, Peter and John. One day Peter steals John's bicycle. Then, after a period of some months, he goes up to John with outstretched hand and says 'Let's talk about reconciliation.'

John says, *'No, let's talk about my bicycle.'*

'Forget about the bicycle for now,' says Peter. *'Let's talk about reconciliation.'*

'No,' says John. *'We cannot talk about reconciliation until you return my bicycle.'*

- Reverend Mxolisi Mpambani¹²

Mpambani's metaphor demonstrates the stark disconnect between land dispossession and attempts at reconciliation. Using this same metaphor, but substituting the word "reconciliation" with "Indigenous knowledge", sheds light on the circumstance of Indigenous peoples being approached to share knowledge about the land they have been dispossessed of. The bicycle establishes how discussions of non-Indigenous use of, or requests for, Indigenous knowledge, like reconciliation, cannot be separated from the legacy of land dispossession or from Indigenous knowledge-holders themselves.

Indigenous knowledge is frequently sought by non-Indigenous entities, such as governments and universities, from Indigenous peoples for use in research or resource management. Most often, Indigenous peoples approached by these non-Indigenous entities to share such knowledge have been dispossessed of some or all of their territories where this very knowledge was constructed¹³⁻¹⁷. Therefore, because settler-colonialism is motivated by territory, and given the contested nature of resource management (including species), Indigenous knowledge holders are keenly aware of how politicized their knowledge systems are¹⁸.

Given the interest by the Province in approaching Indigenous knowledge with care and respect, this snapshot of Indigenous knowledge literature adopts what Latulippe¹⁸ calls a "critical" perspective on Indigenous knowledge application. Indigenous scholars at the forefront of "critical" Indigenous knowledge literature

commonly take the perspective that because epistemic colonization renders Indigenous knowledge unintelligible, structural change and decolonization is the way in which Indigenous knowledge can improve resource management (Table 1). In other words, because Indigenous knowledge systems are embedded in the uneven colonial relations of power, the Euro-Canadian cultural bias greatly privileges Western science while Indigenous values, narratives, and practices are silenced¹⁸ (despite the fact that Indigenous cultural goals tend to be aligned with biodiversity conservation¹⁹). Therefore, the way to make space for Indigenous knowledge is to decolonize these systems to allow the reinvigoration of Indigenous knowledge systems by Indigenous peoples.

There is certainly a place for the co-production of knowledge, including numerous examples of such co-production by Indigenous peoples and scientists e.g.,²⁰⁻²⁶. And as seen in Table 1, the critical perspective on applications of Indigenous knowledge is not the only one on how Western science and Indigenous knowledge interface. However, it should not be assumed that Indigenous knowledge being used in tandem with scientific knowledge is what is desired by Indigenous peoples, or that the two knowledges are on level playing fields in terms of power/influence on decision-making. In BC, power imbalances are compounded by the stark contrast in resources available to Indigenous nations compared to Provincial and Federal governments²⁷. Further, because of the complex and wide ranging issues imbedded in this power imbalance – scientists tasked with finding ways to 'fit' Indigenous

* The critical perspective of Indigenous knowledge application is unlike the "ecological", "relational", and "collaborative" perspectives on the relationship between Indigenous knowledge and Western science where there is assumed potential for Indigenous knowledge to complement science, for distinct knowledge systems to be shared for mutual benefit, or for the potential for knowledge coproduction¹⁸.

Table 1 Typology of perspectives on the relationship between Western and Indigenous knowledge and how Indigenous knowledge relates to resource management (Adapted from Latulippe 2015).

Orientation	Relationship between Western and Indigenous Knowledge	Way Indigenous knowledge can improve resource management
Ecological	Indigenous knowledge complements science	Through adaptive or ecosystembased management frameworks
Relational	Distinct knowledge systems can be shared for mutual benefit	Through Indigenous governance models
Collaborative	There is potential for knowledge coproduction	Through empowered, collaborative processes at multiple scales
Critical	Epistemic colonization renders Indigenous knowledge unintelligible	Through structural change and decolonization

knowledge into their already constructed scientific paradigm, is both inappropriate and highly ineffective.

Often such uses of Indigenous knowledge by scientists and non-Indigenous resource managers have led to “unethical uses and interpretations” of Indigenous knowledge, and ultimately biased information, assessments or decision-making²⁸. In their article ‘Polishing the Kaswentha’: A Haudenosaunee view of environmental cooperation, Ransom and Ettenger (2001) further demonstrate this point:

From a Native American perspective, there is a fundamental flaw in models that focus mainly or exclusively on scientific interpretation of local knowledge, even if the ultimate purpose is to benefit Native communities. Such processes permit western-trained scientists to draw conclusions about indigenous knowledge systems based upon their own cultural experiences and frames of references, rather than those of the community or culture that holds that particular body of knowledge. While cultures and institutions must adapt to changing conditions, one system of knowledge should not subsume another, just as one culture must not subsume the other. Applying local and scientific knowledge to environmental problems therefore requires that methods be found that protect the sovereignty and autonomy of each society... while allowing for the sharing of information and ideas and the creation of mutually acceptable solutions⁷.



This quotation puts forward a fundamentally important point: solutions must be sought for applications of Indigenous knowledges that protect the autonomy of Indigenous and non-Indigenous societies. To honor the autonomy of Indigenous knowledge in the context of Indigenous society is to meaningfully recognize that Indigenous knowledge cannot be separated from its context. That context includes the relationships, Indigenous world views, values, place, cultural, processes, systems and spirituality which give that knowledge its meaning²⁹.



Excerpt from *Traditional Ecological Knowledge in Science: Methods and Applications*³⁰:

“The census started with visual counts of migrating bowheads, made from sites on high cliffs or pressure ridges in the shorefast ice along the open lead through which the migratory path led. Early census counts produced population estimates of 2000-3000 bowheads. The [Indigenous Alaskan] whalers felt that this was not an accurate figure, and that the assumptions upon which the census count was based were not valid. In particular, the visual census assumed that all migrating bowheads passed within sight of the census location, and also that when the lead was closed (i.e., the pack ice had moved in toward shore and no lane of open water remained) the bowheads stopped migrating past. The whalers, however, travel on the ice when the lead is closed and go by boat to the pack ice across the lead. At these times and in these places they see whales. In the early 1980s, as a result of interactions between whalers and scientists similar to collaborative field work and analytical workshops, the census was expanded to include both acoustic and aerial components. The acoustic component allowed the researchers to detect bowheads migrating when the lead was closed (during which times the whales breathed through cracks in the pack ice or forced their blowholes through relatively thinner ice), and to provide a check on the completeness of the visual count. The aerial

component, by flying transects perpendicular to shore and well beyond the visual range of the surface location, showed that the bowheads do in fact migrate on a front broader than the confines of the nearshore lead. Thus, in both instances the [Indigenous Alaskan] whalers’ knowledge proved accurate. The use of this knowledge had the tangible and, to the whalers, beneficial result that the population estimates increased to 6000-8000 bowheads.”

The bowhead story above recounted by Huntington demonstrates a real-world species-related application of Indigenous knowledge. However, it also underlines a set of assumptions about the superiority of Western science, seeming incredulity that Indigenous knowledge use can have “tangible” results, and an attraction to a case where science corroborates Indigenous knowledge. The bowhead example is not unlike other studies on Indigenous knowledge which have demonstrated that Indigenous knowledge was “most valued when it corroborated scientific knowledge or conformed to romanticized stereotypes”³¹. Going forward, focus should instead be placed on how Indigenous knowledge holders can apply their knowledge and what initiatives directly support Indigenous communities, rather than what supports scientific ideas or conclusions.

The assumption that Indigenous and Western-scientific knowledge can be integrated in science-dominated environmental management that is led by non-Indigenous peoples needs to be considered carefully³². The interest in the integration of Indigenous knowledge into such management (and commonly held up as a means of empowering Indigenous peoples³³) should be refocused on the role of Indigenous knowledge in non-Indigenous and Indigenous organizations/governments working on environmental governance^{34,35}. Arguably, there is incompatibility between Indigenous knowledge and science; but an even greater divide between Indigenous knowledge systems and the procedures and values of Western-style governance³⁶. There is a striking difference between Indigenous-led environmental decision-making where Eurocentric perspectives have been replaced with Indigenous knowledge systems³⁷ and simply incorporating Indigenous knowledge into existing Western-scientific environmental management regimes³². For example, the Waswanipi Cree (Northern Quebec) are applying their own knowledge to climate adaptation and forest management. Their interest has been in documenting their own forest knowledge for the purposes of forest stewardship agreements. However, the Waswanipi Cree “do not believe they can convey their complex knowledge and values to others for management on their behalf, but want their stewardship role acknowledged”³⁸. Further, keeping Indigenous knowledge with the Indigenous nation and knowledge-holders, as opposed to sharing it with non-Indigenous peoples-led and science-dominated environmental management, protects Indigenous knowledge from cooptation³⁹ and misinterpretation^{30,40}.

The analysis of Indigenous knowledge provides two main applications for species at risk in BC:

1. Indigenous knowledge systems have most relevance in the environment in which they were constructed.

This is because Indigenous knowledge systems are adapted to a local place-based environment, and thus the use of Indigenous knowledge systems by Indigenous peoples is most appropriate locally and in culturally specific ways.

2. Indigenous nations and Indigenous knowledge-holders ought to be the ones who make species-related and environmental decisions based on Indigenous knowledge systems.

Thus, opportunities should be sought to support Indigenous environmental decision-making, and more emphasis could be placed on ways to support the continued application of Indigenous knowledge systems by Indigenous peoples for species-related decision-making in their territories.

“Indigenous knowledge must be understood from an Indigenous perspective using Indigenous language; it cannot be understood from the perspective of Eurocentric knowledge discourse.

- Battiste and Henderson 2000

Government-Indigenous Co-management/ Partnerships

In many natural resource management contexts around the world, governments are seeking partnerships with Indigenous peoples for a variety of reasons, including the need for local on-the-ground management, augmenting scientific knowledge, soliciting Indigenous buy-in, wanting to incorporate Indigenous insights, and fulfilling court or legislative requirements. Whatever the motive, co-management is a form of state-Indigenous partnership in common usage, and is thus worth discussion in the review of the literature. Co-management typically refers to “joint decision-making by the state and communities (or other interest groups) about one or more aspects of natural resource access or use” and in many cases to formal resource-sharing agreements⁴¹. According to Bown, et al.⁴²:

[co-management] is usually portrayed as a mixture of top-down and bottom-up elements in which the top-down element is the state – though in some instances NGOs take the place of the state – and the bottom-up element may include community leaders, resource users, conservation groups, academics, consumers, citizens, and/or other stakeholders.

The scholarly literature on government-Indigenous co-management provides an abundance of real-world examples of such arrangements, many of which that are worth considering for their successes in Indigenous partnerships. However, it is important to also learn about the pitfalls of co-management so that they are not repeated in the BC Provincial species at risk effort.

A reoccurring problem with co-management models relate to the use of Indigenous knowledge. One of these challenges, identified by Houde⁴³ in the Canadian co-management context, is the lack of control by Indigenous knowledge holders over the data generated by government “co”-managers. In many cases Indigenous nations are not afforded meaningful participation in the management of information (including their own knowledge), defining context and methodology, nor what information is gathered and for what purpose. As a result, Indigenous knowledge tends to become open to misinterpretation or to being discarded when it doesn’t serve the interests of the government^{43,44}. Related to this challenge is the tendency toward lack of confidence in Indigenous knowledge data by non-Indigenous peoples. According to Houde⁴³,

It may well be somewhat challenging for bureaucrats, who are used to particular ways of producing and monitoring information, to accept information generated within a largely different knowledge system. Also, it may be challenging for central administrations to trust local organizations in developing new context-specific management models.

This skepticism dovetails with another challenge, that is, the assumption held by some bureaucrats that the utility of Indigenous knowledge lies within its ability to be incorporated into existing structures of resource management. Indigenous knowledge as “data” to be incorporated into bureaucracies and acted upon by resource management necessitates the translation (and probable distortion) of Indigenous beliefs, values, relations, and practices⁴⁴. As such, because Indigenous nations and knowledge-holders (including those in BC) have experienced such assumptions and skepticism in co-management with bureaucrats in the past, these challenges may create well-founded hesitation around the formation of new co-management arrangements with governments.

An additional challenge related to Indigenous knowledge and co-management is time. Indigenous knowledge requires a commitment to local contexts, in part because Indigenous knowledges are place-based. Thus, the reinvigoration of and access to Indigenous knowledge requires that time must be spent on the land. As a result, there is a “logistical difficulty of reconciling the time that someone spends on the land with the time-consuming commitment to interact with the co-management board and to keep

in touch with government bureaucrats and other stakeholders”⁴³. Also related to time is that which Indigenous peoples/nations must spend working to create a space at existing tables/processes. Often once a spot is secured for an Indigenous participant or nation, there is no mechanism for the inclusion of community knowledge.

