

Living Responsibilities: Indigenous Notions of Sustainability and Governance in Action

by

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B.Sc., University of Otago, 2006
LL.B., University of Otago, 2006

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Supervisory Committee

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Chris Tollefson (Law)

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Abstract

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The ability of Indigenous peoples of Canada to manage their environment according to their own laws and values has been usurped by the imposition of colonial frameworks. Indigenous people in Canada, like many other Indigenous groups, are seeking to reassert their ability to carry out their ancestral relationships with their territories, and are recovering and improving their systems of governance in order to do so. This research explores the relationships between frameworks for Indigenous governance developed by the National Centre for First Nations Governance and Indigenous and non-Indigenous theories of sustainability in both theory and practice. The author concludes that Indigenous governance and sustainability are interlinked: Indigenous visions of a sustainable future underpin the development of governance, and effective governance is required in order to give effect to community aspirations of sustainability.

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Introduction

Both governance and sustainability have been hailed as concepts which are required to save us from ourselves. Since the 1980s, when both concepts were popularized, much has been made of their potential to reverse the destructive trajectory of humanity. This is especially true for the Indigenous peoples of Canada, who, along with Indigenous¹ peoples elsewhere, have looked to rebuild their governance structures in order to help liberate themselves from colonization and often from dire socio-economic circumstances;² and Indigenous peoples have also been hailed as the “true ecologists” and as the “last truly sustainable societies”.³

Although there has been much hype about each of these concepts separately, research on governance tends to exclude sustainability and environmental factors, and research on sustainability in the form of integrated ecosystem assessment tends to exclude culture as a criterion for sustainability.⁴ There has been comparatively little discussion about the

¹ In this thesis I use both the terms “Indigenous” and “First Nations”. Because I am working in a Canadian context I use the term Indigenous to refer to peoples who identify their ancestors as the original inhabitants of Canada. I acknowledge that the term “First Nations” does not encompass all of the Indigenous groups in Canada, but have used it here because it is the term used by my research partner organization – the National Centre for First Nations Governance, and because all of the case study groups identify as First Nations (rather than as Métis or Inuit).

² Richard Missens, “Sovereignty, Good Governance and First Nations Human Resources: Capacity Challenges” (2008), online: National Centre for First Nations Governance <http://fngovernance.org/ncfng_research/richard_missens.pdf> at 2 [Missens].

³ Linda Clarkson, *et al.*, *Our Responsibility to the Seventh Generation: Indigenous Peoples and Sustainable Development* (Winnipeg: International Institute for Sustainable Development, 1992) at 11 [Clarkson] and Paul Nadasdy, “Transcending the Debate over the Ecologically Noble Indian: Indigenous Peoples and Environmentalism” (2005) 52:2 *Ethnohistory* 291 at 292 [Nadasdy, “Transcending the Debate”].

⁴ Jeff Corntassel, “Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse” (2008) 33:1 *Alternatives: Global, Local, Political* 105 at 118 [Corntassel].

relationship between sustainability and governance generally,⁵ and the relationship between those concepts in an Indigenous context in particular.

This thesis explores relationships between frameworks for effective governance and both Indigenous and non-Indigenous concepts of sustainability. It also draws conclusions about how Indigenous concepts of sustainability underpin governance and how governance is used to achieve sustainable decision making.

Any consideration of Indigenous governance and concepts of sustainability must be situated in the context of the colonial relationship, because frameworks for governance are inextricably linked with Indigenous aspirations to rebuild communities and heal the damage caused by both historical and ongoing colonial violence.⁶ This means that methodology – particularly reflection on my role as a researcher and the purpose and impact of this work – is an essential component of this thesis and will be discussed at the outset.⁷

This thesis is presented in four parts:

Part I explains how this thesis is a component of a research partnership with the National Centre for First Nations Governance (NCFNG) – a national, not-for-profit organization governed by First Nations professionals and operated by First Nations staff, and how it was carried out in a way which attempts to support Indigenous communities and to follow guidelines on Indigenous research.

⁵ René Kemp & Saeed Parto, “Governance for Sustainable Development: Moving from Theory to Practice” (2005) 8:1/2 Int. J Sustainable Development 12 at 13 [Kemp & Parto].

⁶ Missens, *supra* note 2 at 2.

Part II discusses theories of governance and sustainability, and compares 1) frameworks for effective governance developed by the National Centre for First Nations Governance; 2) sustainability assessment developed by Robert Gibson; and 3) Indigenous concepts of sustainability as described by Taiaiake Alfred and Jeff Corntassel.

Part III presents a series of case studies – stories from Indigenous communities in Canada which have been recognized by the NCFNG as leaders in the field of environmental management. These case studies provide insights into how well the theoretical frameworks fit reality, and how notions of governance and sustainability relate to each other in practice.

Part IV highlights the sustainability and governance features at work in the case studies, considers how these two concepts are given effect in practice, and concludes that Indigenous governance strategies are informed by Indigenous notions of sustainability as well as being a means of achieving sustainability.

Part I: Methodology

Working with and for Indigenous peoples requires both commitment and forethought in order to avoid perpetuating colonial violence and to support healing in Indigenous communities.

Betty Bastien *et al.* provide a helpful if sobering view of colonial violence in their paper “Healing the Impact of Colonization, Genocide, Missionization and Racism on Indigenous Populations”. Colonial violence is the destruction of Indigenous ways of being through the imposition of colonial ways of living and thinking, or the undermining of Indigenous ways of living and thinking. This manifests in all aspects of life. As Bastien *et al.* put it:

Economically it means the destruction of Indigenous self-sustaining economies and the imposition of market or socialist economies. Politically it means the destruction of traditional forms of governance. Legally it means that Indigenous oral law and historical rights are invalidated. Socially it means the destruction of rites of passage. Physically it means the exposure to contagious diseases. Intellectually it means the invalidation of the Indigenous paradigms and the dominance of an alien language. Spiritually it means the destruction of ceremonial knowledge. Psychologically, survivors of genocide show symptoms of post-traumatic stress syndrome⁸.

Considerations of colonial violence are relevant to this thesis in two ways. For one thing, research itself can be a vehicle for ongoing colonial violence and, as the next section explains, the development of Indigenous governance strategies is related to the ongoing impacts of colonial violence on Indigenous communities, because the development of effective governance is a way of reasserting Indigenous sovereignty and lifeways.

⁸ Betty Bastien, *et al.*, “Healing the Impact of Colonization, Genocide, Missionization and Racism on Indigenous Populations” in S. Krippner & T.M. McIntyre, eds., *The Psychological Impact of War Trauma on Civilians* (Westport, CT: Praeger, 2003) 25 at 27 [Bastien] [emphasis in original].

Research has been problematic for Indigenous peoples because it has followed the paradigm of the dominant society, but does not acknowledge this as being the case.⁹ This means that research may be infused with non-Indigenous values and focused on non-Indigenous interests.

The report of the Royal Commission on Aboriginal Peoples provides this explanation of past problems with research in a Canadian context:

The gathering of information and its subsequent use are inherently political. In the past, Aboriginal people have not been consulted about what information should be collected, who should gather that information, who should maintain it, and who should have access to it. The information gathered may or may not have been relevant to the questions, priorities and concerns of Aboriginal peoples. Because data gathering has frequently been imposed by outside authorities, it has met with resistance in many quarters.¹⁰

Māori scholar Linda Tuhiwai Smith's book *Decolonising Methodologies: Research and Indigenous Peoples* encourages recognition that research is not objective and has traditionally been carried out in a way which supports colonial politics and social conditions and has been a source of ongoing colonial violence¹¹. As Smith puts it, research is "inextricably linked to European

⁹ Shawn Wilson, *Research Is Ceremony* (Halifax: Fernwood, 2008) at 50 [Wilson].

¹⁰ Canada, Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples*, Vol. 3, online: Indigenous <<http://www.indigenous.ca/v3/Vol3Ch5s8.2tos9.3asp>>.

¹¹ This issue is discussed in more detail at page 13

imperialism and colonialism. The word itself, ‘research’ is probably one of the dirtiest words in the indigenous world’s vocabulary.”¹²

In order to avoid these and other pitfalls identified by Indigenous scholars, I have attempted to carry out all aspects of this research to maximize benefit to Indigenous communities – particularly those that are profiled in the case studies. However, following this approach has presented some challenges in terms of the practicalities of data collection and analysis. In the following section I will explain my role as a researcher, as well as the origins of this thesis, and will describe how both of these factors shape the analysis of the information gathered through this research. Then I will justify my research approach in terms of principles for Indigenous research and will explain the purpose and method of analysis.

My identity as a researcher

My role and identity as a researcher are critical because they shape my research intentions, the lens I bring to my work and my capacity to carry out research.

I moved from Aotearoa (New Zealand) to Canada in 2009 to pursue graduate studies at the University of Victoria. I am in the common position of being a New Zealander with Māori heritage who was raised in Pākehā¹³ society and had almost nothing to do with Māori culture growing up. I developed an interest in environmental issues at a very young age, thanks to plenty of exposure to the great outdoors, but an interest in my Māori heritage didn’t turn up till the beginning of my undergrad degree. Somehow, armed with only an academic understanding of Māoridom (obtained from various Māori law courses and a couple of projects looking into

¹² *Ibid.* at 1.

¹³ European New Zealand

Māori resource management) I landed a job in the iwi¹⁴ liaison team at a New Zealand government department. Here the real education began – getting out to marae¹⁵ to help deliver training programmes for communities wanting to be better involved in resource management, writing newsletters which attempted to demystify government policy and attending meetings where Māori told the government representatives exactly how the resource management framework wasn't working for them.

All of this work gave me a pretty good idea of how things were not working for Māori – and how New Zealand was going about trying to make things better, but I wanted to get a global perspective, so I moved to Canada and started my Masters at the University of Victoria, on Vancouver Island, British Columbia.

Working with the National Centre for First Nations Governance

When I arrived in Canada I had no idea what I was going to do; I only had some vague thoughts about doing something related to Indigenous peoples and environmental management. My initial discussions with my supervisor had revolved around the idea of doing something practical which would be useful to Indigenous communities in Canada. Being fresh off the plane, I had absolutely no idea what would be useful to the Indigenous peoples of Canada, but my supervisor knew someone who did – the National Centre for First Nations Governance (NCFNG). The NCFNG is a national, not-for-profit organization governed by First Nations professionals and operated by First Nations staff. The NCFNG “supports First Nations as they seek to implement

¹⁴ Māori tribal groups

¹⁵ Māori community gathering spaces or meeting houses

effective self-governance and assists First Nations in the further development of their day-to-day government operations.”¹⁶

Figuring that the NCFNG would be able to tell us if there were any gaps in research in the area of environmental management by Indigenous peoples in Canada, my supervisor approached his contacts at the NCFNG and asked if they had any research needs. The NCFNG responded that they wanted to increase their capacity to support First Nations groups seeking to better organize themselves to engage in environmental governance.

We established a research team – made up of myself and my supervisor, working alongside the following NCFNG staff - Michele Guerin (Director of Research), Sheldon Tetreault (Director of Governance Advisory services), Norman Leech (Governance Advisory Services) and Sarah Morales (Research and Professional Development)¹⁷, who set about designing the research project.

The NCFNG see good governance as the key to rebuilding nations,¹⁸ and have developed a range of tools which help First Nations to develop effective governance. This includes identifying 17 principles which support effective governance in First Nations. In order to support the principles

¹⁶ National Centre for First Nations Governance, *About the Centre, Mission, Vision and Values*, Online: <<http://www.fngovernance.org/about/index.htm>>

¹⁷ The roles described here are the ones that were held at the time the project was being developed. Michele, Sheldon and Norman have all now moved into roles at other organizations.

¹⁸ National Centre for First Nations Governance, *About Us* online: National Centre for First Nations Governance <<http://fngovernance.org/about>>

of effective governance, the NCFNG have provided examples of communities implementing or embodying these principles in their “Governance Best Practices Report”.¹⁹

The NCFNG want to build on this work by providing more examples of communities engaged in good governance, particularly in the environmental sphere. In order to achieve this, the NCFNG research team thought it would be helpful for me to provide case studies of communities upholding one of their principles for good governance – the principle of *respect for the spirit of the land* – and identify common principles or themes which make environmental governance projects successful.

Research strategy

The NCFNG research team thought that the best way to get the information they needed was to follow the methodology used to develop their Governance Best Practices Report,²⁰ that is, to identify communities which demonstrate effective governance, interview members of relevant organizations and write up the results as case studies.

The NCFNG identified groups that are engaged in environmental governance projects that they think are successful or provide examples of environmental governance which may be of interest to other Indigenous groups. I relied on the advice of NCFNG staff to identify potential case study groups because they have a much better working knowledge of environmental governance in Canada. They wanted to profile groups from across Canada, so my contacts at the NCFNG contacted staff in each province and asked for ideas about groups that should be included in the

¹⁹ Available online at
<http://fngovernance.org/publication_docs/NCFNG_Best_Practice_Report.pdf>

²⁰ National Centre for First Nations Governance, *About Us* online: National Centre for First Nations Governance <<http://fngovernance.org/about>>

study. They came back with plenty of potential case study groups, and compiled a shortlist of those that the research team thought provided the most useful and diverse examples.

While choosing these groups, we were careful to select examples of governance along the spectrum of self-determination – from negotiated agreements with federal and provincial governments to groups which are asserting their inherent right to manage the environment. The NCFNG took this approach in order to provide a wide range of examples of governance initiatives, in the hopes of empowering communities to establish governance systems which suit their objectives, rather than telling them what they should do.

The original plan was to interview people from the case study groups at a “think tank” event, hosted by the NCFNG. The NCFNG research team thought that convening a meeting between people from all of the case study groups would provide an opportunity for participants to get the most out of the exercise, because they could meet each other and share ideas. At this stage, I was planning to conduct interviews with representatives from the organizations at this meeting, asking them about the history of their environmental governance initiatives, the strategies from which they emerged and the elements that made them successful or notable.

This approach was particularly appealing because it meant that I could interview representatives from each organization in person and they would benefit from the research process by having an opportunity to network with other groups engaged in similar initiatives. It might also have provided an opportunity to employ culturally-based research processes, such as a talking circle.²¹

²¹ Shawn Wilson advocates the adoption of Indigenous methods of sharing information where possible. For suggestions of ways to achieve this see Wilson at 97-125

Unfortunately, the government cut NCFNG funding about a week before we were to send out invitations to the case study groups to participate in the research project. This necessitated a complete reworking of the original research strategy. We decided that it was worth pursuing the research project but that, as it was no longer possible for the NCFNG to fund the “think-tank” meeting, I would conduct phone interviews with representatives from the case study groups.

I made contact with representatives from each of the groups we wanted to profile in the research, usually by way of introduction from one of the NCFNG staff members. While some declined, the following seven groups accepted our invitation to participate in the research project:

- Carrier Sekani Tribal Council
- The Coastal Guardian Watchmen Network
- Gitanyow Hereditary Chiefs
- The Grand Council of the Crees
- Heiltsuk Nation
- The Treaty 8 Tribal Association
- Unama’ki Institute of Natural Resources

We sent a formal request to the leaders of each group asking for their participation and then asked them to provide the contact details for people who were willing to participate in the interviews. Our target interviewees were people from their respective organizations who were directly involved in their organization’s environmental governance initiatives, either as participants or leaders. We left it to the organizations to choose the most appropriate interviewees. I also asked interviewees if they could recommend further contacts so that I could get a more complete picture of their organizations’ initiatives.

I obtained ethics approval from the University of Victoria Human Research Ethics Board to conduct these interviews. In order to get ethics approval, I had to get all potential interviewees to sign consent forms and send them back to the NCFNG, where they have been filed, as the NCFNG also requires consents as part of their research approval system.

I conducted approximately hour-long phone interviews with individual interviewees, except for the Treaty 8 Tribal Association interviewees, with whom I conducted a group interview. I based the interviews on the following questions (which were based on the questions used by NCFNG when interviewing groups for their Governance Best Practices Report):

1. What is the story of your organization/project? How did it start? Who took the initiative? Did the project develop in response to a specific issue?
2. How is the community involved in the project?
3. How has traditional practice or knowledge been integrated? How has this project affected culture? Has it moved focus away from or toward traditional values?
4. Who helped drive the organization of this institution? Were there other important leaders? Has the project involved other parties (e.g. community, government)? How have these relationships worked?
5. What is your source of authority? How do you make decisions? If you want to do something, how do you get it approved?
6. What were the key factors to your success? If you had to do it again, what would you change? What advice would you give to other groups dealing with similar issues?

These questions are general, and are primarily designed to provide a general understanding of the environmental governance initiatives and what made them successful, rather than to focus on any specific aspect of governance.

All of the interviewees gave me permission to record the interviews, so I used both notes taken during the interview and these recordings to write up the case studies. The information provided by interviewees was supplemented with information made available by the case study groups through websites or other publications. I have sent a copy of the relevant case study to each interviewee for comment, and have made changes where suggested by interviewees.

Drawing in themes of governance and sustainability

The case studies provide a snapshot of environmental initiatives by Indigenous communities in Canada, and demonstrate the range of ways in which Indigenous communities are taking action in order to give effect to their relationship with the environment. Although the focus of the research when designing the research strategy and conducting interviews was finding examples of the NCFNG principle of *respect for the spirit of the land*, on consideration of the information obtained through the case studies, it became apparent that they would provide a fruitful basis for discussion of sustainability and governance in Indigenous communities.

Many of the environmental projects described in the case studies are an integral part of work being done by these groups to rebuild themselves and provide a basis for strong, vibrant communities which are culturally and environmentally viable in the long term. This approach has strong links to Indigenous ideas about sustainable communities which (as the next section will explain) is one aspect of Indigenous thinking about sustainability.

However, there are some limitations to the usefulness of the case studies in discussing sustainability in either a western or an Indigenous sense. Readers will note that the interview questions didn't mention sustainability at all, and it was not made explicit to interviewees that this was a potential focus for the research when the project was discussed with them. The only reason that this was not made explicit was that, at the time interviews were conducted, I was not planning to use theories of sustainability so extensively in this thesis. However, I have subsequently contacted all of the interviewees to ask for their feedback and approval of the

relevant case study and draw their attention to the increased emphasis on sustainability – including sending through the conclusions from the study so that they could assess how the information they provided to me contributed to the conclusions drawn from this research. While five of the 17 interviewees did not respond to my request for comments, those who did respond were all positive about the case studies and requested only minor changes to the information. I have made almost all of the changes requested by interviewees, although I have not been able to follow up on some suggestions about further conclusions which could be drawn from the studies because I do not have enough time or information to follow up on these ideas at this point in time.

Because I did not emphasize sustainability in my interview questions, I may have missed opportunities to get interviewees to comment specifically on this topic. However, I think that this approach also provided advantages because it meant that interviewees were free to explain their work in their own terms. Using the term “sustainability” in the questions may have put words into the mouths of interviewees, or encouraged them to think in terms of western ideas of sustainability. However, even without specifically asking each interviewee about sustainability, concepts of sustainability were expressed for each case study – demonstrating its significance to these communities and its importance in the environmental governance work.

Similarly, the interview questions did not focus explicitly on governance. Although all of the interviewees were aware that the project focused on governance, I did not encourage them to talk specifically about any of the governance principles, nor did I ask them to familiarise themselves with the framework prior to the interview. However, most of the governance principles ended up being discussed in conversations with interviewees, indicating their relevance.

It is important to note that the case studies are not representative. The case study groups were chosen on the basis that the NCFNG considers them to be leaders in environmental

management, so they are likely to have a high level of commitment to both their communities and their environment, as well as being well-organized enough to give effect to their visions. This means that the results cannot be extrapolated to fit every Indigenous group. However, this is not problematic as long as the reader understands the information in the context in which it is presented – as examples of groups that have made significant achievements in reclaiming their ability to manage the environment.

Both the sustainability and governance aspects of my research approach provide opportunities for further consideration. More in-depth research about Indigenous views of sustainability and governance would provide more specific information about how communities see these two concepts relating to each other. Further, including a wider range of communities in any future studies would provide interesting insights into the applicability of these ideas to a broader range of Indigenous communities.

Indigenous research methodologies

Although I had developed some personal ethics around working with Indigenous communities as a result of my work experiences, I hadn't appreciated the complexity of carrying out a research project with Indigenous people in another country. Through previous work experiences, I had identified features of research which undermine its usefulness for communities, such as projects which do not align with community issues or aspirations, or research presented in a format that makes it hard for those who participated in or are interested in the conclusions of the research to understand. I had already committed to avoiding these problems in my work, but found scholarship on this topic helped me to refine and develop my ideas. This section will discuss how my methodology gives effect to Indigenous research approaches.

In order to understand my approach, it is important to first discuss the problems with conventional approaches to research. Métis scholar Adam Gaudry provides helpful examples of these problems in an academic context in his paper “Insurgent Research”²². He describes the standard mode of research as “extractive”. By this he means that knowledge is taken from Indigenous groups, processed by the researcher and delivered to a third party. In this process, the context, values and struggles of the people and communities who provide the information is lost. The audience is often highly educated, generally academics or bureaucrats who have no vested interest in maintaining the integrity of the knowledge. The Indigenous group gets little or no benefit from the delivery of its knowledge to this third party.²³ Indigenous knowledge may be translated into academic discourse – with all its big words, dense paragraphs and general lack of readability. The holders of the original knowledge may not understand or relate to the information that was drawn from them and converted into such an alien product by the researcher.

In extractive research, researchers are not responsible to the Indigenous community. Their allegiance lies with the academy itself, their colleagues or an abstract notion of the truth. Gaudry points to the ethics formalities of universities as evidence of this. Researchers owe their responsibility to the university, and the knowledge that they gather from Indigenous groups becomes the intellectual property of the university or the researcher.²⁴

²² Adam J.P. Gaudry, “*Insurgent research*” (2011) 26:1 *Wicazo Sa* 113 [Gaudry 2011]

²³ Gaudry 2011 at 113

²⁴ Gaudry 2011 at 116

Alternative models

Fortunately, there is a growing body of work which provides guidance on research in an Indigenous context.²⁵ For the purposes of my research, I have followed the guidance of Brian Schnarch and Adam Gaudry, who I think provide helpful benchmarks for my work.

Brian Schnarch discusses key principles which have emerged in response to ongoing colonization through research in the paper “Ownership, Control, Access, and Possession (OCAP) or Self-Determination Applied to Research: A Critical Analysis of Contemporary First Nations Research and Some Options for First Nations Communities”. This paper was prepared for the First Nations Centre National Aboriginal Health Organization and is based on themes articulated by First Nations communities, so it provides an Indigenous perspective on better approaches to research.

The principles supported by Schnarch are:

- Ownership

A community or group owns their information in the same way as an individual owns their personal information.

- Control

Indigenous people and communities are within their rights to seek to control all aspects of research which impacts on them – from project design to use of conclusions.

- Access

Indigenous people and groups must be able to access information and data about themselves – regardless of where it is held.

²⁵ Wilson at 54

- Possession or protection

Although not a necessary condition of ownership, possessing data and information is one way of asserting and protecting it.²⁶

Schnarch describes these principles as “self-determination applied to research”.²⁷ They provide good, basic points for consideration when considering embarking on research; however, I found the more directive approach advocated by Gaudry in his “Insurgent Research” paper adds to these ideas because it provides objectives for research projects. Gaudry bases his “insurgent research” model on the following principles:

1. Research is grounded in, respectful of, and asserts the validity of indigenous worldviews
2. Research output is designed to be used by indigenous peoples, and in indigenous communities
3. Research processes and products are ultimately responsible to indigenous communities, meaning that it is indigenous communities who judge the validity and effectiveness of research
4. Research is action-oriented and aims to encourage practical and direct action among indigenous people, and in indigenous communities.²⁸

My methodology attempts to follow these principles, although this has been challenged by setbacks in my research process and my being from New Zealand. The following section will discuss my methodology in light of these principles and will consider how I have upheld principles of both insurgent research and the OCAP approach.

²⁶ Brian Schnarch “Ownership, Control, Access, and Possession (OCAP) or Self-Determination Applied to Research” 1 no 1 (2004) *Journal of Aboriginal Health* at 81

²⁷ *Ibid*

²⁸ Gaudry 2011 at 117

My research approach

Giving something back

One of the strengths of this research is the partnership with the NCFNG, because it has enabled me to focus the research and the outputs on the needs of Indigenous communities. My research will have two outputs. I am producing both this thesis and a report that will be published by the NCFNG and will aim to provide examples of environmental governance by First Nations which can provide inspiration and models for other groups carrying out similar work.

Gaudry states that the purpose of research and writing is not to change the world, but to motivate people to change it. He suggests that one of the roles of an insurgent researcher is to remind people of their own power.²⁹ I think this is one of the strengths of this research project – it will provide information that people can use to fulfill their aspirations. I hope that the NCFNG report will encourage communities to raise their expectations about how they can get involved in environmental management and give them ideas for new directions or options to expand their capacity to engage in environmental governance.

Access and control – making sure the information is useful for communities

NCFNG are focused on delivering quality research to Indigenous communities.³⁰ By using their best practices report template I hope to ensure that the report is as user-friendly and accessible as possible for Indigenous communities. I am confident that the NCFNG can use their networks to deliver the information to anyone interested in this work.

²⁹ Gaudry at 30

³⁰ National Centre for First Nations Governance, *Land, Law and Governance Research*, online: Centre for First Nations Governance <<http://www.fngovernance.org/directorates/research.htm>>

I am relying on the NCFNG to be the judges of the validity and effectiveness of both the research questions and the way the results will be delivered. I consider that I am responsible to the NCFNG and the communities I work with for the final products of my research. I have asked interviewees for feedback on how I have written up the information they have shared with me – both for the NCFNG report and this thesis – so they have been and will be able to tell me when the information doesn't meet their expectations or needs.

One key way to make information user-friendly for Indigenous communities is to use clear language. Adam Gaudry says that his test for usability of research outputs is whether his dad would understand it.³¹ I am attempting to write both this thesis and the NCFNG report in a style which is academically rigorous but also engaging and understandable, in the hope that the communities whose stories I am telling through my work might actually want to read it and derive some benefit from doing so.

One challenge I faced in terms of making my research accessible to and useful for communities was language. Gaudry discusses the state of Indigenous languages in his paper and laments that, while languages are being lost, researchers must work in English in order to make their work accessible.³² Gaudry argues that you cannot really understand a culture without understanding the language.³³ While this may be true, I did not have time to learn the languages of the groups I profiled. As well, because I was working with several groups who speak different languages, publishing the results of their research in their languages is not feasible because we want the information to be accessible to all Indigenous groups in Canada.

³¹ Adam J.P. Gaudry, "Insurgent Research", Indigenous Governance Focus seminar, First People's House, UVic, Monday March 22nd 2010 [unpublished]. [Gaudry 2010]

³² Gaudry 2010 at 23-27

³³ Ibid at 132

I used the interviews as an opportunity to check in with participants about the best way to approach this research, in particular asking them what would be the most useful thing I could do for them through this research. Several replied that simply telling their stories was helpful because publicizing their efforts gave them resources they could direct to organizations they need to work with, particularly funders, to demonstrate that they had been recognized as leaders in the field of environmental management. With this in mind, I have included the full story of each environmental governance project in this thesis rather than just analyzing aspects of each study to illustrate certain ideas. I have also offered interviewees copies of their interview recordings and provided them to those who took up the offer. Participants have had an opportunity to comment on and correct the information relating to their organizations and will be offered copies of the final report as well as of this thesis. The information will be stored by the NCFNG, who will make it available to interviewees at any time should they request it.

However, there are some aspects of my research approach which might not support Indigenous communities as well as they could do. These include my identity as a pākehā-minded New Zealander; limitations around the development of relationships with communities; engagement of interviewees in project design; and writing in English. The following section will discuss these limitations and how I have tried to overcome them.

Challenges posed by my identity as a researcher

Although I whakapapa³⁴ to the Ngāti Porou iwi of New Zealand, I am acutely aware that I have been raised and educated in a pākehā³⁵ fashion; thus, it is impossible for me to fully ground my work in Indigenous world views because I do not fully share. To compound this, I was researching in Canada, a new country. While my experience of being part Māori and working

³⁴ relate to or descend from

³⁵ European

with and for iwi in New Zealand may give me a general understanding of Indigenous issues, I cannot begin to understand what it is like to be Indigenous in Canada.

The place of non-Indigenous researchers in Indigenous issues has been contested, and some have gone as far as to say that even western-trained Indigenous researchers cannot speak from a real Indigenous perspective, and so cannot do Indigenous research.³⁶ While I have never seen it written in any academic article, at various meetings (including ones at the University of Victoria³⁷) I have heard people go further and say that non-Indigenous people have no place researching Indigenous issues.

This view, however, is not widely held. Bastien *et al.* suggest that non-Indigenous people can work on Indigenous issues, but they must reflect on the context in which they are working and consider whether what they are doing further damages Indigenous communities by harming or undermining traditional economies, forms of governance or law, or cultural expressions such as ceremonies, or by invalidating worldviews.³⁸ They must also be willing to face the impact of the domination of the colonizing community in their personal history and be willing to work towards positive change.³⁹ I think that this is exactly the approach I have been trying to take, and is why I am spending so much of this thesis outlining and discussing my background and approach.

Working with an Indigenous organization helps me to overcome my lack of grounding in Indigenous worldviews. By working for an Indigenous organization, run by and for Indigenous peoples, I can ensure that my research reflects and accepts the validity of Indigenous

³⁶ Linda Tuhiwai Smith, *Decolonizing Methodologies; Research and Indigenous Peoples*, (USA: Palgrave Macmillan 1999) at p14 [Smith]

³⁷ Indigenous Governance Focus seminar, First People's House, UVic, Monday March 22nd 2010 [unpublished].

³⁸ Bastien at 3

³⁹ *Ibid*

worldviews by taking as an unquestioned starting point the right and responsibility of Indigenous groups to manage the environment and establish supportive governance structures. I have been careful to make my discussion and comparison of Indigenous worldviews constructive rather than normative. Instead, I am taking the Indigenous frameworks as my starting point and considering their relationship to western frameworks without judging either framework on the basis of the comparison.

