



Collaborative approaches to governance for water and Indigenous peoples: A case study from British Columbia, Canada



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ABSTRACT

Indigenous peoples around the world hold views about identity, self-determination and nationhood that often are distinct from those of governments and others involved in environmental governance. Conflicts and tensions often result when these incompatible perspectives clash. This problem is evident in the context of collaborative approaches to environmental problem solving, which often are grounded in the assumption that Indigenous peoples simply are one of many stakeholders; this perspective is fundamentally incompatible with the concept of Indigenous peoples as existing within self-determining nations. Using an empirical case of collaborative governance for water in the province of British Columbia, Canada, this paper explores the extent to which collaborative practices reflect Indigenous concerns and perspectives. In the cases examined, collaborative practices tended not to recognize or account for concepts related to Indigenous self-determination and nationhood in ways that were accepted by affected First Nations people. We conclude with suggestions for ways in which the gap between collaborative practice and Indigenous perspectives can be addressed.

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1. Introduction

The year 2007 marked the adoption of the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP) by the United Nations General Assembly. This was a significant development for Indigenous peoples worldwide because it supported recognition of Indigenous rights internationally. Self-determination is an important theme in the Declaration, and in scholarly literature produced by Indigenous scholars (e.g., Alfred, 2009; Thom, 2010). The term Indigenous self-determination refers here specifically to the aspects of governance related to Indigenous autonomy, sovereignty and/or assertions of Indigenous nationhood in the context of (de)colonization. The right to Indigenous self-determination includes the right of Indigenous people to freely pursue economic, social and cultural development, the right to determine their political status, and the right to traditionally occupied lands, territories and resources (UNGA, 2007). Indigenous self-determination is of particular concern in parts of the world where Indigenous peoples and Indigenous nations have been marginalized and oppressed by colonization (Battiste, 2000; Ladner, 2004; Alfred, 2005; Mucina, 2008).

A commitment to Indigenous self-determination can pose significant challenges to contemporary conceptions of the relationship between the State and its citizens. A common example is

the conflicts that result between corporations that have been authorized by governments to exploit natural resources and Indigenous peoples who view themselves as stewards of those resources (e.g., Cullen et al., 2010). Less visible, but equally important, are circumstances where not recognizing or accepting the perspective of Indigenous peoples leads to the failure of well-intentioned processes designed to engage them. For instance, there is a global trend towards more inclusive decision making in relation to environmental challenges. This is reflected in the growth of collaborative, multi-actor processes for environmental governance – which are sometimes described with the catchall term “new environmental governance” (Holley et al., 2012). A key underlying principle in many collaborative approaches is a rough equivalency in the position of the various participants in society. On its face, this assumption appears incompatible with the perspective of Indigenous peoples who view themselves as self-determining. For example, in Canada, Turner (2006, 7) argues that Indigenous peoples have rights that are *sui generis*, in other words, political rights that “flow out of indigenous nationhood and that are not bestowed by the Canadian state”. From this perspective, Indigenous peoples cannot simply be treated as stakeholders.

The disconnect between these two perspectives on the position of Indigenous peoples in society clearly has implications for collaborative approaches to addressing shared environmental challenges. Collaborative processes are being used on lands that are viewed by Indigenous peoples as their traditional territories (Greskiw and Innes, 2008; Barry, 2012). How can these processes be expected

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to function successfully if their bedrock assumptions are rejected by the very people who are expected to participate? More broadly, how can collaboration be successful if it is viewed by some Indigenous peoples as an instrument of their colonizers?

In this paper, we explore the extent to which the perspectives of Indigenous peoples are reflected in the practice of collaborative approaches to governance that focus on water-related decision making. As non-Indigenous scholars, we are directing our arguments to the mainstream collaboration literature. We do not evaluate or challenge the legal or intellectual merits of the arguments and positions advanced by Indigenous peoples that we present here. Instead, our concern is strictly with the extent to which collaborative approaches to environmental governance account for Indigenous concerns and perspectives. We use the example of governance for water in British Columbia (BC), Canada, as the empirical setting for exploring the relationship between collaborative governance and Indigenous peoples. BC provides an ideal empirical setting because numerous organizations involved in water governance on Indigenous traditional territories already are using collaborative approaches to decision-making. Furthermore, collaborative approaches to governance for water are being advanced by the provincial government as it reforms its water legislation (BC MOE, 2008). The collaborative water reform process is very relevant to First Nations¹ in BC because of the significance of water for Indigenous rights, livelihoods and spirituality. Therefore, whether or not collaboration is viewed as legitimate and appropriate by First Nations in British Columbia is a critical practical concern.

In the next section, we explore key themes in the global Indigenous governance literature. This body of scholarship provides a window into the perspectives and concerns of Indigenous peoples; we use it to establish a baseline against which assumptions in the collaboration literature, and the practice of collaboration, can be compared. Following this review of the literature, we present an empirical evaluation of collaboration in governance for water at the regional and provincial levels in BC, Canada. The paper concludes with a discussion of implications for the theory and practice of collaborative governance involving Indigenous peoples.