Further to these Indigenous knowledge-related challenges is the unresolved power balance between Indigenous nations and state governments in terms of resources and capacity. unresolved power balance between Indigenous nations and state governments in terms of resources and capacity. Pohl et al.’s definition of power applies directly to Indigenous nations and the Province in the context of co-management: “having power means having the ability and the resources to negotiate and adapt interests during the process of knowledge co-production”²⁶. Despite the intention by many co-management arrangements to empower Indigenous peoples, such processes often actually “serve to perpetuate colonial-style relations by concentrating power in administrative centres rather than in the hands of local/Aboriginal people”⁴⁴. For example, in the context of the Beverly and Qamanirjuaq Caribou Management Board, Spak⁴⁵ notes that government-sponsored co-management regimes inevitably exercise the government’s power to “educate” younger Indigenous “resource users” to view the human/animal interface as state resource managers do. In another example, in the context of the Ruby Range Sheep Steering Committee (Yukon-Kluane Nation co-management of Dall sheep), the considerable political power of outfitters in the Yukon made any recommendations by the Committee difficult for biologists to implement⁴⁴. The historic and entrenched power inequities between governments and Indigenous nations (a reality present in the BC context) can make co-management a barrier to the knowledge “co-production” process²⁶.

The key is managing people, not species”.

- Ron Hall, Osoyoos Indian Band

The goal held by many Indigenous nations pertaining to self-government and nationhood is also a central consideration in the context of co-management. The reinvigoration of Indigenous nations in BC is notable⁴⁶ and is of growing political relevance in a province where only a handful of historic and modern treaties have been signed. With much of the province legally unceded⁴⁷, Indigenous nations are aware that cooperative structures such as co-management have the potential to undermine existing rights and title and/or erode goals of self-government and cultural survival⁷. However, the concern that co-management may impinge upon Indigenous nationhood is not unique to BC. In the Idaho gray wolf recovery process, the Wildlife Service refrained intentionally from naming the Nez Perce Tribe as co-managers so as not to blur tribal sovereignty or create conflicts between their legal responsibility to tribes and state governments⁴⁸. In whatever format or arrangement is struck between the Province and Indigenous nations in BC, Indigenous nations and people must transcend “stakeholder” status⁴³, and be considered an unceded nation both with unrelinquished rights and responsibilities to its unceded territory⁴⁹.

“Co-management [can] polarize an issue and antagonize the parties that you would want to work with. You try to walk a middle ground in all of this”

- USFWS official in Ohlson 2008

Given these concerns, and past and oft-repeated faults of co-management arrangements, it is important to consider what viable options for Indigenous-state partnerships there are going forward. In the following two sections, we examine lessons learned from Indigenous-government partnerships for single species protection/recovery, as well as notable progressive Indigenous partnerships on species and environmental management.



Indigenous-government co-management and partnerships

The following two sections on gray wolf recovery in Idaho and Dall sheep in the Yukon both have lessons that can be gleaned to shape plans going forward for BC's species at risk effort.

Gray Wolf Recovery - Idaho

In the well-known case of wolf recovery in the US, the Fish and Wildlife Service set out to establish 30 breeding wolf pairs equitably in Montana, the Greater Yellowstone Area, and Idaho.

Several dozen wolves from Canada were reintroduced in the mid-1990s, and recovery goals were achieved within six years. In Idaho, the Fish and Wildlife Service partnered with the Nez Perce Tribe to achieve this recovery. The Nez Perce Tribal Wolf Recovery and Management Plan had a corresponding goal for at least 10 breeding wolf packs in central Idaho to be achieved through: (1) information, education, and outreach; (2) wolf monitoring; (3) wolf control; and (4) research⁴⁸. This partnership was significant in the Idaho context because wolf recovery marked the first time that an Indigenous tribe had assumed the lead role in a federal endangered species recovery program off reservation⁵⁰. The cooperative agreement between the Tribe and the Service stipulated that the Services would maintain oversight over endangered species recovery while the Tribe would manage day-to-day operations such as monitoring and collecting biological

data including wolf movements, distribution, population, and breeding activity⁴⁸.

“We’ve been chased from the land, and so has the wolf. We’ve been hated and feared, and so has the wolf. We’ve been hunted and killed, and so has the wolf. And over the course of time, we have fought to regain ourselves as a tribe, as a sovereign nation. In this country’s history, we’re typically a nation of people that are suppressed in such a way that it’s difficult to regain [that sovereignty].”

- Nez Perce Tribe official in Ohlson 2008.



Notably, in their study of this case, Ohlson et al.⁴⁸ found that all respondents from the Service (4 respondents) and from the Tribe (9 respondents) considered the biological aspects of gray wolf recovery in Idaho to have been a success. While nine respondents do not represent the opinions of the members of the Nez Perce Tribe, it is notable that respondents attributed the success of the program to the strength of the information/public education/outreach component of the recovery program (a tenet of the Nez Perce Tribal Wolf Recovery and Management Plan).

According to Ohlson et al., the Tribe's role in wolf recovery "represented a step towards asserting their authority as a sovereign nation and establishing themselves as a legitimate natural resources manager alongside their federal and state counterparts" and that collaboration between the Tribe and the Federal government is "essential for advancing indigenous self-determination by supporting the institutional capacity of indigenous groups to develop, implement, and operate programs"⁴⁸. The link between Indigenous species conservation and Indigenous self-determination are not unique to the gray wolf recovery: the alignment of the Indigenous resurgence of nationhood and Indigenous assertions related to rights and responsibilities related to species management has been demonstrated elsewhere⁴⁶. While species recovery has been demonstrated as a surrogate for broader cultural and sociopolitical circumstances^{46,51}, the goals in Idaho wolf recovery, in particular as a vehicle for advancing Indigenous nationhood, were not discussed in initial discussions between the Service and the Tribe⁴⁸. Clarifying the positionality of each partner (e.g., Tribe and Service) allows partners to develop a shared frame of reference⁵² or allows partners to agree to disagree (e.g., Gwaii Haanas Agreement⁵³).

Lessons learned from the Idaho gray wolf recovery, according to Ohlson et al., are (abridged and edited – please see Ohlson et al., for full detail and exact wording):

- 1. Endangered species protection and Indigenous self-determination are not mutually exclusive efforts**, although using the former as a vehicle to advance the latter is not without its challenges. Through diligent government-to-government efforts, endangered species recovery programs can be administered in a collaborative manner that supports indigenous self-determination and protects species threatened with extinction. If given sufficient opportunities for institutional capacity building and the development of collaborative partnerships, Indigenous nations – with their strong ties to Indigenous species – are uniquely positioned to make meaningful contributions to the broader discourse on conserving biological diversity.
- 2. Governmental policies aimed at reconciling Indigenous rights** with natural resource protection laws should be developed or, if already in existence, updated through a bilateral process.
- 3. Ineffective cooperative structures can undermine Indigenous self-determination** by deprioritizing or ignoring indigenous decision-making models. Therefore, government partners should also clarify the distinction between co-management and cooperative management of resources, especially with respect to the circumstances under which each of these may occur.
- Specific provisions to be considered include Articles 8(j) and 10(c) of the Convention on Biological Diversity, and Article 2.1 of the ILO's Convention No. 169, instruments which establish

a global standard for developing participatory mechanisms. Within these existing policy frameworks, **countries should include the meaningful participation of Indigenous peoples as ... partners in all levels of decision-making**, including strategic policy planning. This includes true consideration of formalizing co-management regimes with Indigenous groups that allow participants to be equal partners.

5. Prior to undertaking large-scale efforts and engaging in long-term partnerships, **Indigenous and non-indigenous governance structures should clearly define their expectations** of the project and of each other during initial discussions and throughout the duration of the partnership via a meaningful consultation process.
6. **Governments should be mindful of the diversity among Indigenous nations** and should adapt procedures accordingly, formalizing such arrangements through MOUs or similar mechanisms.

It would be difficult to maintain the position that the RRSSC process was a success. On the contrary, it was, in many ways, a dismal failure, although not everyone involved in the process would agree with that assessment. Indeed, one of the most striking things about the RRSSC process is how differently various members of the committee perceived and evaluated what took place over the nearly three years during which they met to formulate management recommendations. Some RRSSC members (mostly government scientists and resource managers) came away from the process feeling that it had been a success. Indeed, I heard several biologists who had been on the committee describe the process in glowing terms, holding it up as a model of co-management to be emulated elsewhere in the territory. However, other committee members, mostly First Nation people, felt that it had been a complete failure (and worse, that government biologists had betrayed them).

Ruby Range Dall Sheep - Yukon

Another example of single-species management of Dall sheep with a government-Indigenous partnership from which lessons can be drawn is the Ruby Range Sheep Steering Committee (RRSSC) in the Yukon. However, unlike the gray wolf case, it is not an example of “success” as this co-management model tended not to satisfy Indigenous partners. In his oft-cited journal article *Reevaluating the Co-management Success Story*, scholar Paul Nadasdy states the following about the co-management of Ruby Range Dall Sheep in the Yukon:





In the attempted co-management of the Ruby Range Dall sheep, Nadasdy points out that researchers of Indigenous knowledge tended to be preoccupied with the technical/methodological challenges of knowledge integration which obscured the bigger problem that was uneven power relations that underling the whole process of co-management and associated knowledge integration. In other words, knowledge integration and co-management ended assuming the existing Indigenous-government relations and perpetuating, instead of transforming, unequal power relations⁵⁴.

Another aspect that may explain the lack of success reported by Indigenous partners in this co-management arrangement is the disagreements on timing and depth of wildlife population data. Biologists have only been surveying Ruby Range sheep consistently since 1979, and yet, serious over-hunting is known to have occurred in the area as early as the Klondike gold rush in 1898. In contrast, Kluane Elders and hunters have been living alongside Ruby Range sheep since time immemorial, and Elders and hunters, at the time of Nadasdy's research, had detailed memories of the sheep from as far back as the 1920s, which would add to the stories passed down to them by their own elders from earlier times. Despite this, the "scientifically reliable" timing of biologists eventually won out:

Given the sensitive political nature of sheep management, and the much greater weight accorded to scientific evidence than to First Nation testimony by the powerful interests involved, biologists needed to be able to back any recommendations with scientific evidence. As a result, biologists could not (and did not) accord the testimony of elders and hunters the same status they gave to their own survey data. It is perhaps not so surprising, then, that very little knowledge-integration actually occurred. The First Nation settled on the 1980 population as the target level because it was the highest that biologists would go, and biologists would go that high only because they themselves had counted that many sheep in the study area⁵⁴.

Given these circumstances, Nadasdy makes the following suggestions for other wildlife management in Indigenous territories (the points below have been abridged and edited with emphasis added, please see Nadasdy 2003 for full detail and exact wording):

1. One possible solution to the political problems of co-management might be to **devolve full decision-making power over wildlife (as opposed to merely the power to make recommendations) to local First Nations....** Indeed, rather than challenging the larger political context in which wildlife management occurs, co-management regimes have merely

been inserted into existing structures of bureaucratic wildlife management - the very same structures that are at the root of the problem.

2. Co-management cannot be fixed.

Since it is not simply a matter of “fixing” co-management (e.g., by improving techniques for gathering information or integrating knowledge or by tweaking the structures of particular co-management regimes) but of restructuring the very institutions, practices, and underlying assumptions of wildlife management itself, the kinds of solutions I would offer are not likely to strike most readers - especially those actually engaged in efforts to co-manage resources - as particularly practical or constructive.

Both the gray wolf and Dall sheep examples, and lessons learned, are supported by other empirical work looking at similar cases. Those cases have demonstrated that “indigenous-driven co-governance provides better prospects for integration of [Indigenous ecological knowledge] and western science for sustainability of social-ecological systems” than agency-driven co-governance and agency governance⁵⁵. Further, this literature also emphasizes the idea that processes that support Indigenous governance and do not vest power in government agencies but instead distribute decision-making Indigenous nations and communities^{38,55}. According to Dr. Jeanette Armstrong⁵⁶,

The act of ‘collaboration’ to develop ‘whole system’ protection and support systems could induce radical shifts in government policy and in the application of development assistance to indigenous peoples. The act of ‘collaborating’ with indigenous peoples, on its own, would produce a transformative shift from a dominant framework of ‘control’ toward instituting new ways of being. Such cooperation would be a crucial starting point of calling all peoples back to ‘indigeneity’ through forging new relationships of ‘coexistence’ in land use practices and structuring new economies as a process of ‘restoring’ indigeneity to peoples and lands.

How the Provincial government collaborates with Indigenous peoples has the potential to institute a new way of being.



Notable Indigenous-government environmental partnerships

Going forward, it is important to study what lessons can be learned from examples of progressive partnerships between non-Indigenous organizations or governments and Indigenous nations. As the Province moves to engage and partner with Indigenous nations in BC to protect and recover species at risk, it is important to identify what would set the Province apart as a leader, as opposed to replicating known mistakes. Importantly, while lessons and possibly generalities may be gleaned from the examples discussed below, it is important to note that many Indigenous nations have their own engagement policies/protocols in place that are aimed at relations with governments and industry⁸. For

example, the Hul'qumi'num consultation policy is based in their Indigenous laws, traditional principles, and is built to provide an Indigenous-centred structure for government/industry relations⁵⁷. Given this, every effort should be made by the Province to follow existing, individual Indigenous nation policies/protocols/laws. The examples summarized in this section give a sense for how meaningful and progressive partnerships can be formed with Indigenous nations.