Research and relationships

Relationships are a key theme of writing on research and Indigenous peoples. Cree scholar Shawn Wilson describes the importance of establishing relationships through and for research in Indigenous communities in his book *Research is Ceremony*. The establishment of connections between people both facilitates the research process and ensures that researchers are accountable to the people who have informed their thinking.⁴⁰ One of Wilson's key concepts is the idea of relational accountability – recognising that the researcher is fulfilling his or her relationship with the world around them, and is responsible to all aspects of creation. Wilson describes this ideas as follows:

An Indigenous paradigm comes from the fundamental belief that knowledge is relational. Knowledge is shared with all creation. It is not just interpersonal relationships, or just with the research subjects I may be working with, but it is a relationship with all of creation. It is with the cosmos; it is with the animals, with the plants, with the earth that we share this knowledge. It goes beyond the idea of individual knowledge to the concept of relational knowledge . . . [hence] you are answerable to all your relations when you are doing research.⁴¹

⁴⁰ Wilson at 63

⁴¹ Wilson at 177

Similarly, Gaudry expands on the concept of relationships when he discusses ideas about accountability to a community. He explains that this involves an “ethical commitment...beyond university-based standards”⁴² which involves a time commitment to the group. He describes this as including being a friend, getting involved in the community, getting to know the people, and developing an ongoing relationship with them that continues after the research has finished.⁴³

I acknowledge that I am an “outsider” in Canada, and have conducted this research as someone who is “virtually there”⁴⁴ according to David Nelken’s spectrum of insider/outsider research.⁴⁵ This means that, rather than developing a relationship with a whole community, I have only worked with a couple of people from the community. This has had positive and negative impacts. Because my time in Canada was limited, and the NCFNG wanted me to work with several groups, it was not possible to spend the time required to develop a meaningful relationship with a community. But by using secondary sources and working with community representatives rather than with community members I hope I have still produced useful information for the Indigenous people of Canada.

Relationships, culture and interviews

The interview process was also problematic in this respect. I’m a big supporter of the Māori concept of doing things kanohi-ki-te-kanohi (literally “face-to-face”) and would have felt much more comfortable conducting interviews in person. When I asked Sarah Morales from the NCFNG about this concept, she affirmed that most Indigenous communities in Canada hold

⁴² Gaudry 2011 at 8

⁴³ Ibid

⁴⁴ This means relying on an insider to be your eyes and ears in a different society

⁴⁵ David Nelken, “*Doing Research into Comparative Criminal Justice*,” in Reza Banakar and Max Travers, eds. *Theory and Method in Socio-Legal Research* (Oxford: Hart, 2005) 245-258.

similar values. I would have felt more comfortable I had been able to carry out the research in a more culturally appropriate way, and suspect that interviewees would feel the same. However the funding cut meant that it was not possible to conduct interviews in person.

All of the interviewees seemed happy for me to conduct interviews over the phone, and Sarah from the NCFNG assured me that this was an acceptable way of carrying out research. Although I wasn't comfortable working in this way, I gained all the information I needed for the case studies (and more) from the interviews and felt very lucky to have connected with people on the cutting edge of Indigenous environmental governance, even if only over the phone. This indicates to me that it may be acceptable to conduct research in this way, although I think it would be interesting to research this further and try to assess whether the data collected in a more culturally appropriate way would provide different insights or conclusions.

Participant control of the research process

Because of the nature of the project, we were not able to include case study groups in the design or scope of the research. Although the NCFNG helped me to design my research methodology, the case study groups were approached with both the objective and the means of achieving it as a *fait accompli*. Again, had we been able to hold the "think tank" with all participants, there would have been an opportunity to canvass the objectives of participating groups and shape the research to fit their needs but, as it was, the timeframes for academic research made it impossible to devote time to liaising between groups to get their feedback on the project design and process.

I did not check my framework for analysis with the participants in this research, so they have not been able to control the use of their information nor the conclusions drawn from it – although they have been given an opportunity to comment on their case studies as presented in this thesis, and have been given the option to withdraw from participating in the project if they

wish. This situation came about because the consideration of sustainability as a theme for this thesis wasn't on the table when interviews were conducted. Having a space in which to discuss the project and potential uses for this thesis would have been invaluable because it would have been possible to ask participants for their views on the most useful focus of this thesis, and I would have felt more comfortable with this approach. However, I have been lucky to have the advice and guidance of my supervisors, who reassured me that this was a useful and appropriate approach to take.

Frameworks for case study analysis

Much of the literature I have read which discusses imperialism and decolonization shows how Indigenous ways of knowing and doing have been supplanted by western ways, and how this assimilation is a continuing process. In order to engage with the majority, Indigenous peoples must learn to think and talk like the state or dominant institutions. Indigenous groups are rarely understood or listened to on their own terms.⁴⁶ The NCFNG could be an example of this. Although directed and staffed by Indigenous peoples, it is run using English as a primary language with what seems to me to be a western organizational model, although it is careful to base its operations on traditional values and support and uphold these values through their work.⁴⁷

Paul Nadasdy discusses tensions between different worldviews in relation to environmental management in his book *Hunters and Bureaucrats*.⁴⁸ Nadasdy spent time working with First

⁴⁶ Dale Turner, *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*; (Toronto, University of Toronto Press, 2006)

⁴⁷ National Centre for First Nations Governance, *About the Centre; Mission, Vision and Values*, online: National Centre for First Nations Governance <://www.fngovernance.org/about/index.htm>

⁴⁸ Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge and Aboriginal-State relations in the Southwest Yukon*, Vancouver, University Press, 2003. [Nadasdy 2003]

Nations in the southwest Yukon. He noted that First Nations that want to participate in co-management, land claims negotiations or other processes inherent in establishing a relationship with the government must conform to the expectations of those they are working with. They must change their perceptions and understandings in order to express their ideas in a way which fits western science, for example by thinking about animals as numbers rather than as beings. They must buy into the colonial concept of property in order to negotiate treaty rights.⁴⁹ This means that non-Indigenous views and perspectives may take precedence over Indigenous ones. Nadasdy suggests that, in some cases, Indigenous groups become mini-bureaucracies that replicate the structure and operation of the bureaucracies they engage with in order to achieve legitimization of their role as environmental managers.⁵⁰ Forming these types of bureaucracies also puts Indigenous people in offices rather than out on the land, reducing, Nadasdy argues, their connection with the environment.⁵¹

It would be easy to critique Indigenous environmental governance initiatives on this basis. Any governance project that is based on a treaty or other agreement with the government, or a land claim, or adopts colonial concepts of property, sovereignty or rights could be accused of being assimilatory, or failing to uphold Indigenous ways of being. However, this does not fit with the work of the NCFNG, whose mandate is to “assist all First Nations, no matter where they sit on the spectrum of implementing their inherent right to self-government”.⁵² Furthermore, I couldn’t work with a group, put out a report on the positive aspects of their governance initiatives and then criticize them in my thesis as assimilatory or failing to decolonize. This would break a community’s trust in me as a researcher and could damage the relationship between the NCFNG and the community.

⁴⁹ Nadasdy 2003 at 6

⁵⁰ Ibid at 2

⁵¹ Ibid

⁵² National Centre for First Nations Governance, *Governance Advisory Services*, online: Centre for First Nations Governance <http://www.fngovernance.org/directorates/advisory.htm>

Although I did not address questions of differing views on environmental management in my interview questions, the case studies do provide insights into how communities are negotiating a balance between competing worldviews. As will be discussed later, most of the groups are careful to ground their work in their own culture, and when asked about the place of traditional knowledge in their work none of the interviewees commented on the impact that interaction with other concepts of sustainability or environmental management had on their world views.

Comparing western notions of sustainability with Indigenous conceptions of governance could also be critiqued on a similar basis because it could imply that Indigenous groups should adopt western models of sustainability. This is not my intention at all. As discussed above, I seek to support Indigenous frameworks by taking them as the basis for my research and then highlighting how western ideas compliment them, not the other way around. My approach to analyzing this relationship has been shaped by Wilson's writing, which encourages researchers to look for the relationships between things, rather than to unpack and dissect everything.⁵³ I have found that this idea of relationships works very well for considering the subject matter at hand, which is, as the next part demonstrates, all about integration and mutually reinforcing benefits.

⁵³ Wilson at 70

Part II: Sustainability and governance

I will now turn to the themes of governance and sustainability, which themselves are related to ideas about Indigenous research, particularly Indigenous ways of knowing. In his book, Wilson includes a section which describes relationships between people and the land, in order to describe an Indigenous world view and expand on his ideas about relationships.⁵⁴ This section discusses and compares theories of Indigenous governance, western frameworks for sustainability and Indigenous notions of and visions for sustainability. I will briefly trace the origins of each concept before identifying a framework which can be used as the basis of comparison.

Governance

In a very basic sense, governance is how people organize themselves to achieve a common purpose. The Institute on Governance suggests that governance is required whenever a group of people work together to accomplish something.⁵⁵ This implies that governance is much broader than government and is different from governing, which is a purposeful effort to control and manage society.⁵⁶ Governance can include a wide range of stakeholders and their relationships and networks – for example, NGOs, the private sector and individuals, as well as formal governments.

The concept of governance first arose as a topic of exploration and debate in the late 1980s. It was a fertile source of discussion because, like sustainable development, discussed below, it

⁵⁴ Wilson at 87

⁵⁵ Institute on Governance, *Governance Definition*, online: Institute on Governance <<http://iog.ca/en/about-us/governance/governance-definition>>

⁵⁶ R. A. W. Rhodes, “The New Governance: Governing without Government” (1996) 44 no 4 *Political Studies* 652 at 653

encompasses a broad range of factors which were increasingly seen as important but insufficiently recognized in conventional thinking.⁵⁷

Given that I am working in the context of First Nations governance, I propose to adopt the following definition of “governance” from the NCFNG:

Governance is the traditions (norms, values, culture, language) and institutions (formal structures, organization, practices) that a community uses to make decisions and accomplish its goals. At the heart of the concept of governance is the creation of effective, accountable and legitimate systems and processes where citizens articulate their interests, exercise their rights & responsibilities and reconcile their differences⁵⁸

It is important to note that the NCFNG places emphasis on both the cultural aspects of governance as well as decision making institutions. This cultural fit is integral to the concept of First Nations governance because governance for First Nations is about more than just getting the job done – the way that the decisions are made and implemented is part of First Nations identity. This is a departure from other approaches, which fail to recognize culture as part of governance.

⁵⁷ Kemp & Parto at 17

⁵⁸ National Centre for First Nations Governance “Governance NCFNG Best Practices Report” (2009) National Centre for First Nations Governance online:
<http://fngovernance.org/publication_docs/NCFNG_Best_Practice_Report.pdf> at 8

Governance and Nation-rebuilding

Indigenous communities in Canada used to have complete governance over the environment and all other aspects of their existence.⁵⁹ As Jim Tully puts it, “when Europeans invaded and began to settle in North and South America, they encountered free, vibrant, sovereign indigenous nations with complex forms of social and political organization and territorial jurisdictions that were older (3000 – 30 000 years), more populous (60-80 million) and more variegated than Europe”.⁶⁰ But through disease, war and destruction of Indigenous societies, Indigenous populations dwindled and settler populations grew. Indigenous systems of governance were usurped and replaced by successive forms of imported governance enforced by colonial governments. Through the introduction of assimilatory policy initiatives which manifested in the form of reserves, residential schools and the *Indian Act*⁶¹, the ability of Indigenous people in Canada to manage their own communities has been severely damaged.⁶² As a result, the social, political and economic institutions of First Nations do not exist as they used to,⁶³ with dire consequences for the health, wellbeing, identity and continuity of Indigenous communities.⁶⁴

In environmental terms, at the most basic level, ownership and access to land has been cut off by the imposition of a land ownership system and consequential sale of lands. Access to foods

⁵⁹ Stephen Cornell et al, *The Concept of Governance and its Implications for First Nations* 2004 online: Native Nations Institute, Arizona (Joint Occasional Papers on Native Affairs) <<http://www.jopna.net>> [Cornell 2004]

⁶⁰ James Tully “The Struggles of Indigenous Peoples for and of Freedom” in Duncan Ivison, Paul Patton, and Will Sanders, eds., *Political Theory and the Rights of Indigenous Peoples* (Cambridge: Cambridge University Press, 2000) at 38

⁶¹ The Indian Act ("An Act respecting Indians"), R.S., 1951, c. I-5

⁶² Missens at 6

⁶³ Missens at 6

⁶⁴ Corntassel at 118

and medicines has been curtailed by the introduction of laws regulating activities such as hunting and fishing,⁶⁵ and it is hard for communities to live according to their own worldviews.

This impact of colonization was reinforced in my discussions with members of the case study groups. For example, Frank Brown of the Heiltsuk Nation emphasizes the significance of the environmental management work his community is conducting in light of the impacts of colonization. He points out that his people had been stewards of the land for over 10,000 years prior to contact, whereas the colonial system was only put in place 165 years ago. In his own words “Colonization, because of British common law, has basically marginalized us from fulfilling our responsibility as the original stewards of the land. It was always in the hearts and mind of our leadership to keep practicing stewardship”.⁶⁶

Rebuilding the ability of Indigenous communities to be self determining is one key way of addressing the poor socio-economic conditions of Indigenous communities in Canada.⁶⁷ The right of Indigenous people to self determination - including the right to determine their own political status and pursue their economic, social and cultural development has been recognised through the UN Declaration on the Rights of Indigenous Peoples.⁶⁸ Self governance – the right of people to govern themselves according to their own laws and exercise jurisdiction over their

⁶⁵Canada, Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples*, Chapter 4 online:
<http://www.collectionscanada.gc.ca/webarchives/20071211062043/http://www.ainc-inac.gc.ca/ch/rcap/sg/sg9_e.html>

⁶⁶ Interview, Frank Brown, 20 October 2010

⁶⁷ Missens at 2

⁶⁸ Article 3, UN Declaration on the Rights of Indigenous Peoples; online -
<<http://www.un.org/esa/socdev/unpfii/en/drip.html>>

own territories⁶⁹ is part of self determination, and has been the focus of considerable scholarship. Rebuilding governance is also a necessary part of strengthening sovereignty and self-determination because, without good governance, communities cannot give effect to these rights.⁷⁰

Self governance in Canada is shaped by the Indian Act⁷¹ – which governs almost all aspects of the lives of aboriginal Canadians, including political structures.⁷² The Act requires Indigenous communities to use a governance system based on the democratic election of a chief and Council. Under section 81 of the Indian Act the chief and Council have the authority to make bylaws on limited matters. So although Indigenous communities in Canada do have the ability to establish their own governments, these organisations have limited jurisdictional power and often simply run programmes designed elsewhere by federal powers.⁷³ This is self-administration, rather than self-governance. However, First Nations are in the process of rebuilding their systems of governance and government in order to achieve real and meaningful self-governance.

There is a considerable body of work on the legal basis of rights to self-determination and self-governance.⁷⁴ This work has been reinforced by guidance on how to re-establish governance

⁶⁹ Corntassel at 118

⁷⁰ Missens at 2

⁷¹ The Indian Act ("An Act respecting Indians"), R.S., 1951, c. I-5

⁷² Ken Coates, *The Indian Act and the Future of Aboriginal Governance in Canada*, NCFNG, online: <http://fngovernance.org/ncfng_research/coates.pdf>

⁷³ Cornell 2004

⁷⁴ See, for example, Gordon Christie, "Aboriginal Nationhood and The Inherent Right To Self-Government" 2007 online: National Centre for First Nations Governance <http://fngovernance.org/ncfng_research/gordon_christie.pdf>, Brian A. Crane et al *First*

systems when such rights can be implemented. Research conducted by the Harvard Project on American Indian Economic Development found that political factors had the most effect on the development success of a nation, stating that “other things being equal, those nations that had taken control of their own affairs and had backed that up with capable, culturally appropriate and effective governing institutions did significantly better economically than those that had not”.⁷⁵ It should be noted that there has been some criticism of the Harvard Project because their research is heavily focused on economic factors, but there is general agreement that establishing good governance systems is an important part of nation rebuilding.⁷⁶

In an effort to support effective governance by Indigenous communities, several organizations have developed guidance on the features of effective governance. Scholarship in this area has gained momentum since Aboriginal and treaty rights were recognized and protected through the Canadian *Constitution Act*⁷⁷ in 1982, providing a better legal basis for the assertion of Aboriginal rights and title.

I will provide a brief summary of the work of the United Nations and the Harvard Project on the requirements for effective governance, before discussing the NCFNG principles, which have been adopted as the basis for this work.

Nations Governance Law (Butterworths, Ontario, 2006), J.H. Hylton, (ed.) *Aboriginal Self-Government in Canada: Current Trends and Issues* (Purich Publishing, Saskatchewan, 1999)

⁷⁵ Cornell 2004 at 8

⁷⁶ See National Centre for First Nations Governance “Principles to Support Effective Governance” (2008) National Centre for First Nations Governance online: <http://fngovernance.org/publication_docs/Governance_Principles2008.pdf>, [NCFNG 2008] M. Dodson & D.E. Smith “Governance for sustainable development: Strategic issues and principles for Indigenous Australian communities” (2003) Australian National University Centre for Economic Policy Research online: <<http://caepn.anu.edu.au/Publications/DP/2003DP250.php>> [Dodson and Smith]

⁷⁷ The Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11

Principles for effective governance: The UN and the Harvard project

“Good governance” is about creating conditions for legitimate and capable rule, and for collective action.⁷⁸ The United Nations advise that good governance has eight major characteristics. It should be participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follow the rule of law.⁷⁹ The United Nations suggest that employing these characteristics ensures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision making.⁸⁰ These provide good guidance and have been built on by others to provide guidelines for governance which are tailored to the needs of Indigenous communities. For example, the Harvard Project has been considering questions of Indigenous governance in the context of economic development. They have produced a considerable amount of writing on the topic,⁸¹ and the key principles they identify are:

- Stable institutions and policies
- Fair and effective dispute resolution
- Separation of politics from day-to-day business decisions
- A competent bureaucracy
- Cultural match⁸²

⁷⁸ Dodson and Smith at 2

⁷⁹ United Nations ESCAP, *What is Good Governance?* online: United Nations <<http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>>

⁸⁰ Ibid

⁸¹ See the Joint Occasional Papers on Native Affairs Website for a list of publications. Online: Harvard Project on American Indian Economic Development at Harvard University and Native Nations Institute for Leadership, Management, and Policy at the University of Arizona <<http://www.jopna.net>>

⁸² Stephen Cornell and Joseph Kalt, *Sovereignty and Nation-Building: The Development Challenges in Indian Country To-day*, Harvard Project on American Indian Economic Development, 2001, p. 29-30.

M. Dodson and D.E. Smith have expanded on these principles to develop the following principles for Indigenous communities in Australia:

- Stable and broadly representative organizational structures
- Capable and effective institutions
- Sound corporate governance
- The limitation and separation of powers
- Fair and reliable dispute resolution and appeal processes
- Effective financial management and administrative systems
- Simple and locally relevant information management systems
- Effective development policies and realistic strategies.
- Cultural “match” or “fit”⁸³

The principles developed by these two organizations are a sound basis for governance, but they do not include principles which relate explicitly to the relationship between people and the land, or the expansion of jurisdiction or rule of law to re-establish indigenous control over their territories.

These components of governance are highlighted in a much more comprehensive set of principles developed by the NCFNG, which I have adopted as the basis of my research.

NCFNG principles

The NCFNG have developed 17 principles for good governance in First Nations, which cover the Harvard principles and those identified by Dodson and Smith, but order and expand on them in a different way. The NCFNG looked to the work of the United Nations, the Native Nations Institute, the Harvard Project, and the Institute on Governance to develop the principles, as

⁸³ Dodson and Smith at 12-20

well as holding discussions with First Nations communities.⁸⁴ One key difference in the NCFNG principles is the emphasis on the relationship between governance and land – which the NCFNG sees a fundamental feature of effective governance.⁸⁵

The 17 principles are based on five pillars of governance: the people, the land, laws and jurisdictions, institutions and resources. The NCFNG does not expect all nations to follow every principle, but hopes that at least some of them are achievable for all nations no matter where they sit on the spectrum of self-determination.⁸⁶

The principles are arranged in a loose hierarchy; the principles making up the “people” and “land” pillars are the most important, and the other pillars and principles flow from them.⁸⁷ The principle of strategic vision is key, and most of the principles relate at least in part to achieving this strategic vision.

⁸⁴ National Centre for First Nations Governance “Principles to Support Effective Governance” (2008) National Centre for First Nations Governance online: <http://fngovernance.org/publication_docs/Governance_Principles2008.pdf> at 5

⁸⁵ National Centre for First Nations Governance “Principles to Support Effective Governance” (2008) National Centre for First Nations Governance online: <http://fngovernance.org/publication_docs/Governance_Principles2008.pdf> at 5

⁸⁶ National Centre for First Nations Governance “Principles to Support Effective Governance” (2008) National Centre for First Nations Governance online: <http://fngovernance.org/publication_docs/Governance_Principles2008.pdf> at 5

⁸⁷ National Centre for First Nations Governance “Principles to Support Effective Governance” (2008) National Centre for First Nations Governance online: <http://fngovernance.org/publication_docs/Governance_Principles2008.pdf> at 8

The NCFNG pillars and principles for effective governance are as follows:⁸⁸

Pillar	Principle
<p>The people</p> <p>The NCFNG states that people are the foundation of nations and therefore the most important component of governance.</p> <p>If the principles relating to people are not in place, then governance systems may not be trusted or respected by the people and are unlikely to be effective or make good decisions.</p>	<p>Strategic vision</p> <p>This is the shared, long term dream of the people. The strategic vision is the starting point for governance because it identifies what the community is trying to achieve and how it will go about it.</p>
	<p>Meaningful information sharing</p> <p>Information is power; therefore information must be shared frequently, openly and in all directions in order to ensure that people can properly participate in decision making.</p>
	<p>Participation in decision making</p> <p>Communities must be involved in decision making at a level relevant to the significance of the decision. It is up to each community to agree on the best way of achieving this.</p>

⁸⁸ The full text of the pillars and principles is included as Appendix 1

<p>The land</p> <p>The identity and authority of First Nations peoples are tied to the land, as are opportunities for development in First Nations communities. Governance structures must be based on the relationship between the people and the land and incorporate land-based strategies for development in order to be effective.</p>	<p>Territorial integrity</p> <p>Communities must demonstrate and live out the connection between the people and the land in order to assert their title to their territory and their right to govern it. This can be achieved through activities such as land use mapping or stewardship planning which support reclamation of responsibility for decision making.</p>
	<p>Economic realization</p> <p>First Nations communities have a legal right to develop their economies in order to benefit citizens and finance governments. Effective governments must be able to develop sustainable economies for their people. The land provides a basis for this economic development.</p>
	<p>Respect for the spirit of the land</p> <p>First Nations communities have a role as stewards of the land, which has been passed down through their ancestors. Communities must assert their inherent right to protect and preserve the land and its resources. Reconnecting with the role of stewardship and honouring and respecting the spirit of the land will ensure that governance strategies are</p>

	effective and appropriate.
<p>Laws and jurisdictions</p> <p>Laws and jurisdictions provide a political framework for achieving the people’s vision. These principles help to establish governance systems in which laws and jurisdictions reflect community values, making the community more likely to respect the authority of the law and the governance system.</p>	<p>Expansion of jurisdiction</p> <p>Governance structures must attempt to exercise authority beyond the bounds imposed by the <i>Indian Act</i>, in a way which is consistent with the vision of the people. This could be achieved through negotiation, delegation of powers and exercising inherent rights of self-governance.</p>
	<p>Rule of law</p> <p>Governance bodies should establish laws which provide clear guidance about acceptable and unacceptable behaviour and what happens if these rules are broken. These laws should be developed from community values. If a community respects the governance system and the laws they have established, then this legitimizes the governance system.</p>
<p>Institutions</p> <p>Institutions deliver the programmes and services which move people towards their vision. When</p>	<p>Transparency and fairness</p> <p>Institutions must make their processes transparent and make decisions fairly – this means that people must be able to see and understand processes and procedures work.</p>

<p>institutions are well organized and run they provide the means to achieve the community's goals.</p>	<p>Results-based organization</p> <p>Governance bodies must measure the effectiveness of their work and ensure that they are configured to achieve the people's vision. Organizations based on the vision of the federal government and shaped by government funding opportunities may not be able to achieve the community vision because they are not aligned with the needs and goals of their own community.</p>
	<p>Cultural alignment of institutions</p> <p>Institutions must be infused with the practices and beliefs of the people they support so that they reflect and perpetuate the culture of the community.</p>
	<p>Effective inter-governmental relations</p> <p>When relationships between governments are good this maximizes opportunities for communication and effective decision making and minimizes conflict, leading to satisfying working relationships with win-win outcomes which advance the objectives of all parties.</p>
<p>Resources</p>	<p>Human resource capacity</p>

<p>Communities must have sufficient appropriate resources to realize and sustain their visions.</p>	<p>Those in positions of responsibility must have the skills and capacity to carry out their roles. Leaders and managers must be supported and trained to carry out their jobs properly.</p>
	<p>Financial management capacity</p> <p>Financial capacity enables communities to commit to long-term projects and proactive decision making.</p>
	<p>Performance evaluation</p> <p>Reflection on performance enables the identification of areas where improvements could be made, as well as recognition of achievement.</p>
	<p>Accountability and reporting</p> <p>This provides communities with the information they need to assess how their governance systems are working so that they can decide whether or not they are meeting their needs and make improvements if necessary.</p>
	<p>Expanding the diversity of revenue sources</p> <p>Moving beyond government funding is essential to ensure</p>

	long-term community survival and movement away from dependency.
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The Centre for Indigenous Environmental Resources (CIER), a Canadian not-for-profit organization that aims to assist First Nations to address the environmental issues they face,⁸⁹ has also carried out research into environmental governance by First Nations. From 2006-2008, CIER worked in partnership with the NCFNG to research and document examples of successful environmental governance and how they are being implemented by the First Nations of Carrier Sekani Tribal Council. This research concluded that successful environmental governance shared the following seven essential elements:

- A strong connection to their culture
- Respect for the authority of their community leadership
- Stable institutions to address environmental issues
- Access to information about environmental issues relating to their lands and waters
- Their own capacity to conduct independent environmental research
- Administrative structures to implement the mandates of their institutions
- Financial resources to build capacity in their community⁹⁰

These principles are all contained within the governance principles developed by the NCFNG, but the NCFNG principles provide a better framework for comparison with notions of sustainability because they reach all aspects of governance, rather than just those relating to the environment, which – as the following discussion of sustainability indicates – are an important part of sustainability itself.

⁸⁹ Centre for Indigenous Environmental Resources *Centre for Indigenous Environmental Resources* online: Centre for Indigenous Environmental Resources <www.cier.ca>

⁹⁰ Centre for Indigenous Environmental Resources *Environmental Governance at Work: First Nations Showing the Way. 2009.* online: Centre for Indigenous Environmental Resources <<http://www.cier.ca/information-and-resources/publications-and-products.aspx?id=1694>>

Sustainability

Indigenous conceptions of sustainability

Before discussing Indigenous conceptions of sustainability, I want to acknowledge the diversity of Indigenous societies. This discussion of Indigenous concepts at a broad level is not intended to reduce the variety of Indigenous communities and belief systems into a caricature, but instead draws on broad themes which are widely seen to be shared by Indigenous communities everywhere.⁹¹

Anishnabe scholar Deborah McGregor notes that Indigenous concepts of sustainability are very different from those currently popular in the non-Indigenous world, and are based on what it means to live in relationship with the land rather than to simply occupy a piece of property.⁹²

Reading the work of various Indigenous scholars leads me to suggest that Indigenous views of sustainability can be split into two different but overlapping concepts: a traditional basis for sustainability and a vision of sustainable communities now and in the future. These two concepts are at different ends of the same idea spectrum: traditional sustainability is based on creation stories, spirituality and world view, and the vision of sustainability is simply the extension of this world view into a vision and strategy which will enable Indigenous communities to live sustainably into the future. However, it is helpful for me to conceive of them distinctly, because they relate to governance in slightly different ways; traditional sustainability is often the basis for governance initiatives and the vision of sustainability may be what the community is trying to achieve through governance.

⁹¹ Clarkson at 7 & 11

⁹² Deborah McGregor, "Traditional Ecological Knowledge and Sustainable Development: Towards Co-Existence" in Mario Blaser, Harvey A. Feit, and Glenn McRae, eds., *In the Way of Development: Indigenous Peoples, Life Projects, and Globalization* (London: Zed Books, 2004) at 2 [McGregor]

Traditional Indigenous concepts of sustainability are based in Indigenous world views, particularly creation stories which emphasize relationships between all living things. Indigenous scholars Clarkson *et al.* explain the concept as an understanding of the symbiotic relationship between people and the ecosystem of which they are a part.⁹³ Indigenous ways of living are based on maintaining a balance between individual needs, community needs and the ability of the environment to provide for them.⁹⁴ Bastien *et al.* provide further insight into these ideas by discussing the concept of self in Indigenous worldviews. Bastien describes the worldview of the Niisitapi people of southern Alberta as being based entirely on relationships – the self exists only in relationships, both with other people and elements of the natural world.⁹⁵

McGregor states that for Indigenous peoples “to be sustainable means to take responsibility and be spiritually connected to all of creation, all of the time”.⁹⁶ This is not just a responsibility carried out by humans – all of creation contributes, and if people interfere with elements of creation, or impede others from doing their duty, problems may ensue. This includes the needs of future generations. For example, Clarkson *et al.* preface their work on Indigenous peoples and sustainable development with the following quote: “We cannot simply think of our survival; each new generation is responsible to ensure the survival of the seventh generation...”⁹⁷

This view is very pragmatic. It is based on thousands of years of experience, which taught people that if they failed to understand and consider the impacts of their actions on the environment then they would die, or suffer ill health. If humans separate themselves from the

⁹³ Clarkson at 22

⁹⁴ Ibid

⁹⁵ Bastien at 8

⁹⁶ McGregor at 5

⁹⁷ Clarkson at 3

world that sustains them, then they allow the possibility of losing both the relationship with the earth and the systems that support human life. The evolution of Indigenous customs, beliefs, institutions and methods of social control are all based on this sense of connectedness with the earth and everything that is a part of it.⁹⁸

Discussions of Indigenous governance are often based in traditional Indigenous views of sustainability. For example, Missens describes governance as “an integrated system of living in a manner that respects the community’s sacred obligations to the creator, including their relationships with the land, the animals and each other”.⁹⁹

I see the forward-looking vision of Indigenous sustainability as taking the traditional view as a basis for community development. As the discussion below indicates, visions of Indigenous communities that are viable in the long term also include strategies to address the negative impact of colonization and to reorient communities towards their own worldviews and cultures. Because colonization has had such a detrimental impact on Indigenous worldviews and life ways, it is impossible to separate future visions of sustainability from past experiences, and the ongoing impact of colonization today.