2. Indigenous perspectives and collaboration

Indigenous governance is a broad term describing a field of scholarship which, generally speaking, examines subjects of indigeneity, self-determination, Indigenous knowledge, Indigenous values, colonialism, marginalization and race as they relate to Indigenous peoples and decision-making (Santoyo, 2006; Corntassel and Witmer, 2008; Kuan, 2009). Scholarly literature cannot replace understanding derived from consideration of the lived realities of Indigenous peoples worldwide. Nonetheless, the Indigenous governance literature does provide useful benchmarks for understanding the perspectives of Indigenous peoples. In this section, we briefly review key ideas in the Indigenous governance literature that are especially relevant in the context of collaborative approaches to environmental governance in Canada (i.e., self-determination and nationhood). This resulted in an emphasis on North American experiences. We then highlight key assumptions underlying collaborative approaches to environmental problem solving, and draw attention to their compatibility with key concerns in the Indigenous governance literature.

Indigenous peoples live all over the world, and thus the Indigenous governance scholarship is extremely diverse. Concepts of

self-determination are particularly important in North American Indigenous governance literature (Ransom and Ettenger, 2001; Ladner, 2004; see Alfred, 2005; Shadian, 2007; Coulthard, 2008). This focus reflects the contested legal and political status of Indigenous peoples as nations, and a growing movement by Indigenous people toward self-determination in the United States and Canada (Borrows, 2005; Turner, 2006; McNeil, 2008). The UNDRIP (UNGA, 2007) provides a touchstone for defining self-determination in this context:

[Indigenous peoples may] freely determine their political status and freely pursue their economic, social and cultural development (p. 2). . . [and] have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired (p. 10)

Ideas surrounding the re-assertion of self-determination are a primary focus in Indigenous governance literature, in part because of the histories of forcible repression of Indigenous self-determination in countries where colonization has occurred and is ongoing (Corn-tassel, 2003; Mucina, 2008). Importantly, while we highlight North American examples here, concern for self-determination is also strongly evident in other jurisdictions, e.g., Australia (Langton, 2011), New Zealand (Coombes, 2003), and Taiwan (Kuan, 2009).

Many North American Indigenous governance scholars discuss Indigenous peoples and their political and cultural institutions as self-determining nations that pre-existed colonization, and which persist today (Powderface, 1992; Battiste, 2000; McGregor, 2004; Borrows, 2005; Turner, 2006; Alfred, 2009; Irlbacher-Fox, 2009). The focus placed upon the Indigenous right to traditional homelands and on self-determination in the Indigenous governance literature is further affirmed by the UNDRIP (2007), which recognizes Indigenous peoples' rights to their lands, territories and resources. In general, concepts of self-determination are concerned with the re-assertion of governance by Indigenous people of their pre-contact homelands and rights, and the reinvigoration of Indigenous ways of governing, language, knowledge, culture and spirituality (Smith, 1999; Battiste, 2000; Deloria and Wildcat, 2001; Corntassel, 2003; McGregor, 2004; Alfred, 2005; Borrows, 2005; Turner, 2006; Coulthard, 2008).

Outside of Indigenous governance literature, the rights of Indigenous people, including the right to self-determination, are often conflated with minority rights. For instance, in Canada Indigenous peoples are commonly seen as one of the many cultures in Canada, or as one of the three founding nations of Canada, alongside Britain and France (see Delage, 2000). However, from a legal standpoint, Indigenous rights are *sui generis*, i.e. a distinct set of inherent rights that existed prior to European settlement (R.v. Guerin, 1984), and which persist today. Indigenous scholars suggest that these rights to self-determination are derived from the legitimate status of Indigenous nations (Turner, 2006), in contrast to minority rights that are typically derived from cultural, ethnic, racial, religious, sexual and/or class distinctions. The position taken by the Finnish government demonstrates the significance of viewing Indigenous peoples simply as minorities. The Sámi Indigenous people in Finland are recognized by the state as a national linguistic minority rather than as an Indigenous nation. Feodoroff and Lawrence (2009) argue that this denies the Sámi their rights as Indigenous peoples.

In the Canadian context, there is a contrast between the mainstream view of Indigenous people as "minorities" (e.g., Kymlicka, 1995), and the many Indigenous peoples who see themselves as having retained the rights and responsibilities of nationhood because they never relinquished their traditional territories (Borrows, 2005). The latter view suggests that Indigenous people are nations that pre-existed, and persist, despite colonial settle-

¹ In this paper the term First Nations is used to describe Indigenous people and nations in BC who self-identify as "First Nations", one of three groups of Indigenous peoples recognized under Canada's *Constitution*.

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