Gwaii Haanas

The interest in the success of the joint/co-management of Gwaii Haanas in Haida Gwaii extends well beyond those in BC. Since the 1993 signing of the Gwaii Haanas Agreement, there have been over 45 journal articles alone reviewing or discussing the co-management of Gwaii Haanas. While the review of all of these articles is beyond the scope of this report, in this section we summarize this co-management arrangement and lessons that can be gleaned for the purposes of BC species at risk efforts.

In terms of conservation and ecology, the co-management of Gwaii Haanas has had measurable successes. These successes have included a Haida-operated and staffed Gwaii Haanas Watchman Program (protecting Haida Heritage sites as well as environmental enforcement), a terrestrial management plan, a marine agreement and plan, reductions in introduced predators to protect seabirds, and restoration of salmon streams⁵⁸. And in a more recent success and at the time of the writing of this report, the Gwaii Haanas Land-Sea-People Management Plan, signed by the Haida Nation, Parks Canada and Fisheries and Oceans Canada, has been added to the successes of the co-management of Gwaii Haanas. This Plan builds upon 25 years of co-management, and one of its priorities is to conserve the diversity of species, populations and communities, including climate change adaption⁵⁹. The co-management of Gwaii Haanas, an arrangement borne from the struggle by the Haida to protect old growth Athlii Gwaii (Lyell Island) from logging⁶⁰, has a management board that is comprised of equal representation from the Haida Nation and Canada (via Parks Canada and Fisheries and Oceans Canada). And while legally the Minister has ultimate decision-making power, in practice, co-management has, with a few exceptions^{46,58}, prevailed¹⁹.

What stands out about the Haida's co-management arrangements, as compared to many other examples of problematic collaborative planning with other marginalized peoples, is the way in which decision-making power has been handled. First, the Haida demanded that the co-management process be co-managed and co-chaired by the Council of the Haida Nation, thus providing greater Haida control of the planning process and implicit recognition of Haida Nationhood. Second, financial resources were provided to the Haida to support consensus-seeking, community planning (as opposed to the many other cases where only government and industry participants are remunerated for their participation⁶¹). Third, the Haida are using the co-management of Gwaii Haanas to develop their autonomy and nationhood⁶². Fourth, management of Gwaii Haanas follows yahguudang (respect for all living things) with an ultimate goal of "protecting all the area's native species and habitats while meeting the Haidas' needs for food, health, and well-being"⁶³. Fifth, the co-management arrangement takes a biocultural approach to conservation. Biocultural approaches to conservation is a synthesis of multiple theories linked to biodiversity conservation, including social-ecological systems, commons theory, biocultural diversity and heritage, Indigenous natural resource management, Indigenous knowledge systems and people-centered conservation⁶³. Table 2 provides examples of the applications of biocultural approaches to conservation. Each of the principles identified by Gavin et al. in Table 2 could be considered guidelines for any government-Indigenous partnership, including those for species at risk.

Table 2. Applications of biocultural approaches to conservation.
(Adapted slightly from source Gavin et al. 2018).

Principles of biocultural approaches to conservation	Example (from Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve and Haida Heritage Site)
1. Acknowledge multiple partners and their objectives	Government of Canada and the Council of the Haida Nation manage the terrestrial and marine area as a whole to accomplish objectives linked to both ecological and cultural integrity.
2. Use intergenerational planning and institutions for long-term adaptive management and governance	Haida maintain intergenerational commitment to place, and management plans use adaptive management and governance integrated across local and national levels.
3. Recognize that cultural dynamics shape conservation	Haida science has been a foundation for environmental management for millennia, and Haida culture is constantly evolving and adapting to new challenges and opportunities.
4. Tailor interventions to social-ecological context	The conservation process in Gwaii Haanas represents the unique historical, social, and environmental context, and varies substantially from other initiatives in Canada in terms of cultural and social inputs and the integration of terrestrial and marine systems.
5. Devise novel, diverse, and nested institutional frameworks	Management of Gwaii Haanas draws on institutions of Haida Nation and of Parks Canada, and both nations have equal representation.
6. Prioritize partnerships and relation building	Gwaii Haanas conservation process is based on a cooperative relationship that uses consensus building as a fundamental tool for decision-making.
7. Incorporate distinct rights and responsibilities of all parties	The Gwaii Haanas agreement draws on existing legislation and Aboriginal rights, acknowledges disagreement over sovereignty, and makes explicit the shared responsibility for co-management.
8. Respect and incorporate different worldviews and knowledge systems	Gwaii Haanas incorporates Haida and Western knowledge and science into all aspects of planning and management.

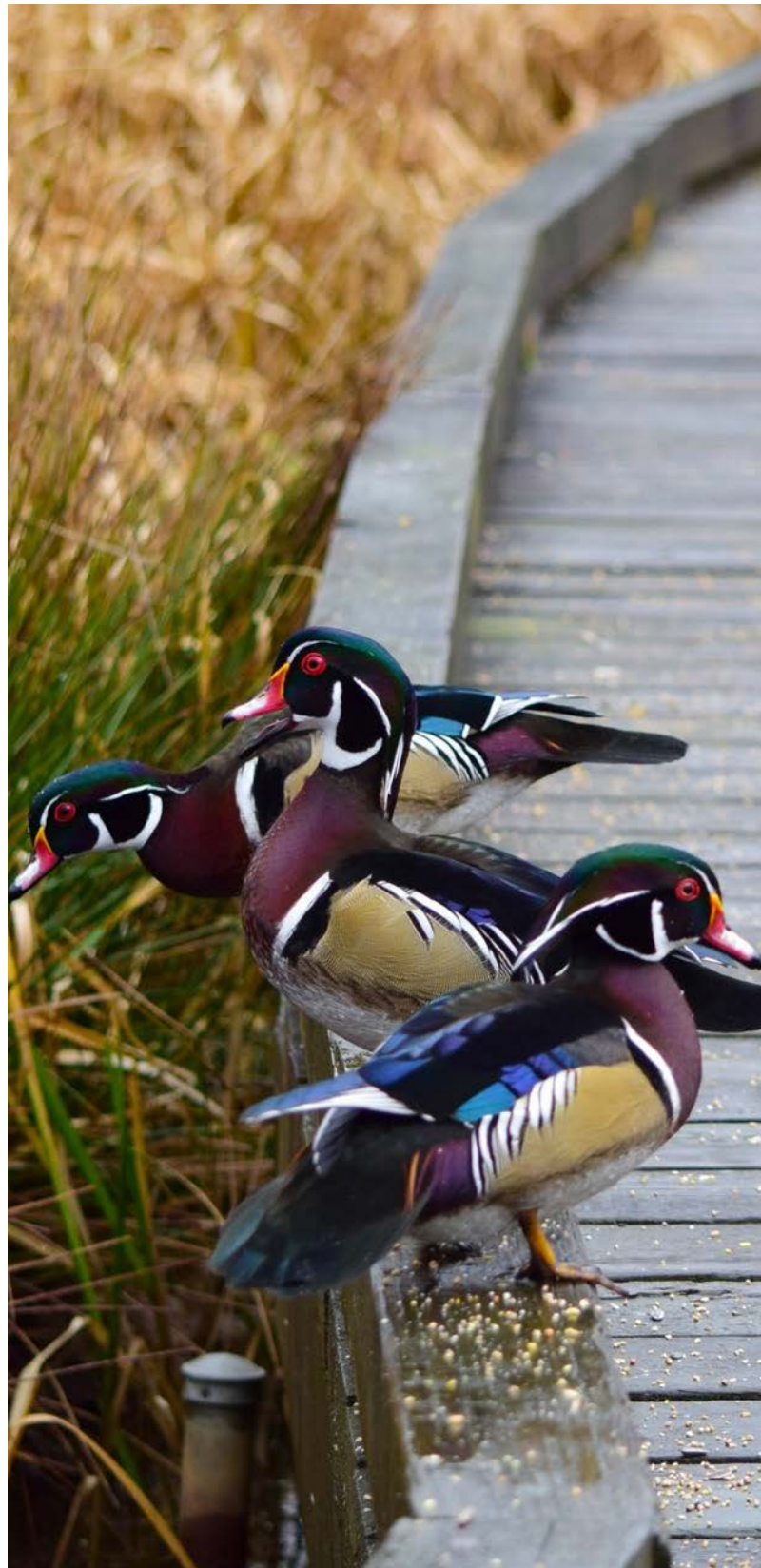
Sixth, an important and notable aspect of co-management in Gwaii Haanas is that the legal language at the outset of the Gwaii Haanas Agreement allows the two governments (Canada and the Council of the Haida Nation) to, in effect, agree to disagree. The parties agree that their common purpose is to protect Gwaii Haanas, but that their viewpoints diverge with respect to sovereignty, title and ownership. In this initial statement, the Haida state (section 1.1):

The Haida Nation sees the Archipelago as Haida Lands, subject to the collective and individual rights of the Haida citizens, the sovereignty of the Hereditary Chiefs, and jurisdiction of the Council of the Haida Nation. The Haida Nation owns these lands and waters by virtue of heredity, subject to the laws of the Constitution of the Haida Nation, and the legislative jurisdiction of the Haida House of Assembly.

Whereas Canada states (section 1.1):

The Government of Canada views the Archipelago as Crown land, subject to certain private rights or interests, and subject to the sovereignty of her Majesty the Queen and the legislative jurisdiction of the Parliament of Canada and the Legislature of the Province of British Columbia.

By making these statements at the outset of the Agreement, the parties don't allow unresolved matters of land, title and ownership to impinge upon the urgent work of protecting species, their habitats and the environment.



Xeni Gwet'in First Nation & Friends of the Nemaiah Valley

Another, much smaller scale, partnership worth examining is that between the Xeni Gwet'in First Nation and the Friends of the Nemaiah Valley (FONV). The Xeni Gwet'in, well-known for their former Chief Roger Williams' win in the *Tsilhqot'in Nation v. British Columbia* decision, have worked for decades with the FONV (a Society) on a number of matters, primarily environmental conservation and species/habitat protection⁶⁴. What is notable about this partnership is that (1) the Xeni Gwet'in took the lead on all decisions; (2) the FONV deferred to the Xeni Gwet'in and honored that the area was the unceded territory of the Xeni Gwet'in; and (3) it is an example of a case where an organization involved in environmental governance collaborated closely with First Nation which has its own governance processes and asserts its unceded autonomy⁴⁹.

Given the scale and relationship between them, the Province is unlikely to be able to replicate an intimate partnership such as the FONV- Xeni Gwet'in. However, this partnership is still worth noting for Provincial purposes for two reasons: first, there was a measurable success in this partnership through both the *Tsilhqot'in Nation v. BC* court decision (which in effect allows the Xeni Gwet'in to protect their lands), and the conservation of habitat (e.g., Elçgesi Qiyus Wild Horse Preserve). Second, and perhaps more relevant to this report, the Xeni Gwet'in have demonstrated how decision-making power over environment can be exercised successfully by a small First Nation (approximately 250 on reserve).

This localized decision-making power is crucial for a number of reasons:

1. First Nations of unceded territories such as the Xeni Gwet'in have the right to continue making decisions related to their territories.
2. Species at risk protection and recovery must be localized and place-based which is precisely the nature of Indigenous nations whose eyes are, have always have been, on the ground in the places and species in need of protection.
3. Indigenous decision-making power supports a kincentric way of knowing and relating to non-human animals is one of the fundamental concepts that characterizes and supports many Indigenous people's systems of managing lands, waters, wildlife, and resources⁶⁴.
4. Perspectives that First Nations may not have the capacity to manage species at risk protection and recovery does not apply to the Xeni Gwet'in, and by extension may not apply to other nations.
5. Where capacity and resources are lacking for Indigenous management of species at risk protection and recovery, these should be provided given reasons 1, 2, and 3.

Saami/Inuit Relationships to Reindeer/Caribou

In building a robust approach for the protection of species and their habitat, the Province must be cognizant of the relationship that Indigenous peoples have had with non-human kin for millennia. This approach should include the consideration of how complex and age-old these human-animal-plant relationships are as compared to the relatively nascent processes of colonial government species protections and legislation. Respecting this relationship has the potential to have traction in the process of ironing out agreements, legislation, and partnerships. The examples of the Saami relationship to reindeer, and Inuit relationship to caribou illustrate how this consideration is important.

In their recent publication in the journal *Arctic*, Ljubicic et al. found that understanding Inuktitut terminology and local approaches to naming/distinguishing caribou was fundamental to co-management of the species. For example, the authors found that⁶⁶:

Uqsuqtuurmiut [people from Uqsuqtuuq] do not generally distinguish caribou ...according to herds, in the way that biologists or wildlife managers do. Locally, people differentiate four main types of caribou: iluiliup tuktuut (inland caribou), kingailaup tuktuut (island caribou), qungniit (reindeer), and a mixture of iluiliup tuktuut and kingailaup tuktuut.