Cherokee scholar Jeff Corntassel provides a vision of sustainability on Indigenous terms in his paper “Towards Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse”. He describes “sustainable self determination”, by which he means that self-determination must be economically, environmentally and culturally viable and inextricably linked to Indigenous relationships to the natural world. Corntassel also highlights the

⁹⁸ Clarkson at 10

⁹⁹ Missens at 6

importance of long-term sustainability to Indigenous livelihoods, which includes transmission of cultural practices to future generations.¹⁰⁰

Corntassel suggests there should be a shift away from a rights discourse and towards a focus on responsibilities; in other words, self-determination should be rooted in Indigenous beliefs about people's relationship with the world, which entails a responsibility to give back to creation.¹⁰¹

Taiaiake Alfred provides further guidance on sustainable Indigenous community in his paper "Colonialism and State Dependency".¹⁰² He suggests that a strong, healthy community displays the following characteristics:¹⁰³

- Community members are secure in and committed to their identity as Indigenous peoples. This includes commitment to the land, their community and their culture as well as solidarity with the wider Indigenous community. However, people must also accept diversity within their community and differences of opinion on issues which are not related to the key features of their community's identity.
- Community members know their history and spirituality and are connected to their homelands by living there and taking part in land-based practices and ceremonies. The culture of the people should be the basis of the community and should be passed down through the generations.

¹⁰⁰ Corntassel at 118

¹⁰¹ Corntassel at 118

¹⁰² Taiaiake Alfred "Colonialism and State Dependency" (2009) *Journal of Aboriginal Health* 5 Issue 2 at 7 [Alfred]

¹⁰³ The full text of this list is included as Appendix 3

- Community members should communicate well with each other, and the governing body should make sure that there is open and frequent communication between the body and the people – in both directions.
- Community members must genuinely care about each other and base their relationships with each other on assumptions of each other’s integrity and honour.
- Community members must take pride in and choose to be a part of their community. The community as a whole should establish rules and expectations around community membership, and work together to maintain their culture.
- Community leaders should be accountable to the community and respond to their feedback and vision. Governance systems should be consistent with traditional values and principles, and use consensus decision making.
- Youth should be involved in and supported by the community – this includes education and mentoring, involving youth in decision making and community understanding and respect for the challenges youth face.
- The community has extensive mutually-beneficial social, political and trade relationships with other communities, and its leaders consistently seek to foster good relations and gain support among other Indigenous peoples and in the international community.

As well as encouraging the adoption of practices which will lead to the outcomes above, Alfred advocates for Indigenous peoples to establish sustainable land-based economies, including regenerating the capacity for communities to be able to provide for themselves from their own territories.¹⁰⁴

As noted above, Indigenous conceptions of sustainability are tied to the process of decolonization and sustaining Indigenous identity. The steps described in Bastien *et al.* about

¹⁰⁴ Taiaiake Alfred “Colonialism and State Dependency” (2009) *Journal of Aboriginal Health* 5 Issue 2 at 7 [Alfred]

the need to heal the impact of colonization in Indigenous communities are very similar to those proposed by Alfred and Corntassel, which suggest reconnecting with ancestral ways of healing, valuing one's self and others and rebuilding Indigenous conceptions of community and spirituality.¹⁰⁵

Based on the ideas highlighted by the authors above, I suggest that an Indigenous concept of sustainability should include:

- A connection between both individual and community identity and the land
- Responsibility to act as stewards of the land
- Consideration of the needs of future generations
- Transfer of land-based knowledge and practices between generations
- A commitment to the continuation of the existence of the community and its culture on the traditional territory
- Commitment to community processes, particularly collective decision making

These markers of sustainability are all relate to and support each other; for example, community identity is enhanced through intergenerational knowledge transfer, and the ability of people to live on their territory can be achieved by protecting the land through the stewardship role. As part four of this thesis will illustrate, examples of environmental governance in practice reveal many interrelationships between governance and sustainability.

Western views of sustainability

I use the term “western” concept of sustainability to describe the theories of sustainability which have evolved from the UN *Our Common Future* report. In using this term I acknowledge that idea of sustainability is not new to the western world - Gibson notes that the idea of

¹⁰⁵ Bastien at 8

considering interrelated environmental, social and economic factors in decision making is old one, and that until the invention of “progress” a few hundred years ago much of mankind may have thought along “sustainable” lines.¹⁰⁶ However, the “western” concept of sustainability that I have adopted here arise relatively recently and crystallized around the UN report *Our Common Future*.

Increasing concern about ecological degradation and continued poverty despite global increases in material wealth,¹⁰⁷ which sparked the creation of the United Nations World Commission on Environment and Development. The resulting report, *Our Common Future*, released in 1987, proposed the concept of sustainable development, defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.¹⁰⁸ The report suggested that combating poverty and protecting the environment should be related goals and that efforts to address either issue were likely to fail if they did not take both into account¹⁰⁹ hence, sustainable development.

Some consider the idea of sustainable development an oxymoron, because development in and of itself is contrary to the idea of maintaining ecological systems and resources in perpetuity. This has lead to the popularization of the term “sustainability” in place of sustainable

¹⁰⁶ Robert B Gibson (2006) “Sustainability Assessment: basic components of a practical approach” 24 no 3 Impact Assessment and Project Appraisal 170 at 171 [Gibson 2006(1)]

¹⁰⁷ UN World Commission on Environment and Development *Our Common Future*, (Oxford: Oxford University Press, 1987)

¹⁰⁸ UN World Commission on Environment and Development *Our Common Future*, (Oxford: Oxford University Press, 1987)

¹⁰⁹ Robert B Gibson (2006) “Beyond the Pillars: Sustainability Assessment as a Framework for Effective Integration of Social, Economic and Ecological Considerations in Significant Decision making-Making ” 8 no 3 Journal of Environmental Policy and Management 259 at 261 [Gibson2006(2)]

development, because it de-emphasizes economic aspects.¹¹⁰ I will use the term “sustainability” here, because this research is focused on environmental protection rather than on economic development; however, the case studies do provide examples of the interplay of the environment and the economy.

Definitions for both “sustainability” and “sustainable development” are still debated, more than two decades after the concept hit the mainstream.¹¹¹ There is wide acceptance that current lifestyles cannot be maintained indefinitely and changes must be made in order to ensure mankind’s ability to live comfortably.¹¹² Sustainability is often cited as a basis or objective for living patterns, but understandings of the ideas of sustainable development or sustainability and how they should be applied are the subject of ongoing debate. Rather than attempting to provide a definition of sustainability, I will instead explain the evolution of thinking about the concept and current approaches to achieving sustainability.

Early conceptions of sustainability were based on the three “pillars”: social, economic and ecological considerations.¹¹³ Sustainable thinking aims to integrate consideration of social, economic and ecological concerns and find ways to support and contribute to all of them. However, Gibson identifies a problem with the three-pillar approach, in that social, ecological and economic needs are addressed separately and are inadequately integrated, leading to consistent failure to consider all three factors in decision making.¹¹⁴ More recent thinking has championed an actively integrative process. This means building sustainability into governance regimes in a way which identifies and respects interconnections at all levels and in all activities,

¹¹⁰ McGregor at 3

¹¹¹ Ibid

¹¹² Gibson 2006(1) at 171

¹¹³ Gibson 2006(2) at 263

¹¹⁴ Ibid

and builds towards creating outcomes that are beneficial in many ways – for example providing economic benefits while building awareness of the environmental impacts of human activities.¹¹⁵ Thus, as Dodson characterizes it, sustainability is “a direction more than a place”.¹¹⁶

Gibson has provided guidance on how this integrated approach can be achieved, and suggests the following hallmarks of integrated decision making:

- Comprehensive consideration of all pertinent issues (including socio-economic and biophysical matters) in decision making. This should include both long- and short-term relationships and interdependencies between issues.
- Cautious action in order to recognize that the systems in which we exist are dynamic and operate on several scales, and that change and surprise are likely.
- Taking positive steps to achieve sustainability, not just minimize the harmful effects of current modes of living.
- Actions to achieve sustainability must be comprehensive and achieve positive outcomes across multiple factors.
- Recognition that resources are limited, but that our ability to create and innovate is not.

¹¹⁵ Ibid at 265

¹¹⁶ Dodson and Smith at 3-4

- Balancing considerations in decision making does not in itself achieve sustainability. Trade-offs are acceptable if there is no other option, but the aim should be mutually reinforcing positive outcomes.
- Aiming for sustainability is universally desirable, but the way it can be achieved depends on the situation. Broad sustainability requirements will apply to every situation, but other, more specific, requirements may come into play as well.
- Sustainability is an ongoing process; there is no end state to be achieved.¹¹⁷

This approach has obvious links to concepts of governance, because governance is about how communities organize themselves to make decisions and act cooperatively. In fact, one of the bases for the development of theories of sustainability was the recognition that decision making practices do not have sustainable outcomes if they do not recognize interconnections between key needs.¹¹⁸

Gibson has translated these consensus points into a series of criteria for sustainability assessment. I have adopted these points as my framework for western conceptions of sustainability because they set out a mode of operation for decision makers, and thus are directly relevant to considerations of governance. A description of Gibson's criteria is as follows:¹¹⁹

¹¹⁷ Gibson 2006(1) at 172

¹¹⁸ Gibson 2006(2) at 261

¹¹⁹ The full text is reproduced as Appendix 2

Socio-ecological system integrity

This is a recognition that human well-being depends on functioning ecosystems, and maintaining or building relationships between people and the environment which recognize and protect the long-term functioning of socio-ecological systems in a way which supports human life. In order to achieve this, people must understand the impacts of their activities on ecosystem function and must reduce negative impacts – direct and indirect – arising from human activity.

Livelihood sufficiency and opportunity

People must ensure that, at the individual and community levels, everyone has enough for a decent life and is able to pursue lifestyle improvements that do not reduce the ability of future generations to seek livelihood sufficiency and opportunity. This can be achieved by ensuring that the prerequisites for a decent life – for example, access to essential services, employment opportunities and physical and/or economic security – are available to everyone. Providing these prerequisites must be done in a way which appreciates the diversity of ways of living and involves those whose needs are being addressed.

Intragenerational equity

Attempts must be made to reduce gaps in sufficiency and opportunity, in factors such as health, security, and political influence, between the rich and the poor. This could be achieved by building sustainable livelihoods for all – including the power to choose livelihoods, and by encouraging advantaged people to be satisfied with less materially- and energy-intensive lifestyles in order to ensure that everyone has enough.

Intergenerational equity

Actions should be favoured which are most likely to preserve or enhance quality of life for future generations, particularly their ability to live sustainably. This could be achieved by reducing pressures on ecosystems and resources to levels which can be maintained in perpetuity and by building the integrity of socio-ecological systems in order to ensure that they allow for long-term thinking and adjustment of behaviour patterns as required.

Resource maintenance and efficiency

Resources must be used efficiently to reduce damage associated with resource extraction and development. This does not mean that resource extraction and use must stop – it is necessary in order to create jobs and wealth – but those deciding whether to develop a resource should consider the purpose and use of the resource, and the overall costs and benefits of the proposal. Gains in efficiency are only meaningful if they reduce overall resource use and must not be used to offset increases in consumption.

Socio-ecological civility and democratic governance

It is important to build the ability and inclination of decision makers and communities to apply sustainability requirements through the development of more open and better informed decision making processes. This could be achieved by creating governance structures which allow for integrated decision making and can deal with complex and changing issues, motivating people from all walks of life to apply sustainability requirements, and strengthening understandings of the environment and community.

Precaution and adaptation

People should act cautiously when making decisions, and avoid any action about which the impact is not fully understood – especially if there is a risk of irreversible damage to socio-ecological or biophysical systems. Decision makers should anticipate and develop ways of coping with change and surprise. This could be achieved by acting on information which suggests that social or ecological systems are at risk, even if that information is not fully substantiated; favouring options which are flexible, diverse and/or can be reversed; adopting “safe fail” not “fail safe” technologies; and establishing monitoring mechanisms.

Immediate and long-term integration

All principles of sustainability should be applied at the same time, seeking multiple gains across all concerns. This can be achieved by taking steps towards using all of the sustainability criteria, with a view to complete usage in the long term, and avoiding compromise unless it will clearly result in long-term gain.¹²⁰

These criteria are designed to be part of an evaluation and decision making framework, and are supplemented by a series of rules for trade-offs in sustainability assessment.¹²¹ These features have not been included here because the governance principles do not go into sufficient detail to permit a comparison at this level.

Indigenous and western views – similarities and differences

Indigenous and western ideas of sustainability come from fundamentally different places but have much in common, as will be explained below. However, it should be noted that

¹²⁰ Gibson 2006(1) 174

¹²¹ For details of the trade-off rules see Gibson at 176

Indigenous world views, which far predate the western concept of sustainability I have described here, owe nothing to western ideas because they stem from Indigenous worldviews which have been in place for tens of thousands of years.

Clarkson *et al.* describe Indigenous societies as the “last vestiges of sustainable societies”,¹²² and the commitment to environment and community demonstrated by the case study communities in the next section bears this out to a certain extent. However, I am wary of supporting bold statements like this in light of thinking about the application of similar concepts of environmentalism to Indigenous peoples. There has been considerable debate about the extent to which Indigenous communities embody an environmentalist or conservationist ethic. On one hand, there are some who argue that Indigenous peoples are the “original ecologists”, and on the other there are those who consider Indigenous people to be the enemies of environmentalists and a threat to the environment.¹²³ Various studies have been conducted, some asserting a lack of a “conservation ethic” amongst Indigenous communities, while others provide evidence of careful harvesting within ecological limits.¹²⁴ I support the approach proposed by Paul Nadasdy in his article “Transcending the Debate over the Ecologically Noble Indian: Indigenous Peoples and Environmentalism”. Nadasdy suggests that an Indigenous view of the world does not necessarily fit with the aims of environmentalism and, therefore, applying concepts of conservation and environmentalism to Indigenous peoples is pointless, because these ideas are based on a completely different world view. Nadasdy argues that Indigenous peoples have a complex set of “beliefs, practices, and values that defy standard Euro-North American schemes of categorization”.¹²⁵ I think this is particularly true in this case because Indigenous and western views of sustainability have such fundamentally

¹²² Clarkson at 53

¹²³ Nadasdy 2005 at 292

¹²⁴ Raymond Haymes (2007) “The Ecologically Noble Savage Debate” 36 Annual Review of Anthropology 177-190

¹²⁵ Nadasdy 2005 at 322

different roots. Thus, I think that while it is valid to draw comparisons between western and Indigenous concepts of sustainability, it is important to remember that they are based in very different world views and, thus, and western notions of sustainability should not be imposed onto Indigenous peoples.

However, both Indigenous and western philosophies of sustainability are premised on the relationship between people and the land, especially people's relationship with their homelands, an idea roughly analogous to that of strong socio-ecological relationships proposed by Gibson. For example, both Alfred's and Corntassel's visions of sustainable Indigenous communities require the reconnection of people with their land and heritage.

Alfred suggests that communities must know their histories and participate in land-based practices. He also suggests that communities must communicate extensively and be able to participate in political systems. These ideas are similar to Gibson's concepts of socio-ecological relationships and open and participatory governance. Both Indigenous and western visions of sustainability recognize that communities must have responsive and accountable leadership, although in the Indigenous view this must operate in accordance with cultural values, drawing in ideas of socio-environmental relationships again. Both views also emphasize relationships between generations and the need to provide for future generations, and both share a strong theme of integration. Economic factors are also important in both views of sustainability, in terms of communities being able to have decent standards of living.

Three of Alfred's principles for "retraditionalized" communities go beyond (although are not in tension with) Gibson's sustainability criteria. Alfred's idea that communities must develop mutually beneficial relationships with other communities is clearly connected with the idea of international relationships, which is present in the UN criteria for sustainability, but not in Gibson's criteria. The final two principles – specifically, the idea that people should trust, love and care for each other, and that community members must be proud to be part of their

communities and work on defining their members and retaining their cultures – could flow from a sustainable community but are beyond the scope of Gibson’s criteria.

One key difference in the approaches is the perception of the role of tradition. Gibson suggests that current attention to sustainability objectives is driven by attempts to maintain a decent lifestyle without wrecking the planet, rather than preserving tested traditions.¹²⁶ This is not the case for Indigenous communities. For Indigenous communities, sustainability is about actively reclaiming the ability to live as Indigenous peoples and finding ways to heal communities from years of damage through the colonial system. However, the idea of taking a holistic approach to community wellbeing sits alongside western conceptions of seeking outcomes which are beneficial in multiple ways.

Indigenous scholars have also been critical of the usefulness of western ideas of sustainability for Indigenous communities. Corntassel suggests that the definition of sustainability set out in the UN’s *Our Common Future* does not “go far enough as a benchmark for Indigenous political, cultural, economic and environmental restorative justice”.¹²⁷ McGregor supports this, stating that the idea of sustainable development does not empower Indigenous nations, or provide a real way to change the dominant agenda.¹²⁸ Gibson’s principles appear to attempt to redress these criticisms (at least on paper) because they discuss imbalances in wealth and power and acknowledge the existence of different conceptions of sufficiency and opportunity and the need to include communities in decision making. There is also space in Gibson’s framework for redressing imbalances in well being between communities through the intragenerational equity criteria.

¹²⁶ Gibson 2006(1) at 171

¹²⁷ Corntassel at 118

¹²⁸ McGregor at 2

This could be a useful starting point for further research. I suggest that it would be helpful to discuss with Indigenous people the usefulness of western concepts of sustainability, to explore whether Gibson's approach really does constitute a departure from previous approaches and suggest adjustments which could be made to better support Indigenous interests.

Even though, to a certain extent, Indigenous and western concepts of sustainability have similar goals in terms of creating systems which foster a good quality of life for people now and in the future, Indigenous communities face an even more difficult challenge in that (as discussed in the section on governance) their ability to live out their visions of sustainability is seriously impeded by the current Canadian legal framework which denies Indigenous communities the ability to be fully self-governing.

Governance for sustainability

The adoption of sustainability models in many areas of economic and community development has been encouraged by supporters since the beginning of the modern western sustainability movement. For example, the *Our Common Future* report states that "the goals of economic and social development must be defined in terms of sustainability in all countries".¹²⁹ Gibson suggests that, in order to be effective, sustainability must be built into governance regimes in order to ensure that the governance regimes they respect interconnections between actions.. This is essential in shifting current, unsustainable modes of living. However, he notes that governance structures are often not well set up to consider sustainability in decision making. In particular, Gibson notes that, currently, attention to interconnecting factors and the needs of future generations is unusual.¹³⁰

¹²⁹ World Commission on Environment and Development *Our Common Future*, (Oxford: Oxford University Press, 1987)

¹³⁰ Gibson 2006(1) at 171

The next subsection considers the extent to which the NCFNG principles for effective governance build Gibson's criteria for sustainability into governance. I have chosen to compare Gibson's criteria to the NCFNG framework because the NCFNG principles build Indigenous worldviews into governance, and therefore already give effect to Indigenous views of sustainability. A comparison of the two Indigenous concepts seems pointless as they are one and the same. The inclusion of the land-based principles makes it likely that the NCFNG principles include the ideas of sustainability set out by Corntassel and Alfred – and the case studies included in the next section demonstrate this.

Although I am hesitant to compare Indigenous and non-Indigenous concepts, I think it is worthwhile to discuss the NCFNG framework for governance in light of Gibson's criteria for sustainability, because the comparison provides insights into how governance frameworks can be built to support sustainable decision making beyond the Indigenous context, and highlights areas in which concepts of sustainability transcend context.

Indigenous governance and Gibson's criteria for sustainable decision making

The NCFNG principles for effective governance cover and integrate (to a certain extent) the three pillars of sustainability - social. Social, economic and ecological considerations are all represented in the principles, but they are mixed in with other features of governance. Also included are the land-based principles, which ensure the consideration of socio-ecological factors.

In order to make a comparison, I will work through each of Gibson's criteria for sustainability in turn and discuss its relationship with principles for effective governance in more detail, and I will also explain why I have drawn relationships between the two frameworks. The relationships are summarized in the figure included at the end of this subsection. Although the comparison is between Gibson's criteria and NCFNG principles, elements of Indigenous views of

sustainability are present in the comparison because they are already a part of the NCFNG principles.

Socio-ecological system integrity

This criterion is the crux of the relationship between effective governance and sustainability. The NCFNG have identified maintaining and giving effect to the relationship between people and the land as a key feature of governance for First Nations. The “land” principles are premised on the existence of human-ecological relationships and aim to strengthen land-based relationships through the development of systems of governance which honour and implement them. This indicates that the NCFNG model of governance is better designed to support sustainability as envisaged by Gibson than other models because it takes the existence and importance of this relationship as a founding point.

The principle of meaningful information sharing also gives effect to the socio-ecological system integrity criterion. If understanding the impact of humans on the environment is a key part of sustainability, then sharing information that helps to build that understanding is vital to a sustainable community. This is true both from the top down (for example, fostering understanding of the impacts of the community’s activities on the environment, or explaining potential outcomes of development when communities are considering potential development) and from the bottom up (for example, including community knowledge about the state of resources in decision making).

The principle of cultural alignment of institutions also plays a role in building human-ecological relations into governance structures. Encouraging communities to develop governance structures based in their cultures makes it more likely that human-ecological relations will be a foundation for governance.

The principle of strategic vision can be used to support socio-ecological system integrity, but only if the long-term vision includes maintenance or development of the relationship between people and the land, and understanding and management of human impacts on the land. Communities which hold a traditional view of sustainability are likely to include this in their strategic vision.

Participation in decision making is also related to socio-ecological system integrity, because people must be able to participate in decision making processes concerning land use in order to ensure that their relationship with the land is maintained.

The law and jurisdiction principle also builds socio-ecological system integrity into governance, because the establishment and enforcement of laws which regulate use of the environment are essential to reducing human threats to ecological system integrity.

Livelihood sufficiency and opportunity

The idea of livelihood sufficiency is key to First Nations, given their sometimes dire living standards and frequent dependency on government funding. The need for improvement in the wellbeing of Indigenous people is the basis for the development of governance models and is a basic premise for development in Indigenous communities. It is important to note that in both Indigenous and western conceptions of sustainability, a “decent life” is not necessarily measured in monetary terms, but instead is based on people living fulfilling lives and having all their basic needs met.

This criterion is specifically addressed through the principles of economic realization and diversity of revenue sources. The principle of economic realization makes reference to the establishment of sustainable economies, although the NCFNG does not explain its ideas about what makes something “sustainable”. Gibson’s idea of seeking diversity within economic

opportunities is not discussed in the principles – apart from in the context of diversifying sources of revenue so as to reduce reliance on government.

Strategic vision could give effect to the livelihood sufficiency and opportunity criterion, because strategic vision is needed in order to achieve meaningful improvements in people’s wellbeing.

The principle of participation in decision making supports achievement of livelihood sufficiency and opportunity, because people must be engaged in decision making processes in order to ensure that their needs are being met in the way they prefer.

Intragenerational equity

As with livelihood sufficiency and opportunity, reducing gaps between Indigenous communities and non-Indigenous communities in areas such as health, security and political influence is the driving force behind Indigenous governance work. This means that, in some ways, the whole suite of principles works towards achieving these criteria.

The principle of economic realization clearly supports this criterion, because the rebuilding of Indigenous economies will help to improve the living standards of Indigenous peoples, although it does not necessarily make room for holistic considerations of benefits or values of development. In a similar way, the principle of diversifying revenue sources is closely tied to this criterion because meaningful development cannot be based on dependency on government funding. These principles focus on the economic aspect of equity rather than on other issues such as health. I argue that this is not because they are not important, but because improvements in all aspects of community wellbeing are the purpose of governance initiatives and therefore do not need to be provided for expressly in the principles.

As with the other criteria, the economic aspect of sustainability could be given effect through the strategic vision of the people.

Intergenerational equity

The principle of strategic vision makes reference to the need to plan for future generations – indicating that providing for the needs of future generations is a key part of good governance now and builds consideration of the long-term effects of actions and the needs of future generations into governance structures.

The idea of considering the needs of future generations is integral to many First Nations cultures; therefore, cultural alignment of governance institutions may draw the idea of intergenerational equity into governance structures for some communities.

Resource maintenance and efficiency

This criterion is not clearly supported by any of the governance principles, although if a community valued resource efficiency then it could use the principles of good governance, especially strategic vision, to set this criterion in place. I suggest that this criterion is not a feature of governance strategies because it is outside the scope of the principles which focus on how communities organize themselves, not how they use resources.

Socio-ecological civility and democratic governance

Governance generally aims to achieve socio-ecological civility and democratic governance. All of the governance principles are based on fostering more open and better informed deliberations, precisely what Gibson considers is necessary for sustainability.

This is particularly true of governance principles relating to the land and socio-ecological civility, because fostering and giving effect to the relationship between people and the land supports the development of institutions that can give effect to sustainability.

Precaution and adaptation

This criterion is not explicitly provided for in the governance principles, but there is space for precaution to be drawn in through community participation in decision making – but only if precaution is something the community considers and values. Future planning through the principle of strategic vision could be carried out using precaution and adaptation, and meaningful information sharing helps communities to identify and address risk.

Immediate and long-term integration

This criterion is not well provided for in the governance principles – especially because the NCFNG accepts that not all communities can implement all of the governance principles. However, if a community valued integration, this could be identified through its strategic vision.

It is interesting to note that the NCFNG principles do not align particularly closely with current guidance on governance for sustainability developed by Kemp *et al.* These authors suggest that the key features of governance for sustainability are policy integration; common objectives, criteria, trade-off rules and indicators; information and incentives for practical implementation; and programmes for system innovation.¹³¹ A comparison of Kemp's components and the NCFNG principles reveals the following:

¹³¹ Kemp at 18

1) Policy integration

This feature was not identified, but I suggest this is because the NCFNG leaves it to each community to work out what their policies are. The NCFNG principle of strategic vision and reference to the existence of internal rules or laws of the communities indicate that this is a feature of Indigenous governance, even if it is not made explicit.

2) Common objectives, criteria, trade-off rules and indicators

These factors may, again, be drawn in through strategic planning, and may well exist within the community, but are not specifically identified as features by the NCFNG. However, Kemp *et al.* note that these features may be provided for through mechanisms such as multi-stakeholder decision making and co-management. The case studies in the next section demonstrate that community engagement is a hallmark of successful environmental governance initiatives, so this is not necessarily a factor for Indigenous governance. Issues of community participation are, again, provided for through the governance principles relating to the people “pillar”, especially participatory decision making.

3) Information and incentives for practical implementation

This is an area of overlap between governance and sustainability. The flow of information between people and governance institutions, and the reinforcement of the relationship between people and their environment through the land-based principles could be the basis for ensuring action on sustainability issues (or at least ecologically focused sustainability issues).

4) Programmes for system innovation

This idea is related to strategic planning, which recognizes that communities need clear and agreed-upon goals in order to move towards their visions of the future. The concept of changing the *status quo* is at the heart of moves towards effective governance (if not

always those running the show), and the case studies below clearly demonstrate communities moving towards their visions of more sustainable community.

I suggest that the reason for the poor fit between these components and the NCFNG framework is because Kemp *et al.* were considering a different governance context, and therefore these components do not recognize that Indigenous communities' abilities to make decisions are constrained by the dominant legal framework.

This leads to consideration of another statement made by Kemp *et al.* in their discussion of governance for sustainability, that "better governance is a prerequisite for, and probably also a product of, steps towards sustainability".¹³² I agree with this, but suggest that, in an Indigenous context, the relationship goes deeper than this because, as the comparison above and case studies in the next section demonstrate, relationships between ideas of governance and sustainability are much more complex and nuanced in an Indigenous context, and are tied to efforts to reclaim power and culture.

Summary

The theoretical comparison reveals that there is significant overlap between principles of socio-ecological relationships. The main areas of interaction are between Gibson's socio-ecological system integrity, socio-ecological civility and democratic governance criteria, which are very similar concepts to those described in the NCFNG governance principles. The development of economies that provide for all community members is also an area of overlap. However, several of the sustainability criteria are not explicitly provided for in the NCFNG governance principles, and some of the governance principles do not relate to sustainability at all. This is not surprising, as the governance principles and sustainability criteria have been developed for different purposes. However, this comparison confirms that the principles of effective governance



¹³² Kemp at 18

developed by the NCFNG provide a good basis for the development of governance systems which build communities which are sustainable according to both western and Indigenous notions of sustainability.

The figure below depicts these relationships in graphic form. Gibson's criteria are listed across the top of the table, and the NCFNG pillars and principles are listed down the side. A blacked out box indicates an area where the sustainability criterion and governance principle are the same, or where the governance principle builds consideration of the sustainability criterion into governance structures. A shaded box indicates that there is potential for a governance principle to give effect to the sustainability criterion, but that the delivery will depend on the values of the community applying the principle.

	Gibson's criteria for sustainability	Socio-ecological system integrity	Livelihood sufficiency and opportunity	Intragenerational equity	Intergenerational equity	Resource maintenance and efficiency	Socio-ecological civility and democratic governance	Precaution and adaptation	Immediate and long term integration
NCFNG Pillars of effective governance	NCFNG Principles for effective governance								
The people	Strategic vision								
	Meaningful information sharing								
	Participation in decision making								
The land	Territorial integrity								
	Economic realization								
	Respect for the spirit of the land								
Laws and jurisdictions	Expansion of jurisdictions								
	Rule of law								
Institutions	Transparency and fairness								
	Results-based organizations								
	Cultural alignment of institutions								
	Effective inter-governmental relations								
Resources	Human resource capacity								
	Financial management capacity								
	Performance evaluation								
	Accountability and reporting								
	Expanding the diversity of revenue sources								

Figure 1: A comparison of frameworks for governance and sustainability

- Legend**  A black box indicates that the principle and criterion are the same, or that the governance principle builds the sustainability criterion into governance structures
-  A grey box indicates that the governance principle could give effect to the sustainability criterion but only if directed to do so by the community vision

The figure shows that governance principles build criteria of socio-ecological integrity, socio-ecological civility and democratic governance into governance regimes, and that the development of a strategic vision could be used to give effect to all of the sustainability criteria. Some of the governance principles give effect to other sustainability criteria – notably those relating to economic development – and all of the sustainability criteria relate to at least one governance principle, except for resource maintenance and efficiency and short- and long-term integration.