This example, and the findings from this study, suggests that efforts to support the meaningful incorporation of Indigenous knowledge in species co-management, careful consideration of Indigenous approaches to species, such as naming and distinguishing, could

facilitate communication in Indigenous-government partnerships or co-management arrangements. Ljubicic et al. suggest that such considerations should include “(1) accounting for dialectical differences, (2) understanding relative geographic references, and (3) recognizing historical and contemporary influences of traditional homelands and societies on terminology used”. They suggest that these considerations have the potential implications for identifying and discussing species, in this example, caribou⁶⁶. While the suggestions made by Ljubicic et al. do not provide a roadmap for Indigenous-government multiple-species management, the findings do suggest that, in order to have successful species protection and recovery, that importance be placed on the Province understanding the relationships Indigenous peoples have with non-human kin, as well as terminological differences that describe them.

“IQ can bring together generations of Inuit in a common challenge. That challenge is to hold in check relations that seriously threaten Inuit culture and, in so doing, put before us relationships between and among people, animals, and landscapes relevant to all of us that might otherwise be absorbed by a very different, totalizing logic.”

- Tester and Irniq, 2008

Also related to caribou/reindeer and Indigenous peoples, the Nordic countries (Finland, Norway and Sweden) are an example of where there is an attempt to codify the governments' respect for the relationship between Indigenous peoples and species (in this case reindeer). The Nordic Saami Convention, yet to be ratified by these three countries, has a Chapter on Saami (Indigenous) livelihoods including reindeer husbandry as a Saami livelihood. Article 42 of the tabled Convention recognizes that:

Reindeer husbandry, as a particular and traditional Saami livelihood and a form of culture, is based on custom and shall enjoy special legal protection. To that end, Norway and Sweden shall maintain and develop reindeer husbandry as a sole right of the Saami in the Saami reindeer grazing areas.

Further, the tabled Convention would solidify the Saami right to decision-making that predates colonial borders⁶⁷:

The right of the Saami to reindeer grazing across national borders is based on custom. If agreements have been concluded between Saami villages (samebyar), siidas or reindeer grazing communities (renbeteslag) concerning the

right to reindeer grazing across national borders, these agreements shall prevail. In the event of dispute concerning the interpretation or application of such an agreement, a party shall have the opportunity to bring the dispute before an arbitration committee for decision. Regarding the composition of such an arbitration committee and its rules of procedure, the regulation jointly decided by the three Saami parliaments shall apply.

While the circumstances of the Nordic countries are considerably different than the context of BC, what can be learned from this example is twofold: (1) codifying Indigenous rights to their relationships to protect and continue livelihoods with non-human kin supports government commitments to Indigenous ways of species-related decision-making; and (2) the Nordic Saami Convention is an examples of how deference can be given to Indigenous peoples on species-related decision-making including honoring how decisions were handled prior to the imposition of colonial jurisdictions. Both the Nordic and Inuit examples demonstrate lessons learned, and potential concrete examples for Provincial leadership in Indigenous engagement regarding species at risk.





Inter-National Collaboration

In a time of truth and reconciliation, Indigenous reinvigoration of nationhood, unceded Indigenous territories, and the difficulties with some government-Indigenous partnerships, it is important that the Province explore opportunities to support inter-national (i.e., Indigenous-Indigenous) collaborations. Inter-national collaboration and alliances date back to time immemorial. For millennia and prior to colonization, Indigenous nations have had their own processes for making and maintaining diplomatic relationships with other Indigenous nations⁶⁸. Despite colonization, Indigenous nations in the US and Canada in particular have continued to make inter-nation political agreements such as confederacies, treaties and alliances⁶⁹. These agreements had and do have many purposes, for example, maintaining diplomatic relationships between nations⁶⁸, resolving boundary disputes⁷⁰, working together in times of crisis or need⁷¹, and arranging shared fishing and hunting areas⁷⁰. Table 3 gives examples of some modern-day inter-Indigenous collaborations and agreements.

I think it's kind of like a rebirth of the old Indian way of doing things."

- Dr. Leroy Little Bear on the Buffalo Treaty

As UNDRIP has shifted global Indigenous understandings of nationhood and self-determination, so to have antiquated colonial doctrines (e.g., terra nullius) that formerly justified state control over Indigenous lands been delegitimized⁷². Yet, countries around the world have tended to view Indigenous self-determination in zero-sum terms, with concern that advancement in such nationhood or self-determination could mean a loss of sovereignty or territorial integrity for nation-states. However, advancements in Indigenous self-determination in several countries around the world have been found to occur "in practice with, within, and across the borders of individual states, while navigating the international system, in assertive, maximal, innovative, and peaceful ways that do not result in a loss of nation-state sovereignty or territorial integrity"⁷³.

Table 3 Examples of Modern-Day Formalized Inter-National Collaboration

Example of Formalized Inter-Indigenous Collaboration	Location(s)	Description
Northern Tribes Buffalo Treaty (2014)	Canada; US	Signed by ten Indigenous nations in the US and Canada to promote their ongoing relationships with bison conservation as well as to unite the political power of First Nations.
United League of Indigenous Nations (2007)	Canada; Aotearoa; Australia	To establish a foundation for the exercise of contemporary Indigenous nation sovereignty.
Defenders of the Land Network	Canada	39 Indigenous communities working together to build a fundamental movement for Indigenous rights.
First Nations Great Bear Initiative (2000)	BC	Alliance of Indigenous nations on the North and Central Coast and Haida Gwaii to work together to address challenges including regional strategic planning of resource governance.
Treaty of Peace Respect and Responsibility between the Heiltsuk Nation and the Haida Nation (2015)	BC	Formal, signed agreements of solidarity and collaboration related to Indigenous herring governance.
Herring Declaration of Solidarity of B.C. First Nations (2015)	BC	Reaffirms rights, title and sovereignty of Haida, Heiltsuk, Kitsoo/Xai'Xais and Nuu-chah-nulth to protect their land, seas and resources.
Tar Sands Treaty Alliance (2015)	AB; BC	To fight new expansion of Tar Sands production and distribution.
International Indian Treaty Council (1974)	US	Leading organization in the global Indigenous rights movement. It supports grassroots Indigenous struggles for self-determination and human rights.
Ktunaxa Nation/Secwepemc Nation/Syilx Okanagan Nation (2019)	BC	United and working together to re-negotiate Columbia River Treaty.

“We should be getting together instead of being separated.”

– Clint Jacobs, Walpole Island First Nation

The examples of inter-Indigenous collaboration provided in Table 3 demonstrate the regrowth of such alliances and solidarity that are occurring. However, in the context of urgent species recovery in BC, and any such Indigenous-to-Indigenous alliances that may support species protection and recovery should be sought out and supported. These alliances are likely to create robust species protection sooner than waiting for Province-Indigenous MOUs and partnerships for species at risk protection to be finalized. Support for Indigenous-Indigenous alliances from the Province would mean the provision of resources, but not oversight.

I visit other communities to share this [species at risk] information, the more people involved, the stronger we are.... the elders told me to share this with other First Nations.

– Theodore Flamand, Wiikwemkoong Unceded Territory



Community Perspectives: Southern Ontario and the South Okanagan - Similkameen

In the research for this report, perspectives were sought from species at risk experts from the Walpole Island and Wiikwemkoong First Nations in southern Ontario and from the southern portion (north of the 49th parallel) of the Okanagan Nation in South Okanagan-Similkameen in southern BC. Although the two areas are thousands of kilometers apart, they are two of Canada's four most severely endangered landscapes⁷⁴ and both surrounded by unbridled industrial/commercial development. The commonality of living in a threatened last sanctuary

for such a high number species at risk has not been lost on these communities. Environmental leaders from both the Okanagan Nation and Walpole Island First Nation have sought each other out repeatedly over the last decade to share ideas and strategies on the pressures they face regarding species protection. While Ontario has provincial species at risk legislation in place, BC's is yet to come. The following two profiles outlines the perspectives of experts from both communities.



Southern Ontario

Southern Ontario is well known for its biological diversity and range of natural areas which include Oak Savannah, Carolinian forests, and wetland systems⁷⁵. These natural areas stand in contrast to the very urbanized area that surrounds Walpole Island in particular, including Detroit and the many large and industrial cities of southern Ontario. In this way, Walpole Island is an oasis of diverse ecosystems to the variety of animal and plant species that live there – many of which have been assessed as at risk⁷⁵. The main environmental problems that put these species at risk are the many years of chemical spills from upstream petro-chemical facilities, other sources of water pollution, invasive species, pesticide use, and habitat degradation/loss resulting from commercial agriculture². Though farther north of this urban and industrial development, Wiikwemkoong Unceded Territory faces similar adversity.

Interviewee: Clint Jacobs

Walpole Island First Nation and Heritage Centre; Member of NACOSAR; President Walpole Island Land Trust

According to Clint Jacobs, when it comes to species at risk, Indigenous knowledge is fundamental. In his experience with the federal Species at Risk Act, he says that Indigenous knowledge “may be considered”. Going forward with Provincial legislation, Indigenous knowledge must not be optional. Central to incorporating Indigenous knowledge means that Indigenous peoples applying their knowledge to their lands. For example, governments could build in supports to have people get directly involved in putting Indigenous protection and recovery plans in place and getting people out on the land. Mr. Jacobs says that perspectives on species at risk work with Indigenous peoples needs to try to get away

from that idea of just the knowledge itself as being something separate from Indigenous peoples. He states, “that’s the thing about our knowledge, it’s not just how does it relate to science. It is our way of science. But it also has a hugely spiritual element to it, and you can’t separate that from the people themselves or the land”. For this reason, the language in species at risk legislation and policy must reflect this inseparability of Indigenous knowledge.

“We are totally dependent on our land. Without the river we would have no fish, without the marshes we would have no ducks, without the mishkodi we would have no medicines, without the beauty of nature we would have no peace. The land is our soul.”

– Indigenous respondent Walpole Island FN, Beckford et al. 2010

Mr. Jacobs has four concrete suggestions when it comes to the creation of new species at risk legislation. First, he suggests the Province ensure that the BC legislation contains a non-abrogation and derogation clause, similar to the federal Species at Risk Act, but with wording that speaks to “compensation for infringements of Aboriginal rights”. Second, that First Nations representation on boards akin to the Ontario Species at Risk Stewardship Fund and others, is 50% - this would constitute a real partnership. Third, he notes that an important lesson should be learned from SARA where due consideration is not given for social economic analysis, or assessments or impacts except for at the listing stage*. Fourth, there has to be conservation or partnership agreements within new species at risk legislation that have funding tied to them. In SARA, partnerships with Indigenous peoples don’t come with any resources to do so. In the BC context, it would be

*The socioeconomic impact analysis from a colonized perspective is based on money and/or access to it. From an Indigenous perspective, it would also typically include the loss of relationship, connection to non-human relatives, degraded environment for future generations, and loss of access to food sources. For example, there are socioeconomic impacts of listing a species (e.g., potential contemporary economic impacts to communities) and impacts of not listing. Thus, there is a need to ensure that socioeconomic impact analysis should be woven throughout whatever cycle or process the Province goes with.

a partnership where the Province operationalizes existing Indigenous-led conservation initiatives.

Finally, a policy used at Walpole may be transferred to the BC context: whenever an acre of land of habitat was taken for development, an equivalent amount of habitat had to be created elsewhere. Mr. Jacobs states that First Nations should have dibs on any such “offsets”. In southern Ontario, there is so much development that the Walpole Island First Nation has ended up with many offset projects, particularly around birds. As a result, we now have supports in place that allow us to do work protecting habitats⁷⁶.

“We believe that land is sacred and current inhabitants are holding it in trust for future ones. We therefore, have an obligation to treat the land and resources with care and respect.”

– Indigenous respondent Walpole Island FN, Beckford et al. 2010

Interviewee: Theodore Flamand
Species at Risk Coordinator, Department of Lands and Natural Resources, Wiikwemkoong Unceded Territory

In his species at risk work, Theodore Flamand takes his directions from the Elders. He says that Elders are the ones that know what should be done with the species. He tries to bridge the gap he sees between his community’s needs and the government funding requirements. The Wiikwemkoong Department of Lands and Natural direction given by the Elders that the recovery plans provided by the federal government, but consistently lack the dedicated and long term (minimum three year) funding needed to keep species at risk work going.

My direction comes from the Elders - I enjoy that. If there was a lot more First Nations involvement for all these species, that would be great.

- Theodore Flamand

Mr. Flamand finds that despite the fact that the Elders have the most knowledge about the species in their region, that western scientists continue to be “in the driver’s seat”. Instead of having primary decision-making over species protection and recovery, his community works under a piecemeal system created by SARA. For example, in the Wiikwemkoong’s rattlesnake protection project, the First Nation has to apply for a permit every year from the government. This reality stands in contrast to a system where the Federal and Provincial governments relinquish decision-making power to the First Nation regarding the species on their lands. He advises that it is necessary to have community involvement in assessment and recovery strategies.

Mr. Flamand finds that the NACOSAR - COSEWIC Aboriginal Traditional Knowledge Subcommittee are making decisions that are not communicated back to the community. He states that these committees do not have any weight for action on the ground, and that once a species is listed, it takes years to get recovery going. He says if these committees worked with the communities, species recovery wouldn’t take so long^{**}. Exacerbating this problem is the fact that the Ontario and Federal Governments don’t work together on species. This lack of coordination effectively confines the Wiikwemkoong First Nation to recovery work on reserve only – a fictional line that does not apply to the movement of species.

Finally, Mr. Flamand emphasizes that species

^{**}Mr. Flamand’s experience of low Indigenous engagement in species recovery planning in Canada, is consistent with the findings of a recent paper published by Hill et al. 2019: in their analysis of recovery documents for species under SARA, they found that 52% of documents “suggested no Indigenous involvement, despite a legal requirement to consult Indigenous Peoples to the extent possible”⁹³.

at risk work would be a lot better if there was more communication and if government was “willing to sit and talk with us...right now it’s only a one way street.”

Interviewee: Judith Jones

Contract Biologist for Neniizaanak Wii Ngooshkaak – Species at Risk Program
Wiikwemkoong Department of Lands and Natural Resources

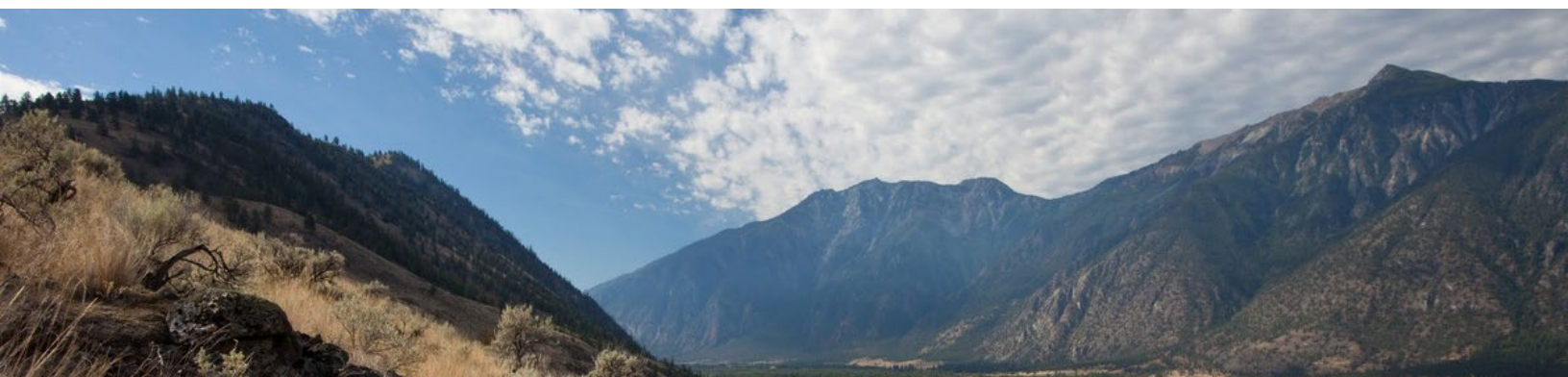
Although not Indigenous, Judith Jones does species at risk work as it relates to First Nation reserves in the Province of Ontario, and is married in to the Wiikwemkoong First Nation community. Because of this, she is experienced professionally and personally in “both worlds”. Clint Jacobs of the Walpole Island First Nation recommended that we interview her for this report. In her work, Ms. Jones notes that there are a disproportionate number of species at risk on reserve lands. Given this, she emphasizes that if governments are really serious about protecting and recovering species at risk, they have to work with First Nations.

First Nations have a different land use history, different levels of exploitation, and have real and necessary insight into creating solutions. For example, First Nations in Ontario wanting to work on a species recovery strategy frequently face a lot of “red tape with a big pile of paperwork” for things such as monitoring and reporting requirements. Further, Ms. Jones states that First Nations should be exempt from permitting when activities are for “beneficial only” projects (e.g., surveys, monitoring, habitat improvement or stewardship, threats

reductions, etc.), and suggests that species at risk laws contain a clause that prevents governments from making a critical habitat delineation or habitat regulation apply on their lands without their consent. She notes that for First Nations doing the work the load should be “lightened up and easier to do and encouraged” and that First Nations have a long history of taking care of the land and that that should be recognized.

In her work, Ms. Jones writes recovery strategies on contract. As part of this work, she recommends what governments should do to frame critical habitat. This recommendation always includes First Nations as responsible for designing the frame for critical habitat on their lands. She notes that Wiikwemkoong Unceded Territory created a research and monitoring protocol which they shared with Parks Canada, and that there is the potential that sharing First Nations expertise on species at risk would be beneficial to others wishing to replicate such protocols.

In the opinion of Ms. Jones, true leadership by a Provincial government when working with Indigenous nations on the topic of species at risk means “getting out of the way so that First Nations can lead”. Doing this would enable the good things that Indigenous peoples are doing to keep happening. In this way, the Province(s) could be enablers rather than controllers. She states that a meaningful partnership between a Provincial government and Indigenous nations means a mutually beneficial and reciprocal relationship⁷⁷.



South Okanagan– Similkameen

The southern portion of Okanagan Nation Territory north of the 49th parallel, also known as the South Okanagan–Similkameen, is home to dry grasslands and open pine forests that are a biologically unique ecosystem, and one of Canada’s four most severely endangered areas^{74,78,79}. The area has both a high species diversity as well as a large number of species at risk⁷⁸. What threatens these species is dramatic habitat loss, a result of the continued growth of urban areas (e.g., Osoyoos, Penticton), golf courses, orchards and other agriculture⁷⁴. Compounding this problem of habitat loss is the fact that vital waterways are threatened because of energy production, mining, dams, water diversion, over allocation/exploitation of water, recreational development, wastewater dumping, and herbicides and pesticides⁸⁰.

This continued habitat loss and threatened waterways are deeply concerning to Syilx people who have always managed and cared for the habitat of their plant and animal kin, and to whom they have a continuing responsibility to for future generations⁸¹. Despite this, Syilx people are continuing to stand up for their plant and animal kin, including protection of their vital habitat.

“Our lands and siwłk” have been grossly mismanaged by these external entities which has resulted in ecosystem degradation, severe water quality deterioration, extreme stress upon local ecologies and species loss at a scale and rate which is unprecedented.”

- Syilx Nation Siwłk” Declaration

Interviewee: Myrah Baptiste

Chief Operating Office of the Osoyoos Indian Band Development Corporation; Referrals Manager for the Osoyoos Indian Band; former coordinator of the National Aboriginal Council on Species at Risk (NACOSAR); former policy advisor for the South Okanagan Similkameen Syilx Environmental Committee (SOSSEC)

Given the depth of Myrah Baptiste’s expertise on species at risk through her trailblazing work on species at risk policy in the South Okanagan-Similkameen and former role as the coordinator of NACOSAR, the insights she provided for this report hold great importance. Ms. Baptiste emphasized that governments should pay close attention to the disconnection that often occurs between permitting and licensing. In the creation of species at risk legislation, governments need to study the permitting process issued through other legislation and policy (e.g., grazing leases under the Land Act), and examine how these permits will interplay with this new law. She points out that, for example, when a grazing license is issued, it gives the lease holder fee simple/landowner rights. How will such rights interact with new species at risk protection laws? Ultimately, how the permitting is implemented within new species at risk legislation, and how it interacts with other laws, is critical to the success this work.

Ms. Baptiste states that Indigenous peoples must be involved in all aspects of decision-making, inclusive of legislative, policy and regulatory development, and that Indigenous peoples must be engaged in decision-making on a government-to-government basis built on trust and functional relationships. Further, both Indigenous Knowledge and Community Knowledge are

relevant to determining socioeconomic impacts and must be actively included throughout the entire process from assessment through to monitoring and evaluation. Indigenous peoples require significant resources and capacity to enable them to carry out conservation efforts in response to evolving and complex environmental challenges (e.g., legislative changes and/or additions, climate change, urban and commercial development, oil and gas, mineral and mining exploration). Finally, Ms. Baptiste states that various gov't ministries/agencies will need to ensure coordination, collaboration and transparency with respect to their individual and collective efforts to undertake or implement conservation efforts⁸².

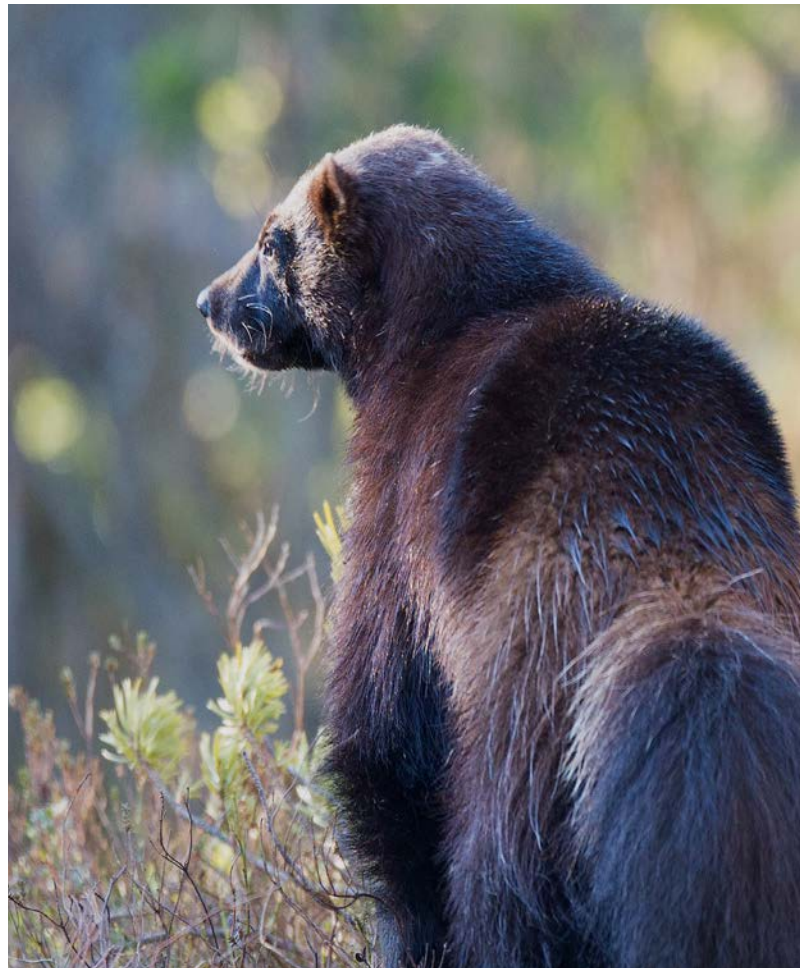
Interviewee: Ron Hall

Natural Resources Program Technician,
Osoyoos Indian Band

As the Province approaches species at risk data, Ron Hall anticipates that there will be problems integrating federal data at the Provincial level. This problem stems from the fact that most species at risk data are based on federal statistics, but the federal government has collected this data in the absence of Indigenous input and knowledge. Further, many recovery plans have been developed without Indigenous input, and as a result, the Crown, stakeholders, and others such as NGOs, have developed processes where they have no jurisdiction.

At the political level, Mr. Hall points to the fact that Indigenous peoples are aware of political processes and the consequences of government actions. He emphasizes that the Province should acknowledge Indigenous territory, jurisdiction, and authority, as well as their sovereign and inherent rights and title. The Province should come to the table with Indigenous peoples and “be real rather than be in denial” starting with acknowledging that Provincial systems alone are not going to recover species.

In terms of what are the essential characteristics of a meaningful partnership between a Provincial government and an Indigenous nation, Mr. Hall is cognizant that there is insight to be gleaned from the federal species at risk process. In the eyes of many Indigenous peoples, the Canadian Species at Risk Act has been painfully slow. Despite this slowness, when governments' feet were put to the fire to meet deadlines, they tended to bulldoze through, leaving Indigenous peoples out of process. Because of this, province-level legislation must correct for this by creating better efficiency and timelines that fit within a respectful framework. Additionally, SARA has too many “outs” and the wording is vague when it comes to Indigenous peoples. The Provincial legislation needs to have more specific wording. Finally, the partnerships between Provinces and Indigenous nations need to be mutually beneficial and must include an Indigenous advisory board with Indigenous knowledge advisors⁸³.



Interviewee: Jonathan Kruger

Director of Indigenous Relations Canada, Sodexo; Former Chief of the Penticton Indian Band; Co-founder of South Okanagan Similkameen Sylix Environmental Committee

Jonathan Kruger emphasizes that when it comes to species at risk protection, the Province needs to place priority on habitat protection planning as a “quick win”. There should be short, medium, and long term plans so that nothing falls off the table and so that there are solutions/wins that each Indigenous nation is comfortable with. The short-term work has to create success stories to build trust to work towards longer term goals. Each plan should contain benchmarks and have clear goals. For example, a medium term goal to work on land use planning together with all partnerships to create continuity and consistency, and a long term goal to implement policy change to ensure that there’s shared decision-making (wording from UNDRIP).

“I don’t like the fact that if there’s a contentious area they give forest allocations to the bands that way the bands have to deal with angry landowners (for example, the Apex Ski Resort). Quit putting us in those predicaments.”