Part III: Governance and sustainability in practice

The case studies provide a real world view of governance and Indigenous concepts of sustainability in action. I will provide a brief summary of the case studies below (in order to help the reader get a general picture of the case studies before diving into the detail), and then discuss each community in turn, explaining why the group was chosen as a case study, introducing the interviewees (in the order in which they were interviewed), giving a brief overview of the organization – including the strategy and vision of the group (where possible), explaining the governance project and then highlighting and discussing the aspects of the project which demonstrate governance and sustainability principles. A map showing the territory of each case study group has been included with each case study where possible.

The interviews provided a wealth of information which cannot all be included in the case studies. I have focused on the aspects of each project most salient to governance and sustainability. In working through the case studies, I discovered that it is not possible to completely separate strands of governance from sustainability because often a feature of a community project reflects both subjects. This encouraged me to think about the value of trying to separate the two subjects in the first place. In light of discussions about Indigenous methodology which emphasize the relational aspects of all things – including ideas¹³³ – I think that it is not necessary, or particularly respectful, to dissect the case studies and label different aspects of each as examples of one or the other concept. Instead, I prefer to present the case studies more holistically so that the reader can appreciate the effect of the work on the community.

¹³³ For a discussion of relationships and Indigenous research see Wilson, particularly 74-107

Overview

The Grand Council of the Crees

The Grand Council of the Crees/Cree Regional Authority (Grand Council of the Crees) represents the 14,000 Cree people, (Eeyouch) and provides services to them in their own language. The Grand Council of the Crees is an elected government made up of twenty members, a Grand Chief and Deputy Grand Chief elected by the whole community plus the elected chief and one community representative from each of the nine Eeyouch communities.¹³⁴ The Cree traditional territory, known as Eeyou Istchee is comprised of approximately 300 family hunting and trapping territories occupying over 350,000 sq. Km. In Quebec plus an area in the offshore of eastern James and Hudson Bays. The Grand Council of the Crees has negotiated agreements with Federal and Provincial governments that recognize Cree rights to aspects of community and land management, including participation in environmental decision making and regulatory and economic participation in development industries. This case study demonstrates the importance of continuing to maintain and develop a land based economy and demonstrates how this has contributed to the retention of culture and community and opened doors to future involvement of the Cree Nation in regulation and development of the land and its resources.

Treaty 8 Tribal Association

The Treaty 8 Tribal Association provides advisory services and technical support to its five member First Nations in North eastern British Columbia. These Nations were, along with

¹³⁴ Grand Council of the Crees, *About the Grand Council of the Crees (Eeyou Istchee)*, online: Grand Council of the Crees <<http://www.gcc.ca/issues/newrelationship.php>>

several other Nations in Alberta, Saskatchewan and the North West Territories signatories to Treaty 8, a Treaty signed in 1899 between Queen Victoria and First Nations in Lesser Slave Lake Area. The BC Treaty 8 First Nations signed on to Treaty 8 in the early 1900s and McLeod Lake First Nation adhered to Treaty 8 in early 2000. The total population of the member Nations is approximately 3000. BC Treaty 8 territory covers over 272,500 square kilometres. The Tribal Association is funded by the Department of Indian Affairs and Northern Development to support and advise member Nations. The Tribal Association is governed by a board made up of chief and councilors from each community, and has meetings chaired by a Tribal chief who has delegated authority to deal with certain matters by the Council of Treaty 8 Chiefs. The Treaty 8 Tribal Association has facilitated negotiation and agreement between the Provincial Government and some of the Treaty 8 Tribal Association member Nations which enables those Nations to regain some aspects of environmental decision making through collaborative management agreements. The Treaty 8 Tribal Association's negotiations project has only just been completed, so this case study focuses on the negotiations process rather than the outcome. This case study highlights aspects of governance demonstrated through the negotiations process, and the benefits this has had for the community.

The Carrier Sekani Tribal Council

The Carrier Sekani Tribal Council is another multi-nation organisation. The Carrier Sekani Tribal Council represents eight member nations, with a total population of over 6,100 people. The organisation is governed by a board of directors made up of the chief and councilors from each member nation and led by a chief and vice-chief elected by citizens of all member nations. The territory is approximately 78,700 square kilometres in inland central British Columbia. This case study provides an example of a tribal council entering into agreements with industry to provide for greater control in environmental decision-making, and refusing to support development that is contrary to their members' values. The case study considers both the process and

outcome of negotiation of agreements with industry, and particularly highlights the importance of information in decision making.

Heiltsuk Nation

Heiltsuk Nation is located on the central coast of British Columbia, and has approximately 2,250 members, over half of whom live in Bella Bella, with the remainder living primarily in urban centers. The territory encompasses an area of over 16,650 square kilometres of land as well as extensive near and offshore waters. The Nation is governed through a parallel structure – the traditional chiefs of each Heiltsuk tribal group hold authority and contribute to decisions for the Nation in collaboration with the elected Band Council. This Nation has developed a resource management office. This case study describes how this resource management unit has been established and how it supports community decision-making on environmental matters.

The Coastal Guardian Watchmen Network

The Coastal Guardian Watchmen Network is a project of Coastal First Nations Great Bear Initiative – an alliance of 10 First Nations on British Columbia’s North and Central Coast and Haida Gwaii. The Network supports resource management practitioners from these Nations to carry out their traditional role as stewards of the land. The area covered by the Coastal Guardian Watchmen Network is approximately 6 million hectares. This case study provides an example of First Nations working together to carry out their responsibilities and assume rightful authority towards the environment as well as building their capacity to monitor their territories.

Gitanyow Hereditary Chiefs

The Gitanyow Nation is strongly committed to living according to its own culture and governance structures. The nation is made up of 755 people and has a territory of 6,228 square

kilometres located on the coast in central British Columbia. The nation is governed according to its traditional structure, which has been codified in the form of a Gitanyow constitution. This case study discusses how the Gitanyow are asserting their identity and traditional governance structure in land use planning.

Unama'ki Institute of Natural Resources

The Unama'ki Institute of Natural Resources was formed to address the environmental concerns of the Mi'kmaq people of Cape Breton, Nova Scotia. The organisation supports the five communities of Unama'ki, made up of 13,724 members. The Unama'ki Institute of Natural Resources is governed by a board made up of the chiefs from each community represented by the Institute. The organisation has been working with all the communities it serves to document and enforcing laws dealing with the management of moose. This is another example of nations reclaiming their ability to manage the environment according to their own laws and culture.

The Grand Council of the Crees

The NCFNG selected the Grand Council of the Crees as a case study because they are an example of a group which has preserved and further developed many aspects of Tribal administration through negotiated agreements with Federal and Provincial governments. The negotiation of these agreements was sparked by resistance to development on Cree territory which had been unilaterally decided by governments and the agreements include provisions relating to land management and sharing wealth generated on the territory with the Cree people. This case study will briefly discuss the history of the negotiations, but mainly focuses on the outcomes of the negotiation processes and discuss how the implementation of the agreements touches on notions of sustainability.

Interviewees

To find out about the Grand Council of the Crees I talked to Brian Craik, the Director of Federal Relations, and Bill Namagoose, the Executive Director of the Grand Council of the Crees.

About the Grand Council of the Crees

The Grand Council of the Crees, known as the Eeyou Istchee, is the political body that represents the approximately 17,000 Cree people (Eeyouch, in their own language) of eastern James Bay and Southern Hudson Bay in Northern Quebec.¹³⁵

The Grand Council of the Crees has twenty members: a Grand Chief and Deputy-Grand Chief elected at large by the Eeyouch, the chiefs elected by each of the nine Cree communities, and one other representative from each community.

The Grand Council of the Crees was established in 1972 in response to development proposed by the Quebec government. Quebec began developing potential hydroelectric resources elsewhere in the province in the 1960s, and in 1971 created the James Bay Development Corporation to pursue natural resource development in the James Bay region, including mining and forestry and also set up the James Bay Energy Corporation to construct new hydroelectric projects. This development had a huge impact on the Cree way of life, which prior to these projects had been based on traditional livelihoods. Development would bring both new people and financial investments into Cree territory which threatened to have a very detrimental effect on all of the communities through damages to the environment which would affect the people's ability to continue to live off the land. It also raised questions amongst the Crees about

¹³⁵ Note that the term "Cree" is used in this document to refer solely to the Crees of Eeyou Estchee and not any other Cree group

their future as a people as the projects offered employment possibilities, greater road access to the territory and all of the then unknown potentials for development and their related impacts to the Cree way of life.

The James Bay Hydro Electric Project was the first major project proposed by the James Bay Development Corporation. It involved diversion of major rivers within Cree territory and flooding around 20,000 square kilometres of land. The proposal was developed without consultation with the Crees and Inuit in the area, and was strongly opposed by both communities. At this time the Crees were governed according to a traditional structure, but opposition to this proposal created a need for more unified governance that could respond to the sudden and changing demands that were to come. This led to the formation of the Grand Council of the Crees and through the 1975 James Bay and Northern Quebec Agreement, the Cree Regional Authority was added to this.

The development of governance systems in response to oncoming development is a common theme amongst the case studies – most of the groups I talked to could trace their formation back to a need to oppose or at least engage with proposals for development on their territory, although these take different forms. The real challenge for indigenous peoples is not just the proposed projects that are the vehicles of change, but also the non-indigenous governmental structures that seem to usurp or at least ignore the indigenous systems of governance.

In the Cree case, the Grand Council was set up to give the Crees standing in Canadian law so that its legitimacy would be difficult to challenge in Canadian courts. During the negotiations of the James Bay and Northern Quebec the Crees set up a regional governance entity that was subsequently recognized in Quebec law, the treaty called for this. The Cree Regional Authority had a mandate to appoint Cree representatives to the committees that were set up under the treaty on a variety of issues: wildlife management, environmental protection and policy development, education and health – social services, economic development and adult training

and job search, as well as concerning the remedial measures to be undertaken on hydroelectric development. Canada did not however recognize at that time any regional form of Cree governance other than the Grand Council of the Crees. The Crees nevertheless wanted out of the Indian Act and negotiated sections in section 9 of the treaty for new federal legislation to replace the tutelage of the Indian Act with the recognition in federal law of a new form of Cree local corporate government over Category 1A lands. Quebec agreed at that time in section 10 of the treaty to the setting up of new Cree municipalities that would have jurisdiction over lands referred to as Category 1B and 1B - Special lands that were unoccupied land adjacent to 1A lands. The Crees agreed to this latter addition as at the very least it increased the lands set aside for their use.

The Cree fought long and hard for the recognition of their rights. Many of the promises made by governments in 1975 were broken and this led the Crees to fight in the courts and in international forums as well as in the court of public opinion to vindicate their claims. In 2002 they signed the New Relationship Agreement with the Government of Quebec and in 2006 a similar agreement with the Government of Canada.

In the agreement with Canada, the Cree Regional Authority is finally recognized by Canada as the regional government of the Crees and the services that it had been supplying to the Cree communities as well as others were recognized in the James Bay and Northern Quebec Agreement and set out in federal law through amendments to the Cree/Naskapi of Quebec Act. The Agreement with Canada also set out further governance negotiations on governance that were still under discussion in September 2011. In addition to these efforts the Crees have recently been reviewing traditional law, with the intent of using this to resolve certain issues concerning land use that are important to the Cree community and also to ensure that elements of this are taken into account in future developments of Cree governance structures.

Eeyou Istchee Declaration of Principles

As part of the efforts to further advance Cree governance, the Crees set out the following codification of some of the traditional law, which reads as follows:

We are Eeyou.

We are a sovereign Peoples.

We are the original inhabitants of Eeyou Estchee and are one with Eeyou Estchee.

Our power derives from the Creator, from the Eeyou and from the living spirit of the land and waters.

Eeyou Estchee comprises the ancestral and traditional lands which have sustained us and which we have occupied since time immemorial. It extends into other waters, territories and borders.

We are the caretakers of Eeyou Estchee which has been given to us by the Creator.

We have the stewardship to protect and preserve the land for future generations.

We have the right to develop the resources on Eeyou Estchee in accordance with the Eeyou traditional principles of sustainable development. We have the right to harvest the wildlife resources of Eeyou Estchee in accordance with the Eeyou way of life.

All the resources, including the land, water, air, animals and Eeyou of Eeyou Estchee, must be protected from unilateral decisions by external forces.

We have the inherent right to self-determination and the right to govern ourselves. We have a distinct identity reflected in a distinct system of laws and government, philosophy, language, culture, heritage, values, customs, traditions, beliefs and territory.

Eeyou Estchee transcends the territorial boundaries of the Province of Quebec, extending into other borders.

We do not accept the status quo regarding our present relationships with Quebec and Canada. Cree consent is required and mandatory for any changes to our status as Eeyou or to the status of Eeyou Estchee.

As Peoples with a right to self-determination, we shall freely decide our political status and associations and freely pursue our future as a people.

We will assert and defend our inherent right of self-determination and the protection of Eeyou and Eeyou Estchee.¹³⁶

This declaration provides an example of how ideas about sustainability are inextricably bound into Indigenous governance systems. These principles are an example of the strategic vision discussed in the very first NCFNG principle for good governance, demonstrates several concepts which are part of Indigenous and western ideas of sustainability.

Firstly, it acknowledges the origins of the people, and grounds them in their creation stories¹³⁷ and relationships with the land and each other – in other words socio-ecological relationships. The statement also demonstrates the idea of both rights and responsibilities in relationship to the environment – the responsibility to act as stewards, and flowing from that the responsibility and right to be involved as decision makers on their territory – although Brian notes that the terminology of stewardship does not sit well with many Crees because they believe that the Eeyouch own the land according to their own laws, and their responsibility to care for the land is part of that conception of ownership and is not subservient to Canadian laws of ownership. The statement also affirms the right to make a living from the resources in the territory, building in Gibson’s ideas of a decent life – although Brian noted that the right to make a living from the territory is not limited to a decent life, and many people feel that they have a right to derive as much benefit from their land as possible. The statement also demonstrates the commitment of the people to seeking self governance and maintaining their culture and identity – key features of visions for sustainability put forward by Corntassel and Alfred. The

¹³⁶ Grand Council of the Crees, *Eeyou Istchee Declaration of Principles*, online: Grand Council of the Crees <<http://www.gcc.ca/gcc/other.php>>

¹³⁷ This does not imply that the Cree people believe these stories are literally true, but they still provide grounding for the people in their culture

drive for self-determination also relates back to the NCFNG governance principles, which could be used to develop stronger governance systems for the Grand Council of the Cree to both seek and deliver far reaching systems of governance.

The Grand Council of the Crees has moved towards their vision by negotiating agreements with Federal and Provincial government that give the Cree people greater ability to manage their own affairs provides for Cree to benefit from resource development and have more say in decisions around resource management in their territory.

Agreements with the Provincial and Federal Governments

The Cree and Inuit challenged the legality of the James Bay Hydro Electric Project, and won an injunction in the Quebec Superior Court blocking development until Quebec negotiated an agreement with the Indigenous peoples in the area. The prohibition on development was overturned in the Quebec Court of Appeal within once week of the original decision of the Superior Court, but the legal requirement to negotiate a Treaty remained.

In 1975 the James Bay and Northern Quebec Agreement (JBNQA) was signed by the Federal and Quebec governments, the Grand Council of the Crees, Hydro-Québec and the Northern Quebec Inuit Association. This agreement was the First modern treaty in Canada. It delegated responsibility for health, education and social services to the Grand Council of the Crees. It also deals with land issues, including accommodation of Indigenous interests in land and natural resource development, and provided a framework for a relationship between the Cree and Inuit peoples of James Bay and Northern Quebec and the Quebec and Federal governments.

The environmental provisions of the JBNQA are as follows:

- Some of the traditional lands of the signatories have been reserved for public use, subject to regulatory regimes that have Cree involvement in areas such as: forestry, development of all types, occupation of the land by cottagers and non-Cree hunters, and tourism development.
- The James Bay Advisory Committee, made up of Cree, Quebec and Canada appointed members, was established to advise on the environmental and social consequences of policies and regulations that may have an impact on the environment and on the social conditions of Aboriginal communities.
- A system of environmental and social impact evaluation for new development projects was established. This includes providing the Crees with an opportunity to make recommendations for remedial measures and to ensure that the standards of environmental protection are not compromised by governments that might have a penchant for treating the regime as just a hollow formal requirement before saying “yes” to developers.
- Wildlife is also protected under a separate regime managed by the Hunting, Fishing and Trapping Coordinating Committee involving members appointed by the province of Quebec, Canada, the Inuit, the Naskapis and the Crees¹³⁸.
- The Crees have received financial compensation which they have decided to use for social development and economic development purposes. The money from the original treaty is

¹³⁸*Public Works and Government Services Canada, James Bay and Northern Quebec Agreement and The Northeastern Quebec Agreement*, online: Aboriginal Affairs and Northern Development Canada < <http://www.ainc-inac.gc.ca/al/ldc/ccl/fagr/que/cin/cin00-eng.asp#chp3>>

managed by the Board of Compensation and has been used to fund economic ventures, including Air Creebec, Cree Construction, Valpiro, and Cree Energy.¹³⁹

In 1984, in accordance with the JBNQA, the Government of Canada enacted the Cree-Naskapi (of Quebec) Act. This replaced the Indian Act and passed most of the powers exercised under the Indian Act by the Minister of Indian Affairs and Northern Development and the Governor in Council to the Cree and Naskapi peoples. Among other things this enables the Crees to manage the resources on their community lands, to develop and manage infrastructure development and housing and to care for the wellbeing of the communities.

While these agreements were groundbreaking, the parties had difficulty agreeing on the interpretation of the JBNQA and the governments were not meeting their obligations under the agreement. In the 1990s, 25 years after the JBNQA was signed, few Crees were employed in industry based on development of their territory, and the Crees were not benefitting from development on their territory, and they lacked housing and community infrastructure.

The Cree people began to take action to seek a more equitable distribution of the money generated by resource development on their territory. They did this both through the courts – suing both the Provincial and Federal governments for failing to adhere to the terms of the JBNQA, and by taking direct action to stop development. Their belief was that the JBNQA was an exchange under which development could proceed if and only if the Crees received what was promised to them in the treaty. This included all of the specified rights and institutions but it also included employment, business opportunities, and control over certain services. One successful tactic that the Crees employed was protest to the concerned publics and to the concerned regulatory bodies in Canada, in the United States and elsewhere that the proposed

¹³⁹ Grand Council of the Crees, *Economic Development*, online: Grand Council of the Crees <<http://www.gcc.ca/cra/economicdevelopment.php>>

actions of government (separation of Quebec from Canada) or development projects (hydroelectric project) or on-going developments (forestry) were being carried out illegally and in a manner contrary to the JBNQA and the international rights of the Crees or contrary to international trade agreements. Sometimes they convinced the customers or competitors of the companies proposing the developments in Eeyou Istchee to seek other means or to pursue other avenues. The Crees took their protests to New York City, Washington, Amsterdam, London, Paris, Geneva and elsewhere. They often succeeded in their protests outright, but even if they didn't the protests made decision makers in Canada think twice before pushing onwards with their plans. These actions were a large factor in the decision of the Provincial and Federal governments to negotiate settlements with the Eeyou Istchee on the 1975 treaty implementation.

The Agreement Respecting a New Relationship between the Cree Nation and the Government of Quebec (La Paix des Braves)

The Agreement Respecting a New Relationship between the Cree Nation and the Government of Quebec (La Paix des Braves) was signed in 2002, by the Government of Quebec and the Grand Council of the Crees.

The Agreement implements existing obligations of the Quebec government to the Cree people largely under section 28 of the JBNQA. The preamble of the Agreement recognizes the treaty as an historic "Nation to Nation" agreement between the Crees and Quebec, based on mutual respect and cooperation. The agreement aims to provide for equitable Cree participation in employment and revenue in natural resource industries in Northern Quebec. Under the Agreement the Crees will assume certain undertakings of Quebec relating to the community and economic development of the Crees for the next 50 years. The Cree receive payments from Quebec, calculated on the basis of the value of the natural resource development on the whole

of their traditional territory, in order to properly carry out these responsibilities, but the responsibilities can be carried out by the Crees according to their own values and priorities.

Specifically, the Agreement provides for:

- A forestry regime managed by a Cree-Quebec Forestry Board on the basis of the Cree Family Hunting Territory;
- An increased forestry allotment for the Crees;
- Cree approval for the hydroelectric development of the Eastmain and Rupert Rivers by Hydro-Québec;
- Remedial works, plus over \$850 million of construction contracts for Cree companies, training and employment program for permanent and construction jobs and also transmission lines to Cree communities;
- A Mining Exploration Board and program to facilitate involvement of Crees in mining;
- Completion of a community development program previously started;
- Funding of \$24 million year one, \$46 million 2nd year and \$70 million per year over 48 years for community development, economic development, environmental administration, Cree trapping, outfitting and crafts associations etc, to be allocated by the Crees;
- An agreement on Cree local and regional policing and Cree game wardens;
- Settlement of Cree – Quebec court cases which sought to clarify and implement the JBNQA agreement.¹⁴⁰

¹⁴⁰ LE GOUVERNEMENT DU QUÉBEC AND THE CREES OF QUÉBEC, *Agreement Concerning a New Relationship between the Government of Canada and the Cree of Eeyou Istchee* online: Secrétariat aux affaires autochtones QUÉBEC <http://www.saa.gouv.qc.ca/relations_autochtones/ententes/cris/entente-020207_en.pdf>

Agreement Concerning a New Relationship between the Government of Canada and the Cree of Eeyou Istchee

The Cree have also entered into an agreement relating to the JBNQA with the Federal government. In 2004, after years of litigation, the Government of Canada and the Grand Council of the Crees signed a Statement of Intention to begin an out-of-court process which aimed to settle issues through meaningful discussion rather than through the courts.¹⁴¹

In 2007 the Agreement Concerning a New Relationship between the Government of Canada and the Cree of Eeyou Estchee was signed. This Agreement is a basis for a new relationship between the Federal government and the Crees of Eeyou Estchee. It includes a proposed financial package of \$1.4 billion over a number of years and would clarify and facilitate the implementation of Canada's obligations under the JBNQA. The agreement seeks to resolve disputes related to the implementation of the JBNQA – including litigation by the Crees, and sets out the ongoing obligations of Canada and the Crees for the next 20 years.¹⁴²

Effect of the agreements

These agreements give us some idea of the type of governance arrangements the Grand Council of the Cree have put in place for working with the provincial and federal governments. The Crees have both devolved and shared power, which enables them to govern their own communities and to set priorities according to their culture and values.

¹⁴¹ Grand Council of the Crees, *Agreement concerning the new relationship*, online: Grand Council of the Crees <<http://www.gcc.ca/issues/newrelationship.php>>

¹⁴² Grand Council of the Crees, *Agreement concerning the new relationship*, online: Grand Council of the Crees <<http://www.gcc.ca/issues/newrelationship.php>>

In addition to the agreements with the governments the Crees have also negotiated impact and benefit agreements with other developers than Hydro Quebec. Brian described how these agreement must be scaled to the size of the projects, their duration and the extent of the damages that they entail as well as the scale of opportunities that they will provide. In some cases the agreements are small, entailing a few contracts and some compensation for direct impacts. In other cases such agreements are complex and commit companies to investing in human and community development and in providing revenue streams to communities based on the year to year profitability of the company.

The Grand Council of the Crees has expressed their interest in working with any and all proponents of development projects. The Grand Council of the Crees also is willing to work with other governments to expand the jurisdiction or ability to self-govern of the council and this has been one factor which has made the Grand Council of the Cree successful. In his own words Bill Namagoose stated: - "It's not how others perceive you that is important but how you perceive yourself. The Crees perceive themselves as a Nation, and we will deal with anybody on anything. They can never diminish our status as Nations. So we will deal with provincial government, municipal government, corporations and provincial government".¹⁴³

As Bill Namagoose and Brian Craik described these agreements and the negotiations process they pointed out the various improvements that the agreements had brought to their communities. This involvement in development is tempered with consideration of the effects of development on the environment – as Bill put it, "Cree people, like anybody else, we'd like to

¹⁴³Interview, Bill Namagoose, 25 October 2010

benefit from natural resource extraction and economic development of the territory done in a sustainable manner”.¹⁴⁴

Bill noted that it is no longer possible to force developments onto the Cree people – the community is so numerous and so strong, and the requirements for proponents for development to work with Cree to get approval for developments mean that Cree are engaged in decision making about resources on their territory. Through their earlier legal actions against development, when it was pushed forward without Cree involvement, the Cree people has demonstrated that they are a force to be reckoned with.

The Cree people are now heavily involved in the resource development industry through contracts for services. This has lead to jobs in the area, which enable people to stay on the territory so that they can be a united community and can maintain communities based on their own resources. Brian and Bill both described the positive impacts this involvement in the economy, and ability to manage their own affairs, has had on the community – demonstrated through social measures such as better health and lower suicide rates, but also a strong community spirit. Cree people choose to stay in their communities and on their territories because there is a future for them in the region. In fact, Bill noted that the Cree population is increasing while non-Cree people in the area are moving away. One key objective of the Grand Council of the Cree is to keep people on the territory and to encourage the continuation or uptake of traditional land-based lifestyles. Brian said that after the EM1A hydroelectric project over the last five years there has been a marked increase in interest from the concerned communities in resuming land-based lifestyles and reclaiming their territories after the flooding and after the partial river diversion through activities such as trapping and hunting.

¹⁴⁴ Interview, Bill Namagoose 25 October 2010

The governance structure has also stood the test of time. Bill described a great relationship between the people and the Grand Council of the Crees. The organisation has been very stable, and has had a low turnover of leaders, with only three executive directors since it was established. These interviewees both have a very long history with the Grand Council of the Crees - Brian has worked for the Cree on negotiations with government for over 25 years, and Bill has been the executive director since 1988. That does not mean that governance is static – the organization is now considering how it will need to evolve in order to meet the needs and challenges of the future.

It is hard to separate out governance factors from other elements of sustainability in this case study, but we can see that the work of the Grand Council of the Crees reflects elements of both Alfred's vision of sustainable Indigenous communities by making incremental moves towards achieving their vision of a strong, independent people. It also reflects elements of Gibson's notions of sustainability because the work of the Grand Council of the Crees to obtain more ability to manage their own affairs, including environmental decision making and participation in a land based economy has led to mutually reinforcing gains across many elements of community wellbeing.

The Crees have fought long and hard – both through litigation and negotiation, to have their role as owners and stewards of the land recognized and to gain from development on their territories, and they will continue using and evolving their systems of governance in order to achieve this goal.

Treaty 8 Tribal Association

The Treaty 8 Tribal Association was selected as a case study group because they provide an example of Nations entering into collaborative management agreements which provide for signatory Nations to share in resource development revenue and work with the provincial government to manage resources in their territories.

This case study provides an interesting comparison with the Grand Council of the Crees, because they are at the beginning of the implementation stage of their agreements, rather than having long standing agreements like the Cree. This case study focuses on the process for and impacts of the negotiations, rather than the agreements themselves.

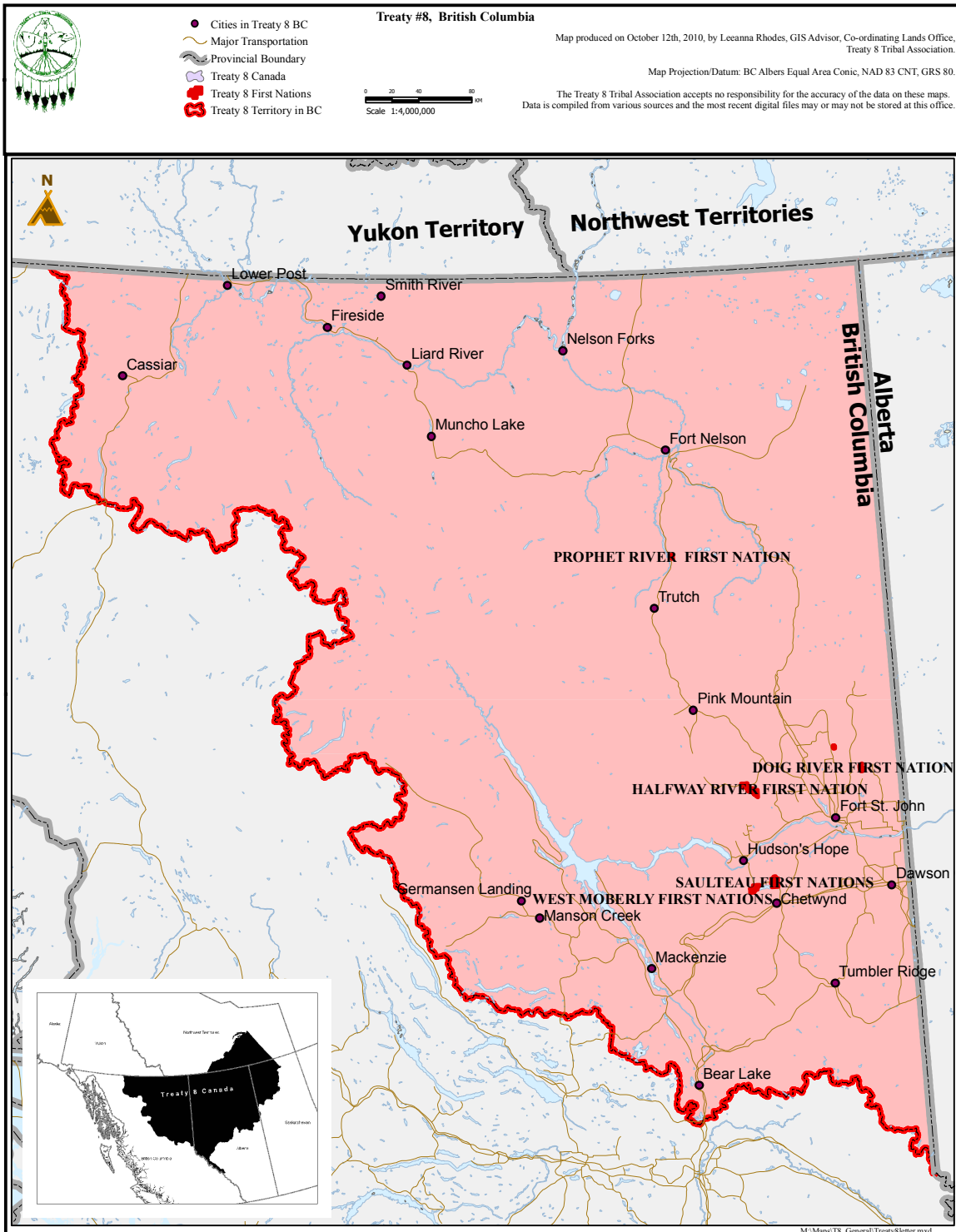


Figure 3: Treaty 8 Tribal Association territory

Interviewees

For this case study I interviewed Liz Logan, Tribal Chief for the Treaty 8 Tribal Association, Kieran Broderick, Land and Resource Director and Diane Abel, Director of Negotiation and Implementation.

About the Treaty 8 Tribal Association

The Treaty 8 Tribal Association represents the following five First Nations in North-eastern British Columbia - Doig River First Nation, Halfway River First Nation, Prophet River First Nation, Sauteau First Nations and West Moberly First Nations.

Membership of the Tribal Association is voluntary for British Columbian Nations which signed Treaty 8. This Treaty was signed on June 21, 1899, between Queen Victoria and various First Nations of the Lesser Slave Lake area. The BC Treaty 8 First Nations signed on to Treaty 8 in the early 1900s and McLeod Lake First Nation adhered to Treaty 8 in early 2000..Treaty 8 encompasses a huge landmass - approximately 840,000 kilometres in Northern Alberta, North-western Saskatchewan, North-eastern British Columbia, and the Southern portion of the Northwest Territories.

The membership of the Tribal Association has changed over time, with Nations joining and leaving, and there are currently 5 First Nations who are members of the Tribal Association. The Albertan Nations who signed Treaty 8 have formed a similar organisation – the Treaty 8 First Nations of Alberta.

From the Federal government’s perspective, Treaty 8 was intended to extinguish native title in the area in order to facilitate settlement and development, while the First Nations signatories

saw it as a peace and friendship Treaty¹⁴⁵. The Treaty purported to cede First Nations title and established reserves and set out the rights of signatories to continue to trap, hunt, fish, gather and continue on with their mode of life as they always had done, subject to regulations made by the government and taking up of land for activities such as mining or logging. It also provided for annual payments to be made and tools, clothes and ammunition provided to First Nations.

According to First Nation elders, they expected the Treaty to be in place for "...as long as the sun shines, the grass grows and the river flows..."¹⁴⁶

The Treaty 8 Tribal Association was incorporated in 1982. Its role is to coordinate, advise and provide technical support on issues mandated by the Council of Treaty 8 Tribal Association Chiefs.

Mission

The Mission of the Treaty 8 Tribal Association is:

A Treaty 8 Association guided by the teachings of our ancestors. The duty of our organization is to engage with the collective member First Nations on political and technical priorities and to provide advisory services for the purpose of achieving economic prosperity, self-sufficiency, protection of the land and a healthy environment, while preserving the culture and Treaty 8 rights and interests.

¹⁴⁵Dennis F.K. Madill, *Treaty Research Report - Treaty Eight (1899)* online: Treaties and Historical Research Centre, Indian and Northern Affairs Canada, < <http://www.ainc-inac.gc.ca/al/hts/tgu/pubs/t8/tre8-eng.asp>>

¹⁴⁶ Treaty 8 Tribal Association, *About Us*, online: Treaty 8 Tribal Association <<http://www.treaty8.bc.ca/about/>>

As with the mission statement of the Grand Council of the Crees, this mission statement is an example of a strategic vision. Although phrased in a different way, it still touches on the themes of culture, economy and environment – as well as developing and maintaining a culturally based way of life that can be handed down to future generations.

Negotiations project

Despite the protections set out in Treaty 8, Treaty 8 Nations are being significantly affected by development in their territory. Oil and gas development in the territory has been particularly problematic. There are currently over 27,000 oil and gas wells in the territory. These oil and gas wells degrade water, which has a flow on effect to wildlife, plants and people who rely on the water. Hunters have found that many of the animals they kill have damaged livers or growths on their bodies, which is a result of ingesting soil and water contaminated by the wells. In the words of Liz Logan:

We can't drink the water anymore, out on the land, because it's all contaminated. My parents have to take bottled water every time they go out to their trapline.... My mother gets all upset when I'm eating berries off the bush, she says "no no no, you got to wash it first because they are sprayed with pesticide" And there's not even that many berries, we have to go long and far to find berries. The development has really devastated the way that we used to exercise our rights and our way of life and it really has affected the way we live as people¹⁴⁷

The Treaty 8 Tribal Association has been negotiating with the provincial government to resolve outstanding issues around implementation of Treaty provisions which should protect their way of life. As Diane explained it "The project that we are working on is basically to take back some authority on the land, have more of a say about what development happens, when it happens

¹⁴⁷ Interview, Liz Logan 29 July 2010

and how much of it should happen in an area. And that's what it's about – protecting our culture and our way of life”¹⁴⁸

The negotiations process has been driven by the elders from the communities, who told their leaders to get over their differences and make a unified effort to protect their lands and resources. This negotiation process was sparked when the BC Oil and Gas Commission approached the Treaty 8 Tribal Association in order to negotiate a Memorandum of Understanding which would provide certainty around the development of oil and gas on Treaty 8 territory. This negotiation touched on many issues which were related to interpretation and implementation of Treaty 8 – specifically:

- Revenue sharing
- Co management of Indigenous land and resources
- Protecting and maintaining integrity of T8 and its boundary
- Compensation for infringement and impacts, and
- Cumulative impacts of development

The BC Oil and Gas Commission negotiators were not willing to discuss these issues, so they were put aside for later negotiations. A timeframe for dealing with the issues was agreed between the province and Treaty 8 Tribal Association, but not followed. In 2001 Treaty 8 chiefs voiced their ongoing concerns about these issues at an oil and gas conference and declared that they must be dealt with. The Province heeded this warning and agreed to enter into negotiations to resolve the outstanding issues, although negotiations did not begin in earnest until 2004.

¹⁴⁸ Interview, Diane Abel 29 July 2010

The authority to enter into negotiations comes from the community, and is voiced through their chiefs, so the whole negotiations process has been driven by communities, and they have been intensively involved in decision making throughout the negotiations process. The Nations involved in the negotiations all followed their own decision making processes – which the interviewees said can be slow but means that consensus is reached before action is taken.

Negotiations on these issues with the province carried on for 6 years, but were concluded in 2009 when 3 of the Treaty 8 Tribal Association member Nations signed agreements to provide for collaborative planning, management and operation of Treaty 8 lands.

Collaborative Management Agreements

The Collaborative Management Agreements are a bundle of separate agreements which deal with a range of issues. The agreements provide for:

- Signatory Nations to get a share of the economic benefits from resource development within their traditional territory, both in the form of both a lump sum and annual payments linked to royalties collected by the province from development on the territory of signatory Nations.
- Signatory Nation to be consulted on proposals for development on the territory
- The establishment of a chiefs' and Minister's Forum, a senior officials forum and a Treaty 8-Northeast Managers Committee which aims to improve communication between signatory Nations and the province and enables the Province and Treaty 8 First Nations to monitor the implementation of the collaborative management agreements.
- The Province and signatory Nations to work together in the planning, management and use of natural and cultural resources in the Provincial Parks identified in the agreement.
- Signatory Nations and the province to work together to jointly manage wildlife within the Agreement Area.

- The Province and the signatory Nations to jointly conduct strategic land and resource planning on a government-to-government basis in a way that incorporates traditional Treaty 8 First Nations knowledge.¹⁴⁹
- The participation of Treaty 8 First Nations in heritage conservation.¹⁵⁰
- Establishment of a Crown Lands Management board, which contains equal numbers of provincial and First Nation representatives, and is co-chaired by a provincial and First Nations member, to discuss issues relating to Crown Land management.¹⁵¹
- Establishment of the Forests and Range Resource Management Board, made up of equal numbers of First Nation and provincial representatives, and co-chaired by one provincial and one First Nations representative to provide advice on forests and range management and planning.¹⁵²
- A range of mechanisms to improve the relationship between British Columbia and the Treaty 8 First Nations with respect to the oil and gas matters. Implementation of this agreement will be overseen by an implementation committee, made up of representatives from the province, the Oil and Gas commission, Ministry of Energy, Mines and Petroleum

¹⁴⁹ Ministry of Aboriginal Relations and Reconciliation, news release, *B.C. AND TREATY 8 FIRST NATIONS SIGN FIVE AGREEMENTS* online: Ministry of Aboriginal Relations and Reconciliation <http://www2.news.gov.bc.ca/news_releases_2009-2013/2009ARR0007-000780.pdf>

¹⁵⁰ British Columbia and the Treaty 8 First Nations, *Heritage and Conservation Memorandum of Understanding*, online: Government of British Columbia http://www.gov.bc.ca/arr/treaty/key/down/treaty_mou_heritage_conservation.pdf

¹⁵¹ British Columbia and the Treaty 8 First Nations, *Treaty 8 Crown Lands Agreement*, online: Government of British Columbia http://www.gov.bc.ca/arr/treaty/key/down/treaty_8_crown_land_agreement.pdf

¹⁵² British Columbia and the Treaty 8 First Nations, *Treaty 8 Forest Agreement*, online: Government of British Columbia http://www.gov.bc.ca/arr/treaty/key/down/treaty_8_forest_agreement.pdf

Resources and each signatory Nation as well as one co-chair from the province and one co-chair from the signatory Nations.¹⁵³

- A final agreement that affirms a new and ongoing relationship between the parties founded on the basis of mutual respect and understanding. Because not all of the “set aside” issues have been addressed through the current agreements, this agreement confirms that the Parties may agree to negotiate other agreements during the term of the Agreement.¹⁵⁴

Impacts of negotiations

As with the Grand Council of the Crees case study, the negotiations have established a new governance system for the signatory Nations, which provides them with an increased ability to participate in decision making around the environment. Because these agreements have only been signed recently, the interviewees were not able to comment on their effectiveness. However, they do demonstrate elements of governance at work – and how these reinforce ideas about sustainability. These agreements expand the jurisdiction of signatory Nations by providing mechanisms through which the Nations can act more collaboratively with the province to manage land and resources. The agreements also clarify the relationship between the Nations and the province and provide for the Nations to have more say in development.

The interviewees explained that they have thought carefully about the purpose and make-up of the various boards established through the agreements, and have ensured that one elder, one youth, one political leader and one land user or staff member is part of a larger internal Treaty 8 First Nation board, which ensures that all elements of the community are represented in

¹⁵³ British Columbia and the Treaty 8 First Nations, *Treaty 8 Long Term Oil and Gas Agreement*, online: Government of British Columbia http://www.gov.bc.ca/arr/treaty/key/down/treaty_8_long_term_oil_gas_agreement.pdf

¹⁵⁴ British Columbia and the Treaty 8 First Nations, *Treaty 8 First Nations Agreements*, online: Government of British Columbia http://www.gov.bc.ca/arr/treaty/key/treaty_8.html

decision making. There is also hope that mixing community members like this will ensure the transfer of knowledge across generations and between community members with different lifestyles and expertise. Involving youth on this larger board also provides them with training for taking up further leadership roles, helping them to build the skills they need to be leaders in their communities.

Thinking about future generations has been a key driver of this work – as Liz said “we really are concerned about this legacy that we are trying to leave for our great great grandchildren. Is there going to be any pristine land where they can go and exercise their way of life and be the people of the land like we are? That’s why we do all of this”.¹⁵⁵

The negotiated agreements have a strong economic component. The following quote from Liz provides a helpful insight into the thinking of the Treaty 8 Tribal Association on development; “Quite often we get accused of stopping development, stopping progress, that’s really not what it’s about because we all know that we have to balance that all out. But first of all if we do not take care of what we have we won’t have anything to give. That’s our biggest goal in all of it, to make sure that if development is going to happen it’s going to happen in a good way”.¹⁵⁶ This quote indicates that ideas about benefitting from the land as well as protecting it are integrated in the thinking of the organization. Some of the agreements also provide for signatory Nations to realize the economic potential of their territories because they provide opportunities for Nation members to gain employment through activities such as monitoring development, or investigate opportunities to get involved in development – for example through forestry tenure. This has links to Alfred’s ideas about establishing communities which can sustain themselves from their own territories, and will hopefully in time achieve the same benefits in terms of community cohesiveness and ability for people to stay on their territories as the Cree example.

¹⁵⁵ Interview, Liz Logan 29 July 2010

¹⁵⁶ Interview, Liz Logan 29 July 2010

The interviewees also told me about impacts of the negotiations process itself which has had a beneficial effect on the community in several ways. The community was heavily involved in the negotiations process. A coordinator was hired to facilitate community discussion during negotiations; their role included providing information to communities, gathering information from communities holding meetings and following up on community recommendations or questions. Interviewees told me that information was an important part of this process – both getting information from and sharing it with community members. This is an example of the NCFNG principles and Gibson ideas about sharing information in order to inform decision making. This involved both scientific and traditional forms of knowledge. As Kieran described it “a lot of the knowledge comes from the community – the elders and land users, and now they are incorporating modern technology too, so using GIS to overlay the data layers from say traditional use studies or traditional knowledge about the proposed development. But at the same time pulling in the others, for example scientific reports, so that there is full information when they are making decisions.”¹⁵⁷

Discussion of the Treaty within the community has made people more aware of their rights under Treaty 8, and the interviewees told me that it has led to people thinking about their relationship with the land and reconnecting with it and spending more time on the territory.

As well as community participation in decision making, the Treaty 8 Tribal Association is ensuring that communities are involved in implementation of the agreements too. In addition to boards established through the agreements, Treaty 8 boards have been established to implement the agreements. These boards include least one staff member from each Nation. As well as ensuring that the implementation occurs in accordance with the wishes of the community, these boards build community capacity by providing a type of training for the youth involved in them and providing a space for elders to share their knowledge.

¹⁵⁷ Interview, Kieran Broderick, 29 July 2010

In our discussion of the negotiation process, Liz, Kieran and Diane raised interesting points about problems with negotiating with government. The negotiations process consisted of a number of different negotiating tables dealing with different government departments and issues. The negotiators found that because government operated in silos, they got drawn into working in the same way and were not able to integrate decision making across negotiating tables. This has clear implications for sustainable decision making in Gibson's terms because it means that negotiators were not able to integrate and assess their work across all factors. Liz and Diane pointed out several areas in which it would have been better and more efficient to work collectively, but the Treaty 8 negotiators had to fit into the governments' working pattern. This indicates that the Tribal Association may be better structured to make integrated decisions which recognize cross cutting factors than provincial government because there is much greater communication and connection across the organization.

The Treaty 8 Tribal Association is now working to implement these agreements and get all the boards up and running. Part of this process includes thinking about governance structures for the future and how they can be set up in order to give best effect to the agreements and provide for continued expansion of the Nations' role in environmental management and resource development.

Carrier Sekani Tribal Council

The NCFNG asked the Carrier Sekani Tribal Council (CSTC) to participate in this research because they provide a great example of a pan-tribal governance organization which has a well-established natural resources department. The CSTS has already been identified by the Centre for Indigenous Environmental Resources (CIER) as a leader in environmental governance; in fact, the CIER based their work on principles of successful indigenous environmental governance on the CSTC.¹⁵⁸ Because the work of the CSTC has already been documented, this case study focuses on how the CSTC facilitated community decision making on two pipeline proposals. This provides yet another perspective on governance in action, because the case study mainly discusses the methods and processes of community decision making, and provides an opportunity to compare these to sustainability criteria.

¹⁵⁸ A video which explains the CIER's principles for environmental governance and provides examples from the work of the CSTC is available online at <<http://www.youtube.com/watch?v=s7Uk2NjuLCA>>

Carrier Sekani Tribal Council Community Locations

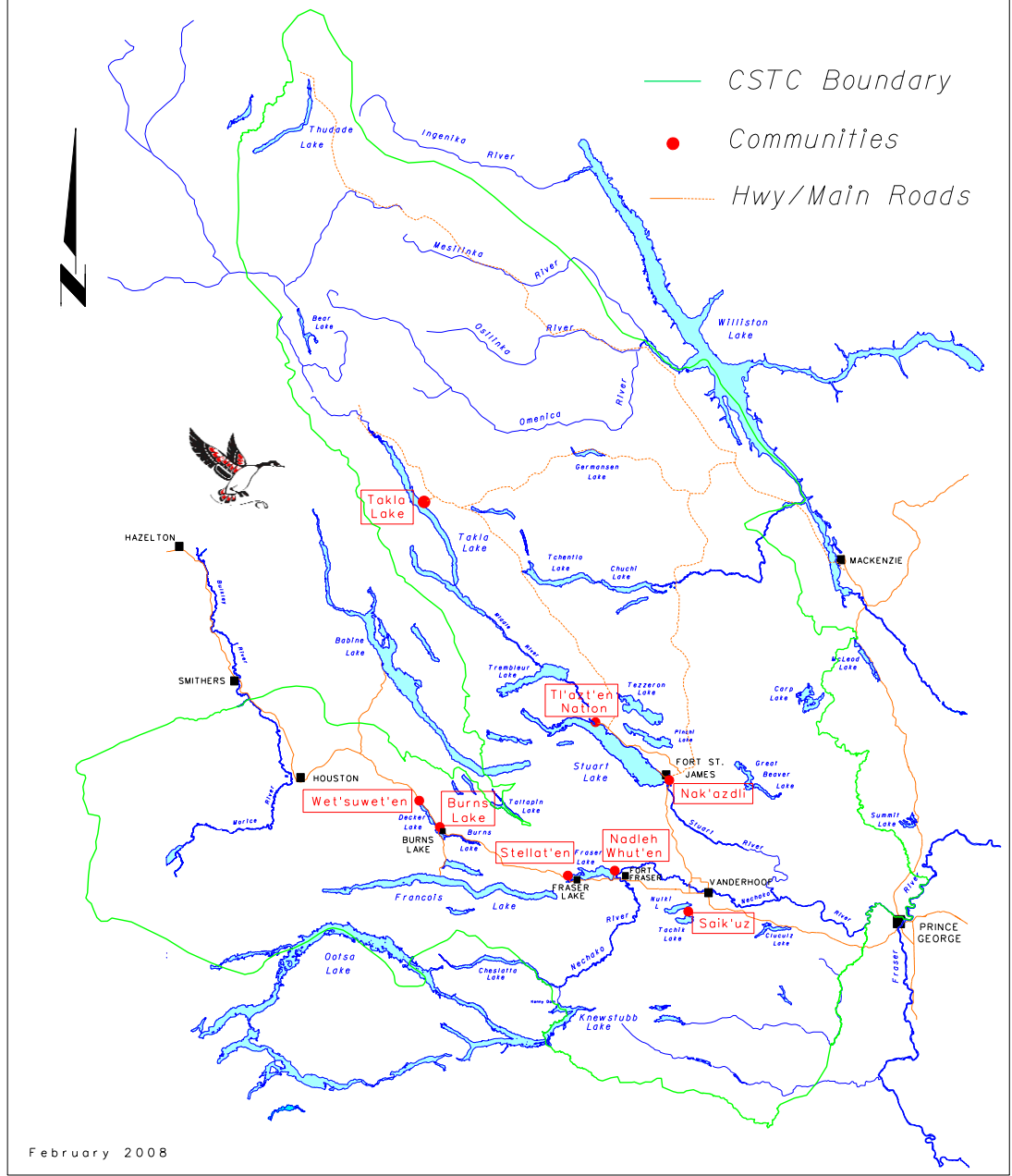


Figure 4: Carrier Sekani Tribal Council territory¹⁵⁹

Interviewees

For this case study, I interviewed Terry Teegee, Vice-Tribal Chief, who was able to tell me about the Enbridge pipeline project, David Luggi, Tribal Chief, who told me about the Pacific Trails Pipeline, and Jaime Sanchez, Land Use Planning Coordinator, who talked to me about both of these projects as well as the CSTC Land Use Planning Department.

The Carrier Sekani Tribal Council

The CSTC is based in Prince George, north central British Columbia. It is an advocate and representative for the interests of the following eight member nations: Burns Lake Band (Ts'il Katz Kohl First Nation), Nak'azdli Band, Nadleh Whut'en, Saik'uz First Nation, Stelat'en First Nation, Takla Lake First Nation, Tl'azt'en Nation and Wet'suwet'en First Nation. These nations share language and cultural ties and have a combined population of over 10,000 people. The combined territories of the CSTC member First Nations is approximately 78,700 sq. km. The CSTC is overseen by a board of directors made up of the chiefs of each member Nation and led by an elected Tribal Chief and Vice-Tribal Chief.

The CSTC provides political and technical support to its eight member First Nations. In particular, it works to:

- preserve and promote the Carrier Sekani heritage and identity;
- improve the social and economic independence of Carrier Sekani people;
- achieve a just resolution of land claims and Aboriginal rights issues for Carrier Sekani people;
- promote better understanding between First Nations people and the general public;

¹⁵⁹ Reproduced from the CSTC website: <http://www.cstc.bc.ca/downloads/CSTC_Feb2008.pdf>

- advance and improve the standard of living of the Carrier Sekani people and;
- promote self-government for Carrier Sekani people.¹⁶⁰

The CSTC does not have a vision statement on their website, but their Declaration of Alliance fulfils the strategic vision function by setting out the origin of the organization, their key principles and their vision for the future. The declaration reads as follows:

We, the Yinka whet'enne, put our hearts and minds together and for the future of our people say:

We acknowledge Yoodughi, The Creator.

We remember our Ancestors and acknowledge their love for us.

We see the faces of the generations of our people not yet born and we pass our love to them.

We respect and love our Land and know that, as our Mother, it has provided for us; and according to our Teachings we will stand as one to respect and protect our Land and all life on it.

Our elders and young are important, for the elders hold the knowledge of our people's past and the young hold our hope for the future; we will work together to teach our young about Yoodughi, our Land, Languages, Teachings, and our Bahl'ats so that they will pass it on to their children and to future generations.

Our Bahl'ats system is sacred to us; in it we stand as one in times of great loss and in times of great celebration.

We will carry our ways and our business with respect, care and love for each other and we will create stability and confidence in ourselves and our young to ensure our people and our ways will survive in the future.

Where we have differences we will talk to each other with great respect, care and love and work out our differences to ensure harmony and balance in our own life, families and communities.

¹⁶⁰ Carrier Sekani Tribal Council, *CSTC mandate*, online: Carrier Sekani Tribal Council <<http://www.cstc.bc.ca/cstc/15/cstc+mandate>>

And as long as the sun shines and our rivers flow we will stand with each other, support each other and do all we can to lift up each other's heart and spirit.

With this we welcome the newcomers to our Land and we will share with them our Vision of who we are and knowledge about our Land; and we will live with them in a spirit of friendship and harmony.

We agree that the Leaders of our people will carry out talks in our Bahl'ats system with the newcomer's governments as a means of negotiating a fair, just and lasting agreement about our Land.¹⁶¹

This declaration exemplifies many features of Alfred's vision of Indigenous community because it focuses on relationships between people, their spirituality and heritage, and sets out a vision for the community working together, loving and supporting each other.

The Carrier Sekani Natural Resources Department

The tribal territories of the CSTC member nations are under significant development pressure, mainly from mining and associated pipeline projects. The department was established in 2005, primarily in response to the flood of proposals for development received by member nations. The department helps to co-ordinate management of and responses to these proposals and provides information on which to base responses. The Carrier Sekani Natural Resources Department works with and for member nations. The key areas the department focuses on are:

- Fisheries
- Forestry
- Land Use Planning
- Mapping
- Mining

¹⁶¹ Carrier Sekani Tribal Council, *Declaration of Alliance*, online: Carrier Sekani Tribal Council <<http://www.cstc.bc.ca/cstc/16/declaration+of+alliance>>

- Oil and Gas¹⁶²

The department works at several levels to enable member nations to engage more effectively in natural resource related issues. For example, the Department can co-ordinate and support member Nations, helping each of them to be more effective than they would be on their own by sharing resources and expertise. It also shares resources with other groups such as coastal or neighbouring First Nations, where possible, so that they can work together on issues of mutual interest, and collaborates with national organizations such as the First Nations Mining Council or other Indigenous groups such as the Indigenous Mapping Network to share resources and tools which help them all to work more effectively. The CSTC gets a great deal of support from other First Nation organizations, such as the Union of British Columbia Indian Chiefs, the First Nations Energy and Mining Council and the Assembly of First Nations. They seek both support for the issues they are working on and opportunities to let the media know about important issues.

Within the Natural Resources Department, the Land Use Planning team works to build natural resource management capacity in member communities, particularly in terms of responding to proposals for development.

The Natural Resources Department and the Land Use Planning team facilitated the consideration of and response to two very different pipeline projects – one that has led to a successful relationship between developers and First Nations (the Pacific Northern Gas project, known as the Pacific Trails Pipeline) and one that is opposed by several member First Nations (the Enbridge pipeline).

¹⁶² Carrier Sekani Tribal Council, *Natural Resource Stewardship*, online: Carrier Sekani Tribal Council <<http://www.carriersekani.ca/programs-projects/natural-resource-stewardship/>>

This case study will explain the two pipeline projects, show how the CSTC supported community decision-making about these projects and discuss why only one of these pipeline proposals led to a successful agreement with industry.

Pipeline projects in CSTC territory

The Pacific Trails Pipeline (PTP) is an example of a successful process which led to an agreement about development which respects the authority of the First Nations peoples. In this case, this was accomplished through an environmental accord between developers and CSTC which sets out how environmental effects of the project will be managed.

The PTP is a partnership project being carried out by Galveston LNG Inc. and Pacific Northern Gas Ltd. (PNG). The proposed pipeline will be approximately 470 km long and will carry liquefied natural gas through the territory of at least six CSTC member nations. It will mostly follow the same route as an existing PNG gas pipeline, which was built in 1968 without consulting affected First Nations or accommodating their interests.

PNG came to CSTC very early in the development of their project, before they had a set idea about how the pipeline would be constructed and where it would be located. Their attitude was that, if the First Nations who were affected by the pipeline did not support the proposal, they would not attempt to push it through governmental environmental assessment and consent processes. Part of the proposal was a benefits package for affected nations, which included funds for communities.

CSTC worked with affected First Nations to educate community members about the proposal and gauge their support for the development. Terry Teegee described the relationship between information and decision making as follows, “Free prior and informed consent from our indigenous communities – I think we really have to do that ourselves. We have to keep

ourselves informed to give consent to those industries that we support.”¹⁶³ The community decided that they needed more information than had been provided by the proponents to assess the proposal, so a traditional land use study was commissioned. Each community participated in this process through a series of meetings in which they evaluated the pros and cons of the development. The traditional land use study identified community values that might be affected by the development and made recommendations about how negative environmental effects could be managed and mitigated. The traditional land use study concluded that the effects of the pipeline would be acceptable and development could be managed in a way which accommodated the values of the nations affected. The development was also seen as providing some economic benefit in terms of employment for CSTC member nations.

After assessing the effects of the proposal and negotiating a benefits package with PNG, the CSTC entered into an agreement with PNG. The accommodation provides for cash payments from PNG and the province, shares in PTP and an option to purchase 30% equity in the PTP development. It also recognizes and protects the rights of the First Nations. In return, the CSTC authorize the PTP project to proceed in their territory.

The main environmental governance aspect of the CSTC-PNG project is an environmental accord, which sets out how environmental effects of the pipeline will be managed. Key environmental protections in the accord include:

- a First Nations-led cumulative effects assessment of the proposed pipeline;
- a full-time CSTC environmental monitor during construction of the pipeline as well as an annual review of the pipeline;

¹⁶³ Interview, Terry Teegee, 15 October 2010

- a jointly drafted environmental management plan, a restoration plan and an access management plan;
- fisheries compensation provisions, consultation on and special provision for river crossings;
- a CSTC study of the socio-cultural impacts of the proposed pipeline;
- an agreement that PNG will not use herbicides or pesticides to control vegetation during operation and maintenance of the pipeline;
- restoration plans for key areas such as grizzly bear and mountain goat habitat;
- CSTC participation in Wildlife and Wildlife Habitat Committees; and
- an archaeological impact assessment report.

This environmental accord was signed in July 2008. Although the PTP must go through a federal environmental assessment process, all negotiations and agreements took place before application was assessed, which meant that CSTC did not need to be directly involved. Instead, they were able to negotiate what they wanted directly with the developers. CSTC support this approach because it recognizes their rights and avoids CSTC involvement in the provincial and federal environmental assessment processes, which CSTC believes are not well structured to give appropriate weight to First Nations rights and perspectives. It also means that CSTC are able to shape the proposed development to ensure that it accommodates their needs and values.

The PTP project demonstrates how the CSTC have participated in resource development in a way that benefits the community but does not compromise their environmental values. CSTC members were able to consider the impacts of the pipeline development and ultimately decided that the effects were acceptable. The benefits package negotiated by CSTC adds extra revenue to the community, and the environmental accord signed by CSTC ensures that they will have an ongoing role in the development of the project and many opportunities to ensure that development of the pipeline is carried out in an acceptable way.

In contrast, the Enbridge pipeline project is an example of a development which is unacceptable to many of the First Nations who will be affected, because of the proposed project itself and the failure of the companies involved to recognize Aboriginal rights.

Enbridge has proposed a dual pipeline that would carry oil products and condensate (used to extract oil) between Alberta's oil sands and the B.C. coast, where it would be pumped into and out of large oil tankers. The plan was first proposed in 2005 and has not changed substantially since, although it has been put on hold for long periods due to environmental concerns and resistance from affected communities.