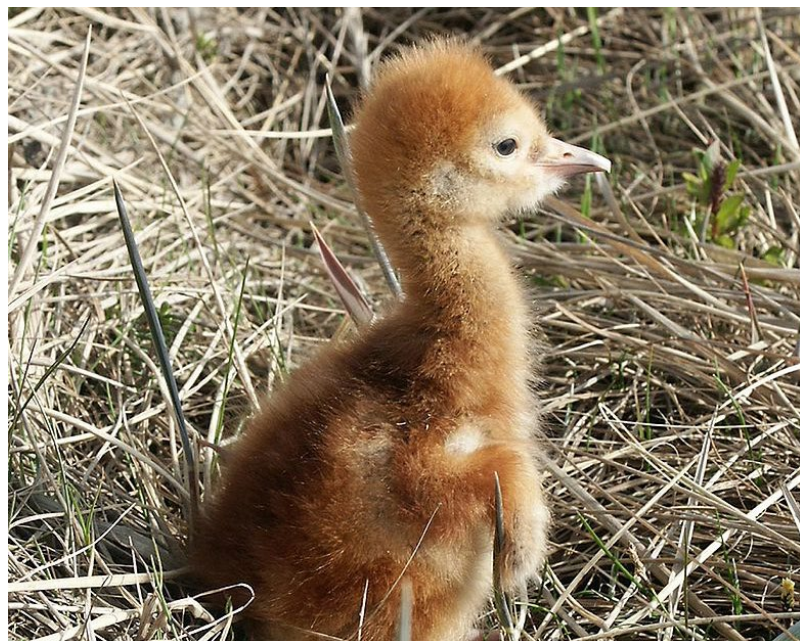
- Jonathan Kruger

Mr. Kruger suggests that in keeping with UNDRIP, there are 4R’s that should frame all of this work: respect, recognition, revenue sharing, and representation. He says that there has to be a model for revenue sharing with which First Nations can make sure land and monies are set aside. He says that, for example, “if you’re taking 2 million out of Okanagan territory, then create watchman or guardian programs working with conservation officers or collaborative ideas like that. It’s not simply taking the money out,

but creating a good way to put it back in”. In terms of respect, all of this work needs to be done in a way that doesn’t pit First Nations against stakeholders.

As an innovation, Mr. Kruger suggests the creation of a new habitat atlas, one modeled after the outdated South Okanagan Habitat Atlas, which includes mapping of ecosystems and species distribution. The habitat atlas would be led and informed by Indigenous peoples. It would get Indigenous peoples on the land, build capacity, and contribute to nation responsibilities to the land.

Mr. Kruger states that there needs to be a level of representation within government and within each First Nation to collaborate with each other. He believes that Indigenous representation should occur from people with the shovels in the ground right up to people in the boardrooms. He suggests the possibility that a formal relationship could be established where First Nation employees work for the Nation and are tasked with working with the Province on species at risk. Further, Mr. Kruger emphasizes that creating more bureaucracy around species at risk will not be an effective way forward. He says there needs to be “less talk and more realistic action that benefits all: the Province, First Nations, and most importantly, species at risk”.



When it comes to Province interactions with First Nations on prohibitions and permitting, Mr. Kruger talks about making this work about species at risk protection. He suggests a formal document from the Province stating their intent: that they are open and willing to work on this issue, that this is not a rights and title issue, but rather about collaboration and partnerships for habitat protection. The Province should be supporting collaborative Official Community Plans with municipalities and First Nations, which will create consistency and connection from the future legislation to the on-the-ground work³.

Why isn't NACOSAR effective? Because it is a bureaucracy. We don't need more bureaucracy.

- Jonathan Kruger



Recommendations to the Province of BC for Indigenous Partnerships on Species at Risk

We conclude with the following recommendations of acknowledgements, commitments, and internal training that should help to guide the BC Ministry of Environment and Climate Change Strategy in their approach to partnering with Indigenous peoples on species at risk.

Acknowledgements

In order for agents and personnel of the Province to stand on improved footing as they approach potential partnerships with Indigenous nations in BC regarding species at risk, there are important facts that need to be clarified and acknowledged. The reason for this is so that Indigenous nations can see whether agents and personnel of the Province are approaching partnerships with sincere intention to be honest, fair and open. The suggested acknowledgements are described below.

Acknowledge Indigenous nations, leaders, and peoples as the rightful caretakers of their unceded territories rather than as stakeholders.

In British Columbia, most Indigenous nations have not signed treaties with the Crown and thus do not consider their territories to be ceded/relinquished to Provincial or Federal Governments. Most or all Indigenous nations maintain their collective, individual, and *sui generis*/inherent rights to the lands and waters of their territories, including the right to maintain nationhood and self-governance. This perspective of Indigenous nations as those with the rights and responsibility to their territories, lands, waters, and species should inform the Province and agents of the Province who are approaching any collaboration, partnership and engagement related to lands and waters within Indigenous territories, including species at risk. The view of Indigenous nations stands in contrast to the treatment of First Nations as “stakeholders” or “groups” with equivalence to, for example, environmental groups or industry. The approach of Indigenous nations as stakeholders is often based in the assumption that Indigenous rights were dissolved by colonial settlement. These assumptions are often manifested in how Indigenous peoples are approached as or treated like stakeholders. Given this, falling short of a government-to-government or nation-to-nation approach imperils any partnership, collaboration or engagement between Indigenous nation and Provincial or Federal Governments.

“In Ontario, the Province doesn’t recognize First Nations as owners but as stakeholders. So that should be one of the first questions or principles [for BCSAR], is that the Province [of British Columbia] recognizes your ownership, your title.”

- Clint Jacobs, Walpole Island First Nation

Acknowledge that Indigenous knowledge systems cannot be disembodied from Indigenous knowledge holders.

Rationales for the inclusion or incorporation of Indigenous knowledge systems into non-Indigenous environmental planning or policy regimes are frequently rooted in the belief by progressive resource managers and administrators that the best results come from identifying and applying the best available information. However, there is tenuous line between the integration and the co-optation of Indigenous knowledge. It is not uncommon for resource managers and policy makers to assume that Indigenous knowledge is apolitical, assuming Indigenous knowledge is another source of data alongside science. This apolitical view is expedient because it leaves out the much more complicated issues about the Indigenous people who hold that knowledge, and the rights and title to the territories upon which that knowledge was/is practiced. These unresolved issues are rooted in the inherent and legal rights of Indigenous knowledge holders and their land. Because Indigenous knowledge cannot be separated from the issues of land, colonization, and disenfranchisement,

applications of Indigenous knowledge to species policy and planning must be considered within the context of Indigenous realities and Indigenous-led priorities. Thus, Indigenous knowledge holders should lead species at risk decision-making in their territories. Through this leadership, Indigenous knowledge-holders can implement their knowledge without having to translate it into another (Western) form, process, or structure.

Acknowledge why species are at risk.

Sometimes the “truth” aspect of truth and reconciliation is overlooked. Historical and ongoing exclusion of Indigenous peoples in Canada and elsewhere from land-based decision-making looms large in Indigenous perspectives on why species are at risk. Colonization not only removed Indigenous peoples physically from their territories, but also it imposed restrictive jurisdictions and removed Indigenous peoples from being able to make critical decisions effecting their relatives (species) for whom they are responsible. In the period of time from colonization until now, the majority of decisions have been made by the Crown without the knowledge or consent of Indigenous peoples and has involved unchecked land use, shortsighted decision-making based on election cycles, economic cycles, resource extraction, fragmentation of land, and economic gain as the driver of many decisions about the land. When you remove Indigenous peoples from influence over their lands, non-human relatives, and waters, you are removing that ancient connection of that interrelatedness of those to Indigenous peoples. Thus, in their approach to Indigenous peoples regarding species at risk, the Province should acknowledge this. A deeper resolution of this problem is reestablishing those connections between Indigenous peoples and their lands, waters, and relatives, and for the Province to not impede Indigenous decision-making for species at risk.

“... it must be kept in mind [Indigenous peoples] are being invited to mobilize traditional knowledge, often deeply spiritual and core to their identity, to solve large-scale problems they cannot avoid and that are not of their making.”

- Williams and Hardison 2014

Acknowledge that Indigenous knowledge systems are essential to species at risk protection and recovery.

It is widely recognized among academics and resources managers that the inclusion of Indigenous knowledge systems in policy and planning for environmental governance is important if not essential. As a signal of good faith engagement to Indigenous nations, the Province should formally acknowledge the essential nature of Indigenous knowledge systems in species at risk legislation, assessment, and recovery. This should be done in the engagement phase, but also formally within the legislation. For example, the Canadian Species at Risk Act, S.C. 2002, c. 29 states that “the roles of the aboriginal peoples of Canada and of wildlife management boards established under land claims agreements in the conservation of wildlife in this country are essential, [...] the traditional knowledge of the aboriginal peoples of Canada should be considered in the assessment of which species may be at risk and in developing and implementing recovery measures”. The Province should consider how it embodies this acknowledgement and in order to take it further than the Federal Government did.



Acknowledge the importance of Indigenous knowledge relative to scientific knowledge.

In the context of BC, Western Science is brand new to the landscape, and in its infancy as compared to Indigenous knowledge systems. Indigenous knowledge is place-based, interwoven with the land, and its roots are as deep as anything living in that territory. Given this, and in addition to the aforementioned acknowledgement that Indigenous knowledge systems are essential to species at risk policy and species recovery, the approach by the Province to partnerships with Indigenous peoples should acknowledge Indigenous knowledge systems to be on at least on equal footing, if not prioritized over, western science. Further, Indigenous knowledge should not be viewed as pseudo-science, but rather a standalone system of knowledge⁸⁴. The prioritizing of Indigenous knowledge would constitute novel leadership by the Province.

“We do not want scientists interpreting our knowledge, when it has been removed from the values and spiritual foundations that give it meaning. The processes of documenting and integrating remove knowledge from the people. When the knowledge is removed from our people, the power of our knowledge is lost.”

– Leanne Betasamosake Simpson, 2001

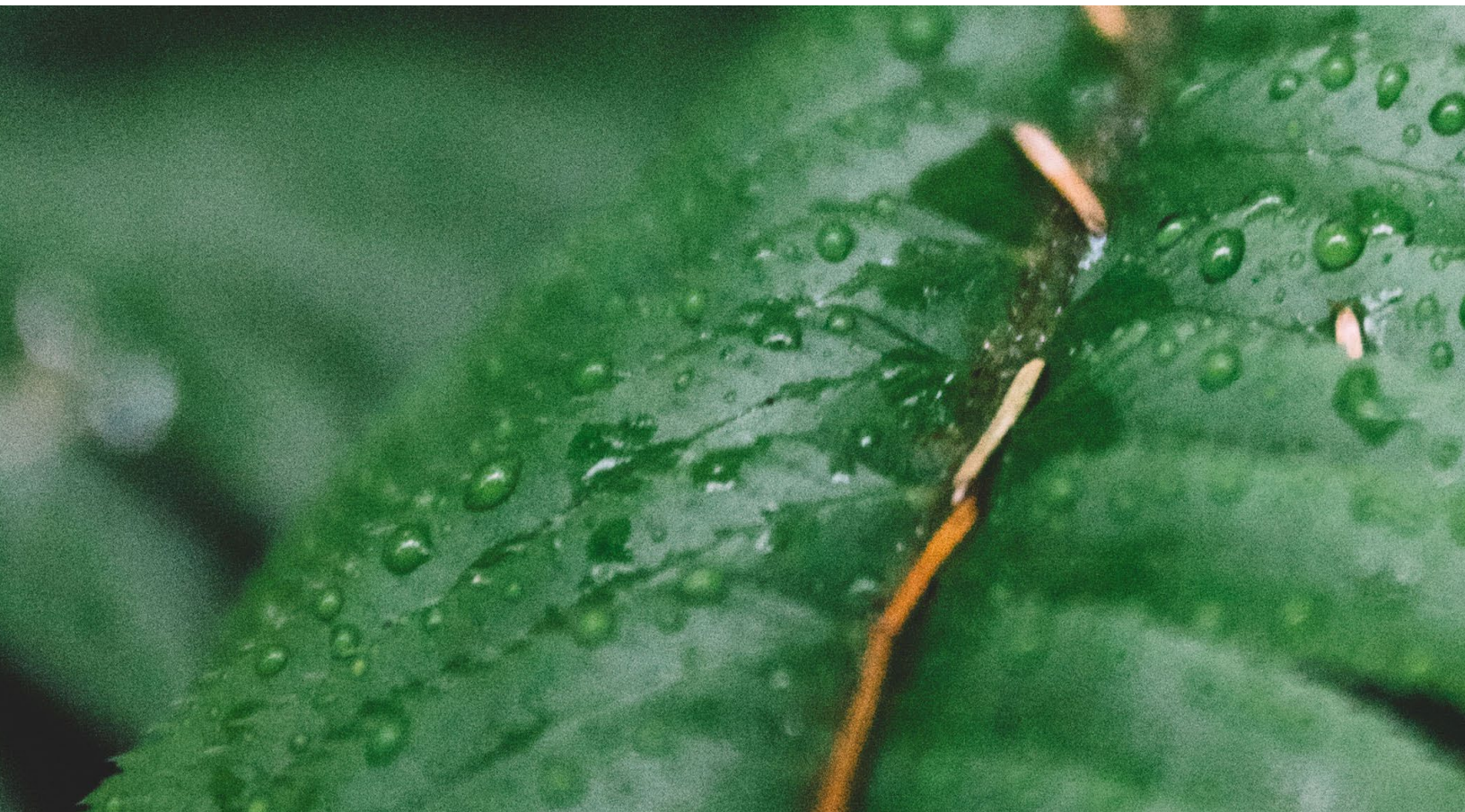
Acknowledge that Indigenous nations and communities have unique responsibilities and connections.