The pipeline, and associated industry, will affect many indigenous and non-indigenous communities. As well as being opposed to the project for its potential impact on them, the CSTC is standing in solidarity with other nations who oppose the project because they will be affected by activities associated with the pipeline such as increasing oil sands development or high oil tanker traffic. Terry Teegee described CSTC's position on supporting other communities as follows, "The Indigenous people in the tar sands area ... already have concerns with the current development ... A lot of those nations who we've met with, who we've talked to and who we support – if this would adversely affect them, why would we support a project that could potentially harm a lot of our own Indigenous people?"¹⁶⁴

When the Enbridge group approached CSTC to seek support for their project, CSTC community members realized that they needed more information about the proposal before they were able to assess it, so CSTC sought and received funding from Enbridge to research the potential effects of the proposal. CSTC used the funding to carry out a traditional use study, completed in 2006, which revealed that none of its member communities supported the project, due to the significant potential environmental damage that could be caused by pipeline leaks. The

¹⁶⁴ Interview, Terry Teegee, 15 October 2010

benefits provided to CSTC communities are minimal. Only a few permanent jobs were offered and the communities have concluded that the potential impact of spills on the many significant salmon-bearing rivers crossed by the proposed pipeline would be catastrophic.

Enbridge did not accept the traditional use study as conclusive or count it as part of the consultation process with First Nations. Enbridge began the environmental assessment process in 2006 in spite of resistance from affected communities. This process was stopped for two years by litigation filed by CSTC, but began again in 2008. CSTC member nations are still involved in the environmental assessment process, but have decided to represent themselves rather than work through the CSTC. Opposition to the project is ongoing, from CSTC and from many other groups¹⁶⁵ concerned about the potential environmental effects of the project.

Sustainability and governance in community decision making

This case study provides an example of governance and sustainability in a different context than in the previous two case studies, because it highlights how decisions about development are made.

The decision making process demonstrates several of the NCFNG principles for effective governance. Terry emphasized the role of the CSTC in sharing information with communities so that they can make informed decisions, and said that their communications strategy is one of the reasons their organization is successful. Gathering information from the communities is also a key function of the CSTC. Working together provides benefits in terms of economies of scale: the CSTC can fulfill functions such as information gathering for all of their members, rather than each community having to do it separately.

¹⁶⁵ For more information on opposition to the pipeline, and a list of organizations involved in opposition, see <<http://pipeupagainstenbridge.ca/join/partners>>

When I asked Terry about the role of traditional ecological knowledge in his work he said, “I guess it goes without saying that we always practice it [our traditional knowledge]. I do not think any one project can all of a sudden turn everyone toward our tradition because we are already practicing it. I guess what you can say is that what this project has done is brought more awareness that our culture and heritage is under threat”.¹⁶⁶ The strengthening of such awareness is another example of the reinforcing benefits of environmental governance work.

Community participation in decision making has been key to the CSTC’s dealings with industry. When describing the PTP pipeline decision making process, David Luggi told me that the agreement with PTP closely mirrors the recommendations people gave as part of the traditional use study and, as a result, the agreement was ratified by each community with on average 85% approval.

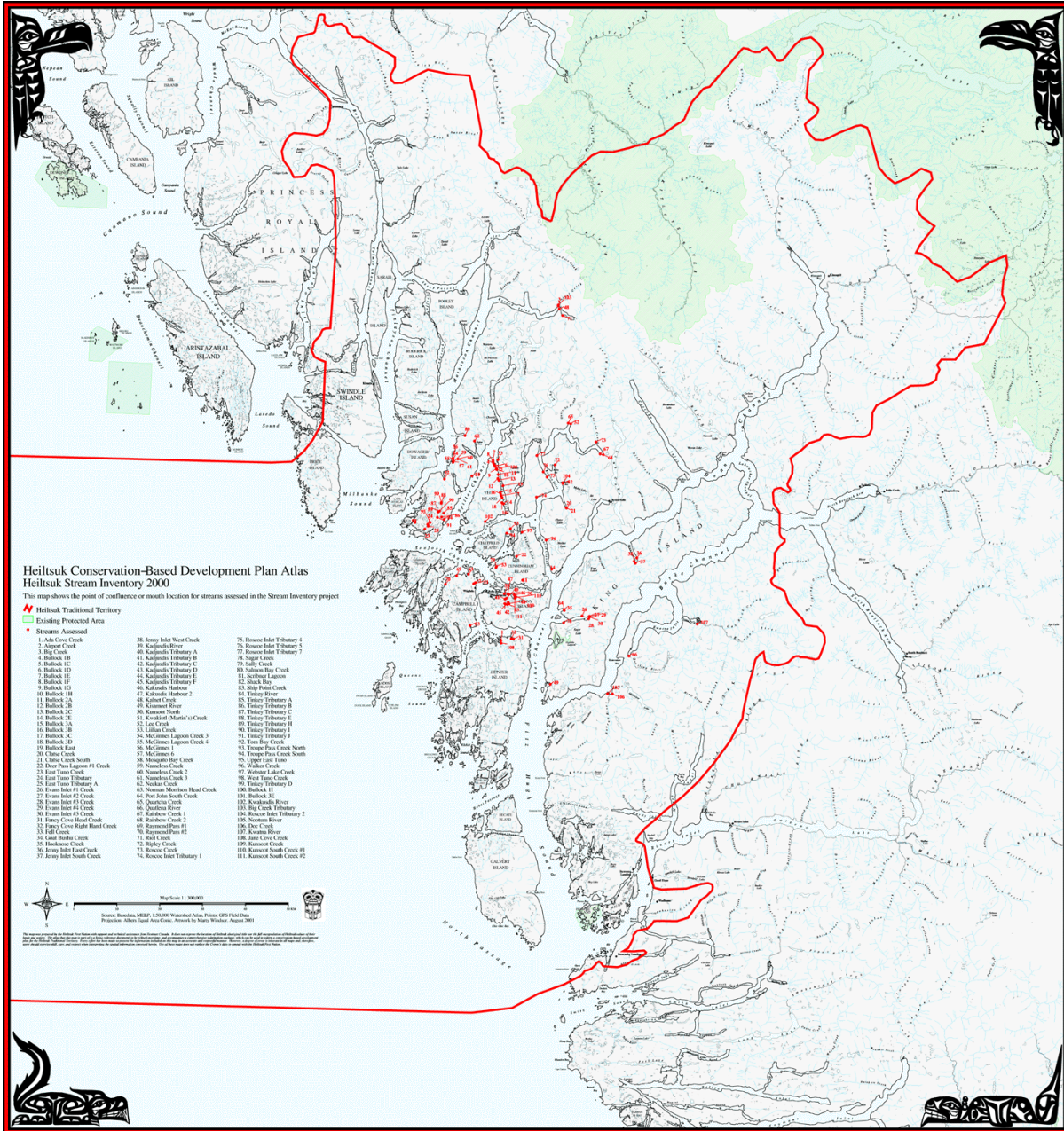
The CSTC is building its capacity to deal with development on their territories by delivering land use planning training, which provides participants with key skills in a variety of fields such as fish monitoring and environmental management. This enables the CSTC to train their own people to provide them with the land-related expertise they need, and has the additional benefit of providing jobs on the territories for the nations’ youth.

The fact that the CSTC has come to differing decisions on the PTP and Enbridge pipelines demonstrates that CTSC communities are making decisions about development based on a holistic consideration of sustainability criteria and their environmental values.

¹⁶⁶ Interview, Terry Teegee, 15 October 2010

Heiltsuk Integrated Resource Management Department

The NCFNG asked Heiltsuk Nation to participate in this research because they provide an example of a First Nation which has met the challenges of development on their territory and maintained a balance between economic development and environmental stewardship through the establishment of an integrated resource management office. A land use plan and marine use plan were developed with extensive community input over the past 15 years, and these and active sector committees guide staff in analyses and recommendations to decision-makers.



Interviewees

I interviewed Ross Wilson, Aquatic Manager at the Heiltsuk Integrated Resource Management Department, and the Director of the Heiltsuk Integrated Resource Management Department Frank Brown¹⁶⁸.

Heiltsuk Nation

Heiltsuk Nation is situated on the central coast of British Columbia. Heiltsuk traditional territory extends from the southern tip of Calvert Island, up Dean and Burke Channels as far as Kimsquit and the head of Dean Inlet to the northeast, and up the Mathieson and Finlayson Channels to Butedale in the north. It includes Roscoe, Cousins and Spiller Inlets, and Ellerslie Lake, and the outer coast regions of Milbanke Sound, Queens Sound, and the Goose Island Group and Calvert Island.

The Nation is governed through a parallel structure. The traditional chiefs – known as Hemas, have authority in terms of aboriginal title and rights. The Tribal Council carries out administrative actions through the Indian Act. In practice that means that the Tribal Council is the body which engages with government agencies, but they need approval of their activities from the Hemas and the community.

The Heiltsuk people have acted as stewards of their territory since time immemorial. They have never surrendered their aboriginal rights or title but have struggled to maintain control of their territory since colonization. As chief Bob Anderson said in 1913:

¹⁶⁸ These were the positions Ross and Frank held at the time interviews were conducted. Ross is now the director of the Heiltsuk Integrated Resource Management Department, and Frank has moved into a role at another organization.

We are the natives of this Country and we want all the land we can get. We feel that we own the whole of this Country, every bit of it, and ought to have something to say about it. The Government have not bought any land from us so far as we know and we are simply lending this land to the Government. We own it all. We will never change our minds in that respect, and after we are dead our children will still hold on to the same ideas. It does not matter how long the Government take to determine this question, we will remain the same in our ideas about this matter. The British Columbia Government are selling the land all around us, and we do not know but they might sell it all, even including these Reserves, in time. We consider that the Government is stealing that land from us, and we also understand that it is unlawful for the Government to take this land.¹⁶⁹

Maintaining their role as stewards and managers of their territories has been a key consideration of Heiltsuk leaders over time. One way in which the Heiltsuk people are asserting their role and rights on their territory is through the establishment of the Heiltsuk Integrated Resource Management Department (HIRMD) in 2009.¹⁷⁰ The development of HIRMD was driven by the community, because, as Ross describes it, Heiltsuk leadership needed to respond to “an overpowering need to answer the community’s question - isn’t this our territory? Shouldn’t we be managing it?”¹⁷¹

¹⁶⁹ Heiltsuk Nation, *For Our Children’s Tomorrows*, online: First Nations, Land Rights and Environmentalism in British Columbia < <http://www.firstnations.de/media/04-1-land-use-plan.pdf> >

¹⁷⁰ The development of HIRMD was possible because of funding through the Coast Opportunity Fund, a \$120 million funding package which funds conservation management projects and ecologically sustainable business ventures for First Nations. The Coast Opportunity Fund is provided by the Province of British Columbia, the Government of Canada and six private foundations

¹⁷¹ Interview, Ross Wilson, 13 October 2010

Purpose and vision

The purpose of HIRMD is to expand Heiltsuk Nation's ability to protect their aboriginal rights and increase their capacity for self-governance and self-determination. HIRMD describe their vision, mission, principles and goals as follows:

Vision

We, the resource department, on behalf of the Heiltsuk people will assist in managing all our territory with respect and reverence for the life it sustains, using knowledge of the Marine and Land resources as passed down to us for generations. We will work towards rebuilding and maintaining a healthy and functioning environment while meeting our social and economic needs for generations to come. We will work in collaboration with all Heiltsuk departments and citizens towards the preservation, conservation and enhancement of integrated resources within Heiltsuk Territory. We will also foster efficient and respectful working relationships with external governments, including First Nations governments, as well as non-government interest groups.

Mission

The Heiltsuk Integrated Resource Department is responsible for protecting, planning and managing how the lands, seas and their resources will be used now and into the future. We will enact the Heiltsuk laws, customs, traditions, policies and practices in carrying out our mandate.

Principles

The Heiltsuk Integrated Resource and Management Department will work together with the Heiltsuk Tribal Council, Hemas Council and the Heiltsuk membership in a spirit of respect, cooperation and partnership for the planning and delivery of services under this governance structure.

Goals

- HIRMD delivers stewardship services and all strategic work plans and budgets
- HIRMD is transparent and accountable to the HTC, Hemas Council and Membership

- HIRMD is responsible for carrying out the mandates and policies as identified by HTC¹⁷²

As with all of the case study groups, these organizing principles reflect themes of both governance and sustainability by making reference to the needs of future generations, the commitment of the community to work together and the desire of the governance organization to uphold the traditional values of the community through their work.

The Tribal Council worked with staff already involved in environmental management to design and set up HIRMD. The HIRMD consists of four managers, a GIS coordinator, a referrals coordinator, a research coordinator and fisheries officers plus seasonal workers who are hired to help with specific projects as required.

HIRMD is one aspect of three pillars of Heiltsuk governance – HIRMD is the resource management arm, the economic development corporation is the business arm of the Nation and the Tribal Council and Hemas together are the governance arm and deliver social programmes to the community. Taking this approach ensures that all aspects of self-governance are provided for now and into the future.

The HIRMD is an essential balance to Heiltsuk economic development activities. The Heiltsuk have developed a 15 year Economic Development Plan for the community, which identifies 13 sectors of industry that Heiltsuk want to develop. However, the Heiltsuk are determined to ensure that this development is carried out in accordance with Heiltsuk's values and role as stewards. The HIRMD is able to assess and manage this development to ensure it is ecologically sustainable – as Ross describes it, “making sure that the fox isn't watching the hen house. ”.

¹⁷² Heiltsuk Integrated Resource Management Department , *Heiltsuk Integrated Resource Management Department (HIRMD)-Aquatic Department*, online: Heiltsuk Integrated Resource Management Department <<http://hirmdaquatic.wordpress.com/2011/04/04/heiltsuk-integrated-resource-management-department-hirmd-aquatic-department/>>

The office is mandated by Heiltsuk Tribal Council to “develop and implement policies, coordinate referrals, make reports and recommendations, and take on technical tasks as assigned by the Heiltsuk Integrated Resource Department Board, Hemas Council and Heiltsuk Tribal Council”.¹⁷³

HIRMD's role in achieving Heiltsuk's vision of sustainability

One of Heiltsuk's aims is to be recognized as owners with authority, in terms of both knowledge and management, rather than stakeholders, on their territories. Developing HIRMD was one way to ensure that Heiltsuk are carrying out their responsibilities in relation to the land in the most effective manner possible, as well as asserting their role as authorities on their territory. This is another example of the relationship between sustainability and governance in practice. Here, – the governance structure was developed in order to give effect to community values and aspirations to sustainability.

Everything Heiltsuk do is based on their culture and traditions – particularly their Gv'ilás (customs and laws concerning the sustainable harvesting of Heiltsuk resources). Heiltsuk have never surrendered their rights to the land, nor their obligations to look after it. The Heiltsuk Land Use Plan states:

Our Gv'ilás directs us to balance the health of the land and the needs of our people, ensuring there will always be plentiful resources. We have honoured and maintained our traditions since time immemorial and continue this covenant today by having developed

¹⁷³ Heiltsuk Integrated Resource Management Department, *Heiltsuk Integrated Resource Management Department (HIRMD)-Aquatic Department*, online: Heiltsuk Integrated Resource Management Department <<http://hirmdaquatic.wordpress.com/2011/04/04/heiltsuk-integrated-resource-management-department-hirmd-aquatic-department/>>

a land use plan that will protect the resources that are vital to our survival and well-being.¹⁷⁴

Traditional knowledge is an important part of the work of HIRMD, and staff within the department combine both traditional knowledge of their territory with scientific data. As Ross explained “Lawyers were asking: What does stewardship mean to you? Well the truth of the matter is that all my staff are stewards of the land, because they have been trained by their uncles their fathers their grandfathers their aunts. Everybody that has knowledge of the ocean and the resources, the land, they were trained since they were little.”¹⁷⁵ Using this knowledge is an important aspect of the work of HIRMD, because, as Ross said, if you don’t use it you lose it.

As well as making plans for the future of the territory, HIRMD are ensuring the sustainability of HIRMD by working with the Heiltsuk QQS Projects Society to train youth to work in and support the work of HIRMD. This ensures that there will be people able to continue with the work of the department, and provides Heiltsuk youth with the possibility of gaining meaningful employment on their territory.

Heiltsuk Nation, as with the other case study groups, work closely with the community to make decisions. This includes informing the community through meetings and newsletters, conducting votes where appropriate, meeting with individuals or groups to talk through issues and any other steps necessary to make sure that the community is informed about and engaged in decision making. All major decisions must be approved by the Hemas before they are signed off by the band council.

¹⁷⁴ Heiltsuk Nation, *For Our Children’s Tomorrows*, online: First Nations, Land Rights and Environmentalism in British Columbia < <http://www.firstnations.de/media/04-1-land-use-plan.pdf> >

¹⁷⁵ Interview, Ross Wilson, 13 October 2010

The following comment from Frank Brown demonstrates that Alfred's ideas about sustainable Indigenous communities ring true for this community. As Frank put it:

Our people have been impacted by the forces of colonization, We have stood on the abyss of annihilation as indigenous people, like many colonized indigenous people, but we've been out picking up the pieces and we feel like we have the moral authority to define our own world view. And we have Gv'ílás, which is to uphold the laws of our ancestors. And if we come together through consensus and agreement that this is how we are going to move forward. That's a part of it, that's our process, that's how we will move forward.¹⁷⁶

Thus recovering from colonization is a clear part of all of the work carried out by Heiltsuk.

An excerpt from the Heiltsuk land use plan¹⁷⁷ provides further evidence of the kinds of thinking supported by Alfred, and to a certain extent Gibson, in Heiltsuk management. Both Alfred and Gibson touch on community values in terms of what is needed for a meaningful life, and suggest that monetary wealth is not the ultimate aim if the desired outcome is a sustainable community, and sufficiency is more about relationships between people and the environment rather than material goods. The following poem by Caroline Humchitt, which is included in the Heiltsuk Land Use Plan, demonstrates support for this approach:

My children, and all other children who have been into the pristine forests, know what the future has in store for them.

The people who have never been there have never realized the importance of nature.

They have never seen a bear, or any other animal for that matter.

They have never witnessed the joy that the animals bring to the children while out in the wilderness.

¹⁷⁶ Interview, Frank Brown, 20 October 2010

¹⁷⁷ Heiltsuk Nation, *For Our Children's Tomorrows*, online: First Nations, Land Rights and Environmentalism in British Columbia < <http://www.firstnations.de/media/04-1-land-use-plan.pdf>>

Neither the children nor the forests have a voice. And both are dependent on others to take care of them.

Both are beautiful and deserve the right to be left alone to grow in their own beauty and identity.

It is no longer about what is yours and what is ours.

It is about what is living in the forest and how we can keep it safe.

Why do people always have to envision money in everything? Lives are at stake here, and life is far more important than profit.

It is possible to either make money elsewhere or live without money?

Ask my ancestors. They were wealthy and they did not own a cent.¹⁷⁸

¹⁷⁸ Heiltsuk Nation, *For Our Children's Tomorrows*, online: First Nations, Land Rights and Environmentalism in British Columbia < <http://www.firstnations.de/media/04-1-land-use-plan.pdf>>

The Coastal Guardian Watchmen Network

This case study was chosen by the NCFNG because it provides an example of Nations working together to assert their role as guardians of their territories. As with the Heiltsuk example, this case study provides yet another example of a different form of governance because the Coastal Guardian Watchmen Network is not directly associated with a single Tribal government; rather, it is a project of a regional organization that represents multiple Nations. The priorities and activities of the Network are established by the membership of the Network.

Interviewees

For this case study I interviewed Claire Hutton, Coastal Guardian Watchmen Network Coordinator, Sandra Thomson, Communications and Outreach Coordinator, and Megan Moody, Central Coast Indigenous Resource Alliance Coordinator/Biologist who provides support to the Nuxalk Coastal Guardian Watchmen Initiative.

Guardian Watchmen

The Coastal Guardian Watchmen Network (CGWN) operates on the central and north coasts British Columbia, including Haida Gwaii. First Nations have inhabited this area since time immemorial in small communities scattered along the coast. These communities rely on resources from the land and sea for food, social and ceremonial purposes. However, these resources are under threat from increasing development in their territory.

As the original stewards of their territories, these First Nations have the authority and responsibility under traditional laws to protect important wildlife species, food sources, and significant cultural resources. A “Guardian Watchman” (watchman) is someone who acts as a

steward over lands and waters in their territory (although it should be noted that not all of the people who hold this responsibility are part of the Guardian Watchmen programme). Their role and authority comes from the traditional laws around management and protection of the lands and waters of their people. As Megan put it, “we’re the ones out there; it’s our right to monitor and use our resources so that is what we are doing”.¹⁷⁹

The watchman role may include:

- Monitoring commercial and recreational activities and assessing their impacts on natural and cultural resources
- Gathering information on the health and wellbeing of the environment in their territory
- Compiling and sharing information to assist decision making in their territories
- Ensuring that rules around the environment are followed
- Being present on the lands and waters in their territory so that others are aware of the relationship between the people and their territory
- Educating people about the protection of natural and cultural resources on the territory, and
- Working with federal and provincial government to ensure that rules and regulations are being followed and that the rights of their First Nation are respected¹⁸⁰

The names for this role may vary – for example watchmen could be fisheries officers, park rangers or community watchmen, but all of them play the important role of being the eyes and

¹⁷⁹ Interview, Megan Moody, 22 October 2010

¹⁸⁰ Coastal Guardian Watchman Network, *Guardian Watchmen Programmes* online: Coastal Guardian Watchmen Network <<http://coastalguardianwatchmen.ca/guardian-watchmen-programs>>

ears of their people in the territory. Watchmen often interact with other resource users on their territory – for example sports fishers, or tourists. By interacting with these people and explaining their role the watchmen educate non-First Nations people about their role and relationship with their territory and demonstrate NCFNG’s idea of asserting the right to manage the land through demonstrating connections to it.

The Coastal Guardian Watchmen Network

The purpose of the CGWN is “to support First Nation communities to achieve their vision to build and maintain strong and robust Guardian Watchmen programs throughout their territories.”¹⁸¹

The CGWN is based in coastal British Columbia and provides varying levels of support to watchmen from the following Nations: Gitga'at, Haida, Haisla, Heiltsuk, Kitasoo/Xai'Xais, Metlakatla, Nuxalk and Wuikinuxv First Nations.¹⁸² Each Nation has their own approach to monitoring and managing the environment; the CGWN helps them to achieve their goals in their own way. The key work of the CGWN is to bring the watchmen technicians (and their managers) together to strategize and build capacity around monitoring and stewardship in each community.

¹⁸¹ Coastal Guardian Watchman Network, Purpose online: Coastal Guardian Watchmen Network <<http://coastalguardianwatchmen.ca/purpose>>

¹⁸² Coastal Guardian Watchman Network, *Guardian Watchmen Programs* online: Coastal Guardian Watchmen Network <<http://coastalguardianwatchmen.ca/guardian-watchmen-programs>>

Vision

The vision articulated by members of the CGWN regarding their vision for Guardian Watchmen is:

As First Nations we govern our ancestral traditional territories and safeguard the health of our ecosystems. We are the Guardians and Watchmen of our territories. We are men and women carrying forward the work of our ancestors to manage and respect our lands and waters through our traditional laws to ensure a vibrant future for generations to come. We work with our neighbouring Nations to create a united and collective presence within our territories. From the Central Coast to the North Coast and Haida Gwaii, we are working together to monitor, protect and restore the cultural and natural resources in our territories.¹⁸³

This vision demonstrates the idea of responsibilities to care for the lands that are passed down through the generations – a feature that is touched upon in both the NCFNG principles and Corntassels' ideas about sustainable Indigenous communities.

History

The CGWN was established in 2005 when watchmen from up and down the central British Columbian coast met to discuss opportunities to develop and expand the role of local watchmen programmes and ensure that land and marine use plans were implemented in an integrated and efficient way. The first meeting was convened by the Sierra Club BC (an

¹⁸³ Coastal Guardian Watchman Network, *Guardian Watchmen Programmes* online: Coastal Guardian Watchmen Network <<http://coastalguardianwatchmen.ca/guardian-watchmen-programs>>

environmental non-governmental organization) and QQS Projects Society (a Heiltsuk non-governmental organization with the support of Coastal First Nations Great Bear Initiative . It was so successful that participants decided to continue the meetings and build the network.

The watchmen attending the meetings saw a need to establish a network of watchmen in order to create ongoing discussion, cooperation and learning between communities and develop a training programme which would help communities build their skills and capacity to be stewards on their lands and waters. This meeting was the first time that the people carrying out watchmen work on the ground rather than political representatives were able to get together and talk about their work.

The network grew from this meeting and has gained momentum as time has passed. The Network became a project of Coastal First Nations Great Bear Initiative, the regional alliance of First Nations on the central and north coasts and Haida Gwaii. The activities of the network are driven by its members and the work it does and the funding available to do it has expanded over the years.

Network activities

The Coastal Guardian Watchmen Network supports watchmen by enabling communities up and down the central and north coasts and Haida Gwaii to work together and learn from each other, as well as coordinate efforts so that they can be more effective.

The CGWN does this through:

- Creating time and space for watchmen to talk to each other and network – the CGWN holds monthly conference calls between all watchmen and an annual conference

- Building the capacity of local Guardian Watchmen programs in each community by providing facilitation support to engage in strategic planning and/or work planning
- Establishing a regional monitoring strategy, that documents resource use, resource activities, and tracks key species and significant cultural and/or ecological areas
- Promoting the work of the watchmen through outreach materials
- Identifying training needs and supporting training opportunities for watchmen, and
- Assisting with proposal writing and securing funding for watchmen activities

The Network activities are driven by the guardians and therefore meets the needs of each individual community. As Sandra put it, the role of the network coordinators is to find out what people want and then support that.

A Guardian Watchmen Certificate training program has been developed and is being delivered by the Northwest Community College.¹⁸⁴ This program focuses on training to support monitoring land and water-based resource activities on traditional territories. It is community-based and was developed to be relevant to the CGWN territories.

The CGWN has also developed a Regional Monitoring Strategy that consists of standardized methodologies and an online data management system to monitor priority issues that is being used by most guardian watchmen programs. Priorities for monitoring were determined by the communities and are all relevant at both a local and regional scale. Having a regional monitoring strategy means that communities are gathering data in order to gain a clearer and consistent picture of the state of the environment and issues of concern up and down the coast. This information can be used by communities to inform planning and decision making. The

¹⁸⁴ For more information on the training program see Northwest Community College, *Guardian Watchmen Training*, online: Northwest Community College <<http://www.nwcc.bc.ca/Programs/Technical/CGW/index.cfm?Program=SENV>>

CGWN are building on this work by developing mobile technology for data entry in the field so people can spend more time on the land and less time in the office entering data manually.

Impacts of the work of the Guardian Watchmen

This case study shares the hallmarks of the others – in that it has been driven from the grassroots level, and developed in response to concerns about the impact of development on the territory. However, it provides yet another perspective on governance in action because the work of this organization takes place at a practitioner level and is more focused on getting information and enlivening/maintaining traditional responsibilities than exercising decision making power – although, of course, the link to land and marine use plan implementation and decision making is strong because the community directs what the watchmen focus on, and the information gathered by the watchmen is used in decision making and in the implementation of resource plans.

In term of sustainability, the activities of the CGWN have provided reinforcing benefits across a range of issues. The establishment and work of the CGWN has helped to foster discussion about stewardship and resource protection within communities. For example, one of the features monitored through the Regional Monitoring Strategy is heritage sites. In order to be monitored these sites must be identified. Watchmen have been working with elders from their community to identify these sites and the stories associated with them. This has created an opportunity for different community members to come together to discuss monitoring and protecting these sites – discussions that might not have happened otherwise. This may also have a reinforcing effect on governance by making the community more aware of and engaged in environmental decision making.

The existence and support of the CGWN, particularly outreach activities that promote the work of watchmen, helps to validate the work carried out by the watchmen. All of the interviewees

raised the example of a video developed by the CGWN. It explains the work of watchmen and has been very well received by both First Nations communities who are part of the program and other interested groups. Being recognized as part of a broader network, and being able to use outreach tools to explain what watchmen do, helps them build relationships and assert their role in resource management. This has been strengthened by the development of a flag and uniform for the watchmen which makes them immediately identifiable as a unified presence.

Providing training for watchmen also validates their role and establishes it as a potential career choice for members of communities participating in the program. It gives young people an opportunity to be employed to carry out their traditional role and will provide meaningful long-term jobs that connect communities with their territories.

In some cases, Watchmen are beginning to build and strengthen relationships with provincial and federal government representatives – for example, they may carry out joint patrols with federal fisheries officers or provincial park rangers, to learn from each other's work. Establishing connections at the technical rather than political level is a first step toward working more effectively with government representatives and ensuring that government agencies respond to enforcement incidents and other issues of mutual interest, such as species protection, rather than policy matters about which there can be significant disagreement. Funding cuts to government staff and programs are resulting in significant gaps in enforcement and compliance activities. First Nations are concerned that government agencies are not adequately carrying out their mandate. Watchmen are increasingly playing an important role in ensuring that this work gets done. However, issues regarding authority, responsibilities and funding must be addressed between Nations and resource agencies, as agencies continue to have statutory obligations to monitor and manage the region that they must meet. Technical people on the ground such as watchmen can have discussions about practical matters that transcend boundaries that may be barriers at the political level.

This case study also demonstrates the relationship between criteria for sustainability and the governance principle of territorial integrity, because the work of the Guardian Watchmen involves both monitoring the impact of human activities on the environment and asserting the presence of the First Nations on the territory.

Claire and Sandra both identified that flexible and committed funding available to the network through the Coast Opportunity Fund for a two-year period is a factor that has contributed to the success of the Network. Both these interviewees echoed the NCFNG's idea that having dedicated funding makes long term planning possible, and thus enables the organization to think long term and achieve more meaningful and durable outcomes. However, Claire was quick to point out that working with funders and seeking further funds to ensure ongoing core and project costs are secured for the Network is a significant job.

The CGWN are committed to building the network, which involves consideration of ongoing governance structures and investigating opportunities to further expand the jurisdiction of communities by working with Government to acquire the capacity to enforce laws in their territories.

Gitanyow

The Gitanyow Hereditary Chiefs were asked to participate in this project because they provide an example of a First Nation implementing its traditional system of environmental governance. Gitanyow society still operates according to its traditional governance system, which includes a system of clans and houses and use of *ayoowkwx*—traditional law, maintained by *li'ligit* (feasts). After beginning a treaty negotiation process with British Columbia, the Gitanyow decided to document their constitution, which is the basis for the functioning of their community. The constitution includes traditional environmental governance structures and paves the way for further development of land use plans which embody traditional law. The development of such a land use plan is the focus of this case study.

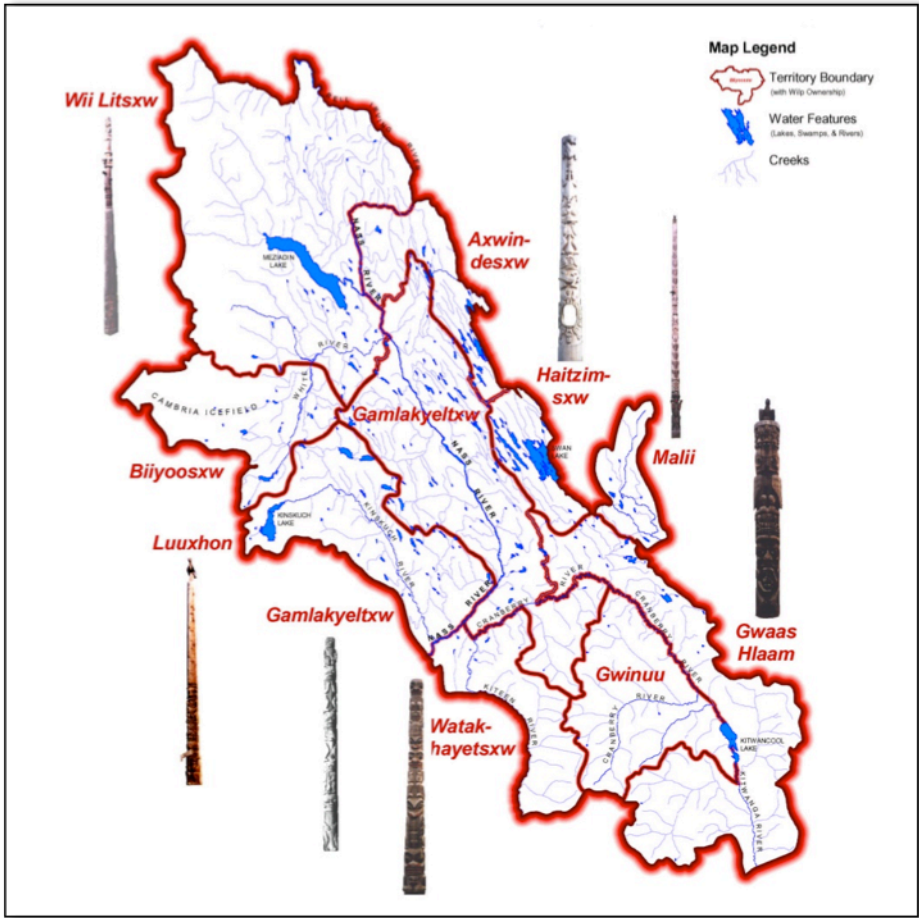


Figure 6: Gitanyow territory showing Wilp boundaries and totems ¹⁸⁵

¹⁸⁵ Map from *Gitanyow Huwilp Recognition & Reconciliation Model* online: Buckley Valley Research Centre < <http://bvcentre.ca/files/Conferences/proceedings/6-GlenWilliams.pdf>>

Interviewee

For this case study I interviewed Glen Williams, the President of Gitanyow Hereditary Chiefs.

Gitanyow

Gitanyow is a First Nation in coastal British Columbia. The Gitanyow Lax''yip (Traditional Territories) cover approximately 6,228 sq kilometres in the mid-Nass, upper Kitwanga, and upper Kispiox watersheds. The Gitanyow govern themselves according to their traditional structures, which have been in place since time immemorial. There are parallels between this case study and that of Heiltsuk, because they both operate according to traditional governance systems but are constrained in the expression of their traditions by the *Indian Act*.

The Gitanyow community is made up of eight Wilp (houses), four from the Lax Gibuu or wolf clan, and four from the Lax Ganada or frog clan. Each Wilp has its own name, adawaak (oral histories), ayuuk (Wilp crests) git'mgan (poles) and lax''yip (territories). Collectively, all the Gitanyow Wilps are known as the Huwilp.

Each Wilp has a strong system of land ownership and management. Connection of the Wilp to its lax''yip is an integral part of the Wilp and its members. Ownership and authority of the Wilp lax''yip cannot be severed and must be utilized, managed and inherited in accordance with the Gitanyow Ayookxw (constitution).¹⁸⁶

¹⁸⁶ Gitanyow Policy Manual for Management of Cultural Heritage Resources, on file with author

Vision

The Gitanyow vision is:

- Coexistence of Gitanyow and crown title
- Creation of Gitanyow land use plans for the entire territory
- Creation of economic certainty and security for all
- Sharing of Gitanyow economic wealth¹⁸⁷

The goals of the Gitanyow are to:

- Provide long-term sustainability of ecological resources
- Secure an interim agreement with BC to include strategic joint management, shared decision making, and economic benefits
- Promote and advance a reconciliation and recognition model
- Seek an incremental treaty agreement model¹⁸⁸

These statements are focused more on what Gitanyow want to achieve than the forces which drive them but, as with the other groups, they are a form of strategic vision. They also indicate that environmental matters are at the forefront of their thinking, along with economic considerations.

¹⁸⁷ Glen Williams, *Gitanyow Huwilp Recognition & Reconciliation Model* online: Buckley Valley Research Centre <<http://bvcentre.ca/files/Conferences/proceedings/6-GlenWilliams.pdf>>

¹⁸⁸ Glen Williams, *Gitanyow Huwilp Recognition & Reconciliation Model* online: Buckley Valley Research Centre <<http://bvcentre.ca/files/Conferences/proceedings/6-GlenWilliams.pdf>>

The Gitanyow community is organized in a way which ensures that all Wilps and their members can be involved in planning and decision-making. The Gitanyow way of doing things is more inclusive and democratic than anything set up under the *Indian Act*.¹⁸⁹

Glen Williams explained the relationship between Gitanyow identity, governance and environmental management as follows:

Our firm belief, and what our chiefs and elders have told us for years and years, and what we practice, is the traditional system which upholds the aboriginal title and the aboriginal rights. And our law says that that will continue on into the future. That we pass down what we have learnt from our grandmother, from our grandfather. All those things, the songs, the names of the creeks, the mountains, the house territory, the oral history, why we are here, and the protection of the land will continue to walk on in the future...walk on in western ways, it will be sustained in the future. And that is the basis of all what we are doing. Programmed in our heads by our chiefs, by our leaders for decades. And that's how we want to be in the future. That's the only way for us.¹⁹⁰

Gitanyow land use planning

Gitanyow territory is being encroached upon by development, particularly timber harvesting, road building, mining, gas and oil exploration, tourism and recreational use. This has a seriously detrimental effect on the ability of the Gitanyow people to provide for themselves because, as Glen explained, "The territory is like your dining room table, it provides food and food security

¹⁸⁹ Albert C. Peeling, *Traditional Governance and Constitution Making among the Gitanyow* (Canada, First Nations Governance Centre, 2004)

¹⁹⁰ Interview, Glen Williams, 13 November 2010

for the Gitanyow and it's similar to what our elders call our bank. That is where you get your wealth from." ¹⁹¹

Government and proponents of development do not adequately recognize or support use of the territory by Gitanyow people, or include them in management of the territory. Development activities have disrupted wildlife movement, impacted on trapping, disturbed the habitat of plants and animals and changed sediment flow in rivers. Cultural resources are also being damaged or destroyed through development.

The Gitanyow are seeking a way to protect their territory and make sure that development is carried out with appropriate knowledge and concern for Gitanyow traditional uses and resources. The traditional governance structure of the Gitanyow includes management of the territories, and the Gitanyow are finding ways to get the government and industry to recognize this when they are considering planning or development on Gitanyow territory.

The Gitanyow have started this process by documenting the Gitanyow Ayookxw (constitution). This constitution has been in existence for thousands of years and was carried out through ceremony and day-to-day activities of the community, but the Gitanyow have recorded it in written form as well. This constitution obliges each Wilp to write a land and resources plan. The plan must include:

- interests held on the Wilp Lax'yip
- an inventory of renewable and non-renewable resources and permanent and migratory species temporarily or permanently located within the boundaries of the Lax'yip
- areas of special importance to the Wilp for spiritual, cultural, social, archaeological, economic or other purposes

¹⁹¹ Interview, Glen Williams, 13 November 2010

- the conditions under which any use or removal of resources in the Wilp Lax'yip may be carried out and for transportation, utility infrastructures and rights of way¹⁹²

The constitution requires each Wilp to develop processes to involve people on the Wilp Lax'yip in writing the plan and to develop policies and practices to ensure the protection and integrity of the Wilp Lax'yip.

Gitanyow territories consist of three planning areas, governed by the following plans:

- South Nass Sustainable Resource Management Plan (SRMP)
- Cranberry/Kispiox Land Use Plan (LUP)
- Kalum Land and Resource Management Plan (LRMP)¹⁹³

Each plan describes Gitanyow resource management objectives for:

- Cultural Heritage – which includes significant sites which require protection, traditional place names, recognition of Wilps and Wilp boundaries – including adawaak (oral histories), ayuuk (Wilp crests) git'mgan (poles)
- Biodiversity – which includes Forest Ecosystem Networks (for example wildlife corridors), Old Growth Management Areas (significant habitat) and water management units
- Fish and Wildlife – which includes protection of habitat for significant species such as moose, grizzly bear, goshawk and mountain goat
- Operable Lands – which identifies areas in which sustainable and economically viable industry could be carried out¹⁹⁴

¹⁹² Gitanyow Constitution, on file with author, at section 5 [Unpublished]

¹⁹³ Glen Williams, *Gitanyow Huwilp Recognition & Reconciliation* Model online: Buckley Valley Research Centre <<http://bvcentre.ca/files/Conferences/proceedings/6-GlenWilliams.pdf>>

The information in these plans can be layered and viewed, giving a full picture of land use and management across the territory.

These plans help industry and government recognize that the Gitanyow territory is governed according to a traditional system and Indigenous laws that are still practiced by the Gitanyow. These plans help non-Gitanyow to understand who the Gitanyow are and this provides a basis for reconciling the parties' respective interests. The plans require that proponents of development approach the relevant Wilp during the development of the project so that they can work with Gitanyow to ensure the project accommodates Gitanyow resources and values.

The Gitanyow have also developed a Policy Manual for Management of Cultural Heritage Resources, which, as well as setting out policies, requests that governments and development proponents recognize and respect Gitanyow cultural resources and work co-operatively with Gitanyow to implement the cultural heritage management policy.

Getting governmental and industry recognition of their plans and policies is still a work in progress for the Gitanyow. Although the provincial government welcomed clarification of Gitanyow internal structures through the documentation of their constitution, the government approach does not accommodate governance structures outside of the *Indian Act*,¹⁹⁵ Gitanyow are working with the province to seek legal recognition of the land use plans, including options to enforce the policies. Gitanyow are also building a Gitanyow Wilp information system, which will collect, organize and maintain land and resource data.

¹⁹⁴ Glen Williams, *Gitanyow Huwilp Recognition & Reconciliation Model* online: Buckley Valley Research Centre <<http://bvcentre.ca/files/Conferences/proceedings/6-GlenWilliams.pdf>>

¹⁹⁵ Albert C. Peeling, *Traditional Governance and Constitution Making among the Gitanyow* (Canada, First Nations Governance Centre, 2004)

Governance, sustainability and the Gitanyow

Gitanyow land use planning gives effect to traditional governance structures. This work is not so much aligned with cultural institutions as simply a modern expression of them. Living according to their traditional practices and values is essential for the Gitanyow, and carrying out this work has affirmed their existence as Gitanyow people. The Gitanyow believe that it is their traditional system which is the source of their Aboriginal title and rights; therefore, any environmental governance outside this system would be meaningless.

This case study provides a very strong example of a community giving effect to its socio-ecological relationships. In this example, the relationship between the Gitanyow people and their territory is the basis for their culture and source of their Aboriginal rights, so it is the basis of everything they do. Their decision to engage in land use planning stems from a need to carry out their responsibility to act as stewards of their territory. This approach is very much in line with Alfred's vision of a sustainable nation – although it is not possible to examine all aspects of Alfred's vision in relation to Gitanyow because it was not covered in the interview questions.

The decision making process which contributed to the land use plans, and is the basis for other decision making, is always carried out according to traditional practice, including using the Gitanyow language. Glen emphasized the importance of tradition in the following way, “[Traditional practice] is the foundation of our existence and it's the foundation of all the work that we have done and will be the foundation for the work that we will do in the future”.¹⁹⁶ If communities need information, technical experts are brought in to provide advice, and this information sits alongside and provides extra support to understandings gained through traditional knowledge. Part of the community decision making and discussion process is reporting back to people or continuing discussions of certain issues. Glen told me that, because

¹⁹⁶ Interview, Glen Williams, 13 November 2010

of the way the community is connected, this can happen in a range of settings – from formal meetings to chance encounters at social events and other informal gatherings.

This nation also provides an example of participatory decision making, and governance in line with culture. It is interesting to note that the Gitanyow system of governance is very participatory but not a classic democracy. This indicates that western preference for democratic systems may be limiting, as a non-democratic system may be more participatory and better equipped to make sustainable decisions.

Unama'ki Institute of Natural Resources

This group was asked to participate in the study because they have reclaimed management of an important species through documenting and applying their own laws. This case study focuses on the process used to write their laws and demonstrates the relationship between culture, law and governance. This work provides another example of mutually reinforcing benefits being achieved through environmental management.

Interviewees

I interviewed Clifford Paul, the moose Management Coordinator, Lisa Young, the Executive Director of the Unama'ki Institute of Natural Resources and Eric Zscheile, Associate Negotiator at the Kwilmu'kw Maw-klusuaqn.

The Mi'kmaq

The Mi'kmaq people are an Algonquin people who have lived in Nova Scotia since time immemorial. They are asserting their right to manage moose in Cape Breton through the Mi'kmaq moose Management Initiative, made up of several programmes focused on better management of the moose hunt.

This project is a joint project of the Unama'ki Institute of Natural Resources (UINR) and Kwilmu'kw Maw-klusuaqn (the Mi'kmaq Rights Initiative). The UINR represents the five Mi'kmaq communities of Unama'ki (Eskasoni, Membertou, Potlotek, Wagmatcook and Waycobah) and gives effect to these communities' voices and interests in natural resources. The UINR Board of Directors consists of the chiefs of the five communities which are part of the UINR, and the organization has an elders' council that is heavily involved in informing and directing decision-making.

Kwilmu'kw Maw-klusuaqn was formed to pursue Mi'kmaq rights through negotiations with government and implementations of treaties, including rights to the use and management of natural resources.

The goals of the UINR are:

- To provide resources for Mi'kmaq equal participation in natural resource management in Unama'ki and its traditional territory
- To strengthen Mi'kmaq research and natural resource management while maintaining their traditions and worldviews
- To partner with other groups sharing the same desire to protect and preserve their resources for future generations¹⁹⁷

The Mission of the Kwilmu'kw Maw-klusuaqn Negotiation Office is:

To address the historic and current imbalances in the relationship between Mi'kmaq and non-Mi'kmaq people in Nova Scotia and secure the basis for an improved quality of Mi'kmaq life. Kwilmu'kw Maw-klusuaqn Negotiation Office will undertake the necessary research, develop consensus positions on identified issues, and create public and community awareness in a manner that supports the ability of the Assembly to fully guide the negotiations and the implementation and exercise of constitutionally protected Mi'kmaq rights. Kwilmu'kw Maw-klusuaqn Negotiation Office is committed to moving forward at a pace determined by the Mi'kmaq themselves, and to balancing individual First Nations autonomy with the collective Mi'kmaq identity, governance and decision making required to re-institute Mi'kmaq ways of operating.¹⁹⁸

¹⁹⁷UINR, *About Us*, online: UINR <<http://www.uinr.ca/about/>>

¹⁹⁸Kwilmu'kw Maw-klusuaqn, *KMKNO Mission Statement*, online: Kwilmu'kw Maw-klusuaqn <<http://www.mikmaqrights.com/page.asp?ID=9>>

The guiding statements of these organizations demonstrate elements of both governance and sustainability in that they set out what the organizations aim to achieve and their commitment to the people, the environment and culture in achieving it. The two organizations complement each other in working towards achieving greater Mi'kmaq control of resources on their territories, as well as achieving other social, economic and environmental benefits for Mi'kmaq communities.

The Mi'kmaq moose Management Initiative

Moose have historically been an important species for the Mi'kmaq. moose meat is an important food, but other parts of the animal were used as well; moose hides were used for clothes, shelter and drums; moose skins were used to make boats; moose hooves were used to make rattles and moose shin bones to make sharp spear tips.

Moose became extinct in Cape Breton during the 1800s but were reintroduced by Parks Canada in the 1940s. During the interim, the Mi'kmaq were separated from moose, the resources moose provided and were unable to practice their traditions regarding moose management.

Since reintroduction, the moose population in Cape Breton has grown exponentially. Mi'kmaq fought and won several legal battles for recognition of their rights guaranteed in a series of treaties signed between Mi'kmaq and European settlers in the 1700s, including the right to hunt moose. Growth in moose populations and recognition of treaty rights enabled resumption of moose hunting in the 1990s.

The Mi'kmaq community, particularly elders, felt strongly that with the right to hunt comes a responsibility to act as managers and stewards of the resource – not just of moose themselves but also of the ecosystem of which they are a part. As Clifford put it, people started to think

“we better start treating this resource with respect because we want it to be there for future generations”.¹⁹⁹

The Mi’kmaq wanted to manage the moose hunt in accordance with their own laws and traditions. As Eric put it:

Legally Mi’kmaq have the right to hunt moose 365 days a year if they choose, but the community...got together and decided they don’t want to hunt 365 days a year. We’ve decided there are times of the year when moose shouldn’t be hunted. Why? Not because government said they should do it, not because scientists said they should do it. But the Mi’kmaq were saying, no, that’s not what our ethics are about; we have different ethics we want to put in place.²⁰⁰

These concerns have been given effect through the moose Management Initiative, which involved the development of moose Management Guidelines, education for hunters and discussion of the role of Mi’kmaq in moose management with provincial and federal governments.

Clifford was employed as a co-coordinator in order to progress the moose Management Initiative. Clifford’s role has been to ask the Mi’kmaq community how the hunt should be managed and how Mi’kmaq would like to be involved in wider moose management. The idea of taking responsibility for the resource and treating it with respect came forward strongly from these consultation sessions, and the development of guidelines for moose hunting was supported by all the communities.

Keeping two-way, open communication between the project officers and the communities has been a key feature of this work. The guidelines were finalized only after consensus had been

¹⁹⁹ Interview, Clifford Paul, 14 October 2010

²⁰⁰ Interview Eric Zscheile, 5 November 2010

reached. This took considerable time and effort. Clifford and other staff who worked on the project had to be available to talk to the community about the work – both in formal and informal settings (such as the grocery store). Although consensus might be difficult to achieve, consensus decision making is traditional and ensures that everyone supports the guidelines.

The guidelines, called Tiamuwel Netuklimkewe–Unama’ki moose Harvesting According to Netukulimk, encapsulate Mi’kmaq traditional practices around the moose hunt, including such practices as suspending the hunt during certain seasons. The guidelines have been well received and largely complied with. They have been made available to both the Mi’kmaq and non-Mi’kmaq communities in Nova Scotia.

As well as developing the guidelines, the Unama’ki Institute of Natural Resources have been active in education and communication concerning moose hunting. They have run workshops on youth hunting, the use of all parts of the moose (including skins and bones) and are developing a hunter training programme which will incorporate both Nova Scotia’s standards for hunter training and Mi’kmaq ethics. These education programmes bring back Mi’kmaq ancient knowledge of moose management and use. The moose team have also been active in communicating with the whole community, making sure that everyone is aware of Mi’kmaq rights and responsibilities and how the Mi’kmaq are taking action to ensure a sustainable moose hunt.

Three Mi’kmaq have recently been trained and appointed as conservation officers by the Nova Scotia Department of Natural Resources. These officers have the special advantage of being able to speak the Mi’kmaq language with Mi’kmaq hunters, and demonstrate Mi’kmaq environmental governance in action by providing a Mi’kmaq presence on the land.

The development and enforcement of the guidelines, as well as the education programmes, are works in progress. The next stage for the guidelines is to rewrite them so that they are

expressed in a way that better reflects Mi'kmaq values and to develop enforcement mechanisms in consultation with the provincial government. The Mi'kmaq see this project as a testing ground for further work on co-management of natural resources and will continue to work to re-establish the role of the Mi'kmaq as stewards of their territories.

Benefits of the moose management initiative

As well as better management of the moose hunt, the interviewees described multiple positive effects of the project which provide reinforcing benefits. For instance, the moose Management project has had a positive impact on community cohesiveness and identity. As Clifford put it:

Now that we are back into it and we have young people who want to learn how to hunt and gather and feed the communities. That is the ancient way of doing things in a modern way, today. We have found that this is bringing a lot of our culture back. We have found that this resource, moose, is actually uniting Nova Scotia Mi'kmaq in such a way that they are rallying around the resource to ensure that it is protected and that we will always have a relationship with that resource.²⁰¹

Communication was a big part of this project, both within the Mi'kmaq community and with the Nova Scotia public. Before the moose Management Initiative was established, mainstream press about the Mi'kmaq moose hunt was very negative, in some cases portraying the hunt as unregulated and unsustainable. The moose Management Initiative turned this around by releasing information about how Mi'kmaq were taking back their roles as stewards and working to make the moose hunt sustainable. The non-Mi'kmaq Nova Scotia community has changed its view of moose management by Mi'kmaq and are now much more supportive of Mi'kmaq having responsibility for the resource.

²⁰¹ Interview, Clifford Paul, 14 October 2010

Clifford credits the commitment of the community for the speed and success of the initiative saying, “It really shot forward only because we were so grounded in the community, who gave us this really positive direction in which to go”.²⁰² Lisa also saw this as a big success factor, and said that, without the knowledge and commitment of the community, none of their work would be possible. She said that starting work on an issue which the community felt strongly about and achieving success with this initiative has built community commitment to seeking further reclamation of power to manage resources.

This work has empowered the community. As Eric put it, “It really created this empowerment, people realized rules are something they can create or change, if they have a place and process”.²⁰³ Eric noted that this project has forced government to reassess the ability of the Mi’kmaq to manage their resources, and that, while the government may initially have doubted Mi’kmaq expertise, this project has demonstrated the depth of knowledge and commitment of the community. He also said that working with government employees helped both sides to appreciate that they had the same goals for management of the resource, even though political issues sometimes made it hard to see eye to eye.

The idea of engaging youth has also been a big part of this work, as evidenced by the education initiatives for young hunters. Clifford said that the youth are starting to see resource management as a viable career, and that, since the Mi’kmaq officers have been appointed, there is less tendency to see the government officers as the enemy. They are now accepted more as part of the community and as carrying out necessary work. Clifford also identified youth engagement as one of the factors that has made the project successful, because the younger generation are becoming interested in learning traditional ways, such as sharing the meat from a hunt with elders.

²⁰² Interview, Clifford Paul, 14 October 2010

²⁰³ Interview, Eric Zscheile, 5 November 2010

Part IV: Discussion

These case studies demonstrate both principles of good governance and conceptions of sustainability in action – although no one case study demonstrates all of the criteria or principles. One thing that they all clearly demonstrate is the challenges faced by communities trying to implement their conceptions of sustainability and responsibilities towards their territories. However, the case studies also show the commitment of communities to their members and their territories, and give examples of the varied ways in which First Nations are seeking to re-establish their relationships with the land.

It is not possible, or even useful, to compare the case studies to each other because they provide a snapshot of communities working in different legal contexts and at different stages of project development. For example, the Treaty 8 Tribal Association has only just completed their negotiations process, while the Grand Council of the Crees have well established agreements. Similarly, the UINR case study is an example of a community re-establishing their own laws, while the Coastal Guardian Watchmen Network are still exploring ways to do this themselves.

Although the case studies are not comparable to each other, they all illustrate three things about the relationship between sustainability and governance: firstly, that the NCFNG's principles for effective governance have been employed successfully in the context of environmental governance; secondly, that these environmental governance initiatives are strongly based on Indigenous concepts of sustainability but also display hallmarks of western concepts of sustainability because of the overlap between the two concepts; and, thirdly, that Indigenous concepts of sustainability and community development are inextricably linked to the development of effective systems of governance.

I will discuss these three aspects in turn before drawing conclusions.

Governance

These case studies truly are pictures of governance (rather than government or governing) in action. Although some of the Indigenous organizations profiled in the case studies are tribal governments, they interact with a wide range of organizations and fulfill a much wider role than those played by mere governments. Although these are the institutions which hold things together, the acts of decision making happen at a much wider level than just at the level of the organizations profiled in the case studies. For example, the pan-tribal organizations are responsible for taking collective action on issues while also supporting the aspirations of each community's government structures. The case studies also provide examples of governance working at different level: several involve working with other governments, but the Carrier Sekani Tribal Council example is based on interaction with Industry, while the Coastal Guardian Watchmen Network works at the practitioner level to support the stewardship role.

It is worth noting that several of the organisations profiled operate, at least in part, according to the Indian Act or are federally funded. Alfred suggests that political and social institutions which have been shaped to serve the interests of the Canadian state (such as band councils and government funded service agencies) are not a good basis for planning or leading regeneration of Indigenous communities,²⁰⁴ and the NCFNG principles seem to support that view.²⁰⁵ However, the case studies indicate that this situation may not be so cut and dried. Despite their state-based or state-funded origins, the organisations seem to be carrying out work which is founded on Indigenous interests and laws and which supports moves towards a sustainable community – although it is important to note that interviewees from Gitanyow and Heiltsuk emphasized their efforts to move away from Indian Act governance structures.

²⁰⁴ Alfred at 5

²⁰⁵ See the wording of the NCFNF “results-based organizations” principle in Appendix 1 at page 149

The case studies demonstrate that the principles for effective governance provided by the NCFNG are being used to achieve successful environmental governance. However, it cannot be assumed that these features were deliberately adopted because they were set out as effective governance principles by the NCFNG. I did not ask interviewees whether their governance strategies were based on NCFNG principles, and, as several of the governance projects predate the publication of the NCFNG principles, it is impossible for them to have been influenced by the work of the NCFNG. However, deliberate or not, the principles come through clearly in the case studies. The most obvious ones are:

- Strategic vision

All of the organisations have a strategic vision of some kind – and many of them indicate that the relationship between the people and the land is the basis for the work of the organisation.

- Information sharing

Information sharing principles were an important part of all of the case studies – in the context of getting information from the community and sharing information with the community. Two of the interviewees emphasized the continual nature of this information sharing process, noting that conversations about environmental governance matters happen in informal settings as well as through deliberately planned forums. Both traditional knowledge and scientific information were of interest and value to the communities, and, in the case of the CSTC, it is clear that communities need to commission their own reports as well as relying on information provided by proponents of development.

- Participation in decision making

This was another key feature of the case studies. All of the organisations described their work as being driven by the community and responding to community aspirations. All of the organisations used a variety of methods to ensure community participation – particularly community meetings. Some groups use consensus decision making or ratification processes in order to ensure that community members support the work being carried out.

- Territorial integrity

All of the case studies are examples of communities living out their relationships with the land and assertion of the right to govern the land according to their cultures and traditions.

- Economic realisation

There was a strong economic component to several of the case studies, particularly those relating to agreements with government and industry, because they were aimed at providing revenue for the community. Even those projects that did not have an economic focus – such as the Coastal Guardian Watchmen Network or the Unama’ki Institute of Natural Resources, have an economic element in that they provide ways for community members to make a living from the land through training which provides a vocation as a guardian watchmen or increased hunting skills, respectively.

- Respect for the spirit of the land

This is the principle from which this research evolved, so it is not surprising that it is present in every case study, because the case study groups were chosen on the basis that they provide

examples of the principle in action. All of the groups are helping members to reconnect with or strengthen their ancestral roles as stewards.

- Expansion of jurisdiction

Several of the case study projects had expansion of their ability to govern as an aim of their work. For example, the Grand Council of the Crees have negotiated agreements which enable the community to have greater control over their own affairs, the Treaty 8 Tribal Association have gained more authority in environmental decision making, and the Gitanyow are asserting their right to manage the environment according to their own laws. Several of the organisations also aspire to expand their jurisdiction. For example, the Coastal Guardian Watchmen Network and the Unama'ki Institute of Natural Resources, who are both seeking the ability to enforce their own laws.

- Cultural alignment of institutions

All of the case study organisations were designed to embody or at least support the cultures of the communities they represent, and the case studies demonstrate that environmental governance has the benefit of reinforcing culture. For example, in the case of the Treaty 8 Tribal Association the negotiations project has led to renewed discussion of the rights of Treaty 8 people, and the Unama'ki moose project has been a way of re-establishing traditional hunting practices.

- Effective intergovernmental relations

The NCFNG encourages communities to organize themselves to deal with industry, municipalities and other players, as well as provincial and federal governments, in order to take a comprehensive approach to political activities and be ready to make alliances when

appropriate.²⁰⁶ This approach has certainly been adopted with considerable success by several of the case study groups and is actively supported by the Grand Council of the Crees.

In their discussion of a framework for an Aboriginal title and inherent rights strategy, the NCFNG argue that a better organized nation will get more attention from provincial and federal governments, and will thus be more likely to make progress on issues of importance to them in dealings with government.²⁰⁷ Assuming that an effective governance arrangement meets the definition of “well -organized”, then effective governance is an important part of any attempts to re-establish self governance. The case studies also bear out the NCFNG's ideas about governance principles being reinforcing, because they demonstrate that developments in one area of governance support developments in others.

All of the projects demonstrate the relationships between environmental management and other important issues for the community – particularly the pursuit of self-determination, community integration, and use of Traditional Ecological Knowledge, and expressions of culture. All of these initiatives are not purely environmental; rather, they are holistic, and community -based projects that provide gains on multiple fronts. This leads into a consideration of the features of sustainability demonstrated by the case studies.