Indigenous nations and people, like any people, are heterogeneous in terms of culture, values, language, philosophies and spirituality. Like any culture, Indigenous peoples do not fit any single characterization or model. The UNDRIP recognizes these differences:

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such.... Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration⁵.

Such geographic, linguistic, and cultural variability is very much the case for Indigenous nations and peoples in the BC context. A pan-Indigenous perspective risks labelling Indigenous peoples as all having the same perspectives, assumptions and challenges. Acknowledging this heterogeneity signals that the Province is open to the creation of new and different opportunities when it comes to species at risk and Indigenous Peoples. Failure to treat Indigenous Peoples as standalone entities has been detrimental to the Indigenous-Province relationship in the past and will continue to cause hardship and prohibit the creation of a mutually beneficial and effective BC SAR legislation.

Acknowledgement of the distinctness of Indigenous communities is a starting point in the Province's engagement with Indigenous Peoples regarding species at risk. Follow through on this principle is to engage in a manner that respects this diversity and the unique responsibilities of each Indigenous nation.



Acknowledge the intimacy and sensitivity of talking about the land with Indigenous Peoples.

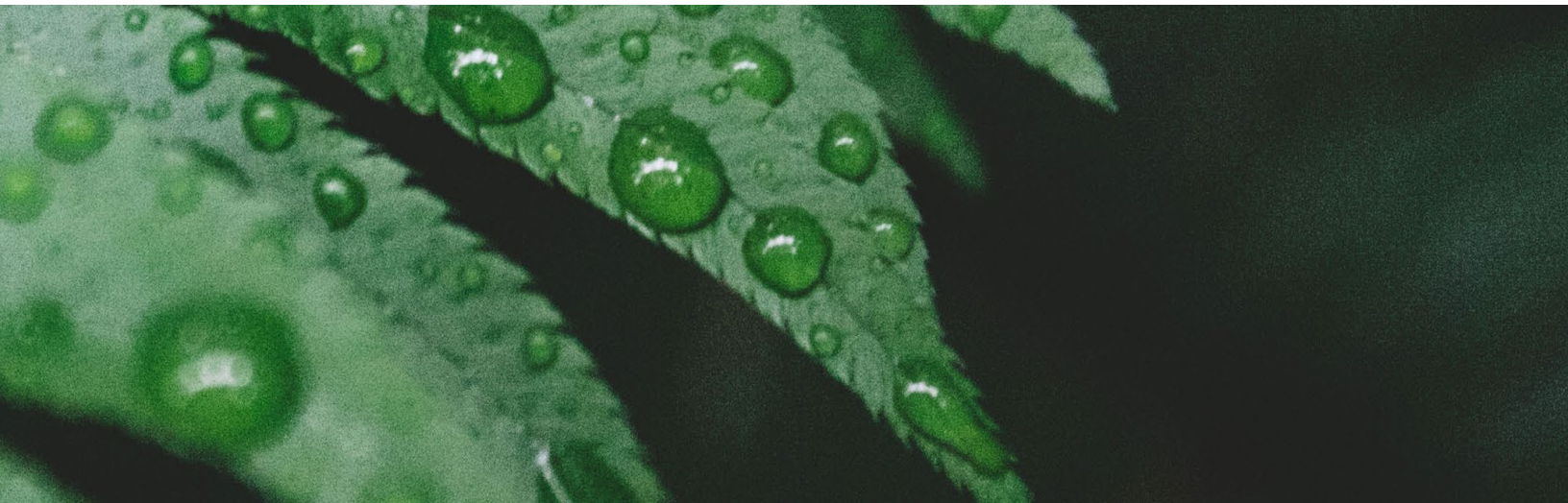
Indigenous peoples have and have always had an intimate connection to the land to the extent that their identity and way of life is tied inextricably to their territories. For example, Indigenous languages have clear symbols that connect Indigenous peoples to specific places on their land, and that reflects the very sounds and story of that landscape. The intimacy and importance of this, and the resulting devastation of colonization and alienation of Indigenous peoples from those landscapes, cannot be emphasized enough to non-Indigenous cultures whose global reach and viewpoint are not the same or tied to a particular place. In approaching Indigenous nations and peoples for conversations about, engagement on, or collaboration on species at risk, the Province and agents of the Province must formally acknowledge and be continuously cognizant that talking about the land, water and species within their territories constitutes an incredibly intimate and sensitive topic for many Indigenous peoples and nations. It is also important that the province acknowledges its limited understanding and perspective of the land base in comparison with Indigenous peoples.

“The orca mother from J Pod carried her deceased baby around for three weeks this summer, drawing the worlds’ attention to the endangered Southern Resident Killer Whales. ‘This is our child, this is our relative,’ Sampson said. ‘Even though in English they say she is a killer whale, she is not. She is a mother. And she cried for her child because she needed to show the world that something is wrong with what we are doing as a people. It is not about politics. It is about who we are and our relationship with the ocean and the land that we live in.’ ”

- Elder Tom Sampson of the Tsartlip Nation, Trans Mountain NEB Oral Testimony

Acknowledge the colonial language and process being used.

For the current species at risk engagement and policy development, all of the language and processes being used are based in a colonial language and mindset. As a result of the colonially-embedded language and process, Indigenous peoples are at an immediate disadvantage when it comes to translating their own perspectives, processes, ways of engaging, and language for the purposes of developing species at risk legislation and recovery partnerships. While there is not an immediate practical solution for this, a starting point is to acknowledge this fact and resulting disadvantaging of Indigenous peoples.





Commitments

The commitments described below are intended to help the Province create a framework and rationale for approaching engagement and forming partnerships with Indigenous peoples regarding species at risk in BC. What commitments the Province makes to this process in relation to Indigenous peoples will, much like the acknowledgments discussed above, set the tone and the intention of the Province for this work. Further, these commitments hold great weight because they demonstrate what integrity will look like, how the honour of the Crown will be upheld, will guide phase two for the engagement team, and will make the crucial link between the engagement process and the work being done by the policy team. The following are suggestions of commitments to be made by the Province to Indigenous nations and people regarding species at risk policy development and species recovery.

Commit to closing the circle of information

When Indigenous input is sought, it must be followed up on by reporting how it was, or wasn't, used in policy, planning and decision-making.

In many past “engagements”, whether led by government, academia, industry, or others, information has been sought from Indigenous peoples, but little or nothing was done to follow up on the collected information. Indigenous peoples, nations and leaders often spend time to give over information and input but never see how that information is applied. To not follow up on if and how the information/advice has been utilized both defies common courtesy, but also breaks the trust on the part of Indigenous peoples regarding their having given over information. In order for meaningful partnership to be established for future work on species at risk assessment and recovery, it is imperative that trust building begins and is maintained throughout the entire process of establishing species at risk legislation. A commitment that could address this issue is providing follow up presentations back to Indigenous peoples, nations, and leaders, and/or written documentation that essentially lays out what was heard, and how and why that knowledge was utilized or not utilized.

Commit to understanding the place-based context of Indigenous knowledge

Indigenous knowledge must be treated as a living knowledge that is active and relevant in current decision-making.

Akin to the assumptions regarding Indigenous knowledge discussed above, many non-Indigenous peoples hold assumptions about Indigenous knowledge as tied to the past or an old knowledge. It is correct that Indigenous knowledge is rooted in ancient times, in the fact that Indigenous peoples of that land have made observations, created deep relationships with the natural world, and built knowledge over centuries. However, like science, Indigenous knowledge systems are a current, working, living, place-based knowledge and must be treated as such. The implications of this perspective are twofold: one is that a one-time “extraction” of Indigenous knowledge for the purposes of planning does not reflect this living knowledge. Two, the Indigenous knowledge holders must not only provide input to processes such as species at risk policy formation, but also must play an active and ongoing role in applying that knowledge to environmental/species decision-making. As a commitment, the Province may commit to both understanding the place-based, living context of Indigenous knowledge as well as to involving Indigenous knowledge holders in an ongoing manner.

Commit to fully engaging with Indigenous knowledge

Indigenous knowledge systems must be engaged in a way that does not sum up to tokenism.

Non-Indigenous governments and resources managers around the world over at least the last two or more decades have increasingly volunteered or mandated the inclusion of Indigenous knowledge into environmental planning and decision-making. From a social-political perspective, Manseau et al. found that in the northern Canadian context...

...the use of [Indigenous knowledge] in resource management requires long-term commitments. Agreements are often put in place to define and secure new management structures and ensure that sufficient funding is given for the development of new relationships and the establishment of new institutions. A long-term perspective is critical in documenting the knowledge base and putting in place the necessary protocols for the protection of Aboriginal and intellectual property rights, clearly stating how the information will be collected, analyzed, interpreted, archived, and used. Time is spent on the land gathering and sharing knowledge and skills; time is spent meeting with elders, seeking guidance and wisdom. New roles and capacity develop, people get to know and respect each other⁸⁵.

However, examples of non-Indigenous governments moving beyond nominal or tokenistic inclusion of Indigenous knowledge is exceedingly rare in environmental resource management. An immediate example is the role the National Aboriginal Council on Species at Risk played at the Federal level: the Council was largely perceived by its members to be “tacked on” to SARA rather than as integral to planning and decision-making. For the purposes of species at risk engagement and policy development, the Province could commit to giving the time and attention required for full engagement with Indigenous knowledge systems and knowledge holders so that (1) the expertise of that knowledge can inform species recovery, and (2) knowledge holders can see their knowledge is truly being applied (as opposed to usurped or used in a manner that is perceived to be tokenistic).

Commit to supporting Indigenous communities to reinvigorate their Indigenous knowledge

The Province should support the reinvigoration and development of Indigenous knowledge.

Although Indigenous approaches to resource management have not been replaced by colonial ones, regulations and restrictions implemented by colonial governments have eroded the vibrancy of Indigenous knowledge systems applied by Indigenous nations⁸⁵. Yet, while Indigenous peoples continue to be restricted and disenfranchised within their territories, Federal and Provincial governments are seeking the input of Indigenous knowledge holders. This juxtaposition is important to note because the development of Indigenous knowledge has and must occur in the place/territory where it was and is applicable to. As with a scientist not having access to a field site or test plot, Indigenous peoples are being asked to provide information on a body of knowledge where the knowledge inputs have been restricted by the Crown governments who are requesting the knowledge. As a way of addressing this gap, there is a need for the creation of space where and opportunity for Indigenous ways of knowing to be validated, reinvigorated, and (re)produced. In the way that people in BC today are given many opportunities to learn about and develop Western knowledge/science, Indigenous peoples need more opportunities to learn, practice, and develop Indigenous knowledge needs. In the northern Canadian context, Manseau et al. have found that “[s]ignificant investment in developing the capacity of local communities is also essential for the successful inclusion of [IK] in resource management decision-making.”⁸⁵ In order to reinvigorate Indigenous knowledge use and development, Beckford et al. argue that “that school children would benefit from exposure to ways of thinking about human and environmental interactions that cultivate a habit of mind whereby respect and care for the environment are seen as moral obligations”⁸². The Province may commit to providing such opportunities to Indigenous nations, and in so doing address a part of the systemic colonial ways in which typical policy making and decision-making operate.

Commit to the idea that the new legislation is a living process

Indigenous nations need commitment that Provincial SAR legislation will not be set in stone.

For the Province and for Indigenous nations alike, Provincial SAR legislation is new and uncharted territory. There is, and will continue to be, concern that there is not adequate accountability when it comes to the final legislation and its implications for Indigenous nations. Without meaningful relationships including government to government partnerships, Indigenous nations may conclude that regardless of the input they provide, their concerns will not be addressed in the legislation. In the engagement, policy-making, partnerships, and implementation of the BC SAR legislation, the Province may commit to finding a way to create legal language and agreements which allow for learning and changes to occur as more is learned by all parties about what lessons and insights have been gleaned. This commitment dovetails with the Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples¹⁰ Principle 9 which recognizes the ongoing process of reconciliation:

This principle recognizes that reconciliation processes, including processes for negotiation and implementation of treaties, agreements and other constructive arrangements, will need to be innovative and flexible and build over time in the context of evolving Crown-Indigenous relationships...The Province is open to flexibility, innovation, and diversity in the nature, form, and content of agreements and arrangements.

In the species at risk context, a Provincial commitment to keeping the door open within government-Indigenous partnerships where parties can have input to address and correct course on what isn't working with regard to species protection is crucial to both the protection of species and reconciliation with Indigenous peoples.