Sustainability

The case studies provide examples of both Indigenous and western concepts of sustainability in action. They certainly bear out Corntassel’s statement that self-determination, governance, the environment and community health are linked,²⁰⁸ because they provide examples of the

²⁰⁶ NCFNG 2008 at 17

²⁰⁷ Ibid

²⁰⁸ Corntassel at 17

reinforcing benefits environmental governance projects have brought to communities. To take just one example, the work of the Unama'ki Institute of Natural Resources has provided benefits in terms of revival of tradition and culture connected with moose hunting; the transfer of knowledge between generations; improved communication between the Mi'kmaq and other communities in Nova Scotia; and hopefully the expansion of Mi'kmaq jurisdiction and capacity to manage resources.

Other elements of an Indigenous approach to sustainability demonstrated by the case studies include:

- Affirmation of the people's land based identity – for example the Gitanyow Hereditary Chiefs use of maps to explain and assert the relationship between the people, their governance structures and their territory
- Using consensus decision making processes, or extensive community involvement in decision making – for example the Mi'kmaq moose initiative and the Treaty 8 Tribal Association's decision making processes were rooted in community consultation, and all of the case study groups told me that their work is driven by the community
- Organizing to live out the relationship between people and the environment, particularly stewardship responsibilities – for example the Heiltsuk Integrated Resource Management Department, which has been established to give effect to Heiltsuk needs to better care for their environment, and the Coastal Guardian Watchmen Network, which has been established to support those who have stewardship based roles
- Seeking to create a sustainable community on the territory through economic development and training and job opportunities for youth – for example the Grand Council of the Cree, which has been actively seeking development opportunities for their people, the

Carrier Sekani Tribal Council's PTP project, which provides economic benefit to the community while preserving environmental values, and the Coastal Guardian Watchmen Network, which has established a training programme to help young people gain employment as guardian watchmen

- Protecting the land in order to protect traditional land based livelihoods and the ability of future generations to live on the territory – for example the Treaty 8 Tribal Association's negotiation project, which aims to provide more control over development on the territory for the signatory communities
- Passing of knowledge between generations – for example the Mi'kmaq moose initiative, which is restoring knowledge around sustainable hunting practices

These kinds of considerations seem to be the driving force behind the governance projects, which were all driven from the grassroots and often arose in response to development or another threat to the ability of the community to live according to their values and traditions. Corntassel encourages the movement away from a rights based discourse towards a responsibility -based discourse, based on the responsibility of a community to live according to their values.²⁰⁹ This is another key feature of the case studies, most of the interviewees explained their work in terms of responsibilities as well as rights.

As well as these Indigenous aspects, the case studies also share many of Gibson's sustainability criteria. I suggest that this is because there is some overlap between indigenous and western concepts of sustainability as both are founded on the relationship between people and the

²⁰⁹ Corntassel at 121

environment. Gibson describes sustainability as an “integrative concept”²¹⁰ and suggests that sustainable systems should be designed to avoid the conventional categories and instead focus attention on the achievement of multiple, mutually reinforcing gains.²¹¹ This is what the case studies demonstrate in action – although all of these projects are environmental in nature, interviewees were quick to draw links between their work and all elements of community wellbeing without even being prompted.

Gibson suggests that uptake of sustainability assessment is hampered because it does not fit easily with authorities’ current mandates, obligations and expectations.²¹² I suggest that this is not the case for Indigenous governments that include the NCFNG principles in the development of governance systems. Although the case studies do not provide examples of the more detailed aspects of sustainability assessment, particularly trade-off rules, in practice, they do provide examples of processes for trade-off decision making, such as coming to consensus on issues.

Gibson suggests that the kinds of governance structures which are commonly used are better set up to use a three pillar approach than a truly integrated approach.²¹³ This does not appear to be the case for First Nations, who integrate a very wide range of matters. This could be because of the very high level of community participation demonstrated by most of the case study groups. Gibson notes that public participation in decision making can ensure that most sustainability considerations are canvassed in decision making, because the inclusion of the whole community ensures that all knowledge bases are included too.²¹⁴ All of the case studies

²¹⁰ Gibson 2006(2) at 265

²¹¹ Gibson 2006(2) at 260

²¹² Gibson 2006(1) at 178

²¹³ Gibson 2006(2) at 263

²¹⁴ Gibson 2006(2) at 276

demonstrate a very high level of participation in decision making from all quarters of the community. In some cases, this is actively fostered by the governance organization. For example, the Treaty 8 Tribal Association's commitment to involving youth and elders on its decision making boards.

Interestingly, Clarkson *et al.* suggest that the creation of large infrastructure and varied bureaucracies has removed people from their responsibilities to the community.²¹⁵ This, again, does not seem to be the case in indigenous communities, where the work of collective decision making takes place in a range of formal and informal settings and, at least in the case study communities, seems to involve most community members.

Kemp *et al.* suggest that, in order to progress towards sustainability, we need to establish governance structures which can “foster, guide and coordinate positive work by a host of actors on a vast complex of issues, through webs of interconnection and across multiple levels and scales, with sensitivity to their contexts and respect for uncertainties”.²¹⁶ First Nations governance structures have achieved some of this. I suggest that consideration of the relationship between Indigenous community structure, the NCFNG governance principles and governance systems which provide for sustainable decision making in a non-Indigenous context, could be a fruitful basis for future research. Investigations of these relationships could indicate whether there is something about the way that Indigenous communities are structured that makes them more able to make integrated decisions and whether the NCFNG principles support this approach. This information could be useful to help the design or uptake of sustainable governance frameworks outside of Indigenous communities. Any such research should, of course, be carefully conducted in order to ensure that it is respectful and supportive of Indigenous peoples and worldviews.

²¹⁵ Clarkson at 23

²¹⁶ Kemp at 27

Indigenous spirituality is predicated on a series of beliefs which are akin to western notions of sustainability, and thus (given the opportunity) would provide the basis for a more sustainable society. However, it should not be assumed that these belief systems are still completely in place. They have been intentionally compromised through colonial actions such as disruption of the social life of a community (for example banning of potlatches, the introduction of Christianity), confinement of people to reserves and removal of traditional governance structures.²¹⁷ While the continued existence of Indigenous worldviews and ways of being is testament to the strength and determination of Indigenous peoples, it is not safe to assume that all Indigenous communities hold traditional worldviews. Active work to support the fostering of these worldviews is required, which is part of the push for Indigenous conceptions of sustainability and something which the case studies demonstrate is being achieved through environmental governance.

Achieving sustainability through governance

Effective governance is required to give effect to the desire to live according to socio-ecological relationships, which makes the relationship between governance and sustainability somewhat circular. A community has to have effective governance structures in place in order to give effect to their relationship with their territory, and their relationship with their territory is the basis for identity and the ethic of sustainability present in Indigenous communities. Missens identifies the relationship between responsibilities to the land and governance in the beginning of his paper *Sovereignty, Good Governance and First Nations Human Resources: Capacity Challenges* when he states that, “The rebuilding of their ([First Nations]’) communities is driven by the necessity to fulfill their driving obligations as stewards of the land, as relatives and as international citizens”.²¹⁸ This is the crux of the relationship between governance and

²¹⁷ Clarkson

²¹⁸ Missens at 1

sustainability: a traditional view of sustainability is the basis for nation -building through effective governance, and effective governance enables communities to implement sustainability into the future.

The case studies demonstrate that the concepts of sustainability, based on Indigenous worldviews, that drive the development of governance projects. For example, the Grand Council of the Crees, Treaty 8 Tribal Association's Land and Resources Program and negotiations project, and the Heiltsuk Integrated Resource Management Department were all established in order to respond to resource development activities which threatened community well being.

The creation of governance systems in response to environmental development also indicates that the ability of First Nations to give effect to their concepts of sustainability is seriously hampered by the Canadian legal framework and the colonial legacy. All of the environmental governance work discussed in the case studies is based on communities not having been previously able to fully carry out their roles and responsibilities concerning the land. Christie suggests that the remedy for this problem – the development of Indigenous self-government – should be approached by arguing for, and asserting, self-government.²¹⁹ The NCFNG principles, along with the work of the case study groups, certainly demonstrate the assertion approach (as well as some argumentation). Cornell supports this approach by stating that the best argument for sovereignty is its effective exercise; communities can point to their successes and use this as a basis to seek control in other areas.²²⁰ Interviewees made this point as well. The fact that their organizations are seeking to expand jurisdiction and asserting rights to manage the environment, shows that these Indigenous governance structures are becoming more able to overcome colonialism, and thus better able to implement sustainability principles.

²¹⁹ Cornell 2004 at 24

²²⁰ Cornell 2004 at 16

Governance and sustainability are mutually reinforcing; they build on each other towards a vision of a livable future for the community. Using governance to achieve gains in self-government means that communities will have more power to enact further aspects of their visions of sustainability. Governance limited by lack of self government hinders a community's ability to become sustainable. Because sustainability is holistic, it is very hard for a governance structure with limited jurisdiction to achieve progress in an integrated way. Thus, it is necessary for Indigenous communities to expand their jurisdiction so that they will be more able to make critical and far reaching decisions for themselves.²²¹ Examples of the active pursuit of expansion of jurisdiction can be found among by the Mi'kmaq and nations involved in the Coastal Guardian Watchmen Network.

Alfred sees land, culture, and community as the necessary elements for a meaningful Indigenous existence.²²² Although First Nations have struggled to retain or regain these, we see these three elements coming together through the projects being carried out by the case study groups. Corntassel notes that changes in Indigenous communities will be incremental.²²³ This could be what we see in the case studies – incremental changes which bring communities closer towards their ideas of sustainability.

²²¹ Ibid

²²² Alfred at 26

²²³ Corntassel at 26

Conclusions

The key feature of to this research is project has been relationships – between researcher and ideas and knowledge holders, governance and sustainability, Indigenous and western perspectives.

In part I, I explored my relationship to this research and the relationship of this work to both ideas about Indigenous research and to the people who shared their knowledge with me so that I could write this paper. I discussed research paradigms and demonstrated how my methodology met current thinking about research in an Indigenous context. Both the interview method and the engagement of interviewees in shaping this research could have been improved, but this project has been carried out in line with Indigenous research principles in every way possible.

In *Research as Ceremony*, Shawn Wilson states that “if, “If research doesn’t change you as a person, then you haven’t done it right”.²²⁴ Reflecting on this comment, I realise I have learned as much about research methodologies and my own perspective as a researcher as I have about sustainability and governance, and this has certainly changed my understanding of what research is and how it should be approached.

The second section of this work considered theoretical frameworks for sustainability and governance. A comparison of Indigenous and western conceptions of sustainability revealed that, while the two views may share goals and features, Indigenous conceptions are far more holistic than western ideas and are based in desires to move communities past the effects of colonial violence and into a better social and economic situation. Analysis of the relationship between sustainability and governance revealed that Indigenous sustainability and governance

²²⁴ Wilson at 135

are two expressions of the same idea; sustainability underpins governance efforts, and governance structures build in ideas of sustainability. A comparison of Indigenous governance principles and western concepts of governance indicates that the NCFNG principles provide a good basis for the incorporation of sustainability into governance. I suggest that this is because the NCFNG principles include and integrate economic, environmental and social factors which are closely connected to socio-ecological relationships and socio-ecological civility and democracy. I argue that this means that the NCFNG principles could provide a template for wider incorporation of sustainability into governance generally. However, as the analysis of the case studies indicates, more research is required to tease out this relationship and establish whether it is a feature of the NCFNG framework specifically or related to worldviews or modes of operating already present in First Nations communities.

The third section provides a snapshot of environmental governance by First Nations in Canada today, particularly the wide range of ways in which communities are attempting to reassert their abilities to manage the environment. The case studies highlight the interrelatedness of concepts of governance and sustainability because they show how governance initiatives are achieving a wide range of benefits, including maintenance and transfer of culture and knowledge, economic development and community building. The case studies also demonstrate the commitment of these communities to achieving their view of sustainability through governance initiatives, as well as the constraints the current legal framework puts on their ability to do so.

I suggest that three things can be concluded from this study:

1. The NCFNG principles are being successfully employed by First Nations communities as a basis for environmental governance;

2. The development of First Nations' environmental governance systems is based in Indigenous concepts of sustainability and has hallmarks of non-Indigenous concepts of sustainability; and
3. Good governance systems are required in order to give effect to Indigenous visions of sustainability, but these are constrained by current legal frameworks.

Of course, these three conclusions are interlinked – the NCFNG principles can be employed to establish governance systems which can be used to leverage more self-determination for First Nations and all of this work will be driven by nations' visions of sustainable communities.

Although ideas of sustainable development and sustainability have been widely embraced in the western world and have become key concepts for future global development,²²⁵ they are far from a central feature of community life in the same way that Indigenous concepts of sustainability seem to be for Indigenous communities. As many before me have noted, First Nations have worked hard to assert their rights and responsibilities,²²⁶ and I fear that the road to re-establishing self-determination in First Nations may be a long one. However, Indigenous concepts of sustainability have been developed over thousands of years, and I hope that they will remain a driving force in Indigenous communities into the future. As Lisa Young from the UINR put it:

Even in the mainstream management they are talking about the holistic and stewardship approach like it is something new, but this ingrained in the Mi'kmaq approach – that you value the resource for reasons other than how much money it can make you. Bringing

²²⁵ Kemp at 14

²²⁶ See Corntassel, Missens and Cornell 2004

this idea and the traditional perspective is a key way to move forward with managing resources.²²⁷

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Appendix 1: NCFNG principles for effective governance

The People

The People are the foundation of the Nations and are the most important component of effective governance. The People are the citizens of Nations that share language, creation stories, community history and family relationships. They form self-defined and self-governed communities and together they hold collective memories. When individuals gather themselves as communities, they are making intentional, political statements about their past, present and the possibilities of their future.

The NCFNG identifies three principles of effective governance that relate to the People:

Strategic Vision is the shared, long term dream of the People – the future state that the People hope to achieve collectively. Vision charts the course from where the People are to where they want to be and is relevant to those in the present time and to those in the future seven generations. Strategic vision is the necessary starting point, but it is not sufficient to ensure the complete, proper and effective involvement of the People.

Meaningful Information Sharing is critical for the People to realize their vision. Information truly is power and information sharing works to ensure power is also shared. Meaningful information sharing occurs when the exchange of information occurs frequently, openly and in all directions.

Participation in Decision Making. First Nations engage their People in decision making in many different ways. The form of that decision making is not important. What is important is that Nations determine the best way(s) for their communities to contribute to important decisions. What matters is that the process of decision making be open, inclusive, appropriate to the community, and understood and endorsed by all members of the community.

When these principles are applied, the outcome is a First Nations government supported by the People, clear in its mandate and held as legitimate. When these principles are not in place, the outcomes may be lack of trust, lack of respect and efforts to undermine government and its leaders. Trust, respect and transparency are essential to effective governance.

The Land

The deep connection to the Land is vital to First Nations. The relationship between the People and the Land is an integral component of First Nations governance. The authority and identity of the Nations come from and are tied to the Land. It is the Land that gives us our deep sense of place and our sense of self. For some Nations the very social structure of the community is embedded in the Land. For example, the eight historic houses (Wilp) of the Gitanyow are each stewards of very particular areas of land and water and their authority to govern those territories is rooted in that responsibility.

In recent years, the Canadian courts have finally recognized the integral link between the Land and governance. The inherent right of self-governance concerning land use and occupation is implicit in the Supreme Court of Canada analysis in the Delgamuukw decision, and has been affirmed by the Supreme Court of British Columbia in the Campbell case. These court decisions acknowledged the concept of Aboriginal title – ownership of the Land itself – in addition to the “right to choose” how Aboriginal title lands are used. In other words, the recognition of Aboriginal title by the courts results in the recognition of First Nations’ inherent right to govern land use.

While this legal position may present challenges to the traditional ways in which First Nations view the Land, it also presents great opportunities to regain a meaningful presence in our traditional territories. It allows us to share in the economy of our traditional territories by fully realizing the economic aspects of Aboriginal title. The Delgamuukw and Campbell decisions

demand that other levels of government recognize First Nations' inherent rights to the Land. With that recognition they are obliged to work toward solutions that will reconcile all of the activities that occur on the Land (e.g., traditional practices vs. economic development). For the People, organizing in ways that enables participation in that work and that supports effective consultation and co-management of the Land is a critical responsibility of an Aboriginal title and inherent right strategy.

Our relationship with the Land occurs at both the physical and the spiritual level. But the Land provides for all our needs, including our need for an economy. This relationship gives purpose to our People and our governments – to protect the Land, which in turn ensures the well-being of our People. It is our responsibility to care for the land, just as it cares of us, and our past, present and future relations.

The NCFNG identifies three principles of effective governance that relate to the Land. When these principles are applied, the outcome is a First Nations government which has a deep physical and spiritual connection to the Land. It is a government that is recognized as having a territory that extends far beyond the arbitrary boundaries of any reserve.

Territorial Integrity. Given the irrevocable link between title and governance it is imperative that First Nations organize to illustrate both their historic and present day connections to the Land. There exist significant challenges to this work resulting from land alienation and destruction but it is vital to extend our connection across the historic areas our Nations utilized. Territorial integrity begins with assertion and must be supported by land use mapping and stewardship planning that permit the reclamation of responsibility for decision making.

Economic Realization. Effective governments possess the right and the tools to develop their Land into sustainable economies. They realize wealth through participation in resource development and through leveraging those resources to access additional sources of revenue

beyond their communities. Aboriginal title includes an inescapable economic component. This is a legal right that First Nations must realize to benefit their citizens and finance their governments. This realization will come through consultation and accommodation that minimize infringement and maximize economic benefits.

Respect for the Spirit of the Land. First Nations Peoples are positioned to take back our legitimate place on the Land. This will be accomplished by asserting our inherent rights to protect and preserve the Land and its resources, and by optimizing the economic opportunities the Land provides. These rights are ours through our ancestral role as stewards of the Land. It is through connecting with and honouring the spirit of the Land that our governance strategies remain effective and appropriate.

Laws and Jurisdictions

Laws and Jurisdictions provide the political framework for the vision. The highest law of the Land must be a constitution as when First Nations are without a constitution, their authority to govern falls under the Indian Act. Constitutions may be written or oral, the latter being traditional to First Nations. A constitution publicly codifies a Nation, its character and identity. It articulates the values that unite the People, defines their Land and sets out the structure for their participation. A constitution may drive what institutions are established and what the lines of authority are between those institutions. It may reconfirm specific rights that have never been ceded, surrendered or extinguished. It may set out who can be a member of the Nation, the way the Nation's leaders are selected, and the matters over which the Nation can exercise authority. An accepted and established constitution empowers the rightful lawmakers and facilitates the act of law-making.

When these principles are applied, the outcome is an organized and capable First Nations government whose citizens accept the authority of law because it developed from and reflects their own values.

The NCFNG identifies two principles of effective governance that relate to the Laws and Jurisdiction:

Expansion of Jurisdiction refers to exercising authority beyond the current limited parameters of the Indian Act. The expansion of jurisdiction can be done in different ways: through accepting offers of delegated authority, through negotiation, and through exercising the inherent right of self-governance. Authority can be assumed incrementally and gradually, or come suddenly through a significant legislative change or an act of sovereign will. What is important is that jurisdiction is appropriately expanded consistent with achieving the People's vision.

Rule of Law in the traditional territory follows when jurisdiction is established. When individuals abide by the laws of the Land they validate the legitimacy of the governing authority. The Rule of Law provides clear instruction on acceptable behaviour – behaviour that benefits the community – and the recourse when behaviour is unacceptable. In a civil society, the Rule of Law exists to minimize conflict, between individuals, corporate entities, and individuals and corporate entities. The latter is critical to the realization of successful economic development projects on First Nation land.

Institutions

When Institutions are built consistent with the Rule of Law they provide the organizational structures for First Nations to successfully operate their communities.

The NCFNG identifies four principles of effective governance that relate to Institutions:

Institutions exist to serve the delivery of programs and services that move the People toward the vision. Cultural alignment of institutions helps to ensure that the ways in which that result is achieved respects the social and spiritual values of the People. Equally important as the design and legitimacy of single institutions, are the mechanisms in place to support inter-institutional activity.

Transparency and Fairness make certain that First Nations institutions and the ways they operate are understood by the People they are designed to serve. Consolidating and then openly sharing processes and procedures assures citizens that decisions are made fairly. Fairness does not mean that all decisions will be the same, but that set criteria will be applied consistently in making all decisions. It is in the implementation of a policy that its fairness is revealed. Transparency minimizes the opportunity for preferential treatment and the advancement of private interests over public good.

Results-Based Organizations are imperative for any governing body to measure the effectiveness of its governance. In measuring the effectiveness of First Nations governance, a key result would be the extent to which the structures have moved the People toward their strategic vision. However, for decades First Nations communities have functioned within organizational structures driven not by their vision, but by federal government funding opportunities. Our institutions have been developed to serve the needs and interests of that government and not our own. The effect is that the People have no authentic connection to the resulting systems and structures of governance. They become frustrated, disengaged and angry.

It is only with the Cultural Alignment of Institutions, where the organizations are infused with practices and beliefs consistent with the values of the People being represented, that effective governance in First Nations communities will exist.

Effective Inter-Governmental Relations maximize the opportunities for communication and effective decision -making while minimizing the opportunities for conflict. Effective inter-governmental relations result in productive and satisfying working relationships where the goal is a “win-win”; the collaborative advancement of the interests of all governments whenever possible.

Resources

Sufficient and appropriate Resources are essential for institutions and communities to achieve and sustain their vision. When institutions fall short of what they set out to do, trust is lost and their legitimacy called into question. Institutions are most effective when they are suitably resourced for the activities they are mandated to conduct.

The NCFNG identifies five principles of effective governance that relate to Resources:

All living things require resources to achieve results. First Nations can only achieve effective governance with the right human and financial capacity in place. “Right” in this case means not only sufficient resources but resources that are culturally appropriate. “Resources” in this context refers to resources that communities hold in addition to the Land: information, systems, persons, tools and diverse sources of revenue including the generation of their own sources of income.

Human Resource Capacity speaks to the skills and abilities of the people that govern our communities and implement our community programs and services. With the right to govern

comes the responsibility to govern well. The expansion of our human resource capacity, including the professional development of the next generation of leaders and managers, is a necessary investment to see that our Nations possess the knowledge, skills and abilities to govern effectively.

Financial Management Capacity ensures that our good work is not derailed by an inability to plan for, monitor, and account for financial resources. Financial capacity permits long-term, multi-year planning and proactive decision making. Effective financial management permits communities to plan beyond the arbitrary end of a fiscal year or a federal funding cycle and instead to plan for generations.

Performance Evaluation allows for the recognition of achievement, while also shedding light on what adjustments should be implemented when expectations are not being met. Parallel to the significance of evaluating performance, is the need to report results back to the community.

Through rigorous and transparent systems of Accountability and Reporting we close the accountability loop by providing citizens and partners with the information they need to participate in informed decision -making.

Expanding the Diversity of Revenue Sources is critical to financial management. Historically, First Nations have depended on Canada to provide core funding for programs and services working within the narrow scope of the Indian Act and similar limited legislation. Not surprisingly, there are scarce tools and models for working beyond the Indian Act and its jurisdiction. First Nations must reduce the dependency on any one funding source, and work toward generating their own revenues.

Appendix 2: Gibson's hallmarks of sustainability

Sustainability considerations are comprehensive, including socio-economic as well as biophysical matters, and their interrelations and interdependency over the long term as well as the short term.

Precaution is needed because human and ecological effects must be addressed as factors in open, dynamic, multi-scalar systems, which are so complex that full description is impossible, prediction of changes uncertain, and surprise likely.

Minimization of negative effects is not enough; assessment requirements must encourage positive steps towards greater community and ecological sustainability, towards a future that is more viable, pleasant and secure.

Corrective actions must be woven together to serve multiple objectives and to seek positive feedback in complex systems.

Sustainability requires recognition both of inviolable limits and of endless opportunities for creative innovation.

Sustainability is not about balancing, which presumes a focus on compromises and trade-offs. Instead the aim is multiple reinforcing gains. Trade-offs are acceptable only as a last resort when all the other options have been found to be worse.

The notion and pursuit of sustainability are both universal and context-dependent. While a limited set of fundamental, broadly applicable requirements for progress towards sustainability

may be identified, many key considerations will be location-specific, dependent on the particulars of local ecosystems, institutional capacities and public preferences.

In the pursuit of sustainability, the means and ends are intertwined and the process is open-ended. There is no end state to be achieved.

Appendix 3: Gibson's core generic criteria for sustainability assessments

Socio-ecological system integrity

the requirement:

Build human–ecological relations to establish and maintain the long-term integrity of socio-biophysical systems and protect the irreplaceable life support functions upon which human and ecological well-being depends.

illustrative implications:

- need to understand better the complex systemic implications of our own activities;
- need to reduce indirect and overall as well as direct and specific human threats to system integrity and life support viability.

Livelihood sufficiency and opportunity

the requirement:

Ensure that everyone and every community has enough for a decent life and that everyone has opportunities to seek improvements in ways that do not compromise future generations' possibilities for sufficiency and opportunity.

illustrative implications:

- need to ensure provision of key prerequisites for a decent life (which, typically, are not now enjoyed by those who have little or no access to basic resources and essential services, who have few if any satisfactory employment opportunities, who are especially vulnerable to disease, or who face physical or economic insecurity);
- need to appreciate the diversity, and ensure the involvement, of those whose needs are being addressed.

Intragenerational equity

the requirement:

Ensure that sufficiency and effective choices for all are pursued in ways that reduce dangerous gaps in sufficiency and opportunity (and health, security, social recognition, political influence, and so on) between the rich and the poor.

illustrative implications:

- need to build sustainable livelihoods for all, including practically available livelihood choices and the power to choose;
- need to emphasize less materially- and energy-intensive approaches to personal satisfactions among the advantaged, to permit material and energy sufficiency for all.

Intergenerational equity

the requirement:

Favour present options and actions that are most likely to preserve or enhance the opportunities and capabilities of future generations to live sustainably.

illustrative implications:

- need to return current resource exploitation and other pressures on ecological systems and their functions to levels that are safely within the perpetual capacity of those systems to provide resources and services likely to be needed by future generations;
- need to build the integrity of socio-ecological systems, maintaining the diversity, accountability, broad engagement and other qualities required for long-term adaptive adjustment.

Resource maintenance and efficiency

the requirement:

Provide a larger base for ensuring sustainable livelihoods for all, while reducing threats to the long-term integrity of socio-ecological systems by reducing extractive damage, avoiding waste and cutting overall material and energy use per unit of benefit.

illustrative implications:

- need to do more with less (optimize production through decreasing material and energy inputs and cutting waste outputs through product and process redesign throughout product lifecycles), to permit continued economic expansion where it is needed, with associated employment and wealth generation, while reducing demands on resource stocks and pressures on ecosystems;
- need to consider purposes and end uses, recognizing that efficiency gains are of no great value if the savings go to more advantages and more consumption by the already affluent.

Socio-ecological civility and democratic governance

the requirement:

Build the capacity, motivation and habitual inclination of individuals, communities and other collective decision-making bodies to apply sustainability requirements through more open and better informed deliberations, greater attention to fostering reciprocal awareness and collective responsibility, and more integrated use of administrative, market, customary and personal decision-making practices.

illustrative implications:

- need governance structures capable of integrated responses to complex, intertwined and dynamic conditions;
- need to mobilize more participants, mechanisms and motivations, including producers, consumers, investors, lenders, insurers, employees, auditors, reporters
- need to strengthen individual and collective understanding of ecology and community, foster customary civility and ecological responsibility, and build civil capacity for effective involvement in collective decision-making.

Precaution and adaptation

the requirement:

Respect uncertainty, avoid even poorly understood risks of serious or irreversible damage to the foundations for sustainability, plan to learn, design for surprise, and manage for adaptation.

illustrative implications:

- need to act on incomplete but suggestive information where social and ecological systems that are crucial for sustainability are at risk;
- need to design for surprise and adaptation, favouring diversity, flexibility and reversibility; need to prefer safe fail over fail-safe technologies;
- need to seek broadly comprehensible options rather than those that are dependent on specialized expertise;
- need to ensure the availability and practicality of back-up alternatives;
- need to establish mechanisms for effective monitoring and response.

Immediate and long term integration

the requirement:

Apply all principles of sustainability at once, seeking mutually supportive benefits and multiple gains.

considerations:

- integration is not the same as balancing;
- because greater efficiency, equity, ecological integrity and civility are all necessary for sustainability, then positive gains in all areas must be achieved;
- what happens in any one area affects what happens in all of the others;
- it is reasonable to expect, but not safe to assume, that positive steps in different areas will be mutually reinforcing.

illustrative implications:

- need positive steps in all areas, at least in general and at least in the long term;

- need to resist convenient immediate compromises unless they clearly promise an eventual gain.

Appendix 4: Taiaiake Alfred's vision of a sustainable Indigenous community

Members of the community are confident and secure in their indigenous identity – knowing who and what they are – and they possess and demonstrate high levels of commitment to their land, culture, community, and solidarity with the larger indigenous community, but are also accepting of the non-essential differences that emerge on issues that are not related to the central premises of the community's identity.

Members of the community know their history, spiritual teachings, sacred places within their homelands, and are connected to the land through residence, seasonal land-based practices or ceremonial cycles, and the values and norms that form the basis of the community are clearly established, universally accepted and transferred between generations. There are clear, open and extensive networks of communication among community members, and institutions governing the community have clearly established channels by which information is made available to the people and through which people can communicate their opinions and political participation to governing authorities.

People trust, love and care for and about each other, they cooperate with each other, and they base their interactions on the assumption of each other's integrity and honour.

Community members are proud to be a part of the community, they make decisions to remain a part of the community and to be accountable to their people; they collectively establish clear cultural expectations and criteria for determining membership in the community, and work to maintain the community's culture from eroding.

Community leadership is responsive and accountable to the other members; the governing authority operates in a manner that is consistent with traditional indigenous values and principles, and makes decisions on the basis of a general consensus.

The community is committed to mentoring and educating its young people, involving them in all decision-making processes, and respecting the unique challenges they face.

The community has extensive mutually-beneficial social, political and trade relationships with other communities, and its leaders consistently seek to foster good relations and gain support among other Indigenous peoples and in the international community