“If all governments can agree that we are going to move ahead with new Provincial species at risk legislation, it needs to be supported by all governments as a living document so that if another government takes over, it won't just be thrown out in the garbage.”

- Jonathan Kruger, Penticton Indian Band

Commit to addressing prohibitions/exemptions

When drafting aspects of species at risk legislation addressing prohibitions or exemptions pertaining to Indigenous peoples, the Province should take great care to include Indigenous input.

Indigenous peoples have been alienated from their territories in many respects since colonization, and as a result are quite rightfully weary of legislation or policy that may further restrict their access to their land and their relatives (species of that Indigenous territory). Empirical evidence has shown that failure “to consider and manage the impacts on humans of the conservation process has often undermined the ethical standing and effectiveness of conservation actions”⁶³. For example, Indigenous peoples are not unfamiliar with forced evictions in the creation of “protected areas” where Indigenous input was excluded from conservation processes, thus undermining support, and contributing to animosity toward regulations intended to protect environments/species⁶³. Given the caution by Indigenous communities surrounding the restriction of Indigenous peoples, the final wording of the Provincial SAR legislation, and in particular that pertaining to prohibitions or exemptions pertaining to Indigenous peoples, should allow for Indigenous peoples to move and operate freely about their unceded territories. In tandem with Indigenous leadership, the Province's legal and policy teams may find wording that allows for aspects of Indigenous livelihoods and ways of being such as food, social, ceremonial, medicinal, and economic purposes. Notably, the Federal SARA's language in this regard should have addressed this more thoroughly and clearly, so that Indigenous rights were unequivocal:

(5) Subsection 32(2) and paragraph 36(1)(b) do not apply to a person who possesses an individual of a listed extirpated, endangered or threatened species, or any part or derivative of such an individual, if [...] (b) it is used by an aboriginal person for ceremonial or medicinal purposes, or it is part of ceremonial dress used for ceremonial or cultural purposes by an aboriginal person; - Species at Risk Act - S.C. 2002, c. 29 (Section 83)

In approaching partnerships with Indigenous nations, the Province may commit to creating any such legal language related to prohibitions and exemptions alongside Indigenous nations and leadership.

Commit to supporting important community roles in decision-making

Key to the success of species protection and recovery is making space for the meaningful participation of Indigenous community members, including women, Elders, non-binary, and youth in decision-making.

Despite patriarchal relations of oppression, Indigenous women historically and currently often play important, if not central to roles in Indigenous knowledge, nation-building, and environmental decision-making⁸⁶⁻⁸⁹. However, land-based decision-making (including species governance) has tended to favor male participation. This bias can be compared to gender values and relations in other Indigenous contexts where colonial patriarchy have been internalized⁹⁰. Despite this, it is important that land- and species-based engagement be conducted with women, men, and non-binary community members including in particular, Elders and youth⁸⁵. First, this importance derives from the fact that land- and species-based decision-making will affect all citizens, and will affect each differently. For example, in the context of Indigenous food security in the Arctic, Hughes⁸ argues that:

...when researching food security, researchers will often focus on the role of men in hunting and fail to adequately understand the equally important role that women play. Without a complete picture of how food security is achieved in a community, research addressing this issue is likely to be inaccurate. Similarly, without complete information, it is challenging to properly assess how potential activities may affect food security.

Second, this importance is based in the fact that the relationship that Indigenous people have with the land species themselves: the relationship that each person has with their homelands and relatives is distinct, unique, and essential. Furthermore, the land itself has relationships that we have to respect. Conservation is a social process: conservation is not simply choosing among specific tools nor can it only be measured by the biodiversity is maintained. Conservation requires intensive effort by human individuals and communities who are each affected differently by conservation actions⁶³. While it is ultimately the prerogative of each Indigenous nation in BC on who they decide to “put forward” for engagement with the Province on species governance, the Province should nonetheless be cognizant of the importance of the role of women, youth, non-binary community members, and Elders. Proactive steps can be taken by both the Province and Indigenous leadership, including structuring engagement opportunities so that they can seek inclusive input, focusing on matters they see as are important, and scheduling meetings at times and locations that are convenient for them⁸.

Commit to funding and operationalizing a Provincial Indigenous Council on Species at Risk

Indigenous input and decision-making is required for SAR recovery, and the Province must convene and fund an Indigenous council in order to do so effectively.

Much like NACOSAR, but with better resources and less of a “tacked on” feel, a Provincial Indigenous council on species at risk should be legislated, funded and operationalized as integral to the BC SAR legislation. The Province may commit to that the following features of this council will be (at minimum) included:

- Cross-province Indigenous representation
- Full financial support for individuals (e.g., travel and stipends)
- Full financial support for Indigenous nation research (e.g., funding the commission of studies).
- Freedom for the council to operate as an entity outside of the Province
- Full access to Minister overseeing the legislation
- Engagement with the ministry and Minister on a regularized basis
- Clear timelines and response times
- Regularized feedback
- Full participation in all aspects of the legislation

The details of how the council is set up has significant bearing on the efficacy of the council, and if a true partnership can be realized between the Province and Indigenous nations in BC.

I think the Province believes Indigenous peoples are the protectors of the land and that we embrace the recovery process. The distinction here is that Indigenous peoples embrace the species not the political process. Perhaps they assume we will do things for nothing.

- Ron Hall, Osoyoos Indian Band

Commit to funding and operationalizing Indigenous guardian programs

Indigenous guardian programs have proven one way in which Indigenous peoples can make decisions about their lands informed by their knowledge.

The Province may offer funding for operationalizing Indigenous guardian programs to Indigenous nations in BC. Should this approach fit with the goals of individual Indigenous nations, each could build or fortify existing guardian programs on their lands, or where appropriate, in collaboration with adjacent Indigenous nations. Guardian programs, such as the Australia Working on Country Indigenous Ranger Program⁹¹ and those already established in BC such as the Haida Watchmen Program⁹², have proven one way in which Indigenous peoples can implement species protections on in a way that is informed by their knowledge, and that works around jurisdictional restrictions. Going forward, multiplying and supporting Indigenous Guardian programs in BC are an opportunity for relationship building between Indigenous guardians and Provincial conservation officers and biologists working towards protection and recovery³. In this way, the programs would be a site of innovation in that these relationships could create new ways of achieving true collaborative conservation efforts as

well as provide an opportunity for capacity development in communities. Further, guardian programs restore Indigenous roles and responsibilities of being out on the land in a contemporary context, and are a source of invaluable information and data generation.

Commit to addressing the problem of categories/silos of ecological management

Decolonizing the Provincial SAR process means, in part, addressing the silo perspective rooted in some aspects of Eurocentric approaches.

Indigenous perspectives on the environment tend to come from one that is rooted in ecological systems, interconnectedness, and the interrelatedness of living things. While Western science also has some growing areas where ecological systems are the focus, many of the real-world environmental management systems of decision-making operate in silos. For example, the Canadian Department of Fisheries and Oceans is a “silo” which addresses ocean and fish related concerns, while the Department of Environment and Climate Change is tasked with terrestrial and atmospheric environmental concerns. Despite the fact that fish, frogs, birds, oceans, lands, lakes and air are part and parcel of an ecosystem, these tend to be managed quite separately. While it is unlikely that BC SAR legislation development will result in structural changes to the Province, there may be places throughout engagement process, the development of legislation, the wording within legislation and agreements, planning, decision-making, and implementation where these management categories can be bridged. In the words of Myrah Baptist, Osoyoos Indian Band, “if the silos aren’t dismantled, this [Provincial species at risk] work will be impossible”. To facilitate this bridge, Provincial agents working on BC SAR may commit to finding ways to connect the other work that Province is doing including climate change, ground and surface water protection, land management, fires, flooding, and industrial development (such as pipelines).



Commit to relinquishing control of species at risk decision-making

The relinquishing of decision-making control to Indigenous nations would be a meaningful signal of trust and commitments to partnerships in species at risk protection.

As seen with the successes in Canadian North with Federal relinquishing of planning and decision-making to Indigenous leadership (e.g., the recently announced and newly established Arctic Region), the Province has the potential to demonstrate leadership in reconciliation by relinquishing substantial control of species at risk decision-making to Indigenous nations. What relinquishing means will depend on individual partnerships as well as context, including the needs and capacity of each Nation. For example the Province may commit to relinquishing control to Indigenous nations in the realm of species at risk on matters such as timelines, methodology, species and habitat decision-making, and best available information. Given the diversity among Indigenous nations in BC, it is important that each nation determines the most appropriate approach to how decisions will be made based on their differing histories, geographies, goals, and knowledges³³. This commitment, along with the others discussed here above, are likely to elevate the quality and efficacy of Province-Indigenous partnerships on species at risk recovery and protection.

“The Province needs to acknowledge that they’re getting involved in an Indigenous process that has been in place for a long time.”

- Ron Hall, Osoyoos Indian Band

Commit to sharing this report with Indigenous nations in BC

Transparency may help to play a role in allowing government-Indigenous partnerships to be able withstand the future election cycles.

Indigenous nations have lived in their territories for millennia. However, the colonial imposition of municipal, Provincial, and Federal governments has meant a nearly constant turnover of government agents, bureaucrats, and elected officials, each approaching First Nations to forge what are essentially new relationships. In contrast, the Indigenous peoples of those communities remain the same decade after decade, regardless of what is occurring in election cycles external to the community. As a result, there is “relationship forming” fatigue by Indigenous nations who are constantly working with new people from various levels of government. Given this fatigue and the inevitable turnover that election cycles have and will continue to create, the degree to which the Province can create meaningful and long term partnerships with Indigenous peoples for species governance is uncertain. Thus, the Province must consider how such partnerships, and the commitments made within them, can be safeguarded against future election cycles. One solution is transparency with Indigenous nations in BC. If all Indigenous nations in BC are privy to the current processes of the Province on species at risk protection and recovery, these processes can then be held up by Indigenous nations to future agents, bureaucrats, and elected officials of the Province to the promises its predecessors made. Such transparency would include the sharing of this report with all Indigenous nations in BC so that they are aware of what the Province has been advised regarding Indigenous peoples and species at risk. It would also mean transparency with the Indigenous engagement process, such as closing the circle of information discussed earlier in this report.



Training

Training for agents of the Province and anyone involved in strategic planning relating to Indigenous nations should be required to take basic training. The following are areas where training could be the most effective and to ultimately set government-Indigenous partnerships on the most robust footing.

Indigenous History and Culture

All personnel from the Province who work with or engage with Indigenous leadership or members should have received certified training in Indigenous history and culture.

There are a wide variety of individuals, managers, legal professionals, and those tasked with Indigenous engagement are and who will continue to approach Indigenous nations and people regarding species at risk. While these professionals have important expertise and training in areas such as governance, political science, and law, many are not Indigenous and often have not taken Indigenous cultural awareness or cultural safety training. However, the historical and cultural circumstances of Indigenous nations and people in BC is fundamental to how a nation-to-nation or government-to-government is formed. Academic literature on Indigenous-government partnerships for environmental management support the need for cultural training for non-Indigenous partners⁷. As such, training could be required for any agents of the Province or professionals who are or will engage with Indigenous nations or who are tasked with strategic planning that relates to Indigenous nations.

Training on Established Indigenous Case Law

Provincial personnel should engage in basic training to better understand established Crown-Indigenous case law.

Unlike the vast majority of Canadians, many Indigenous community members with no legal training are aware of the content and implications of established Provincial and Federal Indigenous case law. This is not only because many of these cases were hard won, often by Indigenous visionaries and those motivated to fight injustice, but also because many of the cases effect the everyday lives of Indigenous individuals and their leadership. Because of this awareness and understanding that exists among the Indigenous community, government personnel who are not versed in or aware of these legal precedents disadvantage the quality and pace at which Indigenous-government agreements, negotiations, or even conversations can proceed. Provincial personnel should engage in basic training on established Provincial and Federal case law. Training could include the history and relevancy of cases such as *Tsilhqot'in Nation v. British Columbia* (established Aboriginal land title), *Delgamuukw v. British Columbia* (Aboriginal rights), *Guerin v. R.* (sui generis rights), *Haida Nation v. BC Minister of Forests* (Crown duty to consult and accommodate), *R. v. Marshall* (Aboriginal treaty rights), and *Sparrow v. The Queen* (clarifying the honour of the Crown).

Advisory Committee or Visiting speakers

Indigenous experts with knowledge of species governance could be sought to elevate the knowledge and level of discourse surrounding Indigenous peoples and species at risk for Provincial personnel.

Provincial personnel may be able to gain insight on species at risk governance by meeting with Indigenous professionals and experts in the form of an advisory committee or as visiting speakers. These experts could provide insight at various points in the engagement and legislation development processes, and could advise in such a way that a diversity of expert opinions inform Provincial decision-making. Further, this may be a cost effective way of garnering ideas for strategies that will create the best partnerships between the Province and Indigenous nations. For experts in more remote locations or for those unable to travel to Victoria, e-conferencing can be used for both visiting speakers or if an advisory committee is convened.



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